

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5165

Chapter 333, Laws of 2021

(partial veto)

67th Legislature
2021 Regular Session

TRANSPORTATION BUDGET

EFFECTIVE DATE: May 18, 2021

Passed by the Senate April 24, 2021
Yeas 41 Nays 8

DENNY HECK

President of the Senate

Passed by the House April 24, 2021
Yeas 90 Nays 6

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved May 18, 2021 2:18 PM with
the exception of certain items that
were vetoed (see veto message).

JAY INSLIEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **SUBSTITUTE SENATE
BILL 5165** as passed by the Senate
and the House of Representatives on
the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 19, 2021

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5165

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By Senate Transportation (originally sponsored by Senators Hobbs, King, Nobles, Saldaña, and Wilson, C.; by request of Office of Financial Management)

READ FIRST TIME 03/26/21.

1 AN ACT Relating to transportation funding and appropriations;
2 amending RCW 43.19.642, 46.20.745, 82.21.030, 46.68.060, 47.12.370,
3 46.68.325, 47.56.876, 46.68.370, 46.68.300, 47.60.322, 46.68.290,
4 46.68.063, 47.60.530, 47.60.315, 34.05.350, 46.09.540, and 47.66.120;
5 amending 2019 c 416 ss 101, 106, and 302 (uncodified), and 2020 c 219
6 ss 101, 102, 104, 105, 201, 202, 203, 204, 205, 206, 207, 208, 209,
7 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223,
8 301, 302, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405,
9 406, 407, and 408 (uncodified); amending 2019 c 396 ss 2 and 3
10 (uncodified); adding a new section to 2019 c 416 (uncodified);
11 creating new sections; making appropriations and authorizing
12 expenditures for capital improvements; providing expiration dates;
13 and declaring an emergency.

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

15 **2021-2023 FISCAL BIENNIUM**

16 NEW SECTION. **Sec. 1.** (1) The transportation budget of the state
17 is hereby adopted and, subject to the provisions set forth, the
18 several amounts specified, or as much thereof as may be necessary to
19 accomplish the purposes designated, are hereby appropriated from the
20 several accounts and funds named to the designated state agencies and

1 offices for employee compensation and other expenses, for capital
2 projects, and for other specified purposes, including the payment of
3 any final judgments arising out of such activities, for the period
4 ending June 30, 2023.

5 (2) Unless the context clearly requires otherwise, the
6 definitions in this subsection apply throughout this act.

7 (a) "Fiscal year 2022" or "FY 2022" means the fiscal year ending
8 June 30, 2022.

9 (b) "Fiscal year 2023" or "FY 2023" means the fiscal year ending
10 June 30, 2023.

11 (c) "FTE" means full-time equivalent.

12 (d) "Lapse" or "revert" means the amount shall return to an
13 unappropriated status.

14 (e) "Provided solely" means the specified amount may be spent
15 only for the specified purpose. Unless otherwise specifically
16 authorized in this act, any portion of an amount provided solely for
17 a specified purpose that is not expended subject to the specified
18 conditions and limitations to fulfill the specified purpose shall
19 lapse.

20 (f) "Reappropriation" means appropriation and, unless the context
21 clearly provides otherwise, is subject to the relevant conditions and
22 limitations applicable to appropriations.

23 (g) "LEAP" means the legislative evaluation and accountability
24 program committee.

25 **GENERAL GOVERNMENT AGENCIES—OPERATING**

26 NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND**
27 **HISTORIC PRESERVATION**

28 Motor Vehicle Account—State Appropriation \$546,000

29 NEW SECTION. **Sec. 102. FOR THE UTILITIES AND TRANSPORTATION**
30 **COMMISSION**

31 Grade Crossing Protective Account—State Appropriation . . . \$504,000

32 Pilotage Account—State Appropriation. \$150,000

33 Multimodal Transportation Account—State Appropriation. . . . \$225,000

34 TOTAL APPROPRIATION. \$879,000

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

1 (1) \$225,000 of the multimodal transportation account—state
2 appropriation is provided solely for the commission to prepare an
3 inventory of rail safety oversight conducted by state agencies in
4 other states identified for review by program area as compared to the
5 role of state agencies in Washington due September 1, 2022. This
6 inventory must include a comparison of the oversight conducted by
7 state agencies in California and New York, as well as other state
8 agencies selected by the commission that play a broader role in rail
9 safety oversight than state agencies in Washington. In developing its
10 inventory, the commission shall include consideration of the
11 relationship of state efforts to federal law. The inventory must
12 include information related to safety oversight, coordination,
13 communication, and enforcement of state and federal laws and
14 regulations relating to transportation of persons or commodities, or
15 both, of any nature or description by rail.

16 (2) The commission must host one workshop with interested
17 parties. The purpose of the workshop is to ensure consideration of
18 relevant information in development of an inventory of current
19 efforts in rail safety oversight by other states that can inform the
20 legislature's intended expansion of the role of the commission in
21 rail safety in the state of Washington. The purpose of the workshop
22 is not to foreclose consideration of a specific legislative approach.
23 Interested legislators and legislative staff and staff of the
24 governor's office may participate in the workshop or workshops.
25 Participation in the workshop must include, but is not limited to,
26 representatives of:

- 27 (a) Host and tenant railroads;
- 28 (b) Rail labor organizations;
- 29 (c) The state safety oversight agency for rail fixed guideway
30 public transportation systems;
- 31 (d) Operators of, and entities providing financial support for,
32 intercity passenger rail and rail fixed guideway systems;
- 33 (e) Local jurisdictions;
- 34 (f) Rail advocacy organizations;
- 35 (g) State emergency management organizations;
- 36 (h) The department of ecology;
- 37 (i) The department of labor and industries;
- 38 (j) The national transportation safety board;
- 39 (k) The federal railroad administration; and
- 40 (l) The pipeline and hazardous materials safety administration.

1 (3) The commission shall review, at a minimum, the report of the
2 national transportation safety board report on the 2017 Amtrak
3 derailment, the joint transportation committee's 2020 rail safety
4 governance study, Engrossed Substitute House Bill No. 1418 (2021), as
5 passed by the house on March 7, 2021, relevant federal laws and
6 rules, and state rail safety plans.

7 (4) The commission's inventory must include, but is not limited
8 to:

9 (a) An analysis of expanding the commission's role to match the
10 role of other state agencies examined, including as it relates to
11 oversight of implementation of new and materially changed railroad
12 operations and infrastructure; operator safety management practices;
13 the safety of transportation of crude oil by rail and enforcement of
14 chapter 90.56 RCW; the safety and oversight of rail fixed guideway
15 systems as defined in RCW 81.104.015; annual reporting practices; and
16 rail safety communication and collaboration efforts, including
17 through the use of a rail safety committee;

18 (b) A review of federal preemption issues and analysis of state
19 rail safety authority in the context of the current rail safety
20 oversight role of other states, as examined in this section;

21 (c) A review of workshop discussions;

22 (d) Estimated costs associated with implementation in Washington
23 state of the safety program elements included in the inventory
24 required in this section, itemized by program area and level of
25 oversight performed, including estimated costs of options to improve
26 the safety of transportation of crude oil by rail and enforcement of
27 chapter 90.56 RCW;

28 (e) A review of revenue sources that support rail safety
29 oversight activities in other states included in the inventory,
30 including federal revenue sources. For each source, the review must
31 also include:

32 (i) Estimates of revenue generated if imposed in Washington;

33 (ii) Estimates of how much would be paid by different types of
34 entities; and

35 (f) A review of the level of liability protection afforded
36 agencies that perform rail safety oversight under state law in the
37 states examined in the inventory conducted.

38 NEW SECTION. **Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

39 Motor Vehicle Account—State Appropriation \$1,441,0000

1	Puget Sound Ferry Operations Account—State Appropriation . . .	\$126,000
2	Multimodal Transportation Account—State Appropriation. . . .	\$250,000
3	TOTAL APPROPRIATION.	\$1,817,000

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

6 \$250,000 of the multimodal transportation account—state
7 appropriation is provided solely for the office of financial
8 management, in collaboration with the Washington department of
9 transportation and the office of the chief information officer, to
10 conduct an evaluation of short term and long term facility and
11 information technology needs. In conducting the evaluation, the
12 office of financial management may contract with an entity with
13 direct expertise in this area. The office of financial management
14 must submit a final report of their evaluation by October 1, 2022.
15 The evaluation must be coordinated with any legislatively directed
16 study regarding leased space. The evaluation must include, but is not
17 limited to:

18 (1) Development of a status quo scenario based on current policy
19 and projections and two alternative scenarios of the number of people
20 and percentage of staff in telework status on a permanent basis with
21 one alternative being the minimum feasible level of teleworking and
22 one alternative being the maximum feasible level of teleworking;

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

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

29 (4) Analysis of opportunities to colocate with other state,
30 local, and other public agencies to reduce costs and improve cost-
31 efficiency;

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

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

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

4 NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION**
5 **COMMISSION**

6 Motor Vehicle Account—State Appropriation \$1,186,000

7 The appropriation in this section is subject to the following
8 conditions and limitations: The appropriation in this section is
9 provided solely for road maintenance purposes.

10 NEW SECTION. **Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE**

11 Motor Vehicle Account—State Appropriation \$1,346,000

12 NEW SECTION. **Sec. 106. FOR THE LEGISLATIVE EVALUATION AND**
13 **ACCOUNTABILITY PROGRAM COMMITTEE**

14 Motor Vehicle Account—State Appropriation \$668,000

15 NEW SECTION. **Sec. 107. FOR THE EVERGREEN STATE COLLEGE**

16 Motor Vehicle Account—State Appropriation \$150,000

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

1 state agencies. A final report is due to the legislature by December
2 1, 2021.

3 NEW SECTION. **Sec. 108. FOR THE OFFICE OF MINORITY AND WOMEN'S**
4 **BUSINESS ENTERPRISES**

5 Motor Vehicle Account—State Appropriation \$2,000,000

6 The appropriation in this section is subject to the following
7 conditions and limitations: The entire appropriation in this section
8 is provided solely for increasing the number of certified women and
9 minority-owned contractors outside of the Puget Sound area in the
10 transportation sector and supporting these contractors to
11 successfully compete and earn more transportation contracting
12 opportunities. This shall be done through various programs including
13 but not limited to: (1) Outreach to women and minority business
14 communities and individuals; (2) technical assistance as needed in
15 areas such as financing, accounting, contracting, procurement, and
16 resolution of disputes and grievances; (3) language access programs
17 for those with limited English proficiency; and (4) other programs
18 that aim to increase the number of women and minority contractors
19 that are successful in obtaining contracts in the transportation
20 sector either directly with state agencies such as the department,
21 with local jurisdictions, or as subcontractors for prime contractors.

22 NEW SECTION. **Sec. 109. FOR THE BOARD OF PILOTAGE COMMISSIONERS**
23 Pilotage Account—State Appropriation \$5,777,000

24 The appropriation in this section is subject to the following
25 conditions and limitations:

26 (1) \$2,926,000 of the pilotage account—state appropriation is
27 provided solely for self-insurance liability premium expenditures;
28 however, this appropriation is contingent upon the board:

29 (a) Annually depositing the first \$150,000 collected through
30 Puget Sound pilotage district pilotage tariffs into the pilotage
31 account; and

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

35 (2) The board of pilotage commissioners shall file the annual
36 report to the governor and chairs of the transportation committees
37 required under RCW 88.16.035(1)(f) by September 1, 2021, and annually

1 thereafter. The report must include the continuation of policies and
2 procedures necessary to increase the diversity of pilots, trainees,
3 and applicants, including a diversity action plan. The diversity
4 action plan must articulate a comprehensive vision of the board's
5 diversity goals and the steps it will take to reach those goals.

6 NEW SECTION. **Sec. 110. FOR THE HOUSE OF REPRESENTATIVES**

7 Motor Vehicle Account—State Appropriation \$3,210,000

8 NEW SECTION. **Sec. 111. FOR THE SENATE**

9 Motor Vehicle Account—State Appropriation \$3,085,000

10 NEW SECTION. **Sec. 112. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

11 Motor Vehicle Account—State Appropriation. \$400,000

12 The appropriation in this section is subject to the following
13 conditions and limitations: \$400,000 of the motor vehicle account—
14 state appropriation is provided solely for the department, from
15 amounts set aside out of statewide fuel taxes distributed to cities
16 according to RCW 46.68.110(2), to contract with the association of
17 Washington cities to inventory and assess fish passage barriers
18 associated with city roads located in the *U.S. v. Washington* case
19 area, water resource inventory area numbers one through 23. The study
20 is a continuation of previous inventories, and must finalize a
21 complete inventory of city-owned fish passage barriers in water
22 resource inventory area numbers one through 23. The inventories and
23 assessments must be conducted using the methods described in the
24 department's fish passage, inventory, assessment, and prioritization
25 manual. A report of the study must be provided to the office of
26 financial management and the transportation committees of the
27 legislature by July 1, 2023.

28 NEW SECTION. **Sec. 113. FOR THE JOINT LEGISLATIVE AUDIT AND**
29 **REVIEW COMMITTEE**

30 Puget Sound Ferry Capital Construction Account
31 [Puget Sound Capital Construction Account]—State
32 Appropriation \$300,000
33 Multimodal Transportation Account—State Appropriation. . . . \$200,000
34 TOTAL APPROPRIATION. \$500,000

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

3 (1) \$300,000 of the Puget Sound ferry capital construction
4 account [Puget Sound capital construction account]—state is provided
5 solely for an independent review of the design-build contracting
6 process for the hybrid-electric Olympic class vessels. The review
7 must evaluate, at minimum, the department's cost estimation and cost
8 management practices relating to the design and construction of the
9 first hybrid-electric vessel. The review must include recommendations
10 to benefit the full program for the design and construction of five
11 hybrid-electric vessels. The joint legislative audit and review
12 committee must report to the legislature with the findings by October
13 1, 2022.

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

38 **TRANSPORTATION AGENCIES—OPERATING**

1 NEW SECTION. **Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY**

2 **COMMISSION**

3 Highway Safety Account—State Appropriation \$4,625,000
4 Highway Safety Account—Federal Appropriation \$27,202,000
5 Highway Safety Account—Private/Local Appropriation \$60,000
6 School Zone Safety Account—State Appropriation \$850,000
7 TOTAL APPROPRIATION. \$32,737,000

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

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

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

32 The PTBA, in consultation with the Washington traffic safety
33 commission, must provide a report to the transportation committees of
34 the legislature with the number of violations detected during the
35 demonstration project, whether the technology used was accurate and
36 any recommendations for future use of automated enforcement
37 technology for HOV lane enforcement by June 30, 2022.

38 (2) The Washington traffic safety commission may oversee a pilot
39 program in up to three cities implementing the use of automated

1 vehicle noise enforcement cameras in zones that have been designated
2 by ordinance as "Stay Out of Areas of Racing."

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

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

10 (c) Any city administering a pilot program overseen by the
11 traffic safety commission shall use the following guidelines to
12 administer the program:

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

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

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

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

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

34 (vi) Notwithstanding any other provision of law, all photographs,
35 videos, microphotographs, audio recordings, or electronic images
36 prepared under this section are for the exclusive use of law
37 enforcement in the discharge of duties under this section and are not
38 open to the public and may not be used in a court in a pending action
39 or proceeding. No photograph, microphotograph, audio recording, or
40 electronic image may be used for any purpose other than the issuance

1 of warnings for violations under this section or retained longer than
2 necessary to issue a warning notice as required under this subsection
3 (2); and

4 (vii) By June 30, 2023, the participating cities shall provide a
5 report to the commission and appropriate committees of the
6 legislature regarding the use, public acceptance, outcomes, warnings
7 issued, data retention and use, and other relevant issues regarding
8 automated vehicle noise enforcement cameras demonstrated by the pilot
9 projects.

10 (3) The Washington traffic safety commission shall coordinate
11 with each city that implements a pilot program as authorized in RCW
12 46.63.170, chapter 224, Laws of 2020 to provide the transportation
13 committees of the legislature with the following information by June
14 30, 2023:

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

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

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

22 NEW SECTION. **Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

23 Rural Arterial Trust Account—State Appropriation	\$1,134,000
24 Motor Vehicle Account—State Appropriation	\$4,760,000
25 County Arterial Preservation Account—State	
26 Appropriation	\$1,669,000
27 TOTAL APPROPRIATION.	\$7,563,000

28 The appropriations in this section are subject to the following
29 conditions and limitations: \$2,000,000 of the motor vehicle account—
30 state appropriation is provided solely for deposit into the county
31 road administration board emergency loan account—state account.

32 NEW SECTION. **Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

33 Transportation Improvement Account—State	
34 Appropriation	\$4,510,000

35 NEW SECTION. **Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE**

36 Motor Vehicle Account—State Appropriation	\$2,679,000
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1 Multimodal Transportation Account—State Appropriation. . . . \$420,000
2 TOTAL APPROPRIATION. \$3,099,000

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

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

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

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

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

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

37 (ii) An agreed upon service fee structure for vehicle
38 registration payment plans;

39 (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 . . . (Engrossed Substitute House Bill No. 1457),
2 Laws of 2021 (broadband along state highways). If chapter . . .
3 (Engrossed Substitute House Bill No. 1457), Laws of 2021 (broadband
4 along state highways) is not enacted by June 30, 2021, the amount
5 provided in this subsection lapses.

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

22 (5) \$400,000 of the motor vehicle account—state appropriation is
23 for the development of a workforce plan for the Washington state
24 ferries which addresses recruitment, retention, diversity, training
25 needs, leadership development, succession planning and other elements
26 needed to ensure sufficient and cost-effective crewing and staffing
27 of the ferry system. In developing the scope of work for the plan and
28 throughout plan development, the joint transportation committee must
29 solicit input from representatives of the Washington state ferries
30 division and the human resources division of the Washington state
31 department of transportation. Represented employee groups must also
32 be consulted as part of plan development. The plan must include a
33 roadmap for Washington state ferries to comprehensively address
34 persistent staffing challenges and strategically position itself for
35 its future workforce needs. The joint transportation committee must
36 issue an interim report identifying short-term strategies to reduce
37 reliance on overtime for staffing day-to-day ferry service. The
38 interim report is due to the transportation committees of the
39 legislature by January 1, 2022. The final report is due to the
40 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 ***NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION**

19	Motor Vehicle Account—State Appropriation	\$2,438,000
20	Interstate 405 and State Route Number 167 Express Toll Lanes	
21	Account—State Appropriation.	\$127,000
22	State Route Number 520 Corridor Account—State	
23	Appropriation.	\$276,000
24	Tacoma Narrows Toll Bridge Account—State	
25	Appropriation.	\$180,000
26	Alaskan Way Viaduct Replacement Project	
27	Account—State Appropriation.	\$172,000
28	TOTAL APPROPRIATION.	\$3,193,000

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

- 31 (1) The commission shall reconvene the road usage charge steering
 32 committee, with the same membership described in chapter 297, Laws of
 33 2018, and shall periodically report to the steering committee with
 34 updates on activities undertaken in accordance with the federal grant
 35 awarded July 2020 ("Forward Drive"). A year-end update on the status
 36 of any federally-funded project for which federal funding is secured
 37 must be provided to the governor's office and the transportation
 38 committees of the legislature by January 1, 2022, and by January 1,

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

5 **(2) \$200,000 of the motor vehicle account—state appropriation is**
6 **provided solely for the implementation of chapter . . . (Substitute**
7 **Senate Bill No. 5444), Laws of 2021 (per mile charge). If**
8 **chapter . . . (Substitute Senate Bill No. 5444), Laws of 2021 is not**
9 **enacted by June 30, 2021, the amount provided in this subsection**
10 **lapses.**

11 (3) \$127,000 of the Interstate 405 and state route number 167
12 express toll lanes account—state appropriation, \$276,000 of the state
13 route number 520 corridor account—state appropriation, \$180,000 of
14 the Tacoma Narrows toll bridge account—state appropriation, and
15 \$172,000 of the Alaskan Way viaduct replacement project account—state
16 appropriation are provided solely for the transportation commission's
17 proportional share of time spent supporting tolling operations for
18 the respective tolling facilities.

19 **(4) \$50,000 of the motor vehicle account—state appropriation is**
20 **provided solely for the commission to identify and measure how a road**
21 **usage charge could be adjusted so that vehicles of comparable**
22 **efficiency pay the same rate regardless of their means of propulsion**
23 **and examine options for indexing to stabilize revenue as vehicle**
24 **fleets become more efficient over time. If chapter . . . (Substitute**
25 **Senate Bill No. 5444), Laws of 2021 is not enacted by June 30, 2021,**
26 **the amount provided in this subsection lapses.**

27 **(5) (a) The transportation budget is currently reliant on vehicle**
28 **and driver related fees. Motor vehicle registrations, driver**
29 **licenses, tolls, and the motor vehicle fuel tax provide the primary**
30 **revenues for the transportation budget. These user revenues no longer**
31 **adequately support the transportation system's needs. Many of the**
32 **transportation modes have no or little ability to generate revenue,**
33 **yet are important elements of a functioning transportation network.**
34 **Providing transportation options that do not involve passenger**
35 **vehicles is critical. The tax burden in the transportation budget**
36 **falls on people that own and drive vehicles. It fails to provide the**
37 **money needed for the system quality that the people of Washington**
38 **want.**

1 (b) Therefore, the commission is directed to evaluate, identify,
2 and consider agencies, programs, and activities that are currently
3 funded in the transportation budget that provide a public good that
4 might be paid for using other revenues. The commission is directed to
5 make recommendations for potential changes to funding sources for the
6 transportation system with the goal of providing funding to maintain
7 existing transportation assets in a state of good repair without
8 exclusively relying on vehicle owners or drivers as the revenue
9 source. Preliminary findings must be presented to the Joint
10 Transportation Committee by September 30, 2022, and a final report
11 issued to the appropriate committees of the legislature by December
12 1, 2022.

*Sec. 205 is partially vetoed. See message at end of chapter.

13 NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC
14 INVESTMENT BOARD

15 Freight Mobility Investment Account—State
16 Appropriation \$831,000

17 NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL

18 State Patrol Highway Account—State Appropriation \$517,391,000
19 State Patrol Highway Account—Federal Appropriation . . . \$15,838,000
20 State Patrol Highway Account—Private/Local
21 Appropriation \$4,267,000
22 Highway Safety Account—State Appropriation \$1,214,000
23 Ignition Interlock Device Revolving Account—State
24 Appropriation \$5,053,000
25 Multimodal Transportation Account—State Appropriation . . . \$288,000
26 State Route Number 520 Corridor Account—State
27 Appropriation. \$433,000
28 Tacoma Narrows Toll Bridge Account—State
29 Appropriation. \$77,000
30 I-405 and SR 167 Express Toll Lanes Account—State
31 Appropriation. \$1,348,000
32 TOTAL APPROPRIATION. \$545,909,000

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

35 (1) Washington state patrol officers engaged in off-duty
36 uniformed employment providing traffic control services to the

1 department of transportation or other state agencies may use state
2 patrol vehicles for the purpose of that employment, subject to
3 guidelines adopted by the chief of the Washington state patrol. The
4 Washington state patrol must be reimbursed for the use of the vehicle
5 at the prevailing state employee rate for mileage and hours of usage,
6 subject to guidelines developed by the chief of the Washington state
7 patrol.

8 (2) \$580,000 of the state patrol highway account—state
9 appropriation is provided solely for the operation of and
10 administrative support to the license investigation unit to enforce
11 vehicle registration laws in southwestern Washington. The Washington
12 state patrol, in consultation with the department of revenue, shall
13 maintain a running estimate of the additional vehicle registration
14 fees, sales and use taxes, and local vehicle fees remitted to the
15 state pursuant to activity conducted by the license investigation
16 unit. Beginning October 1, 2021, and quarterly thereafter, the
17 Washington state patrol shall submit a report detailing the
18 additional revenue amounts generated since January 1, 2021, to the
19 director of the office of financial management and the transportation
20 committees of the legislature. At the end of the calendar quarter in
21 which it is estimated that more than \$625,000 in state sales and use
22 taxes have been remitted to the state since January 1, 2021, the
23 Washington state patrol shall notify the state treasurer and the
24 state treasurer shall transfer funds pursuant to section 406 of this
25 act.

26 (3) \$4,000,000 of the state patrol highway account—state
27 appropriation is provided solely for a third arming and a third
28 trooper basic training class. The cadet class is expected to graduate
29 in June 2023.

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

- 34 (a) A summary of recruitment and retention strategies;
- 35 (b) The number of transportation funded staff vacancies by major
36 category;
- 37 (c) The number of applicants for each of the positions by these
38 categories;
- 39 (d) The composition of workforce;

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

3 (f) Activities related to the implementation of the agency's
4 workforce diversity plan, including short-term and long-term,
5 specific comprehensive outreach and recruitment strategies to
6 increase populations underrepresented within both commissioned and
7 noncommissioned employee groups.

8 (5) \$493,000 of the state patrol highway account—state
9 appropriation is provided solely for aerial criminal investigation
10 tools, including software licensing and maintenance, and annual
11 certification, and is subject to the conditions, limitations, and
12 review requirements of section 701 of this act.

13 (6) \$7,962,000 of the state patrol highway account—state
14 appropriation is provided solely for the land mobile radio system
15 replacement, upgrade, and other related activities. Beginning January
16 1, 2022, the Washington state patrol must report semiannually to the
17 office of the state chief information officer on the progress related
18 to the projects and activities associated with the land mobile radio
19 system, including the governance structure, outcomes achieved in the
20 prior six month time period, and how the activities are being managed
21 holistically as recommended by the office of the chief information
22 officer. At the time of submittal to the office of the state chief
23 information officer, this report shall be transmitted to the office
24 of financial management and the house and senate transportation
25 committees.

26 (7) \$510,000 of the ignition interlock device revolving account—
27 state appropriation is provided solely for the ignition interlock
28 program at the Washington state patrol to provide funding for two
29 staff to work and provide support for the program in working with
30 manufacturers, service centers, technicians, and participants in the
31 program.

32 (8) \$1,348,000 of the Interstate 405 and state route number 167
33 express toll lanes account—state appropriation, \$433,000 of the state
34 route number 520 corridor account—state appropriation, and \$77,000 of
35 the Tacoma Narrows toll bridge account—state appropriation are
36 provided solely for the Washington state patrol's proportional share
37 of time spent supporting tolling operations and enforcement for the
38 respective tolling facilities.

1 (9) \$289,000 of the state patrol highway account—state
2 appropriation is provided solely for the replacement of 911
3 workstations.

4 (10) \$35,000 of the state patrol highway account—state
5 appropriation is provided solely for the replacement of bomb response
6 equipment.

7 (11) \$713,000 of the state patrol highway account—state
8 appropriation is provided solely for information technology
9 infrastructure maintenance.

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

14 (13) \$945,000 of the state patrol highway account—state
15 appropriation is provided solely for implementation of chapter . . .
16 (Substitute House Bill No. 1223), Laws of 2021 (custodial
17 interrogations). If chapter . . . (Substitute House Bill No. 1223),
18 Laws of 2021 (custodial interrogations) is not enacted by June 30,
19 2021, the amount provided in this subsection lapses.

20 (14) \$46,000 of the state patrol highway account—state
21 appropriation is provided solely for implementation of chapter . . .
22 (Engrossed Substitute House Bill No. 1054), Laws of 2021 (peace
23 officer tactics). If chapter . . . (Engrossed Substitute House Bill
24 No. 1054), Laws of 2021 (peace officer tactics) is not enacted by
25 June 30, 2021, the amount provided in this subsection lapses.

26 (15) \$46,000 of the state patrol highway account—state
27 appropriation is provided solely for implementation of chapter . . .
28 (Engrossed Second Substitute House Bill No. 1310), Laws of 2021 (use
29 of force by officers). If chapter . . . (Engrossed Second Substitute
30 House Bill No. 1310), Laws of 2021 (use of force by officers) is not
31 enacted by June 30, 2021, the amount provided in this subsection
32 lapses.

33 (16)(a) The legislature finds that the water connection extension
34 constructed by the Washington state patrol from the city of Shelton's
35 water facilities to the Washington state patrol academy was necessary
36 to meet the water supply needs of the academy. The legislature also
37 finds that the water connection provides an ongoing water supply that
38 is necessary to the operation of the training facility, that the
39 state is making use of the water connection for these public

1 activities, and that any future incidental use of the municipal
2 infrastructure put in place to support these activities will not
3 impede the Washington state patrol's ongoing use of the water
4 connection extension.

5 (b) \$2,220,000 of the transfer from the waste tire removal
6 account to the motor vehicle fund, as required under RCW 70A.205.425,
7 reimburses the motor vehicle fund for the portion of the water
8 project costs assigned by the agreement to properties, other than the
9 Washington state patrol academy, that make use of the water
10 connection while the agreement remains in effect. This reimbursement
11 to the motor vehicle fund is intended to address any possibility that
12 the termination of this agreement could be determined to result in
13 the unconstitutional use of 18th amendment designated funds for
14 nonhighway purposes under the constitution of the state of
15 Washington; however, this transfer is not intended to indicate that
16 the incidental use of this infrastructure by these properties
17 necessarily requires such reimbursement under the state Constitution.
18 Immediately following the transfer of funds, Washington state patrol
19 and the city of Shelton shall meet to formally update the terms of
20 their "Agreement for Utility Connection and Reimbursement of Water
21 Extension Expenses" executed on June 12, 2017, to reflect the intent
22 of the proviso.

23 (17) The appropriations in this section provide sufficient
24 funding for state patrol staffing assuming vacancy savings which may
25 change over time. Funding for staffing will be monitored and adjusted
26 in the 2022 supplemental budget to restore funding as authorized
27 staffing levels are achieved.

28 NEW SECTION. **Sec. 208. FOR THE DEPARTMENT OF LICENSING**

29	Marine Fuel Tax Refund Account—State Appropriation	\$34,000
30	Motorcycle Safety Education Account—State	
31	Appropriation	\$4,894,000
32	Limited Fish and Wildlife Account—State	
33	Appropriation	\$917,000
34	Highway Safety Account—State Appropriation	\$241,868,000
35	Highway Safety Account—Federal Appropriation	\$1,294,000
36	Motor Vehicle Account—State Appropriation	\$73,327,000
37	Motor Vehicle Account—Federal Appropriation.	\$150,000
38	Motor Vehicle Account—Private/Local Appropriation	\$6,600,000

1	Ignition Interlock Device Revolving Account—State	
2	Appropriation	\$6,071,000
3	Department of Licensing Services Account—State	
4	Appropriation	\$8,157,000
5	License Plate Technology Account—State	
6	Appropriation	\$4,250,000
7	Abandoned Recreational Vehicle Account—State	
8	Appropriation.	\$3,066,000
9	Limousine Carriers Account—State Appropriation.	\$110,000
10	Electric Vehicle Account—State Appropriation.	\$405,000
11	DOL Technology Improvement & Data Management	
12	Account—State Appropriation.	\$748,000
13	Agency Financial Transaction Account—State	
14	Appropriation.	\$21,257,000
15	Driver Licensing Technology Support	
16	Account—State Appropriation.	\$1,373,000
17	TOTAL APPROPRIATION.	\$374,521,000

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

20 (1) \$1,100,000 of the highway safety account—state appropriation
21 is provided solely for the department to provide an interagency
22 transfer to the department of social and health services, children's
23 administration division for the purpose of providing driver's license
24 support to a larger population of foster youth than is already served
25 within existing resources. Support services include reimbursement of
26 driver's license issuance costs, fees for driver training education,
27 and motor vehicle liability insurance costs.

28 (2) The appropriations in this section assume implementation by
29 the department of cost recovery mechanisms to recoup at least
30 \$21,257,000 during the 2021-2023 biennium in credit card and other
31 financial transaction costs as part of charges imposed for driver and
32 vehicle fee transactions. During the 2021-2023 fiscal biennium, the
33 department must report any amounts recovered to the office of
34 financial management and appropriate committees of the legislature on
35 a quarterly basis.

36 (3) (a) For the 2021-2023 biennium, the department shall charge
37 \$6,600,000 for the administration and collection of a motor vehicle
38 excise tax on behalf of a regional transit authority, as authorized

1 under RCW 82.44.135. The amount in this subsection must be deducted
2 before distributing any revenues to a regional transit authority.

3 (b) \$100,000 of the motor vehicle account—state appropriation is
4 provided solely for the department to work with the regional transit
5 authority imposing a motor vehicle excise tax pursuant to RCW
6 81.104.160 and transportation benefit districts imposing vehicle fees
7 pursuant to RCW 82.80.140, and other relevant parties, to determine
8 cost recovery options for the administration and collection of the
9 taxes and fees. The options must include:

10 (i) Full cost recovery for the direct and indirect expenses by
11 the department of licensing, subagents, and counties;

12 (ii) Marginal cost recovery for the direct and indirect expenses
13 by the department of licensing, subagents, and counties;

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

17 (4) \$12,000 of the motorcycle safety education account—state
18 appropriation, \$2,000 of the limited fish and wildlife account—state
19 appropriation, \$728,000 of the highway safety account—state
20 appropriation, \$238,000 of the motor vehicle account—state
21 appropriation, \$10,000 of the ignition interlock device revolving
22 account—state appropriation, and \$10,000 of the department of
23 licensing services account—state appropriation are provided solely
24 for the department to redesign and improve its online services and
25 website, and are subject to the conditions, limitations, and review
26 requirements of section 701 of this act.

27 (5) \$28,636,000 of the highway safety account—state appropriation
28 is provided solely for costs necessary to accommodate increased
29 demand for enhanced drivers' licenses and enhanced identicards. The
30 department shall report on a quarterly basis on the use of these
31 funds, associated workload, and information with comparative
32 information with recent comparable months in prior years. The report
33 must include detailed statewide and by licensing service office
34 information on staffing levels, average monthly wait times, the
35 number of enhanced drivers' licenses and enhanced identicards issued/
36 renewed, and the number of primary drivers' licenses and identicards
37 issued/renewed. Within the amounts provided in this subsection, the
38 department shall implement efficiency measures to reduce the time for
39 licensing transactions and wait times including, but not limited to,

1 the installation of additional cameras at licensing service offices
2 that reduce bottlenecks and align with the "keep your customer"
3 initiative.

4 (6) \$500,000 of the highway safety account—state appropriation is
5 provided solely for communication and outreach activities necessary
6 to inform the public of federally acceptable identification options
7 including, but not limited to, enhanced drivers' licenses and
8 enhanced identicards. The department shall continue the outreach plan
9 that includes informational material that can be effectively
10 communicated to all communities and populations in Washington. To
11 accomplish this work, the department shall contract with an external
12 vendor with demonstrated experience and expertise in outreach and
13 marketing to underrepresented communities in a culturally responsive
14 fashion.

15 (7) \$523,000 of the highway safety account—state appropriation is
16 provided solely for the implementation of chapter . . . (Substitute
17 House Bill No. 1207), Laws of 2021 (DOL issued documents). If
18 chapter . . . (Substitute House Bill No. 1207), Laws of 2021 is not
19 enacted by June 30, 2021, the amount provided in this subsection
20 lapses.

21 (8) \$1,373,000 of the driver licensing technology support account
22 —state appropriation is provided solely for the implementation of
23 chapter . . . (Engrossed Substitute Senate Bill No. 5226), Laws of
24 2021 (suspension of licenses for traffic infractions). If
25 chapter . . . (Engrossed Substitute Senate Bill No. 5226), Laws of
26 2021 is not enacted by June 30, 2021, the amount provided in this
27 subsection lapses.

28 (9) \$23,000 of the highway safety account—state appropriation is
29 provided solely for the implementation of chapter 10 (Engrossed
30 Substitute House Bill No. 1078), Laws of 2021 (restoring voter
31 eligibility after felony conviction).

32 (10) \$3,074,000 of the abandoned recreational vehicle disposal
33 account—state appropriation is provided solely for providing
34 reimbursements in accordance with the department's abandoned
35 recreational vehicle disposal reimbursement program. It is the intent
36 of the legislature that the department prioritize this funding for
37 allowable and approved reimbursements and not to build a reserve of
38 funds within the account. During the 2021-2023 fiscal biennium, the
39 department must report any amounts recovered to the office of

1 financial management and appropriate committees of the legislature on
2 a quarterly basis.

3 (11) (a) \$54,000 of the motor vehicle account—state appropriation
4 is provided solely for the issuance of nonemergency medical
5 transportation vehicle decals to implement the high occupancy vehicle
6 lane access pilot program established in section 216 of this act. A
7 for hire nonemergency medical transportation vehicle is a vehicle
8 that is a "for hire vehicle" under RCW 46.04.190 that provides
9 nonemergency medical transportation, including for life-sustaining
10 transportation purposes, to meet the medical transportation needs of
11 individuals traveling to medical practices and clinics, cancer
12 centers, dialysis facilities, hospitals, and other care providers.

13 (b) As part of this pilot program, the owner of a for hire
14 nonemergency medical transportation vehicle may apply to the
15 department, county auditor or other agent, or subagent appointed by
16 the director, for a high occupancy vehicle exempt decal for a for
17 hire nonemergency medical transportation vehicle. The high occupancy
18 vehicle exempt decal allows the for hire nonemergency medical
19 transportation vehicle to use a high occupancy vehicle lane as
20 specified in RCW 46.61.165 and 47.52.025 during the 2021-2023 fiscal
21 biennium.

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

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

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

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

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

33 (i) The name and address of the person who is the owner of the
34 vehicle;

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

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

38 (iv) An attestation signed by the vehicle's owner or the owner's
39 representative that the vehicle's owner has a minimum of one contract
40 or service agreement to provide for hire transportation services for

1 medical purposes with one or more of the following entities: A health
2 insurance company; a hospital, clinic, dialysis center, or other
3 medical institution; a day care center, retirement home, or group
4 home; a federal, state, or local agency or jurisdiction; or a broker
5 who negotiates these services on behalf of one or more of these
6 entities; and

7 (v) Other information as required by the department upon
8 application.

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

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

15 (g) A high occupancy vehicle exempt decal expires June 30, 2023,
16 and must be marked to indicate its expiration date. The decal may be
17 renewed if the pilot program is continued past the date of a decal's
18 expiration. The status as an exempt vehicle continues until the high
19 occupancy vehicle exempt decal is suspended or revoked for misuse,
20 the vehicle is no longer used as a for hire nonemergency medical
21 transportation vehicle, or the pilot program established in section
22 216 of this act is terminated.

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

24 NEW SECTION. **Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION—**
25 **TOLL OPERATIONS AND MAINTENANCE—PROGRAM B**

26	State Route Number 520 Corridor Account—State	
27	Appropriation	\$53,689,000
28	State Route Number 520 Civil Penalties Account—State	
29	Appropriation	\$4,122,000
30	Tacoma Narrows Toll Bridge Account—State	
31	Appropriation	\$29,809,000
32	Alaskan Way Viaduct Replacement Project Account—State	
33	Appropriation	\$20,840,000
34	Interstate 405 and State Route Number 167 Express	
35	Toll Lanes Account—State Appropriation	\$23,910,000
36	TOTAL APPROPRIATION	\$132,370,000

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

1 (1) \$1,300,000 of the Tacoma Narrows toll bridge account—state
2 appropriation and \$12,484,000 of the state route number 520 corridor
3 account—state appropriation are provided solely for the purposes of
4 addressing unforeseen operations and maintenance costs on the Tacoma
5 Narrows bridge and the state route number 520 bridge, respectively.
6 The office of financial management shall place the amounts provided
7 in this subsection, which represent a portion of the required minimum
8 fund balance under the policy of the state treasurer, in unallotted
9 status. The office may release the funds only when it determines that
10 all other funds designated for operations and maintenance purposes
11 have been exhausted.

12 (2) As long as the facility is tolled, the department must
13 provide annual reports to the transportation committees of the
14 legislature on the Interstate 405 express toll lane project
15 performance measures listed in RCW 47.56.880(4). These reports must
16 include:

17 (a) Information on the travel times and travel time reliability
18 (at a minimum, average and 90th percentile travel times) maintained
19 during peak and nonpeak periods in the express toll lanes and general
20 purpose lanes for both the entire corridor and commonly made trips in
21 the corridor including, but not limited to, northbound from Bellevue
22 to Rose Hill, state route number 520 at NE 148th to Interstate 405 at
23 state route number 522, Bellevue to Bothell (both NE 8th to state
24 route number 522 and NE 8th to state route number 527), and a trip
25 internal to the corridor (such as NE 85th to NE 160th) and similar
26 southbound trips;

27 (b) A month-to-month comparison of travel times and travel time
28 reliability for the entire corridor and commonly made trips in the
29 corridor as specified in (a) of this subsection since implementation
30 of the express toll lanes and, to the extent available, a comparison
31 to the travel times and travel time reliability prior to
32 implementation of the express toll lanes;

33 (c) Total express toll lane and total general purpose lane
34 traffic volumes, as well as per lane traffic volumes for each type of
35 lane (i) compared to total express toll lane and total general
36 purpose lane traffic volumes, as well as per lane traffic volumes for
37 each type of lane, on this segment of Interstate 405 prior to
38 implementation of the express toll lanes and (ii) compared to total
39 express toll lane and total general purpose lane traffic volumes, as

1 well as per lane traffic volumes for each type of lane, from month to
2 month since implementation of the express toll lanes; and

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

6 (3) (a) \$708,000 of the Interstate 405 and state route number 167
7 express toll lanes account—state appropriation, \$1,651,000 of the
8 state route number 520 corridor account—state appropriation, \$709,000
9 of the Tacoma Narrows toll bridge account—state appropriation, and
10 \$932,000 of the Alaskan Way viaduct replacement project account—state
11 appropriation are provided solely for the reappropriation of unspent
12 funds on the new tolling back office system from the 2019-2021
13 biennium, and are subject to the conditions, limitations, and review
14 provided in section 701 of this act.

15 (b) The department shall continue to work with the office of
16 financial management, office of the chief information officer, and
17 the transportation committees of the legislature on the project
18 management plan that includes a provision for independent
19 verification and validation of contract deliverables from the
20 successful bidder and a provision for quality assurance that includes
21 reporting independently to the office of the chief information
22 officer on an ongoing basis during system implementation.

23 (c) The office of financial management shall place the amounts
24 provided in this subsection in unallotted status until the department
25 submits a detailed progress report on the progress of the new tolling
26 back office system. The director of the office of financial
27 management or their designee shall consult with the chairs and
28 ranking members of the transportation committees of the legislature
29 prior to making a decision to allot these funds.

30 (4) Out of funding appropriated in this section, the department
31 shall contract with the state auditor's office for a performance
32 audit of the department's project to replace its electronic toll
33 collection system. The audit should include an evaluation of the
34 department's project planning, vendor procurement, contract
35 management and project oversight. The final report is to be issued by
36 December 31, 2022. The state auditor will transmit copies of the
37 report to the jurisdictional committees of the legislature and the
38 department.

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

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

8 (b) The nonvendor costs of administering toll operations,
9 including the costs of staffing the division, consultants, and other
10 personal service contracts required for technical oversight and
11 management assistance, insurance, payments related to credit card
12 processing, transponder purchases and inventory management, facility
13 operations and maintenance, and other miscellaneous nonvendor costs;

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

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

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

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

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

25 (iv) Workload costs related to hearings;

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

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

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

31 (6) During the 2021-2023 fiscal biennium, the department plans to
32 issue a request for proposals as the first stage of a competitive
33 procurement process that will replace the toll equipment and select a
34 new tolling operator for the Tacoma Narrows Bridge. The request for
35 proposals and subsequent competitive procurement must incorporate
36 elements that prioritize the overall goal of lowering costs per
37 transaction for the facility, such as incentives for innovative
38 approaches which result in lower transactional costs, requests for
39 efficiencies on the part of the bidder that lower operational costs,
40 and incorporation of technologies such as self-serve credit card

1 machines or other point-of-payment technologies that lower costs or
2 improve operational efficiencies.

3 (7) \$19,908,000 of the Alaskan Way viaduct replacement project
4 account—state appropriation is provided solely for the new state
5 route number 99 tunnel toll facility's expected share of collecting
6 toll revenues, operating customer services, and maintaining toll
7 collection systems. The legislature expects to see appropriate
8 reductions to the other toll facility accounts once tolling on the
9 new state route number 99 tunnel toll facility stabilizes and any
10 previously incurred costs for start-up of the new facility are
11 charged back to the Alaskan Way viaduct replacement project account.
12 The office of financial management shall closely monitor the
13 application of the cost allocation model and ensure that the new
14 state route number 99 tunnel toll facility is adequately sharing
15 costs and the other toll facility accounts are not being overspent or
16 subsidizing the new state route number 99 tunnel toll facility.

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

23 (9) \$1,516,000 of the state route number 520 corridor account—
24 state appropriation is provided solely for the increased costs of
25 insurance for the state route number 520 floating bridge. The
26 department shall conduct an evaluation of the short and long-term
27 costs and benefits including risk mitigation of self-insurance as
28 compared to the commercial insurance option for the state route
29 number 520 floating bridge, as allowed under the terms of the state
30 route number 520 master bond resolution. By December 15, 2021, the
31 department shall report to the legislature on the results of this
32 evaluation.

33 (10) As part of the department's 2023-2025 biennial budget
34 request, the department shall update the cost allocation
35 recommendations that assign appropriate costs to each of the toll
36 funds for services provided by relevant Washington state department
37 of transportation programs, the Washington state patrol, and the
38 transportation commission. The recommendations shall be based on
39 updated traffic and toll transaction patterns and other relevant
40 factors.

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

6 NEW SECTION. **Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION—**
7 **INFORMATION TECHNOLOGY—PROGRAM C**

8	Transportation Partnership Account—State Appropriation . . .	\$1,377,000
9	Motor Vehicle Account—State Appropriation	\$97,026,000
10	Puget Sound Ferry Operations Account—State	
11	Appropriation	\$263,000
12	Multimodal Transportation Account—State	
13	Appropriation	\$6,986,000
14	Transportation 2003 Account (Nickel Account)—State	
15	Appropriation	\$1,393,000
16	TOTAL APPROPRIATION.	\$107,045,000

17 The appropriations in this section are subject to the following
18 conditions and limitations: \$4,273,000 of the multimodal
19 transportation account—state appropriation and \$4,273,000 of the
20 motor vehicle account—state appropriation are provided solely for the
21 department's cost related to the one Washington project, and is
22 subject to the conditions, limitations, and review requirements of
23 section 701 of this act.

24 NEW SECTION. **Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION—**
25 **FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—**
26 **OPERATING**

27	Motor Vehicle Account—State Appropriation	\$35,574,000
28	State Route Number 520 Corridor Account—State	
29	Appropriation	\$34,000
30	TOTAL APPROPRIATION.	\$35,608,000

31 NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION—**
32 **AVIATION—PROGRAM F**

33	Aeronautics Account—State Appropriation	\$8,055,000
34	Aeronautics Account—Federal Appropriation	\$3,916,000
35	Aeronautics Account—Private/Local Appropriation	\$60,000

1 TOTAL APPROPRIATION. \$12,031,000

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

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

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

11 (3) \$280,000 of the aeronautics account—state appropriation is
12 provided solely for the implementation of chapter . . . (Substitute
13 House Bill No. 1379), Laws of 2021 (unpiloted aircraft system state
14 coordinator). If chapter . . . (Substitute House Bill No. 1379), Laws
15 of 2021 is not enacted by June 30, 2021, the amount provided in this
16 subsection lapses.

17 NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION—**
18 **PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H**

19 Motor Vehicle Account—State Appropriation \$59,138,000

20 Motor Vehicle Account—Federal Appropriation \$500,000

21 Multimodal Transportation Account—State Appropriation . . . \$758,000

22 TOTAL APPROPRIATION. \$60,396,000

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

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

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

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

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

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

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

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

36 (5) During the 2021-2023 biennium, if the department takes
37 possession of the property situated in the city of Edmonds for which
38 a purchase agreement was executed between Unocal and the department
39 in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department
40 confirms that the property is still no longer needed for

1 transportation purposes, the department shall provide the city of
2 Edmonds with the right of first purchase at fair market value in
3 accordance with RCW 47.12.063(3) for the city's intended use of the
4 property to rehabilitate near-shore habitat for salmon and related
5 species.

6 (6) \$300,000 of the motor vehicle account—state appropriation is
7 provided solely for the implementation of chapter . . . (Substitute
8 House Bill No. 1355), Laws of 2021 (noxious weeds). If chapter . . .
9 (Substitute House Bill No. 1355), Laws of 2021 (noxious weeds) is not
10 enacted by June 30, 2021, the amount provided in this subsection
11 lapses.

12 (7) \$500,000 of the multimodal transportation account—state
13 appropriation is provided solely for the implementation of
14 chapter . . . (Engrossed Second Substitute Senate Bill No. 5141),
15 Laws of 2021 (environmental justice task force). If chapter . . .
16 (Engrossed Second Substitute Senate Bill No. 5141), Laws of 2021
17 (environmental justice task force) is not enacted by June 30, 2021,
18 the amount provided in this subsection lapses.

19 NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION—**
20 **PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**

21	Motor Vehicle Account—State Appropriation	\$675,000
22	Electric Vehicle Account—State Appropriation.	\$9,900,000
23	Multimodal Transportation Account—State Appropriation. . .	\$3,290,000
24	TOTAL APPROPRIATION.	\$13,865,000

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

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

30 (2) \$8,900,000 of the electric vehicle account—state
31 appropriation is provided solely for the clean alternative fuel
32 vehicle charging and refueling infrastructure program in chapter 287,
33 Laws of 2019 (advancing green transportation adoption).

34 (3) \$2,400,000 of the multimodal transportation account—state
35 appropriation is provided solely for the pilot program established
36 under chapter 287, Laws of 2019 (advancing green transportation
37 adoption) to provide clean alternative fuel vehicle use opportunities
38 to underserved communities and low to moderate income members of the

1 workforce not readily served by transit or located in transportation
2 corridors with emissions that exceed federal or state emissions
3 standards. Consistent with the geographical diversity element
4 described in RCW 47.04.355(4), the legislature strongly encourages
5 the department to consider implementing the pilot in both urban and
6 rural communities if possible, to obtain valuable information on the
7 needs of underserved communities located in different geographical
8 locations in Washington.

9 (4) \$1,000,000 of the electric vehicle account—state
10 appropriation and \$500,000 of the multimodal transportation account—
11 state appropriation are provided solely for a colocated DC fast
12 charging and hydrogen fueling station near the Wenatchee or East
13 Wenatchee area near a state route or near or on a publicly owned
14 facility to service passenger, light-duty and heavy-duty vehicles.
15 The hydrogen fueling station must include a DC fast charging station
16 colocated at the hydrogen fueling station site. Funds may be used for
17 one or more fuel cell electric vehicles that would utilize the
18 fueling stations. The department must contract with a public utility
19 district that produces hydrogen in the area to own and/or manage and
20 provide technical assistance for the design, planning, permitting,
21 construction, maintenance and operation of the hydrogen fueling
22 station. The department and public utility district are encouraged to
23 collaborate with and seek contributions from additional public and
24 private partners for the fueling station.

25 (5) \$140,000 of the multimodal transportation account—state
26 appropriation is provided solely for the purpose of conducting an
27 assessment of options for the development, including potential
28 features and costs, for a publicly available mapping and forecasting
29 tool that provides locations and essential information of charging
30 and refueling infrastructure to support forecasted levels of electric
31 vehicle adoption, travel, and usage across Washington state as
32 described in chapter . . . (Engrossed Second Substitute House Bill
33 No. 1287), Laws of 2021 (preparedness for a zero emissions
34 transportation future).

35 (6) \$250,000 of the multimodal transportation account—state
36 appropriation is provided solely to fund the design of an electric
37 charging mega-site project at Mount Vernon library commons.

1 NEW SECTION. **Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION—**

2 **HIGHWAY MAINTENANCE—PROGRAM M**

3	Motor Vehicle Account—State Appropriation	\$496,925,000
4	Motor Vehicle Account—Federal Appropriation	\$7,000,000
5	State Route Number 520 Corridor Account—State	
6	Appropriation	\$4,082,000
7	Tacoma Narrows Toll Bridge Account—State	
8	Appropriation	\$1,479,000
9	Alaskan Way Viaduct Replacement Project	
10	Account—State Appropriation	\$8,157,000
11	Interstate 405 and State Route Number 167 Express	
12	Toll Lanes Account—State Appropriation.	\$2,545,000
13	TOTAL APPROPRIATION.	\$520,188,000

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

16 (1) \$7,529,000 of the motor vehicle account—state appropriation
17 is provided solely for utility fees assessed by local governments as
18 authorized under RCW 90.03.525 for the mitigation of stormwater
19 runoff from state highways. Plan and reporting requirements as
20 required in chapter 435, Laws of 2019 (Local Stormwater Charges)
21 shall be consistent with the January 2012 findings of the Joint
22 Transportation Committee Report for Effective Cost Recovery Structure
23 for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

24 (2) \$5,000,000 of the motor vehicle account—state appropriation
25 is provided solely for a contingency pool for snow and ice removal.
26 The department must notify the office of financial management and the
27 transportation committees of the legislature when they have spent the
28 base budget for snow and ice removal and will begin using the
29 contingency pool funding.

30 (3) \$1,025,000 of the motor vehicle account—state appropriation
31 is provided solely for the department to implement safety
32 improvements and debris clean up on department-owned rights-of-way in
33 the city of Seattle at levels above that being implemented as of
34 January 1, 2019, to be administered in conjunction with subsection
35 (9) of this section. The department must maintain a crew dedicated
36 solely to collecting and disposing of garbage, clearing debris or
37 hazardous material, and implementing safety improvements where
38 hazards exist to the traveling public, department employees, or
39 people encamped upon department-owned rights-of-way. The department

1 may request assistance from the Washington state patrol as necessary
2 in order for both agencies to provide enhanced safety-related
3 activities regarding the emergency hazards along state highway
4 rights-of-way in the Seattle area.

5 (4) \$1,015,000 of the motor vehicle account—state appropriation
6 is provided solely for a partnership program between the department
7 and the city of Tacoma, to be administered in conjunction with
8 subsection (9) of this section. The program shall address the safety
9 and public health problems created by homeless encampments on the
10 department's property along state highways within the city limits.
11 \$570,000 is for dedicated department maintenance staff and associated
12 clean-up costs. The department and the city of Tacoma shall enter
13 into a reimbursable agreement to cover up to \$445,000 of the city's
14 expenses for clean-up crews and landfill costs.

15 (5) The department must continue a pilot program for the
16 2021-2023 fiscal biennium at the four highest demand safety rest
17 areas to create and maintain an online calendar for volunteer groups
18 to check availability of weekends for the free coffee program. The
19 calendar must be updated at least weekly and show dates and times
20 that are, or are not, available to participate in the free coffee
21 program. The department must submit a report to the legislature on
22 the ongoing pilot by December 1, 2022, outlining the costs and
23 benefits of the online calendar pilot, and including surveys from the
24 volunteer groups and agency staff to determine its effectiveness.

25 (6) \$686,000 of the motor vehicle account—state appropriation is
26 provided solely for reimbursing the Oregon department of
27 transportation (ODOT) for the department's share of increased
28 maintenance costs of six highway bridges over the Columbia River that
29 are maintained by ODOT.

30 (7) \$8,290,000 of the motor vehicle account—state appropriation
31 is provided solely for increased costs of highway maintenance
32 materials.

33 (8) \$5,816,000 of the motor vehicle account—state appropriation
34 is provided solely for a contingency pool for repairing damages to
35 highways caused by known and unknown third parties. The department
36 must notify the office of financial management and the transportation
37 committees of the legislature when they have spent the base budget
38 for third-party damage repair and will begin using the contingency
39 pool funding.

1 (9) (a) \$3,000,000 of the motor vehicle account—state
2 appropriation is provided solely for the department to address the
3 risks to safety and public health associated with homeless
4 encampments on department owned rights-of-way. The department must
5 coordinate and work with local government officials and social
6 service organizations who provide services and direct people to
7 housing alternatives that are not in highway rights-of-way to help
8 prevent future encampments from forming on highway rights-of-way, and
9 may reimburse the organizations doing this outreach assistance who
10 transition people into treatment or housing that is not on the
11 rights-of-way or for debris clean up on highway rights-of-way. The
12 department may hire crews specializing in collecting and disposing of
13 garbage, clearing debris or hazardous material, and implementing
14 safety improvements where hazards exist to the traveling public and
15 department employees. The department may use these funds to either
16 reimburse local law enforcement costs or the Washington state patrol
17 if they are participating as part of a state or local government
18 agreement to provide enhanced safety related activities along state
19 highway rights-of-way.

20 (b) Beginning October 1, 2021, and semiannually thereafter, the
21 Washington state patrol and the department of transportation must
22 jointly submit a report to the governor and the house and senate
23 transportation committees of the legislature on the status of these
24 efforts, including:

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

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

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

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

1 NEW SECTION. **Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION—**

2 **TRAFFIC OPERATIONS—PROGRAM Q—OPERATING**

3	Motor Vehicle Account—State Appropriation	\$74,406,000
4	Motor Vehicle Account—Federal Appropriation	\$2,050,000
5	Motor Vehicle Account—Private/Local Appropriation	\$250,000
6	State Route Number 520 Corridor Account—State	
7	Appropriation.	\$225,000
8	Tacoma Narrows Toll Bridge Account—State	
9	Appropriation	\$40,000
10	Alaskan Way Viaduct Replacement Project Account—	
11	State Appropriation.	\$1,112,000
12	Interstate 405 and State Route Number 167 Express	
13	Toll Lanes Account—State Appropriation	\$20,000
14	TOTAL APPROPRIATION.	\$78,103,000

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

17 (1) \$6,000,000 of the motor vehicle account—state appropriation
18 is provided solely for low-cost enhancements. The department shall
19 give priority to low-cost enhancement projects that improve safety or
20 provide congestion relief. By December 15th of each odd-numbered
21 year, the department shall provide a report to the legislature
22 listing all low-cost enhancement projects completed in the prior
23 fiscal biennium.

24 (2) (a) During the 2021-2023 fiscal biennium, the department shall
25 continue a pilot program that expands private transportation
26 providers' access to high occupancy vehicle lanes. Under the pilot
27 program, when the department reserves a portion of a highway based on
28 the number of passengers in a vehicle, the following vehicles must be
29 authorized to use the reserved portion of the highway if the vehicle
30 has the capacity to carry eight or more passengers, regardless of the
31 number of passengers in the vehicle: (i) Auto transportation company
32 vehicles regulated under chapter 81.68 RCW; (ii) passenger charter
33 carrier vehicles regulated under chapter 81.70 RCW, except marked or
34 unmarked stretch limousines and stretch sport utility vehicles as
35 defined under department of licensing rules; (iii) private nonprofit
36 transportation provider vehicles regulated under chapter 81.66 RCW;
37 and (iv) private employer transportation service vehicles. For
38 purposes of this subsection, "private employer transportation
39 service" means regularly scheduled, fixed-route transportation

1 service that is offered by an employer for the benefit of its
2 employees. Nothing in this subsection is intended to authorize the
3 conversion of public infrastructure to private, for-profit purposes
4 or to otherwise create an entitlement or other claim by private users
5 to public infrastructure.

6 (b) The department shall expand the high occupancy vehicle lane
7 access pilot program to vehicles that deliver or collect blood,
8 tissue, or blood components for a blood-collecting or distributing
9 establishment regulated under chapter 70.335 RCW. Under the pilot
10 program, when the department reserves a portion of a highway based on
11 the number of passengers in a vehicle, blood-collecting or
12 distributing establishment vehicles that are clearly and identifiably
13 marked as such on all sides of the vehicle are considered emergency
14 vehicles and must be authorized to use the reserved portion of the
15 highway.

16 (c) The department shall expand the high occupancy vehicle lane
17 access pilot program to organ transport vehicles transporting a time
18 urgent organ for an organ procurement organization as defined in RCW
19 68.64.010. Under the pilot program, when the department reserves a
20 portion of a highway based on the number of passengers in a vehicle,
21 organ transport vehicles that are clearly and identifiably marked as
22 such on all sides of the vehicle are considered emergency vehicles
23 and must be authorized to use the reserved portion of the highway.

24 (d) The department shall expand the high occupancy vehicle lane
25 access pilot program to private, for hire vehicles regulated under
26 chapter 81.72 RCW that have been specially manufactured, designed, or
27 modified for the transportation of a person who has a mobility
28 disability and uses a wheelchair or other assistive device. Under the
29 pilot program, when the department reserves a portion of a highway
30 based on the number of passengers in a vehicle, wheelchair-accessible
31 taxicabs that are clearly and identifiably marked as such on all
32 sides of the vehicle are considered public transportation vehicles
33 and must be authorized to use the reserved portion of the highway.

34 (e) The department shall expand the high occupancy vehicle lane
35 access pilot program to for hire nonemergency medical transportation
36 vehicles, when in use for medical purposes, as described in section
37 208 of this act. Under the pilot program, when the department
38 reserves a portion of a highway based on the number of passengers in
39 a vehicle, nonemergency medical transportation vehicles that meet the

1 requirements identified in section 208 of this act must be authorized
2 to use the reserved portion of the highway.

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

6 NEW SECTION. **Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION—**
7 **TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S**

8	Motor Vehicle Account—State Appropriation	\$37,361,000
9	Motor Vehicle Account—Federal Appropriation	\$780,000
10	Motor Vehicle Account—Private/Local Appropriation	\$500,000
11	Multimodal Transportation Account—State	
12	Appropriation	\$5,129,000
13	State Route Number 520 Corridor Account—State	
14	Appropriation.	\$186,000
15	Tacoma Narrows Toll Bridge Account—State	
16	Appropriation.	\$150,000
17	Alaskan Way Viaduct Replacement Project Account—	
18	State Appropriation.	\$121,000
19	Interstate 405 and State Route Number 167 Express	
20	Toll Lanes Account—State Appropriation.	\$77,000
21	TOTAL APPROPRIATION.	\$44,304,000

22 The appropriations in this section are subject to the following
23 conditions and limitations: \$4,000,000 of the multimodal
24 transportation account—state appropriation is provided solely for
25 efforts to increase diversity in the transportation construction
26 workforce through: (1) The preapprenticeship support services (PASS)
27 program, which aims to increase diversity in the highway construction
28 workforce and prepare individuals interested in entering the highway
29 construction workforce. In addition to the services allowed by RCW
30 47.01.435, the PASS program may provide housing assistance for youth
31 aging out of the foster care and juvenile rehabilitation systems in
32 order to support the participation of these youth in a
33 transportation-related preapprenticeship program; (2) assisting
34 minority and women-owned businesses to perform work in the highway
35 construction industry. This assistance shall include technical
36 assistance, business training, counseling, guidance, prime to
37 subcontractor relationship building, and a capacity building
38 mentorship program. At a minimum, \$1,000,000 of the total

1 appropriation in this subsection shall be directed toward the efforts
2 outlined in subsection (2) of this section. The provider(s) chosen to
3 complete the work in this subsection shall be selected through a
4 competitive bidding process. The program shall be administered by the
5 Washington state department of transportation's office of equal
6 opportunity.

7 NEW SECTION. **Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION—**
8 **TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T**

9	Motor Vehicle Account—State Appropriation	\$27,057,000
10	Motor Vehicle Account—Federal Appropriation	\$34,865,000
11	Motor Vehicle Account—Private/Local Appropriation.	\$400,000
12	Multimodal Transportation Account—State Appropriation	\$919,000
13	Multimodal Transportation Account—Federal	
14	Appropriation	\$2,809,000
15	Multimodal Transportation Account—Private/Local	
16	Appropriation	\$100,000
17	State Route Number 520 Corridor Account—State	
18	Appropriation.	\$406,000
19	Interstate 405 and State Route Number 167 Express Toll Lanes	
20	Account—State Appropriation.	\$2,879,000
21	TOTAL APPROPRIATION.	\$69,435,000

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

24 (1) \$4,080,000 of the motor vehicle account—federal appropriation
25 is provided solely for the Forward Drive road usage charge research
26 project overseen by the transportation commission using a portion of
27 the amount of the federal grant award. The purpose of the Forward
28 Drive road usage charge research project is to advance research in
29 key policy areas related to road usage charge including assessing
30 impacts of future mobility shifts on road usage charge revenues,
31 conducting an equity analysis, updating and assessing emerging
32 mileage reporting methods, determining opportunities to reduce cost
33 of collection, conducting small-scale pilot tests, and identifying a
34 long-term, detailed phase-in plan.

35 (2) \$2,879,000 of the Interstate 405 and state route number 167
36 express toll lanes account—state appropriation is provided solely for
37 completion of updating the state route number 167 master plan.

1 (3) \$250,000 of the multimodal transportation account—state
2 appropriation is provided solely for the department to partner with
3 the department of commerce in developing vehicle miles traveled
4 targets for the counties in Washington state with (a) a population
5 density of at least 100 people per square mile and a population of at
6 least 200,000; or (b) a population density of at least 75 people per
7 square mile and an annual growth rate of at least 1.75 percent as
8 determined by the office of financial management. Given land use
9 patterns are key factors in travel demand and should be taken into
10 consideration when developing the targets, the department and the
11 department of commerce shall partner with local jurisdictions,
12 regional transportation planning organizations and other stakeholders
13 to inventory existing laws and rules that promote transportation and
14 land use, identify gaps and make recommendations for changes in laws,
15 rules and agency guidance, and establish a framework for considering
16 underserved and rural communities in the evaluation. The department
17 and the department of commerce shall provide an initial technical
18 report by December 31, 2021, an interim report by June 22, 2022, and
19 a final report to the governor and appropriate committees of the
20 legislature by June 30, 2023, that includes a process for
21 establishing vehicle miles traveled reduction targets, a recommended
22 suite of options for local jurisdictions to achieve the targets, and
23 funding requirements for state and local jurisdictions.

24 (4) \$406,000 of the state route number 520 corridor account—state
25 appropriation is provided solely for the department to contract with
26 the University of Washington department of mechanical engineering, to
27 study measures to reduce noise impacts from the state route number
28 520 bridge expansion joints. The field testing shall be scheduled
29 during existing construction, maintenance, or other scheduled
30 closures to minimize impacts. The testing must also ensure safety of
31 the traveling public. The study shall examine testing methodologies
32 and project timelines and costs. A final report must be submitted to
33 the transportation committees of the legislature and the governor by
34 March 1, 2022.

35 (5) \$5,900,000 of the motor vehicle account—federal appropriation
36 and \$400,000 of the motor vehicle account—private/local appropriation
37 are provided solely for delivery of the department's state planning
38 and research work program and pooled fund research projects, provided
39 that the department may not expend any amounts provided in this

1 section on a long-range plan or corridor scenario analysis for I-5
2 from Tumwater to Marysville. This is not intended to reference or
3 impact: The existing I-5 corridor from Mounts road to Tumwater design
4 and operations alternatives analysis; design studies related to HOV
5 lanes or operations; or where it is necessary to continue design and
6 operations analysis related to projects already under development.

7 (6) \$800,000 of the motor vehicle account—state appropriation is
8 provided solely for WSDOT to do a corridor study of SR 302 (Victor
9 Area) to recommend safety and infrastructure improvements to address
10 current damage and prevent future roadway collapse and landslides
11 that have caused road closures.

12 (7) \$1,000,000 of the motor vehicle account—state appropriation
13 is provided solely for a study on the need for additional
14 connectivity in the area between SR 161, SR 7, SR 507, and I-5 in
15 South Pierce County.

16 NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION—**
17 **CHARGES FROM OTHER AGENCIES—PROGRAM U**

18	Aeronautics Account—State Appropriation.	\$1,000
19	Transportation Partnership Account—State Appropriation.	\$23,000
20	Motor Vehicle Account—State Appropriation	\$99,515,000
21	Puget Sound Ferry Operations Account—State Appropriation.	\$220,000
22	State Route Number 520 Corridor Account—State Appropriation.	\$26,000
23	Connecting Washington Account—State Appropriation.	\$184,000
24	Multimodal Transportation Account—State	
25	Appropriation	\$4,795,000
26	Tacoma Narrows Toll Bridge Account—State Appropriation.	\$19,000
27	Alaskan Way Viaduct Replacement Project Account—State	
28	Appropriation.	\$14,000
29	Interstate 405 and State Route Number 167 Express	
30	Toll Lanes Account—State Appropriation.	\$15,000
31	TOTAL APPROPRIATION.	\$104,812,000

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

34 (1) Consistent with existing protocol and practices, for any
35 negotiated settlement of a claim against the state for the department
36 that exceeds five million dollars, the department, in conjunction
37 with the attorney general and the department of enterprise services,

1 shall notify the director of the office of financial management and
2 the transportation committees of the legislature.

3 (2) Beginning October 1, 2021, and semiannually thereafter, the
4 department, in conjunction with the attorney general and the
5 department of enterprise services, shall provide a report with
6 judgments and settlements dealing with the Washington state ferry
7 system to the director of the office of financial management and the
8 transportation committees of the legislature. The report must include
9 information on: (a) The number of claims and settlements by type; (b)
10 the average claim and settlement by type; (c) defense costs
11 associated with those claims and settlements; and (d) information on
12 the impacts of moving legal costs associated with the Washington
13 state ferry system into the statewide self-insurance pool.

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

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

28 *NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION—**
29 **PUBLIC TRANSPORTATION—PROGRAM V**

30	State Vehicle Parking Account—State Appropriation	\$784,000
31	Regional Mobility Grant Program Account—State	
32	Appropriation	\$104,478,000
33	Rural Mobility Grant Program Account—State	
34	Appropriation	\$33,168,000
35	Multimodal Transportation Account—State	
36	Appropriation	\$131,150,000
37	Multimodal Transportation Account—Federal	
38	Appropriation	\$3,574,000

1	Multimodal Transportation Account—Local	
2	Appropriation	\$100,000
3	TOTAL APPROPRIATION.	\$273,254,000

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

6 (1) \$67,821,000 of the multimodal transportation account—state
7 appropriation is provided solely for a grant program for special
8 needs transportation provided by transit agencies and nonprofit
9 providers of transportation. Of this amount:

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

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

30 (2) \$33,168,000 of the rural mobility grant program account—state
31 appropriation is provided solely for grants to aid small cities in
32 rural areas as prescribed in RCW 47.66.100. **Fuel type may not be a**
33 **factor in the grant selection process.**

34 (3) \$2,000,000 of the multimodal transportation account—state
35 appropriation is provided solely for a vanpool grant program for: (a)
36 Public transit agencies to add vanpools or replace vans; and (b)
37 incentives for employers to increase employee vanpool use. The grant
38 program for public transit agencies may cover capital costs only;
39 operating costs for public transit agencies are not eligible for

1 funding under this grant program. Additional employees may not be
2 hired from the funds provided in this section for the vanpool grant
3 program, and supplanting of transit funds currently funding vanpools
4 is not allowed. The department shall encourage grant applicants and
5 recipients to leverage funds other than state funds. **Fuel type may**
6 **not be a factor in the grant selection process.**

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

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

39 (b) In order to be eligible to receive a grant under (a) of this
40 subsection during the 2021-2023 fiscal biennium, a transit agency

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

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

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

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

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

1 effectiveness of this grant program and best practices for continuing
2 the program.

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

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

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

20 (11) \$555,000 of the multimodal transportation account—state
21 appropriation is provided solely for an interagency transfer to the
22 Washington State University extension energy program to establish and
23 administer a technical assistance and education program for public
24 agencies on the use of alternative fuel vehicles. The Washington
25 State University extension energy program shall prepare a report
26 regarding the utilization of the program and provide this report to
27 the transportation committees of the legislature by November 15,
28 2021.

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

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

**Sec. 220 is partially vetoed. See message at end of chapter.*

36 NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION—**
37 **MARINE—PROGRAM X**

1	Puget Sound Ferry Operations Account—State	
2	Appropriation	\$416,614,000
3	Puget Sound Ferry Operations Account—Federal	
4	Appropriation	\$124,000,000
5	Puget Sound Ferry Operations Account—Private/Local	
6	Appropriation	\$121,000
7	TOTAL APPROPRIATION.	\$540,735,000

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

10 (1) The office of financial management budget instructions
11 require agencies to recast enacted budgets into activities. The
12 Washington state ferries shall include a greater level of detail in
13 its 2021-2023 supplemental and 2023-2025 omnibus transportation
14 appropriations act requests, as determined jointly by the office of
15 financial management, the Washington state ferries, and the
16 transportation committees of the legislature. This level of detail
17 must include the administrative functions in the operating as well as
18 capital programs. The data in the tables in the report must be
19 supplied in a digital file format.

20 (2) For the 2021-2023 fiscal biennium, the department may enter
21 into a distributor controlled fuel hedging program and other methods
22 of hedging approved by the fuel hedging committee, which must include
23 a representative of the department of enterprise services.

24 (3) \$17,000,000 of the Puget Sound ferry operations account—
25 federal appropriation and \$53,794,000 of the Puget Sound ferry
26 operations account—state appropriation are provided solely for auto
27 ferry vessel operating fuel in the 2021-2023 fiscal biennium, which
28 reflect cost savings from a reduced biodiesel fuel requirement and,
29 therefore, is contingent upon the enactment of section 703 of this
30 act. The amount provided in this subsection represents the fuel
31 budget for the purposes of calculating any ferry fare fuel surcharge.
32 The department shall review future use of alternative fuels and dual
33 fuel configurations, including hydrogen.

34 (4) \$500,000 of the Puget Sound ferry operations account—state
35 appropriation is provided solely for operating costs related to
36 moving vessels for emergency capital repairs. Funds may only be spent
37 after approval by the office of financial management.

38 (5) \$2,400,000 of the Puget Sound ferry operations account—state
39 appropriation is provided solely for staffing and overtime expenses

1 incurred by engine and deck crewmembers. The department must provide
2 updated staffing cost estimates for fiscal years 2022 and 2023 with
3 its annual budget submittal and updated estimates by January 1, 2022.

4 (6) \$688,000 of the Puget Sound ferry operations account—state
5 appropriation is provided solely for new employee training. The
6 department must work to increase its outreach and recruitment of
7 populations underrepresented in maritime careers and continue working
8 to expand apprenticeship and internship programs, with an emphasis on
9 programs that are shown to improve recruitment for positions with the
10 state ferry system.

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

14 (8) \$1,978,000 of the Puget Sound ferry operations account—state
15 appropriation is provided solely for restoration of service to
16 reflect increased ridership, availability of crewing and available
17 revenues. Expenditures may be made to resume service to Sidney,
18 British Columbia, including any service to the San Juans; to provide
19 Saturday service on the Fauntleroy-Vashon-Southworth route; and to
20 resume late night service on other routes in the system.

21 (9) Within amounts provided in this section, the department shall
22 contract with uniformed officers for additional traffic control
23 assistance at the Kingston ferry terminal during peak ferry travel
24 times, with a particular focus on Sundays and holiday weekends.
25 Traffic control methods should include, but not be limited to,
26 holding traffic on the shoulder at Lindvog Road until space opens for
27 cars at the tollbooths and dock, and management of traffic on Highway
28 104 in order to ensure Kingston residents and business owners have
29 access to businesses, roads, and driveways.

30 (10) \$336,000 of the Puget Sound ferry operations account—state
31 appropriation is provided solely for evacuation slide training.

32 (11) \$336,000 of the Puget Sound ferry operations account—state
33 appropriation is provided solely for fall restraint labor and
34 industries inspections.

35 (12) \$735,000 of the Puget Sound ferry operations account—state
36 appropriation is provided solely for familiarization for new
37 assignments of engine crew and terminal staff.

38 (13) \$160,000 of the Puget Sound ferry operations account—state
39 appropriation is provided solely for electronic navigation training.

1 NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION—**

2 **RAIL—PROGRAM Y—OPERATING**

3 Multimodal Transportation Account—State

4 Appropriation \$80,704,000

5 Multimodal Transportation Account—Private/Local

6 Appropriation \$46,000

7 Multimodal Transportation Account—Federal

8 Appropriation \$500,000

9 TOTAL APPROPRIATION. \$81,250,000

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

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

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

1 NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION—**

2 **LOCAL PROGRAMS—PROGRAM Z—OPERATING**

3 Motor Vehicle Account—State Appropriation \$11,954,000
4 Motor Vehicle Account—Federal Appropriation \$2,567,000
5 Multiuse Roadway Safety Account—State Appropriation \$900,000
6 TOTAL APPROPRIATION. \$15,421,000

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

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

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

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

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

21 (2) \$1,023,000 of the motor vehicle account—state appropriation
22 is provided solely for the department, from amounts set aside out of
23 statewide fuel taxes distributed to counties according to RCW
24 46.68.120(3), to contract with the Washington state association of
25 counties to:

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

29 (b) Streamline and update the county road administration board's
30 data dashboard, county reporting systems, and program management
31 software to provide a more detailed, more transparent, and user-
32 friendly platform for data management, reporting, and research by the
33 public and other interested parties; and

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

37 (3) (a) By October 1, 2021, the department must report to the
38 office of financial management and the transportation committees with
39 recommendations regarding:

1 (i) Modifications to the agreement with Wahkiakum county
2 regarding future state reimbursement for the Wahkiakum ferry
3 operating and maintenance deficit; and

4 (ii) Cost-sharing models for operating and maintenance costs,
5 which recognize the benefit of the ferry route to both Washington and
6 Oregon.

7 (b) The reimbursement recommendations must reflect a mutual
8 agreement with Wahkiakum county, which considers future county ferry
9 operating loss projections. The report may address the importance of
10 the ferry route to the state highway system and whether there is a
11 need for an increased role for the state department of transportation
12 in the finance or operation of the ferry route.

13 **TRANSPORTATION AGENCIES—CAPITAL**

14 NEW SECTION. **Sec. 301. FOR THE FREIGHT MOBILITY STRATEGIC**
15 **INVESTMENT BOARD**

16 Freight Mobility Investment Account—State
17 Appropriation \$16,577,000
18 Freight Mobility Multimodal Account—State
19 Appropriation. \$15,195,000
20 TOTAL APPROPRIATION. \$31,772,000

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

23 (1) Except as otherwise provided in this section, the entire
24 appropriations in this section are provided solely for the projects
25 by amount, as listed in the LEAP Transportation Document 2021-2 ALL
26 PROJECTS as developed April 23, 2021, Freight Mobility Strategic
27 Investment Board (FMSIB).

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

30 (3) It is the intent of the legislature to continue to make
31 strategic investments in a statewide freight mobility transportation
32 system with the help of the freight mobility strategic investment
33 board, including projects that mitigate the impact of freight
34 movement on local communities. To that end, and in coordination with
35 WSDOT as it updates its federally-compliant freight plan, the board
36 is directed to identify the highest priority freight investments for
37 the state, across freight modes, state and local jurisdictions, and

1 regions of the state. By December 1, 2021, the board must submit a
2 preliminary report providing a status update on the process and
3 methodology for identifying and prioritizing investments. By December
4 1, 2022, the board must submit a prioritized list of freight
5 investments that are geographically balanced across the state and can
6 proceed to construction in a timely manner. The prioritized freight
7 project list for the state portion of national highway freight
8 program funds must first address shortfalls in funding for connecting
9 Washington act projects.

10 (4) (a) For the 2021-2023 project appropriations, unless otherwise
11 provided in this act, the director of the office of financial
12 management may authorize a transfer of appropriation authority
13 between projects managed by the freight mobility strategic investment
14 board in order for the board to manage project spending and support
15 the efficient and timely delivery of all projects in the program. The
16 office of financial management may authorize a transfer of
17 appropriation authority between projects under the following
18 conditions and limitations:

19 (i) Transfers from a project may not be made as a result of the
20 reduction of the scope of a project or be made to support increases
21 in the scope of a project;

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

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

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

35 (b) At the time the board submits a request to transfer funds
36 under this section, a copy of the request must be submitted to the
37 chairs and ranking members of the transportation committees of the
38 legislature.

39 (c) Before approval, the office of financial management shall
40 work with legislative staff of the house of representatives and

1 senate transportation committees to review the requested transfers in
2 a timely manner and consider any concerns raised by the chairs and
3 ranking members of the transportation committees.

4 (d) No fewer than 10 days after the receipt of a project transfer
5 request, the director of the office of financial management must
6 provide written notification to the board of any decision regarding
7 project transfers, with copies submitted to the transportation
8 committees of the legislature.

9 NEW SECTION. **Sec. 302. FOR THE WASHINGTON STATE PATROL**

10 State Patrol Highway Account—State Appropriation \$4,196,000

11 The appropriation in this section is subject to the following
12 conditions and limitations:

13 (1) \$695,000 of the state patrol highway account—state
14 appropriation is provided solely for roof replacement.

15 (2) \$3,501,000 of the state patrol highway account—state
16 appropriation is provided solely for the following projects:

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

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

32 NEW SECTION. **Sec. 303. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

33 Rural Arterial Trust Account—State Appropriation \$55,028,000

34 Motor Vehicle Account—State Appropriation \$1,456,000

35 County Arterial Preservation Account—State
36 Appropriation \$37,379,000

37 TOTAL APPROPRIATION. \$93,863,000

1 NEW SECTION. **Sec. 304. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

2	Small City Pavement and Sidewalk Account—State	
3	Appropriation	\$4,100,000
4	Transportation Improvement Account—State	
5	Appropriation	\$201,000,000
6	Complete Streets Grant Program Account—State	
7	Appropriation	\$14,670,000
8	TOTAL APPROPRIATION.	\$219,770,000

9 The appropriations in this section are subject to the following
10 conditions and limitations: \$2,500,000 of the transportation
11 improvement account—state appropriation is provided solely for the
12 Relight Washington Program. The transportation improvement board
13 shall conduct a comparative analysis of expanding the Relight
14 Washington Program to all cities that are not currently eligible
15 compared to utilizing the same funding amount for other preservation
16 programs administered by the transportation improvement board. If
17 needed to perform this analysis, the transportation improvement board
18 shall gather additional information on the demand and return on
19 investment from a follow up survey to cities currently ineligible for
20 the Relight Washington Program. The transportation improvement board
21 shall report the results of the analysis to the governor and the
22 transportation committees of the legislature by January 1, 2022.

23 NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION—**
24 **FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—**
25 **CAPITAL**

26	Motor Vehicle Account—State Appropriation	\$10,852,000
27	Connecting Washington Account—State Appropriation	\$3,289,000
28	TOTAL APPROPRIATION.	\$14,141,000

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

31 (1) \$3,289,000 of the connecting Washington account—state
32 appropriation is provided solely for a new Olympic region maintenance
33 and administration facility to be located on the department-owned
34 site at the intersection of Marvin Road and 32nd Avenue in Lacey,
35 Washington.

36 (2) (a) \$4,325,000 of the motor vehicle account—state
37 appropriation is provided solely for payments of a financing contract

1 issued pursuant to chapter 39.94 RCW for the department facility
2 located at 15700 Dayton Ave N in Shoreline.

3 (b) Payments from the department of ecology pursuant to the
4 agreement with the department to pay a share of the financing
5 contract in (a) of this subsection must be deposited into the motor
6 vehicle account.

7 NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION—**
8 **IMPROVEMENTS—PROGRAM I**

9	Transportation 2003 Account (Nickel Account)—State	
10	Appropriation	\$149,000
11	Transportation Partnership Account—State	
12	Appropriation	\$119,053,000
13	Motor Vehicle Account—State Appropriation	\$89,717,000
14	Motor Vehicle Account—Federal Appropriation	\$388,903,000
15	Coronavirus State Fiscal Recovery Fund—Federal	
16	Appropriation.	\$400,000,000
17	Motor Vehicle Account—Private/Local Appropriation	\$48,628,000
18	Connecting Washington Account—State	
19	Appropriation	\$2,881,033,000
20	Special Category C Account—State Appropriation	\$105,363,000
21	Multimodal Transportation Account—State	
22	Appropriation	\$10,784,000
23	State Route Number 520 Corridor	
24	Account—State Appropriation.	\$15,940,000
25	Interstate 405 and State Route Number 167 Express	
26	Toll Lanes Account—State Appropriation.	\$30,308,000
27	TOTAL APPROPRIATION.	\$4,089,878,000

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

30 (1) Except as provided otherwise in this section, the entire
31 connecting Washington account—state appropriation and the entire
32 transportation partnership account—state appropriation are provided
33 solely for the projects and activities as listed by fund, project,
34 and amount in LEAP Transportation Document 2021-1 as developed April
35 23, 2021, Program - Highway Improvements Program (I). However,
36 limited transfers of specific line-item project appropriations may
37 occur between projects for those amounts listed subject to the
38 conditions and limitations in section 601 of this act.

1 (2) Except as provided otherwise in this section, the entire
2 motor vehicle account—state appropriation and motor vehicle account—
3 federal appropriation are provided solely for the projects and
4 activities listed in LEAP Transportation Document 2021-2 ALL PROJECTS
5 as developed April 23, 2021, Program - Highway Improvements Program
6 (I). Any federal funds gained through efficiencies, adjustments to
7 the federal funds forecast, or the federal funds redistribution
8 process must then be applied to highway and bridge preservation
9 activities or fish passage barrier corrections (0BI4001).

10 (3) Within the motor vehicle account—state appropriation and
11 motor vehicle account—federal appropriation, the department may
12 transfer funds between programs I and P, except for funds that are
13 otherwise restricted in this act. Ten days prior to any transfer, the
14 department must submit its request to the office of financial
15 management and the transportation committees of the legislature and
16 consider any concerns raised. The department shall submit a report on
17 fiscal year funds transferred in the prior fiscal year using this
18 subsection as part of the department's annual budget submittal.

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

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

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

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

1 (8) \$193,699,000 of the connecting Washington account—state
2 appropriation is provided solely for the US 395 North Spokane
3 Corridor project (M00800R).

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

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

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

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

33 (11) \$382,880,000 of the connecting Washington account—state
34 appropriation, \$4,800,000 of the multimodal transportation account—
35 state appropriation, \$17,869,000 of the motor vehicle account—
36 private/local appropriation, and \$82,165,000 of the motor vehicle
37 account—federal appropriation are provided solely for the SR 167/SR
38 509 Puget Sound Gateway project (M00600R).

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

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

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

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

27 (e) Of the amounts provided in this subsection, \$2,500,000 of the
28 multimodal transportation account—state appropriation is provided
29 solely for segment 2 of the state route number 167 completion project
30 shared-use path to provide connections to the interchange of state
31 route number 167 at 54th to the intersection of state route number
32 509 and Taylor Way in Tacoma.

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

38 (b) The project office must also study the possible different
39 governance structures for a bridge authority that would provide for

1 the joint administration of the bridges over the Columbia river
2 between Oregon and Washington. As part of this study, the project
3 office must examine the feasibility and necessity of an interstate
4 compact in conjunction with the national center for interstate
5 compacts.

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

8 (i) Conduct all work necessary to prepare and publish a draft
9 SEIS;

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

12 (iii) Identify a locally preferred alternative; and

13 (iv) Begin preparing a final SEIS.

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

17 (13) (a) \$400,000,000 of the coronavirus state fiscal recovery
18 fund—federal appropriation, \$529,577,000 of the connecting Washington
19 account—state appropriation, \$194,959,000 of the motor vehicle
20 account—federal appropriation, and \$1,849,000 of the motor vehicle
21 account—state appropriation are provided solely for the Fish Passage
22 Barrier Removal project (OBI4001) with the intent of fully complying
23 with the federal *U.S. v. Washington* court injunction by 2030. Of the
24 amounts provided in this subsection, \$400,000,000 of the connecting
25 Washington account—state appropriation must be initially placed in
26 unallotted status during the 2021-2023 fiscal biennium, and may only
27 be released by the office of financial management for allotment by
28 the department if it is determined that the Fish Passage Barrier
29 Removal project (OBI4001) is not an eligible use of amounts received
30 by the state pursuant to the federal American rescue plan act of
31 2021.

32 (b) The department shall coordinate with the Brian Abbott fish
33 passage barrier removal board to use a watershed approach by
34 replacing both state and local culverts guided by the principle of
35 providing the greatest fish habitat gain at the earliest time. The
36 department shall deliver high habitat value fish passage barrier
37 corrections that it has identified, guided by the following factors:
38 Opportunity to bundle projects, tribal priorities, ability to
39 leverage investments by others, presence of other barriers, project

1 readiness, culvert conditions, other transportation projects in the
2 area, and transportation impacts. The department and Brian Abbott
3 fish barrier removal board must provide updates on the implementation
4 of the statewide culvert remediation plan to the legislature by
5 November 1, 2021, and June 1, 2022.

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

9 (d) Of the amount provided in this subsection, \$142,923,000 of
10 the motor vehicle account—federal appropriation reflects the
11 department's portion of the unrestricted funds from the coronavirus
12 response and relief supplemental appropriations act of 2021. If the
13 final amount from this act changes while the legislature is not in
14 session, the department shall follow the existing unanticipated
15 receipt process and adjust the list referenced in subsection (1) of
16 this section accordingly, supplanting state funds with federal funds
17 if possible as directed in section 601 of this act.

18 (14) \$14,669,000 of the connecting Washington account—state
19 appropriation and \$3,037,000 of the motor vehicle account—private/
20 local appropriation are provided solely for the I-90/Barker to
21 Harvard - Improve Interchanges & Local Roads project (L2000122). The
22 connecting Washington account appropriation for the improvements that
23 fall within the city of Liberty Lake may only be expended if the city
24 of Liberty Lake agrees to cover any project costs within the city of
25 Liberty Lake above the \$20,900,000 of state appropriation provided
26 for the total project on the list referenced in subsection (1) of
27 this section.

28 (15) \$15,189,000 of the motor vehicle account—federal
29 appropriation, \$259,000 of the motor vehicle account—state
30 appropriation, and \$15,481,000 of the Interstate 405 and state route
31 number 167 express toll lanes account—state appropriation are
32 provided solely for the SR 167/SR 410 to SR 18 - Congestion
33 Management project (316706C).

34 (16) \$18,914,000 of the Special Category C account—state
35 appropriation is provided solely for the SR 18 Widening - Issaquah/
36 Hobart Rd to Raging River project (L1000199) for improving and
37 widening state route number 18 to four lanes from Issaquah-Hobart
38 Road to Raging River.

1 (17) \$1,000,000 of the connecting Washington account—state
2 appropriation is provided solely for the North Lewis County
3 transportation study. The study shall examine new, alternate routes
4 for vehicular and truck traffic at the Harrison interchange (Exit 82)
5 in North Centralia and shall allow for a site and configuration to be
6 selected and feasibility to be conducted for final design,
7 permitting, and construction of the I-5/North Lewis county
8 Interchange project (L2000204).

9 (18) \$1,090,000 of the motor vehicle account—state appropriation
10 is provided solely for the US 101/East Sequim Corridor Improvements
11 project (L2000343).

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

17 (20) \$1,378,000 of the motor vehicle account—federal
18 appropriation is provided solely for the US 101/Morse Creek Safety
19 Barrier project (L1000247).

20 (21) \$915,000 of the motor vehicle account—state appropriation is
21 provided solely for the SR 162/410 Interchange Design and Right of
22 Way project (L1000276).

23 (22) \$6,581,000 of the connecting Washington account—state
24 appropriation is provided solely for the US Hwy 2 Safety project
25 (N00200R).

26 (23) The department shall itemize all future requests for the
27 construction of buildings on a project list and submit them through
28 the transportation executive information system as part of the
29 department's annual budget submittal. It is the intent of the
30 legislature that new facility construction must be transparent and
31 not appropriated within larger highway construction projects.

32 (24) Any advisory group that the department convenes during the
33 2021-2023 fiscal biennium must consider the interests of the entire
34 state of Washington.

35 (25) The legislature continues to prioritize the replacement of
36 the state's aging infrastructure and recognizes the importance of
37 reusing and recycling construction aggregate and recycled concrete
38 materials in our transportation system. To accomplish Washington
39 state's sustainability goals in transportation and in accordance with

1 RCW 70.95.805, the legislature reaffirms its determination that
2 recycled concrete aggregate and other transportation building
3 materials are natural resource construction materials that are too
4 valuable to be wasted and landfilled, and are a commodity as defined
5 in WAC 173-350-100.

6 Further, the legislature determines construction aggregate and
7 recycled concrete materials substantially meet widely recognized
8 international, national, and local standards and specifications
9 referenced in American society for testing and materials, American
10 concrete institute, Washington state department of transportation,
11 Seattle department of transportation, American public works
12 association, federal aviation administration, and federal highway
13 administration specifications, and are described as necessary and
14 desirable products for recycling and reuse by state and federal
15 agencies.

16 As these recyclable materials have well established markets, are
17 substantially a primary or secondary product of necessary
18 construction processes and production, and are managed as an item of
19 commercial value, construction aggregate and recycled concrete
20 materials are exempt from chapter 173-350 WAC.

21 NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION—**
22 **PRESERVATION—PROGRAM P**

23	Recreational Vehicle Account—State Appropriation	\$1,520,000
24	Transportation 2003 Account (Nickel Account)—State	
25	Appropriation	\$49,105,000
26	Transportation Partnership Account—State	
27	Appropriation	\$15,183,000
28	Motor Vehicle Account—State Appropriation	\$85,444,000
29	Motor Vehicle Account—Federal Appropriation	\$489,602,000
30	Motor Vehicle Account—Private/Local	
31	Appropriation	\$10,792,000
32	Connecting Washington Account—State Appropriation	\$159,043,000
33	State Route Number 520 Corridor Account—State	
34	Appropriation	\$1,891,000
35	Tacoma Narrows Toll Bridge Account—State	
36	Appropriation	\$9,730,000
37	Alaskan Way Viaduct Replacement Project Account—State	
38	Appropriation	\$314,000

1	Interstate 405 and State Route Number 167 Express	
2	Toll Lanes Account—State Appropriation.	\$26,039,000
3	TOTAL APPROPRIATION.	\$848,663,000

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

6 (1) Except as provided otherwise in this section, the entire
7 connecting Washington account—state appropriation and the entire
8 transportation partnership account—state appropriation are provided
9 solely for the projects and activities as listed by fund, project,
10 and amount in LEAP Transportation Document 2021-1 as developed April
11 23, 2021, Program - Highway Preservation Program (P). However,
12 limited transfers of specific line-item project appropriations may
13 occur between projects for those amounts listed subject to the
14 conditions and limitations in section 601 of this act.

15 (2) Except as provided otherwise in this section, the entire
16 motor vehicle account—state appropriation and motor vehicle account—
17 federal appropriation are provided solely for the projects and
18 activities listed in LEAP Transportation Document 2021-2 ALL PROJECTS
19 as developed April 23, 2021, Program - Highway Preservation Program
20 (P). Any federal funds gained through efficiencies, adjustments to
21 the federal funds forecast, or the federal funds redistribution
22 process must then be applied to highway and bridge preservation
23 activities or fish passage barrier corrections (0BI4001).

24 (3) Within the motor vehicle account—state appropriation and
25 motor vehicle account—federal appropriation, the department may
26 transfer funds between programs I and P, except for funds that are
27 otherwise restricted in this act. Ten days prior to any transfer, the
28 department must submit its request to the office of financial
29 management and the transportation committees of the legislature and
30 consider any concerns raised. The department shall submit a report on
31 fiscal year funds transferred in the prior fiscal year using this
32 subsection as part of the department's annual budget submittal.

33 (4) \$5,166,000 of the connecting Washington account—state
34 appropriation is provided solely for the land mobile radio upgrade
35 (G2000055) and is subject to the conditions, limitations, and review
36 provided in section 701 of this act. The land mobile radio project is
37 subject to technical oversight by the office of the chief information
38 officer. The department, in collaboration with the office of the
39 chief information officer, shall identify where existing or proposed

1 mobile radio technology investments should be consolidated, identify
2 when existing or proposed mobile radio technology investments can be
3 reused or leveraged to meet multiagency needs, increase mobile radio
4 interoperability between agencies, and identify how redundant
5 investments can be reduced over time. The department shall also
6 provide quarterly reports to the technology services board on project
7 progress.

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

21 (6) \$11,679,000 of the motor vehicle account—federal
22 appropriation is provided solely for preservation projects within
23 project L1100071 that ensure the reliable movement of freight on the
24 national highway freight system. The department shall give priority
25 to those projects that can be advertised by September 30, 2021.

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

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

37 NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION—**
38 **TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL**

1	Motor Vehicle Account—State Appropriation	\$8,273,000
2	Motor Vehicle Account—Federal Appropriation	\$5,289,000
3	Motor Vehicle Account—Private/Local Appropriation	\$500,000
4	Interstate 405 and State Route Number 167 Express	
5	Toll Lanes Account—State Appropriation.	\$900,000
6	TOTAL APPROPRIATION.	\$14,962,000

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

9 (1) \$579,000 of the motor vehicle account—state appropriation is
10 provided solely for the SR 99 Aurora Bridge ITS project (L2000338).

11 (2) \$1,000,000 of the motor vehicle account—state appropriation
12 is provided solely for the Challenge Seattle project (000009Q). The
13 department shall provide a progress report on this project to the
14 transportation committees of the legislature by January 15, 2022.

15 *NEW SECTION. **Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION—**
16 **WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W**

17	Puget Sound Capital Construction Account—State	
18	Appropriation	\$128,759,000
19	Puget Sound Capital Construction Account—Federal	
20	Appropriation	\$139,188,000
21	Puget Sound Capital Construction Account—Private/Local	
22	Appropriation	\$312,000
23	Transportation Partnership Account—State	
24	Appropriation	\$8,410,000
25	Connecting Washington Account—State Appropriation	\$75,640,000
26	Capital Vessel Replacement Account—State	
27	Appropriation.	\$152,453,000
28	TOTAL APPROPRIATION.	\$504,762,000

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

31 (1) Except as provided otherwise in this section, the entire
32 appropriations in this section are provided solely for the projects
33 and activities as listed in LEAP Transportation Document 2021-2 ALL
34 PROJECTS as developed April 23, 2021, Program - Washington State
35 Ferries Capital Program (W). **No funds appropriated in this act or**
36 **additional funds received through the unanticipated receipt process**

1 **may be allocated or expended for terminal electrification purposes**
2 **this biennium.**

3 (2) For the 2021-2023 biennium, the marine division shall provide
4 to the office of financial management and the legislative
5 transportation committees the following reports on ferry capital
6 projects:

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

- 10 (i) Anticipated cost increases and cost savings;
11 (ii) Anticipated cash flow and schedule changes; and
12 (iii) Explanations for the changes.

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

- 16 (i) What work has been done;
17 (ii) How have schedules shifted; and
18 (iii) Associated changes in funding among projects, accompanied
19 by explanations for the changes.

20 (c) On an annual basis the report must include an update on the
21 implementation of the maintenance management system with
22 recommendations for using the system to improve the efficiency of
23 project reporting under this subsection.

24 (3) \$5,000,000 of the Puget Sound capital construction account—
25 state appropriation is provided solely for emergency capital repair
26 costs (999910K). Funds may only be spent after approval by the office
27 of financial management.

28 (4) \$1,277,000 of the Puget Sound capital construction account—
29 state appropriation is provided solely for the ORCA card next
30 generation project (L2000300). The ferry system shall work with
31 Washington technology solutions and the tolling division on the
32 development of a new, interoperable ticketing system.

33 (5) \$24,750,000 of the Puget Sound capital construction account—
34 state appropriation is provided solely for the conversion of up to
35 two Jumbo Mark II vessels to electric hybrid propulsion (G2000084).
36 The department shall seek additional funds for the purposes of this
37 subsection. The department may spend from the Puget Sound capital
38 construction account—state appropriation in this section only as much

1 as the department receives in Volkswagen settlement funds for the
2 purposes of this subsection.

3 (6) \$152,453,000 of the capital vessel replacement account—state
4 appropriation is provided solely for the acquisition of a 144-car
5 hybrid-electric vessel (L2000329). In 2019 the legislature amended
6 RCW 47.60.810 to direct the department to modify an existing vessel
7 construction contract to provide for an additional five ferries. As
8 such, it is the intent of the legislature that the department award
9 the contract for the hybrid electric Olympic class vessel
10 #5(L2000329) in a timely manner. In addition, the legislature intends
11 to minimize costs and maximize construction efficiency by providing
12 sufficient funding for construction of all five vessels, including
13 funding for long lead time materials procured at the lowest possible
14 prices. The commencement of construction of new vessels for the ferry
15 system is important not only for safety reasons, but also to keep
16 skilled marine construction jobs in the Puget Sound region and to
17 sustain the capacity of the region to meet the ongoing construction
18 and preservation needs of the ferry system fleet of vessels. The
19 legislature has determined that the current vessel procurement
20 process must move forward with all due speed, balancing the interests
21 of both the taxpayers and shipyards. To accomplish construction of
22 vessels in accordance with RCW 47.60.810, the prevailing shipbuilder,
23 for vessels initially funded after July 1, 2020, is encouraged to
24 follow the historical practice of subcontracting the construction of
25 ferry superstructures to a separate nonaffiliated contractor located
26 within the Puget Sound region, that is qualified in accordance with
27 RCW 47.60.690.

28 (7) The capital vessel replacement account—state appropriation
29 includes up to \$152,453,000 in proceeds from the sale of bonds
30 authorized in RCW 47.10.873.

31 (8) \$4,200,000 of the connecting Washington account—state
32 appropriation and \$2,200,000 of the Puget Sound operating account
33 [Puget Sound capital construction account]—federal appropriation are
34 provided solely for ferry vessel and terminal preservation
35 (L2000110). The funds provided in this subsection must be used for
36 unplanned preservation needs before shifting funding from other
37 preservation projects.

****Sec. 309 is partially vetoed. See message at end of chapter.***

1 NEW SECTION. **Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION—**

2 **RAIL—PROGRAM Y—CAPITAL**

3 Essential Rail Assistance Account—State Appropriation . . . \$550,000
4 Transportation Infrastructure Account—State
5 Appropriation \$5,456,000
6 Multimodal Transportation Account—State
7 Appropriation \$82,493,000
8 Multimodal Transportation Account—Federal
9 Appropriation \$41,219,000
10 TOTAL APPROPRIATION. \$129,718,000

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

13 (1) Except as provided otherwise in this section, the entire
14 appropriations in this section are provided solely for the projects
15 and activities as listed by project and amount in LEAP Transportation
16 Document 2021-2 ALL PROJECTS as developed April 23, 2021, Program -
17 Rail Program (Y).

18 (2) \$5,089,000 of the transportation infrastructure account—state
19 appropriation is provided solely for new low-interest loans approved
20 by the department through the freight rail investment bank (FRIB)
21 program. The department shall issue FRIB program loans with a
22 repayment period of no more than ten years, and charge only so much
23 interest as is necessary to recoup the department's costs to
24 administer the loans. The department shall report annually to the
25 transportation committees of the legislature and the office of
26 financial management on all FRIB loans issued. FRIB program loans may
27 be recommended by the department for 2022 supplemental transportation
28 appropriations up to the amount provided in this appropriation that
29 has not been provided for the projects listed in 2021-2 ALL PROJECTS,
30 as referenced in subsection (1) of this section. The department shall
31 submit a prioritized list for any loans recommended to the office of
32 financial management and the transportation committees of the
33 legislature by November 15, 2021.

34 (3) \$6,817,000 of the multimodal transportation account—state
35 appropriation is provided solely for new statewide emergent freight
36 rail assistance projects identified in the LEAP transportation
37 document referenced in subsection (1) of this section.

38 (4) \$367,000 of the transportation infrastructure account—state
39 appropriation and \$1,100,000 of the multimodal transportation account

1 —state appropriation are provided solely to reimburse Highline Grain,
2 LLC for approved work completed on Palouse River and Coulee City
3 (PCC) railroad track in Spokane county between the BNSF Railway
4 Interchange at Cheney and Geiger Junction and must be administered in
5 a manner consistent with freight rail assistance program projects.
6 The value of the public benefit of this project is expected to meet
7 or exceed the cost of this project in: Shipper savings on
8 transportation costs; jobs saved in rail-dependent industries; and/or
9 reduced future costs to repair wear and tear on state and local
10 highways due to fewer annual truck trips (reduced vehicle miles
11 traveled). The amounts provided in this subsection are not a
12 commitment for future legislatures, but it is the legislature's
13 intent that future legislatures will work to approve biennial
14 appropriations until the full \$7,337,000 cost of this project is
15 reimbursed.

16 (5) (a) \$550,000 of the essential rail assistance account—state
17 appropriation is provided solely for the purpose of the
18 rehabilitation and maintenance of the Palouse river and Coulee City
19 railroad line (F01111B).

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

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

25 (ii) Revenues from trackage rights agreement fees paid by
26 shippers; and

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

31 (6) The department shall issue a call for projects for the
32 freight rail assistance program, and shall evaluate the applications
33 in a manner consistent with past practices as specified in section
34 309, chapter 367, Laws of 2011. By November 15, 2022, the department
35 shall submit a prioritized list of recommended projects to the office
36 of financial management and the transportation committees of the
37 legislature.

38 (7) \$33,964,000 of the multimodal transportation account—state
39 appropriation and \$37,500,000 of the multimodal transportation

1 account—federal appropriation are provided solely for Passenger Rail
2 Equipment Replacement (project 700010C.) The appropriations in this
3 subsection include insurance proceeds received by the state. The
4 department must use these funds only to purchase replacement
5 equipment that has been competitively procured and for service
6 recovery needs and corrective actions related to the December 2017
7 derailment.

8 (8) \$223,000 of the multimodal transportation account—state
9 appropriation is provided solely for contingency funding for emergent
10 freight rail assistance projects funded in subsection (3) of this
11 section. Project sponsors may apply to the department for contingency
12 funds needed due to unforeseeable cost increases. The department
13 shall submit a report of any contingency funds provided under this
14 subsection as part of the department's annual budget submittal.

15 (9) It is the intent of the legislature to encourage the
16 department to pursue federal grant opportunities leveraging up to
17 \$6,696,000 in connecting Washington programmed funds to be used as a
18 state match to improve the state-owned Palouse river and Coulee City
19 system. The amount listed in this subsection is not a commitment for
20 future legislatures, but is the legislature's intent that future
21 legislatures will work to approve biennial appropriations up to a
22 state match share not to exceed \$6,696,000 of a grant award.

23 NEW SECTION. **Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION—**
24 **LOCAL PROGRAMS—PROGRAM Z—CAPITAL**

25	Highway Infrastructure Account—State Appropriation	\$793,000
26	Highway Infrastructure Account—Federal Appropriation	\$1,600,000
27	Transportation Partnership Account—State	
28	Appropriation	\$750,000
29	Motor Vehicle Account—State Appropriation	\$11,064,000
30	Motor Vehicle Account—Federal Appropriation	\$55,751,000
31	Motor Vehicle Account—Private/Local Appropriation	\$6,600,000
32	Connecting Washington Account—State Appropriation	\$123,292,000
33	Multimodal Transportation Account—State	
34	Appropriation	\$71,615,000
35	TOTAL APPROPRIATION.	\$271,465,000

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

1 (1) Except as provided otherwise in this section, the entire
2 appropriations in this section are provided solely for the projects
3 and activities as listed by project and amount in LEAP Transportation
4 Document 2021-2 ALL PROJECTS as developed April 23, 2021, Program -
5 Local Programs Program (Z).

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

9 (a) \$32,613,000 of the multimodal transportation account—state
10 appropriation is provided solely for pedestrian and bicycle safety
11 program projects (L2000188).

12 (b) \$19,344,000 of the motor vehicle account—federal
13 appropriation and \$17,397,000 of the multimodal transportation
14 account—state appropriation are provided solely for safe routes to
15 school projects (L2000189). The department may consider the special
16 situations facing high-need areas, as defined by schools or project
17 areas in which the percentage of the children eligible to receive
18 free and reduced-price meals under the national school lunch program
19 is equal to, or greater than, the state average as determined by the
20 department, when evaluating project proposals against established
21 funding criteria while ensuring continued compliance with federal
22 eligibility requirements.

23 (3) The department shall submit a report to the transportation
24 committees of the legislature by December 1, 2021, and December 1,
25 2022, on the status of projects funded as part of the pedestrian
26 safety/safe routes to school grant program. The report must include,
27 but is not limited to, a list of projects selected and a brief
28 description of each project's status. In its December 1, 2021, report
29 the department must also include recommended changes to the
30 pedestrian safety/safe routes to school grant program application and
31 selection processes to increase utilization by a greater diversity of
32 jurisdictions.

33 (4) \$6,561,000 of the multimodal transportation account—state
34 appropriation is provided solely for bicycle and pedestrian projects
35 listed in the LEAP transportation document referenced in subsection
36 (1) of this section.

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

1 (6) \$12,500,000 of the motor vehicle account—federal
2 appropriation is provided solely for national highway freight network
3 projects identified on the project list submitted in accordance with
4 section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016
5 (L1000169).

6 (7) When the department updates its federally-compliant freight
7 plan, it shall consult the freight mobility strategic investment
8 board on the freight plan update and on the investment plan component
9 that describes how the estimated funding allocation for the national
10 highway freight program for federal fiscal years 2022-2025 will be
11 invested and matched. The investment plan component for the state
12 portion of national highway freight program funds must first address
13 shortfalls in funding for connecting Washington act projects. The
14 department shall complete the freight plan update in compliance with
15 federal requirements and deadlines and shall provide an update on the
16 development of the freight plan, including the investment plan
17 component, when submitting its 2022 supplemental appropriations
18 request.

19 (8) \$11,679,000 of the motor vehicle account—federal
20 appropriation is provided solely for acceleration of local
21 preservation projects that ensure the reliable movement of freight on
22 the national highway freight system (G2000100). The department will
23 identify projects through its current national highway system asset
24 management call for projects with applications due in February 2021.
25 The department shall give priority to those projects that can be
26 obligated by September 30, 2021.

27 NEW SECTION. **Sec. 312. ANNUAL REPORTING REQUIREMENTS FOR**
28 **CAPITAL PROGRAM**

29 (1) As part of its annual budget submittal, the department of
30 transportation shall provide an update to the report provided to the
31 legislature in the prior fiscal year that: (a) Compares the original
32 project cost estimates approved in the 2003, 2005, and 2015 revenue
33 package project lists to the completed cost of the project, or the
34 most recent legislatively approved budget and total project costs for
35 projects not yet completed; (b) identifies highway projects that may
36 be reduced in scope and still achieve a functional benefit; (c)
37 identifies highway projects that have experienced scope increases and
38 that can be reduced in scope; (d) identifies highway projects that
39 have lost significant local or regional contributions that were

1 essential to completing the project; (e) identifies risk reserves and
2 contingency amounts allocated to projects; and (f) lists the nickel,
3 TPA, and connecting Washington projects charging to the
4 Nickel/TPA/CWA Environmental Mitigation Reserve (OBI4ENV) and the
5 Nickel/TPA Projects Completed with Minor Ongoing Expenditures project
6 (OBI100B), and the amount each project is charging.

7 (2) As part of its annual budget submittal, the department of
8 transportation shall provide: (a) An annual report on the number of
9 toll credits the department has accumulated and how the department
10 has used the toll credits, and (b) a status report on the projects
11 funded using federal national highway freight program funds.

12 NEW SECTION. **Sec. 313. QUARTERLY REPORTING REQUIREMENTS FOR**
13 **CAPITAL PROGRAM**

14 On a quarterly basis, the department of transportation shall
15 provide to the office of financial management and the legislative
16 transportation committees a report for all capital projects, except
17 for ferry projects subject to the reporting requirements established
18 in section 309 of this act, that must include:

19 (1) A TEIS version containing actual capital expenditures for all
20 projects consistent with the structure of the most recently enacted
21 budget;

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

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

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

30 NEW SECTION. **Sec. 314. FEDERAL FUNDS RECEIVED FOR CAPITAL**
31 **PROJECT EXPENDITURES**

32 To the greatest extent practicable, the department of
33 transportation shall expend federal funds received for capital
34 project expenditures before state funds.

35 NEW SECTION. **Sec. 315. NOTIFICATION REQUIREMENTS FOR PAUSES AND**
36 **CANCELLATIONS**

1 (1) The department shall notify the transportation committees of
2 the legislature when it intends to pause for a significant length of
3 time or not proceed with operating items or capital projects included
4 as budget provisos or on project lists. When feasible, this
5 notification shall be provided prior to the pause or cancellation and
6 at least seven days in advance of any public announcement related to
7 such a pause or cancellation.

8 (2) At the time of notification, the department shall provide an
9 explanation for the reason or reasons for the pause or cancellation
10 for each operating budget item and capital project. The explanation
11 shall include specific reasons for each pause or cancellation, in
12 addition to a statement of the broad rationale for the pause or
13 cancellation.

14 (3) When feasible, the department shall make best efforts to keep
15 the transportation committees of the legislature informed of an
16 evaluation process underway for selecting operating budget items and
17 capital projects to be paused or cancelled, providing updates as its
18 selection efforts proceed.

19 (4) When exigent circumstances prevent prior notice of a pause or
20 cancellation from being provided to the transportation committees of
21 the legislature, the department shall provide the information
22 required under this section to the transportation committees of the
23 legislature as soon as is practicable.

24 **TRANSFERS AND DISTRIBUTIONS**

25 NEW SECTION. **Sec. 401. FOR THE STATE TREASURER—BOND RETIREMENT**
26 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**
27 **BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND**
28 **TRANSPORTATION FUND REVENUE**

29 Transportation Partnership Account—State Appropriation. . . \$904,000
30 Connecting Washington Account—State Appropriation. . . . \$11,153,000
31 Special Category C Account—State Appropriation. \$412,000
32 Highway Bond Retirement Account—State
33 Appropriation. \$1,483,793,000
34 Ferry Bond Retirement Account—State Appropriation. . . . \$17,150,000
35 Transportation Improvement Board Bond Retirement
36 Account—State Appropriation. \$11,770,000
37 Nondebt-Limit Reimbursable Bond Retirement

1 Account—State Appropriation. \$29,323,000
 2 Toll Facility Bond Retirement Account—State
 3 Appropriation. \$76,376,000
 4 TOTAL APPROPRIATION. \$1,630,881,000

5 NEW SECTION. **Sec. 402. FOR THE STATE TREASURER—BOND RETIREMENT**
 6 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**
 7 **BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

8 Transportation Partnership Account—State
 9 Appropriation. \$181,000
 10 Connecting Washington Account—State Appropriation. \$2,231,000
 11 Special Category C Account—State Appropriation. \$82,000
 12 TOTAL APPROPRIATION. \$2,494,000

13 NEW SECTION. **Sec. 403. FOR THE STATE TREASURER—STATE REVENUES**
 14 **FOR DISTRIBUTION**

15 Motor Vehicle Account—State Appropriation: For motor
 16 vehicle fuel tax statutory distributions to
 17 cities and counties. \$467,390,000
 18 Multimodal Transportation Account—State
 19 Appropriation: For distribution to cities and
 20 counties. \$26,786,000
 21 Motor Vehicle Account—State Appropriation: For
 22 distribution to cities and counties. \$23,438,000

23 NEW SECTION. **Sec. 404. FOR THE STATE TREASURER—TRANSFERS**

24 Motor Vehicle Account—State Appropriation: For motor
 25 vehicle fuel tax refunds and statutory transfers. \$1,974,599,000

26 NEW SECTION. **Sec. 405. FOR THE DEPARTMENT OF LICENSING—**
 27 **TRANSFERS**

28 Motor Vehicle Account—State Appropriation: For motor
 29 vehicle fuel tax refunds and transfers. \$235,675,000

30 NEW SECTION. **Sec. 406. FOR THE STATE TREASURER—ADMINISTRATIVE**
 31 **TRANSFERS**

32 (1) Highway Safety Account—State Appropriation:
 33 For transfer to the State Patrol Highway
 34 Account—State. \$47,000,000

1 (2) (a) Transportation Partnership Account—State
2 Appropriation: For transfer to the Capital Vessel
3 Replacement Account—State. \$152,453,000
4 (b) The amount transferred in this subsection represents proceeds
5 from the sale of bonds authorized in RCW 47.10.873.

6 (3) (a) Transportation Partnership Account—State
7 Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account
8 —State. \$30,293,000
9 (b) It is the intent of the legislature that this transfer is
10 temporary, for the purpose of minimizing the impact of toll
11 increases. An equivalent reimbursing transfer is to occur after the
12 debt service and deferred sales tax on the Tacoma Narrows bridge
13 construction costs are fully repaid in accordance with chapter 195,
14 Laws of 2018.

15 (4) (a) Motor Vehicle Account—State Appropriation:
16 For transfer to Alaskan Way Viaduct Account
17 —State. \$6,000,000
18 (b) The funds provided in (a) of this subsection are a loan to
19 the Alaskan Way viaduct replacement project account—state, and the
20 legislature assumes that these funds will be reimbursed to the motor
21 vehicle account—state at a later date when traffic on the toll
22 facility has recovered from the COVID-19 pandemic.

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

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

29 (7) Motor Vehicle Account—State Appropriation:
30 For transfer to the Rural Arterial Trust Account—State. . . \$9,331,000

31 (8) Motor Vehicle Account—State Appropriation:
32 For transfer to the Transportation Improvement
33 Account—State. \$9,688,000

34 (9) Rural Mobility Grant Program Account—State
35 Appropriation: For transfer to the Multimodal
36 Transportation Account—State. \$3,000,000

37 (10) (a) State Route Number 520 Civil Penalties
38 Account—State Appropriation: For transfer to the
39 Motor Vehicle Account—State

1 \$2,000,000

2 (b) The transfer in this subsection is to repay moneys loaned to

3 the state route number 520 civil penalties account in the 2019-2021

4 fiscal biennium.

5 (11) State Route Number 520 Civil Penalties

6 Account—State Appropriation: For transfer to the

7 State Route Number 520 Corridor Account—State. \$1,532,000

8 (12) Capital Vessel Replacement Account—State

9 Appropriation: For transfer to the Connecting

10 Washington Account—State. \$35,000,000

11 (13)(a) Capital Vessel Replacement Account—State

12 Appropriation: For transfer to the Transportation

13 Partnership Account—State. \$10,305,000

14 (b) The amount transferred in this subsection represents

15 repayment of debt service incurred for the construction of the Hybrid

16 Electric Olympic Class (144-auto) Vessel #5 project (L2000329).

17 (14) Multimodal Transportation Account—State

18 Appropriation: For transfer to the Complete Streets

19 Grant Program Account—State. \$14,670,000

20 (15) Multimodal Transportation Account—State

21 Appropriation: For transfer to the Connecting

22 Washington Account—State. \$200,000,000

23 (16) Multimodal Transportation Account—State

24 Appropriation: For transfer to the Freight Mobility

25 Multimodal Account—State. \$4,011,000

26 (17) Multimodal Transportation Account—State

27 Appropriation: For transfer to the Ignition Interlock

28 Device Revolving Account—State. \$600,000

29 (18) Multimodal Transportation Account—State

30 Appropriation: For transfer to the Pilotage

31 Account—State. \$1,500,000

32 (19) Multimodal Transportation Account—State

33 Appropriation: For transfer to the Puget Sound

34 Capital Construction Account—State. \$60,000,000

35 (20) Multimodal Transportation Account—State

36 Appropriation: For transfer to the Regional Mobility

37 Grant Program Account—State. \$27,679,000

38 (21) Multimodal Transportation Account—State

39 Appropriation: For transfer to the Rural Mobility

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

20 NEW SECTION. **Sec. 407. FOR THE STATE TREASURER—BOND RETIREMENT**
21 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**
22 **DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

23 Toll Facility Bond Retirement Account—Federal
24 Appropriation \$199,129,000
25 Toll Facility Bond Retirement Account—State
26 Appropriation \$25,372,000
27 TOTAL APPROPRIATION. \$224,501,000

28 NEW SECTION. **Sec. 408. FOR THE OFFICE OF FINANCIAL MANAGEMENT—**
29 **AMERICAN RESCUE PLAN ACT REVENUE LOSS DEPOSITS**

30 Coronavirus State Fiscal Recovery Fund—Federal
31 Appropriation \$600,000,000

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

34 (1) The appropriation is provided solely for expenditure into
35 accounts in the amounts specified in subsection (2) of this section.
36 These amounts are intended to compensate accounts for revenue losses
37 in state fiscal years 2020 and 2021 relative to revenues collected in

1 state fiscal year 2019 and shall be used to maintain government
2 services pursuant to the federal American rescue plan act of 2021.

3 (2) The appropriation must be distributed to the following
4 accounts in the amounts designated:

5	Multimodal Transportation Account—State.	\$115,611,000
6	Motor Vehicle Account—State.	\$99,416,000
7	Puget Sound Ferry Operations Account—State.	\$85,966,000
8	Connecting Washington Account—State.	\$67,663,000
9	Transportation Partnership Account—State.	\$39,547,000
10	State Route Number 520 Corridor Account—State.	\$59,567,000
11	Transportation 2003 Account (Nickel Account)—State.	\$28,681,000
12	State Patrol Highway Account—State.	\$12,358,000
13	Highway Safety Account—State.	\$8,219,000
14	Tacoma Narrows Toll Bridge Account—State.	\$15,707,000
15	Interstate 405 and State Route Number 167 Express Toll Lanes Account—State.	\$32,893,000
16	Transportation Improvement Account—State.	\$15,844,000
17	Rural Arterial Trust Account—State.	\$3,092,000
18	County Arterial Preservation Account—State.	\$1,939,000
19	State Route Number 520 Civil Penalties Account—State.	\$5,442,000
20	Special Category C Account—State.	\$3,975,000
21	Puget Sound Capital Construction Account—State.	\$2,892,000
22	Aeronautics Account—State.	\$777,000
23	School Zone Safety Account—State.	\$393,000
24	Motorcycle Safety Education Account—State.	\$18,000
25		

26 **COMPENSATION**

27 NEW SECTION. **Sec. 501. COLLECTIVE BARGAINING AGREEMENTS NOT**
28 **IMPAIRED**

29 Nothing in this act prohibits the expenditure of any funds by an
30 agency or institution of the state for benefits guaranteed by any
31 collective bargaining agreement in effect on the effective date of
32 this section.

33 NEW SECTION. **Sec. 502. COLLECTIVE BARGAINING AGREEMENTS**

34 Sections 503 through 520 of this act represent the results of the
35 2021-2023 collective bargaining process required under chapters

1 41.80, 47.64, and 41.56 RCW. Provisions of the collective bargaining
2 agreements contained in sections 503 through 520 of this act are
3 described in general terms. Only major economic terms are included in
4 the descriptions. These descriptions do not contain the complete
5 contents of the agreements. The collective bargaining agreements
6 contained in sections 503 through 520 of this act may also be funded
7 by expenditures from nonappropriated accounts. If positions are
8 funded with lidded grants or dedicated fund sources with insufficient
9 revenue, additional funding from other sources is not provided.

10 NEW SECTION. **Sec. 503. DEPARTMENT OF TRANSPORTATION MARINE**
11 **DIVISION COLLECTIVE BARGAINING AGREEMENTS—OPEIU**

12 An agreement has been reached between the governor and the office
13 and professional employees international union local eight (OPEIU)
14 pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium.
15 Funding is provided to fund the agreement, which does not include
16 wage increases but does include furloughs. The agreement provides
17 that positions designated by the employer as not requiring backfill
18 take 24 furlough days during the biennium. In addition, the following
19 positions are not subject to the furlough requirement: Bid
20 administrator, dispatch, dispatch coordinator, and relief positions.

21 NEW SECTION. **Sec. 504. DEPARTMENT OF TRANSPORTATION MARINE**
22 **DIVISION COLLECTIVE BARGAINING AGREEMENTS—FASPAA**

23 An agreement has been reached between the governor and the ferry
24 agents, supervisors, and project administrators association pursuant
25 to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is
26 provided to fund the agreement, which does not include wage increases
27 but does include furloughs. The agreement provides that positions
28 designated by the employer as not requiring backfill take 24 furlough
29 days during the biennium.

30 NEW SECTION. **Sec. 505. DEPARTMENT OF TRANSPORTATION MARINE**
31 **DIVISION COLLECTIVE BARGAINING AGREEMENTS—SEIU LOCAL 6**

32 An agreement has been reached between the governor and the
33 service employees international union local 6 pursuant to chapter
34 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to
35 fund the agreement, which does not include wage increases but does
36 include furloughs. The agreement provides that positions designated

1 by the employer as not requiring backfill take 24 furlough days
2 during the biennium.

3 NEW SECTION. **Sec. 506. DEPARTMENT OF TRANSPORTATION MARINE**
4 **DIVISION COLLECTIVE BARGAINING AGREEMENTS—CARPENTERS**

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

12 NEW SECTION. **Sec. 507. DEPARTMENT OF TRANSPORTATION MARINE**
13 **DIVISION COLLECTIVE BARGAINING AGREEMENTS—METAL TRADES**

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

20 NEW SECTION. **Sec. 508. DEPARTMENT OF TRANSPORTATION MARINE**
21 **DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-UL**

22 An agreement has been reached between the governor and the marine
23 engineers' beneficial association unlicensed engine room employees
24 pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium.
25 Funding is provided to fund the agreement, which does not include
26 either wage increases or the furlough requirement.

27 NEW SECTION. **Sec. 509. DEPARTMENT OF TRANSPORTATION MARINE**
28 **DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-L**

29 An agreement has been reached between the governor and the marine
30 engineers' beneficial association licensed engineer officers pursuant
31 to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is
32 provided to fund the agreement, which does not include either wage
33 increases or the furlough requirement.

1 NEW SECTION. **Sec. 510. DEPARTMENT OF TRANSPORTATION MARINE**
2 **DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA—PORT ENGINEERS**

3 An agreement has been reached between the governor and the marine
4 engineers' beneficial association port engineers pursuant to chapter
5 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to
6 fund the agreement, which does not include wage increases but does
7 include furloughs. The agreement provides that positions designated
8 by the employer as not requiring backfill take 24 furlough days
9 during the biennium.

10 NEW SECTION. **Sec. 511. DEPARTMENT OF TRANSPORTATION MARINE**
11 **DIVISION COLLECTIVE BARGAINING AGREEMENTS—MM&P MATES**

12 An agreement has been reached between the governor and the
13 masters, mates, and pilots - mates pursuant to chapter 47.64 RCW for
14 the 2021-2023 fiscal biennium. Funding is provided to fund the
15 agreement, which includes a two percent wage increase for second
16 mates, and does not include the furlough requirement.

17 NEW SECTION. **Sec. 512. DEPARTMENT OF TRANSPORTATION MARINE**
18 **DIVISION COLLECTIVE BARGAINING AGREEMENTS—MM&P MASTERS**

19 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 NEW SECTION. **Sec. 513. DEPARTMENT OF TRANSPORTATION MARINE**
25 **DIVISION COLLECTIVE BARGAINING AGREEMENTS—MM&P WATCH CENTER**
26 **SUPERVISORS**

27 An agreement has been reached between the governor and the
28 masters, mates, and pilots - watch center supervisors pursuant to
29 chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is
30 provided to fund the agreement, which does not include wage increases
31 but does include furloughs only for the following positions: Fleet
32 facility security officers and workforce development leads.

33 NEW SECTION. **Sec. 514. DEPARTMENT OF TRANSPORTATION MARINE**
34 **DIVISION COLLECTIVE BARGAINING AGREEMENTS—IBU**

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

7 NEW SECTION. **Sec. 515. COLLECTIVE BARGAINING AGREEMENT—WFSE**

8 An agreement has been reached between the governor and the
9 Washington federation of state employees under the provisions of
10 chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is
11 provided to fund the agreement, which does not include wage
12 increases, but does include 24 furlough days for employees in
13 position that do not require the position to be backfilled.

14 NEW SECTION. **Sec. 516. COLLECTIVE BARGAINING AGREEMENT—PTE**
15 **LOCAL 17**

16 An agreement has been reached between the governor and the
17 professional and technical employees local 17 under the provisions of
18 chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is
19 provided to fund the agreement, which does not include wage
20 increases, but does include 24 furlough days for employees in
21 position that do not require the position to be backfilled.

22 NEW SECTION. **Sec. 517. COLLECTIVE BARGAINING AGREEMENT—WPEA**

23 An agreement has been reached between the governor and the
24 Washington public employees association under the provisions of
25 chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is
26 provided to fund the agreement, which does not include wage
27 increases, but does include 24 furlough days for employees in
28 positions that do not require the position to be backfilled.

29 NEW SECTION. **Sec. 518. COLLECTIVE BARGAINING AGREEMENT—**
30 **COALITION OF UNIONS**

31 An agreement has been reached for the 2019-2021 biennium between
32 the governor and the coalition of unions under the provisions of
33 chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is
34 provided to fund the agreement, which includes 24 furlough days for
35 employees in position that do not require the position to be

1 backfilled. The agreement includes and funding is provided for a 2.5
2 percent wage increase for fiscal year 2022 and a 2.5 percent wage
3 increase for fiscal year 2023 for the department of corrections
4 marine vessel operators.

5 NEW SECTION. **Sec. 519. COLLECTIVE BARGAINING AGREEMENT—WSP**
6 **TROOPERS ASSOCIATION**

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

14 NEW SECTION. **Sec. 520. COLLECTIVE BARGAINING AGREEMENT—WSP**
15 **LIEUTENANTS AND CAPTAINS ASSOCIATION**

16 An agreement has been reached between the governor and the
17 Washington state patrol lieutenants and captains association under
18 the provisions of chapter 41.56 RCW for the 2021-2023 fiscal
19 biennium. Funding is provided to fund the agreement, which does not
20 include general wages increases but does provide the ability to
21 request to reopen the compensation article for the purpose of
22 bargaining base rate of pay for fiscal year 2023.

23 NEW SECTION. **Sec. 521. COMPENSATION—REPRESENTED EMPLOYEES—**
24 **HEALTH CARE—COALITION—INSURANCE BENEFITS**

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

32 The monthly employer funding rate for insurance benefit premiums,
33 public employees' benefits board administration, and the uniform
34 medical plan, shall not exceed \$936 per eligible employee for fiscal
35 year 2022. For fiscal year 2023, the monthly employer funding rate
36 shall not exceed \$1091 per eligible employee.

1 The board shall collect a \$25 per month surcharge payment from
2 members who use tobacco products and a surcharge payment of not less
3 than \$50 per month from members who cover a spouse or domestic
4 partner where the spouse or domestic partner has chosen not to enroll
5 in another employer-based group health insurance that has benefits
6 and premiums with an actuarial value of not less than 95 percent of
7 the actuarial value of the public employees' benefits board plan with
8 the largest enrollment. The surcharge payments shall be collected in
9 addition to the member premium payment if directed by the
10 legislature.

11 NEW SECTION. **Sec. 522. COMPENSATION—REPRESENTED EMPLOYEES**
12 **OUTSIDE HEALTH CARE COALITION—INSURANCE BENEFITS**

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

21 NEW SECTION. **Sec. 523. COMPENSATION—NONREPRESENTED EMPLOYEES—**
22 **INSURANCE BENEFITS**

23 Appropriations for state agencies in this act are sufficient for
24 nonrepresented state employee health benefits for state agencies,
25 including institutions of higher education, and are subject to the
26 following conditions and limitations: The employer monthly funding
27 rate for insurance benefit premiums, public employees' benefits board
28 administration, and the uniform medical plan, shall not exceed \$936
29 per eligible employee for fiscal year 2022. For fiscal year 2023, the
30 monthly employer funding rate shall not exceed \$1091 per eligible
31 employee.

32 NEW SECTION. **Sec. 524. COMPENSATION—REVISE PENSION CONTRIBUTION**
33 **RATES**

34 The appropriations in this act for school districts and state
35 agencies, including institutions of higher education, are subject to
36 the following conditions and limitations: Appropriations are adjusted

1 to reflect changes to agency appropriations to reflect pension
2 contribution rates adopted by the pension funding council and the law
3 enforcement officers' and firefighters' retirement system plan
4 board.

5 NEW SECTION. **Sec. 525. JUNETEENTH HOLIDAY**

6 Specific funding is provided in agency budgets for the cost to
7 agencies of additional staff necessary to provide coverage in
8 positions that require continual presence, as a result of
9 implementing chapter . . . (Substitute House Bill No. 1016), Laws of
10 2021 (making Juneteenth a legal holiday). If chapter . . .
11 (Substitute House Bill No. 1016), Laws of 2021 is not enacted by June
12 30, 2021, this section has no force and effect.

13 NEW SECTION. **Sec. 526. FOR THE OFFICE OF FINANCIAL MANAGEMENT—**
14 **INLANDBOATMEN'S UNION OF THE PACIFIC**

15 Puget Sound Ferry Operations Account—State
16 Appropriation \$2,798,000

17 The appropriations in this section are subject to the following
18 conditions and limitations: Funding is provided solely for
19 eliminating the furlough days in the agreement reached with the
20 inlandboatmen's union of the Pacific and approved in part V of this
21 act. Expenditure of the amounts provided for this purpose is
22 contingent upon execution of an appropriate memorandum of
23 understanding between the governor or the governor's designee and the
24 exclusive bargaining representative, consistent with the terms of
25 this section. Appropriations for state agencies are increased by the
26 amounts specified in LEAP Transportation Document 2021 -
27 Compensation, dated April 23, 2021, to fund the provisions of this
28 section upon execution of the memorandum of understanding.

29 NEW SECTION. **Sec. 527. FOR THE OFFICE OF FINANCIAL MANAGEMENT—**
30 **PACIFIC NORTHWEST REGIONAL COUNCIL OF CARPENTERS**

31 Puget Sound Ferry Operations Account—State
32 Appropriation \$156,000

33 The appropriations in this section are subject to the following
34 conditions and limitations: Funding is provided solely for
35 eliminating the furlough days in the agreement reached with the
36 Pacific Northwest regional council of carpenters and approved in part

1 V of this act. Expenditure of the amounts provided for this purpose
2 is contingent upon execution of an appropriate memorandum of
3 understanding between the governor or the governor's designee and the
4 exclusive bargaining representative, consistent with the terms of
5 this section. Appropriations for state agencies are increased by the
6 amounts specified in LEAP Transportation Document 2021 -
7 Compensation, dated April 23, 2021, to fund the provisions of this
8 section upon execution of the memorandum of understanding.

9 NEW SECTION. **Sec. 528. FOR THE OFFICE OF FINANCIAL MANAGEMENT—**
10 **OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION LOCAL 8**

11 Puget Sound Ferry Operations Account—State Appropriation . . \$344,000

12 The appropriations in this section are subject to the following
13 conditions and limitations: Funding is provided solely for
14 eliminating the furlough days in the agreement reached with the
15 office and professional employees international union local 8 and
16 approved in part V of this act. Expenditure of the amounts provided
17 for this purpose is contingent upon execution of an appropriate
18 memorandum of understanding between the governor or the governor's
19 designee and the exclusive bargaining representative, consistent with
20 the terms of this section. Appropriations for state agencies are
21 increased by the amounts specified in LEAP Transportation Document
22 2021 - Compensation, dated April 23, 2021, to fund the provisions of
23 this section upon execution of the memorandum of understanding.

24 NEW SECTION. **Sec. 529. FOR THE OFFICE OF FINANCIAL MANAGEMENT—**
25 **FERRY AGENTS, SUPERVISORS, AND PROJECT ADMINISTRATORS ASSOCIATION**

26 Puget Sound Ferry Operations Account—State Appropriation . . \$344,000

27 The appropriations in this section are subject to the following
28 conditions and limitations: Funding is provided solely for
29 eliminating the furlough days in the agreement reached with the ferry
30 agents, supervisors, and project administrators association and
31 approved in part V of this act. Expenditure of the amounts provided
32 for this purpose is contingent upon execution of an appropriate
33 memorandum of understanding between the governor or the governor's
34 designee and the exclusive bargaining representative, consistent with
35 the terms of this section. Appropriations for state agencies are
36 increased by the amounts specified in LEAP Transportation Document

1 2021 - Compensation, dated April 23, 2021, to fund the provisions of
2 this section upon execution of the memorandum of understanding.

3 NEW SECTION. **Sec. 530. FOR THE OFFICE OF FINANCIAL MANAGEMENT—**
4 **SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 6**

5 Puget Sound Ferry Operations Account—State Appropriation . . \$24,000

6 The appropriations in this section are subject to the following
7 conditions and limitations: Funding is provided solely for
8 eliminating the furlough days in the agreement reached with the
9 service employees international union local 6 and approved in part V
10 of this act. Expenditure of the amounts provided for this purpose is
11 contingent upon execution of an appropriate memorandum of
12 understanding between the governor or the governor's designee and the
13 exclusive bargaining representative, consistent with the terms of
14 this section. Appropriations for state agencies are increased by the
15 amounts specified in LEAP Transportation Document 2021 -
16 Compensation, dated April 23, 2021, to fund the provisions of this
17 section upon execution of the memorandum of understanding.

18 NEW SECTION. **Sec. 531. FOR THE OFFICE OF FINANCIAL MANAGEMENT—**
19 **MASTERS, MATES, AND PILOTS—WATCH CENTER SUPERVISORS**

20 Puget Sound Ferry Operations Account—State Appropriation . . \$150,000

21 The appropriations in this section are subject to the following
22 conditions and limitations: Funding is provided solely for
23 eliminating the furlough days in the agreement reached with the
24 masters, mates, and pilots - watch center supervisors and approved in
25 part V of this act. Expenditure of the amounts provided for this
26 purpose is contingent upon execution of an appropriate memorandum of
27 understanding between the governor or the governor's designee and the
28 exclusive bargaining representative, consistent with the terms of
29 this section. Appropriations for state agencies are increased by the
30 amounts specified in LEAP Transportation Document 2021 -
31 Compensation, dated April 23, 2021, to fund the provisions of this
32 section upon execution of the memorandum of understanding.

33 NEW SECTION. **Sec. 532. FOR THE OFFICE OF FINANCIAL MANAGEMENT—**
34 **MARINE ENGINEERS' BENEFICIAL ASSOCIATION PORT ENGINEERS**

35 Puget Sound Ferry Operations Account—State Appropriation . . \$84,000

1 The appropriations in this section are subject to the following
2 conditions and limitations: Funding is provided solely for
3 eliminating the furlough days in the agreement reached with the
4 marine engineers' beneficial association port engineers and approved
5 in part V of this act. Expenditure of the amounts provided for this
6 purpose is contingent upon execution of an appropriate memorandum of
7 understanding between the governor or the governor's designee and the
8 exclusive bargaining representative, consistent with the terms of
9 this section. Appropriations for state agencies are increased by the
10 amounts specified in LEAP Transportation Document 2021 -
11 Compensation, dated April 23, 2021, to fund the provisions of this
12 section upon execution of the memorandum of understanding.

13 NEW SECTION. **Sec. 533. FOR THE OFFICE OF FINANCIAL MANAGEMENT—**
14 **WASHINGTON FEDERATION OF STATE EMPLOYEES**

15	Motor Vehicle Account—State Appropriation	\$15,891,000
16	Highway Safety Account—State Appropriation	\$4,111,000
17	State Patrol Highway Account—State Appropriation	\$1,661,000
18	Other Appropriated Funds	\$1,038,000
19	TOTAL APPROPRIATION.	\$22,701,000

20 The appropriations in this section are subject to the following
21 conditions and limitations: Funding is provided solely for
22 eliminating the furlough days in the agreement reached with the
23 Washington federation of state employees and approved in part V of
24 this act. Expenditure of the amounts provided for this purpose is
25 contingent upon execution of an appropriate memorandum of
26 understanding between the governor or the governor's designee and the
27 exclusive bargaining representative, consistent with the terms of
28 this section. Appropriations for state agencies are increased by the
29 amounts specified in LEAP Transportation Document 2021 -
30 Compensation, dated April 23, 2021, to fund the provisions of this
31 section upon execution of the memorandum of understanding.

32 NEW SECTION. **Sec. 534. FOR THE OFFICE OF FINANCIAL MANAGEMENT—**
33 **WASHINGTON PUBLIC EMPLOYEES ASSOCIATION GENERAL GOVERNMENT**

34	Motor Vehicle Account—State Appropriation	\$88,000
35	State Patrol Highway Account—State Appropriation	\$907,000
36	State Patrol Highway Account—Federal Appropriation	\$68,000
37	TOTAL APPROPRIATION.	\$1,063,000

1 The appropriations in this section are subject to the following
2 conditions and limitations: Funding is provided solely for
3 eliminating the furlough days in the agreement reached with the
4 Washington public employees association general government and
5 approved in part V of this act. Expenditure of the amounts provided
6 for this purpose is contingent upon execution of an appropriate
7 memorandum of understanding between the governor or the governor's
8 designee and the exclusive bargaining representative, consistent with
9 the terms of this section. Appropriations for state agencies are
10 increased by the amounts specified in LEAP Transportation Document
11 2021 - Compensation, dated April 23, 2021, to fund the provisions of
12 this section upon execution of the memorandum of understanding.

13 NEW SECTION. **Sec. 535. FOR THE OFFICE OF FINANCIAL MANAGEMENT—**
14 **PROFESSIONAL AND TECHNICAL EMPLOYEES LOCAL 17**

15	Motor Vehicle Account—State Appropriation	\$2,105,000
16	Highway Safety Account—State Appropriation	\$2,108,000
17	State Patrol Highway Account—State Appropriation	\$918,000
18	Other Appropriated Funds	\$802,000
19	TOTAL APPROPRIATION.	\$5,933,000

20 The appropriations in this section are subject to the following
21 conditions and limitations: Funding is provided solely for
22 eliminating the furlough days in the agreement reached with the
23 professional and technical employees local 17 and approved in part V
24 of this act. Expenditure of the amounts provided for this purpose is
25 contingent upon execution of an appropriate memorandum of
26 understanding between the governor or the governor's designee and the
27 exclusive bargaining representative, consistent with the terms of
28 this section. Appropriations for state agencies are increased by the
29 amounts specified in LEAP Transportation Document 2021 -
30 Compensation, dated April 23, 2021, to fund the provisions of this
31 section upon execution of the memorandum of understanding.

32 NEW SECTION. **Sec. 536. FOR THE OFFICE OF FINANCIAL MANAGEMENT—**
33 **THE COALITION OF UNIONS**

34	State Patrol Highway Account—State Appropriation	\$212,000
35	State Patrol Highway Account—Federal Appropriation	\$18,000
36	TOTAL APPROPRIATION.	\$230,000

1 The appropriations in this section are subject to the following
2 conditions and limitations: Funding is provided solely for
3 eliminating the furlough days in the agreement reached with the
4 coalition of unions and approved in part V of this act. Expenditure
5 of the amounts provided for this purpose is contingent upon execution
6 of an appropriate memorandum of understanding between the governor or
7 the governor's designee and the exclusive bargaining representative,
8 consistent with the terms of this section. Appropriations for state
9 agencies are increased by the amounts specified in LEAP
10 Transportation Document 2021 - Compensation, dated April 23, 2021, to
11 fund the provisions of this section upon execution of the memorandum
12 of understanding.

13 NEW SECTION. **Sec. 537. FOR THE OFFICE OF FINANCIAL MANAGEMENT—**
14 **PUGET SOUND METAL TRADES COUNCIL**

15 Puget Sound Ferry Operations Account—State
16 Appropriation \$130,000

17 The appropriations in this section are subject to the following
18 conditions and limitations: Funding is provided solely for
19 eliminating the general wage deduction in the agreement reached
20 through an interest arbitration award with the Puget Sound metal
21 trades council and approved in part V of this act. Expenditure of the
22 amounts provided for this purpose is contingent upon execution of an
23 appropriate memorandum of understanding between the governor or the
24 governor's designee and the exclusive bargaining representative,
25 consistent with the terms of this section. Appropriations for state
26 agencies are increased by the amounts specified in LEAP
27 Transportation Document 2021 - Compensation, dated April 23, 2021, to
28 fund the provisions of this section upon execution of the memorandum
29 of understanding.

30 NEW SECTION. **Sec. 538. COLLECTIVE BARGAINING AGREEMENTS—**
31 **ELIMINATING FURLOUGH DAYS**

32 Appropriations in this act provide sufficient funding to
33 eliminate the furlough days required in the following collective
34 bargaining agreements for the 2021-2023 biennium:

- 35 (1) Office and professional employees international union local
36 8;

- 1 (2) Ferry agents, supervisors, and project administrators
- 2 association;
- 3 (3) Service employees international union local 6;
- 4 (4) Pacific Northwest regional council of carpenters;
- 5 (5) Marine engineers' beneficial association port engineers;
- 6 (6) Masters, mates, and pilots - watch center supervisors;
- 7 (7) Inlandboatmen's union of the Pacific;
- 8 (8) Washington public employees association general government;
- 9 (9) Washington federation of state employees;
- 10 (10) Professional and technical employees local 17; and
- 11 (11) The coalition of unions.

12 Expenditure of the amounts provided for this purpose is
13 contingent upon execution of an appropriate memorandum of
14 understanding between the governor or the governor's designee and the
15 exclusive bargaining representative, consistent with the terms of
16 this section.

17 NEW SECTION. **Sec. 539. COLLECTIVE BARGAINING AGREEMENTS—**
18 **ELIMINATING GENERAL WAGE DECREASE**

19 Appropriations in this act provide sufficient funding solely for
20 the purpose of eliminating the 1.9 percent wage reduction from July
21 1, 2021, to June 30, 2022, provided in the arbitration award for the
22 Puget Sound metal trades council. Expenditure of the amounts provided
23 for this purpose is contingent upon execution of an appropriate
24 modification of the agreement between the governor or the governor's
25 designee and the exclusive bargaining representative, consistent with
26 the terms of this section.

27 NEW SECTION. **Sec. 540. FORGONE GENERAL WAGE INCREASES**

28 Appropriations in this act for state agencies, including
29 institutions of higher education, are sufficient to provide a three
30 percent or two percent general wage increase, effective July 1, 2021,
31 for employees that were scheduled to receive a general wage increase
32 of either of those amounts on July 1, 2020, that was forgone due to
33 COVID-19 emergency.

34 **IMPLEMENTING PROVISIONS**

35 NEW SECTION. **Sec. 601. MANAGEMENT OF TRANSPORTATION FUNDS WHEN**
36 **THE LEGISLATURE IS NOT IN SESSION**

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

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

22 (b) Transfers from a project may not be made as a result of the
23 reduction of the scope of a project or be made to support increases
24 in the scope of a project;

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

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

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

34 (f) Transfers may not be made while the legislature is in
35 session;

36 (g) Transfers to a project may not be made with funds designated
37 as attributable to practical design savings as described in RCW
38 47.01.480;

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

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

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

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

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

18 (2) The department of transportation must submit quarterly all
19 transfers authorized under this section in the transportation
20 executive information system. The office of financial management must
21 maintain a legislative baseline project list identified in the LEAP
22 transportation documents referenced in this act, and update that
23 project list with all authorized transfers under this section,
24 including any effects to the total project budgets and schedules
25 beyond the current biennium.

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

30 (4) 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 address any concerns raised by the chairs and
34 ranking members of the transportation committees.

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

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

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

11 (i) Projects on LEAP Transportation Document 2021-2 ALL PROJECTS
12 as developed April 23, 2021; or

13 (ii) Other department of transportation operating or capital
14 expenditures funded by appropriations from state accounts in this
15 act.

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

28 NEW SECTION. **Sec. 602. BOND REIMBURSEMENT**

29 To the extent that any appropriation authorizes expenditures of
30 state funds from the motor vehicle account, special category C
31 account, Tacoma Narrows toll bridge account, transportation 2003
32 account (nickel account), transportation partnership account,
33 transportation improvement account, Puget Sound capital construction
34 account, multimodal transportation account, state route number 520
35 corridor account, connecting Washington account, or other
36 transportation capital project account in the state treasury for a
37 state transportation program that is specified to be funded with
38 proceeds from the sale of bonds authorized in chapter 47.10 RCW, the
39 legislature declares that any such expenditures made before the issue

1 date of the applicable transportation bonds for that state
2 transportation program are intended to be reimbursed from proceeds of
3 those transportation bonds in a maximum amount equal to the amount of
4 such appropriation.

5 NEW SECTION. **Sec. 603. BELATED CLAIMS**

6 The agencies and institutions of the state may expend moneys
7 appropriated in this act, upon approval of the office of financial
8 management, for the payment of supplies and services furnished to the
9 agency or institution in prior fiscal biennia.

10 NEW SECTION. **Sec. 604. REAPPROPRIATIONS REPORTING**

11 (1) As part of its 2022 supplemental budget submittal, the
12 department of transportation shall provide a report to the
13 legislature and the office of financial management that:

14 (a) Identifies, by capital project, the amount of state funding
15 that has been reappropriated from the 2019-2021 fiscal biennium into
16 the 2021-2023 fiscal biennium; and

17 (b) Identifies, for each project, the amount of cost savings or
18 increases in funding that have been identified as compared to the
19 2017 enacted omnibus transportation appropriations act.

20 (2) As part of the agency request for capital programs, the
21 department shall load reappropriations separately from funds that
22 were assumed to be required for the 2021-2023 fiscal biennium into
23 budgeting systems.

24 NEW SECTION. **Sec. 605. WEBSITE REPORTING REQUIREMENTS**

25 (1) The department of transportation shall post on its website
26 every report that is due from the department to the legislature
27 during the 2021-2023 fiscal biennium on one web page. The department
28 must post both completed reports and planned reports on a single web
29 page.

30 (2) The department shall provide a web link for each change order
31 that is more than five hundred thousand dollars on the affected
32 project web page.

33 NEW SECTION. **Sec. 606. TRANSIT, BICYCLE, AND PEDESTRIAN**
34 **ELEMENTS REPORTING**

35 (1) By November 15th of each year, the department of
36 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 ALL PROJECTS as developed April 23, 2021. The report
4 must address each modal category separately and identify if
5 eighteenth amendment protected funds have been used and, if not, the
6 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. 607. PROJECT SCOPE CHANGES**

12 (1) During the 2021-2023 fiscal biennium, while the legislature
13 is not in session, the director of the office of financial management
14 may approve project scope change requests to connecting Washington
15 projects in the highway improvements program, provided that the
16 requests meet the criteria outlined in RCW 47.01.480 and are subject
17 to the limitations in this section.

18 (2) At the time the department of transportation submits a
19 request for a project scope change under this section, a copy of the
20 request must be submitted to the transportation committees of the
21 legislature.

22 (3) Before approval, the office of financial management shall
23 work with legislative staff of the house of representatives and
24 senate transportation committees to review the requested project
25 scope changes.

26 (4) No fewer than ten days after the receipt of a scope change
27 request, the director of the office of financial management must
28 provide written notification to the department of any decision
29 regarding project scope changes, with copies submitted to the
30 transportation committees of the legislature.

31 (5) As part of its annual budget submittal, the department of
32 transportation must report on all approved scope change requests from
33 the prior year, including a comparison of the scope before and after
34 the requested change.

35 NEW SECTION. **Sec. 608. TOLL CREDITS**

36 The department of transportation may provide up to three million
37 dollars in toll credits to Kitsap transit for its role in passenger-
38 only ferry service and ferry corridor-related projects. The number of

1 toll credits provided must be equal to, but no more than, the number
2 sufficient to meet federal match requirements for grant funding for
3 passenger-only ferry service, but must not exceed the amount
4 authorized in this section.

5 **MISCELLANEOUS 2021-2023 FISCAL BIENNIUM**

6 **NEW SECTION. Sec. 701. INFORMATION TECHNOLOGY OVERSIGHT**

7 (1) Agencies must apply to the office of financial management and
8 the office of the state chief information officer for approval before
9 beginning a project or proceeding with each discrete stage of a
10 project subject to this section. At each stage, the office of the
11 state chief information officer must certify that the project has an
12 approved technology budget and investment plan, complies with state
13 information technology and security requirements, and other policies
14 defined by the office of the state chief information officer. The
15 office of financial management must notify the fiscal committees of
16 the legislature of the receipt of each application and may not
17 approve a funding request for ten business days from the date of
18 notification.

19 (2)(a) Each project must have a technology budget. The technology
20 budget must have the detail by fiscal month for the 2021-2023 fiscal
21 biennium. The technology budget must use a method similar to the
22 state capital budget, identifying project costs, each fund source,
23 and anticipated deliverables through each stage of the entire project
24 investment and across fiscal periods and biennia from project onset
25 through implementation and close out, as well as at least five years
26 of maintenance and operations costs.

27 (b) As part of the development of a technology budget and at each
28 request for funding, the agency shall submit an updated technology
29 budget, if changes occurred, to include detailed financial
30 information to the office of financial management and the office of
31 the chief information officer. The technology budget must describe
32 the total cost of the project, as well as maintenance and operations
33 costs, to include and identify at least:

34 (i) Fund sources;

35 (ii) Full time equivalent staffing level to include job
36 classification assumptions;

37 (iii) Discrete financial budget codes to include at least the
38 appropriation index and program index;

- 1 (iv) Object and subobject codes of expenditures;
- 2 (v) Anticipated deliverables;
- 3 (vi) Historical budget and expenditure detail by fiscal year; and
- 4 (vii) Maintenance and operations costs by fiscal year for at
- 5 least five years as a separate worksheet.

6 (c) If a project technology budget changes and a revised
7 technology budget is completed, a comparison of the revised
8 technology budget to the last approved technology budget must be
9 posted to the dashboard, to include a narrative rationale on what
10 changed, why, and how that impacts the project in scope, budget, and
11 schedule.

12 (3) (a) Each project must have an investment plan that includes:

13 (i) An organizational chart of the project management team that
14 identifies team members and their roles and responsibilities;

15 (ii) The office of the chief information officer staff assigned
16 to the project;

17 (iii) An implementation schedule covering activities, critical
18 milestones, and deliverables at each stage of the project for the
19 life of the project at each agency affected by the project;

20 (iv) Performance measures used to determine that the project is
21 on time, within budget, and meeting expectations for quality of work
22 product;

23 (v) Ongoing maintenance and operations cost of the project post
24 implementation and close out delineated by agency staffing,
25 contracted staffing, and service level agreements; and

26 (vi) Financial budget coding to include at least discrete
27 financial coding for the project.

28 (4) Projects with estimated costs greater than \$100,000,000 from
29 initiation to completion and implementation may be divided into
30 discrete subprojects as determined by the office of the state chief
31 information officer. Each subproject must have a technology budget
32 and investment plan as provided in this section.

33 (5) (a) The office of the chief information officer shall maintain
34 an information technology project dashboard that provides updated
35 information each fiscal month on projects subject to this section.
36 This includes, at least:

37 (i) Project changes each fiscal month;

38 (ii) Noting if the project has a completed market requirements
39 document, and when it was completed;

1 (iii) Financial status of information technology projects under
2 oversight;

3 (iv) Coordination with agencies;

4 (v) Monthly quality assurance reports, if applicable;

5 (vi) Monthly office of the chief information officer status
6 reports;

7 (vii) Historical project budget and expenditures through fiscal
8 year 2021;

9 (viii) Budget and expenditures each fiscal month;

10 (ix) Estimated annual maintenance and operations costs by fiscal
11 year; and

12 (x) Posting monthly project status assessments on scope,
13 schedule, budget, and overall by the:

14 (A) Office of the chief information officer;

15 (B) Agency project team; and

16 (C) Quality assurance vendor, if applicable to the project.

17 (b) The dashboard must retain a roll up of the entire project
18 cost, including all subprojects, that can display subproject detail.
19 This includes coalition projects that are active.

20 (6) If the project affects more than one agency:

21 (a) A separate technology budget and investment plan must be
22 prepared for each agency; and

23 (b) The dashboard must contain a statewide project technology
24 budget roll up that includes each affected agency at the subproject
25 level.

26 (7) For any project that exceeds \$2,000,000 in total funds to
27 complete, requires more than one biennium to complete, or is financed
28 through financial contracts, bonds, or other indebtedness:

29 (a) Quality assurance for the project must report independently
30 to the office of the chief information officer;

31 (b) The office of the chief information officer must review, and,
32 if necessary, revise the proposed project to ensure it is flexible
33 and adaptable to advances in technology;

34 (c) The technology budget must specifically identify the uses of
35 any financing proceeds. No more than 30 percent of the financing
36 proceeds may be used for payroll-related costs for state employees
37 assigned to project management, installation, testing, or training;

38 (d) The agency must consult with the office of the state
39 treasurer during the competitive procurement process to evaluate

1 early in the process whether products and services to be solicited
2 and the responsive bids from a solicitation may be financed; and

3 (e) The agency must consult with the contracting division of the
4 department of enterprise services for a review of all contracts and
5 agreements related to the project's information technology
6 procurements.

7 (8) The office of the chief information officer must evaluate the
8 project at each stage and certify whether the project is planned,
9 managed, and meeting deliverable targets as defined in the project's
10 approved technology budget and investment plan.

11 (9) The office of the chief information officer may suspend or
12 terminate a project at any time if it determines that the project is
13 not meeting or not expected to meet anticipated performance and
14 technology outcomes. Once suspension or termination occurs, the
15 agency shall unallot any unused funding and shall not make any
16 expenditure for the project without the approval of the office of
17 financial management. The office of the chief information officer
18 must report on July 1st and December 1st each calendar year any
19 suspension or termination of a project in the previous six-month
20 period to the legislative fiscal committees.

21 (10) The office of the chief information officer, in consultation
22 with the office of financial management, may identify additional
23 projects to be subject to this section, including projects that are
24 not separately identified within an agency budget. The office of the
25 chief information officer must report on July 1st and December 1st
26 each calendar year any additional projects to be subjected to this
27 section that were identified in the previous six-month period to the
28 legislative fiscal committees.

29 (11) The following transportation projects are subject to the
30 conditions, limitations, and review provided in this section:

31 (a) For the Washington state patrol: Aerial criminal
32 investigation tools;

33 (b) For the department of licensing: Website accessibility and
34 usability; and

35 (c) For the department of transportation: Maintenance management
36 system, land mobile radio system replacement, new csc system and
37 operator, PROPEL - WSDOT support of one Washington, and capital
38 systems replacement.

1 NEW SECTION. **Sec. 702. ACQUISITION OF PROPERTIES AND FACILITIES**
2 **THROUGH FINANCIAL CONTRACTS**

3 (1) The department of transportation is authorized, subject to
4 the conditions in section 305(2) of this act, to enter into a
5 financing contract pursuant to chapter 39.94 RCW through the state
6 treasurer's lease-purchase program for the purposes indicated. The
7 department may use any funds, appropriated or nonappropriated, in not
8 more than the principal amounts indicated, plus financing expenses
9 and required reserves, if any. Expenditures made by the department of
10 transportation for the indicated purposes before the issue date of
11 the authorized financing contract and any certificates of
12 participation therein may be reimbursed from proceeds of the
13 financing contract and any certificates of participation therein to
14 the extent provided in the agency's financing plan approved by the
15 state finance committee.

16 (2) Department of transportation: Enter into a financing contract
17 for up to \$32,500,000 plus financing expenses and required reserves
18 pursuant to chapter 39.94 RCW to renovate the existing office
19 building at 15700 Dayton Ave N, Shoreline. If the department of
20 transportation has entered into a financing agreement for the
21 purposes specified in this subsection prior to June 30, 2021, this
22 subsection has no force and effect.

23 **Sec. 703.** RCW 43.19.642 and 2019 c 416 s 703 are each amended to
24 read as follows:

25 (1) Effective June 1, 2006, for agencies complying with the
26 ultra-low sulfur diesel mandate of the United States environmental
27 protection agency for on-highway diesel fuel, agencies shall use
28 biodiesel as an additive to ultra-low sulfur diesel for lubricity,
29 provided that the use of a lubricity additive is warranted and that
30 the use of biodiesel is comparable in performance and cost with other
31 available lubricity additives. The amount of biodiesel added to the
32 ultra-low sulfur diesel fuel shall be not less than two percent.

33 (2) Except as provided in subsection (5) of this section,
34 effective June 1, 2009, state agencies are required to use a minimum
35 of twenty percent biodiesel as compared to total volume of all diesel
36 purchases made by the agencies for the operation of the agencies'
37 diesel-powered vessels, vehicles, and construction equipment.

38 (3) All state agencies using biodiesel fuel shall, beginning on
39 July 1, 2016, file annual reports with the department of enterprise

1 services documenting the use of the fuel and a description of how any
2 problems encountered were resolved.

3 (4) By December 1, 2009, the department of enterprise services
4 shall:

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

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

10 (5) During the (~~2017-2019 and~~) 2019-2021 and 2021-2023 fiscal
11 biennia, the Washington state ferries is required to use a minimum of
12 five percent biodiesel as compared to total volume of all diesel
13 purchases made by the Washington state ferries for the operation of
14 the Washington state ferries diesel-powered vessels, as long as the
15 price of a B5 or B10 biodiesel blend does not exceed the price of
16 conventional diesel fuel by five percent or more.

17 **Sec. 704.** RCW 46.20.745 and 2019 c 416 s 704 are each amended to
18 read as follows:

19 (1) The ignition interlock device revolving account program is
20 created within the department to assist in covering the monetary
21 costs of installing, removing, and leasing an ignition interlock
22 device, and applicable licensing, for indigent persons who are
23 required under RCW 46.20.385, 46.20.720, and 46.61.5055 to install an
24 ignition interlock device in all vehicles owned or operated by the
25 person. For purposes of this subsection, "indigent" has the same
26 meaning as in RCW 10.101.010, as determined by the department. During
27 the 2019-2021 and 2021-2023 fiscal (~~biennium~~) biennia, the ignition
28 interlock device revolving account program also includes ignition
29 interlock enforcement work conducted by the Washington state patrol.

30 (2) A pilot program is created within the ignition interlock
31 device revolving account program for the purpose of monitoring
32 compliance by persons required to use ignition interlock devices and
33 by ignition interlock companies and vendors.

34 (3) The department, the state patrol, and the Washington traffic
35 safety commission shall coordinate to establish a compliance pilot
36 program that will target at least one county from eastern Washington
37 and one county from western Washington, as determined by the
38 department, state patrol, and Washington traffic safety commission.

39 (4) At a minimum, the compliance pilot program shall:

1 (a) Review the number of ignition interlock devices that are
2 required to be installed in the targeted county and the number of
3 ignition interlock devices actually installed;

4 (b) Work to identify those persons who are not complying with
5 ignition interlock requirements or are repeatedly violating ignition
6 interlock requirements; and

7 (c) Identify ways to track compliance and reduce noncompliance.

8 (5) As part of monitoring compliance, the Washington traffic
9 safety commission shall also track recidivism for violations of RCW
10 46.61.502 and 46.61.504 by persons required to have an ignition
11 interlock driver's license under RCW 46.20.385 and 46.20.720.

12 **Sec. 705.** RCW 82.21.030 and 2020 c 20 s 1483 are each amended to
13 read as follows:

14 (1)(a) A tax is imposed on the privilege of possession of
15 hazardous substances in this state. Except as provided in (b) of this
16 subsection, the rate of the tax is seven-tenths of one percent
17 multiplied by the wholesale value of the substance. Moneys collected
18 under this subsection (1)(a) must be deposited in the model toxics
19 control capital account.

20 (b) Beginning July 1, 2019, the rate of the tax on petroleum
21 products is one dollar and nine cents per barrel. The tax collected
22 under this subsection (1)(b) on petroleum products must be deposited
23 as follows, after first depositing the tax as provided in (c) of this
24 subsection (~~((1))~~), except that during the 2021-2023 biennium the
25 deposit as provided in (c) of this subsection may be prorated equally
26 across each month of the biennium:

27 (i) Sixty percent to the model toxics control operating account
28 created under RCW 70A.305.180;

29 (ii) Twenty-five percent to the model toxics control capital
30 account created under RCW 70A.305.190; and

31 (iii) Fifteen percent to the model toxics control stormwater
32 account created under RCW 70A.305.200.

33 (c) Until the beginning of the ensuing biennium after the
34 enactment of an additive transportation funding act, fifty million
35 dollars per biennium to the motor vehicle fund to be used exclusively
36 for transportation stormwater activities and projects. For purposes
37 of this subsection, "additive transportation funding act" means an
38 act in which the combined total of new revenues deposited into the
39 motor vehicle fund and the multimodal transportation account exceed

1 two billion dollars per biennium attributable solely to an increase
2 in revenue from the enactment of the act.

3 (d) The department must compile a list of petroleum products that
4 are not easily measured on a per barrel basis. Petroleum products
5 identified on the list are subject to the rate under (a) of this
6 subsection in lieu of the volumetric rate under (b) of this
7 subsection. The list will be made in a form and manner prescribed by
8 the department and must be made available on the department's
9 internet website. In compiling the list, the department may accept
10 technical assistance from persons that sell, market, or distribute
11 petroleum products and consider any other resource the department
12 finds useful in compiling the list.

13 (2) Chapter 82.32 RCW applies to the tax imposed in this chapter.
14 The tax due dates, reporting periods, and return requirements
15 applicable to chapter 82.04 RCW apply equally to the tax imposed in
16 this chapter.

17 (3) Beginning July 1, 2020, and every July 1st thereafter, the
18 rate specified in subsection (1)(b) of this section must be adjusted
19 to reflect the percentage change in the implicit price deflator for
20 nonresidential structures as published by the United States
21 department of commerce, bureau of economic analysis for the most
22 recent twelve-month period ending December 31st of the prior year.

23 **Sec. 706.** RCW 46.68.060 and 2019 c 416 s 705 are each amended to
24 read as follows:

25 There is hereby created in the state treasury a fund to be known
26 as the highway safety fund to the credit of which must be deposited
27 all moneys directed by law to be deposited therein. This fund must be
28 used for carrying out the provisions of law relating to driver
29 licensing, driver improvement, financial responsibility, cost of
30 furnishing abstracts of driving records and maintaining such case
31 records, and to carry out the purposes set forth in RCW 43.59.010,
32 and chapters 46.72 and 46.72A RCW. During the 2013-2015 and 2015-2017
33 fiscal biennia, the legislature may transfer from the highway safety
34 fund to the Puget Sound ferry operations account, the motor vehicle
35 fund, and the multimodal transportation account such amounts as
36 reflect the excess fund balance of the highway safety fund. During
37 the ~~((and the))~~ 2017-2019, 2019-2021, and 2021-2023 fiscal biennia,
38 the legislature may direct the state treasurer to make transfers of

1 moneys in the highway safety fund to the multimodal transportation
2 account and the state patrol highway account.

3 **Sec. 707.** RCW 47.12.370 and 2003 c 187 s 1 are each amended to
4 read as follows:

5 (1) The department may enter into exchange agreements with local,
6 state, or federal agencies, tribal governments, or private nonprofit
7 nature conservancy corporations as defined in RCW 64.04.130, to
8 convey properties under the jurisdiction of the department that serve
9 as environmental mitigation sites, as full or part consideration for
10 the grantee assuming all future maintenance and operation obligations
11 and costs required to maintain and operate the environmental
12 mitigation site in perpetuity.

13 (2) (~~(Tribal)~~) (a) Except as provided in (b) of this subsection,
14 tribal governments shall only be eligible to participate in an
15 exchange agreement if they:

16 (~~(a)~~) (i) Provide the department with a valid waiver of their
17 tribal sovereign immunity from suit. The waiver must allow the
18 department to enforce the terms of the exchange agreement or
19 quitclaim deed in state court; and

20 (~~(b)~~) (ii) Agree that the property shall not be placed into
21 trust status.

22 (b) During the 2021-2023 fiscal biennium, the restrictions in (a)
23 of this subsection do not apply to any exchange agreement with a
24 tribal government for the acquisition of real property required by
25 the department for the SR 167/SR 509 Puget Sound Gateway project.

26 (3) The conveyances must be by quitclaim deed, or other form of
27 conveyance, executed by the secretary of transportation, and must
28 expressly restrict the use of the property to a mitigation site
29 consistent with preservation of the functions and values of the site,
30 and must provide for the automatic reversion to the department if the
31 property is not used as a mitigation site or is not maintained in a
32 manner that complies with applicable permits, laws, and regulations
33 pertaining to the maintenance and operation of the mitigation site.

34 **Sec. 708.** RCW 46.68.325 and 2019 c 416 s 708 are each amended to
35 read as follows:

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

1 appropriation. Expenditures from the account may be used only for the
2 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 to the rural
6 mobility grant program account two million five hundred thousand
7 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 (~~and the~~), 2019-2021, and 2021-2023
13 fiscal biennia, the legislature may direct the state treasurer to
14 make transfers of moneys in the rural mobility grant program account
15 to the multimodal transportation account.

16 **Sec. 709.** RCW 47.56.876 and 2019 c 416 s 710 are each amended to
17 read as follows:

18 A special account to be known as the state route number 520 civil
19 penalties account is created in the state treasury. All state route
20 number 520 bridge replacement and HOV program civil penalties
21 generated from the nonpayment of tolls on the state route number 520
22 corridor must be deposited into the account, as provided under RCW
23 47.56.870(4)(b)(vii). Moneys in the account may be spent only after
24 appropriation. Expenditures from the account may be used to fund any
25 project within the state route number 520 bridge replacement and HOV
26 program, including mitigation. During the 2013-2015 and 2015-2017
27 fiscal biennia, the legislature may transfer from the state route
28 number 520 civil penalties account to the state route number 520
29 corridor account such amounts as reflect the excess fund balance of
30 the state route number 520 civil penalties account. Funds transferred
31 must be used solely for capital expenditures for the state route
32 number 520 bridge replacement and HOV project. During the 2017-2019
33 and the 2019-2021 fiscal biennia, the legislature may direct the
34 state treasurer to make transfers of moneys in the state route number
35 520 civil penalties account to the state route number 520 corridor
36 account. During the 2021-2023 fiscal biennium, the legislature may
37 direct the state treasurer to transfer moneys in the state route
38 number 520 civil penalties account to the motor vehicle account.

1 **Sec. 710.** RCW 46.68.370 and 2019 c 416 s 713 are each amended to
2 read as follows:

3 The license plate technology account is created in the state
4 treasury. All receipts collected under RCW 46.17.015 must be
5 deposited into this account. Expenditures from this account must
6 support current and future license plate technology and systems
7 integration upgrades for both the department and correctional
8 industries. Moneys in the account (~~((fund))~~) may be spent only after
9 appropriation. Additionally, the moneys in this account may be used
10 to reimburse the motor vehicle account for any appropriation made to
11 implement the digital license plate system. During the 2011-2013 and
12 2013-2015 fiscal biennia, the legislature may transfer from the
13 license plate technology account to the highway safety (~~((account~~
14 ~~{fund}))~~) fund such amounts as reflect the excess fund balance of the
15 license plate technology account. During the 2019-2021 (~~((biennium))~~)
16 and 2021-2023 biennia, the account may also be used for the
17 maintenance of recently modernized information technology systems for
18 vehicle registrations.

19 **Sec. 711.** RCW 46.68.300 and 2019 c 416 s 714 are each amended to
20 read as follows:

21 The freight mobility investment account is hereby created in the
22 state treasury. Money in the account may be spent only after
23 appropriation. Expenditures from the account may be used only for
24 freight mobility projects that have been approved by the freight
25 mobility strategic investment board in RCW 47.06A.020 and may include
26 any principal and interest on bonds authorized for the projects or
27 improvements. During the 2019-2021 and 2021-2023 fiscal (~~((biennium))~~)
28 biennia, the expenditures from the account may also be used for the
29 administrative expenses of the freight mobility strategic investment
30 board.

31 **Sec. 712.** RCW 47.60.322 and 2019 c 416 s 716 are each amended to
32 read as follows:

33 (1) The capital vessel replacement account is created in the
34 motor vehicle fund. All revenues generated from the vessel
35 replacement surcharge under RCW 47.60.315(7) and service fees
36 collected by the department of licensing or county auditor or other
37 agent appointed by the director under RCW 46.17.040, 46.17.050, and
38 46.17.060 must be deposited into the account. Moneys in the account

1 may be spent only after appropriation. Expenditures from the account
2 may be used only for the construction or purchase of ferry vessels
3 and to pay the principal and interest on bonds authorized for the
4 construction or purchase of ferry vessels. However, expenditures from
5 the account must first be used to support the construction or
6 purchase, including any applicable financing costs, of a ferry vessel
7 with a carrying capacity of at least one hundred forty-four cars.

8 (2) The state treasurer may transfer moneys from the capital
9 vessel replacement account to the transportation 2003 account (nickel
10 account) for debt service on bonds issued for the construction of
11 144-car class ferry vessels.

12 (3) The legislature may transfer from the capital vessel
13 replacement account to the connecting Washington account created
14 under RCW 46.68.395 such amounts as reflect the excess fund balance
15 of the capital vessel replacement account to be used for ferry
16 terminal construction and preservation.

17 (4) During the 2019-2021 and 2021-2023 fiscal (~~biennium~~)
18 biennia, the legislature may direct the state treasurer to make
19 transfers of moneys in the capital vessel replacement account to the
20 transportation partnership account and the connecting Washington
21 account.

22 **Sec. 713.** RCW 46.68.290 and 2020 c 219 s 705 are each amended to
23 read as follows:

24 (1) The transportation partnership account is hereby created in
25 the state treasury. All distributions to the account from RCW
26 46.68.090 must be deposited into the account. Money in the account
27 may be spent only after appropriation. Expenditures from the account
28 must be used only for projects or improvements identified as 2005
29 transportation partnership projects or improvements in the omnibus
30 transportation appropriations act, including any principal and
31 interest on bonds authorized for the projects or improvements.

32 (2) The legislature finds that:

33 (a) Citizens demand and deserve accountability of transportation-
34 related programs and expenditures. Transportation-related programs
35 must continuously improve in quality, efficiency, and effectiveness
36 in order to increase public trust;

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

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

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

6 (a) "Performance audit" means an objective and systematic
7 assessment of a state agency or agencies or any of their programs,
8 functions, or activities by the state auditor or designee in order to
9 help improve agency efficiency, effectiveness, and accountability.
10 Performance audits include economy and efficiency audits and program
11 audits.

12 (b) "Transportation-related agency" means any state agency,
13 board, or commission that receives funding primarily for
14 transportation-related purposes. At a minimum, the department of
15 transportation, the transportation improvement board or its successor
16 entity, the county road administration board or its successor entity,
17 and the traffic safety commission are considered transportation-
18 related agencies. The Washington state patrol and the department of
19 licensing shall not be considered transportation-related agencies
20 under chapter 314, Laws of 2005.

21 (4) Within the authorities and duties under chapter 43.09 RCW,
22 the state auditor shall establish criteria and protocols for
23 performance audits. Transportation-related agencies shall be audited
24 using criteria that include generally accepted government auditing
25 standards as well as legislative mandates and performance objectives
26 established by state agencies. Mandates include, but are not limited
27 to, agency strategies, timelines, program objectives, and mission and
28 goals as required in RCW 43.88.090.

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

33 (6) The audits may include:

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

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

1 (c) Analysis of gaps and overlaps in programs and services and
2 recommendations for improving, dropping, blending, or separating
3 functions to correct gaps or overlaps;

4 (d) Analysis and recommendations for pooling information
5 technology systems used within the transportation-related agency, and
6 evaluation of information processing and telecommunications policy,
7 organization, and management;

8 (e) Analysis of the roles and functions of the transportation-
9 related agency, its programs, and its services and their compliance
10 with statutory authority and recommendations for eliminating or
11 changing those roles and functions and ensuring compliance with
12 statutory authority;

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

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

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

22 (i) Identification and recognition of best practices;

23 (j) Evaluation of planning, budgeting, and program evaluation
24 policies and practices;

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

26 (l) Evaluation of purchasing operations and management policies
27 and practices;

28 (m) Evaluation of organizational structure and staffing levels,
29 particularly in terms of the ratio of managers and supervisors to
30 nonmanagement personnel; and

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

34 (7) Within the authorities and duties under chapter 43.09 RCW,
35 the state auditor must provide the preliminary performance audit
36 reports to the audited state agency for comment. The auditor also may
37 seek input on the preliminary report from other appropriate
38 officials. Comments must be received within thirty days after receipt
39 of the preliminary performance audit report unless a different time
40 period is approved by the state auditor. The final performance audit

1 report shall include the objectives, scope, and methodology; the
2 audit results, including findings and recommendations; the agency's
3 response and conclusions; and identification of best practices.

4 (8) The state auditor shall provide final performance audit
5 reports to the citizens of Washington, the governor, the joint
6 legislative audit and review committee, the appropriate legislative
7 committees, and other appropriate officials. Final performance audit
8 reports shall be posted on the internet.

9 (9) The audited transportation-related agency is responsible for
10 follow-up and corrective action on all performance audit findings and
11 recommendations. The audited agency's plan for addressing each audit
12 finding and recommendation shall be included in the final audit
13 report. The plan shall provide the name of the contact person
14 responsible for each action, the action planned, and the anticipated
15 completion date. If the audited agency does not agree with the audit
16 findings and recommendations or believes action is not required, then
17 the action plan shall include an explanation and specific reasons.

18 The office of financial management shall require periodic
19 progress reports from the audited agency until all resolution has
20 occurred. The office of financial management is responsible for
21 achieving audit resolution. The office of financial management shall
22 annually report by December 31st the status of performance audit
23 resolution to the appropriate legislative committees and the state
24 auditor. The legislature shall consider the performance audit results
25 in connection with the state budget process.

26 The auditor may request status reports on specific audits or
27 findings.

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

32 (11) During the 2015-2017 fiscal biennium, the legislature may
33 transfer from the transportation partnership account to the
34 connecting Washington account such amounts as reflect the excess fund
35 balance of the transportation partnership account.

36 (12) During (~~the 2017-2019 and~~) the 2019-2021 and 2021-2023
37 fiscal biennia, the legislature may direct the state treasurer to
38 make transfers of moneys in the transportation partnership account to
39 the connecting Washington account, the motor vehicle fund, the Tacoma

1 Narrows toll bridge account, and the capital vessel replacement
2 account.

3 **Sec. 714.** RCW 46.68.063 and 2019 c 416 s 712 are each amended to
4 read as follows:

5 The department of licensing technology improvement and data
6 management account is created in the highway safety fund. All
7 receipts from fees collected under RCW 46.12.630(5) must be deposited
8 into the account. Expenditures from the account may be used only for
9 investments in technology and data management at the department.
10 During the 2019-2021 (~~biennium~~) and 2021-2023 biennia, the account
11 may also be used for responding to public records requests. Moneys in
12 the account may be spent only after appropriation.

13 **Sec. 715.** RCW 47.60.530 and 2017 c 313 s 714 are each amended to
14 read as follows:

15 (1) The Puget Sound ferry operations account is created in the
16 motor vehicle fund.

17 (2) The following funds must be deposited into the account:

18 (a) All moneys directed by law;

19 (b) All revenues generated from ferry fares; and

20 (c) All revenues generated from commercial advertising,
21 concessions, parking, and leases as allowed under RCW 47.60.140.

22 (3) Moneys in the account may be spent only after appropriation.

23 (4) Expenditures from the account may be used only for the
24 maintenance, administration, and operation of the Washington state
25 ferry system.

26 (5) During the 2015-2017 fiscal biennium, the legislature may
27 transfer from the Puget Sound ferry operations account to the
28 connecting Washington account such amounts as reflect the excess fund
29 balance of the Puget Sound ferry operations account.

30 (6) During the 2017-2019 fiscal biennium, the legislature may
31 direct the state treasurer to make transfers of moneys in the Puget
32 Sound ferry operations account to the connecting Washington account.

33 (7) During the 2021-2023 fiscal biennium, the legislature may
34 direct the state treasurer to make transfers of moneys in the Puget
35 Sound ferry operations account to the Puget Sound capital
36 construction account.

1 **Sec. 716.** RCW 47.60.315 and 2019 c 431 s 3 are each amended to
2 read as follows:

3 (1) The commission shall adopt fares and pricing policies by
4 rule, under chapter 34.05 RCW, according to the following schedule:

5 (a) Each year the department shall provide the commission a
6 report of its review of fares and pricing policies, with
7 recommendations for the revision of fares and pricing policies for
8 the ensuing year;

9 (b) By September 1st of each year, beginning in 2008, the
10 commission shall adopt by rule fares and pricing policies for the
11 ensuing year.

12 (2) The commission may adopt by rule fares that are effective for
13 more or less than one year for the purposes of transitioning to the
14 fare schedule in subsection (1) of this section.

15 (3) The commission may increase ferry fares included in the
16 schedule of charges adopted under this section by a percentage that
17 exceeds the fiscal growth factor.

18 (4) The chief executive officer of the ferry system may authorize
19 the use of promotional, discounted, and special event fares to the
20 general public and commercial enterprises for the purpose of
21 maximizing capacity use and the revenues collected by the ferry
22 system. The department shall report to the commission a summary of
23 the promotional, discounted, and special event fares offered during
24 each fiscal year and the financial results from these activities.

25 (5) Fare revenues and other revenues deposited in the Puget Sound
26 ferry operations account created in RCW 47.60.530 may not be used to
27 support the Puget Sound capital construction account created in RCW
28 47.60.505, unless the support for capital is separately identified in
29 the fare or except as provided in section 715 of this act during the
30 2021-2023 biennium.

31 (6) The commission may not raise fares until the fare rules
32 contain pricing policies developed under RCW 47.60.290, or September
33 1, 2009, whichever is later.

34 (7) The commission shall impose a vessel replacement surcharge of
35 twenty-five cents on every one-way and round-trip ferry fare sold,
36 including multiride and monthly pass fares. This surcharge must be
37 clearly indicated to ferry passengers and drivers and, if possible,
38 on the fare media itself.

39 (8) Except as provided in subsection (10) of this section,
40 beginning May 1, 2020, the commission shall impose an additional

1 vessel replacement surcharge in an amount sufficient to fund twenty-
2 five year debt service on one 144-auto hybrid vessel taking into
3 account funds provided in chapter 417, Laws of 2019 or chapter . . .
4 (SSB 5419), Laws of 2019. The department of transportation shall
5 provide to the commission vessel and debt service cost estimates.
6 Information on vessels constructed or purchased with revenue from the
7 surcharges must be publicly posted including, but not limited to, the
8 commission web site.

9 (9) The vessel replacement surcharges imposed in this section may
10 only be used for the construction or purchase of ferry vessels and to
11 pay the principal and interest on bonds authorized for the
12 construction or purchase of new ferry vessels.

13 (10) The commission shall not impose the additional vessel
14 replacement surcharge in subsection (8) of this section if doing so
15 would increase fares by more than ten percent.

16 **Sec. 717.** RCW 34.05.350 and 2011 1st sp.s. c 2 s 1 are each
17 amended to read as follows:

18 (1) If an agency for good cause finds:

19 (a) That immediate adoption, amendment, or repeal of a rule is
20 necessary for the preservation of the public health, safety, or
21 general welfare, and that observing the time requirements of notice
22 and opportunity to comment upon adoption of a permanent rule would be
23 contrary to the public interest;

24 (b) That state or federal law or federal rule or a federal
25 deadline for state receipt of federal funds requires immediate
26 adoption of a rule; or

27 (c) In order to implement the requirements or reductions in
28 appropriations enacted in any budget for fiscal year 2009, 2010,
29 2011, 2012, (~~or~~) 2013, or in an omnibus transportation
30 appropriations act for the 2021-2023 biennium related to setting toll
31 rates or ferry fares, which necessitates the need for the immediate
32 adoption, amendment, or repeal of a rule, and that observing the time
33 requirements of notice and opportunity to comment upon adoption of a
34 permanent rule would be contrary to the fiscal needs or requirements
35 of the agency,

36 the agency may dispense with those requirements and adopt, amend, or
37 repeal the rule on an emergency basis. The agency's finding and a
38 concise statement of the reasons for its finding shall be
39 incorporated in the order for adoption of the emergency rule or

1 amendment filed with the office of the code reviser under RCW
2 34.05.380 and with the rules review committee.

3 (2) An emergency rule adopted under this section takes effect
4 upon filing with the code reviser, unless a later date is specified
5 in the order of adoption, and may not remain in effect for longer
6 than one hundred twenty days after filing. Identical or substantially
7 similar emergency rules may not be adopted in sequence unless
8 conditions have changed or the agency has filed notice of its intent
9 to adopt the rule as a permanent rule, and is actively undertaking
10 the appropriate procedures to adopt the rule as a permanent rule.
11 This section does not relieve any agency from compliance with any law
12 requiring that its permanent rules be approved by designated persons
13 or bodies before they become effective.

14 (3) Within seven days after the rule is adopted, any person may
15 petition the governor requesting the immediate repeal of a rule
16 adopted on an emergency basis by any department listed in RCW
17 43.17.010. Within seven days after submission of the petition, the
18 governor shall either deny the petition in writing, stating his or
19 her reasons for the denial, or order the immediate repeal of the
20 rule. In ruling on the petition, the governor shall consider only
21 whether the conditions in subsection (1) of this section were met
22 such that adoption of the rule on an emergency basis was necessary.
23 If the governor orders the repeal of the emergency rule, any sanction
24 imposed based on that rule is void. This subsection shall not be
25 construed to prohibit adoption of any rule as a permanent rule.

26 **Sec. 718.** 2019 c 396 s 2 (uncodified) is amended to read as
27 follows:

28 (1) The state commercial aviation coordinating commission is
29 created to carry out the functions of (~~this~~) chapter 396, Laws of
30 2019. The commission shall consist of fifteen voting members.

31 (2) The governor shall appoint thirteen voting members to
32 represent the following interests:

33 (a) Four as representatives of commercial service airports and
34 ports, one of whom shall represent a port located in a county with a
35 population of two million or more, one of whom shall represent a port
36 in eastern Washington with an airport runway of at least thirteen
37 thousand five hundred feet in length, one of whom shall represent a
38 commercial service airport in eastern Washington located in a county

1 with a population of four hundred thousand or more, and one
2 representing an association of ports;

3 (b) Three as representatives from the airline industry and the
4 private sector;

5 (c) Two citizen representatives with one appointed from eastern
6 Washington and one appointed from western Washington. The citizen
7 appointees must:

8 (i) Represent the public interests in the communities that are
9 included in the commission's site research; and

10 (ii) Understand the impacts of a large commercial aviation
11 facility on a community;

12 (d) A representative from the freight forwarding industry;

13 (e) A representative from the trucking industry;

14 (f) A representative from a community organization that
15 understands the impacts of a large commercial aviation facility on a
16 community; and

17 (g) A representative from a statewide environmental organization.

18 (3) The remaining two members shall consist of:

19 (a) A representative from the department of commerce; and

20 (b) A representative from the division of aeronautics of the
21 department of transportation.

22 (4) The commission shall invite the following nonvoting members:

23 (a) A representative from the Washington state aviation alliance;

24 (b) A representative from the department of defense;

25 (c) Two members from the senate, with one member from each of the
26 two largest caucuses in the senate, appointed by the president of the
27 senate;

28 (d) Two members from the house of representatives, with one
29 member from each of the two largest caucuses in the house of
30 representatives, appointed by the speaker of the house of
31 representatives;

32 (e) A representative from the division of aeronautics of the
33 department of transportation;

34 (f) A representative from an eastern Washington metropolitan
35 planning organization;

36 (g) A representative from a western Washington metropolitan
37 planning organization;

38 (h) A representative from an eastern Washington regional airport;
39 and

40 (i) A representative from a western Washington regional airport.

1 (5) The governor may appoint additional nonvoting members as
2 deemed appropriate.

3 (6) The commission shall select a chair from among its membership
4 and shall adopt rules related to its powers and duties under ((~~this~~))
5 chapter 396, Laws of 2019.

6 (7) Legislative members of the commission are reimbursed for
7 travel expenses in accordance with RCW 44.04.120. Nonlegislative
8 members are not entitled to be reimbursed for travel expenses if they
9 are elected officials or are participating on behalf of an employer,
10 governmental entity, or other organization. Any reimbursement for
11 other nonlegislative members is subject to chapter 43.03 RCW. The
12 commission has all powers necessary to carry out its duties as
13 prescribed by ((~~this~~)) chapter 396, Laws of 2019.

14 (8) The department of transportation shall provide staff support
15 for coordinating and administering the commission and technical
16 assistance as requested by commission members. The department shall
17 consider cost-saving options such as using online conferencing tools.
18 Meetings shall be held in Olympia, Washington unless resources allow
19 for alternative locations.

20 (9) At the direction of the commission, and as resources allow,
21 the department of transportation is authorized to hire a consultant
22 to assist with the review and research efforts of the commission. The
23 contract is exempt from the competitive procurement requirements in
24 chapter 39.26 RCW.

25 (10) The department of transportation shall convene the initial
26 meeting of the commission as soon as practicable.

27 (11) This section expires ((~~July 1, 2022~~)) June 30, 2023.

28 **Sec. 719.** 2019 c 396 s 3 (uncodified) is amended to read as
29 follows:

30 (1) The state commercial aviation coordinating commission will
31 review existing data and conduct research to determine Washington's
32 long-range commercial aviation facility needs and the site of a new
33 primary commercial aviation facility. Research for each potential
34 site must include the feasibility of constructing a commercial
35 aviation facility in that location and its potential environmental,
36 community, and economic impacts. Options for a new primary commercial
37 aviation facility in Washington may include expansion of an existing
38 airport facility but may not include siting a facility on or in the
39 vicinity of a military installation that would be incompatible with

1 the installation's ability to carry out its mission requirements. The
2 work of the commission shall include the following:

3 (a) Recommendations to the legislature on future Washington state
4 long-range commercial aviation facility needs including possible
5 additional aviation facilities or expansion of current aviation
6 facilities, excluding those located in a county with a population of
7 two million or more, to meet anticipated commercial aviation, general
8 aviation, and air cargo demands; (~~and~~)

9 (b) Identifying a preferred location for a new primary commercial
10 aviation facility. The commission shall make recommendations and
11 shall select a single preferred location by a sixty percent majority
12 vote using the following process:

13 (i) Initiating a broad review of potential sites;

14 (ii) Recommending a final short list of no more than six
15 locations by (~~January 1, 2021~~) February 15, 2022;

16 (iii) Identifying the top two locations from the final six
17 locations by (~~September 1, 2021~~) October 15, 2022; and

18 (iv) Identifying a single preferred location for a new primary
19 commercial aviation facility by (~~January 1, 2022~~) February 15,
20 2023; and

21 (c) A projected timeline for the development of an additional
22 commercial aviation facility that is completed and functional by
23 2040.

24 (2) The commission shall submit a report of its findings and
25 recommendations to the transportation committees of the legislature
26 by (~~January 1, 2022~~) February 15, 2023. The commission must allow a
27 minority report to be included with the commission report if
28 requested by a voting member of the commission.

29 (3) Nothing in this section shall be construed to endorse, limit,
30 or otherwise alter existing or future plans for capital development
31 and capacity enhancement at existing commercial airports in
32 Washington.

33 (4) This section expires (~~July 1, 2022~~) June 30, 2023.

34 **Sec. 720.** RCW 46.09.540 and 2013 2nd sp.s. c 23 s 10 are each
35 amended to read as follows:

36 (1) The multiuse roadway safety account is created in the motor
37 vehicle fund. All receipts from vehicle license fees under RCW
38 46.17.350(1)(r) must be deposited into the account. Moneys in the
39 account may be spent only after appropriation. Expenditures from the

1 account may be used only for grants administered by the department of
2 transportation to: (a) Counties to perform safety engineering
3 analysis of mixed vehicle use on any road within a county; (b) local
4 governments to provide funding to erect signs providing notice to the
5 motoring public that (i) wheeled all-terrain vehicles are present or
6 (ii) wheeled all-terrain vehicles may be crossing; (c) the state
7 patrol or local law enforcement for purposes of defraying the costs
8 of enforcement of chapter 23, Laws of 2013 2nd sp. sess.; ~~((and))~~ (d)
9 law enforcement to investigate accidents involving wheeled all-
10 terrain vehicles; and (e) during the 2021-2023 biennium grants may be
11 made to counties to (i) enhance or maintain any segment of a road
12 within the county in which the segment has been designated as part of
13 a travel or tourism route for use by wheeled all-terrain vehicles;
14 and (ii) purchase, print, develop, or use educational brochures or
15 mapping technology that aids in the safety and direction of users of
16 wheeled all-terrain vehicle routes.

17 (2) The department of transportation must prioritize grant awards
18 in the following priority order:

19 (a) For the purpose of marking highway crossings with signs
20 warning motorists that wheeled all-terrain vehicles may be crossing
21 when an ORV recreation facility parking lot is on the other side of a
22 public roadway from the actual ORV recreation facility; and

23 (b) For the purpose of marking intersections with signs where a
24 wheeled all-terrain vehicle may cross a public road to advise
25 motorists of the upcoming intersection. Such signs must conform to
26 the manual on uniform traffic control devices.

27 **Sec. 721.** RCW 47.66.120 and 2019 c 287 s 18 are each amended to
28 read as follows:

29 (1)(a) Subject to the availability of amounts appropriated for
30 this specific purpose through the 2023-2025 biennium, the
31 department's public transportation division shall establish a green
32 transportation capital grant program. The purpose of the grant
33 program is to aid any transit authority in funding cost-effective
34 capital projects to reduce the carbon intensity of the Washington
35 transportation system, examples of which include: Electrification of
36 vehicle fleets, including battery and fuel cell electric vehicles;
37 modification or replacement of capital facilities in order to
38 facilitate fleet electrification and/or hydrogen refueling; necessary
39 upgrades to electrical transmission and distribution systems; and

1 construction of charging and fueling stations. The department's
2 public transportation division shall identify projects and shall
3 submit a prioritized list of all projects requesting funding to the
4 legislature by December 1st of each even-numbered year.

5 (b) The department's public transportation division shall select
6 projects based on a competitive process that considers the following
7 criteria:

8 (i) The cost-effectiveness of the reductions in carbon emissions
9 provided by the project; and

10 (ii) The benefit provided to transitioning the entire state to a
11 transportation system with lower carbon intensity.

12 (2) The department's public transportation division must
13 establish an advisory committee to assist in identifying projects
14 under subsection (1) of this section. The advisory committee must
15 include representatives from the department of ecology, the
16 department of commerce, the utilities and transportation commission,
17 and at least one transit authority.

18 (3) In order to receive green transportation capital grant
19 program funding for a project, a transit authority must provide
20 matching funding for that project that is at least equal to twenty
21 percent of the total cost of the project.

22 (4) The department's public transportation division must report
23 annually to the transportation committees of the legislature on the
24 status of any grant projects funded by the program created under this
25 section.

26 (5) For purposes of this section, "transit authority" means a
27 city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a
28 county public transportation authority under chapter 36.57 RCW, a
29 metropolitan municipal corporation transit system under chapter 36.56
30 RCW, a public transportation benefit area under chapter 36.57A RCW,
31 an unincorporated transportation benefit area under RCW 36.57.100, a
32 regional transit authority under chapter 81.112 RCW, or any special
33 purpose district formed to operate a public transportation system.

34 (6) During the 2021-2023 fiscal biennium, the department may
35 provide up to 20 percent of the total green transportation capital
36 grant program funding for zero emissions capital transition planning
37 projects.

1 **GENERAL GOVERNMENT AGENCIES—OPERATING**

2 **Sec. 801.** 2019 c 416 s 101 (uncodified) is amended to read as
3 follows:

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

5 Motor Vehicle Account—State Appropriation (~~(\$545,000)~~)
6 \$536,000

7 **Sec. 802.** 2020 c 219 s 101 (uncodified) is amended to read as
8 follows:

9 **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

10 Motor Vehicle Account—State Appropriation (~~(\$1,419,000)~~)
11 \$1,388,000
12 Multimodal Transportation Account—State Appropriation. . . . \$300,000
13 Puget Sound Ferry Operations Account—State Appropriation . . \$121,000
14 TOTAL APPROPRIATION. (~~(\$1,840,000)~~)
15 \$1,809,000

16 The appropriations in this section are subject to the following
17 conditions and limitations: \$300,000 of the multimodal transportation
18 account—state appropriation is provided solely for the office of
19 financial management, in direct coordination with the office of state
20 treasurer, to evaluate, coordinate, and assist in efforts by state
21 agencies in developing cost recovery mechanisms for credit card and
22 other financial transaction fees currently paid from state funds.
23 This may include disbursing interagency reimbursements for the
24 implementation costs incurred by the affected agencies. As part of
25 the first phase of this effort, the office of financial management,
26 with the assistance of relevant agencies, must develop implementation
27 plans and take all necessary steps to ensure that the actual cost-
28 recovery mechanisms will be in place by January 1, 2020, for the
29 vehicles and drivers programs of the department of licensing. By
30 November 1, 2019, the office of financial management must provide a
31 report to the joint transportation committee on the phase 1
32 implementation plan and options to expand similar cost recovery
33 mechanisms to other state agencies and programs, including the
34 ferries division.

35 **Sec. 803.** 2020 c 219 s 102 (uncodified) is amended to read as
36 follows:

1 **FOR THE DEPARTMENT OF AGRICULTURE**

2 Motor Vehicle Account—State Appropriation (~~(\$1,359,000)~~)
3 \$1,350,000

4 **Sec. 804.** 2019 c 416 s 106 (uncodified) is amended to read as
5 follows:

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

7 Motor Vehicle Account—State Appropriation (~~(\$652,000)~~)
8 \$647,000

9 **Sec. 805.** 2020 c 219 s 104 (uncodified) is amended to read as
10 follows:

11 **FOR THE HOUSE OF REPRESENTATIVES**

12 Motor Vehicle Account—State Appropriation (~~(\$3,082,000)~~)
13 \$3,052,000

14 **Sec. 806.** 2020 c 219 s 105 (uncodified) is amended to read as
15 follows:

16 **FOR THE SENATE**

17 Motor Vehicle Account—State Appropriation \$2,999,000

18 **TRANSPORTATION AGENCIES—OPERATING**

19 **Sec. 901.** 2020 c 219 s 201 (uncodified) is amended to read as
20 follows:

21 **FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

22 Highway Safety Account—State Appropriation (~~(\$4,675,000)~~)
23 \$4,647,000

24 Highway Safety Account—Federal Appropriation (~~(\$27,051,000)~~)
25 \$26,943,000

26 Highway Safety Account—Private/Local Appropriation \$118,000

27 School Zone Safety Account—State Appropriation \$850,000

28 TOTAL APPROPRIATION. (~~(\$32,694,000)~~)
29 \$32,558,000

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

32 (1) \$150,000 of the highway safety account—state appropriation is
33 provided solely for the implementation of chapter 54, Laws of 2019
34 (Cooper Jones Active Transportation Safety Council). If chapter 54,

1 Laws of 2019 is not enacted by June 30, 2019, the amount provided in
2 this subsection lapses.

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

7 (a) Any programs authorized by the commission must be authorized
8 by December 31, 2020.

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

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

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

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

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

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

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

38 (vi) Notwithstanding any other provision of law, all photographs,
39 videos, microphotographs, audio recordings, or electronic images
40 prepared under this section are for the exclusive use of law

1 enforcement in the discharge of duties under this section and are not
2 open to the public and may not be used in a court in a pending action
3 or proceeding. No photograph, microphotograph, audio recording, or
4 electronic image may be used for any purpose other than the issuance
5 of warnings for violations under this section or retained longer than
6 necessary to issue a warning notice as required under this subsection
7 (2); and

8 (vii) By June 30, 2021, the participating cities shall provide a
9 report to the commission and appropriate committees of the
10 legislature regarding the use, public acceptance, outcomes, warnings
11 issued, data retention and use, and other relevant issues regarding
12 automated vehicle noise enforcement cameras demonstrated by the pilot
13 projects.

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

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

36 The PTBA, in consultation with the Washington traffic safety
37 commission, must provide a report to the transportation committees of
38 the legislature with the number of violations detected during the
39 demonstration project, whether the technology used was accurate and

1 any recommendations for future use of automated enforcement
2 technology for HOV lane enforcement by June 30, 2021.

3 (4) (a) The Washington traffic safety commission shall coordinate
4 with each city that implements a pilot program as authorized in
5 chapter 224, Laws of 2020 (automated traffic safety cameras) or
6 chapter . . . (Substitute Senate Bill No. 5789), Laws of 2020
7 (automated traffic safety cameras) to provide the transportation
8 committees of the legislature with the following information by June
9 30, 2021:

10 (i) The number of warnings and infractions issued to first-time
11 violators under the pilot program;

12 (ii) The number of warnings and infractions issued to the
13 registered owners of vehicles that are not registered with an address
14 located in the city conducting the pilot program; and

15 (iii) The frequency with which warnings and infractions are
16 issued on weekdays versus weekend days.

17 (b) If neither chapter 224, Laws of 2020 nor chapter . . .
18 (Substitute Senate Bill No. 5789), Laws of 2020 is enacted by June
19 30, 2020, the conditions of this subsection (4) have no force and
20 effect.

21 **Sec. 902.** 2020 c 219 s 202 (uncodified) is amended to read as
22 follows:

23 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

24 Rural Arterial Trust Account—State Appropriation	\$1,137,000
25 Motor Vehicle Account—State Appropriation	(\$2,920,000)
26	<u>\$2,995,000</u>
27 County Arterial Preservation Account—State	
28 Appropriation	\$1,677,000
29 TOTAL APPROPRIATION.	(\$5,734,000)
30	<u>\$5,809,000</u>

31 The appropriations in this section are subject to the following
32 conditions and limitations: \$58,000 of the motor vehicle account—
33 state appropriation is provided solely for succession planning and
34 training.

35 **Sec. 903.** 2020 c 219 s 203 (uncodified) is amended to read as
36 follows:

37 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

1 Transportation Improvement Account—State
 2 Appropriation (~~(\$3,854,000)~~)
 3 \$3,825,000

4 **Sec. 904.** 2020 c 219 s 204 (uncodified) is amended to read as
 5 follows:

6 **FOR THE JOINT TRANSPORTATION COMMITTEE**

7 Motor Vehicle Account—State Appropriation (~~(\$2,187,000)~~)
 8 \$2,173,000
 9 Multimodal Transportation Account—State Appropriation. . (~~(\$917,000)~~)
 10 \$895,000
 11 Highway Safety Account—State Appropriation. \$275,000
 12 TOTAL APPROPRIATION. (~~(\$3,379,000)~~)
 13 \$3,343,000

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

16 (1) \$400,000 of the motor vehicle account—state appropriation and
 17 \$50,000 of the multimodal transportation account—state appropriation
 18 is for the joint transportation committee to conduct a comprehensive
 19 assessment of statewide transportation needs and priorities, and
 20 existing and potential transportation funding mechanisms to address
 21 those needs and priorities. The assessment must include: (a)
 22 Recommendations on the critical state and local transportation
 23 projects, programs, and services needed to achieve an efficient,
 24 effective, statewide transportation system over the next ten years;
 25 (b) a comprehensive menu of funding options for the legislature to
 26 consider to address the identified transportation system investments;
 27 (c) recommendations on whether a revision to the statewide
 28 transportation policy goals in RCW 47.04.280 is warranted in light of
 29 the recommendations and options identified in (a) and (b) of this
 30 subsection; and (d) an analysis of the economic impacts of a range of
 31 future transportation investments. The assessment must be submitted
 32 to the transportation committees of the legislature by June 30, 2020.
 33 Starting July 1, 2020, and concluding by December 31, 2020, a
 34 committee-appointed commission or panel shall review the assessment
 35 and make final recommendations to the legislature for consideration
 36 during the 2021 legislative session on a realistic, achievable plan
 37 for funding transportation programs, projects, and services over the

1 next ten years including a timeline for legislative action on funding
2 the identified transportation system needs shortfall.

3 (2) (a) \$382,000 of the multimodal transportation account—state
4 appropriation is for the joint transportation committee to conduct an
5 analysis of the electrification of public fleets in Washington state.
6 The study must include the following:

7 (i) An inventory of existing public fleets for the state of
8 Washington, counties, a sampling of cities, and public transit
9 agencies. The inventory must differentiate among battery and fuel
10 cell electric vehicles, hybrid vehicles, gasoline powered vehicles,
11 and any other functional categories. Three cities from each of the
12 following population ranges must be selected for the analysis:

13 (A) Population up to and including twenty-five thousand;

14 (B) Population greater than twenty-five thousand and up to and
15 including fifty thousand;

16 (C) Population greater than fifty thousand and up to and
17 including one hundred thousand;

18 (D) Population greater than one hundred thousand;

19 (ii) A review of currently available battery and fuel cell
20 electric vehicle alternatives to the vehicle types most commonly used
21 by the state, counties, cities, and public transit agencies. The
22 review must include:

23 (A) The average vehicle cost differential among the commercially
24 available fuel options;

25 (B) A cost benefit analysis of the conversion of different
26 vehicle classes; and

27 (C) Recommendations for the types of vehicles that should be
28 excluded from consideration due to insufficient alternatives,
29 unreliable technology, or excessive cost;

30 (iii) The projected costs of achieving substantial conversion to
31 battery and/or fuel cell electric fleets by 2025, 2030, and 2035 for
32 the state, counties, cities, and public transit agencies. This cost
33 estimate must include:

34 (A) Vehicle acquisition costs, charging and refueling
35 infrastructure costs, and other associated costs;

36 (B) Financial constraints of each type of entity to transition to
37 an electric vehicle fleet; and

38 (C) Any other identified barriers to transitioning to a battery
39 and/or fuel cell electric vehicle fleet;

1 (iv) Identification and analysis of financing mechanisms that
2 could be used to finance the transition of publicly owned vehicles to
3 battery and fuel cell electric vehicles. These mechanisms include,
4 but are not limited to: Energy or carbon savings performance
5 contracting, utility grants and rebates, revolving loan funds, state
6 grant programs, private third-party financing, fleet management
7 services, leasing, vehicle use optimization, and vehicle to grid
8 technology; and

9 (v) The predicted number and location profile of electric vehicle
10 fueling stations needed statewide to provide fueling for the fleets
11 of the state, counties, cities, and public transit agencies.

12 (b) In developing and implementing the study, the joint
13 transportation committee must solicit input from representatives of
14 the department of enterprise services, the department of
15 transportation, the department of licensing, the department of
16 commerce, the Washington state association of counties, the
17 association of Washington cities, the Washington state transit
18 association, transit agencies, and others as deemed appropriate.

19 (c) The joint transportation committee must issue a report of its
20 findings and recommendations to the transportation committees of the
21 legislature by September 30, 2020.

22 (3) (a) (~~(\$250,000)~~) \$228,000 of the multimodal transportation
23 account—state appropriation is for the joint transportation committee
24 to conduct a study of the feasibility of an east-west intercity
25 passenger rail system. The study must include the following elements:

26 (i) Projections of potential ridership;
27 (ii) Review of relevant planning studies;
28 (iii) Establishment of an advisory group and associated meetings;
29 (iv) Development of a Stampede Pass corridor alignment to
30 maximize ridership, revenue, and rationale, considering service to
31 population centers: Auburn, Cle Elum, Yakima, Tri-Cities, Ellensburg,
32 Toppenish, and Spokane;

33 (v) Assessment of current infrastructure conditions, including
34 station stop locations;

35 (vi) Identification of equipment needs; and

36 (vii) Identification of operator options.

37 (b) A report of the study findings and recommendations is due to
38 the transportation committees of the legislature by June 30, 2020.

1 (4) (a) \$275,000 of the highway safety fund—state appropriation is
2 for a study of vehicle subagents in Washington state. The study must
3 consider and include recommendations, as necessary, on the following:

4 (i) The relevant statutes, rules, and/or regulations authorizing
5 vehicle subagents and any changes made to the relevant statutes,
6 rules, and/or regulations;

7 (ii) The current process of selecting and authorizing a vehicle
8 subagent, including the change of ownership process and the
9 identification of any barriers to entry into the vehicle subagent
10 market;

11 (iii) The annual business expenditures borne by each of the
12 vehicle subagent businesses since fiscal year 2010 and identification
13 of any materials, including office equipment and supplies, provided
14 by the department of licensing to each vehicle subagent since fiscal
15 year 2010. To accomplish this task, each vehicle subagent must
16 provide expenditure data to the joint transportation committee for
17 the purposes of this study;

18 (iv) The oversight provided by the county auditors and/or the
19 department of licensing over the vehicle subagent businesses;

20 (v) The history of service fees, how increases to the service fee
21 rate are made, and how the requested fee increase is determined;

22 (vi) The online vehicle registration renewal process and any
23 potential improvements to the online process;

24 (vii) The department of licensing's ability to provide more
25 vehicle licensing services directly, particularly taking into account
26 the increase in online vehicle renewal transactions;

27 (viii) The potential expansion of services that can be performed
28 by vehicle subagents; and

29 (ix) The process by which the geographic locations of vehicle
30 subagents are determined.

31 (b) In conducting the study, the joint transportation committee
32 must consult with the department of licensing, a representative of
33 county auditors, and a representative of vehicle subagents.

34 (c) The joint transportation committee may collect any data from
35 the department of licensing, county auditors, and vehicle subagents
36 that is necessary to conduct the study.

37 (d) The joint transportation committee must issue a report of its
38 findings and recommendations to the transportation committees of the
39 legislature by September 30, 2020.

1 (5) (a) \$235,000 of the multimodal transportation account—state
2 appropriation is for the joint transportation committee to oversee a
3 consultant study on rail safety governance best practices, by class
4 of rail where applicable, and recommendations for the implementation
5 of these best practices in Washington state. The study must assess
6 rail safety governance for passenger and freight rail, including rail
7 transit services, and must consider recommendations made by the
8 national transportation safety board in its 2017 Amtrak passenger
9 train 501 derailment accident report that are relevant to rail safety
10 governance.

11 (b) The study must include the following components:

12 (i) (A) An assessment of rail safety oversight in Washington state
13 that includes: (I) The rail safety oversight roles of federal, state,
14 regional, and local agencies, including the extent to which federal
15 and state laws govern these roles and the extent to which these roles
16 would be modified should the suspended federal rules in 49 C.F.R.
17 Part 270 take effect; (II) federal, state, regional, and local agency
18 organizational structures and processes utilized to conduct rail
19 safety oversight; and (III) coordination activities by federal,
20 state, regional, and local agencies in conducting rail safety
21 oversight;

22 (B) An examination of rail safety governance best practices by
23 other states for the items identified in (a) of this subsection; and

24 (C) Recommendations for the implementation of best practices for
25 rail safety governance in Washington state.

26 (ii) The study must address the extent to which additional safety
27 oversight of rail project design and construction is used in other
28 states and would be a recommended best practice for Washington state.

29 (c) The joint transportation committee shall consult with the
30 Washington state department of transportation, the Washington state
31 utilities and transportation commission, sound transit, the national
32 transportation safety board, Amtrak, the federal railroad
33 administration, BNSF railway company, one or more representatives of
34 short line railroads, one or more representatives of labor, and other
35 entities with rail safety expertise as necessary.

36 (d) The joint transportation committee must issue a report of its
37 findings and recommendations on rail safety governance to the
38 transportation committees of the legislature by January 6, 2021.

39 (6) (a) \$250,000 of the motor vehicle account—state appropriation
40 is for the joint transportation committee to conduct a study of the

1 feasibility of a private auto ferry between the state of Washington
2 and British Columbia, Canada. The study must include the following
3 elements:

4 (i) Expected impacts to ridership, revenue, and expenditures for
5 Washington state ferries;

6 (ii) Expected impacts to ferry service provided to the San Juan
7 Islands;

8 (iii) Possible terminal locations on Fidalgo Island;

9 (iv) Economic impacts to the Anacortes area if ferry service
10 between the area and Vancouver Island ceases;

11 (v) Economic impacts to the San Juan Islands if ferry service or
12 ferry tourism is reduced;

13 (vi) Expected impacts to family wage jobs in the marine industry
14 for Washingtonians;

15 (vii) Expected impacts to ferry fares between the state of
16 Washington and British Columbia, Canada;

17 (viii) Legal analysis of all state, federal, or Canadian laws or
18 rules, including the Jones act and rules of the board of pilotage
19 commissioners, that may apply to initiation of private service or
20 cessation of state service; and

21 (ix) Options for encouraging private auto ferry service between
22 the state of Washington and Vancouver Island, Canada.

23 (b) In conducting the study, the joint transportation committee
24 must consult with the department of transportation, a representative
25 of San Juan county, a representative of the city of Anacortes, a
26 representative of the inland boatman's union, a representative of
27 Puget Sound pilots, a representative of the port of Anacortes, a
28 representative of the economic development alliance of Skagit county,
29 and interested private ferry operators in Washington state.

30 (c) A report of the study findings and options is due to the
31 transportation committees of the legislature by February 15, 2021.

32 **Sec. 905.** 2020 c 219 s 205 (uncodified) is amended to read as
33 follows:

34 **FOR THE TRANSPORTATION COMMISSION**

35 Motor Vehicle Account—State Appropriation (~~(\$2,324,000)~~)
36 \$1,861,000

37 Interstate 405 and State Route Number 167 Express Toll Lanes
38 Account—State Appropriation. (~~(\$410,000)~~)
39 \$406,000

1	State Route Number 520 Corridor Account—State	
2	Appropriation.	((\$271,000))
3		<u>\$262,000</u>
4	Tacoma Narrows Toll Bridge Account—State	
5	Appropriation.	((\$158,000))
6		<u>\$152,000</u>
7	Alaskan Way Viaduct Replacement Project	
8	Account—State Appropriation.	((\$136,000))
9		<u>\$132,000</u>
10	TOTAL APPROPRIATION.	((\$3,299,000))
11		<u>\$2,813,000</u>

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

14 (1)(a) The commission shall reconvene the road usage charge
15 steering committee, with the same membership described in chapter
16 297, Laws of 2018, and shall report at least once every three months
17 to the steering committee with updates on report development for the
18 completed road usage charge pilot project until the final report is
19 submitted. The commission shall also report to the steering committee
20 on any other activities undertaken in accordance with this subsection
21 (1) as necessary to keep it apprised of new developments and to
22 obtain input on its efforts. The final report on the road usage
23 charge pilot project is due to the transportation committees of the
24 legislature by January 1, 2020, and should include recommendations
25 for necessary next steps to consider impacts to communities of color,
26 low-income households, vulnerable populations, and displaced
27 communities. Any legislative vacancies on the steering committee must
28 be appointed by the speaker of the house of representatives for a
29 house of representatives member vacancy, and by the president of the
30 senate for a senate member vacancy.

31 (b)(i) The commission shall coordinate with the department of
32 transportation to jointly seek federal funds available through the
33 federal surface transportation system funding alternatives grant
34 program, applying toll credits for meeting match requirements. One or
35 more grant applications shall be developed that propose to:

36 (A) Create a framework for modeling the effects of a road usage
37 charge on passenger and light-duty vehicles including, but not
38 limited to, plug-in electric vehicles, autonomous vehicles, state

1 fleets, and transportation network companies on a road usage charge
2 system;

3 (B) Identify and measure potential disparate impacts of a road
4 usage charge on designated populations, including communities of
5 color, low-income households, vulnerable populations, and displaced
6 communities;

7 (C) Incorporate emerging approaches to mileage reporting, such as
8 in-vehicle telematics, improved smartphone apps, and use of private
9 businesses to provide odometer verification and mileage reporting
10 services, into a road usage charge system;

11 (D) Conduct a series of facilitated work sessions with other
12 states and private sector firms to identify opportunities to reduce
13 the cost of collections for a road usage charge;

14 (E) Develop a road usage charge phase-in plan that incorporates
15 findings from (b) (i) (A) through (D) of this subsection;

16 (F) Carry out a limited scale demonstration to test new mileage
17 reporting methods; equity policies; cost reduction techniques; and
18 collecting a road usage charge from passenger and light-duty vehicles
19 including, but not limited to, plug-in electric vehicles, autonomous
20 vehicles, state fleets, transportation network companies, and other
21 new mobility services; and

22 (G) Produce a final report with recommendations and a recommended
23 roadmap that details how a road usage charge could be appropriately
24 scaled to fit state circumstances and that includes a framework for
25 evaluating policy choices related to the use of road usage charge
26 revenue.

27 (ii) A year-end report on the status of any federally-funded
28 project for which federal funding is secured must be provided to the
29 governor's office and the transportation committees of the
30 legislature by January 1, 2020, and by January 1, 2021.

31 (c) \$150,000 of the motor vehicle account—state appropriation is
32 provided solely for analysis of potential impacts of a road usage
33 charge on communities of color, low-income households, vulnerable
34 populations, and displaced communities. The analysis must include an
35 assessment of potential mitigation measures to address these
36 potential impacts. These funds must be held in unallotted status
37 during the 2019-2021 fiscal biennium, and may only be used after the
38 commission has provided notice to the office of financial management
39 that it has exhausted all efforts to secure federal funds from the
40 federal surface transportation system funding alternatives grant

1 program under (b) of this subsection without successfully securing
2 federal funding for the further study of a road usage charge. A year-
3 end update on the status of this effort, if undertaken prior to the
4 end of calendar year 2020, must be provided to the governor's office
5 and the transportation committees of the legislature by January 1,
6 2021.

7 (2) (a) \$250,000 of the Interstate 405 and state route number 167
8 express toll lanes account—state appropriation is provided solely for
9 the transportation commission to conduct a study, applicable to the
10 Interstate 405 express toll lanes, of discounted tolls and other
11 similar programs for low-income drivers that are provided by other
12 states, countries, or other entities and how such a program could be
13 implemented in the state of Washington. The transportation commission
14 may contract with a consultant to conduct all or a portion of this
15 study.

16 (b) In conducting this study, the transportation commission shall
17 consult with both the department of transportation and the department
18 of social and health services.

19 (c) The transportation commission shall, at a minimum, consider
20 the following issues when conducting the study of discounted tolls
21 and other similar programs for low-income drivers:

22 (i) The benefits, requirements, and any potential detriments to
23 the users of a program;

24 (ii) The most cost-effective way to implement a program given
25 existing financial commitments, shared cost requirements across
26 facilities, and technical requirements to execute and maintain a
27 program;

28 (iii) The implications of a program for tolling policies,
29 revenues, costs, operations, and enforcement; and

30 (iv) Any implications to tolled facilities based on the type of
31 tolling implemented on a particular facility.

32 (d) The transportation commission shall provide a report
33 detailing the findings of this study and recommendations for
34 implementing a discounted toll or other appropriate program in the
35 state of Washington to the transportation committees of the
36 legislature by June 30, 2021.

37 (3) \$160,000 of the Interstate 405 and state route number 167
38 express toll lanes account—state appropriation, \$271,000 of the state
39 route number 520 corridor account—state appropriation, \$158,000 of

1 the Tacoma Narrows toll bridge account—state appropriation, and
2 \$136,000 of the Alaskan Way viaduct replacement project account—state
3 appropriation are provided solely for the transportation commission's
4 proportional share of time spent supporting tolling operations for
5 the respective tolling facilities.

6 (4) The legislature requests that the commission commence
7 proceedings to name state route number 165 as The Glacier Highway to
8 commemorate the significance of glaciers to the state of Washington.

9 **Sec. 906.** 2020 c 219 s 206 (uncodified) is amended to read as
10 follows:

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

12 Freight Mobility Investment Account—State

13	Appropriation	((\$772,000))
14		<u>\$766,000</u>

15 **Sec. 907.** 2020 c 219 s 207 (uncodified) is amended to read as
16 follows:

17 **FOR THE WASHINGTON STATE PATROL**

18	State Patrol Highway Account—State Appropriation	((\$501,294,000))
19		<u>\$495,785,000</u>
20	State Patrol Highway Account—Federal Appropriation	((\$16,081,000))
21		<u>\$15,978,000</u>
22	State Patrol Highway Account—Private/Local	
23	Appropriation	((\$4,258,000))
24		<u>\$4,257,000</u>
25	Highway Safety Account—State Appropriation	\$1,188,000
26	Ignition Interlock Device Revolving Account—State	
27	Appropriation	\$7,010,000
28	Multimodal Transportation Account—State	
29	Appropriation	((\$286,000))
30		<u>\$274,000</u>
31	Interstate 405 and State Route Number 167 Express	
32	Toll Lanes Account—State Appropriation.	\$1,182,000
33	State Route Number 520 Corridor Account—State	
34	Appropriation.	\$1,988,000
35	Tacoma Narrows Toll Bridge Account—State Appropriation.	\$1,158,000
36	Alaskan Way Viaduct Replacement Project	
37	Account—State Appropriation.	\$996,000

1 TOTAL APPROPRIATION. ((~~\$535,441,000~~))
2 \$529,816,000

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

5 (1) Washington state patrol officers engaged in off-duty
6 uniformed employment providing traffic control services to the
7 department of transportation or other state agencies may use state
8 patrol vehicles for the purpose of that employment, subject to
9 guidelines adopted by the chief of the Washington state patrol. The
10 Washington state patrol must be reimbursed for the use of the vehicle
11 at the prevailing state employee rate for mileage and hours of usage,
12 subject to guidelines developed by the chief of the Washington state
13 patrol.

14 (2) \$510,000 of the ignition interlock device revolving account—
15 state appropriation is provided solely for the ignition interlock
16 program at the Washington state patrol to provide funding for two
17 staff to work and provide support for the program in working with
18 manufacturers, service centers, technicians, and participants in the
19 program.

20 (3) \$1,424,000 of the state patrol highway account—state
21 appropriation is provided solely to enter into an agreement for
22 upgraded land mobile software, hardware, and equipment.

23 (4) \$2,582,000 of the state patrol highway account—state
24 appropriation is provided solely for the replacement of radios and
25 other related equipment.

26 (5) \$343,000 of the state patrol highway account—state
27 appropriation is provided solely for aerial criminal investigation
28 tools, including software licensing and maintenance, and annual
29 certification.

30 (6) (~~(\$2,342,000)~~) \$1,556,000 of the state patrol highway account
31 —state appropriation is provided solely to address the increase in
32 the number of toxicology cases from impaired driving and death
33 investigations.

34 (7) \$580,000 of the state patrol highway account—state
35 appropriation is provided solely for the operation of and
36 administrative support to the license investigation unit to enforce
37 vehicle registration laws in southwestern Washington. The Washington
38 state patrol, in consultation with the department of revenue, shall
39 maintain a running estimate of the additional vehicle registration

1 fees, sales and use taxes, and local vehicle fees remitted to the
2 state pursuant to activity conducted by the license investigation
3 unit. Beginning October 1, 2019, and quarterly thereafter, the
4 Washington state patrol shall submit a report detailing the
5 additional revenue amounts generated since July 1, 2017, to the
6 director of the office of financial management and the transportation
7 committees of the legislature. At the end of the calendar quarter in
8 which it is estimated that more than \$625,000 in state sales and use
9 taxes have been remitted to the state since July 1, 2017, the
10 Washington state patrol shall notify the state treasurer and the
11 state treasurer shall transfer funds pursuant to section 406, chapter
12 416, Laws of 2019.

13 (8) \$18,000 of the state patrol highway account—state
14 appropriation is provided solely for the license investigation unit
15 to procure an additional license plate reader and related costs.

16 (9) The Washington state patrol and the office of financial
17 management must be consulted by the department of transportation
18 during the design phase of any improvement or preservation project
19 that could impact Washington state patrol weigh station operations.
20 During the design phase of any such project, the department of
21 transportation must estimate the cost of designing around the
22 affected weigh station's current operations, as well as the cost of
23 moving the affected weigh station.

24 (10) \$4,210,000 of the state patrol highway account—state
25 appropriation is provided solely for a third arming and a third
26 trooper basic training class. The cadet class is expected to graduate
27 in June 2021.

28 (11) \$65,000 of the state patrol highway account—state
29 appropriation is provided solely for the implementation of chapter
30 440, Laws of 2019 (immigrants in the workplace). If chapter 440, Laws
31 of 2019 is not enacted by June 30, 2019, the amount provided in this
32 subsection lapses.

33 (12)(a) The Washington state patrol must report quarterly to the
34 house and senate transportation committees on the status of
35 recruitment and retention activities as follows:

36 (i) A summary of recruitment and retention strategies;

37 (ii) The number of transportation funded staff vacancies by major
38 category;

1 (iii) The number of applicants for each of the positions by these
2 categories;

3 (iv) The composition of workforce; and

4 (v) Other relevant outcome measures with comparative information
5 with recent comparable months in prior years.

6 (b) By January 1, 2020, the Washington state patrol must submit
7 to the transportation committees of the legislature and the governor
8 a workforce diversity plan. The plan must identify ongoing, and both
9 short-term and long-term, specific comprehensive outreach and
10 recruitment strategies to increase populations underrepresented
11 within both commissioned and noncommissioned employee groups.

12 (13) \$1,182,000 of the Interstate 405 and state route number 167
13 express toll lanes account—state appropriation, \$1,988,000 of the
14 state route number 520 corridor account—state appropriation,
15 \$1,158,000 of the Tacoma Narrows toll bridge account—state
16 appropriation, and \$996,000 of the Alaskan Way viaduct replacement
17 project account—state appropriation are provided solely for the
18 Washington state patrol's proportional share of time spent supporting
19 tolling operations and enforcement for the respective tolling
20 facilities.

21 (14) \$100,000 of the state patrol highway account—state
22 appropriation is provided solely for the implementation of (~~Senate~~
23 ~~Bill No. 6218~~) chapter 97, Laws of 2020 (Washington state patrol
24 retirement definition of salary), which reflects an increase in the
25 Washington state patrol retirement system pension contribution rate
26 of 0.15 percent for changes to the definition of salary. If (~~Senate~~
27 ~~Bill No. 6218~~) chapter 97, Laws of 2020 is not enacted by June 30,
28 2020, the amount provided in this subsection lapses.

29 (~~(16)~~) (15) \$975,000 of the state patrol highway account—state
30 appropriation is provided solely for communications officers at the
31 King county public safety answering point.

32 (~~(17)~~) (16) \$830,000 of the state patrol highway account—state
33 appropriation is provided solely for information technology security
34 enhancements.

35 (~~(18)~~) (17) \$150,000 of the state patrol highway account is
36 provided solely for the Washington state patrol to work with the
37 department of enterprise services and office of minority and women's
38 business enterprises to contract for a workforce diversity strategic
39 action plan. The successful consultant must have demonstrated

1 expertise in workforce diversity research and an established record
2 of assisting organizations in implementing diversity initiatives. The
3 plan must include:

4 (a) Current and past employment data on the composition of the
5 state patrol workforce generally and of its protective service
6 workers;

7 (b) Research into the reasons for underrepresentation of
8 minorities and women in the state patrol workforce;

9 (c) Research on best practices for recruiting across the state
10 and from communities historically underrepresented in the Washington
11 state patrol workforce;

12 (d) Case studies of law enforcement and other agencies that have
13 successfully diversified their workforce; and

14 (e) A strategic plan with recommendations that will address
15 disparities in the Washington state patrol employment ranks in both
16 commissioned and noncommissioned personnel, with a focus on
17 executive, command, and supervisory employees.

18 **Sec. 908.** 2020 c 219 s 208 (uncodified) is amended to read as
19 follows:

20 **FOR THE DEPARTMENT OF LICENSING**

21	Marine Fuel Tax Refund Account—State Appropriation	\$34,000
22	Motorcycle Safety Education Account—State	
23	Appropriation	(\$5,052,000)
24		<u>\$5,023,000</u>
25	State Wildlife Account—State Appropriation	(\$511,000)
26		<u>\$510,000</u>
27	Highway Safety Account—State Appropriation	(\$242,965,000)
28		<u>\$226,935,000</u>
29	Highway Safety Account—Federal Appropriation	\$1,294,000
30	Motor Vehicle Account—State Appropriation	(\$71,447,000)
31		<u>\$64,548,000</u>
32	Motor Vehicle Account—Federal Appropriation.	\$186,000
33	Motor Vehicle Account—Private/Local Appropriation	\$10,008,000
34	Ignition Interlock Device Revolving Account—State	
35	Appropriation	(\$5,779,000)
36		<u>\$5,265,000</u>
37	Department of Licensing Services Account—State	
38	Appropriation	(\$7,696,000)

1		<u>\$7,685,000</u>
2	License Plate Technology Account—State	
3	Appropriation	\$4,250,000
4	Abandoned Recreational Vehicle Account—State	
5	Appropriation.	\$2,925,000
6	Limousine Carriers Account—State Appropriation.	\$113,000
7	Electric Vehicle Account—State Appropriation.	\$264,000
8	DOL Technology Improvement & Data Management	
9	Account—State Appropriation.	\$2,250,000
10	Agency Financial Transaction Account—State	
11	Appropriation.	\$11,903,000
12	TOTAL APPROPRIATION.	((\$366,677,000))
13		<u>\$343,193,000</u>

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

16 (1) \$139,000 of the motorcycle safety education account—state
17 appropriation is provided solely for the implementation of chapter
18 65, Laws of 2019 (motorcycle safety). If chapter 65, Laws of 2019 is
19 not enacted by June 30, 2019, the amount provided in this subsection
20 lapses.

21 (2) \$25,000 of the motorcycle safety education account—state
22 appropriation, \$4,000 of the state wildlife account—state
23 appropriation, \$1,708,000 of the highway safety account—state
24 appropriation, \$576,000 of the motor vehicle account—state
25 appropriation, \$22,000 of the ignition interlock device revolving
26 account—state appropriation, and \$28,000 of the department of
27 licensing services account—state appropriation are provided solely
28 for the department to fund the appropriate staff and necessary
29 equipment and software for data management, data analytics, and data
30 compliance activities. The department must, in consultation with the
31 office of the chief information officer, construct a framework with
32 goals for providing better data stewardship and a plan to achieve
33 those goals. The department must provide the framework and plan to
34 the transportation committees of the legislature by December 31,
35 2019, and an update by May 1, 2020.

36 (3) Appropriations provided for the cloud continuity of
37 operations project in this section are subject to the conditions,
38 limitations, and review provided in section 701 (~~(of this act)~~),
39 chapter 219, Laws of 2020.

1 (4) \$24,028,000 of the highway safety account—state appropriation
2 is provided solely for costs necessary to accommodate increased
3 demand for enhanced drivers' licenses and enhanced identicards. The
4 department shall report on a quarterly basis on the use of these
5 funds, associated workload, and information with comparative
6 information with recent comparable months in prior years. The report
7 must include detailed statewide and by licensing service office
8 information on staffing levels, average monthly wait times, the
9 number of enhanced drivers' licenses and enhanced identicards issued/
10 renewed, and the number of primary drivers' licenses and identicards
11 issued/renewed. Within the amounts provided in this subsection, the
12 department shall implement efficiency measures to reduce the time for
13 licensing transactions and wait times including, but not limited to,
14 the installation of additional cameras at licensing service offices
15 that reduce bottlenecks and align with the "keep your customer"
16 initiative.

17 (5) \$507,000 of the motor vehicle account—state appropriation is
18 provided solely for the implementation of chapter . . . (Substitute
19 Senate Bill No. 5419), Laws of 2019 (vehicle service fees) or chapter
20 417, Laws of 2019 (vehicle service fees). If neither chapter . . .
21 (Substitute Senate Bill No. 5419), Laws of 2019 or chapter 417, Laws
22 of 2019 are enacted by June 30, 2019, the amount provided in this
23 subsection lapses.

24 (6) \$25,000 of the motor vehicle account—state appropriation is
25 provided solely for the implementation of chapter 177, Laws of 2019
26 (San Juan Islands license plate). If chapter 177, Laws of 2019 is not
27 enacted by June 30, 2019, the amount provided in this subsection
28 lapses.

29 (7) \$24,000 of the motor vehicle account—state appropriation is
30 provided solely for the implementation of chapter 384, Laws of 2019
31 (Seattle Storm license plate). If chapter 384, Laws of 2019 is not
32 enacted by June 30, 2019, the amount provided in this subsection
33 lapses.

34 (8) \$65,000 of the highway safety account—state appropriation is
35 provided solely for the implementation of chapter 440, Laws of 2019
36 (immigrants in the workplace). If chapter 440, Laws of 2019 is not
37 enacted by June 30, 2019, the amount provided in this subsection
38 lapses.

1 (9) The appropriations in this section assume implementation of
2 additional cost recovery mechanisms to recoup at least \$11,903,000 in
3 credit card and other financial transaction costs as part of charges
4 imposed for driver and vehicle fee transactions beginning January 1,
5 2020. At the direction of the office of financial management, the
6 department must develop a method of tracking the additional amount of
7 credit card and other financial cost-recovery revenues. In
8 consultation with the office of financial management, the department
9 must notify the state treasurer of these amounts and the state
10 treasurer must deposit these revenues in the agency financial
11 transaction account created in section 717, chapter 416, Laws of 2019
12 on a quarterly basis.

13 (10) \$1,281,000 of the department of licensing service account—
14 state appropriation is provided solely for savings from the
15 implementation of chapter 417, Laws of 2019 (vehicle service fees).
16 If chapter 417, Laws of 2019 is enacted by June 30, 2019, the amount
17 provided in this subsection lapses.

18 (11) \$2,650,000 of the abandoned recreational vehicle disposal
19 account—state appropriation is provided solely for providing
20 reimbursements in accordance with the department's abandoned
21 recreational vehicle disposal reimbursement program. It is the intent
22 of the legislature that the department prioritize this funding for
23 allowable and approved reimbursements and not to build a reserve of
24 funds within the account.

25 (12) \$20,000 of the motor vehicle account—state appropriation is
26 provided solely for the implementation of chapter 210, Laws of 2019
27 (Gold Star license plate). If chapter 210, Laws of 2019 is not
28 enacted by June 30, 2019, the amount provided in this subsection
29 lapses.

30 (13) \$31,000 of the motor vehicle account—state appropriation is
31 provided solely for the implementation of chapter 262, Laws of 2019
32 (snow bikes). If chapter 262, Laws of 2019 is not enacted by June 30,
33 2019, the amount provided in this subsection lapses.

34 (14) \$24,000 of the motor vehicle account—state appropriation is
35 provided solely for the implementation of chapter 139, Laws of 2019
36 (Purple Heart license plate). If chapter 139, Laws of 2019 is not
37 enacted by June 30, 2019, the amount provided in this subsection
38 lapses.

1 (15) \$24,000 of the motor vehicle account—state appropriation is
2 provided solely for the implementation of chapter 278, Laws of 2019
3 (vehicle and vessel owner information). If chapter 278, Laws of 2019
4 is not enacted by June 30, 2019, the amount provided in this
5 subsection lapses.

6 (16) \$600,000 of the highway safety account—state appropriation
7 is provided solely for the department to provide an interagency
8 transfer to the department of social and health services, children's
9 administration division for the purpose of providing driver's license
10 support to a larger population of foster youth than is already served
11 within existing resources. Support services include reimbursement of
12 driver's license issuance costs, fees for driver training education,
13 and motor vehicle liability insurance costs.

14 (17) The department must place personal and company data elements
15 in separate data fields to allow the department to select discrete
16 data elements when providing information or data to persons or
17 entities outside the department. Pursuant to the restrictions in
18 federal and state law, a person's photo, social security number, or
19 medical information must not be made available through public
20 disclosure or data being provided under RCW 46.12.630 or 46.12.635.

21 (18) \$91,000 of the highway safety account—state appropriation is
22 provided solely for the department's costs related to the one
23 Washington project.

24 (19) (~~(\$1,674,000)~~) \$1,174,000 of the highway safety account—
25 state appropriation is provided solely for communication and outreach
26 activities necessary to inform the public of federally acceptable
27 identification options including, but not limited to, enhanced
28 drivers' licenses and enhanced identicards. The department shall
29 continue the outreach plan that includes informational material that
30 can be effectively communicated to all communities and populations in
31 Washington. To accomplish this work, the department shall contract
32 with an external vendor with demonstrated experience and expertise in
33 outreach and marketing to underrepresented communities in a
34 (~~(culturally-responsive)~~) culturally responsive fashion.

35 (20) Due to the passage of chapter 1 (Initiative Measure No.
36 976), Laws of 2020, the department, working with the office of
37 financial management, shall provide a monthly report on the number of
38 registrations involved and differences between actual collections and

1 collections if the initiative was not subject to a temporary
2 injunction as of December 5, 2019.

3 (21) The appropriations in this section assume full cost recovery
4 for the administration and collection of a motor vehicle excise tax
5 on behalf of any regional transit authority pursuant to section 706
6 (~~(of this act)~~), chapter 219, Laws of 2020.

7 (~~((26))~~) (22) \$107,000 of the highway safety account—state
8 appropriation is provided solely for the implementation of chapter
9 78, Laws of 2020 (military veterans commercial driver's license
10 waivers) or chapter . . . (Second Substitute Senate Bill No. 5544),
11 Laws of 2020 (military veterans commercial driver's license waivers).
12 If neither chapter 78, Laws of 2020 nor chapter . . . (Second
13 Substitute Senate Bill No. 5544), Laws of 2020 is enacted by June 30,
14 2020, the amount provided in this subsection lapses.

15 (~~((28))~~) (23) \$114,000 of the highway safety account—state
16 appropriation is provided solely for the implementation of chapter
17 124, Laws of 2020 (homeless youth identicards) or chapter . . .
18 (Senate Bill No. 6304), Laws of 2020 (homeless youth identicards). If
19 neither chapter 124, Laws of 2020 nor chapter . . . (Senate Bill No.
20 6304), Laws of 2020 is enacted by June 30, 2020, the amount provided
21 in this subsection lapses.

22 (~~((29))~~) (24) \$24,000 of the motor vehicle account—state
23 appropriation is provided solely for the implementation of chapter
24 129, Laws of 2020 (Seattle national hockey league special license
25 plate) or chapter . . . (Senate Bill No. 6562), Laws of 2020 (Seattle
26 national hockey league special license plate). If neither chapter
27 129, Laws of 2020 nor chapter . . . (Senate Bill No. 6562), Laws of
28 2020 is enacted by June 30, 2020, the amount provided in this
29 subsection lapses.

30 (~~((30))~~) (25) \$14,000 of the motor vehicle account—state
31 appropriation is provided solely for the implementation of
32 chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of
33 2020 (off-road vehicle enforcement) or chapter . . . (Senate Bill No.
34 6115), Laws of 2020 (off-road vehicle enforcement). If neither
35 chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of
36 2020 nor chapter . . . (Senate Bill No. 6115), Laws of 2020 is
37 enacted by June 30, 2020, the amount provided in this subsection
38 lapses.

1 ~~((31))~~ (26) \$105,000 of the motor vehicle account—state
2 appropriation is provided solely for the implementation of chapter
3 118, Laws of 2020 (tribal vehicles compact) or chapter . . . (Senate
4 Bill No. 6251), Laws of 2020 (tribal vehicles compact). If neither
5 chapter 118, Laws of 2020 nor chapter . . . (Senate Bill No. 6251),
6 Laws of 2020 (tribal vehicles compact) is enacted by June 30, 2020,
7 the amount provided in this subsection lapses.

8 ~~((32))~~ (27) \$57,000 of the state wildlife account—state
9 appropriation is provided solely for the implementation of chapter
10 148, Laws of 2020 (state wildlife account). If chapter 148, Laws of
11 2020 is not enacted by June 30, 2020, the amount provided in this
12 subsection lapses.

13 ~~((33))~~ (28) \$19,000 of the motor vehicle account—state
14 appropriation is provided solely for the implementation of chapter
15 93, Laws of 2020 (apples special license plate). If chapter 93, Laws
16 of 2020 is not enacted by June 30, 2020, the amount provided in this
17 subsection lapses.

18 ~~((34))~~ (29) \$19,000 of the motor vehicle account—state
19 appropriation is provided solely for the implementation of chapter
20 239, Laws of 2020 (stolen vehicle check). If chapter 239, Laws of
21 2020 is not enacted by June 30, 2020, the amount provided in this
22 subsection lapses.

23 ~~((36))~~ (30) \$40,000 of the department of licensing services
24 account—state appropriation is provided solely for the department to
25 report to the governor and chairs of the transportation committees of
26 the legislature by December 1, 2020, with a proposed plan to allow
27 the registered owner of a vehicle, or the registered owner's
28 authorized representative, to voluntarily enter into either a
29 quarterly or monthly payment plan with the department to pay vehicle
30 fees or taxes due at the time of application for renewal vehicle
31 registration. The plan must include: (a) An analysis of the
32 administrative costs associated with allowing the payment plans; (b)
33 the estimated revenue impact by fund or account, including impacts to
34 local governments; and (c) the recommended method to achieve the
35 greatest level of customer payment compliance.

36 ~~((37))~~ (31)(a) Within available resources, and in collaboration
37 with the department of revenue, the department of licensing shall
38 evaluate the effectiveness of chapter 218, Laws of 2017, in improving
39 compliance with state laws relating to the registration of off-road

1 vehicles, including the payment of retail sales and use tax. The
 2 department of licensing shall recommend any statutory,
 3 administrative, or other changes needed to optimize and further
 4 strengthen the compliance, including an implementation timeline and
 5 corresponding resource requirements. Among its recommendations, the
 6 department of licensing must address potential changes to the process
 7 under RCW 46.93.210 by which the department notifies persons whose
 8 vehicles may not be properly registered in the state. The department
 9 shall submit a report to the governor and the transportation
 10 committees of the legislature by December 15, 2020.

11 (b) If chapter . . . (Engrossed Substitute House Bill No. 2723),
 12 Laws of 2020 is enacted by June 30, 2020, this subsection has no
 13 force and effect.

14 **Sec. 909.** 2020 c 219 s 209 (uncodified) is amended to read as
 15 follows:

16 **FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE**
 17 **—PROGRAM B**

18	State Route Number 520 Corridor Account—State	
19	Appropriation	((\$59,059,000))
20		<u>\$36,503,000</u>
21	State Route Number 520 Civil Penalties Account—State	
22	Appropriation	((\$4,145,000))
23		<u>\$20,230,000</u>
24	Tacoma Narrows Toll Bridge Account—State	
25	Appropriation	((\$33,806,000))
26		<u>\$34,073,000</u>
27	Alaskan Way Viaduct Replacement Project Account—State	
28	Appropriation.	((\$21,616,000))
29		<u>\$19,857,000</u>
30	Interstate 405 and State Route Number 167 Express	
31	Toll Lanes Account—State Appropriation.	((\$27,457,000))
32		<u>\$23,637,000</u>
33	TOTAL APPROPRIATION.	((\$146,083,000))
34		<u>\$134,300,000</u>

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

37 (1) \$1,300,000 of the Tacoma Narrows toll bridge account—state
 38 appropriation and \$11,034,000 of the state route number 520 corridor

1 account—state appropriation are provided solely for the purposes of
2 addressing unforeseen operations and maintenance costs on the Tacoma
3 Narrows bridge and the state route number 520 bridge, respectively.
4 The office of financial management shall place the amounts provided
5 in this subsection, which represent a portion of the required minimum
6 fund balance under the policy of the state treasurer, in unallotted
7 status. The office may release the funds only when it determines that
8 all other funds designated for operations and maintenance purposes
9 have been exhausted.

10 (2) As long as the facility is tolled, the department must
11 provide quarterly reports to the transportation committees of the
12 legislature on the Interstate 405 express toll lane project
13 performance measures listed in RCW 47.56.880(4). These reports must
14 include:

15 (a) Information on the travel times and travel time reliability
16 (at a minimum, average and 90th percentile travel times) maintained
17 during peak and nonpeak periods in the express toll lanes and general
18 purpose lanes for both the entire corridor and commonly made trips in
19 the corridor including, but not limited to, northbound from Bellevue
20 to Rose Hill, state route number 520 at NE 148th to Interstate 405 at
21 state route number 522, Bellevue to Bothell (both NE 8th to state
22 route number 522 and NE 8th to state route number 527), and a trip
23 internal to the corridor (such as NE 85th to NE 160th) and similar
24 southbound trips;

25 (b) A month-to-month comparison of travel times and travel time
26 reliability for the entire corridor and commonly made trips in the
27 corridor as specified in (a) of this subsection since implementation
28 of the express toll lanes and, to the extent available, a comparison
29 to the travel times and travel time reliability prior to
30 implementation of the express toll lanes;

31 (c) Total express toll lane and total general purpose lane
32 traffic volumes, as well as per lane traffic volumes for each type of
33 lane (i) compared to total express toll lane and total general
34 purpose lane traffic volumes, as well as per lane traffic volumes for
35 each type of lane, on this segment of Interstate 405 prior to
36 implementation of the express toll lanes and (ii) compared to total
37 express toll lane and total general purpose lane traffic volumes, as
38 well as per lane traffic volumes for each type of lane, from month to
39 month since implementation of the express toll lanes; and

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

4 (3) (a) (~~(\$2,114,000)~~) \$1,406,000 of the Interstate 405 and state
5 route number 167 express toll lanes account—state appropriation,
6 (~~(\$4,920,000)~~) \$3,269,000 of the state route number 520 corridor
7 account—state appropriation, (~~(\$2,116,000)~~) \$1,407,000 of the Tacoma
8 Narrows toll bridge account—state appropriation, and (~~(\$2,776,000)~~)
9 \$1,844,000 of the Alaskan Way viaduct replacement project account—
10 state appropriation are provided solely for the department to finish
11 implementing a new tolling customer service toll collection system,
12 and are subject to the conditions, limitations, and review provided
13 in section 701 (~~(of this act)~~), chapter 219, Laws of 2020.

14 (b) The department shall continue to work with the office of
15 financial management, office of the chief information officer, and
16 the transportation committees of the legislature on the project
17 management plan that includes a provision for independent
18 verification and validation of contract deliverables from the
19 successful bidder and a provision for quality assurance that includes
20 reporting independently to the office of the chief information
21 officer on an ongoing basis during system implementation.

22 (4) The department shall make detailed quarterly reports to the
23 transportation committees of the legislature and the public on the
24 department's web site on the following:

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

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

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

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

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

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

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

8 (iv) Workload costs related to hearings;

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

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

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

14 (5) (~~(\$24,735,000)~~) \$21,623,000 of the Interstate 405 and state
15 route number 167 express toll lanes account—state appropriation is
16 provided solely for operational costs related to the express toll
17 lane facility.

18 (~~(In calendar year 2021, toll equipment on the Tacoma Narrows~~
19 ~~Bridge will have reached the end of its operational life. During the~~
20 ~~2019-2021 fiscal biennium, the department plans to issue a request~~
21 ~~for proposals as the first stage of a competitive procurement process~~
22 ~~that will replace the toll equipment and select a new tolling~~
23 ~~operator for the Tacoma Narrows Bridge. The request for proposals and~~
24 ~~subsequent competitive procurement must incorporate elements that~~
25 ~~prioritize the overall goal of lowering costs per transaction for the~~
26 ~~facility, such as incentives for innovative approaches which result~~
27 ~~in lower transactional costs, requests for efficiencies on the part~~
28 ~~of the bidder that lower operational costs, and incorporation of~~
29 ~~technologies such as self-serve credit card machines or other point-~~
30 ~~of-payment technologies that lower costs or improve operational~~
31 ~~efficiencies.~~

32 (~~(7) \$18,840,000~~) \$18,013,000 of the Alaskan Way viaduct
33 replacement project account—state appropriation is provided solely
34 for the new state route number 99 tunnel toll facility's expected
35 share of collecting toll revenues, operating customer services, and
36 maintaining toll collection systems. The legislature expects to see
37 appropriate reductions to the other toll facility accounts once
38 tolling on the new state route number 99 tunnel toll facility
39 commences and any previously incurred costs for start-up of the new
40 facility are charged back to the Alaskan Way viaduct replacement

1 project account. The office of financial management shall closely
2 monitor the application of the cost allocation model and ensure that
3 the new state route number 99 tunnel toll facility is adequately
4 sharing costs and the other toll facility accounts are not being
5 overspent or subsidizing the new state route number 99 tunnel toll
6 facility.

7 ~~((+8))~~ (7) \$608,000 of the Interstate 405 and state route number
8 167 express toll lanes account—state appropriation are provided
9 solely for increased levels of service from the Washington state
10 patrol for enforcement of toll lane violations on the Interstate 405
11 and state route number 167 express toll lanes. The department shall
12 compile monthly data on the number of Washington state patrol
13 enforcement hours on each facility and the percentage of time during
14 peak hours that speeds are at or above forty-five miles per hour on
15 each facility. The department shall provide this data in a report to
16 the transportation committees of the legislature on at least a
17 calendar quarterly basis.

18 ~~((+9))~~ (8) The department shall develop an ongoing cost
19 allocation method to assign appropriate costs to each of the toll
20 funds for services provided by each Washington state department of
21 transportation program and all relevant transportation agencies,
22 including the Washington state patrol and the transportation
23 commission. This method should update the toll cost allocation method
24 used in the 2020 supplemental transportation appropriations act. By
25 December 1, 2020, a report with the recommended method and any
26 changes or potential impacts to toll rates shall be submitted to the
27 transportation committees of the legislature and the office of
28 financial management.

29 **Sec. 910.** 2020 c 219 s 210 (uncodified) is amended to read as
30 follows:

31 **FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM**
32 **C**

33 Transportation Partnership Account—State Appropriation . . .	\$1,460,000
34 Motor Vehicle Account—State Appropriation	(\$96,331,000)
35	<u>\$93,032,000</u>
36 Puget Sound Ferry Operations Account—State	
37 Appropriation	\$263,000
38 Multimodal Transportation Account—State	

1	Appropriation	((\$2,878,000))
2		<u>\$2,665,000</u>
3	Transportation 2003 Account (Nickel Account)—State	
4	Appropriation	\$1,460,000
5	TOTAL APPROPRIATION.	((\$102,392,000))
6		<u>\$98,880,000</u>

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

9 (1) \$8,114,000 of the motor vehicle account—state appropriation
10 is provided solely for the development of the labor system
11 replacement project and is subject to the conditions, limitations,
12 and review provided in section 701 (~~(of this act)~~), chapter 219, Laws
13 of 2020. It is the intent of the legislature that if any portion of
14 the labor system replacement project is leveraged in the future for
15 the time, leave, and labor distribution of any other agencies, the
16 motor vehicle account will be reimbursed proportionally for the
17 development of the system since amounts expended from the motor
18 vehicle account must be used exclusively for highway purposes in
19 conformance with Article II, section 40 of the state Constitution.
20 This must be accomplished through a loan arrangement with the current
21 interest rate under the terms set by the office of the state
22 treasurer at the time the system is deployed to additional agencies.
23 If the motor vehicle account is not reimbursed for future use of the
24 system, it is further the intent of the legislature that reductions
25 will be made to central service agency charges accordingly. The
26 department shall provide a report to the transportation committees of
27 the legislature by December 31, 2019, detailing the project timeline
28 as of July 1, 2019, an updated project timeline if necessary,
29 expenditures made to date for the purposes of this project, and
30 expenditures projected through the remainder of the project timeline.

31 (2) \$1,375,000 of the motor vehicle account—state appropriation
32 is provided solely for the department's cost related to the one
33 Washington project.

34 (3) \$21,500,000 of the motor vehicle account—state appropriation
35 is provided solely for the activities of the information technology
36 program in developing and maintaining information systems that
37 support the operations and program delivery of the department,
38 ensuring compliance with section 701 (~~(of this act)~~), chapter 219,
39 Laws of 2020, and the requirements of the office of the chief

1 information officer under RCW 43.88.092 to evaluate and prioritize
2 any new financial and capital systems replacement or modernization
3 project and any other information technology project. During the
4 2019-2021 fiscal biennium, the department may use the distributed
5 direct program support or other cost allocation method to fund a new
6 capital systems replacement or modernization project. The department
7 shall submit a decision package for implementation of a new capital
8 systems replacement project to the governor and the transportation
9 committees of the legislature as part of the normal budget process
10 for the 2021-2023 biennium.

11 **Sec. 911.** 2020 c 219 s 211 (uncodified) is amended to read as
12 follows:

13 **FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE,**
14 **OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING**

15 Motor Vehicle Account—State Appropriation	((\$34,807,000))
	<u>\$33,819,000</u>
17 State Route Number 520 Corridor Account—State	
18 Appropriation	\$34,000
19 TOTAL APPROPRIATION.	((\$34,841,000))
	<u>\$33,853,000</u>

21 **Sec. 912.** 2020 c 219 s 212 (uncodified) is amended to read as
22 follows:

23 **FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F**

24 Aeronautics Account—State Appropriation	((\$7,743,000))
	<u>\$6,773,000</u>
26 Aeronautics Account—Federal Appropriation	\$3,043,000
27 Aeronautics Account—Private/Local Appropriation	\$60,000
28 TOTAL APPROPRIATION.	((\$10,846,000))
	<u>\$9,876,000</u>

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

32 (1) ((~~\$2,862,000~~)) \$2,505,000 of the aeronautics account—state
33 appropriation is provided solely for the airport aid grant program,
34 which provides competitive grants to public use airports for
35 pavement, safety, maintenance, planning, and security.

36 (2) ((~~\$268,000~~)) \$218,000 of the aeronautics account—state
37 appropriation is provided solely for one FTE dedicated to planning

1 aviation emergency services and addressing emerging aeronautics
2 requirements.

3 (3) \$200,000 of the aeronautics account—state appropriation is
4 provided solely for the department to convene an electric aircraft
5 work group to study the state of the electrically powered aircraft
6 industry and assess infrastructure needs related to the deployment of
7 electric or hybrid-electric aircraft for commercial air travel in
8 Washington state.

9 (a) The chair of the work group may be a consultant specializing
10 in aeronautics. The work group must include, but is not limited to,
11 representation from the electric aircraft industry, the aircraft
12 manufacturing industry, electric utility districts, the battery
13 industry, the department of commerce, the department of
14 transportation aviation division, the airline pilots association, a
15 primary airport representing an airport association, and the airline
16 industry.

17 (b) The study must include, but is not limited to:

18 (i) Infrastructure requirements necessary to facilitate electric
19 aircraft operations at airports;

20 (ii) Potential economic and public benefits including, but not
21 limited to, the direct and indirect impact on the number of
22 manufacturing and service jobs and the wages from those jobs in
23 Washington state;

24 (iii) Potential incentives for industry in the manufacturing and
25 operation of electric aircraft for regional air travel;

26 (iv) Educational and workforce requirements for manufacturing and
27 maintaining electric aircraft;

28 (v) Demand and forecast for electric aircraft use to include
29 expected timeline of the aircraft entering the market given federal
30 aviation administration certification requirements;

31 (vi) Identification of up to six airports in Washington state
32 that may benefit from a pilot program once an electrically propelled
33 aircraft for commercial use becomes available; and

34 (vii) Recommendations to further the advancement of the
35 electrification of aircraft for regional commercial use within
36 Washington state, including specific, measurable goals for the years
37 2030, 2040, and 2050 that reflect progressive and substantial
38 increases in the utilization of electric and hybrid-electric
39 commercial aircraft.

(c) The work group must submit a report and accompanying recommendations to the transportation committees of the legislature by November 15, 2020.

(4) (~~(\$350,000)~~) \$193,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 396, Laws of 2019 (aviation coordinating commission).

(5) Within amounts appropriated in this section, the aviation division of the department shall assist and consult with the department of revenue in their efforts to update the document titled "Washington Action Plan - FAA Policy Concerning Airport Revenue" to reflect changes to Washington tax code regarding hazardous substances. The department of revenue, in consultation with the aviation division of the Washington state department of transportation, is tasked with developing and recommending a methodology to segregate and track actual amounts collected from the hazardous substance tax under chapter 82.21 RCW and the petroleum products tax under chapter 82.23A RCW as imposed on aviation fuel. The department of revenue is directed to submit a report, including the recommended methodology, to the fiscal committees of the house of representatives and the senate by January 11, 2021.

Sec. 913. 2020 c 219 s 213 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation	((\$59,788,000))
	<u>\$55,549,000</u>
Motor Vehicle Account—Federal Appropriation	\$500,000
Multimodal Transportation Account—State Appropriation . . .	\$258,000
TOTAL APPROPRIATION.	((\$60,546,000))
	<u>\$56,307,000</u>

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

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of

1 WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and
2 associated buffer areas to the Washington state parks and recreation
3 commission is consistent with the public interest. The legislature
4 directs the department to transfer the property to the Washington
5 state parks and recreation commission.

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

9 (b) Prior to completing the transfer in this subsection (1), the
10 department must ensure that provisions are made to accommodate
11 private and public utilities and any facilities that predate the
12 department's acquisition of the property, at no cost to those
13 entities. Prior to completing the transfer, the department shall also
14 ensure that provisions, by fair market assessment, are made to
15 accommodate other private and public utilities and any facilities
16 that have been legally allowed by permit or other instrument.

17 (c) The department may sell any adjoining property that is not
18 necessary to support the Rocky Reach Trail and adjacent buffer areas
19 only after the transfer of trail-related property to the Washington
20 state parks and recreation commission is complete. Adjoining property
21 owners must be given the first opportunity to acquire such property
22 that abuts their property, and applicable boundary line or other
23 adjustments must be made to the legal descriptions for recording
24 purposes.

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

33 (3) \$1,600,000 of the motor vehicle account—state appropriation
34 is provided solely for real estate services activities. Consistent
35 with RCW 47.12.120 and during the 2019-2021 fiscal biennium, when
36 initiating, extending, or renewing any rent or lease agreements with
37 a regional transit authority, consideration of value must be
38 equivalent to one hundred percent of economic or market rent.

39 (4) (a) \$100,000 of the motor vehicle account—state appropriation
40 is provided solely for the department to:

1 (i) Determine the real property owned by the state of Washington
2 and under the jurisdiction of the department in King county that is
3 surplus property located in an area encompassing south of Dearborn
4 Street in Seattle, south of Newcastle, west of SR 515, and north of
5 South 216th to SR 515; and

6 (ii) Use any remaining funds after (a)(i) of this subsection is
7 completed to identify additional real property across the state owned
8 by the state of Washington and under the jurisdiction of the
9 department that is surplus property.

10 (b) The department shall provide a report to the transportation
11 committees of the legislature describing the properties it has
12 identified as surplus property under (a) of this subsection by
13 October 1, 2020.

14 **Sec. 914.** 2020 c 219 s 214 (uncodified) is amended to read as
15 follows:

16 **FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—**
17 **PROGRAM K**

18 Motor Vehicle Account—State Appropriation	((\$670,000))
	<u>\$654,000</u>
19 Electric Vehicle Account—State Appropriation.	((\$2,000,000))
	<u>\$100,000</u>
20 Multimodal Transportation Account—State Appropriation. ((\$1,634,000))	
	<u>\$350,000</u>
21	
22	
23	
24 TOTAL APPROPRIATION.	((\$4,304,000))
25	<u>\$1,104,000</u>

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

28 (1) The economic partnerships program must continue to explore
29 retail partnerships at state-owned park and ride facilities, as
30 authorized in RCW 47.04.295.

31 (2) \$350,000 of the multimodal transportation account—state
32 appropriation is provided solely for the department to execute a
33 transit oriented development pilot project at Kingsgate park and ride
34 in Kirkland intended to be completed by December 31, 2023. The
35 purpose of the pilot project is to demonstrate how appropriate
36 department properties may be used to provide multiple public benefits
37 such as affordable and market rate housing, commercial development,
38 and institutional facilities in addition to transportation purposes.

1 To accomplish the pilot project, the department is authorized to
2 exercise all legal and administrative powers authorized in statute
3 that may include, but is not limited to, the transfer, lease, or sale
4 of some or all of the property to another governmental agency, public
5 development authority, or nonprofit developer approved by the
6 department and partner agencies. The department may also partner with
7 sound transit, King county, the city of Kirkland, and any other
8 federal, regional, or local jurisdiction on any policy changes
9 necessary from those jurisdictions to facilitate the pilot project.
10 By December 1, 2019, the department must report to the legislature on
11 any legislative actions necessary to facilitate the pilot project and
12 future transit oriented development projects.

13 (3) (~~(\$2,000,000)~~) \$100,000 of the electric vehicle account—state
14 appropriation is provided solely for the clean alternative fuel
15 vehicle charging and refueling infrastructure program in chapter 287,
16 Laws of 2019 (advancing green transportation adoption).

17 (4) (~~(\$1,200,000 of the multimodal transportation account—state~~
18 ~~appropriation is provided solely for the pilot program established~~
19 ~~under chapter 287, Laws of 2019 (advancing green transportation~~
20 ~~adoption) to provide clean alternative fuel vehicle use opportunities~~
21 ~~to underserved communities and low to moderate income members of the~~
22 ~~workforce not readily served by transit or located in transportation~~
23 ~~corridors with emissions that exceed federal or state emissions~~
24 ~~standards.~~

25 (5) ~~\$84,000 of the multimodal transportation account—state~~
26 ~~appropriation is provided solely for an interagency transfer to the~~
27 ~~department of commerce for the purpose of conducting a study as~~
28 ~~described in chapter 287, Laws of 2019 (advancing green~~
29 ~~transportation adoption) to identify opportunities to reduce barriers~~
30 ~~to electric vehicle adoption by lower income residents of the state~~
31 ~~through the use of vehicle and infrastructure financing assistance.~~

32 (6)) Building on the information and experience gained from the
33 transit oriented development project at the Kingsgate park and ride,
34 the department must identify a pilot park and ride with future
35 public-private partnership development potential in Pierce county and
36 report back to the transportation committees of the legislature by
37 June 30, 2021, with a proposal for moving forward with a pilot
38 project.

1 **Sec. 915.** 2020 c 219 s 215 (uncodified) is amended to read as
2 follows:

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

4	Motor Vehicle Account—State Appropriation	((\$486,514,000))
5		<u>\$461,472,000</u>
6	Motor Vehicle Account—Federal Appropriation	\$7,000,000
7	State Route Number 520 Corridor Account—State	
8	Appropriation	((\$4,447,000))
9		<u>\$4,422,000</u>
10	Tacoma Narrows Toll Bridge Account—State	
11	Appropriation	((\$1,549,000))
12		<u>\$1,539,000</u>
13	Alaskan Way Viaduct Replacement Project	
14	Account—State Appropriation	((\$9,537,000))
15		<u>\$8,844,000</u>
16	Interstate 405 and State Route Number 167 Express	
17	Toll Lanes Account—State Appropriation.	\$4,528,000
18	TOTAL APPROPRIATION.	((\$513,575,000))
19		<u>\$487,805,000</u>

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

22 (1) (a) \$6,170,000 of the motor vehicle account—state
23 appropriation is provided solely for utility fees assessed by local
24 governments as authorized under RCW 90.03.525 for the mitigation of
25 stormwater runoff from state highways. Plan and reporting
26 requirements as required in chapter 435, Laws of 2019 (Local
27 Stormwater Charges) shall be consistent with the January 2012
28 findings of the Joint Transportation Committee Report for Effective
29 Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in
30 Stormwater Management.

31 (b) Pursuant to RCW 90.03.525(3), the department and the
32 utilities imposing charges to the department shall negotiate with the
33 goal of agreeing to rates such that the total charges to the
34 department for the 2019-2021 fiscal biennium do not exceed the amount
35 provided in this subsection. The department shall report to the
36 transportation committees of the legislature on the amount of funds
37 requested, the funds granted, and the strategies used to keep costs
38 down, by January 17, 2021. If chapter 435, Laws of 2019 (local

1 stormwater charges) is enacted by June 30, 2019, this subsection
2 (1)(b) does not take effect.

3 (2) (~~(\$4,447,000)~~) \$4,422,000 of the state route number 520
4 corridor account—state appropriation is provided solely to maintain
5 the state route number 520 floating bridge. These funds must be used
6 in accordance with RCW 47.56.830(3).

7 (3) (~~(\$1,549,000)~~) \$1,539,000 of the Tacoma Narrows toll bridge
8 account—state appropriation is provided solely to maintain the new
9 Tacoma Narrows bridge. These funds must be used in accordance with
10 RCW 47.56.830(3).

11 (4) \$2,050,000 of the Interstate 405 and state route number 167
12 express toll lanes account—state appropriation is provided solely to
13 maintain the Interstate 405 and state route number 167 express toll
14 lanes between Lynnwood and Bellevue, and Renton and the southernmost
15 point of the express toll lanes. These funds must be used in
16 accordance with RCW 47.56.830(3).

17 (5) \$2,478,000 of the Interstate 405 and state route number 167
18 express toll lanes account—state appropriation is provided solely for
19 maintenance for the 2019-2021 fiscal biennium only on the Interstate
20 405 roadway between Renton and Bellevue.

21 (6) \$5,000,000 of the motor vehicle account—state appropriation
22 is provided solely for a contingency pool for snow and ice removal.
23 The department must notify the office of financial management and the
24 transportation committees of the legislature when they have spent the
25 base budget for snow and ice removal and will begin using the
26 contingency pool funding.

27 (7) \$1,025,000 of the motor vehicle account—state appropriation
28 is provided solely for the department to implement safety
29 improvements and debris clean up on department-owned rights-of-way in
30 the city of Seattle at levels above that being implemented as of
31 January 1, 2019. The department must contract out or hire a crew
32 dedicated solely to collecting and disposing of garbage, clearing
33 debris or hazardous material, and implementing safety improvements
34 where hazards exist to the traveling public, department employees, or
35 people encamped upon department-owned rights-of-way. The department
36 may request assistance from the Washington state patrol as necessary
37 in order for both agencies to provide enhanced safety-related
38 activities regarding the emergency hazards along state highway
39 rights-of-way in the Seattle area.

(8) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

(9) The department must commence a pilot program for the 2019-2021 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2020, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

Sec. 916. 2020 c 219 s 216 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation	(\$76,211,000)
	<u>\$73,219,000</u>
Motor Vehicle Account—Federal Appropriation	\$2,050,000
Motor Vehicle Account—Private/Local Appropriation	\$250,000
State Route Number 520 Corridor Account—State Appropriation.	(\$53,000)
	<u>\$49,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation. .	(\$31,000)
	<u>\$40,000</u>
Alaskan Way Viaduct Replacement Project Account— State Appropriation.	(\$26,000)
	<u>\$32,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation.	(\$32,000)
	<u>\$21,000</u>

1 TOTAL APPROPRIATION. (~~\$78,653,000~~)
2 \$75,661,000

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

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

12 (2)(a) During the 2019-2021 fiscal biennium, the department shall
13 continue a pilot program that expands private transportation
14 providers' access to high occupancy vehicle lanes. Under the pilot
15 program, when the department reserves a portion of a highway based on
16 the number of passengers in a vehicle, the following vehicles must be
17 authorized to use the reserved portion of the highway if the vehicle
18 has the capacity to carry eight or more passengers, regardless of the
19 number of passengers in the vehicle: (i) Auto transportation company
20 vehicles regulated under chapter 81.68 RCW; (ii) passenger charter
21 carrier vehicles regulated under chapter 81.70 RCW, except marked or
22 unmarked stretch limousines and stretch sport utility vehicles as
23 defined under department of licensing rules; (iii) private nonprofit
24 transportation provider vehicles regulated under chapter 81.66 RCW;
25 and (iv) private employer transportation service vehicles. For
26 purposes of this subsection, "private employer transportation
27 service" means regularly scheduled, fixed-route transportation
28 service that is offered by an employer for the benefit of its
29 employees. Nothing in this subsection is intended to authorize the
30 conversion of public infrastructure to private, for-profit purposes
31 or to otherwise create an entitlement or other claim by private users
32 to public infrastructure.

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

1 marked as such on all sides of the vehicle are considered emergency
2 vehicles and must be authorized to use the reserved portion of the
3 highway.

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

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

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

25 (3) When regional transit authority construction activities are
26 visible from a state highway, the department shall allow the regional
27 transit authority to place safe and appropriate signage informing the
28 public of the purpose of the construction activity.

29 (4) The department must make signage for low-height bridges a
30 high priority.

31 (5) (~~(\$32,000)~~) \$21,000 of the Interstate 405 and state route
32 number 167 express toll lanes account—state appropriation,
33 (~~(\$53,000)~~) \$49,000 of the state route number 520 corridor account—
34 state appropriation, (~~(\$31,000)~~) \$40,000 of the Tacoma Narrows toll
35 bridge account—state appropriation, and (~~(\$26,000)~~) \$32,000 of the
36 Alaskan Way viaduct replacement project account—state appropriation
37 are provided solely for the traffic operations program's proportional
38 share of time spent supporting tolling operations for the respective
39 tolling facilities.

1 **Sec. 917.** 2020 c 219 s 217 (uncodified) is amended to read as
 2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND**
 4 **SUPPORT—PROGRAM S**

5	Motor Vehicle Account—State Appropriation	((\$38,251,000))
6		<u>\$35,914,000</u>
7	Motor Vehicle Account—Federal Appropriation	\$1,380,000
8	Motor Vehicle Account—Private/Local Appropriation	\$500,000
9	Multimodal Transportation Account—State	
10	Appropriation	\$1,129,000
11	State Route Number 520 Corridor Account—State	
12	Appropriation.	((\$199,000))
13		<u>\$185,000</u>
14	Tacoma Narrows Toll Bridge Account—State Appropriation. ((\$116,000))	
15		<u>\$150,000</u>
16	Alaskan Way Viaduct Replacement Project Account—	
17	State Appropriation.	((\$100,000))
18		<u>\$121,000</u>
19	Interstate 405 and State Route Number 167 Express	
20	Toll Lanes Account—State Appropriation.	((\$119,000))
21		<u>\$78,000</u>
22	TOTAL APPROPRIATION.	((\$41,794,000))
23		<u>\$39,457,000</u>

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

26 (1) \$2,000,000 of the motor vehicle account—state appropriation
 27 is provided solely for a grant program that makes awards for the
 28 following: (a) Support for nonprofit agencies, churches, and other
 29 entities to help provide outreach to populations underrepresented in
 30 the current apprenticeship programs; (b) preapprenticeship training;
 31 and (c) child care, transportation, and other supports that are
 32 needed to help women, veterans, and minorities enter and succeed in
 33 apprenticeship. The department must report on grants that have been
 34 awarded and the amount of funds disbursed by December 1st each year.
 35 If moneys are provided in the omnibus operating appropriations act
 36 for a career connected learning grant program, defined in
 37 chapter . . . (Substitute House Bill No. 1336), Laws of 2019, or
 38 otherwise, the amount provided in this subsection lapses.

1 (2) \$150,000 of the motor vehicle account—state appropriation is
2 provided solely for a user-centered and mobile-compatible web site
3 redesign using estimated web site ad revenues.

4 (3) From the revenues generated by the five dollar per studded
5 tire fee under RCW 46.37.427, \$250,000 of the motor vehicle account—
6 state appropriation is provided solely for the department, in
7 consultation with the appropriate local jurisdictions and relevant
8 stakeholder groups, to establish a pilot media-based public
9 information campaign regarding the damage of studded tire use on
10 state and local roadways in Whatcom county, and to continue the
11 existing pilot information campaign in Spokane county. The reason for
12 the geographic selection of Spokane and Whatcom counties is based on
13 the high utilization of studded tires in these jurisdictions. The
14 public information campaigns must primarily focus on making the
15 consumer aware of the safety implications for other drivers, road
16 deterioration, financial impact for taxpayers, and, secondarily, the
17 alternatives to studded tires. The Whatcom county pilot media-based
18 public information campaign must begin by September 1, 2020. By
19 January 14, 2021, the department must provide the transportation
20 committees of the legislature an update on the Spokane and Whatcom
21 county pilot media-based public information campaigns.

22 (4) (~~(\$119,000)~~) \$78,000 of the Interstate 405 and state route
23 number 167 express toll lanes account—state appropriation,
24 (~~(\$199,000)~~) \$185,000 of the state route number 520 corridor account—
25 state appropriation, (~~(\$116,000)~~) \$150,000 of the Tacoma Narrows toll
26 bridge account—state appropriation, and (~~(\$100,000)~~) \$121,000 of the
27 Alaskan Way viaduct replacement project account—state appropriation
28 are provided solely for the transportation management and support
29 program's proportional share of time spent supporting tolling
30 operations for the respective tolling facilities.

31 **Sec. 918.** 2020 c 219 s 218 (uncodified) is amended to read as
32 follows:

33 **FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA,**
34 **AND RESEARCH—PROGRAM T**
35 Interstate 405 and State Route Number 167 Express Toll Lanes
36 Account—State Appropriation. (~~(\$3,123,000)~~)
37 \$121,000
38 Motor Vehicle Account—State Appropriation (~~(\$26,587,000)~~)

1		<u>\$24,053,000</u>
2	Motor Vehicle Account—Federal Appropriation	((\$35,385,000))
3		<u>\$32,508,000</u>
4	Motor Vehicle Account—Private/Local Appropriation.	\$1,200,000
5	Multimodal Transportation Account—State Appropriation	\$710,000
6	Multimodal Transportation Account—Federal	
7	Appropriation	\$2,809,000
8	Multimodal Transportation Account—Private/Local	
9	Appropriation	\$100,000
10	State Route Number 520 Corridor Account—State	
11	Appropriation.	((\$763,000))
12		<u>\$150,000</u>
13	((Tacoma Narrows Toll Bridge Account—State Appropriation.	\$121,000
14	Alaskan Way Viaduct Replacement Project Account—	
15	 State Appropriation.	\$104,000))
16	TOTAL APPROPRIATION.	((\$70,902,000))
17		<u>\$61,651,000</u>

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

20 (1) \$130,000 of the motor vehicle account—state appropriation is
21 provided solely for completion of a corridor study to identify
22 potential improvements between exit 116 and exit 99 of Interstate 5.
23 The study should further develop mid- and long-term strategies from
24 the corridor sketch, and identify potential US 101/I-5 interchange
25 improvements, a strategic plan for the Nisqually River bridges,
26 regional congestion relief options, and ecosystem benefits to the
27 Nisqually River estuary for salmon productivity and flood control.

28 (2) The study on state route number 518 referenced in section
29 218(5), chapter 297, Laws of 2018 must be submitted to the
30 transportation committees of the legislature by November 30, 2019.

31 (3) \$100,000 of the motor vehicle account—state appropriation is
32 provided solely to complete the Tacoma mall direct access feasibility
33 study.

34 (4) ((~~\$4,600,000~~)) \$673,000 of the motor vehicle account—federal
35 appropriation is provided solely to complete the road usage charge
36 pilot project overseen by the transportation commission using the
37 remaining unspent amount of the federal grant award. The purpose of
38 the road usage charge pilot project is to explore the viability of a
39 road usage charge as a possible replacement for the gas tax.

1 (5) \$1,050,000 of the motor vehicle account—federal appropriation
2 is provided solely for the Forward Drive road usage charge research
3 project overseen by the transportation commission using a portion of
4 the amount of the federal grant award. The purpose of the Forward
5 Drive road usage charge research project is to advance research in
6 key policy areas related to road usage charge including assessing
7 impacts of future mobility shifts on road usage charge revenues,
8 conducting an equity analysis, updating and assessing emerging
9 mileage reporting methods, determining opportunities to reduce cost
10 of collection, conducting small-scale pilot tests, and identifying a
11 long-term, detailed phase-in plan.

12 (~~(\$3,000,000)~~) (6) \$121,000 of the Interstate 405 and state route
13 number 167 express toll lanes account—state appropriation is provided
14 solely for updating the state route number 167 master plan. If
15 chapter 421, Laws of 2019 (addressing tolling) is not enacted by June
16 30, 2019, the amount provided in this subsection lapses.

17 (~~((6) \$123,000 of the Interstate 405 and state route number 167~~
18 ~~express toll lanes account—state appropriation, \$207,000 of the state~~
19 ~~route number 520 corridor account—state appropriation, \$121,000 of~~
20 ~~the Tacoma Narrows toll bridge account—state appropriation, and~~
21 ~~\$104,000 of the Alaskan Way viaduct replacement project account—state~~
22 ~~appropriation are provided solely for the transportation planning,~~
23 ~~data, and research program's proportional share of time spent~~
24 ~~supporting tolling operations for the respective tolling~~
25 ~~facilities.))~~)

26 (7) By December 31, 2020, the department shall provide to the
27 governor and the transportation committees of the legislature a
28 report examining the feasibility of doing performance-based
29 evaluations for projects. The department must incorporate feedback
30 from stakeholder groups, including traditionally underserved and
31 historically disadvantaged populations, and the report shall include
32 the project evaluation procedures that would be used for the
33 performance-based evaluation.

34 (8) (~~(\$556,000)~~) \$150,000 of the state route number 520 corridor
35 account—state appropriation is provided solely for the department to
36 contract with the University of Washington department of mechanical
37 engineering, to study measures to reduce noise impacts from the state
38 route number 520 bridge expansion joints. The field testing shall be
39 scheduled during existing construction, maintenance, or other

1 scheduled closures to minimize impacts. The testing must also ensure
 2 safety of the traveling public. The study shall examine testing
 3 methodologies and project timelines and costs. A final report must be
 4 submitted to the transportation committees of the legislature and the
 5 governor by (~~December~~) March 1, ((2021)) 2022.

6 (9) \$5,900,000 of the motor vehicle account—federal appropriation
 7 and \$400,000 of the motor vehicle account—private/local appropriation
 8 are provided solely for delivery of the department's state planning
 9 and research work program and pooled fund research projects, provided
 10 that the department may not expend any amounts provided in this
 11 section on a long-range plan or corridor scenario analysis for I-5
 12 from Tumwater to Marysville. This is not intended to reference or
 13 impact: The existing I-5 corridor from Mounts road to Tumwater design
 14 and operations alternatives analysis; design studies related to HOV
 15 lanes or operations; or where it is necessary to continue design and
 16 operations analysis related to projects already under development.

17 **Sec. 919.** 2020 c 219 s 219 (uncodified) is amended to read as
 18 follows:

19 **FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—**
 20 **PROGRAM U**

21	Motor Vehicle Account—State Appropriation	((\$79,474,000))
22		<u>\$82,467,000</u>
23	Multimodal Transportation Account—State	
24	Appropriation	\$2,833,000
25	Interstate 405 and State Route Number 167 Express	
26	Toll Lanes Account—State Appropriation.	((\$122,000))
27		<u>\$9,000</u>
28	State Route Number 520 Corridor Account—State	
29	Appropriation.	((\$205,000))
30		<u>\$22,000</u>
31	Tacoma Narrows Toll Bridge Account—State	
32	Appropriation.	((\$120,000))
33		<u>\$17,000</u>
34	Alaskan Way Viaduct Replacement Project Account—State	
35	Appropriation.	((\$102,000))
36		<u>\$14,000</u>
37	TOTAL APPROPRIATION.	((\$82,856,000))
38		<u>\$85,362,000</u>

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

3 (1) Consistent with existing protocol and practices, for any
4 negotiated settlement of a claim against the state for the department
5 that exceeds five million dollars, the department, in conjunction
6 with the attorney general and the department of enterprise services,
7 shall notify the director of the office of financial management and
8 the transportation committees of the legislature.

9 (2) Beginning October 1, 2019, and quarterly thereafter, the
10 department, in conjunction with the attorney general and the
11 department of enterprise services, shall provide a report with
12 judgments and settlements dealing with the Washington state ferry
13 system to the director of the office of financial management and the
14 transportation committees of the legislature. The report must include
15 information on: (a) The number of claims and settlements by type; (b)
16 the average claim and settlement by type; (c) defense costs
17 associated with those claims and settlements; and (d) information on
18 the impacts of moving legal costs associated with the Washington
19 state ferry system into the statewide self-insurance pool.

20 (3) Beginning October 1, 2019, and quarterly thereafter, the
21 department, in conjunction with the attorney general and the
22 department of enterprise services, shall provide a report with
23 judgments and settlements dealing with the nonferry operations of the
24 department to the director of the office of financial management and
25 the transportation committees of the legislature. The report must
26 include information on: (a) The number of claims and settlements by
27 type; (b) the average claim and settlement by type; and (c) defense
28 costs associated with those claims and settlements.

29 (4) (~~(\$122,000)~~) \$9,000 of the Interstate 405 and state route
30 number 167 express toll lanes account—state appropriation,
31 (~~(\$205,000)~~) \$22,000 of the state route number 520 corridor account—
32 state appropriation, (~~(\$120,000)~~) \$17,000 of the Tacoma Narrows toll
33 bridge account—state appropriation, and (~~(\$102,000)~~) \$14,000 of the
34 Alaskan Way viaduct replacement project account—state appropriation
35 are provided solely for the charges from other agencies' program's
36 proportional share of supporting tolling operations for the
37 respective tolling facilities.

38 (5) When the department identifies significant legal issues that
39 have potential transportation budget implications, the department

1 must initiate a briefing for appropriate legislative members or staff
2 through the office of the attorney general and its legislative
3 briefing protocol.

4 *Sec. 920. 2020 c 219 s 220 (uncodified) is amended to read as
5 follows:

6 **FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

7 State Vehicle Parking Account—State Appropriation	\$784,000
8 Regional Mobility Grant Program Account—State	
9 Appropriation	((\$88,698,000))
10	<u>\$78,159,000</u>
11 Rural Mobility Grant Program Account—State	
12 Appropriation	\$32,223,000
13 Multimodal Transportation Account—State	
14 Appropriation	((\$122,355,000))
15	<u>\$115,948,000</u>
16 Multimodal Transportation Account—Federal	
17 Appropriation	\$3,574,000
18 Multimodal Transportation Account—Local	
19 Appropriation	\$100,000
20 TOTAL APPROPRIATION.	((\$247,734,000))
21	<u>\$230,788,000</u>

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

24 **(1) \$62,698,000 of the multimodal transportation account—state**
25 **appropriation is provided solely for a grant program for special**
26 **needs transportation provided by transit agencies and nonprofit**
27 **providers of transportation. Of this amount:**

28 **(a) \$14,297,000 of the multimodal transportation account—state**
29 **appropriation is provided solely for grants to nonprofit providers of**
30 **special needs transportation. Grants for nonprofit providers must be**
31 **based on need, including the availability of other providers of**
32 **service in the area, efforts to coordinate trips among providers and**
33 **riders, and the cost effectiveness of trips provided. Fuel type may**
34 **not be a factor in the grant selection process.**

35 **(b) \$48,401,000 of the multimodal transportation account—state**
36 **appropriation is provided solely for grants to transit agencies to**
37 **transport persons with special transportation needs. To receive a**
38 **grant, the transit agency must, to the greatest extent practicable,**

1 have a maintenance of effort for special needs transportation that is
2 no less than the previous year's maintenance of effort for special
3 needs transportation. Grants for transit agencies must be prorated
4 based on the amount expended for demand response service and route
5 deviated service in calendar year 2017 as reported in the "Summary of
6 Public Transportation - 2017" published by the department of
7 transportation. No transit agency may receive more than thirty
8 percent of these distributions. Fuel type may not be a factor in the
9 grant selection process.

10 (2) \$32,223,000 of the rural mobility grant program account—state
11 appropriation is provided solely for grants to aid small cities in
12 rural areas as prescribed in RCW 47.66.100. Fuel type may not be a
13 factor in the grant selection process.

14 (3) (a) \$10,539,000 of the multimodal transportation account—state
15 appropriation is provided solely for a vanpool grant program for: (i)
16 Public transit agencies to add vanpools or replace vans; and (ii)
17 incentives for employers to increase employee vanpool use. The grant
18 program for public transit agencies will cover capital costs only;
19 operating costs for public transit agencies are not eligible for
20 funding under this grant program. Additional employees may not be
21 hired from the funds provided in this section for the vanpool grant
22 program, and supplanting of transit funds currently funding vanpools
23 is not allowed. The department shall encourage grant applicants and
24 recipients to leverage funds other than state funds. Fuel type may
25 not be a factor in the grant selection process.

26 (b) At least \$1,600,000 of the amount provided in this subsection
27 must be used for vanpool grants in congested corridors.

28 (4) \$27,483,000 of the regional mobility grant program account—
29 state appropriation is reappropriated and provided solely for the
30 regional mobility grant projects identified in LEAP Transportation
31 Document ((2020)) 2021-2 ALL PROJECTS as developed ((March 11, 2020))
32 April 23, 2021, Program - Public Transportation Program (V).

33 (5) (a) (~~(\$61,215,000)~~) \$50,676,000 of the regional mobility grant
34 program account—state appropriation is provided solely for the
35 regional mobility grant projects identified in LEAP Transportation
36 Document ((2020)) 2021-2 ALL PROJECTS as developed ((March 11, 2020))
37 April 23, 2021, Program - Public Transportation Program (V). The
38 department shall review all projects receiving grant awards under
39 this program at least semiannually to determine whether the projects

1 are making satisfactory progress. Any project that has been awarded
2 funds, but does not report activity on the project within one year of
3 the grant award, must be reviewed by the department to determine
4 whether the grant should be terminated. The department shall promptly
5 close out grants when projects have been completed, and any remaining
6 funds must be used only to fund projects identified in the LEAP
7 transportation document referenced in this subsection. The department
8 shall provide annual status reports on December 15, 2019, and
9 December 15, 2020, to the office of financial management and the
10 transportation committees of the legislature regarding the projects
11 receiving the grants. It is the intent of the legislature to
12 appropriate funds through the regional mobility grant program only
13 for projects that will be completed on schedule. A grantee may not
14 receive more than twenty-five percent of the amount appropriated in
15 this subsection. (~~Additionally, when allocating funding for the~~
16 ~~2021-2023 biennium, no more than thirty percent of the total grant~~
17 ~~program may directly benefit or support one grantee.)) The department
18 shall not approve any increases or changes to the scope of a project
19 for the purpose of a grantee expending remaining funds on an awarded
20 grant. **Fuel type may not be a factor in the grant selection process.**~~

21 (b) In order to be eligible to receive a grant under (a) of this
22 subsection during the 2019-2021 fiscal biennium, a transit agency
23 must establish a process for private transportation providers to
24 apply for the use of park and ride facilities. For purposes of this
25 subsection, (i) "private transportation provider" means: An auto
26 transportation company regulated under chapter 81.68 RCW; a passenger
27 charter carrier regulated under chapter 81.70 RCW, except marked or
28 unmarked stretch limousines and stretch sport utility vehicles as
29 defined under department of licensing rules; a private nonprofit
30 transportation provider regulated under chapter 81.66 RCW; or a
31 private employer transportation service provider; and (ii) "private
32 employer transportation service" means regularly scheduled, fixed-
33 route transportation service that is offered by an employer for the
34 benefit of its employees.

35 (6) Funds provided for the commute trip reduction (CTR) program
36 may also be used for the growth and transportation efficiency center
37 program.

38 (7) \$7,670,000 of the multimodal transportation account—state
39 appropriation and \$784,000 of the state vehicle parking account—state
40 appropriation are provided solely for CTR grants and activities. **Fuel**

1 type may not be a factor in the grant selection process. Of this
2 amount:

3 (a) \$1,000,000 of the multimodal transportation account—state
4 appropriation is provided solely for the department to continue a
5 pilot transit pass incentive program. Businesses and nonprofit
6 organizations located in a county adjacent to Puget Sound with a
7 population of more than seven hundred thousand that have never
8 offered transit subsidies to employees are eligible to apply to the
9 program for a fifty percent rebate on the cost of employee transit
10 subsidies provided through the regional ORCA fare collection system.
11 No single business or nonprofit organization may receive more than
12 ten thousand dollars from the program.

13 (i) Businesses and nonprofit organizations may apply and be
14 awarded funds prior to purchasing a transit subsidy, but the
15 department may not provide reimbursement until proof of purchase or a
16 contract has been provided to the department.

17 (ii) The department shall update the transportation committees of
18 the legislature on the impact of the program by January 31, 2020, and
19 may adopt rules to administer the program.

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

29 (c) (~~(\$1,000,000)~~) \$200,000 of the multimodal transportation
30 account—state appropriation is provided solely for a first mile/last
31 mile connections grant program. Eligible grant recipients include
32 cities, businesses, nonprofits, and transportation network companies
33 with first mile/last mile solution proposals. Transit agencies are
34 not eligible. The commute trip reduction board shall develop grant
35 parameters, evaluation criteria, and evaluate grant proposals. The
36 commute trip reduction board shall provide the transportation
37 committees of the legislature a report on the effectiveness of this
38 grant program and best practices for continuing the program.

1 (8) Except as provided otherwise in this subsection,
2 (~~(\$33,370,000)~~) \$32,008,000 of the multimodal transportation account—
3 state appropriation is provided solely for connecting Washington
4 transit projects identified in LEAP Transportation Document ((2020))
5 2021-2 ALL PROJECTS as developed ((~~March 11, 2020~~)) April 23, 2021.
6 It is the intent of the legislature that entities identified to
7 receive funding in the LEAP document referenced in this subsection
8 receive the amounts specified in the time frame specified in that
9 LEAP document. If an entity has already completed a project in the
10 LEAP document referenced in this subsection before the time frame
11 identified, the entity may substitute another transit project or
12 projects that cost a similar or lesser amount.

13 ***(9) \$1,000,000 of the multimodal transportation account—state***
14 ***appropriation is provided solely for transit coordination grants.***
15 ***Fuel type may not be a factor in the grant selection process.***

16 (10) The department shall not require more than a ten percent
17 match from nonprofit transportation providers for state grants.

18 (11)(a) For projects funded as part of the 2015 connecting
19 Washington transportation package listed on the LEAP transportation
20 document identified in subsection (4) of this section, if the
21 department expects to have substantial reappropriations for the
22 2021-2023 fiscal biennium, the department may, on a pilot basis,
23 apply funding from a project with an appropriation that cannot be
24 used for the current fiscal biennium to advance one or more of the
25 following projects:

26 (i) King County Metro - RapidRide Expansion, Burien-Delridge
27 (G2000031);

28 (ii) King County Metro - Route 40 Northgate to Downtown
29 (G2000032);

30 (iii) Mason Transit Park & Ride Development (G2000042); or

31 (iv) Pierce Transit - SR 7 Express Service (G2000045).

32 (b) At least ten business days before advancing a project
33 pursuant to this subsection, the department must notify the office of
34 financial management and the transportation committees of the
35 legislature. The advancement of a project may not hinder the delivery
36 of the projects for which the reappropriations are necessary for the
37 2021-2023 fiscal biennium.

38 (c) To the extent practicable, the department shall use the
39 flexibility and authority granted in this section to minimize the
40 amount of reappropriations needed each biennium.

1 (12) \$750,000 of the multimodal transportation account—state
2 appropriation is provided solely for Intercity Transit for the Dash
3 shuttle program.

4 (13)(a) \$485,000 of the multimodal transportation account—state
5 appropriation is provided solely for King county for:

6 (i) An expanded pilot program to provide certain students in the
7 Highline, Tukwila, and Lake Washington school districts with an ORCA
8 card during these school districts' summer vacations. In order to be
9 eligible for an ORCA card under this program, a student must also be
10 in high school, be eligible for free and reduced-price lunches, and
11 have a job or other responsibility during the summer; and

12 (ii) Providing administrative support to other interested school
13 districts in King county to prepare for implementing similar programs
14 for their students.

15 (b) King county must provide a report to the department and the
16 transportation committees of the legislature by December 15, 2021,
17 regarding:

18 (i) The annual student usage of the pilot program;

19 (ii) Available ridership data;

20 (iii) A cost estimate, including a detailed description of the
21 various expenses leading to the cost estimate, and any other factors
22 relevant to expanding the program to other King county school
23 districts;

24 (iv) A cost estimate, including a detailed description of the
25 various expenses leading to the cost estimate, and any other factors
26 relevant to expanding the program to student populations other than
27 high school or eligible for free and reduced-price lunches;

28 (v) Opportunities for subsidized ORCA cards or local grant or
29 matching funds; and

30 (vi) Any additional information that would help determine if the
31 pilot program should be extended or expanded.

32 (14) (~~(\$12,000,000)~~) \$7,007,000 of the multimodal transportation
33 account—state appropriation is provided solely for the green
34 transportation capital grant program established in chapter 287, Laws
35 of 2019 (advancing green transportation adoption).

36 (15) \$555,000 of the multimodal transportation account—state
37 appropriation is provided solely for an interagency transfer to the
38 Washington State University extension energy program to establish and

1 administer a technical assistance and education program for public
2 agencies on the use of alternative fuel vehicles.

3 ~~((17))~~ (16) The appropriations in this section include savings
4 due to anticipated project underruns; however, it is unknown which
5 projects will provide savings. The legislature intends to provide
6 sufficient flexibility for the department to manage to this savings
7 target. To provide this flexibility, the office of financial
8 management may authorize, through an allotment modification,
9 reductions in the appropriated amounts that are provided solely for a
10 particular purpose within this section subject to the following
11 conditions and limitations:

12 (a) No allotment modifications may be made to amounts provided
13 solely for the special needs transportation grant program;

14 (b) The department must confirm that any modification requested
15 under this subsection of amounts provided solely for a specific
16 purpose are not expected to be used for that purpose in this
17 biennium;

18 (c) Allotment modifications authorized under this subsection may
19 not result in increased funding for any project beyond the amount
20 provided for that project in the 2019-2021 fiscal biennium in LEAP
21 Transportation Document ~~((2020))~~ 2021-2 ALL PROJECTS as developed
22 ~~((March 11, 2020))~~ April 23, 2021;

23 (d) Allotment modifications authorized under this subsection
24 apply only to amounts appropriated in this section from the
25 multimodal transportation account—state; and

26 (e) By December 1, 2020, the department must submit a report to
27 the transportation committees of the legislature regarding the
28 actions taken under this subsection.

29 ~~((18))~~ (17) (a) The Washington state department of
30 transportation public transportation division, working with the
31 Thurston regional planning council, shall provide state agency
32 management, the office of financial management, and the
33 transportation committees of the legislature with results of their
34 regional mobility grant program demonstration project I-5/US 101
35 Practical Solutions: State Capitol Campus Transportation Demand
36 Management - Mobile Work. This includes reporting after the 2020
37 legislative session on the measurable results of an early pilot
38 initiative, "Telework Tuesday," beginning in January 2020.

39 (b) Capitol campus state agency management is directed to fully
40 participate in this work, which aims to reduce greenhouse gases,

1 require less office space and parking investments; provide low cost
2 congestion relief on I-5 during peak periods, US 101, and the local
3 transportation network; and improve retention and recruitment of
4 public employees. The agencies should actively: Encourage employees
5 qualified to telework to participate in this program and increase the
6 number of employees who qualify for mobile work and schedule shifts.

7 (c) If measurable success is achieved, the capitol campus state
8 agencies shall provide options to expand the project to other
9 jurisdictions concentrated with large employers. Expansion and
10 encouragement of telework will help reduce demand on the
11 transportation system, reduce traffic during peak hours, and reduce
12 greenhouse gas emissions.

**Sec. 920 is partially vetoed. See message at end of chapter.*

13 **Sec. 921.** 2020 c 219 s 221 (uncodified) is amended to read as
14 follows:

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

16 Motor Vehicle Account—State Appropriation.	\$250,000
17 Puget Sound Ferry Operations Account—State	
18 Appropriation	((\$545,997,000))
19	<u>\$486,710,000</u>
20 Puget Sound Ferry Operations Account—Federal	
21 Appropriation	((\$7,932,000))
22	<u>\$47,169,000</u>
23 Puget Sound Ferry Operations Account—Private/Local	
24 Appropriation	\$121,000
25 TOTAL APPROPRIATION.	((\$554,300,000))
26	<u>\$534,250,000</u>

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

29 (1) The office of financial management budget instructions
30 require agencies to recast enacted budgets into activities. The
31 Washington state ferries shall include a greater level of detail in
32 its 2019-2021 supplemental and 2021-2023 omnibus transportation
33 appropriations act requests, as determined jointly by the office of
34 financial management, the Washington state ferries, and the
35 transportation committees of the legislature. This level of detail
36 must include the administrative functions in the operating as well as
37 capital programs.

1 (2) For the 2019-2021 fiscal biennium, the department may enter
2 into a distributor controlled fuel hedging program and other methods
3 of hedging approved by the fuel hedging committee, which must include
4 a representative of the department of enterprise services.

5 (3) (~~(\$73,161,000)~~) \$67,052,000 of the Puget Sound ferry
6 operations account—state appropriation is provided solely for auto
7 ferry vessel operating fuel in the 2019-2021 fiscal biennium, which
8 reflect cost savings from a reduced biodiesel fuel requirement and,
9 therefore, is contingent upon the enactment of section 703, chapter
10 416, Laws of 2019. The amount provided in this subsection represents
11 the fuel budget for the purposes of calculating any ferry fare fuel
12 surcharge. The department shall review future use of alternative
13 fuels and dual fuel configurations, including hydrogen.

14 (4) \$650,000 of the Puget sound ferry operations account—state
15 appropriation is provided solely for increased staffing at Washington
16 ferry terminals to meet increased workload and customer expectations.
17 Within the amount provided in this subsection, the department shall
18 contract with uniformed officers for additional traffic control
19 assistance at the Kingston ferry terminal during peak ferry travel
20 times, with a particular focus on Sundays and holiday weekends.
21 Traffic control methods should include, but not be limited to,
22 holding traffic on the shoulder at Lindvog Road until space opens for
23 cars at the tollbooths and dock, and management of traffic on Highway
24 104 in order to ensure Kingston residents and business owners have
25 access to businesses, roads, and driveways.

26 (5) \$254,000 of the Puget Sound ferry operations account—state
27 appropriation is provided solely for a dedicated inventory logistics
28 manager on a one-time basis.

29 (6) \$500,000 of the Puget Sound ferry operations account—state
30 appropriation is provided solely for operating costs related to
31 moving vessels for emergency capital repairs. Funds may only be spent
32 after approval by the office of financial management.

33 (7) By January 1, 2020, the ferries division must submit a
34 workforce plan for reducing overtime due to shortages of staff
35 available to fill vacant crew positions. The plan must include
36 numbers of crew positions being filled by staff working overtime,
37 strategies for filling these positions with straight time employees,
38 progress toward implementing those strategies, and a forecast for
39 when overtime expenditures will return to historical averages.

1 (8) \$160,000 of the Puget Sound ferry operations account—state
2 appropriation is provided solely for a ferry fleet baseline noise
3 study, conducted by a consultant, for the purpose of establishing
4 plans and data-driven goals to reduce ferry noise when Southern
5 resident orca whales are present. In addition, the study must
6 establish prioritized strategies to address vessels serving routes
7 with the greatest exposure to orca whale movements.

8 (9) (a) \$250,000 of the motor vehicle account—state appropriation
9 is provided solely for the department, in consultation with the
10 Washington state transportation center, to develop a plan for service
11 on the triangle route with a goal of providing maximum sailings
12 moving the most passengers to all stops in the least travel time,
13 including waits between sailings, within budget and resource
14 constraints.

15 (b) The Washington state transportation center must use new
16 traffic management models and scheduling tools to examine proposed
17 improvements for the triangle route. The department shall report to
18 the standing transportation committees of the legislature by January
19 15, 2021. The report must include:

20 (i) Implementation and status of data collection, modeling,
21 scheduling, capital investments, and procedural improvements to allow
22 Washington state ferries to schedule more sailings to and from all
23 stops on the triangle route with minimum time between sailings;

24 (ii) Recommendations for emergency boat allocations, regular
25 schedule policies, and emergency schedule policies based on all
26 customers alternative travel options to ensure that any dock with no
27 road access is prioritized in scheduling and scheduled service is
28 provided based on population size, demographics, and local medical
29 services;

30 (iii) Triangle route pilot economic analysis of Washington state
31 ferries fare revenue and fuel cost impact of offering additional,
32 better spaced sailings;

33 (iv) Results of an economic analysis of the return on investment
34 of potentially acquiring and using traffic control infrastructure,
35 technology, walk on loading bridges, and Good-to-Go and ORCA
36 replacement of current fare sales, validation, collections,
37 accounting, and all associated labor and benefits costs that can be
38 saved via those capital investments; and

1 (v) Recommendation on policies, procedures, or agency
2 interpretations of statute that may be adopted to mitigate any delays
3 or disruptions to scheduled sailings.

4 (10) \$15,139,000 of the Puget Sound ferry operations account—
5 state appropriation is provided solely for training. Of the amount
6 provided in this subsection:

7 (a) \$2,500,000 is for training for new employees.

8 (b) \$160,000 is for electronic chart display and information
9 system training.

10 (c) \$379,000 is for marine evacuation slide training.

11 (11) \$1,600,000 of the Puget Sound ferry operations account—state
12 appropriation is provided solely for naval architecture staff support
13 for the marine maintenance program.

14 (12) \$336,000 of the Puget Sound ferry operations account—state
15 appropriation is provided solely for inspections of fall restraint
16 systems.

17 (13) \$4,361,000 of the Puget Sound ferry operations account—state
18 appropriation is provided solely for overtime expenses incurred by
19 engine and deck crew members.

20 (14) \$1,200,000 of the Puget Sound ferry operations account—state
21 appropriation is provided solely for familiarization for new
22 assignments of engine crew and terminal staff.

23 (15) \$100,000 of the Puget Sound ferry operations account—state
24 appropriation is provided solely to develop a plan for upgrading a
25 second vessel to meet the international convention for the safety of
26 life at sea standards. The plan must identify the option with the
27 lowest impacts to sailing schedules.

28 (16) The department must request reimbursement from the federal
29 transit administration for the maximum amount of ferry operating
30 expenses eligible for reimbursement under federal law.

31 **Sec. 922.** 2020 c 219 s 222 (uncodified) is amended to read as
32 follows:

33 **FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING**

34 Multimodal Transportation Account—State

35 Appropriation ((\$70,244,000))

36 \$45,883,000

37 Multimodal Transportation Account—Private/Local

38 Appropriation \$717,000

1	((Multimodal Transportation Account—Federal	
2	Appropriation	\$500,000))
3	TOTAL APPROPRIATION.	(((\$71,461,000))
4		<u>\$46,600,000</u>

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

7 (1) (a) (i) \$224,000 of the multimodal transportation account—state
8 appropriation and \$671,000 of the multimodal transportation account—
9 private/local appropriation are provided solely for continued
10 analysis of the ultra high-speed ground transportation corridor in a
11 new study, with participation from Washington, Oregon, and British
12 Columbia. No funds may be expended until the department is in receipt
13 of \$671,000 in private/local funding provided solely for this
14 purpose.

15 (ii) The ultra high-speed ground transportation corridor advisory
16 group must include legislative membership.

17 (iii) "Ultra high-speed" means a maximum testing speed of at
18 least two hundred fifty miles per hour.

19 (b) The study must consist of the following:

20 (i) Development of proposed corridor governance, general powers,
21 operating structure, legal instruments, and contracting requirements,
22 in the context of the roles of relevant jurisdictions, including
23 federal, state, provincial, and local governments;

24 (ii) Development of a long-term funding and financing strategy
25 for project initiation, development, construction, and program
26 administration of the high-speed corridor, building on the funding
27 and financing chapter of the 2019 business case analysis and aligned
28 with the recommendations of (b) (i) of this subsection; and

29 (iii) Development of recommendations for a department-led ultra-
30 high speed corridor engagement plan for policy leadership from
31 elected officials.

32 (c) This study must build on the results of the 2018 Washington
33 state ultra high-speed ground transportation business case analysis
34 and the 2019 Washington state ultra high-speed ground transportation
35 study findings report. The department shall consult with the
36 transportation committees of the legislature regarding all issues
37 related to proposed corridor governance.

38 (d) The development work referenced in (b) of this subsection is
39 intended to identify and make recommendations related to specific

1 entities, including interjurisdictional entities, policies, and
2 processes required for the purposes of furthering preliminary
3 analysis efforts for the ultra high-speed ground transportation
4 corridor. This development work is not intended to authorize one or
5 more entities to assume decision making authority for the design,
6 construction, or operation of an ultra high-speed rail corridor.

7 (e) By December 1, 2020, the department shall provide to the
8 governor and the transportation committees of the legislature a
9 report of the study's findings regarding the three elements noted in
10 this subsection. As applicable, the report should also be sent to the
11 executive and legislative branches of government in the state of
12 Oregon and appropriate government bodies in the province of British
13 Columbia.

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

25 **Sec. 923.** 2020 c 219 s 223 (uncodified) is amended to read as
26 follows:

27 **FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—**
28 **OPERATING**

29 Motor Vehicle Account—State Appropriation	((\$12,187,000))
	<u>\$11,854,000</u>
31 Motor Vehicle Account—Federal Appropriation	\$2,567,000
32 Multiuse Roadway Safety Account—State Appropriation	\$450,000
33 Multimodal Transportation Account—State	
34 Appropriation	\$350,000
35 TOTAL APPROPRIATION.	((\$15,554,000))
	<u>\$15,221,000</u>

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

1 (1) \$350,000 of the multimodal transportation account—state
2 appropriation is provided solely for a study by the Puget Sound
3 regional council of new passenger ferry service to better connect
4 communities throughout the twelve county Puget Sound region. The
5 study must assess potential new routes, identify future terminal
6 locations, and provide recommendations to accelerate the
7 electrification of the ferry fleet. The study must identify future
8 passenger only demand throughout Western Washington, analyze
9 potential routes and terminal locations on Puget Sound, Lake
10 Washington, and Lake Union with an emphasis on preserving waterfront
11 opportunities in public ownership and opportunities for partnership.
12 The study must determine whether and when the passenger ferry service
13 achieves a net reduction in carbon emissions including an analysis of
14 the emissions of modes that passengers would otherwise have used. The
15 study must estimate capital and operating costs for routes and
16 terminals. The study must include early and continuous outreach with
17 all interested stakeholders and a report to the legislature and all
18 interested parties by January 31, 2021.

19 (2) \$1,142,000 of the motor vehicle account—state appropriation
20 is provided solely for the department, from amounts set aside out of
21 statewide fuel taxes distributed to counties according to RCW
22 46.68.120(3), to contract with the Washington state association of
23 counties to:

24 (a) In coordination with stakeholders, identify county-owned fish
25 passage barriers, with priority given to barriers that share the same
26 stream system as state-owned fish passage barriers. The study must
27 identify, map, and provide a preliminary assessment of county-owned
28 barriers that need correction, and provide, where possible,
29 preliminary costs estimates for each barrier correction. The study
30 must provide recommendations on:

31 (i) How to prioritize county-owned barriers within the same
32 stream system of state-owned barriers in the current six-year
33 construction plan to maximize state investment; and

34 (ii) How future state six-year construction plans should
35 incorporate county-owned barriers;

36 (b) Update the local agency guidelines manual, including
37 exploring alternatives within the local agency guidelines manual on
38 county priorities;

1 (c) Study the current state of county transportation funding,
2 identify emerging issues, and identify potential future alternative
3 transportation fuel funding sources to meet current and future needs.

4 (3) The entire multiuse roadway safety account—state
5 appropriation is provided solely for grants under RCW 46.09.540,
6 subject to the following limitations:

7 (a) Twenty-five percent of the amounts provided are reserved for
8 counties that each have a population of fifteen thousand persons or
9 less;

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

13 (ii) No county that receives a grant or grants under (b) of this
14 subsection may receive more than sixty thousand dollars in total
15 grants.

16 (4) \$280,000 of the motor vehicle account—state appropriation is
17 provided solely for Wahkiakum county for operation of the ferry
18 between Puget Island and Westport, Oregon. These funds are provided
19 outside the existing continuing agreement described in RCW 47.56.720,
20 are not appropriated for that purpose, and therefore do not
21 constitute payments under the agreement.

22 **TRANSPORTATION AGENCIES—CAPITAL**

23 **Sec. 1001.** 2020 c 219 s 301 (uncodified) is amended to read as
24 follows:

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

26	Freight Mobility Investment Account—State	
27	Appropriation	((\$23,015,000))
28		<u>\$17,344,000</u>
29	Highway Safety Account—State Appropriation.	\$81,000
30	Motor Vehicle Account—State Appropriation.	((\$4,907,000))
31		<u>\$3,165,000</u>
32	Freight Mobility Multimodal Account—State	
33	Appropriation	((\$4,992,000))
34		<u>\$4,454,000</u>
35	Motor Vehicle Account—Federal Appropriation	\$1,899,000
36	Freight Mobility Multimodal Account—Private/Local	
37	Appropriation	\$1,250,000

1 TOTAL APPROPRIATION. ((~~\$36,144,000~~))
2 \$28,193,000

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

5 (1) Except as otherwise provided in this section, the entire
6 appropriations in this section are provided solely for the projects
7 by amount, as listed in the LEAP Transportation Document (~~(2020-3 as~~
8 ~~developed March 11, 2020, Conference FMSIB Project List)~~) 2021-2 ALL
9 PROJECTS as developed April 23, 2021, Freight Mobility Strategic
10 Investment Board (FMSIB).

11 (2) Until directed by the legislature, the board may not initiate
12 a new call for projects. By January 1, 2020, the board must report to
13 the legislature on alternative proposals to revise its project award
14 and obligation process, which result in lower reappropriations.

15 ~~((4))~~ (3) It is the intent of the legislature to continue to
16 make strategic investments in a statewide freight mobility
17 transportation system with the help of the freight mobility strategic
18 investment board, including projects that mitigate the impact of
19 freight movement on local communities.

20 **Sec. 1002.** 2020 c 219 s 302 (uncodified) is amended to read as
21 follows:

22 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

23 Rural Arterial Trust Account—State Appropriation . . . ((~~\$62,884,000~~))
24 \$51,184,000
25 Motor Vehicle Account—State Appropriation \$1,456,000
26 County Arterial Preservation Account—State
27 Appropriation \$39,590,000
28 TOTAL APPROPRIATION. ((~~\$103,930,000~~))
29 \$92,230,000

30 **Sec. 1003.** 2020 c 219 s 304 (uncodified) is amended to read as
31 follows:

32 **FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—**
33 **(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL**

34 Motor Vehicle Account—State Appropriation ((~~\$51,187,000~~))
35 \$49,717,000
36 Connecting Washington Account—State Appropriation . . . ((~~\$51,523,000~~))
37 \$50,746,000

1 TOTAL APPROPRIATION. ((~~\$102,710,000~~))
2 \$100,463,000

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

5 (1) ((~~\$51,523,000~~)) \$50,746,000 of the connecting Washington
6 account—state appropriation is provided solely for a new Olympic
7 region maintenance and administration facility to be located on the
8 department-owned site at the intersection of Marvin Road and 32nd
9 Avenue in Lacey, Washington.

10 (2) (a) ((~~\$43,297,000~~)) \$41,827,000 of the motor vehicle account—
11 state appropriation is provided solely for the department facility
12 located at 15700 Dayton Ave N in Shoreline. This appropriation is
13 contingent upon the department of ecology signing a not less than
14 twenty-year agreement to pay a share of any financing contract issued
15 pursuant to chapter 39.94 RCW.

16 (b) Payments from the department of ecology as described in this
17 subsection shall be deposited into the motor vehicle account.

18 (c) Total project costs are not to exceed ((~~\$46,500,000~~))
19 \$45,032,000.

20 (3) \$1,565,000 from the motor vehicle account—state appropriation
21 is provided solely for furniture for the renovated Northwest Region
22 Headquarters at Dayton Avenue. The department must efficiently
23 furnish the renovated building.

24 **Sec. 1004.** 2020 c 219 s 305 (uncodified) is amended to read as
25 follows:

26 **FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

27 Transportation Partnership Account—State

28 Appropriation ((~~\$385,619,000~~))
29 \$395,679,000

30 Motor Vehicle Account—State Appropriation ((~~\$102,543,000~~))
31 \$60,911,000

32 Motor Vehicle Account—Federal Appropriation ((~~\$151,857,000~~))
33 \$156,148,000

34 Motor Vehicle Account—Private/Local Appropriation ((~~\$70,404,000~~))
35 \$76,284,000

36 Connecting Washington Account—State

37 Appropriation ((~~\$2,355,205,000~~))
38 \$1,630,805,000

1	Special Category C Account—State Appropriation . . .	((\$36,134,000))
2		<u>\$19,123,000</u>
3	Multimodal Transportation Account—State	
4	Appropriation	((\$3,853,000))
5		<u>\$3,522,000</u>
6	Alaskan Way Viaduct Replacement Project Account—State	
7	Appropriation	\$77,956,000
8	Transportation 2003 Account (Nickel Account)—State	
9	Appropriation	((\$10,429,000))
10		<u>\$9,403,000</u>
11	Interstate 405 and State Route Number 167 Express	
12	Toll Lanes Account—State Appropriation.	((\$90,027,000))
13		<u>\$33,742,000</u>
14	TOTAL APPROPRIATION.	((\$3,284,027,000))
15		<u>\$2,463,573,000</u>

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

18 (1) Except as provided otherwise in this section, the entire
19 connecting Washington account—state appropriation and the entire
20 transportation partnership account—state appropriation are provided
21 solely for the projects and activities as listed by fund, project,
22 and amount in LEAP Transportation Document ((2020)) 2021-1 as
23 developed ((~~March 11, 2020~~)) April 23, 2021, Program - Highway
24 Improvements Program (I). However, limited transfers of specific
25 line-item project appropriations may occur between projects for those
26 amounts listed subject to the conditions and limitations in section
27 ((~~601 of this act~~)) 601 of this act, chapter . . ., Laws of 2021
28 (this act).

29 (2) Except as provided otherwise in this section, the entire
30 motor vehicle account—state appropriation and motor vehicle account—
31 federal appropriation are provided solely for the projects and
32 activities listed in LEAP Transportation Document ((2020)) 2021-2 ALL
33 PROJECTS as developed ((~~March 11, 2020~~)) April 23, 2021, Program -
34 Highway Improvements Program (I). Any federal funds gained through
35 efficiencies, adjustments to the federal funds forecast, ((~~additional~~
36 ~~congressional action not related to a specific project or purpose,~~))
37 or the federal funds redistribution process must then be applied to
38 highway and bridge preservation activities or fish passage barrier
39 corrections (OBI4001).

1 (3) Within the motor vehicle account—state appropriation and
2 motor vehicle account—federal appropriation, the department may
3 transfer funds between programs I and P, except for funds that are
4 otherwise restricted in this act. Ten days prior to any transfer, the
5 department must submit its request to the office of financial
6 management and the transportation committees of the legislature and
7 consider any concerns raised. The department shall submit a report on
8 fiscal year funds transferred in the prior fiscal year using this
9 subsection as part of the department's annual budget submittal.

10 (4) The connecting Washington account—state appropriation
11 includes up to (~~(\$1,835,325,000)~~) \$1,085,325,000 in proceeds from the
12 sale of bonds authorized in RCW 47.10.889.

13 (5) The special category C account—state appropriation includes
14 up to (~~(\$24,910,000)~~) \$19,123,000 in proceeds from the sale of bonds
15 authorized in RCW 47.10.812.

16 (6) The transportation partnership account—state appropriation
17 includes up to (~~(\$162,658,000)~~) \$176,140,000 in proceeds from the
18 sale of bonds authorized in RCW 47.10.873.

19 (7) The Alaskan Way viaduct replacement project account—state
20 appropriation includes up to \$77,956,000 in proceeds from the sale of
21 bonds authorized in RCW 47.10.873.

22 (8) (~~(\$168,757,000)~~) \$162,005,000 of the transportation
23 partnership account—state appropriation, (~~(\$19,790,000)~~) \$17,898,000
24 of the motor vehicle account—private/local appropriation, \$3,384,000
25 of the transportation 2003 account (nickel account)—state
26 appropriation, \$77,956,000 of the Alaskan Way viaduct replacement
27 project account—state appropriation, and (~~(\$1,838,000)~~) \$854,000 of
28 the multimodal transportation account—state appropriation are
29 provided solely for the SR 99/Alaskan Way Viaduct Replacement project
30 (809936Z). It is the intent of the legislature that the \$25,000,000
31 increase in funding provided in the 2021-2023 fiscal biennium be
32 covered by any legal damages paid to the state as a result of a
33 lawsuit related to contractual provisions for construction and
34 delivery of the Alaskan Way viaduct replacement project. The
35 legislature intends that the \$25,000,000 of the transportation
36 partnership account—state funds be repaid when those damages are
37 recovered.

38 (9) (~~(\$3,000,000)~~) \$2,667,000 of the multimodal transportation
39 account—state appropriation is provided solely for transit mitigation

1 for the SR 99/Viaduct Project - Construction Mitigation project
2 (809940B).

3 (10) (~~(\$168,655,000)~~) \$148,097,000 of the connecting Washington
4 account—state appropriation, \$1,052,000 of the special category C
5 account—state appropriation, and (~~(\$738,000)~~) \$1,338,000 of the motor
6 vehicle account—private/local appropriation are provided solely for
7 the US 395 North Spokane Corridor project (M00800R).

8 (11) (~~(\$82,991,000)~~) \$29,187,000 of the Interstate 405 and state
9 route number 167 express toll lanes account—state appropriation is
10 provided solely for the I-405/SR 522 to I-5 Capacity Improvements
11 project (L2000234) for activities related to adding capacity on
12 Interstate 405 between state route number 522 and Interstate 5, with
13 the goals of increasing vehicle throughput and aligning project
14 completion with the implementation of bus rapid transit in the
15 vicinity of the project.

16 (12)(a) (~~(\$422,099,000)~~) \$356,007,000 of the connecting
17 Washington account—state appropriation and (~~(\$456,000)~~) \$400,000 of
18 the motor vehicle account—private/local appropriation are provided
19 solely for the SR 520 Seattle Corridor Improvements - West End
20 project (M00400R).

21 (b) Recognizing that the department of transportation requires
22 full possession of parcel number 1-23190 to complete the Montlake
23 Phase of the West End project, the department is directed to:

24 (i) Work with the operator of the Montlake boulevard market
25 located on parcel number 1-23190 to negotiate a lease allowing
26 continued operations up to January 1, 2020. After that time, the
27 department shall identify an area in the vicinity of the Montlake
28 property for a temporary market or other food service to be provided
29 during the period of project construction. Should the current
30 operator elect not to participate in providing that temporary
31 service, the department shall then develop an outreach plan with the
32 city to solicit community input on the food services provided, and
33 then advertise the opportunity to other potential vendors. Further,
34 the department shall work with the city of Seattle and existing
35 permit processes to facilitate vendor access to and use of the area
36 in the vicinity of the Montlake property.

37 (ii) Upon completion of the Montlake Phase of the West End
38 project (current anticipated contract completion of 2023), WSDOT
39 shall sell that portion of the property not used for permanent

1 transportation improvements and initiate a process to convey that
2 surplus property to a subsequent owner.

3 (c) \$60,000 of the motor vehicle account—state appropriation is
4 provided solely for grants to nonprofit organizations located in a
5 city with a population exceeding six hundred thousand persons and
6 that empower artists through equitable access to vital expertise,
7 opportunities, and business services. Funds may be used only for the
8 purpose of preserving, commemorating, and sharing the history of the
9 city of Seattle's freeway protests and making the history of activism
10 around the promotion of more integrated transportation and land use
11 planning accessible to current and future generations through the
12 preservation of Bent 2 of the R. H. Thompson freeway ramp.

13 (13) It is the intent of the legislature that for the I-5 JBLM
14 Corridor Improvements project (M00100R), the department shall
15 actively pursue \$50,000,000 in federal funds to pay for this project
16 to supplant state funds in the future. \$50,000,000 in connecting
17 Washington account funding must be held in unallotted status during
18 the 2021-2023 fiscal biennium. These funds may only be used after the
19 department has provided notice to the office of financial management
20 that it has exhausted all efforts to secure federal funds from the
21 federal highway administration and the department of defense.

22 (14) (~~(\$310,469,000)~~) \$172,911,000 of the connecting Washington
23 account—state appropriation (~~(is)~~), \$15,099,000 of the motor vehicle
24 account—private/local appropriation, and \$1,500,000 of the motor
25 vehicle account—federal appropriation are provided solely for the SR
26 167/SR 509 Puget Sound Gateway project (M00600R).

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

29 (b) Proceeds from the sale of any surplus real property acquired
30 for the purpose of building the SR 167/SR 509 Puget Sound Gateway
31 (M00600R) project must be deposited into the motor vehicle account
32 for the purpose of constructing the project.

33 (c) In making budget allocations to the Puget Sound Gateway
34 project, the department shall implement the project's construction as
35 a single corridor investment. The department shall develop a
36 coordinated corridor construction and implementation plan for state
37 route number 167 and state route number 509 in collaboration with
38 affected stakeholders. Specific funding allocations must be based on
39 where and when specific project segments are ready for construction

1 to move forward and investments can be best optimized for timely
2 project completion. Emphasis must be placed on avoiding gaps in fund
3 expenditures for either project.

4 (d) It is the legislature's intent that the department shall
5 construct a full single-point urban interchange at the junction of
6 state route number 161 (Meridian avenue) and state route number 167
7 and a full single-point urban interchange at the junction of state
8 route number 509 and 188th Street. If the department receives
9 additional funds from an outside source for this project after the
10 base project is fully funded, the funds must first be applied toward
11 the completion of these two full single-point urban interchanges.

12 (e) In designing the state route number 509/state route number
13 516 interchange component of the SR 167/SR 509 Puget Sound Gateway
14 project (M00600R), the department shall make every effort to utilize
15 the preferred "4B" design.

16 (f) The department shall explore the development of a multiuse
17 trail for bicyclists, pedestrians, skateboarders, and similar users
18 along the SR 167 right-of-way acquired for the project to connect a
19 network of new and existing trails from Mount Rainier to Point
20 Defiance Park.

21 (g) If sufficient bonding authority to complete this project is
22 not provided within chapter 421, Laws of 2019 (addressing tolling),
23 or within a bond authorization act referencing chapter 421, Laws of
24 2019 by June 30, 2019, it is the intent of the legislature to return
25 the Puget Sound Gateway project (M00600R) to its previously
26 identified construction schedule by moving \$128,900,000 in connecting
27 Washington account—state appropriation back to the 2027-2029 biennium
28 from the 2023-2025 biennium on the list referenced in subsection (2)
29 of this section. If sufficient bonding authority is provided, it is
30 the intent of the legislature to advance the project to allow for
31 earlier completion and inflationary savings.

32 (15) It is the intent of the legislature that, for the I-5/North
33 Lewis County Interchange project (L2000204), the department develop
34 and design the project with the objective of significantly improving
35 access to the industrially zoned properties in north Lewis county.
36 The design must consider the county's process of investigating
37 alternatives to improve such access from Interstate 5 that began in
38 March 2015.

1 (16) (~~(\$1,029,000)~~) \$1,030,000 of the transportation partnership
2 account—state appropriation is provided solely for the U.S. 2 Trestle
3 IJR project (L1000158).

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

10 (18) Any advisory group that the department convenes during the
11 2019-2021 fiscal biennium must consider the interests of the entire
12 state of Washington.

13 (19) The legislature finds that there are sixteen companies
14 involved in wood preserving in the state that employ four hundred
15 workers and have an annual payroll of fifteen million dollars. Before
16 the department's switch to steel guardrails, ninety percent of the
17 twenty-five hundred mile guardrail system was constructed of
18 preserved wood and one hundred ten thousand wood guardrail posts were
19 produced annually for state use. Moreover, the policy of using steel
20 posts requires the state to use imported steel. Given these findings,
21 where practicable, and until June 30, 2021, the department shall
22 include the design option to use wood guardrail posts, in addition to
23 steel posts, in new guardrail installations. The selection of posts
24 must be consistent with the agency design manual policy that existed
25 before December 2009.

26 (20) (a) For connecting Washington projects that have already
27 begun and are eligible for the authority granted in section 601 (~~of~~
28 ~~this act~~), chapter 219, Laws of 2020, the department shall
29 prioritize advancing the following projects if expected
30 reappropriations become available:

- 31 (i) SR 14/I-205 to SE 164th Ave - Auxiliary Lanes (L2000102);
32 (ii) SR 305 Construction - Safety Improvements (N30500R);
33 (iii) SR 14/Bingen Underpass (L2220062);
34 (iv) I-405/NE 132nd Interchange - Totem Lake (L1000110);
35 (v) US Hwy 2 Safety (N00200R);
36 (vi) US-12/Walla Walla Corridor Improvements (T20900R);
37 (vii) I-5 JBLM Corridor Improvements (M00100R);
38 (viii) I-5/Slater Road Interchange - Improvements (L1000099);
39 (ix) SR 510/Yelm Loop Phase 2 (T32700R); or

1 (x) SR 520/124th St Interchange (Design and Right of Way)
2 (L1000098).

3 (b) To the extent practicable, the department shall use the
4 flexibility and authority granted in this section and in section 601
5 of this act to minimize the amount of reappropriations needed each
6 biennium.

7 (c) The advancement of a project may not hinder the delivery of
8 the projects for which the reappropriations are necessary for the
9 2021-2023 fiscal biennium.

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

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

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

35 (22) (a) (~~(\$17,500,000)~~) \$8,072,000 of the motor vehicle account—
36 state appropriation (~~(is)~~) and \$7,329,000 of the motor vehicle
37 account—private/local appropriation are provided solely for staffing
38 of a project office (~~(to replace the Interstate 5 bridge across the~~
39 ~~Columbia river (G2000088))~~) for the I-5 Interstate Bridge Replacement
40 project (L2000370). (~~(If at least a \$9,000,000 transfer is not~~

1 authorized in section 406(29), chapter 416, Laws of 2019, then
2 \$9,000,000 of the motor vehicle account state appropriation lapses.)

3 (b) (~~Of the amount provided in this subsection, \$7,780,000 of~~
4 ~~the motor vehicle account state appropriation must be placed in~~
5 ~~unallotted status by the office of financial management until the~~
6 ~~department develops a detailed plan for the work of this project~~
7 ~~office in consultation with the chairs and ranking members of the~~
8 ~~transportation committees of the legislature. The director of the~~
9 ~~office of financial management shall consult with the chairs and~~
10 ~~ranking members of the transportation committees of the legislature~~
11 ~~prior to making a decision to allot these funds.~~

12 (e)) The work of this project office includes, but is not
13 limited to, the reevaluation of the purpose and need identified for
14 the project previously known as the Columbia river crossing, the
15 reevaluation of permits and development of a finance plan, the
16 reengagement of key stakeholders and the public, and the reevaluation
17 of scope, schedule, and budget for a reinvigorated bistate effort for
18 replacement of the Interstate 5 Columbia river bridge. When
19 reevaluating the finance plan for the project, the department shall
20 assume that some costs of the new facility may be covered by tolls.
21 The project office must also study the possible different governance
22 structures for a bridge authority that would provide for the joint
23 administration of the bridges over the Columbia river between Oregon
24 and Washington. As part of this study, the project office must
25 examine the feasibility and necessity of an interstate compact in
26 conjunction with the national center for interstate compacts.

27 (~~(d)~~) (c) Within the amount provided in this subsection, the
28 department must implement chapter 137, Laws of 2019 (projects of
29 statewide significance).

30 (~~(e)~~) (d) The department shall have as a goal to:

31 (i) Reengage project stakeholders and reevaluate the purpose and
32 need and environmental permits by July 1, 2020;

33 (ii) Develop a finance plan by December 1, 2020; and

34 (iii) Have made significant progress toward beginning the
35 supplemental environmental impact statement process by June 30, 2021.
36 The department shall aim to provide a progress report on these
37 activities to the governor and the transportation committees of the
38 legislature by December 1, 2019, and a final report to the governor
39 and the transportation committees of the legislature by December 1,
40 2020.

1 (23) (~~(\$17,500,000 of the motor vehicle account state~~
2 ~~appropriation is provided solely to begin the pre-design phase on the~~
3 ~~I-5/Columbia River Bridge project (G2000088).~~

4 ~~(24))~~ (a) \$191,360,000 of the connecting Washington account—state
5 appropriation, \$47,655,000 of the motor vehicle account—federal
6 appropriation, \$11,179,000 of the motor vehicle account—private/local
7 appropriation, \$6,100,000 of the motor vehicle account—state
8 appropriation, and \$18,706,000 of the transportation partnership
9 account—state appropriation are provided solely for the Fish Passage
10 Barrier Removal project (OBI4001) with the intent of fully complying
11 with the court injunction by 2030.

12 (b) Of the amounts provided in this subsection, \$320,000 of the
13 connecting Washington account—state appropriation is provided solely
14 to remove the fish passage barrier on state route number 6 that
15 interfaces with Boistfort Valley water utilities near milepost 46.6.

16 (c) The department shall coordinate with the Brian Abbott fish
17 passage barrier removal board to use a watershed approach to maximize
18 habitat gain by replacing both state and local culverts. The
19 department shall deliver high habitat value fish passage barrier
20 corrections that it has identified, guided by the following factors:
21 Opportunity to bundle projects, ability to leverage investments by
22 others, presence of other barriers, project readiness, other
23 transportation projects in the area, and transportation impacts.

24 (d) The department must keep track of, for each barrier removed:
25 (i) The location; (ii) the amount of fish habitat gain; and (iii) the
26 amount spent to comply with the injunction.

27 (e) It is the intent of the legislature that for the amount
28 listed for the 2021-2023 biennium for the Fish Passage Barrier
29 Removal project (OBI4001) on the LEAP list referenced in subsection
30 (1) of this section, that accrued practical design savings deposited
31 in the transportation future funding program account be used to help
32 fund the cost of fully complying with the court injunction by 2030.

33 ~~((25))~~ (24) (a) The Washington state department of
34 transportation is directed to pursue compliance with the *U.S. v.*
35 *Washington* permanent injunction by delivering culvert corrections
36 within the injunction area guided by the principle of providing the
37 greatest fisheries habitat gain at the earliest time and considering
38 the following factors: Opportunity to bundle projects, tribal
39 priorities, ability to leverage investments by others, presence of

1 other barriers, project readiness, culvert condition, other
2 transportation projects in the area, and transportation impacts.

3 (b) The department and Brian Abbott fish barrier removal board,
4 while providing the opportunity for stakeholders, tribes, and
5 government agencies to give input on a statewide culvert remediation
6 plan, must provide updates on the development of the statewide
7 culvert remediation plan to the capital budget, ways and means, and
8 transportation committees of the legislature by November 1, 2020, and
9 March 15, 2021. The first update must include a project timeline and
10 plan to ensure that all state agencies with culvert correction
11 programs are involved in the creation of the comprehensive plan. The
12 department and Brian Abbott fish barrier removal board must submit
13 the final comprehensive statewide culvert remediation plan and the
14 process by which it will be adaptively managed over time to the
15 governor and the legislative fiscal committees by June 30, 2021.

16 (~~((26) \$16,649,000)~~) (25) \$4,880,000 of the connecting Washington
17 account—state appropriation, \$373,000 of the motor vehicle account—
18 state appropriation, and (~~(\$6,000,000)~~) \$113,000 of the motor vehicle
19 account—private/local appropriation are provided solely for the I-90/
20 Barker to Harvard - Improve Interchanges & Local Roads project
21 (L2000122). The connecting Washington account appropriation for the
22 improvements that fall within the city of Liberty Lake may only be
23 expended if the city of Liberty Lake agrees to cover any project
24 costs within the city of Liberty Lake above the \$20,900,000 of state
25 appropriation provided for the total project in LEAP Transportation
26 Document ~~((2020))~~ 2021-1 as developed ~~((March 11, 2020))~~ April 23,
27 2021, Program - Highway Improvements (I).

28 (~~((27))~~) (26) (a) (\$6,799,000) \$3,901,000 of the motor vehicle
29 account—federal appropriation, ~~(((\$31,000))~~) \$34,000 of the motor
30 vehicle account—state appropriation, ~~(((\$3,812,000—of—the~~
31 ~~transportation—partnership—account—state—appropriation,))~~) and
32 ~~(((\$7,000,000))~~) \$4,519,000 of the Interstate 405 and state route
33 number 167 express toll lanes account—state appropriation are
34 provided solely for the SR 167/SR 410 to SR 18 - Congestion
35 Management project (316706C).

36 (b) If sufficient bonding authority to complete this project is
37 not provided within chapter 421, Laws of 2019 (addressing tolling),
38 or within a bond authorization act referencing chapter 421, Laws of
39 2019 by June 30, 2019, it is the intent of the legislature to remove

1 the \$100,000,000 in toll funding from this project on the list
2 referenced in subsection (2) of this section.

3 ~~((28))~~ (27) For the I-405/North 8th Street Direct Access Ramp
4 in Renton project (L1000280), if sufficient bonding authority to
5 begin this project is not provided within chapter 421, Laws of 2019
6 (addressing tolling), or within a bond authorization act referencing
7 chapter 421, Laws of 2019, it is the intent of the legislature to
8 remove the project from the list referenced in subsection (2) of this
9 section.

10 ~~((29) \$7,985,000)~~ (28) \$7,071,000 of the Special Category C
11 account—state appropriation ~~((and \$1,000,000 of the motor vehicle
12 account—private/local appropriation are))~~ is provided solely for the
13 SR 18 Widening - Issaquah/Hobart Rd to Raging River project
14 (L1000199) for improving and widening state route number 18 to four
15 lanes from Issaquah-Hobart Road to Raging River.

16 ~~((30))~~ (29) \$2,250,000 of the motor vehicle account—state
17 appropriation is provided solely for the I-5 Corridor from Mounts
18 Road to Tumwater project (L1000231) for completing a National and
19 State Environmental Policy Act (NEPA/SEPA) analysis to identify mid-
20 and long-term environmental impacts associated with future
21 improvements along the I-5 corridor from Tumwater to DuPont.

22 ~~((31) \$622,000)~~ (30) \$200,000 of the motor vehicle account—
23 state appropriation is provided solely for the US 101/East Sequim
24 Corridor Improvements project (L2000343).

25 ~~((32) \$12,916,000)~~ (31) \$777,000 of the motor vehicle account—
26 state appropriation is provided solely for the SR 522/Paradise Lk Rd
27 Interchange & Widening on SR 522 (Design/Engineering) project
28 (NPARADI).

29 ~~((33) \$1,000,000)~~ (32) \$1,001,000 of the motor vehicle account—
30 state appropriation ~~((is))~~ and \$1,227,000 of the motor vehicle
31 account—federal appropriation are provided solely for the US 101/
32 Morse Creek Safety Barrier project (L1000247).

33 ~~((34) \$1,000,000)~~ (33) \$85,000 of the motor vehicle account—
34 state appropriation is provided solely for the SR 162/410 Interchange
35 Design and Right of Way project (L1000276).

36 ~~((36) The appropriations in this section include savings due to
37 anticipated project underruns; however, it is unknown which projects
38 will provide savings. The legislature intends to provide sufficient
39 flexibility for the department to manage to this savings target. To~~

1 provide this flexibility, the office of financial management may
2 authorize, through an allotment modification, reductions in the
3 appropriated amounts that are provided solely for a particular
4 purpose within this section subject to the following conditions and
5 limitations:

6 (a) The department must confirm that any modification requested
7 under this subsection of amounts provided solely for a specific
8 purpose are not expected to be used for that purpose in this
9 biennium;

10 (b) Allotment modifications authorized under this subsection may
11 not result in increased funding for any project beyond the amount
12 provided for that project in the 2019-2021 fiscal biennium in LEAP
13 Transportation Document 2020-2 ALL PROJECTS as developed March 11,
14 2020;

15 (c) Allotment modifications authorized under this subsection
16 apply only to amounts appropriated in this section from the following
17 accounts: Multimodal transportation account state, transportation
18 partnership account state, connecting Washington account state, and
19 special category C account state; and

20 (d) By December 1, 2020, the department must submit a report to
21 the transportation committees of the legislature regarding the
22 actions taken under this subsection.)

23 **Sec. 1005.** 2020 c 219 s 306 (uncodified) is amended to read as
24 follows:

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

26 Recreational Vehicle Account—State Appropriation	\$2,971,000
27 Transportation Partnership Account—State	
28 Appropriation	((\$20,248,000))
29	<u>\$20,181,000</u>
30 Motor Vehicle Account—State Appropriation	((\$82,447,000))
31	<u>\$87,755,000</u>
32 Motor Vehicle Account—Federal Appropriation	((\$490,744,000))
33	<u>\$498,257,000</u>
34 Motor Vehicle Account—Private/Local	
35 Appropriation	((\$7,408,000))
36	<u>\$7,660,000</u>
37 State Route Number 520 Corridor Account—State	
38 Appropriation	((\$326,000))

1		<u>\$395,000</u>
2	Connecting Washington Account—State Appropriation	((\$204,630,000))
3		<u>\$178,258,000</u>
4	Tacoma Narrows Toll Bridge Account—State	
5	Appropriation	((\$8,350,000))
6		<u>\$1,078,000</u>
7	Alaskan Way Viaduct Replacement Project Account—State	
8	Appropriation.	((\$10,000))
9		<u>\$79,000</u>
10	Interstate 405 and State Route Number 167 Express	
11	Toll Lanes Account—State Appropriation.	((\$3,018,000))
12		<u>\$1,457,000</u>
13	Transportation 2003 Account (Nickel Account)—State	
14	Appropriation	\$17,892,000
15	TOTAL APPROPRIATION.	((\$838,044,000))
16		<u>\$815,983,000</u>

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

19 (1) Except as provided otherwise in this section, the entire
20 connecting Washington account—state appropriation and the entire
21 transportation partnership account—state appropriation are provided
22 solely for the projects and activities as listed by fund, project,
23 and amount in LEAP Transportation Document ((2020)) 2021-1 as
24 developed ((~~March 11, 2020~~)) April 23, 2021, Program - Highway
25 Preservation Program (P). However, limited transfers of specific
26 line-item project appropriations may occur between projects for those
27 amounts listed subject to the conditions and limitations in section
28 ((~~601 of this act~~)) 601 of this act, chapter . . ., Laws of 2021
29 (this act).

30 (2) Except as provided otherwise in this section, the entire
31 motor vehicle account—state appropriation and motor vehicle account—
32 federal appropriation are provided solely for the projects and
33 activities listed in LEAP Transportation Document ((2020)) 2021-2 ALL
34 PROJECTS as developed ((~~March 11, 2020~~)) April 23, 2021, Program -
35 Highway Preservation Program (P). Any federal funds gained through
36 efficiencies, adjustments to the federal funds forecast, ((~~additional~~
37 ~~congressional action not related to a specific project or purpose,~~)
38 or the federal funds redistribution process must then be applied to

1 highway and bridge preservation activities or fish passage barrier
2 corrections (OBI4001).

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

12 (4) (~~(\$26,683,000)~~) \$21,517,000 of the connecting Washington
13 account—state appropriation is provided solely for the land mobile
14 radio upgrade (G2000055) and is subject to the conditions,
15 limitations, and review provided in section 701 (~~(of this act)~~),
16 chapter 219, Laws of 2020. The land mobile radio project is subject
17 to technical oversight by the office of the chief information
18 officer. The department, in collaboration with the office of the
19 chief information officer, shall identify where existing or proposed
20 mobile radio technology investments should be consolidated, identify
21 when existing or proposed mobile radio technology investments can be
22 reused or leveraged to meet multiagency needs, increase mobile radio
23 interoperability between agencies, and identify how redundant
24 investments can be reduced over time. The department shall also
25 provide quarterly reports to the technology services board on project
26 progress.

27 (5) (~~(\$4,000,000)~~) \$5,000,000 of the motor vehicle account—state
28 appropriation is provided solely for extraordinary costs incurred
29 from litigation awards, settlements, or dispute mitigation activities
30 not eligible for funding from the self-insurance fund. The amount
31 provided in this subsection must be held in unallotted status until
32 the department submits a request to the office of financial
33 management that includes documentation detailing litigation-related
34 expenses. The office of financial management may release the funds
35 only when it determines that all other funds designated for
36 litigation awards, settlements, and dispute mitigation activities
37 have been exhausted. No funds provided in this subsection may be
38 expended on any legal fees related to the SR 99/Alaskan Way viaduct
39 replacement project (809936Z).

1 (6) The appropriation in this section includes funding for
2 starting planning, engineering, and construction of the Elwha River
3 bridge replacement. To the greatest extent practicable, the
4 department shall maintain public access on the existing route.

5 (7) \$21,289,000 of the motor vehicle account—federal
6 appropriation and \$840,000 of the motor vehicle account—state
7 appropriation are provided solely for the preservation of
8 structurally deficient bridges or bridges that are at risk of
9 becoming structurally deficient (L1000068). These funds must be used
10 widely around the state of Washington. When practicable, the
11 department shall pursue design-build contracts for these bridge
12 projects to expedite delivery. The department shall provide a report
13 that identifies the progress of each project funded in this
14 subsection as part of its annual agency budget request.

15 (8) The department must consult with the Washington state patrol
16 and the office of financial management during the design phase of any
17 improvement or preservation project that could impact Washington
18 state patrol weigh station operations. During the design phase of any
19 such project, the department must estimate the cost of designing
20 around the affected weigh station's current operations, as well as
21 the cost of moving the affected weigh station.

22 (9) During the course of any planned resurfacing or other
23 preservation activity on state route number 26 between Colfax and
24 Othello in the 2019-2021 fiscal biennium, the department must add
25 dug-in reflectors.

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

34 **Sec. 1006.** 2020 c 219 s 307 (uncodified) is amended to read as
35 follows:

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

38 Motor Vehicle Account—State Appropriation (~~(\$7,746,000)~~)

1		<u>\$6,296,000</u>
2	Motor Vehicle Account—Federal Appropriation	((\$6,137,000))
3		<u>\$5,039,000</u>
4	Motor Vehicle Account—Private/Local Appropriation	\$579,000
5	Interstate 405 and State Route Number 167 Express	
6	Toll Lanes Account—State Appropriation.	\$100,000
7	TOTAL APPROPRIATION.	((\$14,562,000))
8		<u>\$12,014,000</u>

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

11 ((~~(1)~~—\$700,000)) \$121,000 of the motor vehicle account—state
12 appropriation is provided solely for the SR 99 Aurora Bridge ITS
13 project (L2000338).

14 **Sec. 1007.** 2020 c 219 s 308 (uncodified) is amended to read as
15 follows:

16 **FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES**
17 **CONSTRUCTION—PROGRAM W**

18	Puget Sound Capital Construction Account—State	
19	Appropriation	((\$116,253,000))
20		<u>\$85,281,000</u>
21	Puget Sound Capital Construction Account—Federal	
22	Appropriation	((\$198,688,000))
23		<u>\$177,352,000</u>
24	Puget Sound Capital Construction Account—Private/Local	
25	Appropriation	((\$4,779,000))
26		<u>\$4,575,000</u>
27	Transportation Partnership Account—State	
28	Appropriation	((\$6,582,000))
29		<u>\$2,312,000</u>
30	Connecting Washington Account—State Appropriation	\$112,426,000
31	Capital Vessel Replacement Account—State	
32	Appropriation.	((\$96,030,000))
33		<u>\$35,547,000</u>
34	Transportation 2003 Account (Nickel Account)—State	
35	Appropriation.	\$986,000
36	TOTAL APPROPRIATION.	((\$535,744,000))
37		<u>\$418,479,000</u>

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

3 (1) Except as provided otherwise in this section, the entire
4 appropriations in this section are provided solely for the projects
5 and activities as listed in LEAP Transportation Document ((2020))
6 2021-2 ALL PROJECTS as developed ((~~March 11, 2020~~)) April 23, 2021,
7 Program - Washington State Ferries Capital Program (W).

8 (2) \$2,857,000 of the Puget Sound capital construction account—
9 state appropriation, ((~~\$17,832,000~~)) \$18,818,000 of the Puget Sound
10 capital construction account—federal appropriation, and \$63,789,000
11 of the connecting Washington account—state appropriation, are
12 provided solely for the Mukilteo ferry terminal (952515P). To the
13 extent practicable, the department shall avoid the closure of, or
14 disruption to, any existing public access walkways in the vicinity of
15 the terminal project during construction.

16 (3) ((~~\$102,641,000~~)) \$94,643,000 of the Puget Sound capital
17 construction account—federal appropriation, \$47,819,000 of the
18 connecting Washington account—state appropriation, and \$4,355,000 of
19 the Puget Sound capital construction account—local appropriation are
20 provided solely for the Seattle Terminal Replacement project
21 (900010L).

22 (4) \$5,357,000 of the Puget Sound capital construction account—
23 state appropriation is provided solely for emergency capital repair
24 costs (999910K). Funds may only be spent after approval by the office
25 of financial management.

26 (5) ((~~\$2,300,000~~)) \$2,224,000 of the Puget Sound capital
27 construction account—state appropriation is provided solely for the
28 ORCA acceptance project (L2000300). The ferry system shall work with
29 Washington technology solutions and the tolling division on the
30 development of a new, interoperable ticketing system.

31 (6) \$495,000 of the Puget Sound capital construction account—
32 state appropriation is provided solely for an electric ferry planning
33 team (G2000087) to develop ten-year and twenty-year implementation
34 plans to efficiently deploy hybrid-electric vessels, including a
35 cost-benefit analysis of construction and operation of hybrid-
36 electric vessels with and without charging infrastructure. The plan
37 includes, but is not limited to, vessel technology and feasibility,
38 vessel and terminal deployment schedules, project financing, and
39 workforce requirements. The plan shall be submitted to the office of

1 financial management and the transportation committees of the
2 legislature by June 30, 2020.

3 (7) (~~(\$35,000,000)~~) \$10,776,000 of the Puget Sound capital
4 construction account—state appropriation and \$8,000,000 of the Puget
5 Sound capital construction account—federal appropriation are provided
6 solely for the conversion of up to two Jumbo Mark II vessels to
7 electric hybrid propulsion (G2000084). The department shall seek
8 additional funds for the purposes of this subsection. (~~The~~
9 ~~department may spend from the Puget Sound capital construction~~
10 ~~account state appropriation in this section only as much as the~~
11 ~~department receives in Volkswagen settlement funds for the purposes~~
12 ~~of this subsection.~~)

13 (8) \$400,000 of the Puget Sound capital construction account—
14 state appropriation is provided solely for a request for proposals
15 for a new maintenance management system (project L2000301) and is
16 subject to the conditions, limitations, and review provided in
17 section 701 (~~of this act~~), chapter 219, Laws of 2020.

18 (9) (~~(\$96,030,000)~~) \$35,547,000 of the capital vessel replacement
19 account—state appropriation is provided solely for the acquisition of
20 a 144-car hybrid-electric vessel. The vendor must present to the
21 joint transportation committee and the office of financial
22 management, by September 15, 2019, a list of options that will result
23 in significant cost savings changes in terms of construction or the
24 long-term maintenance and operations of the vessel. The vendor must
25 allow for exercising the options without a penalty. It is the intent
26 of the legislature to provide an additional \$88,000,000 in funding in
27 the 2021-23 biennium. The reduction provided in this subsection is an
28 assumed underrun pursuant to subsection (11) of this section. The
29 commencement of construction of new vessels for the ferry system is
30 important not only for safety reasons, but also to keep skilled
31 marine construction jobs in the Puget Sound region and to sustain the
32 capacity of the region to meet the ongoing construction and
33 preservation needs of the ferry system fleet of vessels. The
34 legislature has determined that the current vessel procurement
35 process must move forward with all due speed, balancing the interests
36 of both the taxpayers and shipyards. To accomplish construction of
37 vessels in accordance with RCW 47.60.810, the prevailing shipbuilder,
38 for vessels initially funded after July 1, 2020, is encouraged to
39 follow the historical practice of subcontracting the construction of

1 ferry superstructures to a separate nonaffiliated contractor located
2 within the Puget Sound region, that is qualified in accordance with
3 RCW 47.60.690.

4 (10) The capital vessel replacement account—state appropriation
5 includes up to (~~(\$96,030,000)~~) \$35,547,000 in proceeds from the sale
6 of bonds authorized in RCW 47.10.873.

7 (~~(12)~~) (11) The appropriations in this section include savings
8 due to anticipated project underruns; however, it is unknown which
9 projects will provide savings. The legislature intends to provide
10 sufficient flexibility for the department to manage to this savings
11 target. To provide this flexibility, the office of financial
12 management may authorize, through an allotment modification,
13 reductions in the appropriated amounts that are provided solely for a
14 particular purpose within this section subject to the following
15 conditions and limitations:

16 (a) The department must confirm that any modification requested
17 under this subsection of amounts provided solely for a specific
18 purpose are not expected to be used for that purpose in this
19 biennium;

20 (b) Allotment modifications authorized under this subsection may
21 not result in increased funding for any project beyond the amount
22 provided for that project in the 2019-2021 fiscal biennium in LEAP
23 Transportation Document (~~(2020)~~) 2021-2 ALL PROJECTS as developed
24 (~~(March 11, 2020)~~) April 23, 2021;

25 (c) Allotment modifications authorized under this subsection
26 apply only to amounts appropriated in this section from the following
27 accounts: Puget Sound capital construction account—state,
28 transportation partnership account—state, and capital vessel
29 replacement account—state; and

30 (d) By December 1, 2020, the department must submit a report to
31 the transportation committees of the legislature regarding the
32 actions taken under this subsection.

33 **Sec. 1008.** 2020 c 219 s 309 (uncodified) is amended to read as
34 follows:

35 **FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL**

36 Motor Vehicle Account—State Appropriation.	((\$3,300,000))
	<u>\$2,300,000</u>
38 Essential Rail Assistance Account—State Appropriation	\$851,000

1	Transportation Infrastructure Account—State	
2	Appropriation	((\$7,554,000))
3		<u>\$7,465,000</u>
4	Multimodal Transportation Account—State	
5	Appropriation	((\$74,876,000))
6		<u>\$72,135,000</u>
7	Multimodal Transportation Account—Federal	
8	Appropriation	\$8,601,000
9	Multimodal Transportation Account—Local	
10	Appropriation	\$336,000
11	TOTAL APPROPRIATION.	((\$95,518,000))
12		<u>\$91,688,000</u>

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

15 (1) Except as provided otherwise in this section, the entire
16 appropriations in this section are provided solely for the projects
17 and activities as listed by project and amount in LEAP Transportation
18 Document ((2020)) 2021-2 ALL PROJECTS as developed ((~~March 11, 2020~~))
19 April 23, 2021, Program - Rail Program (Y).

20 (2) ((~~\$7,136,000~~)) \$7,047,000 of the transportation
21 infrastructure account—state appropriation is provided solely for new
22 low-interest loans approved by the department through the freight
23 rail investment bank (FRIB) program. The department shall issue FRIB
24 program loans with a repayment period of no more than ten years, and
25 charge only so much interest as is necessary to recoup the
26 department's costs to administer the loans. The department shall
27 report annually to the transportation committees of the legislature
28 and the office of financial management on all FRIB loans issued.

29 (3) \$7,782,000 of the multimodal transportation account—state
30 appropriation, \$51,000 of the transportation infrastructure account—
31 state appropriation, and \$135,000 of the essential rail assistance
32 account—state appropriation are provided solely for new statewide
33 emergent freight rail assistance projects identified in the LEAP
34 transportation document referenced in subsection (1) of this section.

35 (4) \$367,000 of the transportation infrastructure account—state
36 appropriation and \$1,100,000 of the multimodal transportation account
37 —state appropriation are provided solely to reimburse Highline Grain,
38 LLC for approved work completed on Palouse River and Coulee City
39 (PCC) railroad track in Spokane county between the BNSF Railway

1 Interchange at Cheney and Geiger Junction and must be administered in
2 a manner consistent with freight rail assistance program projects.
3 The value of the public benefit of this project is expected to meet
4 or exceed the cost of this project in: Shipper savings on
5 transportation costs; jobs saved in rail-dependent industries; and/or
6 reduced future costs to repair wear and tear on state and local
7 highways due to fewer annual truck trips (reduced vehicle miles
8 traveled). The amounts provided in this subsection are not a
9 commitment for future legislatures, but it is the legislature's
10 intent that future legislatures will work to approve biennial
11 appropriations until the full \$7,337,000 cost of this project is
12 reimbursed.

13 (5) (a) \$716,000 of the essential rail assistance account—state
14 appropriation and \$82,000 of the multimodal transportation account—
15 state appropriation are provided solely for the purpose of the
16 rehabilitation and maintenance of the Palouse river and Coulee City
17 railroad line (F01111B).

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

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

23 (ii) Revenues from trackage rights agreement fees paid by
24 shippers; and

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

29 (6) The department shall issue a call for projects for the
30 freight rail assistance program, and shall evaluate the applications
31 in a manner consistent with past practices as specified in section
32 309, chapter 367, Laws of 2011. By November 15, 2020, the department
33 shall submit a prioritized list of recommended projects to the office
34 of financial management and the transportation committees of the
35 legislature.

36 (7) (~~(\$10,000,000)~~) \$4,031,000 of the multimodal transportation
37 account—state appropriation is provided solely as expenditure
38 authority for any insurance proceeds received by the state for
39 Passenger Rail Equipment Replacement (project 700010C.) The

1 department must use this expenditure authority only to purchase
2 replacement equipment that has been competitively procured and for
3 service recovery needs and corrective actions related to the December
4 2017 derailment.

5 (8) \$898,000 of the multimodal transportation account—federal
6 appropriation and \$8,000 of the multimodal transportation account—
7 state appropriation are provided solely for the Ridgefield Rail
8 Overpass (project 725910A). Total costs for this project may not
9 exceed \$909,000 across fiscal biennia.

10 (9) (a) For projects funded as part of the 2015 connecting
11 Washington transportation package listed on the LEAP transportation
12 document identified in subsection (1) of this section, if the
13 department expects to have substantial reappropriations for the
14 2021-2023 fiscal biennium, the department may, on a pilot basis,
15 apply funding from a project in this section with an appropriation
16 that cannot be used for the current fiscal biennium to advance the
17 South Kelso Railroad Crossing project (L1000147).

18 (b) At least ten business days before advancing the project
19 pursuant to this subsection, the department must notify the office of
20 financial management and the transportation committees of the
21 legislature. The advancement of the project may not hinder the
22 delivery of the projects for which the reappropriations are necessary
23 for the 2021-2023 fiscal biennium.

24 (c) To the extent practicable, the department shall use the
25 flexibility and authority granted in this section to minimize the
26 amount of reappropriations needed each biennium.

27 ~~(10) ((The multimodal transportation account—state appropriation~~
28 ~~includes up to \$25,000,000 in proceeds from the sale of bonds~~
29 ~~authorized in RCW 47.10.867.~~

30 ~~(11))~~ The department must report to the joint transportation
31 committee on the progress made on freight rail investment bank
32 projects and freight rail assistance projects funded during this
33 biennium by January 1, 2020.

34 ~~((12))~~ (11) \$1,500,000 of the multimodal transportation account
35 —state appropriation is provided solely for the Chelatchie Prairie
36 railroad roadbed rehabilitation project (L1000233).

37 ~~((13))~~ (12) \$250,000 of the multimodal transportation account—
38 state appropriation is provided solely for the Port of Moses Lake
39 Northern Columbia Basin railroad feasibility study (L1000235).

1 ~~((14))~~ (13) \$500,000 of the multimodal transportation account—
2 state appropriation is provided solely for the Spokane airport
3 transload facility project (L1000242).

4 ~~((15) — \$1,000,000 — of the motor vehicle account—state
5 appropriation is provided solely for the grade separation at Bell
6 road project (L1000239)).~~

7 ~~(16))~~ (14) \$750,000 of the motor vehicle account—state
8 appropriation and \$399,000 of the multimodal transportation account—
9 state appropriation are provided solely for the rail crossing
10 improvements at 6th Ave. and South 19th St. project (L2000289).

11 ~~((18))~~ (15) The appropriations in this section include savings
12 due to anticipated project underruns; however, it is unknown which
13 projects will provide savings. The legislature intends to provide
14 sufficient flexibility for the department to manage to this savings
15 target. To provide this flexibility, the office of financial
16 management may authorize, through an allotment modification,
17 reductions in the appropriated amounts that are provided solely for a
18 particular purpose within this section subject to the following
19 conditions and limitations:

20 (a) The department must confirm that any modification requested
21 under this subsection of amounts provided solely for a specific
22 purpose are not expected to be used for that purpose in this
23 biennium;

24 (b) Allotment modifications authorized under this subsection may
25 not result in increased funding for any project beyond the amount
26 provided for that project in the 2019-2021 fiscal biennium in LEAP
27 Transportation Document ~~((2020))~~ 2021-2 ALL PROJECTS as developed
28 ~~((March 11, 2020))~~ April 23, 2021;

29 (c) Allotment modifications authorized under this subsection
30 apply only to amounts appropriated in this section from the
31 multimodal transportation account—state; and

32 (d) By December 1, 2020, the department must submit a report to
33 the transportation committees of the legislature regarding the
34 actions taken under this subsection.

35 **Sec. 1009.** 2020 c 219 s 310 (uncodified) is amended to read as
36 follows:

37 **FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—**
38 **CAPITAL**

1	Highway Infrastructure Account—State Appropriation	\$1,276,000
2	Highway Infrastructure Account—Federal Appropriation	\$1,337,000
3	Transportation Partnership Account—State	
4	Appropriation	(\$2,380,000)
5		<u>\$1,630,000</u>
6	Highway Safety Account—State Appropriation	\$1,314,000
7	Motor Vehicle Account—State Appropriation	(\$35,607,000)
8		<u>\$24,543,000</u>
9	Motor Vehicle Account—Federal Appropriation	(\$41,420,000)
10		<u>\$52,267,000</u>
11	Motor Vehicle Account—Private/Local Appropriation	(\$24,600,000)
12		<u>\$18,000,000</u>
13	Connecting Washington Account—State Appropriation	(\$155,550,000)
14		<u>\$130,708,000</u>
15	Multimodal Transportation Account—State	
16	Appropriation	(\$77,469,000)
17		<u>\$74,351,000</u>
18	TOTAL APPROPRIATION.	(\$340,953,000)
19		<u>\$305,426,000</u>

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

22 (1) Except as provided otherwise in this section, the entire
23 appropriations in this section are provided solely for the projects
24 and activities as listed by project and amount in LEAP Transportation
25 Document ((2020)) 2021-2 ALL PROJECTS as developed ((~~March 11, 2020~~)
26 April 23, 2021, Program - Local Programs Program (Z).

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

30 (a) (~~(\$18,380,000)~~) \$8,361,000 of the multimodal transportation
31 account—state appropriation is provided solely for newly selected
32 pedestrian and bicycle safety program projects. (~~(\$18,577,000)~~)
33 \$19,363,000 of the multimodal transportation account—state
34 appropriation and \$1,380,000 of the transportation partnership
35 account—state appropriation are reappropriated for pedestrian and
36 bicycle safety program projects selected in the previous biennia
37 (L2000188).

38 (b) (~~(\$11,400,000)~~) \$4,066,000 of the motor vehicle account—
39 federal appropriation and (~~(\$7,750,000)~~) \$4,668,000 of the multimodal

1 transportation account—state appropriation are provided solely for
2 newly selected safe routes to school projects. (~~(\$11,354,000)~~)
3 \$10,744,000 of the motor vehicle account—federal appropriation,
4 (~~(\$4,640,000)~~) \$3,075,000 of the multimodal transportation account—
5 state appropriation, and \$1,314,000 of the highway safety account—
6 state appropriation are reappropriated for safe routes to school
7 projects selected in the previous biennia (L2000189). The department
8 may consider the special situations facing high-need areas, as
9 defined by schools or project areas in which the percentage of the
10 children eligible to receive free and reduced-price meals under the
11 national school lunch program is equal to, or greater than, the state
12 average as determined by the department, when evaluating project
13 proposals against established funding criteria while ensuring
14 continued compliance with federal eligibility requirements.

15 (3) The department shall submit a report to the transportation
16 committees of the legislature by December 1, 2019, and December 1,
17 2020, on the status of projects funded as part of the pedestrian
18 safety/safe routes to school grant program. The report must include,
19 but is not limited to, a list of projects selected and a brief
20 description of each project's status.

21 (4) (~~(\$37,537,000)~~) \$32,976,000 of the multimodal transportation
22 account—state appropriation is provided solely for bicycle and
23 pedestrian projects listed in the LEAP transportation document
24 referenced in subsection (1) of this section.

25 (5) (~~(\$23,926,000)~~) \$13,829,000 of the connecting Washington
26 account—state appropriation is provided solely for the Covington
27 Connector (L2000104). The amounts described in the LEAP
28 transportation document referenced in subsection (1) of this section
29 are not a commitment by future legislatures, but it is the
30 legislature's intent that future legislatures will work to approve
31 appropriations in the 2019-2021 fiscal biennium to reimburse the city
32 of Covington for approved work completed on the project up to the
33 full \$24,000,000 cost of this project.

34 (6)(a) For projects funded as part of the 2015 connecting
35 Washington transportation package listed on the LEAP transportation
36 document identified in subsection (1) of this section, if the
37 department expects to have substantial reappropriations for the
38 2021-2023 fiscal biennium, the department may, on a pilot basis,
39 apply funding from a project in this section with an appropriation

1 that cannot be used for the current fiscal biennium to advance one or
2 more of the following projects:

3 (i) I-5/Port of Tacoma Road Interchange (L1000087);

4 (ii) SR 99 Revitalization in Edmonds (NEDMOND); or

5 (iii) SR 523 145th Street (L1000148);

6 (b) At least ten business days before advancing a project
7 pursuant to this subsection, the department must notify the office of
8 financial management and the transportation committees of the
9 legislature. The advancement of a project may not hinder the delivery
10 of the projects for which the reappropriations are necessary for the
11 2021-2023 fiscal biennium.

12 (c) To the extent practicable, the department shall use the
13 flexibility and authority granted in this section to minimize the
14 amount of reappropriations needed each biennium.

15 (7) It is the expectation of the legislature that the department
16 will be administering a local railroad crossing safety grant program
17 for \$7,000,000 in federal funds during the 2019-2021 fiscal biennium.

18 (8) (a) (~~(\$15,213,000)~~) \$22,500,000 of the motor vehicle account—
19 federal appropriation is provided solely for national highway freight
20 network projects identified on the project list submitted in
21 accordance with section 218(4)(b), chapter 14, Laws of 2016 on
22 October 31, 2016.

23 (b) The department shall convene a stakeholder group for the
24 purpose of developing a recommendation for a Washington freight
25 advisory committee. The recommendations must include, but are not
26 limited to, defining the committee's purpose and goals, roles and
27 responsibilities, reporting structure, and proposed activities.
28 Stakeholders must include representation from, but not limited to,
29 the trucking industry, the maritime industry, the rail industry,
30 cities, tribal governments, counties, ports, and representatives from
31 key industrial associations important to the state's economic
32 vitality and other relevant public and private interests. In
33 developing the recommendation, the stakeholder group must review
34 practices used by other states. The proposed committee must conform
35 with requirements of the fixing America's surface transportation act
36 and other relevant federal legislation. The recommendations must
37 include how the committee can address improving freight mobility
38 including, but not limited to, addressing insufficient truck parking
39 in Washington state, examining the link between preservation
40 investments and freight mobility, and enhancing freight logistics

1 through the application of technology. The stakeholder group shall
2 make recommendations to the governor and the transportation
3 committees of the legislature by December 1, 2020.

4 (9) \$1,000,000 of the motor vehicle account—state appropriation
5 is provided solely for the Beech Street Extension project (L1000222).

6 (10) (~~(\$3,900,000)~~) \$2,000,000 of the motor vehicle account—state
7 appropriation is provided solely for the Dupont-Steilacoom road
8 improvements project (L1000224).

9 (11) (~~(\$650,000)~~) \$100,000 of the motor vehicle account—state
10 appropriation is provided solely for the SR 104/40th place northeast
11 roundabout project (L1000244).

12 (12) (~~(\$860,000)~~) \$360,000 of the multimodal transportation
13 account—state appropriation is provided solely for the Clinton to
14 Ken's corner trail project (L1000249).

15 (13) (~~(\$210,000 of the motor vehicle account—state appropriation~~
16 ~~is provided solely for the I-405/44th gateway signage and green-~~
17 ~~scaping improvements project (L1000250).~~

18 ~~(14) (\$650,000)~~ \$50,000 of the motor vehicle account—state
19 appropriation is provided solely for the Wallace Kneeland and Shelton
20 springs road intersection improvements project (L1000260).

21 ~~((15))~~ (14) \$1,000,000 of the motor vehicle account—state
22 appropriation and \$500,000 of the multimodal transportation account—
23 state appropriation are provided solely for the complete 224th Phase
24 two project (L1000270).

25 ~~((16))~~ (15) \$60,000 of the multimodal transportation account—
26 state appropriation is provided solely for the installation of an
27 updated meteorological station at the Colville airport (L1000279).

28 ~~((17))~~ (16)(a) \$700,000 of the motor vehicle account—state
29 appropriation is provided solely for the Ballard-Interbay Regional
30 Transportation system plan project (L1000281).

31 (b) Funding in this subsection is provided solely for the city of
32 Seattle to develop a plan and report for the Ballard-Interbay
33 Regional Transportation System project to improve mobility for people
34 and freight. The plan must be developed in coordination and
35 partnership with entities including but not limited to the city of
36 Seattle, King county, the Port of Seattle, Sound Transit, the
37 Washington state military department for the Seattle armory, and the
38 Washington state department of transportation. The plan must examine
39 replacement of the Ballard bridge and the Magnolia bridge, which was

1 damaged in the 2001 Nisqually earthquake. The city must provide a
2 report on the plan that includes recommendations to the Seattle city
3 council, King county council, and the transportation committees of
4 the legislature by November 1, 2020. The report must include
5 recommendations on how to maintain the current and future capacities
6 of the Magnolia and Ballard bridges, an overview and analysis of all
7 plans between 2010 and 2020 that examine how to replace the Magnolia
8 bridge, and recommendations on a timeline for constructing new
9 Magnolia and Ballard bridges.

10 ~~((18))~~ (17) \$750,000 of the motor vehicle account—state
11 appropriation is provided solely for the Mickelson Parkway project
12 (L1000282).

13 ~~((19) \$300,000)~~ (18) \$175,000 of the motor vehicle account—
14 state appropriation is provided solely for the South 314th Street
15 Improvements project (L1000283).

16 ~~((20) \$250,000)~~ (19) \$200,000 of the motor vehicle account—
17 state appropriation is provided solely for the Ridgefield South I-5
18 Access Planning project (L1000284).

19 ~~((21) \$300,000)~~ (20) \$50,000 of the motor vehicle account—state
20 appropriation is provided solely for the Washougal 32nd Street
21 Underpass Design and Permitting project (L1000285).

22 ~~((22) \$600,000 of the connecting Washington account—state
23 appropriation, \$150,000)~~ (21) \$25,000 of the motor vehicle account—
24 state appropriation ~~((,))~~ and \$267,000 of the multimodal
25 transportation account—state appropriation are provided solely for
26 the Bingen Walnut Creek and Maple Railroad Crossing (L2000328).

27 ~~((23) \$1,500,000)~~ (22) \$200,000 of the motor vehicle account—
28 state appropriation is provided solely for the SR 303 Warren Avenue
29 Bridge Pedestrian Improvements project (L2000339).

30 ~~((24) \$1,000,000)~~ (23) \$150,000 of the motor vehicle account—
31 state appropriation is provided solely for the 72nd/Washington
32 Improvements in Yakima project (L2000341).

33 ~~((25) \$650,000)~~ (24) \$150,000 of the motor vehicle account—
34 state appropriation is provided solely for the 48th/Washington
35 Improvements in Yakima project (L2000342).

36 ~~((27))~~ (25) The appropriations in this section include savings
37 due to anticipated project underruns; however, it is unknown which
38 projects will provide savings. The legislature intends to provide
39 sufficient flexibility for the department to manage to this savings

1 target. To provide this flexibility, the office of financial
2 management may authorize, through an allotment modification,
3 reductions in the appropriated amounts that are provided solely for a
4 particular purpose within this section subject to the following
5 conditions and limitations:

6 (a) The department must confirm that any modification requested
7 under this subsection of amounts provided solely for a specific
8 purpose are not expected to be used for that purpose in this
9 biennium;

10 (b) Allotment modifications authorized under this subsection may
11 not result in increased funding for any project beyond the amount
12 provided for that project in the 2019-2021 fiscal biennium in LEAP
13 Transportation Document ((2020)) 2021-2 ALL PROJECTS as developed
14 ((March 11, 2020)) April 23, 2021;

15 (c) Allotment modifications authorized under this subsection
16 apply only to amounts appropriated in this section from the following
17 accounts: Connecting Washington account—state and multimodal
18 transportation account—state; and

19 (d) By December 1, 2020, the department must submit a report to
20 the transportation committees of the legislature regarding the
21 actions taken under this subsection.

22 (26) \$11,679,000 of the motor vehicle account—federal
23 appropriation is provided solely for acceleration of local
24 preservation projects that ensure the reliable movement of freight on
25 the national highway freight system (G2000100). The department shall
26 identify projects through its current national highway system asset
27 management call for projects with applications due in February 2021.
28 The department shall give priority to those projects that can be
29 obligated by September 30, 2021.

30 **Sec. 1010.** 2019 c 416 s 302 (uncodified) is amended to read as
31 follows:

32 **FOR THE WASHINGTON STATE PATROL**

33 State Patrol Highway Account—State Appropriation . . . ((~~\$3,277,000~~))
34 \$2,437,000

35 The appropriation in this section is subject to the following
36 conditions and limitations:

37 The entire appropriation in this section is provided solely for
38 the following projects:

- 1 (1) \$250,000 for emergency repairs;
- 2 (2) (~~(\$468,000)~~) \$268,000 for roof replacements;
- 3 (3) \$350,000 for fuel tank decommissioning;
- 4 (4) (~~(\$759,000)~~) \$119,000 for generator and electrical
- 5 replacement;
- 6 (5) \$750,000 for water and fire suppression systems; and
- 7 (6) \$700,000 for academy training tank preservation
- 8 reappropriation.

9 The Washington state patrol may transfer funds between projects
 10 specified in this section to address cash flow requirements. If a
 11 project specified in this section is completed for less than the
 12 amount provided, the remainder may be transferred to another project
 13 specified in this section not to exceed the total appropriation
 14 provided in this section.

15 **TRANSFERS AND DISTRIBUTIONS**

16 **Sec. 1101.** 2020 c 219 s 401 (uncodified) is amended to read as
 17 follows:

18 **FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING**
 19 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND**
 20 **DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND**
 21 **REVENUE**

22	Special Category C Account—State Appropriation.	((\$105,000))
23	<u>\$21,000</u>
24	((Multimodal Transportation Account—State Appropriation.	(\$125,000))
25	Transportation Partnership Account—State Appropriation ((\$1,407,000))	
26		<u>\$182,000</u>
27	Connecting Washington Account—State Appropriation.	((\$7,723,000))
28		<u>\$2,455,000</u>
29	Highway Bond Retirement Account—State	
30	Appropriation.	((\$1,378,835,000))
31		<u>\$1,308,311,000</u>
32	Ferry Bond Retirement Account—State Appropriation.	((\$25,078,000))
33		<u>\$25,079,000</u>
34	Transportation Improvement Board Bond Retirement	
35	Account—State Appropriation.	((\$12,452,000))
36		<u>\$12,062,000</u>

1	Nondebt-Limit Reimbursable Bond Retirement	
2	Account—State Appropriation.	((\$31,253,000))
3		<u>\$29,514,000</u>
4	Toll Facility Bond Retirement Account—State	
5	Appropriation.	((\$86,483,000))
6		<u>\$85,565,000</u>
7	TOTAL APPROPRIATION.	((\$1,543,461,000))
8		<u>\$1,463,189,000</u>

9 **Sec. 1102.** 2020 c 219 s 402 (uncodified) is amended to read as
10 follows:

11 **FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING**
12 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND**
13 **FISCAL AGENT CHARGES**

14	((Multimodal Transportation Account—State Appropriation. . . \$25,000))	
15	Transportation Partnership Account—State	
16	Appropriation.	((\$281,000))
17		<u>\$68,000</u>
18	Connecting Washington Account—State Appropriation. . .	((\$1,599,000))
19		<u>\$640,000</u>
20	Special Category C Account—State Appropriation.	((\$21,000))
21		<u>\$9,000</u>
22	TOTAL APPROPRIATION.	((\$1,926,000))
23		<u>\$717,000</u>

24 **Sec. 1103.** 2020 c 219 s 403 (uncodified) is amended to read as
25 follows:

26 **FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

27	Motor Vehicle Account—State Appropriation:	
28	For motor vehicle fuel tax distributions to	
29	cities and counties.	((\$508,276,000))
30		<u>\$456,823,000</u>

31 **Sec. 1104.** 2020 c 219 s 404 (uncodified) is amended to read as
32 follows:

33 **FOR THE STATE TREASURER—TRANSFERS**

34	Motor Vehicle Account—State Appropriation:	
35	For motor vehicle fuel tax refunds and	

1 statutory transfers. ((\$2,146,790,000))
2 \$1,921,901,000

3 **Sec. 1105.** 2020 c 219 s 405 (uncodified) is amended to read as
4 follows:

5 **FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

6 Motor Vehicle Account—State Appropriation:
7 For motor vehicle fuel tax refunds and
8 transfers. ((\$235,788,000))
9 \$240,415,000

10 **Sec. 1106.** 2020 c 219 s 406 (uncodified) is amended to read as
11 follows:

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

13 (1) Highway Safety Account—State Appropriation:
14 For transfer to the Multimodal Transportation
15 Account—State. ((\$54,000,000))
16 \$24,000,000

17 (2) (~~Transportation Partnership Account—State~~
18 ~~Appropriation: For transfer to the Motor Vehicle~~
19 ~~Account—State. \$45,000,000~~

20 ~~(3))~~ Motor Vehicle Account—State Appropriation:
21 For transfer to the State Patrol Highway
22 Account—State. ((\$57,000,000))
23 \$25,400,000

24 (~~(4))~~ (3) Motor Vehicle Account—State Appropriation:
25 For transfer to the Freight Mobility Investment
26 Account—State. \$8,070,000

27 (~~(5))~~ (4) Motor Vehicle Account—State Appropriation:
28 For transfer to the Rural Arterial Trust
29 Account—State. \$1,732,000

30 (5) (a) Motor Vehicle Account—State Appropriation:
31 For transfer to the State Route Number 520 Civil
32 Penalties Account—State. \$6,000,000

33 (b) The funds provided in (a) of this subsection are a loan to
34 the state route number 520 civil penalties account—state, and the
35 legislature assumes that these funds will be reimbursed to the motor
36 vehicle account—state in the 2021-2023 biennium.

1 (6) Motor Vehicle Account—State Appropriation:
 2 For transfer to the Transportation Improvement
 3 Account—State. ((\$5,067,000))
 4 \$34,067,000

5 (7) Motor Vehicle Account—State Appropriation:
 6 For transfer to the Puget Sound Capital Construction
 7 Account—State. ((\$52,000,000))
 8 \$61,000,000

9 (8) Motor Vehicle Account—State Appropriation:
 10 For transfer to the Puget Sound Ferry Operations
 11 Account—State. \$55,000,000

12 (9) Rural Mobility Grant Program Account—State
 13 Appropriation: For transfer to the Multimodal
 14 Transportation Account—State. \$3,000,000

15 (10) State Route Number 520 Civil Penalties
 16 Account—State Appropriation: For transfer to
 17 the State Route Number 520 Corridor
 18 Account—State. ((\$1,434,000))
 19 \$1,666,000

20 (11) Capital Vessel Replacement Account—State
 21 Appropriation: For transfer to the Connecting
 22 Washington Account—State. \$60,000,000

23 (12) Multimodal Transportation Account—State
 24 Appropriation: For transfer to the Regional
 25 Mobility Grant Program Account—State. \$11,215,000

26 (13) Multimodal Transportation Account—State
 27 Appropriation: For transfer to the Rural
 28 Mobility Grant Program Account—State. \$15,223,000

29 ~~(14) ((Transportation 2003 Account (Nickel Account))—~~
 30 ~~State Appropriation: For transfer to the Puget~~
 31 ~~Sound Capital Construction Account—State. \$15,000,000~~

32 ~~(15)(a) Alaskan Way Viaduct Replacement Project~~
 33 ~~Account—State Appropriation: For transfer to the~~
 34 ~~Motor Vehicle Account—State. \$9,992,000~~

35 ~~(b) The transfer identified in this subsection is provided solely~~
 36 ~~to repay in full the motor vehicle account state appropriation loan~~
 37 ~~from section 1005(21), chapter 416, Laws of 2019.~~

38 ~~(16)) (a) Transportation Partnership Account—State~~
 39 ~~Appropriation: For transfer to the Alaskan Way Viaduct~~

1 Replacement Project Account—State. \$77,956,000

2 (b) The amount transferred in this subsection represents that
3 portion of the up to \$200,000,000 in proceeds from the sale of bonds
4 authorized in RCW 47.10.873, intended to be sold through the
5 2021-2023 fiscal biennium, used only for construction of the SR 99/
6 Alaskan Way Viaduct Replacement project (809936Z), and that must be
7 repaid from the Alaskan Way viaduct replacement project account
8 consistent with RCW 47.56.864.

9 ((~~17~~)) 15 Motor Vehicle Account—State Appropriation:
10 For transfer to the County Arterial Preservation
11 Account—State. (~~(\$4,829,000)~~)
12 \$9,902,000

13 ((~~18~~)) 16(a) General Fund Account—State Appropriation:
14 For transfer to the State Patrol Highway
15 Account—State. \$625,000

16 (b) The state treasurer shall transfer the funds only after
17 receiving notification from the Washington state patrol under section
18 207(7), chapter 416, Laws of 2019.

19 ((~~19~~) Capital Vessel Replacement Account—State
20 Appropriation: For transfer to the Transportation
21 Partnership Account—State. ~~\$2,312,000~~

22 ~~(20))~~ 17(a) Alaskan Way Viaduct Replacement Project
23 Account—State Appropriation: For transfer to the
24 Transportation Partnership Account—State. (~~(\$15,858,000)~~)
25 \$15,577,000

26 (b) The amount transferred in this subsection represents
27 repayment of debt service incurred for the construction of the SR 99/
28 Alaskan Way Viaduct Replacement project (809936Z).

29 ((~~21~~)) 18 Tacoma Narrows Toll Bridge Account—State
30 Appropriation: For transfer to the Motor
31 Vehicle Account—State. \$950,000

32 ((~~22~~)) 19(a) Tacoma Narrows Toll Bridge Account—State
33 Appropriation:
34 For transfer to the Motor Vehicle
35 Account—State. \$5,000,000

36 (b) A transfer in the amount of \$5,000,000 was made from the
37 Motor Vehicle Account to the Tacoma Narrows Toll Bridge Account in
38 April 2019. It is the intent of the legislature that this transfer
39 was to be temporary, for the purpose of minimizing the impact of toll

1 increases, and this is an equivalent reimbursing transfer to occur in
2 November 2019.

3 ~~((23))~~ (20) (a) Transportation ~~((2003 Account (Nickel Account))~~
4 Partnership Account—State Appropriation:

5 For transfer to the Tacoma
6 Narrows Toll Bridge Account—State. \$12,543,000

7 (b) It is the intent of the legislature that this transfer is
8 temporary, for the purpose of minimizing the impact of toll
9 increases, and an equivalent reimbursing transfer is to occur after
10 the debt service and deferred sales tax on the Tacoma Narrows bridge
11 construction costs are fully repaid in accordance with chapter 195,
12 Laws of 2018.

13 ~~((24))~~ (21) Transportation Infrastructure Account—State
14 Appropriation: For transfer to the multimodal
15 Transportation Account—State. \$9,000,000

16 ~~((25))~~ (22) Multimodal Transportation Account—State
17 Appropriation: For transfer to the Pilotage
18 Account—State. \$2,500,000

19 ~~((26))~~ (23) (a) Motor Vehicle Account—State
20 Appropriation: For transfer to the County Road
21 Administration Board Emergency Loan Account—State. \$1,000,000

22 (b) If chapter 157, Laws of 2019 is not enacted by June 30, 2019,
23 the amount provided in this subsection lapses.

24 ~~((27))~~ (24) (a) Advanced Environmental Mitigation
25 Revolving Account—State Appropriation: For transfer
26 to the Motor Vehicle Account—State. \$9,000,000

27 (b) The amount transferred in this subsection is contingent on at
28 least a \$9,000,000 transfer to the advanced environmental mitigation
29 revolving account authorized by June 30, 2019, in the omnibus capital
30 appropriations act.

31 ~~((28) Multimodal Transportation Account—State~~
32 ~~Appropriation: For transfer to the Electric Vehicle~~
33 ~~Charging Infrastructure Account—State. \$1,000,000~~

34 ~~(29))~~ (25) Multimodal Transportation Account—State
35 Appropriation: For transfer to the Complete Streets
36 Grant Program Account—State. \$10,200,000

37 ~~((30))~~ (26) (a) Multimodal Transportation Account—State
38 Appropriation: For transfer to the Connecting
39 Washington Account—State. \$82,080,000

1 (b) The amount transferred in this subsection represents a
2 reversal of the changes made to RCW 82.32.385, in section 703,
3 chapter 219, Laws of 2020, that directed a transfer of \$82,080,000 to
4 the multimodal transportation account rather than the connecting
5 Washington account.

6 (27) (a) Transportation Partnership Account—State
7 Appropriation: For transfer to the Capital Vessel
8 Replacement Account—State. ((\$96,030,000))
9 \$35,547,000

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

12 ~~((+31))~~ (28) Freight Mobility Multimodal Account—State
13 Appropriation: For transfer to the Multimodal Transportation
14 Account—State. \$7,296,000

15 ~~((+32))~~ (29) Connecting Washington Account—State
16 Appropriation: For transfer to the Motor Vehicle
17 Account—State. \$115,000,000

18 (30) (a) Motor Vehicle Account—State Appropriation:
19 For transfer to the Alaskan Way Viaduct Replacement
20 Project Account—State. \$13,000,000

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

26 (31) Motor Vehicle Account—State Appropriation:
27 For transfer to the Transportation 2003 Account
28 (Nickel Account)—State. \$12,800,000

29 (32) Multimodal Transportation Account—State
30 Appropriation: For transfer to the Puget Sound
31 Ferry Operations Account—State. \$55,000,000

32 **Sec. 1107.** 2020 c 219 s 407 (uncodified) is amended to read as
33 follows:

34 **FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

35 Multimodal Transportation Account—State
36 Appropriation: For distribution to cities and
37 counties. \$26,786,000

1 Motor Vehicle Account—State Appropriation: For
 2 distribution to cities and counties. \$23,438,000
 3 TOTAL APPROPRIATION. \$50,224,000

4 **Sec. 1108.** 2020 c 219 s 408 (uncodified) is amended to read as
 5 follows:

6 **FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING**
 7 **BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY**
 8 **STATUTORILY PRESCRIBED REVENUE**

9 Toll Facility Bond Retirement Account—Federal
 10 Appropriation ((~~\$199,522,000~~))
 11 \$199,523,000
 12 Toll Facility Bond Retirement Account—State
 13 Appropriation \$25,372,000
 14 TOTAL APPROPRIATION. ((~~\$224,894,000~~))
 15 \$224,895,000

16 **MISCELLANEOUS 2019-2021 FISCAL BIENNIUM**

17 NEW SECTION. **Sec. 1201.** A new section is added to 2019 c 416
 18 (uncodified) to read as follows:

19 The appropriations to the department of transportation in chapter
 20 416, Laws of 2019, chapter 219, Laws of 2020, and this act must be
 21 expended for the programs and in the amounts specified in chapter
 22 416, Laws of 2019, chapter 219, Laws of 2020, and this act. However,
 23 after May 1, 2021, unless specifically prohibited, the department may
 24 transfer state appropriations for the 2019-2021 fiscal biennium among
 25 operating programs after approval by the director of the office of
 26 financial management. However, the department shall not transfer
 27 state moneys that are provided solely for a specific purpose. The
 28 department shall not transfer funds, and the director of the office
 29 of financial management shall not approve the transfer, unless the
 30 transfer is consistent with the objective of conserving, to the
 31 maximum extent possible, the expenditure of state funds and not
 32 federal funds. The director of the office of financial management
 33 shall notify the appropriate transportation committees of the
 34 legislature prior to approving any allotment modifications or
 35 transfers under this section.

1 **MISCELLANEOUS**

2 NEW SECTION. **Sec. 1301.** 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. 1302.** 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.

Passed by the Senate April 24, 2021.

Passed by the House April 24, 2021.

Approved by the Governor May 18, 2021, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 19, 2021.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 205(2);
205(4); 205(5); 220, page 48, line 15, beginning with "Fuel" through
line 16 ending with "process."; page 48, line 28, beginning with
"Fuel" through line 29 ending with "process."; page 48, line 32,
beginning with "Fuel" through line 33 ending with "process."; page
49, line 5, beginning with "Fuel" through line 6 ending with
"process."; page 49, line 37, beginning with "Fuel" through line 38
ending with "process."; and page 50, line 18, beginning with "Fuel"
through line 19 ending with "process."; 309, page 70, line 35,
beginning with "No" through page 71, line 2, ending with "biennium";
and 920(1), pages 175-176; 920(2), page 176; 920(3), page 176; page
177, line 13, beginning with "Fuel" and ending with "process."; page
177, line 33, beginning with "Fuel" through line 34 ending with
"process."; and 920(9), page 179, Substitute Senate Bill No. 5165
entitled:

"AN ACT Relating to transportation funding and appropriations."

**Section 205(5), pages 18-19, Transportation Commission, Unfunded
Study**

This section directs the Transportation Commission to evaluate and
identify activities funded in the transportation budget that might be
paid for using other revenue resources. This proviso also instructs
the commission to recommend potential changes to funding sources in
order to maintain a state of good repair. There was no funding
provided to support this work. For this reason, I have vetoed Section
205(5).

**Section 220, page 48, line 15, beginning with "Fuel" through line 16
ending with "process."; page 48, line 28, beginning with "Fuel"
through line 29 ending with "process."; page 48, line 32, beginning
with "Fuel" through line 33 ending with "process."; page 49, line 5,
beginning with "Fuel" through line 6 ending with "process."; page 49,
line 37, beginning with "Fuel" through line 38 ending with
"process."; and page 50, line 18, beginning with "Fuel" through line
19 ending with "process."**

Section 220 includes the following sentence in six provisos: "Fuel type may not be a factor in the grant selection process." This sentence is a nondollar proviso that is subject to the governor's veto authority. It is also substantive legislation included in an appropriations bill that either conflicts with or amends the statutory mandates in RCW 47.66.040 and 47.66.030 that direct WSDOT to consider, among other criteria, energy efficiency issues and federal and state air quality requirements in selecting programs and projects. In addition, this requirement conflicts with, or at best substantially impairs, the statutory mandate for the state and local government subdivisions to transition to zero emission vehicles as articulated in RCW 43.19.648.

The sentence at issue is a policy change—that is, an amendment—to existing statutory requirements. As such, the sentence violates Article II, Sections 19 and 37 of the Washington State Constitution.

It is well established that the governor's veto powers in Article III, Section 12 of the Washington State Constitution extend to appropriation items and full subsections or provisos in an appropriations bill. It is also well established that our courts will intervene to prevent obvious circumvention of the veto power by the Legislature or equally obvious manipulation of that power by the governor. The addition of this sentence within these provisos constrains my ability to exercise the constitutionally authorized veto powers.

Based on the above concerns, I previously vetoed this sentence in several subsections in the 2019-21 biennial transportation budget bill, Engrossed Substitute House Bill 1160, to prevent a constitutional violation and a forced violation of state law. Litigation regarding this matter is ongoing. Because the same sentence is included again in this biennial transportation appropriations bill and because the litigation has not been resolved yet by our state Supreme Court, I again have no choice but to veto this sentence that appears in several subsections.

For these reasons, I have vetoed Section 220, page 48, line 15, beginning with "Fuel" through line 16 ending with "process."; page 48, line 28, beginning with "Fuel" through line 29 ending with "process."; page 48, line 32, beginning with "Fuel" through line 33 ending with "process."; page 49, line 5, beginning with "Fuel" through line 6 ending with "process."; page 49, line 37, beginning with "Fuel" through line 38 ending with "process."; and page 50, line 18, beginning with "Fuel" through line 19 ending with "process."

Section 309, page 70, line 35, beginning with "No" through page 71, line 2, ending with "biennium."

Section 309 provides the appropriation authority for the Washington State Ferries construction program. Section 309(1) includes the following sentence: "No funds appropriated in this act or additional funds received through the unanticipated receipt process may be allocated or expended for terminal electrification purposes this biennium." This sentence would prohibit any funds appropriated in the transportation budget, and not just this section, and any future funds that may be received as an unanticipated receipt, from being spent on the electrification of ferry terminals. This could result in the Department of Transportation foregoing opportunities to pursue funding for terminal electrification and charging, contrary to the needs of the ferries program. As we continue the work toward the first 144-car hybrid electric vessel and the conversion of the Jumbo

Mark II vessel, we must also pursue the charging infrastructure to be able to access electricity for seamless operations.

It is well established that the governor's veto powers in Article III, Section 12 of the Washington State Constitution extend to appropriation items and full subsections or provisos in an appropriations bill. It is also well established that our courts will intervene to prevent obvious circumvention of the veto power by the Legislature or equally obvious manipulation of that power by the governor.

This sentence is a nondollar proviso that is subject to the governor's veto authority. The sentence is a condition on the entire transportation budget bill and on unanticipated receipts and thus does not naturally fit together with the other language in Section 309(1), which is a separate proviso applying to only the appropriations in Section 309.

The prohibition on terminal electrification expenditures not only stifles the ongoing work by Washington State Ferries to electrify fleets and terminals, but also eliminates pathways to attain federal funds or other grants. While my veto authority is generally limited to sections, subsections or appropriation items in an appropriations bill, this sentence embedded in a subsection is a separate, nondollar appropriation item that is subject to my veto. The deleterious effects of this prohibition leave me no choice but to veto this sentence.

For these reasons, I have vetoed Section 309, page 70, line 35, beginning with "No" through page 71, line 2, ending with "biennium."

Section 920(1), pages 175-176; Section 920(2), page 176; Section 920(3), page 176; page 177, line 13, beginning "Fuel" and ending with "process."; page 177, line 33, beginning with "Fuel" through line 34 ending with "process."; and Section 920(9), page 179

Section 920 includes the following sentence in seven provisos: "Fuel type may not be a factor in the grant selection process." I previously vetoed this sentence in six provisos in the 2019-21 biennial transportation budget bill, Engrossed Substitute House Bill 1160, for the reasons set forth in my veto message for Section 220 of this bill. Because Section 920 amends current law to reinstate the sentence that I had previously vetoed, I again have no choice but to veto the provisos that contain this sentence and have vetoed the sentence in two other provisos.

For these reasons, I have vetoed Section 920(1), pages 175-176; Section 920(2), page 176; Section 920(3), page 176; page 177, line 13, beginning with "Fuel" and ending with "process."; page 177, line 33, beginning with "Fuel" through line 34 ending with "process."; and Section 920(9), page 179.

I have vetoed the following sections related to bills that did not pass the Legislature, resulting in the lapse of funding. My veto of these sections will serve to clean up these unnecessary sections of the bill.

Section 205(2), page 18, Transportation Commission, SSB 5444, Implementing a per mile charge on electric and hybrid vehicles

Section 205(4), page 18, Transportation Commission, SSB 5444, Implementing a per mile charge on electric and hybrid vehicles

For these reasons I have vetoed Sections 205(2); 205(4); 205(5); 220, page 48, line 15, beginning with "Fuel" through line 16 ending with

"process."; page 48, line 28, beginning with "Fuel" through line 29 ending with "process."; page 48, line 32, beginning with "Fuel" through line 33 ending with "process."; page 49, line 5, beginning with "Fuel" through line 6 ending with "process."; page 49, line 37, beginning with "Fuel" through line 38 ending with "process."; and page 50, line 18, beginning with "Fuel" through line 19 ending with "process."; 309, page 70, line 35, beginning with "No" through page 71, line 2, ending with "biennium."; and 920(1), pages 175-176; 920(2), page 176; 920(3), page 176; page 177, line 13, beginning with "Fuel" and ending with "process."; page 177, line 33, beginning with "Fuel" through line 34 ending with "process."; and 920(9), page 179 of Substitute Senate Bill No. 5165.

With the exception of Sections 205(2); 205(4); 205(5); 220, page 48, line 15, beginning with "Fuel" through line 16 ending with "process."; page 48, line 28, beginning with "Fuel" through line 29 ending with "process."; page 48, line 32, beginning with "Fuel" through line 33 ending with "process."; page 49, line 5, beginning with "Fuel" through line 6 ending with "process."; page 49, line 37, beginning with "Fuel" through line 38 ending with "process."; and page 50, line 18, beginning with "Fuel" through line 19 ending with "process."; 309, page 70, line 35, beginning with "No" through page 71, line 2, ending with "biennium."; and 920(1), pages 175-176; 920(2), page 176; 920(3), page 176; page 177, line 13, beginning with "Fuel" and ending with "process."; page 177, line 33, beginning with "Fuel" through line 34 ending with "process."; and 920(9), page 179, Substitute Senate Bill No. 5165 is approved."

(End of Bill)

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