\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ENGROSSED SUBSTITUTE HOUSE BILL 1125**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 68th Legislature 2023 Regular Session**

**By** House Transportation (originally sponsored by Representatives Fey, Lekanoff, Timmons, Paul, Wylie, and Donaghy; by request of Office of Financial Management)

AN ACT Relating to transportation funding and appropriations; amending RCW 43.19.642, 82.21.030, 46.68.060, 46.68.300, 47.60.322, 46.68.290, 46.68.063, 47.60.530, 47.60.315, 34.05.350, 46.09.540, 47.66.120, 70A.205.415, 46.68.410, 47.12.063, 46.68.500, 46.68.490, 46.68.280, 46.68.395, 82.44.200, and 47.56.864; amending 2021 c 333 ss 110, 111, 103, and 407; amending 2022 c 186 ss 205-224, 301-310, 312, and 401-406 (uncodified); adding new sections to 2022 c 186 (uncodified); creating new sections; repealing 2022 c 187 ss 1, 101-104, 201-211, 301-308, 401, 501, 502, and 503 (uncodified); making appropriations and authorizing expenditures for capital improvements; providing a contingent effective date; and declaring an emergency.

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

**2023-2025 FISCAL BIENNIUM**

NEW SECTION. **Sec.**  (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2025.

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

(a) "Fiscal year 2024" or "FY 2024" means the fiscal year ending June 30, 2024.

(b) "Fiscal year 2025" or "FY 2025" means the fiscal year ending June 30, 2025.

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

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

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

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

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

**GENERAL GOVERNMENT AGENCIES—OPERATING**

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

Motor Vehicle Account—State Appropriation $588,000

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Carbon Emissions Reduction Account—State

Appropriation $12,000,000

The appropriations in this section are subject to the following conditions and limitations: $12,000,000 of the carbon emissions reduction account—state appropriation is provided solely for zero emissions electric vehicle supply equipment infrastructure at facilities to accommodate charging station installations. The electric vehicle charging equipment must allow for the collection of usage data and must be coordinated with the state efficiency and environmental performance program. The department must prioritize locations based on state efficiency and environmental performance location priorities and where zero emissions fleet vehicles are located or are scheduled to be purchased. The department must report when and where the equipment was installed, usage data at each charging station, and the state agencies and facilities that benefit from the installation of the charging station to the fiscal committees of the legislature by June 30, 2025, with an interim report due January 2, 2024. The department shall collaborate with the interagency electric vehicle coordinating council to implement this subsection and must work to meet benchmarks established in chapter 182, Laws of 2022 (transportation resources). In carrying out this subsection, the department shall cooperate and provide assistance, as requested, in the joint transportation committee's development of program delivery evaluation tools and methodologies provided under section 204 of this act for programs that receive funding from the carbon emissions reduction account.

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF NATURAL RESOURCES**

Carbon Emissions Reduction Account—State

Appropriation $2,200,000

The appropriations in this section are subject to the following conditions and limitations: $2,200,000 of the carbon emissions reduction account—state appropriation is provided solely for a fleet charging infrastructure expansion assessment, to develop a charger installation plan by location with cost estimates, and to procure and deploy electric pickup trucks to gather practical information to support planning efforts and future large-scale electric vehicle adoption. In carrying out this subsection, the department shall cooperate and provide assistance, as requested, in the joint transportation committee's development of program delivery evaluation tools and methodologies provided under section 204 of this act for programs that receive funding from the carbon emissions reduction account.

NEW SECTION. **Sec.**  **FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account—State

Appropriation $504,000

Pilotage Account—State Appropriation $150,000

TOTAL APPROPRIATION $654,000

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

Motor Vehicle Account—State Appropriation $213,000

Puget Sound Ferry Operations Account—State

Appropriation $131,000

TOTAL APPROPRIATION $344,000

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

Carbon Emissions Reduction Account—State

Appropriation $2,000,000

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

TOTAL APPROPRIATION $3,186,000

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

(1) The appropriation from the motor vehicle account—state appropriation in this section is provided solely for road maintenance purposes.

(2) $2,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the replacement of agency vehicles and equipment with electric alternatives. In carrying out this subsection, the commission shall cooperate and provide assistance, as requested, in the joint transportation committee's development of program delivery evaluation tools and methodologies provided under section 204 of this act for programs that receive funding from the carbon emissions reduction account.

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

Motor Vehicle Account—State Appropriation $1,448,000

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

(1) During the 2023-2025 fiscal biennium, the department of agriculture shall produce a fuel tax sticker for display on each motor fuel pump from which fuel is sold at retail that displays and provides notice of the federal and state fuel tax rates. The sticker must display the rate of each tax, in cents per gallon, for each type of fuel.

(2) The department of agriculture shall provide notice of federal and state fuel tax rates, in the form of a fuel tax sticker, to be displayed on motor fuel pumps.

(3) The department of agriculture shall distribute fuel tax stickers to all individuals who conduct fuel pump inspections, including department employees and local government employees. Government employees who conduct fuel pump inspections shall display a fuel tax sticker on each motor fuel pump or shall verify that such a sticker is being displayed at the time of inspection as required under this subsection. Fuel tax stickers must:

(a) Be displayed on each face of the motor fuel pump on which the price of the fuel sold from the pump is displayed; and

(b) Be displayed in a clear, conspicuous, and prominent manner.

(4) The department of agriculture shall provide fuel tax stickers by mail to fuel pump owners who request them for the face of each motor fuel pump for which a sticker is requested.

(5) The department of agriculture shall produce updated fuel tax stickers on an annual basis when one or more fuel tax rates have changed. Fuel tax stickers must be replaced at the time of motor fuel pump inspection if the sticker has been updated with any new fuel tax rates.

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

Motor Vehicle Account—State Appropriation $744,000

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

Move Ahead WA Flexible Account—State Appropriation $3,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for increasing the number of certified women and minority-owned contractors outside of the Puget Sound area in the transportation sector and supporting these contractors to successfully compete and earn more transportation contracting opportunities. This shall be done through various programs including but not limited to: (1) Outreach to women and minority business communities and individuals; (2) technical assistance, mentorship, and consultation as needed in areas such as financing, accounting, contracting, procurement, and resolution of disputes and grievances; (3) language access programs for those with limited English proficiency; (4) developing a truck rotation program to allow smaller minority and women-owned trucking companies to pool their resources and compete with larger scale trucking operations; and (5) other programs that aim to increase the number of women and minority contractors that are successful in obtaining contracts in the transportation sector either directly with state agencies such as the department, with local jurisdictions, or as subcontractors for prime contractors.

NEW SECTION. **Sec.**  **FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account—State Appropriation $3,554,000

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

(1) The board of pilotage commissioners shall continue to file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September of each year of the biennium. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan.

(2) $232,000 is provided to fund a temporary environmental planner position to support rulemaking to fulfill the requirements of chapter 289, Laws of 2019.

NEW SECTION. **Sec.**  **FOR THE OFFICE OF THE GOVERNOR**

Motor Vehicle Fund—State Appropriation $457,000

State Patrol Highway Account—State Appropriation $750,000

TOTAL APPROPRIATION $1,207,000

The appropriation in this section is subject to the following conditions and limitations: $750,000 of the state patrol highway account—state appropriation is provided solely to the state office of equity solely to achieve equity in Washington state patrol recruitment and retention practices and to conduct the studies, evaluations, and reporting functions required in chapter 146, Laws of 2022.

NEW SECTION. **Sec.**  **FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

Motor Vehicle Account—State Appropriation $674,000

The appropriation in this section is subject to the following conditions and limitations: The entire motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1838), Laws of 2023 (transportation revenue forecast). If chapter . . . (Engrossed Substitute House Bill No. 1838), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

NEW SECTION. **Sec.**  **FOR THE UNIVERSITY OF WASHINGTON**

Multimodal Transportation Account—State

Appropriation $2,000,000

The appropriation in this section is subject to the following conditions and limitations: $2,000,000 of the multimodal transportation account—state appropriation is provided solely for the creation of data for a sidewalk inventory and accessibility mapping project. The University of Washington shall publish collected data under an open license in a manner suitable for use by the Washington department of transportation, local and regional agencies, tribal governments, and the general public. In gathering data, the university shall prioritize communities identified by the department of ecology as overburdened and highly impacted by criteria air pollution. A report shall be submitted to the transportation committees of the legislature and the office of the governor by December 1, 2024, describing progress and selected areas for inventory and mapping. Data shall be available publicly and a final report shall be submitted to the transportation committees of the legislature and the office of the governor by December 1, 2025.

**TRANSPORTATION AGENCIES—OPERATING**

NEW SECTION. **Sec.**  **FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account—State Appropriation $5,156,000

Highway Safety Account—Federal Appropriation $27,699,000

Highway Safety Account—Private/Local Appropriation $60,000

Cooper Jones Active Transportation Safety Account—

State Appropriation $400,000

School Zone Safety Account—State Appropriation $850,000

TOTAL APPROPRIATION $34,165,000

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

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

(a) Any programs authorized by the commission must be authorized by December 31, 2024.

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

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

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

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

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

(iv) A city may only issue a warning notice with no penalty for a violation detected by automated vehicle noise enforcement cameras in a Stay Out of Areas of Racing zone. Warning notices must be mailed to the registered owner of a vehicle within 14 days of the detected violation;

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

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

(vii) By June 30, 2025, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

(2) The Washington traffic safety commission shall coordinate with each city that implements a pilot program as authorized in RCW 46.63.170, chapter 224, Laws of 2020 to provide the transportation committees of the legislature with the following information by June 30, 2025:

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

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

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

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

Rural Arterial Trust Account—State Appropriation $1,282,000

Motor Vehicle Account—State Appropriation $3,545,000

County Arterial Preservation Account—State

Appropriation $2,052,000

TOTAL APPROPRIATION $6,879,000

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

Transportation Improvement Account—State

Appropriation $4,808,000

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

Carbon Emissions Reduction Account—State

Appropriation $3,000,000

Motor Vehicle Account—State Appropriation $3,869,000

Multimodal Transportation Account—State

Appropriation $375,000

TOTAL APPROPRIATION $7,244,000

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

(1) $125,000 of the motor vehicle account—state appropriation and $125,000 of the multimodal transportation account—state appropriation are for the joint transportation committee to evaluate potential options and make recommendations for a statewide household travel survey and additional analytical capacity regarding transportation research.

(a) The recommendation on the statewide household travel survey must be based on how well a statewide survey investment would: Address policy questions related to household travel; address gaps between separate regional and local transportation models; and create a dataset to allow both for analysis and response to policymakers' questions relating to household travel and for transportation modeling and development. In evaluating potential survey options, the committee shall consider opportunities for the state to partner and expand on developed established household travel surveys, including surveys conducted at both the Puget Sound regional council and the federal highway administration. In its recommendation, the committee shall outline the process required for a statewide survey, including the costs and timing of each option.

(b) The committee shall recommend an agency or agencies to perform ongoing analysis of a statewide household travel survey and other transportation research. The committee shall consider the ability of an agency or agencies to meet shorter timeline policy needs, as well as longer timeline research projects. The recommendation must include the timing and costs associated with the development of such analytical capacity.

(2) $420,000 of the motor vehicle account—state appropriation is for the joint transportation committee to continue to provide consultant resources to assist Washington state ferries in implementing its workforce plan including addressing recruitment, retention, diversity, training needs, leadership development, and succession planning.

(3) $450,000 of the motor vehicle account—state appropriation is for the joint transportation committee to provide oversight over the procurement of the hybrid-electric Olympic class vessels. The committee must hire an expert consultant to review Washington state ferries documents and procedures relating to the procurement and identify opportunities to improve the process for the benefit of the state of Washington. The consultant must be familiar with vessel procurement best practices, the technologies and propulsion systems planned for use in the new vessels, and Washington state ferries operations and procurement procedures. A report on the status and assessment of the procurement is due by December 15th of each year.

(4) $250,000 of the motor vehicle account—state appropriation is for the joint transportation committee, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to convene a study of a statewide retail delivery fee on orders of taxable retail items delivered by motor vehicles within the state. The study must: Determine the annual revenue generation potential of a range of fee amounts; examine options for revenue distributions to state and local governments based upon total deliveries, lane miles, or other factors; and estimate total implementation costs including start-up and ongoing administrative costs. The study should document and evaluate similar programs adopted in other states. The joint transportation committee must issue a final report to the transportation committees of the legislature by June 30, 2024.

(5)(a) $2,000,000 of the carbon emissions reduction account—state appropriation is for the joint transportation committee to oversee:

(i) The design of an infrastructure and incentive strategy to drive the purchase and use of zero-emission medium and heavy duty vehicles in the state including, but not limited to, programs for drayage trucks and school buses; and

(ii) A review of the passenger vehicle tax incentive in current law and evaluation of its utility, to include possible modification of the criteria for eligibility and tax incentive amount maximums, as applicable.

(b) Design development must include recommendations for encouraging vehicle conversions for smaller commercial vehicle fleets and owner-operators of commercial vehicles, as well as tools for facilitating carbon emission reductions to benefit vulnerable populations and overburdened communities. Infrastructure and incentive programs recommended may include, but are not limited to, grant, rebate, tax incentive, and financing assistance programs.

(c) Consultation with legislative members identified by the chair and ranking members of the transportation committees of the legislature throughout design of the infrastructure and incentive strategy is required. A report is due to the transportation committees of the legislature by January 2, 2024.

(6) $1,000,000 of the carbon emissions reduction account—state appropriation is for the joint transportation committee to oversee the development of tools and methodologies to assist in program delivery evaluation for programs that receive appropriations from the carbon emissions reduction account, the climate active transportation account, and the climate transit programs account. Program delivery evaluation must include carbon emissions reduction estimates by program and by unit of time, program cost per unit of emission reduction, quantified benefits to vulnerable populations and overburdened communities by program cost, any additional appropriate qualitative and quantitative metrics, and actionable recommendations for improvements in program delivery. A report is due to the transportation committees of the legislature by October 1, 2024.

(7) $250,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a benefit-cost analysis of electrification of class 1 rail yards in Washington state to study the feasibility of rail yard electrification by working in consultation with class 1 rail carriers operating in the state to:

(a) Create an inventory of switcher locomotives operating in class 1 rail yards in the state, including the tier status of switchers;

(b) Estimate the annual emissions generated from current switching operations;

(c) Determine the approximate replacement cost of identified switchers using tier-5 battery-electric switcher locomotives and the necessary charging infrastructure; and

(d) Present the findings to the transportation committees of the legislature by December 1, 2023.

(8) $500,000 of the motor vehicle account—state appropriation is for the joint transportation committee to engage an independent review team to work in coordination with the Washington state department of transportation's analysis, funded in section 223 of this act, of highway, road, and freight rail transportation needs, options, and impacts from shifting the movement of freight and goods that currently move by barge through the lower Snake River dams to highways, other roads, and rail, to ensure greater confidence in the results of the analysis.

(a) The department shall include the independent review team in all phases of the analysis to enable the team to develop an independent assessment of the analysis, assumptions, stakeholder engagement, and cost and impact estimates. Summary findings from the independent assessment must be provided to the department, the governor's office, and the transportation committees of the legislature on a quarterly basis, with a final report due to the governor and the transportation committees of the legislature by June 30, 2025.

(b) The independent review team is required to conduct an independent stakeholder engagement effort. The river transportation work group shall be formed to provide data and guidance to the independent review team for the independent stakeholder engagement effort. The river transportation work group shall be made up of stakeholders including farming and agricultural production, federally recognized tribes and fishing industry, tug and barge operators, shippers and receivers, public ports, railroad operators, cruise lines, and the army corps of engineers.

(c) The independent review team shall make regular presentations to the joint transportation committee and, by request, to the legislature's transportation committees.

(9)(a) $250,000 of the motor vehicle account—state appropriation is for the joint transportation committee to convene a WSDOT local partnership work group to create a procedure whereby the department of transportation can partner with a local jurisdiction to perform preservation and maintenance and construct projects on state highways.

(b) The work group must consist of, but is not limited to, the following members: At least three representatives from the department of transportation with an understanding of the construction process and contractual legal process used when partnering with other jurisdictions and at least four representatives that are a city or county transportation project managers. Work group members are eligible for reimbursement or allowance for expenses pursuant to RCW 43.03.220.

(c) The work group must make recommendations of how the department could better work in partnership with local jurisdictions to ensure that roadway construction projects can be performed when money is made available in the transportation budget even if the department of transportation does not have the capacity to be the project manager on a project and a local jurisdiction is ready, willing, and able to implement the project within the time frames envisioned in the budget.

NEW SECTION. **Sec.**  **FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account—State Appropriation $2,539,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $127,000

Multimodal Transportation Account—State

Appropriation $200,000

State Route Number 520 Corridor Account—State

Appropriation $276,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $180,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $172,000

TOTAL APPROPRIATION $3,494,000

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

(1) $127,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $276,000 of the state route number 520 corridor account—state appropriation, $180,000 of the Tacoma Narrows toll bridge account—state appropriation, and $172,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's time spent supporting tolling operations for the respective tolling facilities.

(2) Within the parameters established by RCW 47.56.880, the commission shall review toll revenue performance on the Interstate 405 and state route number 167 corridor and adjust Interstate 405 tolls as appropriate to increase toll revenue to provide sufficient funds for payments of future debt pursuant to RCW 47.10.896 and to support improvements to the corridor. The commission may consider adjusting maximum toll rates, minimum toll rates, time-of-day rates, restricting direct access ramps to transit and HOV vehicles only, or any combination thereof, in setting tolls to increase toll revenue.

(3) $125,000 of the motor vehicle account—state appropriation and $125,000 of the multimodal transportation account—state appropriation are provided solely for the commission to update the Washington state transportation plan.

(4) The transportation commission shall conduct an assessment aimed at identifying approaches to streamlining the current rulemaking process for setting toll rates and policies for eligible toll facilities, while maintaining public access and providing opportunities to give input on proposals. The intent of the assessment shall be to identify rulemaking approaches that support the state's ability to set toll rates and policies in a timely and efficient manner, so that the state can meet anticipated funding obligations. This assessment should include a review of rate-setting processes used by toll authorities in other states. The transportation commission shall provide recommendations to the senate and house transportation committees by July 31, 2024.

(5) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(a) The commission shall report to the steering committee on the results of the activities undertaken in accordance with the federal grant awarded July 2020 ("Forward Drive") by December 31, 2023. A final report on the status of Forward Drive must be provided to the governor's office and the transportation committees of the legislature by January 5, 2024.

(b) The commission shall coordinate with the department of transportation to jointly seek federal funds available through the federal strategic innovations in revenue collection grant program, applying toll credits for meeting match requirements. The commission must provide draft applications for federal grant opportunities to the chairs and ranking members of the transportation committees of the legislature for review and comment prior to submission.

(c) Subject to the award of federal funding under the federal strategic innovations in revenue collection grant program, the commission shall convene a road usage charge technical committee comprising representatives of state agencies involved in the research and administration of a road usage charging including, at minimum, the commission and the department of licensing, and with participation from partner states who have road usage charge programs. The technical committee shall facilitate information sharing among participating agencies about road usage charging, prioritize operational and policy issues for further analysis and resolution, and identify topics to explore through federally-funded research. The commission must report on the activities of the technical committee to the governor's office and the transportation committees of the legislature annually by January 5th of each year.

(6) $75,000 of the multimodal transportation account—state appropriation is provided solely for the commission to carry out an initial assessment and scoping effort to determine the feasibility of creating a future west coast transportation network plan. This plan would serve to proactively identify and coordinate improvements and investments across the west coast states to freight rail, passenger rail, highways, and air transportation. The intent for the plan is to leverage and align west coast efforts to reduce our collective carbon footprint, improve freight and passenger mobility, and strengthen west coast resiliency. This effort must be carried out in partnership with the Oregon and California transportation commissions and the state department of transportations from each state, and must consider, but not be limited to:

(a) Current state activities, investments, and plans that support the establishment of clean transportation in the air, on the highways, and on rail lines moving freight and passengers;

(b) Currently identified resiliency risks along the west coast and existing strategic plans and investments that could inform a future west coast unified plan; and

(c) Incorporation of work from the statewide transportation policy plan.

(7) $200,000 of the motor vehicle account—state appropriation is provided solely for the commission to carry out a study assessing approaches to increasing safety and compliance of high occupancy vehicle lanes, express toll lanes, tolled facilities, and construction zones, facilitated by advanced technologies.

(a) The approaches assessed must, at a minimum, focus on advanced roadside technologies that: Can operate independently without connection to the department of transportation's existing communication systems and utilities; have a limited physical footprint that does not use over-roadway infrastructure; and have a 95 percent or greater license plate reading accuracy.

(b) The study shall review current laws, including assessing underlying policies related to prohibitions on program cost coverage coming from infraction or other revenues generated by advanced technology systems, and identify provisions needed to enable a future technology-based safety and compliance program.

(c) The commission shall submit an interim report to the transportation committees of the legislature by January 10, 2024, that, at a minimum, provides an initial assessment of the viability of deploying a system into operation. A final report of findings and recommendations must be submitted to the transportation committees of the legislature by June 30, 2024.

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

Freight Mobility Investment Account—State

Appropriation $1,600,000

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

(1) Within appropriated funds, the freight mobility strategic investment board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2022 annual report to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

(2) The board shall on an annual basis provide status reports to the office of financial management and the transportation committees of the legislature on the delivery of the freight mobility strategic investment projects on LEAP Transportation Document 2023-2 ALL PROJECTS as developed on March 26, 2023.

(3) $743,000 of the freight mobility investment account—state is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1084), Laws of 2023 (freight mobility priorities). If chapter . . . (Substitute House Bill No. 1084), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

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

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $42,000

State Patrol Highway Account—State Appropriation $605,474,000

State Patrol Highway Account—Federal Appropriation $20,314,000

State Patrol Highway Account—Private/Local

Appropriation $4,592,000

Highway Safety Account—State Appropriation $3,378,000

Ignition Interlock Device Revolving Account—State

Appropriation $1,954,000

Multimodal Transportation Account—State

Appropriation $315,000

State Route Number 520 Corridor Account—State

Appropriation $88,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $272,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $2,860,000

TOTAL APPROPRIATION $639,289,000

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

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

(2) $580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2023, and semiannually thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since January 1, 2023, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than $625,000 in state sales and use taxes have been remitted to the state since January 1, 2023, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 of this act.

(3) By December 1st of each year during the 2023-2025 biennium**,** the Washington state patrol must report to the house and senate transportation committees on the status of recruitment and retention activities as follows:

(a) A summary of recruitment and retention strategies;

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

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

(d) The composition of workforce;

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

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

(4)(a) $5,825,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities.

(b) Funding is not provided for the six-year replacement of individual portable radios and mobile car radios at this time. Prior to requesting funding as part of future agency budget submittals for this component of the land mobile radio project, the Washington state patrol, in consultation with the office of the state chief information officer, must conduct a technical feasibility analysis and cost comparison between potential project vendors in order to determine that the recommended vendor will result in the most cost effective project delivery, while maintaining interoperability with other radio systems and ensure maximum radio coverage. A report detailing the results and recommendations from these requirements must be submitted to the office of financial management and the house and senate transportation committees by November 1, 2023.

(c) Beginning January 1, 2024, the Washington state patrol must report semiannually to the office of the state chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the state chief information officer, this report shall be transmitted to the office of financial management and the house and senate transportation committees.

(5) $4,732,000 of the state patrol highway account—state appropriation is provided solely for two accelerated training programs for lateral hires.

(6) $1,624,000 of the state patrol highway account—state appropriation is provided solely for the criminal investigation division.

(7) $1,026,000 of the state patrol highway account—state appropriation is provided solely for the diversity, equity, and inclusion program.

(8) $1,636,000 of the state patrol highway account—state appropriation is provided solely for a community engagement program to improve relationships with historically underrepresented communities and to recruit and retain a diverse workforce.

(9) The appropriations in this section provide sufficient funding for state patrol staffing assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental budget to restore funding as authorized staffing levels are achieved.

(10) $98,000 of the state patrol highway account—state is provided solely for the implementation of chapter . . . (House Bill No. 1179), Laws of 2023 (nonconviction data). If chapter . . . (House Bill No. 1179), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(11) $6,000 of the state patrol highway account—state is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 1541), Laws of 2023 (lived experience). If chapter . . . (Engrossed Second Substitute House Bill No. 1541), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(12) $76,000 of the state patrol highway account—state is provided solely for the implementation of chapter . . . (House Bill No. 1112), Laws of 2023 (negligent driving). If chapter . . . (House Bill No. 1112), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(13) By December 1, 2024, the Washington state patrol must provide a report to the governor and appropriate committees of the legislature on the status of *McClain v. Washington State Patrol* and an update on legal expenses associated with the case.

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

Driver Licensing Technology Support Account—State

Appropriation $1,743,000

Marine Fuel Tax Refund Account—State Appropriation $34,000

Motorcycle Safety Education Account—State

Appropriation $5,275,000

Limited Fish and Wildlife Account—State

Appropriation $757,000

Highway Safety Account—State Appropriation $268,434,000

Highway Safety Account—Federal Appropriation $2,371,000

Motor Vehicle Account—State Appropriation $95,241,000

Motor Vehicle Account—Private/Local Appropriation $1,336,000

Ignition Interlock Device Revolving Account—State

Appropriation $6,381,000

Department of Licensing Services Account—State

Appropriation $8,651,000

License Plate Technology Account—State

Appropriation $4,147,000

Abandoned Recreational Vehicle Disposal Account—State

Appropriation $3,090,000

Limousine Carriers Account—State Appropriation $126,000

Electric Vehicle Account—State Appropriation $442,000

DOL Technology Improvement & Data Management

Account—State Appropriation $944,000

Agency Financial Transaction Account—State

Appropriation $16,998,000

Move Ahead WA Flexible Account—State Appropriation $2,096,000

TOTAL APPROPRIATION $418,066,000

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

(1) $1,100,000 of the highway safety account—state appropriation and $1,100,000 of the move ahead WA flexible account—state appropriation are provided solely for the department to provide an interagency transfer to the department of children, youth, and families for the purpose of providing driver's license support. In addition to support services required under RCW 74.13.338(2), support services may include reimbursement of:

(a) The cost for a youth in foster care of any eligible age to complete a driver training education course, as outlined in chapter 46.82 or 28A.220 RCW;

(b) The costs incurred by foster youth in foster care for a motor vehicle insurance policy;

(c) The costs of roadside assistance, motor vehicle insurance deductibles, motor vehicle registration fees, towing services, car maintenance, comprehensive car insurance, and gas cards; and

(d) Any other costs related to obtaining a driver's license and driving legally and safely.

(2) For the 2023-2025 biennium, the department shall charge $1,336,000 for the administration and collection of a motor vehicle excise tax on behalf of a regional transit authority, as authorized under RCW 82.44.135. The amount in this subsection must be deducted before distributing any revenues to a regional transit authority.

(3) $16,000 of the motorcycle safety education account—state appropriation, $2,000 of the limited fish and wildlife account—state appropriation, $947,000 of the highway safety account—state appropriation, $308,000 of the motor vehicle account—state appropriation, $14,000 of the ignition interlock device revolving account—state appropriation, and $14,000 of the department of licensing services account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements in section 701 of this act.

(4)(a) $36,000 of the motor vehicle account—state appropriation is provided solely for the issuance of nonemergency medical transportation vehicle decals to implement the high occupancy vehicle lane access pilot program established in section 217(2) of this act. A for hire nonemergency medical transportation vehicle is a vehicle that is a "for hire vehicle" under RCW 46.04.190 that provides nonemergency medical transportation, including for life-sustaining transportation purposes, to meet the medical transportation needs of individuals traveling to medical practices and clinics, cancer centers, dialysis facilities, hospitals, and other care providers.

(b) As part of this pilot program, the owner of a for hire nonemergency medical transportation vehicle may apply to the department, county auditor or other agent, or subagent appointed by the director, for a high occupancy vehicle exempt decal for a for hire nonemergency medical transportation vehicle. The high occupancy vehicle exempt decal allows the for hire nonemergency medical transportation vehicle to use a high occupancy vehicle lane as specified in RCW 46.61.165 and 47.52.025 during the 2023-2025 fiscal biennium.

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

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

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

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

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

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

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

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

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

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

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

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

(g) A high occupancy vehicle exempt decal expires June 30, 2025, and must be marked to indicate its expiration date. The decal may be renewed if the pilot program is continued past the date of a decal's expiration. The status as an exempt vehicle continues until the high occupancy vehicle exempt decal is suspended or revoked for misuse, the vehicle is no longer used as a for hire nonemergency medical transportation vehicle, or the pilot program established in section 217(2) of this act is terminated.

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

(5) $2,000,000 of the highway safety account—state appropriation is provided solely for driver's license assistance and support services in King county with an existing provider that is already providing these services to low-income immigrant and refugee women. By March 1st, of each year, the contracted provider must submit information on the annual budget in the preceding year; information regarding private and other governmental support for the activities of the provider; and a description of the number of people served, services delivered, and outcome measures.

(6) $243,000 of the highway safety account—state appropriation is provided solely for the department to: (a) Provide each driver's license, identicard, instruction permit, intermediate license, and commercial driver's license applicant with written materials regarding the contents and requirements of RCW 46.61.212, the slow down and move over law, at the completion of the applicant's licensing transaction; (b) place signage in each of the licensing service offices that provide background on the written materials that the applicant will receive regarding the slow down and move over law; and (c) initiate the development of an appropriate training module relating to the requirements of RCW 46.61.212, for inclusion in all new driver training curricula.

(7) $116,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1058), Laws of 2023 (commercial driver's licenses) or chapter . . . (Senate Bill No. 5251), Laws of 2023 (commercial driver's licenses). If neither chapter . . . (House Bill No. 1058), Laws of 2023 nor chapter . . . (Senate Bill No. 5251), Laws of 2023 is enacted by June 30, 2023, the amount provided in this subsection lapses.

(8) $262,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1104), Laws of 2023 (deferred prosecutions). If chapter . . . (Substitute House Bill No. 1104), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(9) $8,000 of the motorcycle safety education account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1171), Laws of 2023 (motorcycle safety board). If chapter . . . (Substitute House Bill No. 1171), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(10) $168,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1736), Laws of 2023 (vehicle odometer readings). If chapter . . . (Engrossed Substitute House Bill No. 1736), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(11) $282,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1112), Laws of 2023 (negligent driving). If chapter . . . (House Bill No. 1112), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(12) $173,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1493), Laws of 2023 (impaired driving). If chapter . . . (Substitute House Bill No. 1493), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(13) $1,077,000 of the highway safety account—federal appropriation is provided solely for the implementation of either chapter . . . (House Bill No. 1448), Laws of 2023 (motor carrier safety) or chapter . . . (Senate Bill No. 5041), Laws of 2023 (motor carrier safety). If neither chapter . . . (House Bill No. 1448), Laws of 2023 nor chapter . . . (Senate Bill No. 5041), Laws of 2023 is enacted by June 30, 2023, the amount provided in this subsection lapses.

(14) $29,000 of the motor vehicle account—state appropriation is provided solely for the implementation of either chapter . . . (Substitute House Bill No. 1829), Laws of 2023 (LeMay special license plate) or chapter . . . (Substitute Senate Bill No. 5738), Laws of 2023 (LeMay special license plate). If neither chapter . . . (Substitute House Bill No. 1829), Laws of 2023 nor chapter . . . (Substitute Senate Bill No. 5738), Laws of 2023 is enacted by June 30, 2023, the amount provided in this subsection lapses.

(15) $29,000 of the motor vehicle account—state appropriation is provided solely for the implementation of either chapter . . . (House Bill No. 1489), Laws of 2023 (Mt. St. Helens special license plate) or chapter . . . (Substitute Senate Bill No. 5590), Laws of 2023 (Mt. St. Helens special license plate). If neither chapter . . . (Substitute House Bill No. 1489), Laws of 2023 nor chapter . . . (Substitute Senate Bill No. 5590), Laws of 2023 is enacted by June 30, 2023, the amount provided in this subsection lapses.

(16)(a) $265,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the Washington center for deaf and hard of hearing youth, in consultation with the department and the office of the superintendent of public instruction, to fund the cost of interpreters for driver training education for deaf and hard or hearing youth to enable them to access driver training education at the same cost as their peers, and to pilot a sustainable driver training education program to determine how best to meet the driver training education needs of deaf and hard of hearing youth in the state in the future. The pilot must include:

(i) Determination of an appropriate number of instructors and an appropriate method of certification for instructors who are fluent in American Sign Language (ASL);

(ii) Determination of how best to provide driver training education statewide to deaf and hard of hearing novice drivers;

(iii) Development of a program to offer the required curriculum under RCW 28A.220.035 to deaf and hard of hearing novice drivers; and

(iv) Capped course instruction costs for deaf and hard of hearing students at the average rate of their hearing peers.

(b) The department shall submit a report to the transportation committees of the legislature developed by the Washington center for deaf and hard of hearing youth by March 1, 2024, that provides recommendations for a permanent program to make driver education equitably accessible for deaf and hard of hearing students.

(17) $350,000 of the highway safety account—state appropriation is provided solely for the department to improve the process for commercial driver license holders to submit medical certification documents and update self-certification status to the department. The department shall:

(a) Update license express to improve the process and make it more user friendly;

(b) Add options for the driver to renew or replace the driver's CDL credentials as part of the medical or self-certification process;

(c) Add a customer verification step confirming the requested changes and clearly stating how this change will impact the driver's CDL; and

(d) Add improved messaging throughout the process.

In addition, the department shall make available on the abstract of driving record a complete medical certificate downgrade history, and provide a one-time mailing to all current CDL holders explaining the process to update their medical certificate documents and self-certification.

(18) The appropriations in this section assume adequate funding for licensing service office operations given continued implementation by the department of efficiency measures that reduce the time for licensing transactions and wait times and reflect the ongoing shift to alternative licensing channels due to statutory and policy changes made during the pandemic along with the delay of the federal Real ID program. The department shall report on licensing service office workload on a quarterly basis. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed.

(19) $228,000 of the highway safety account—state appropriation is provided for the increased costs from leases, parking, and other services associated with licensing service offices relocating during the 2023-2025 fiscal biennium.

(20) $2,790,000 of the highway safety account—state appropriation is provided for the one-time costs to relocate licensing service offices during the 2023-2025 fiscal biennium.

(21) $1,962,000 of the highway safety account—state appropriation is provided solely for the establishment of a pilot mobile licensing unit to provide licensing and identicard services. By December 1, 2024, the department must submit a report to the governor and the transportation committees of the legislature detailing the locations served, the number and type of documents issued, and other outcome measures associated with the mobile licensing unit. The report shall include consideration of the facility needs of licensing service offices in the context of flexible mobile licensing services.

(22) $4,860,000 of the motor vehicle account—state appropriation is provided solely for the department to upgrade and improve its prorate and fuel tax system and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(23)(a) $150,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the Washington state transportation commission, to conduct a study on the feasibility of implementing and administering a per-mile fee program. The study must:

(i) Identify the technical investment required to implement a per-mile program within existing technology platforms;

(ii) Identify the staffing and resources needed to administer the program, including any additional resources to support the vehicle licensing offices;

(iii) Identify any costs associated with a social media and awareness campaign;

(iv) Research third-party vendor options for offering customers different mileage reporting methods or for outsourcing certain aspects of administering the program; and

(v) Review use cases and adoption rates in other states, including successes and lessons learned.

(b) A report of the study findings is due to the transportation committees of the legislature and the governor by December 31, 2023.

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

State Route Number 520 Corridor Account—State

Appropriation $58,845,000

State Route Number 520 Civil Penalties Account—State

Appropriation $4,178,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $30,723,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $20,693,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $23,751,000

TOTAL APPROPRIATION $138,190,000

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

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

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

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

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

(3)(a) $314,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $734,000 of the state route number 520 corridor account—state appropriation, $315,000 of the Tacoma Narrows toll bridge account—state appropriation, and $413,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back office system from the 2021-2023 biennium.

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

(4) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's website on the following:

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

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

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

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

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

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

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

(iv) Workload costs related to hearings;

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

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

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

(5) $2,584,000 of the state route number 520 corridor account—state appropriation and $432,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the increased costs of insurance for the state route number 520 floating bridge and the Tacoma Narrows bridge, respectively.

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

Transportation Partnership Account—State

Appropriation $1,494,000

Motor Vehicle Account—State Appropriation $125,559,000

Puget Sound Ferry Operations Account—State

Appropriation $307,000

Multimodal Transportation Account—State

Appropriation $2,986,000

Transportation 2003 Account (Nickel Account)—State

Appropriation $1,488,000

TOTAL APPROPRIATION $131,834,000

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

Motor Vehicle Account—State Appropriation $41,356,000

Move Ahead WA Account—State Appropriation $2,532,000

Multimodal Transportation Account—State

Appropriation $1,200,000

State Route Number 520 Corridor Account—State

Appropriation $34,000

TOTAL APPROPRIATION $45,122,000

The appropriations in this section are subject to the following conditions and limitations: $1,200,000 of the multimodal transportation account—state appropriation is provided solely for the department to evaluate safety rest areas along I-5 and I-90 for potential truck parking expansion opportunities. The department shall also evaluate commercial vehicle inspection locations, in coordination with the Washington state patrol, for potential truck parking expansion opportunities. These evaluations must include assessments of opportunities to provide additional truck parking through rest stop and inspection location reconfiguration, expansion, and conversion. The department shall consider opportunities to expand rest stop footprints onto additional department-owned property, as well as opportunities to acquire property for rest stop expansion. Opportunities to convert a rest stop to a commercial vehicle-only rest stop must be considered if property is available to develop a new light-duty vehicle rest stop within a reasonable distance. Evaluations must include cost estimates for reconfiguration, expansion, and conversion. The department should consult with the federal highway administration, the Washington state patrol, the Washington trucking association, the freight mobility strategic investment board, and local communities. The department is required to update the transportation committees of the legislature on agency activities and their status by December 1, 2023, and to provide a final report to the transportation committees of the legislature by December 1, 2024.

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION EQUIPMENT FUND—PROGRAM E**

Move Ahead WA Account—State Appropriation $27,930,000

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

(1) $21,599,000 of the move ahead WA account—state appropriation is provided solely for the purchase, maintenance, repair, replacement, and disposal of vehicles and equipment.

(2) $6,331,000 of the move ahead WA account—state appropriation is provided solely to replace fuel sites. In doing so, the department shall prioritize the replacement of sites which present the greatest risk of failure and environmental contamination. The department shall submit a report to the legislature by December 1, 2023, on fuel site replacement efforts. The report shall include:

(a) A list of department owned and managed fuel sites prioritized by urgency of replacement;

(b) A discussion of department practices that would create a sustained revenue source for capital repair and replacement of fuel sites; and

(c) A discussion of to what extent the fuel site infrastructure can support zero emissions vehicles.

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

Aeronautics Account—State Appropriation $12,722,000

Aeronautics Account—Federal Appropriation $3,650,000

Aeronautics Account—Private/Local Appropriation $60,000

Carbon Emissions Reduction Account—State

Appropriation $1,476,000

Multimodal Transportation Account—State

Appropriation $400,000

TOTAL APPROPRIATION $18,308,000

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

(1) $1,931,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1791), Laws of 2023 (commercial aviation services). If chapter . . . (Engrossed Substitute House Bill No. 1791), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(2) $324,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1554), Laws of 2023 (lead impacts). If chapter . . . (Engrossed Substitute House Bill No. 1554), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(3) $1,476,000 of the carbon emissions reduction account—state appropriation is provided solely for sustainable aviation grants recommended by the department under the sustainable aviation grants program. The department shall submit a report to the transportation committees of the legislature by October 1, 2024, identifying a selection of sustainable aviation projects for funding by the legislature. In considering projects to recommend to fund, the department shall only consider projects that advance the state of sustainable aviation technology and lead to future innovation. Innovative sustainable aviation projects may include, but are not limited to, pilot projects demonstrating the usage of:

(a) Mobile battery charging technology;

(b) Hydrogen electrolyzers and storage;

(c) electric ground equipment; and

(d) Hanger charging technology.

(4) $2,000,000 of the aeronautics account—state appropriation is provided solely for move ahead WA aviation grants. In administering these grants, the department shall prioritize projects eligible for federal funding.

(5) $2,800,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(6) $300,000 of the aeronautics account—state appropriation is provided solely for the department to develop a statewide advanced air mobility aircraft plan to develop and integrate advanced air mobility aircraft into current modal systems. The department shall submit a report by June 1, 2025, to the office of financial management and the transportation committees of the legislature including, but not limited to, the following information:

(a) Near, medium, and long-term recommendations for land use planning for advanced and urban air mobility vertiports and vertistops;

(b) An inventory of infrastructure needs to support a statewide vertiport network and a recommended program to deploy funds to local governments to share costs;

(c) Proposed state governance structures and regulatory mechanisms to adequately complement federal aviation administration oversight;

(d) Recommended policies to foster vertiport and vertistop infrastructure development that ensure open public access, efficiency in land use siting, and equitable distribution across the state; and

(e) In consultation with local jurisdictions, planning organizations and other modal managers, make recommendations on advanced air mobility aircraft integration into statewide transportation plans.

(7) $400,000 of the multimodal transportation account—state appropriation is reappropriated and provided solely for planning for improvements to Bowerman airport in Hoquiam, Washington.

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

Motor Vehicle Account—State Appropriation $68,006,000

Motor Vehicle Account—Federal Appropriation $500,000

Multimodal Transportation Account—State

Appropriation $758,000

Natural Climate Solutions Account—State

Appropriation $93,000

TOTAL APPROPRIATION $69,357,000

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

(1) During the 2023-2025 biennium, if the department takes possession of the property situated in the city of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property is still no longer needed for transportation purposes, the department shall provide the city of Edmonds with the first right of purchase at fair market value in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

(2) $410,000 of the motor vehicle account—state appropriation is reappropriated and provided solely for the implementation of chapter 217, Laws of 2021 (noxious weeds).

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

(b) A portion of the transfer from the multimodal account to the motor vehicle fund reimburses the motor vehicle fund for any impact to the motor vehicle fund that results from the property sale, conveyance, or lease authorized in this subsection that could be construed as violative of the requirements of the 18th amendment of the state Constitution. This reimbursement to the motor vehicle fund is intended to address any possibility that the sale, conveyance, or lease authorized in this subsection could be determined to result in the unconstitutional use of 18th amendment designated funds for nonhighway purposes under the state Constitution; however, this transfer is not intended to indicate that the sale, conveyance, or lease authorized in this subsection necessarily requires such reimbursement under the state Constitution.

(4) $93,000 of the natural climate solutions account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 1170), Laws of 2023 (climate resiliency strategy). If chapter . . . (Engrossed Second Substitute House Bill No. 1170), Laws of 2023, is not enacted by June 30, 2023, the amount provided in this subsection lapses.

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

Carbon Emissions Reduction Account—State

Appropriation $209,500,000

Motor Vehicle Account—State Appropriation $732,000

Electric Vehicle Account—State Appropriation $4,946,000

Multimodal Transportation Account—State

Appropriation $2,500,000

Multimodal Transportation Account—Federal

Appropriation $25,000,000

TOTAL APPROPRIATION $242,678,000

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

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

(2) $3,746,000 of the electric vehicle account—state appropriation and $35,900,000 of the carbon reduction emissions account—state appropriation are provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

(3) $1,200,000 of the multimodal transportation account—state appropriation and $3,000,000 of the carbon reduction emissions account—state appropriation are provided solely for the pilot program established under chapter 287, Laws of 2019 (advancing green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. Consistent with the geographical diversity element described in RCW 47.04.355(4), the legislature strongly encourages the department to consider implementing the pilot in both urban and rural communities if possible, to obtain valuable information on the needs of underserved communities located in different geographical locations in Washington.

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

(5) $25,000,000 of the multimodal transportation account—federal appropriation and $200,000 of the electric vehicle account—state appropriation are provided solely to implement and administer the national electric vehicle program, established in the federal infrastructure investment and jobs act (P.L. 117-58), as directed by the interagency electric vehicle coordinating council created in chapter 182, Laws of 2022.

(6) $800,000 of the multimodal transportation account—state appropriation is provided solely for the department to coordinate with cities, counties, ports, and private entities to develop recommendations for state assistance in the development of specific candidate truck parking sites to be developed with amenities, identified by location. The public benefit of each potential truck parking site must be included in this assessment. The department shall consider opportunities for the state to provide assistance in the development of truck parking sites, including possible opportunities to provide assistance in land acquisition and evaluating land use requirements. The department is required to update the transportation committees of the legislature on agency activities and their status by December 1, 2023, and to provide a final report to the transportation committees of the legislature by December 1, 2024.

(7) $149,900,000 of the carbon emissions reduction account—state appropriation is provided solely for implementation of zero-emission commercial vehicle infrastructure and incentive programs. The office of financial management shall place the amounts provided in this subsection in unallotted status until the joint transportation committee completes the medium and heavy duty vehicle infrastructure and incentive strategy required under section 204 of this act. The director of the office of financial management or their designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(8) $15,600,000 of the carbon emissions reduction account—state appropriation is provided solely for the replacement of school buses powered by fossil fuels with zero emissions school buses, including the purchase and installation of zero emissions school bus refueling infrastructure. The office of financial management shall place the amounts provided in this subsection in unallotted status until the joint transportation committee completes the medium and heavy duty vehicle infrastructure and incentive strategy required under section 204 of this act. The director of the office of financial management or the director's designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(9) $3,000,000 of the carbon emissions reduction account—state appropriation is provided solely for hydrogen refueling infrastructure investments. The office of financial management shall place the amounts provided in this subsection in unallotted status until the joint transportation committee completes the medium and heavy duty vehicle infrastructure and incentive strategy required under section 204 of this act. The director of the office of financial management or the director's designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(10) $2,100,000 of the carbon emissions reduction account—state appropriation is provided solely to fund electric vehicle charging infrastructure for the electric charging megasite project at Mount Vernon library commons.

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation $572,436,000

Motor Vehicle Account—Federal Appropriation $7,000,000

Move Ahead WA Account—State Appropriation $46,234,000

State Route Number 520 Corridor Account—State

Appropriation $4,838,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $1,585,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $8,752,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $2,624,000

Waste Tire Removal Account—State Appropriation $5,000,000

TOTAL APPROPRIATION $648,469,000

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

(1) $7,529,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways.

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

(3) $610,000 of the motor vehicle account—state appropriation is provided solely for reimbursing the Oregon department of transportation (ODOT) for the department's share of increased maintenance costs of six highway bridges over the Columbia River that are maintained by ODOT.

(4) $82,000 of motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5487), Laws of 2023 (parking at rest areas). If chapter . . . (Senate Bill No. 5487), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(5)(a) $115,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to enter into a dispute resolution process with local jurisdictions to produce interagency agreements to address the ongoing facility and landscape maintenance of the three state route number 520 eastside lids and surrounding areas at the Evergreen Point Road, 84th Avenue NE, and 92nd Avenue NE.

(b) The agreements pursuant to (a) of this subsection must be executed by June 30, 2024.

(6) $5,400,000 of the motor vehicle account—state appropriation is reappropriated and provided solely for replacement of traffic signs and increased visibility of road pavement markings. Investments must replace traffic signs that do not meet the department's standards or that are faded, lacking in reflectivity, cracked, illegible, or damaged. Investments must also increase the visibility of road pavement markings during periods of low light conditions and during precipitation with pavement marking products that contain all-weather optical reflectivity capability. The request for proposals and subsequent competitive procurement for the signs shall be performed following state specifications and standards.

(7)(a) $2,000,000 of the motor vehicle account—state appropriation and $5,000,000 of the waste tire removal account—state appropriation are provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way. The department must coordinate and work with local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way, and may reimburse the organizations doing this outreach assistance who transition people into treatment or housing or for debris clean up on highway rights-of-way. A minimum of $2,000,000 of this appropriation must be used to provide more frequent removal of litter on the highway rights-of-way that is generated by unsheltered people and may be used to hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are providing enhanced safety to department staff during debris cleanup or during efforts to prevent future encampments from forming on highway rights-of-way.

(b) Beginning November 1, 2024, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the transportation committees of the legislature on the status of these efforts, including:

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

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

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

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

(8) $1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019, to be administered in conjunction with subsection (7) of this section. The department must maintain a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(9) $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, to be administered in conjunction with subsection (7) of this section. 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.

(10) $1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Spokane, to be administered in conjunction with subsection (5) of this section. 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 Spokane shall enter into a reimbursable agreement to cover up to $445,000 of the city's expenses for clean-up crews and landfill costs.

(11)(a) $1,500,000 of the motor vehicle account—state appropriation is reappropriated and provided solely for the department to contract with the city of Fife to address the risks to safety and public health associated with homeless encampments on department-owned rights-of-way along the SR 167/SR 509 Puget Sound Gateway project corridor in and adjacent to the city limits.

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

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

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

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

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION OPERATIONS—PROGRAM Q—OPERATING**

Motor Vehicle Account—State Appropriation $86,990,000

Motor Vehicle Account—Federal Appropriation $2,050,000

Motor Vehicle Account—Private/Local Appropriation $294,000

Move Ahead WA Account—State Appropriation $4,000,000

State Route Number 520 Corridor Account—State

Appropriation $175,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $1,080,000

TOTAL APPROPRIATION $94,589,000

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

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

(2)(a) During the 2023-2025 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

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

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

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

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

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

(3) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least $100,000 in credit card and other financial transaction costs related to the collection of fees imposed under RCW 46.44.0941 for driver and vehicle fee transactions beginning July 1, 2023. The department may recover transaction fees incurred through credit card transactions. The department shall notify the office of the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in RCW 46.01.385 on a quarterly basis.

(4) The department shall promote safety messages encouraging drivers to slow down and move over and pay attention when emergency lights are flashing on the side of the road and other suitable safety messages on electronic message boards the department operates across the state. The messages must be promoted multiple times each month through June 30, 2025. The department may coordinate such messaging with any statewide public awareness campaigns being developed by the department of licensing or the Washington state traffic safety commission or both.

(5) $1,765,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5272), Laws of 2023 (speed safety cameras). If chapter . . . (Senate Bill No. 5272), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(6)(a) The department shall establish the weigh station preclearance program in accordance with the commercial vehicle information systems and networks electronic screening truck inspection and weigh station preclearance standards authorized by the federal motor carrier safety administration. The program must include preclearance systems providers that meet the following criteria:

(i) The preclearance system commercial mobile radio services and dedicated short-range communication devices as transponders technologies must be represented in the program.

(ii) The preclearance system must be broadly deployed across the state for interstate operability purposes on the effective date of this section.

(b) Computer software and hardware that are necessary to implement this section, including any infrastructure-based devices or technologies, must be made available at no cost to the Washington state patrol. The preclearance system provider is responsible for all costs of operating and maintaining the computer software and hardware. The computer software and hardware must meet the following criteria:

(i) The computer software and hardware must meet the requirements of the federal motor carrier safety administration for core compliance with the commercial vehicle information systems and networks electronic screening truck inspection and weigh station preclearance standards.

(ii) In-vehicle equipment must be operated in compliance with applicable state law and regulations.

(iii) Preclearance messaging must be transmitted and received by the driver through electronic messaging within the cab of the commercial motor vehicle.

(iv) If required for preclearance services, real-time data from weigh-in-motion systems or any other systems shall be made available to preclearance system providers.

(c) The department, in consultation with the Washington state patrol, shall establish standards for the program in order to meet the needs of Washington state and conform with weigh station preclearance programs in other states, including standards regarding safety history credential status.

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

Motor Vehicle Account—State Appropriation $65,647,000

Motor Vehicle Account—Federal Appropriation $780,000

Motor Vehicle Account—Private/Local Appropriation $500,000

Move Ahead WA Flexible Account—State Appropriation $5,400,000

Puget Sound Ferry Operations Account—State

Appropriation $510,000

Multimodal Transportation Account—State

Appropriation $22,323,000

TOTAL APPROPRIATION $95,160,000

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

(1) $2,400,000 of the move ahead WA flexible account—state appropriation is provided solely for efforts to increase diversity in the transportation construction workforce through the preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems to support the participation of these youth in a transportation-related preapprenticeship program. The program shall be administered by the Washington state department of transportation's office of equal opportunity.

(2) $3,000,000 of the move ahead WA flexible account—state appropriation is provided solely for expansion of the PASS program to support apprenticeships and workforce development in the maritime industry through preapprenticeship training for inland waterways trades and support services to obtain necessary documents and coast guard certification.

(3) $1,512,000 of the motor vehicle account—state appropriation and $488,000 of the Puget Sound ferry operations account—state appropriation are provided solely for the department to develop, track, and monitor the progress of community workforce agreements, and to assist with the development and implementation of internal diversity, equity, and inclusion efforts and serve as subject matter experts on federal and state civil rights provisions. The department shall engage with relevant stakeholders, and provide a progress report on the implementation of efforts under this subsection to the transportation committees of the legislature and the governor by December 1, 2024.

(4) For Washington state department of transportation small works roster projects under RCW 39.04.155, the department may only allow firms certified as small business enterprises, under 49 C.F.R. 26.39, to bid on the contract, unless the department determines there would be insufficient bidders for a particular project. The department shall report on the effectiveness of this policy to the transportation committees of the legislature by December 1, 2024.

(5) $21,195,000 of the motor vehicle account—state appropriation and $21,194,000 of the multimodal transportation account—state appropriation are provided solely for the department to upgrade the transportation reporting and accounting information system to the current cloud version of the software, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

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

Carbon Emissions Reduction Account—State

Appropriation $3,000,000

Motor Vehicle Account—State Appropriation $34,822,000

Motor Vehicle Account—Federal Appropriation $31,412,000

Motor Vehicle Account—Private/Local Appropriation $400,000

Move Ahead WA Flexible Account—State Appropriation $11,922,000

Multimodal Transportation Account—State

Appropriation $1,652,000

Multimodal Transportation Account—Federal

Appropriation $2,809,000

Multimodal Transportation Account—Private/Local

Appropriation $100,000

TOTAL APPROPRIATION $86,117,000

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

(1) $627,000 of the motor vehicle account—federal appropriation is reappropriated and provided solely for the Forward Drive road usage charge research project overseen by the transportation commission using a portion of the amount of the federal grant award. The purpose of the Forward Drive road usage charge research project is to advance research in key policy areas related to road usage charge including assessing impacts of future mobility shifts on road usage charge revenues, conducting an equity analysis, updating and assessing emerging mileage reporting methods, determining opportunities to reduce cost of collection, conducting small-scale pilot tests, and identifying a long-term, detailed phase-in plan.

(2) $294,000 of the multimodal transportation account—state appropriation is provided solely for the department to partner with the department of commerce and regional transportation planning organizations in implementing vehicle miles traveled targets and supporting actions. As part of target setting, important factors that shall be considered include land use patterns, safety, and vulnerable populations. The department shall provide an interim report by June 30, 2024, and a final report by June 30, 2025.

(3)(a) $180,000 of the multimodal transportation account—state appropriation is reappropriated and provided solely for Thurston regional planning council (TRPC) to conduct a study examining options for multimodal high capacity transportation (HCT) to serve travelers on the I-5 corridor between central Thurston county (Olympia area) and Pierce county.

(b) The study will include an assessment of travelsheds and ridership potential and identify and provide an evaluation of options to enhance connectivity and accessibility for the greater south Puget Sound region with an emphasis on linking to planned or existing commuter or regional light rail. The study must account for previous and ongoing efforts by transit agencies and the department. The study will emphasize collaboration with a diverse community of interests, including but not limited to transit, business, public agencies, tribes, and providers and users of transportation who because of age, income, or ability may face barriers and challenges. TRPC will provide to the transportation committees of the legislature a study outline and recommendations of deliverables by September 1, 2024.

(4) $400,000 of the multimodal transportation account—state appropriation is reappropriated and provided solely for the city of Seattle's office of planning and community development to support an equitable development initiative to reconnect the South Park neighborhood, currently divided by State Route 99.

(a) The support work must include:

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

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

(b) The support work must be conducted in coordination and partnership with neighborhood residents, neighborhood industrial and commercial representatives, the state department of transportation, and other entities and neighborhoods potentially impacted by changes to the operation of SR 99.

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

(5) $3,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to develop and implement a community outreach, education, and technical assistance program for overburdened communities and their community partners in order to develop community-centered carbon reduction strategies to make meaningful impacts in a community, and to provide assistance in gaining access to available funding to implement these strategies, where applicable. The department is authorized to provide appropriate compensation to members of overburdened communities who provide solicited community participation and input needed by the department to implement and administer the program established in this subsection. By December 1, 2023, and by December 1, 2024, a report must be submitted to the transportation committees of the legislature and to the governor that provides an update on the department's community outreach, education, and technical assistance program development and implementation efforts.

(6)(a) $300,000 of the motor vehicle account—state appropriation is provided solely for the department of transportation for a Seattle I-5 Ramp Study. The study must include an analysis of options and opportunities to reconfigure, relocate, or remove I-5 ramps within and between Chinatown-International District and the University District for the purpose of improving through-traffic operations, enhancing multimodal transportation safety, and enabling more efficient air rights development. The study must also include an analysis of general potential mitigation needs and cost estimates of ramp changes and demolitions, the benefits to pedestrian and bicycle travel and transit operations, and the benefits to future lid design. The work must be inclusive of ramps for the mainline, collector-distributor lanes, and express lanes.

(b) At a minimum, ramps to be analyzed are those connecting to and from James Street, Cherry Street, 6th Avenue, Madison Street, Seneca Street, Spring Street, University Street, Union Street, Olive Way, Yale Avenue, NE 45th Street, and NE 50th Street.

(c) Removal of the existing Seneca Street, Spring Street, and University Street ramps must be included in the analysis.

(d) Removal and consolidation options for the existing NE 45th Street and NE 50th Street ramps must be included in the analysis.

(e) The department must coordinate and partner with the city of Seattle's department of transportation in conducting the analysis and study and making recommendations, with input of I-5 lid stakeholders.

(f) The department must coordinate this work with the I-5 studies on planning and environmental linkages, HOV systemwide efficiency, and seismic risk assessment.

(g) The department must provide a report on the study that includes recommendations to the city of Seattle department of transportation and the transportation committees of the legislature.

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

Aeronautics Account—State Appropriation $1,000

Transportation Partnership Account—State

Appropriation $25,000

Motor Vehicle Account—State Appropriation $94,221,000

Puget Sound Ferry Operations Account—State

Appropriation $244,000

State Route Number 520 Corridor Account—State

Appropriation $4,000

Connecting Washington Account—State Appropriation $203,000

Multimodal Transportation Account—State

Appropriation $4,529,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $2,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $6,000

TOTAL APPROPRIATION $99,235,000

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

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

(2) Beginning October 1, 2023, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) Beginning October 1, 2023, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

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

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

Carbon Emissions Reduction Account—State

Appropriation $4,500,000

Climate Transit Programs Account—State Appropriation $393,835,000

State Vehicle Parking Account—State Appropriation $784,000

Regional Mobility Grant Program Account—State

Appropriation $113,300,000

Rural Mobility Grant Program Account—State

Appropriation $32,774,000

Multimodal Transportation Account—State

Appropriation $118,372,000

Multimodal Transportation Account—Federal

Appropriation $4,374,000

Multimodal Transportation Account—Private/Local

Appropriation $100,000

TOTAL APPROPRIATION $668,039,000

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

(1) $64,354,000 of the multimodal transportation account—state appropriation and $73,040,000 of the climate transit programs account—state appropriation are provided for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) $14,801,000 of the multimodal transportation account—state appropriation and $16,799,000 of the climate transit programs account—state appropriation are provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Fuel type may not be a factor in the grant selection process.

(b) $49,553,000 of the multimodal transportation account—state appropriation and $56,241,000 of the climate transit programs account—state appropriation are provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2021 as reported in the "Summary of Public Transportation-2021" published by the department of transportation. No transit agency may receive more than 30 percent of these distributions. Fuel type may not be a factor in the grant selection process.

(2) $32,774,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100. Fuel type may not be a factor in the grant selection process.

(3) $11,262,000 of the multimodal transportation account—state appropriation is provided solely for a public transit rideshare grant program for: (a) Public transit agencies to add or replace rideshare vehicles; and (b) incentives and outreach to increase rideshare use. The grant program for public transit agencies may cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds. Fuel type may not be a factor in the grant selection process. Of the amounts provided in this subsection, $972,000 is for the reappropriation of amounts provided for this purpose in the 2021-2023 fiscal biennium.

(4) $35,622,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 26, 2023, Program - Public Transportation Program (V).

(5)(a) $77,678,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 26, 2023, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 1, 2023, and December 1, 2024, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than 25 percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2023-2025 biennium, no more than 30 percent of the total grant program may directly benefit or support one grantee unless all other funding is awarded. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant. Fuel type may not be a factor in the grant selection process.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2023-2025 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(c) During the 2023-2025 biennium, the department shall consider applications submitted by regional transportation planning organizations and metropolitan planning organizations for the regional mobility grant program for funding in the 2025-2027 biennium.

(6) $188,853,000 of the climate transit programs account—state appropriation is provided solely for transit support grants. To be eligible for transit support grant distribution, transit agencies must have submitted documentation of fare-free policy for 18 years of age and under by October 1, 2022, to be eligible for the 2023-2025 biennium. Transit agencies must continue the fare-free policy for 18 years of age and under to receive the award. Transit agencies that submit fare policy documentation by October 1, 2024, shall become eligible for the next biennial distribution.

(7) $10,667,000 of the climate transit programs account—state appropriation is provided solely for grants to federally recognized tribes in Washington state for any transit purpose, including planning, operating costs, maintenance, and capital costs.

(8) $37,180,000 of the climate transit programs account—state appropriation is provided solely for the bus and bus facilities grant program established in RCW 47.66.130.

(9) $4,407,000 of the multimodal transportation account—state appropriation is reappropriated and provided solely for the green transportation capital grant projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 26, 2023, Program - Public Transportation Program (V).

(10) $12,000,000 of the multimodal transportation account—state appropriation and $39,525,000 climate transit programs account—state appropriation are provided solely for the green transportation capital grant projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 26, 2023, Program - Public Transportation Program (V).

(11) $4,000,000 of the carbon emissions reduction account—state appropriation is provided solely for newly selected green transportation capital grants.

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

(13) $6,195,000 of the multimodal transportation account—state appropriation, $3,333,000 of the climate transit programs account—state appropriation, and $784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Fuel type may not be a factor in the grant selection process. Of this amount:

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

(b) $495,000 of the multimodal transportation account—state appropriation is reappropriated and provided solely for the continuation of previously approved projects under the first/last mile connections grant program.

(14) $36,237,000 of the climate transit programs account—state appropriation is provided solely for move ahead Washington transit projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 26, 2023, and $5,000,000 of the climate transit programs account—state appropriation is provided solely for the City of Seattle/Seattle Center monorail station improvements (L2021097) project.

(15)(a) Except as provided otherwise in this subsection, $11,913,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 26, 2023. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(b) Within the amount provided in this subsection, $750,000 of the multimodal transportation account—state appropriation is provided solely to complete work on Martin Luther King Way, Rainier Ave improvements (G2000040).

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

(17) $555,000 of the multimodal transportation account—state appropriation and $500,000 of the carbon emissions reduction account—state appropriation are provided solely for an interagency transfer to the Washington State University extension energy program to administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. The Washington State University extension energy program shall prepare a report regarding the utilization of the program and provide this report to the transportation committees of the legislature by November 15, 2023.

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

(19) $150,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

(20) $500,000 of the multimodal transportation account—state appropriation is provided solely for planning to move Grays Harbor transit operation and administration facilities from the current location.

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

Puget Sound Ferry Operations Account—State

Appropriation $564,299,000

Puget Sound Ferry Operations Account—Federal

Appropriation $163,790,000

Puget Sound Ferry Operations Account—Private/Local

Appropriation $121,000

TOTAL APPROPRIATION $728,210,000

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

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2023-2025 supplemental and 2025-2027 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs. The data in the tables in the report must be supplied in a digital file format.

(2) For the 2023-2025 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3)(a) $121,827,000 of the Puget Sound ferry operations account—federal appropriation is for auto ferry vessel operating fuel in the 2023-2025 fiscal biennium.

(b) $19,138,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2023-2025 fiscal biennium, which reflects cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 of this act.

(c) The amounts provided in this subsection represent the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

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

(5) $5,500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for overtime and familiarization expenses incurred by engine, deck, and terminal staff. The department must provide updated staffing cost estimates for fiscal years 2024 and 2025 with its annual budget submittal and updated estimates by January 1, 2024.

(6) $1,930,000 of the Puget Sound ferry operations account—state appropriation is provided solely for new employee training. The department must work to increase its outreach and recruitment of populations underrepresented in maritime careers and continue working to expand apprenticeship and internship programs, with an emphasis on programs that are shown to improve recruitment for positions with the state ferry system.

(7) $1,064,000 of the Puget Sound ferry operations account—state appropriation is provided solely for traffic control at ferry terminals at Seattle, Fauntleroy, Kingston, Edmonds, Mukilteo, and Bainbridge Island, during peak ferry travel times, with a particular focus on Sundays and holiday weekends.

(8) $175,000 of the Puget Sound ferry operations account—state appropriation is reappropriated and provided solely for the Washington state ferries to conduct a study of passenger demographics. The study may be included as part of a larger origin and destination study. The department shall report study results to the transportation committees of the legislature by December 1, 2023.

(9) $12,580,000 of the Puget Sound ferry operations account—state appropriation is provided solely for workforce initiatives to include:

(a) $8,126,000 for the able-bodied sailor to mate pathway program;

(b) $756,000 for new mate scholarships;

(c) $1,074,000 for new entry level engine room positions;

(d) $1,024,000 for additional Eagle Harbor apprentices;

(e) $230,000 for a workforce ombudsman;

(f) $680,000 for project management for workforce and operating improvements; and

(g) $690,000 for increased human resources workload.

(10) By December 1st of each year, the department must report on the status of efforts to increase the staff available for maintaining the customary level of ferry service, including staff for deck, engine, and terminals. The report must include data for a 12-month period up to the most recent data available, by staff group, showing the number of employees at the beginning of the 12-month period, the number of new employees hired, the number of employees separating from service, and the number of employees at the end of the 12-month period. The report must also include a description of the training and career advancement programs for able-bodied sailors, mates, and engineers; the numbers of employees participating in each program; the number of employees completing each program; the number of open positions that the program is designed to fill; and the anticipated number of employee promotions as a result of program completion. The department must provide the report to the office of financial management and the transportation committees of the legislature.

(11) $93,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the Washington state ferries to secure housing for workforce training sessions and to pay in advance for the costs of transportation worker identification credentials for incoming ferry system employees and trainees.

(12) $150,000 of the Puget Sound ferry operations account—state appropriation is reappropriated and provided solely for the department, in consultation with the joint transportation committee, to oversee a consultant study to identify and recommend cost-effective strategies to maximize walk-on passenger ridership of the Anacortes – San Juan ferry routes as required by section 222(21), chapter 186, Laws of 2022.

(13)(a) $855,000 of the Puget Sound ferry operations account—state appropriation is provided solely for Washington state ferries to provide to Seattle Central Community College for a partnership with the Seattle Maritime Academy. Funding may not be expended until Washington state ferries certifies to the office of financial management that a memorandum of agreement with Seattle Central Community College has been executed. The memorandum of agreement with Seattle Central Community College must address:

(i) The shared use of training and other facilities and implementation of joint training opportunities where practicable;

(ii) Development of a joint recruitment plan with Seattle Central Community College aimed at increasing enrollment of women and people of color, with specific strategies to recruit existing community and technical college students, maritime skills center students, high school students from maritime programs, including maritime skills center students; foster care graduates; and former juvenile rehabilitation and adult incarcerated individuals; and

(iii) Consultation between the parties on the development of the training program, recruitment plan and a five-year operational plan.

(b) The joint training and recruitment plan and the five-year operational plan must be submitted to the appropriate policy and fiscal committees of the legislature by December 1, 2023.

(14) $7,180,000 of the Puget Sound ferry operations account—state appropriation is provided solely for vessel maintenance initiatives to include:

(a) $4,445,000 for a second shift at the Eagle Harbor maintenance facility;

(b) $788,000 for maintenance management project controls to maximize vessel maintenance work at the Eagle Harbor facility; and

(c) $1,947,000 for enterprise asset management operating costs to effectively maintain assets in a state of good repair.

(15) $2,500,000 of the Puget Sound ferry operating account—state appropriation is provided solely for increased security at Colman dock.

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING**

Carbon Emissions Reduction Account—State

Appropriation $1,600,000

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

Multimodal Transportation Account—State

Appropriation $83,900,000

Multimodal Transportation Account—Private/Local

Appropriation $46,000

TOTAL APPROPRIATION $90,546,000

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

(1)(a) $2,250,000 of the multimodal transportation account—state appropriation is provided solely for the continued coordination, engagement, and planning for a new ultra high-speed ground transportation corridor with participation from Washington, Oregon, and British Columbia, and is a reappropriation of funds appropriated in the 2021-2023 biennium. This funding is contingent on meaningful financial contributions for this effort by Oregon or British Columbia. "Ultra high-speed" means a maximum testing speed of at least 250 miles per hour. These efforts are to support and advance activities and must abide by the memorandum of understanding signed by the governors of Washington and Oregon, and the premier of the province of British Columbia in November 2021. The department shall establish a policy committee with participation from Washington, Oregon, and British Columbia, including representation from the two largest caucuses of each chamber of the Washington state legislature, and coordinate the activities of the policy committee to include:

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

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

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

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

(v) Developing a recommendation on the structure and membership of a formal coordinating entity that will be responsible for advancing the project through the project initiation stage to project development and recommended next steps for establishment of the coordinating entity. Project development processes must include consideration of negative and positive impacts on communities of color, low-income households, indigenous peoples, and other disadvantaged communities.

(b) By December 1, 2023, and December 1, 2024, the department shall provide to the governor and the transportation committees of the legislature a status update that includes, but need not be limited to, the status of the items included in (a)(i) through (v) of this subsection.

(c) By June 30, 2025, the department shall provide to the governor and the transportation committees of the legislature a report detailing the work conducted by the policy committee and recommendations for establishing a coordinating entity. The report must also include an assessment of current activities and results relating to stakeholder engagement, planning, and any federal funding application. As applicable, the assessment should also be sent to the executive and legislative branches of government in Oregon and appropriate government bodies in the province of British Columbia.

(2) The department shall consider applying for federal grant opportunities that support the development of the Amtrak Cascades service. Grant submittals must align with the department's federally required service development plan and state rail plans and partnership agreements with Amtrak as the service provider and BNSF Railway as the host railroad.

(3) $1,600,000 of the carbon emissions reduction account—state appropriation is provided solely to fund the elimination of fares for passengers 18 years of age and younger for service on the Amtrak Cascades corridor in the state.

(4) $300,000 of the multimodal transportation account—state appropriation is provided solely for the department to pursue federal grant opportunities to develop and implement a technology-based truck parking availability system along the I-5 Corridor in partnership with Oregon and California to maximize utilization of existing truck parking capacity and deliver real-time parking availability information to truck drivers. The department may use a portion of the appropriation in this subsection for grant proposal development and as state match funding for technology-based truck parking availability system federal grant applications. The department is required to update the transportation committees of the legislature on agency activities and their status by December 1, 2023, and to provide a final report to the transportation committees of the legislature by December 1, 2024.

(5)(a) $5,000,000 of the motor vehicle account—state appropriation is provided solely for the department, in coordination with the independent review team of the joint transportation committee, to conduct an analysis of highway, road, and freight rail transportation needs, options, and impacts from shifting the movement of freight and goods that currently move by barge through the lower Snake River dams to highways, other roads, and rail. The study should generate volume estimates and evaluate scenarios for changes in infrastructure and operations that would be necessary to address those additional volumes. The assessment must include quantitative analysis based on available data in terms of both financial and carbon emission costs; and qualitative input gathered from tribal governments, local governments, freight interests, and other key stakeholders, including impacts on disadvantaged/underserved communities. The analysis must be informed by the work of the joint transportation committee's independent review team, and must include the following:

(i) Existing volumes and traffic patterns;

(ii) Potential changes in volumes and traffic patterns immediately following the loss of freight movement by barge and over the following 20 years, including the carbon emissions impact of this mode shift;

(iii) Identification of whether regional geography, land availability, and state and federal regulatory processes would allow for rail and road expansions and increased capacity;

(iv) Identification of potential infrastructure and operational improvements to existing highways, other roads, and rail, including additional access to facilities, needed to accommodate the higher freight volumes and impacts and potential opportunities to mitigate impacts on shipping rates;

(v) Identification of rail line development options, including impacts and potential opportunities to mitigate impacts on grain storage and handling facilities at regional unit train yards and port export facilities;

(vi) An assessment of costs associated with mitigating potential slope failure and stabilization necessitated by the drawdown of the river. An assessment of impacts and potential opportunities to mitigate impacts on adjacent roads, bridges, railroads, and utility corridors shall be included;

(vii) Both financial and carbon cost estimates for development and implementation of identified needs and options, including planning, design, and construction;

(viii) Analysis of the impacts and potential opportunities to mitigate impacts of these infrastructure changes on environmental justice and disadvantaged/underserved communities during construction, as well as from future operations;

(ix) Analysis of safety impacts and potential opportunities to mitigate impacts for a shift from barge transportation to rail or truck, including increases in rural community traffic and consistency with the Washington State Strategic Highway Safety Plan: Target Zero;

(x) Impacts and potential opportunities to mitigate impacts on highly affected commodities, including agriculture, petroleum, project cargo, and wind energy components;

(xi) Analysis of the impacts and potential opportunities to mitigate impacts that reduced competition resulting from removing barging of agricultural products on the Snake River would have on Washington's agricultural industry along with impacts modal shifts would have on the entire supply chain, including export facilities and ports on the Lower Columbia River;

(xii) Determination of the feasibility that additional east-west rail capacity can be achieved, particularly through Columbia River Gorge, and the alternative routes that exist in the event that adding more infrastructure on these routes is not feasible; and

(xiii) Determination of the feasibility and cost that additional east-west rail capacity can be achieved, particularly through Columbia River Gorge, and what alternative routes exist in the event adding more infrastructure on these routes is not feasible.

(b) The department shall provide an interim report to the governor and the transportation committees of the legislature by June 30, 2025. The legislature intends to require a final report to the governor and the transportation committees of the legislature by December 31, 2026.

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING**

Motor Vehicle Account—State Appropriation $14,680,000

Motor Vehicle Account—Federal Appropriation $2,567,000

Multiuse Roadway Safety Account—State Appropriation $1,230,000

Multimodal Transportation Account—State

Appropriation $1,250,000

TOTAL APPROPRIATION $19,727,000

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

(1) $1,200,000 of the multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

(a) Twenty-five percent of the amounts provided are reserved for counties that each have a population of 15,000 persons or less; and

(b)(i) Seventy-five percent of the amounts provided are reserved for counties that each have a population exceeding 15,000 persons; and

(ii) No county that receives a grant or grants under (a) of this subsection may receive more than $60,000 in total grants.

(2) $30,000 of the multiuse roadway safety account—state appropriation is provided solely for outreach and technical assistance to counties and stakeholder groups for purposes of increasing utilization of the multiuse roadway safety grant program.

(3) $1,063,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) Contract with the Washington state department of fish and wildlife to identify, inventory, and prioritize county-owned fish passage barriers;

(b) Continue streamlining and updating the county road administration board's data dashboard, to provide a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties;

(c) Commission a study to develop guidance for county public works departments conducting environmental justice assessments in their communities and recommend best practices for community engagement plans to address environmental health disparities for identified overburden communities;

(d) Contract for a study to identify best practices within public works for the recruitment and retention of employees, including recommendations for improving outreach and recruitment to underrepresented populations, methods to partner with local community colleges and universities, ways to expand apprenticeship and internship programs, strategies to increase training and development opportunities, and recommendations for career advancement programs and better work life balance outcomes;

(e) Update the 2020 county transportation revenue study; and

(f) By December 15, 2024, report to the office of financial management and the appropriate committees of the legislature to provide the deliverables from and the amounts expended on the purposes enumerated in this subsection.

(4) $500,000 of the motor vehicle account—state appropriation is provided solely for development, administration, program management, and evaluation of the federal fund exchange pilot program.

(5) $146,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 1782), Laws of 2023 (Wahkiakum ferry).

(6) $140,000 of the motor vehicle account—state appropriation is provided solely for the Pierce county ferry to eliminate fares for passengers 18 years of age and younger.

(7) $750,000 of the multimodal transportation account—state appropriation is provided solely for a grant program to support local initiatives that expand or establish civilian intervention programs for nonmoving violations, focusing on nonpunitive interventions such as helmet voucher programs, fee offset programs, fix-it tickets, and repair vouchers that provide solutions for vehicle equipment failures for low-income road users.

(8) Grants must be awarded to local jurisdictions based on locally developed proposals to establish or expand existing programs, including programs with community-lead organizations. Eligible jurisdictions under the grant program include cities, counties, tribal government entities, tribal organizations, law enforcement agencies, or nonprofit organizations.

(9) The department of transportation shall report on its website by December 1st of each year on the recipients, locations, and types of projects funded under this program.

**TRANSPORTATION AGENCIES—CAPITAL**

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

State Patrol Highway Account—State Appropriation $7,191,000

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

(1) $6,591,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

(a) $250,000 is for emergency repairs;

(b) $1,800,000 is for roof replacements;

(c) $350,000 is for fuel tank decommissioning;

(d) $503,000 is for generator and electrical replacement;

(e) $704,000 is for the exterior envelope of the Yakima office;

(f) $2,189,000 is for energy efficiency projects;

(g) $495,000 is for pavement surface improvements; and

(h) $300,000 is for fire alarm panel replacement.

(2) The Washington state patrol may transfer funds between projects specified in this subsection to address cash flow requirements.

(3) If a project specified in subsection (1) of this section is completed for less than the amount provided, the remainder may be transferred to another project specified in subsection (1) of this subsection not to exceed the total appropriation provided in subsection (1) of this subsection after notifying the office of financial management and the house and senate transportation committees 20 days prior to any transfer.

(4) By December 1, 2023, the Washington state patrol shall provide a report to the transportation committees of the legislature detailing utility incentives that will reduce the cost of heating, ventilating, and air conditioning systems funded in this section.

(5) By December 1, 2023, the Washington state patrol shall provide its capital improvement and preservation plan for agency facilities to the appropriate committees of the legislature.

(6) $500,000 of the state patrol highway account—state appropriation is reappropriated and provided solely for replacement of the Tacoma district office generator.

(7) $100,000 of the state patrol highway account—state appropriation is reappropriated and provided solely for heating, ventilating, and air conditioning unit replacement at the Sea-Tac north inspection station.

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

Move Ahead WA Account—State Appropriation $9,333,000

Rural Arterial Trust Account—State Appropriation $58,000,000

Motor Vehicle Account—State Appropriation $2,456,000

County Arterial Preservation Account—State

Appropriation $37,678,000

TOTAL APPROPRIATION $107,467,000

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

Small City Pavement and Sidewalk Account—State

Appropriation $3,975,000

Transportation Improvement Account—State

Appropriation $240,000,000

Complete Streets Grant Program Account—State

Appropriation $14,670,000

Climate Active Transportation Account—State

Appropriation $19,067,000

Move Ahead WA Account—State Appropriation $9,333,000

TOTAL APPROPRIATION $287,045,000

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

(1) The entire climate active transportation account—state appropriation is provided solely for newly selected complete streets grants.

(2) The entire move ahead WA account—state appropriation is provided solely for additional preservation funding to cities.

(3) The transportation improvement board shall cooperate and provide assistance, as requested, in the joint transportation committee's development of program delivery evaluation tools and methodologies provided under section 204 of this act for programs that receive funding from the climate active transportation account.

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

Motor Vehicle Account—State Appropriation $29,173,000

Move Ahead WA Account—State Appropriation $17,037,000

TOTAL APPROPRIATION $46,210,000

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

(1) $15,457,000 of the motor vehicle account—state appropriation is provided solely for making improvements to the department facility located at 11018 NE 51st Cir in Vancouver to meet the Washington state clean buildings performance standard.

(2)(a) $4,025,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract issued pursuant to chapter 39.94 RCW for the department facility located at 15700 Dayton Ave N in Shoreline.

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

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

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $23,794,000

Climate Active Transportation Account—State

Appropriation $2,000,000

Move Ahead WA Account—Private/Local Appropriation $137,500,000

Transportation 2003 Account (Nickel Account)—State

Appropriation $317,000

Transportation Partnership Account—State

Appropriation $32,646,000

Motor Vehicle Account—State Appropriation $81,442,000

Motor Vehicle Account—Federal Appropriation $222,792,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $300,000,000

Motor Vehicle Account—Private/Local Appropriation $52,530,000

Connecting Washington Account—State Appropriation $2,230,562,000

Special Category C Account—State Appropriation $130,069,000

Multimodal Transportation Account—State

Appropriation $5,915,000

State Route Number 520 Corridor Account—State

Appropriation $400,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $304,480,000

Move Ahead WA Account—State Appropriation $832,172,000

Move Ahead WA Account—Federal Appropriation $376,966,000

TOTAL APPROPRIATION $4,733,585,000

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

(1) Except as provided otherwise in this section, the entire move ahead WA account—state appropriation, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2023-1 as developed March 26, 2023, Program - Highway Improvements Program (I), except that $3,000,000 of the connecting Washington account—state appropriation is removed from the SR 539/Guide Meridian project, and $19,000,000 of the connecting Washington account—state appropriation is provided solely for the I-5/116th Street NE, 88th Street NE, and SR 528/Marine Drive Interchange project (T20700SC), and that it is the intent of the legislature to advance funding to the 2025-2027 fiscal biennium from the 2027-2029 biennium for the US 101/Simdars Bypass project (L4000013). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 26, 2023, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001).

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

(4) The connecting Washington account—state appropriation includes up to $1,760,310,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to $111,450,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(6) The Interstate 405 and state route number 167 express toll lanes account—state appropriation includes up to $102,206,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

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

(8) Any advisory group that the department convenes during the 2023-2025 fiscal biennium must consider the interests of the entire state of Washington.

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

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

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

(10) $23,794,000 of the Alaskan Way viaduct replacement project account—state appropriation is reappropriated and provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that any legal damages paid to the state because of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project be used to repay project cost increases paid from the transportation partnership account—state funds and motor vehicle account—state funds.

(11) $166,206,000 of the connecting Washington account—state appropriation is provided solely for the US 395 North Spokane Corridor project (M00800R).

(12)(a) $394,963,000 of the connecting Washington account—state appropriation, $400,000 of the state route number 520 corridor account—state appropriation, and $4,496,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

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

(c) Of the amounts provided in this subsection (12), $400,000 of the state route number 520 corridor account—state appropriation is provided solely for noise mitigation activities. It is the intent of the legislature to provide an additional $1,000,000 for noise mitigation activities over the course of the 16-year move ahead WA funding package.

(13) $555,842,000 of the connecting Washington account—state appropriation, $155,000 of the multimodal transportation account—state appropriation, $26,537,000 of the motor vehicle account—private/local appropriation, $200,800,000 of the move ahead WA account—federal appropriation, $68,191,000 of the move ahead WA account—state appropriation, and $21,980,000 of the motor vehicle account—federal appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

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

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

(c) It is the legislature's intent that the department shall consult with the joint executive committee and joint steering committee to determine the most appropriate interchange at the junction of state route number 161 (Meridian avenue) and state route number 167.

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

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

(14) $53,000,000 of the move ahead WA account—state appropriation, $84,500,000 of the move ahead WA account—federal appropriation, and $137,500,000 of the move ahead WA account—private/local appropriation are provided solely for the I-5 Columbia River Bridge (L4000054), including support of a project office and the continued work toward replacing the I-5 Columbia River Bridge. The legislature finds that the replacement of the I-5 Columbia River Bridge is a project of national significance and is critical for the movement of freight. Replacing the aging interstate bridge with a modern, seismically resilient, multimodal structure that provides improved mobility for people, goods, and services is a high priority. Therefore, the legislature intends to support the replacement of the I-5 Columbia River Bridge with an investment of $1,000,000,000 over the 16-year move ahead WA investment program.

(15)(a) $662,000,000 of the move ahead WA account—state appropriation, $300,000,000 of the coronavirus state fiscal recovery fund—federal appropriation, $78,112,000 of the motor vehicle account—federal appropriation, and $1,293,000 of the motor vehicle account—state appropriation are provided solely for the Fish Passage Barrier Removal project (0BI4001) with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030.

(b) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts. The department and Brian Abbott fish barrier removal board must provide updates on the implementation of the statewide culvert remediation plan to the legislature by November 1, 2023, and June 1, 2024.

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

(d) During the 2023-2025 fiscal biennium, the department shall provide reports of the amounts of federal funding received for this project to the governor and transportation committees of the legislature by November 1, 2023, and semiannually thereafter.

(16) $12,327,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation and $1,257,000 of the transportation partnership account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

(17) $10,000,000 of the move ahead WA account—state appropriation, $45,000,000 of the move ahead WA account—federal appropriation, and $1,898,000 of the Special Category C account—state appropriation is provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

(18) $3,000,000 of the connecting Washington account—state appropriation is provided solely for the North Lewis County transportation study. The study shall examine new, alternate routes for vehicular and truck traffic at the Harrison interchange (Exit 82) in North Centralia and shall allow for a site and configuration to be selected and feasibility to be conducted for final design, permitting, and construction of the I-5/North Lewis county Interchange project (L2000204).

(19) $11,031,000 of the motor vehicle account—state appropriation, $10,000,000 of the connecting Washington account—state appropriation, and $10,000,000 of the move ahead WA account—state appropriation are provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI).

(20) $9,729,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276).

(21) $14,815,000 of the connecting Washington account—state appropriation is provided solely for the US Hwy 2 Safety project (N00200R).

(22) $10,422,000 of the connecting Washington account—state appropriation is provided solely for the SR 3 Freight Corridor (T30400R) project. The legislature intends to provide a total of $78,910,000 for this project to ensure that:

(a) The northern terminus remains at Lake Flora Road and the southern terminus at the intersection of SR 3/SR 302;

(b) Multimodal safety improvements at the southern terminus remain in the project to provide connections to North Mason school district and provide safe routes to schools; and

(c) Intersections on the freight corridor are constructed at Romance Hill and Log Yard road.

(23) $450,000 of the motor vehicle account—state appropriation is provided solely for the SR 900 Safety Improvements project (L2021118). The department must: (a) Work in collaboration with King county and Skyway coalition to align community assets, transportation infrastructure needs, and initial design for safety improvements along SR 900; and (b) work with the Skyway coalition to lead community planning engagement and active transportation activities.

(24) $5,694,000 of the connecting Washington account—state appropriation is provided solely for the I-5/Chamber Way Interchange Vicinity Improvements project.

(25) $1,000,000 of the motor vehicle account—state appropriation is provided solely for planning and pre-design for expansion of state route number 162 from state route number 410 south to west city limits of Orting with an addition of a center turn lane to increase safety, relieve congestion, reduce collisions, and increase fire and law enforcement personnel response time to emergencies.

(26) $25,000,000 of the motor vehicle account—state appropriation is provided solely for a federal fund exchange pilot program. The pilot program will allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of $1.00 in state funds per $1.00 in federal funds. The entirety of the appropriation in this subsection shall be held in unallotted status until surface transportation block grant population funding has been offered to the state, the department determines that a federalized project or projects funded in sections 305 (Improvements) or 306 (Preservation) is eligible to spend the surface transportation block grant population funding, and state funds appropriated in sections 305 (Improvements) or 306 (Preservation) for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding have been placed in unallotted status. A report on the effectiveness of the exchange program and recommendations for continuing the pilot program is due to the governor and transportation committees of the legislature by December 1, 2024.

(27) With respect to right-of-way acquisition and the construction of the SR 3 Freight Corridor project (T30400R), tribal consultation with the Suquamish Tribe shall begin at the earliest stage of planning, including without limitation on all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required by state law, or by a state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from the Suquamish Tribe. Regularly scheduled tribal consultation meetings with the Suquamish Tribe shall continue throughout the duration of any funding or program decisions and proposed project approval.

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

Move Ahead WA Account—State Appropriation $172,000,000

Recreational Vehicle Account—State Appropriation $793,000

Transportation 2003 Account (Nickel Account)—State

Appropriation $18,759,000

Transportation Partnership Account—State

Appropriation $10,001,000

Motor Vehicle Account—State Appropriation $82,066,000

Motor Vehicle Account—Federal Appropriation $129,911,000

Motor Vehicle Account—Private/Local Appropriation $12,000,000

Connecting Washington Account—State Appropriation $29,582,000

State Route Number 520 Corridor Account—State

Appropriation $5,481,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $10,892,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $12,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $27,026,000

TOTAL APPROPRIATION $498,523,000

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

(1) Except as provided otherwise in this section, the entire move ahead WA account—state appropriation, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2023-1 as developed March 26, 2023, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 26, 2023, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001).

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

(4) $22,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund (L2000290). The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

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

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

(7) $21,000 of motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1004), Laws of 2023 (bridge jumping signs). If chapter . . . (House Bill No. 1004), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(8) $25,000,000 of the motor vehicle account—state appropriation is provided solely for a federal fund exchange pilot program. The pilot program will allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of $1.00 in state funds per $1.00 in federal funds. The entirety of the appropriation in this subsection shall be held in unallotted status until surface transportation block grant population funding has been offered to the state, the department determines that a federalized project or projects funded in sections 305 (Improvements) or 306 (Preservation) is eligible to spend the surface transportation block grant population funding, and state funds appropriated in sections 305 (Improvements) or 306 (Preservation) for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding have been placed in unallotted status. A report on the effectiveness of the exchange program and recommendations for continuing the pilot program is due to the governor and transportation committees of the legislature by December 1, 2024.

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION OPERATIONS—PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation $8,275,000

Motor Vehicle Account—Federal Appropriation $5,100,000

Motor Vehicle Account—Private/Local Appropriation $500,000

TOTAL APPROPRIATION $13,875,000

The appropriations in this section are subject to the following conditions and limitations: $3,080,000 of the motor vehicle account—state appropriation is provided solely to construct pedestrian signals at nine locations on state route number 7 from 124th Street South to 189th Street South (0000YYY).

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

Carbon Emissions Reduction Account—State

Appropriation $64,062,000

Move Ahead WA Account—State Appropriation $17,114,000

Puget Sound Capital Construction Account—State

Appropriation $350,594,000

Puget Sound Capital Construction Account—Federal

Appropriation $29,372,000

Puget Sound Capital Construction Account—

Private/Local Appropriation $1,081,000

Transportation Partnership Account—State

Appropriation $7,442,000

Connecting Washington Account—State Appropriation $10,812,000

Capital Vessel Replacement Account—State

Appropriation $46,818,000

TOTAL APPROPRIATION $527,295,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 26, 2023, Program - Washington State Ferries Capital Program (W).

(2) For the 2023-2025 biennium, the marine division shall provide to the office of financial management and the legislative transportation committees the following reports on ferry capital projects:

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

(i) Anticipated cost increases and cost savings;

(ii) Anticipated cash flow and schedule changes; and

(iii) Explanations for the changes.

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

(i) What work has been done;

(ii) How have schedules shifted; and

(iii) Associated changes in funding among projects, accompanied by explanations for the changes.

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

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

(4) $32,997,000 of the Puget Sound capital construction account—state appropriation is provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department must apply to the department of ecology for additional competitive grants funds available from Volkswagen settlement funds for the purposes of this subsection and report by December 1, 2023, on the status of the grant application.

(5) $64,062,000 of the carbon emissions reduction account—state appropriation is provided solely for the conversion of two Jumbo Mark II vessels to electric hybrid propulsion and the electrification of the Clinton, Seattle, Bainbridge, Kingston, and Bremerton terminals (L4000072).

(6) $46,818,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). If chapter . . . (House Bill No. 1846), Laws of 2023 (vessel procurement) is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(7) $17,114,000 of the move ahead WA account—state appropriation is provided solely for the preservation of the MV Tillikum.

(8) The department must provide a report to the governor and the transportation committees of the legislature by October 1, 2023, which reviews the benefits and costs of constructing all future new vessels based on the same design. For comparison purposes, the review must compare and contrast the benefits and costs of a 144-vehicle capacity vessel with a 124-vehicle capacity vessel.

(9) $8,032,000 of the Puget Sound capital construction account—state appropriation is provided solely for modernization of the ticketing and reservation system (990052C). $3,032,000 of the total amount must be held in unallotted status by the office of financial management. The funds may be allotted when the office of financial management determines, after consulting with the transportation committees of the legislature, that the Washington state ferries has consulted with the office of the chief information officer on the project scope and integration capabilities of the reservation system with existing Good to Go! and ORCA next generation.

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL**

Carbon Emissions Reduction Account—State

Appropriation $78,300,000

Essential Rail Assistance Account—State

Appropriation $676,000

Move Ahead WA Flexible Account—State Appropriation $35,000,000

Transportation Infrastructure Account—State

Appropriation $2,399,000

Multimodal Transportation Account—State

Appropriation $66,929,000

Multimodal Transportation Account—Federal

Appropriation $18,882,000

TOTAL APPROPRIATION $202,186,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 26, 2023, Program - Rail Program (Y), and an additional $6,200,000 of the multimodal transportation account—state appropriation is provided solely for the South Kelso Railroad Crossing project (L1000147) for construction of an overcrossing on Hazel Street in Kelso, Washington.

(2) $2,030,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3) $7,040,000 of the multimodal transportation account—state appropriation is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) $369,000 of the transportation infrastructure account—state appropriation and $1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC (L2000179) for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full $7,337,000 cost of this project is reimbursed.

(5)(a) $576,000 of the essential rail assistance account—state appropriation is provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

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

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

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

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

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2024, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) $50,000,000 of the carbon emissions reduction account—state appropriation is provided solely for state match contributions to support the department's application for pending federal grant opportunities for a new ultra high-speed ground transportation corridor. These funds are to remain in unallotted status and are available only upon award of federal funds. The department must provide draft applications for federal grant opportunities to the transportation committees of the legislature for review and comment prior to submission. It is assumed that, of the amounts appropriated in this subsection, only $20,000,000 will be needed in the 2023-2025 biennium.

(8) $6,300,000 of the carbon emissions reduction account—state appropriation is provided solely to fund a zero emissions drayage truck demonstration project (L1000324) at Northwest Seaport Alliance facilities.

(9) $14,000,000 of the carbon emissions reduction account—state appropriation is provided solely to fund a zero emissions shore power infrastructure demonstration project at Northwest Seaport Alliance facilities (L1000325). Local funds sufficient to fully fund this project must be contributed to the project, and any agreements required for the project must be secured.

(10) $3,000,000 of the carbon emissions reduction account—state appropriation is provided solely to fund a zero emissions electrification project at the Port of Everett (L1000326), to include the electrification of a pier at the port and funding for an all-electric powered tug and barge. Local funds for the electric powered tug and pier must be contributed to the project, and any agreements required for the project must be secured.

(11) $5,000,000 of the carbon emissions reduction account—state appropriation is provided solely to fund the replacement of two Tacoma rail diesel-electric switcher locomotives with zero emissions battery-electric switcher locomotives and to install on-site charging equipment at a Tacoma rail facility (L1000327). Local funds sufficient to fully fund this project must be contributed to the project, and any agreements required for the project must be secured.

(12) $12,316,000 of the multimodal transportation account—state appropriation is provided solely for the port of Moses Lake project (L1100080) to reconnect rail service by constructing a new five-mile rail line along the Wheeler industrial corridor and rehabilitating three miles of existing rail line.

(13) $2,200,000 of the multimodal transportation account—state appropriation is provided solely for the grade separation at Bell Road project (L1000329) for a grade separation overpass along SR 548 to connect the communities of Birch Bay and Semiahmoo to downtown Blaine and I-5.

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

Carbon Emissions Reduction Account—State

Appropriation $16,000,000

Climate Active Transportation Account—State

Appropriation $147,463,000

Freight Mobility Investment Account—State

Appropriation $21,098,000

Freight Mobility Multimodal Account—State

Appropriation $22,728,000

Highway Infrastructure Account—State Appropriation $793,000

Highway Infrastructure Account—Federal Appropriation $1,600,000

Move Ahead WA Account—State Appropriation $110,167,000

Move Ahead WA Flexible Account—State Appropriation $15,000,000

Transportation Partnership Account—State

Appropriation $500,000

Motor Vehicle Account—State Appropriation $35,370,000

Motor Vehicle Account—Federal Appropriation $57,127,000

Connecting Washington Account—State Appropriation $97,228,000

Multimodal Transportation Account—State

Appropriation $73,329,000

TOTAL APPROPRIATION $598,403,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 26, 2023, Program - Local Programs Program (Z), and $300,000 of the climate active transportation account—state is provided solely for the Mountains to Sound Greenway trail, and $3,000,000 of the move ahead Washington flexible account—state appropriation is provided solely for the Bradley Road Safe Routes Pedestrian Improvements project.

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

(a)(i) $34,673,000 of the multimodal transportation account—state appropriation and $37,563,000 of the climate active transportation account—state appropriation are provided solely for pedestrian and bicycle safety program projects (L2000188). The department must give the same weight to equity and safety criteria in the selection of pedestrian and bicycle safety projects.

(ii) The state route 99/Aurora Avenue North Planning Study funded in this subsection (2)(a) must prioritize designs that ensure slow vehicle speeds and systematic improvement to the quality of multimodal access, and must be fully completed by September 30, 2023, in order to ensure construction of improvements begin no later than March 1, 2024.

(b) $19,137,000 of the motor vehicle account—federal appropriation, $12,844,000 of the multimodal transportation account—state appropriation, and $38,915,000 of the climate active transportation account—state appropriation are provided solely for safe routes to school projects (L2000189). The department must give the same weight to equity and safety criteria in the selection of pedestrian and bicycle safety projects. The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) $25,000,000 of the climate active transportation account—state appropriation is provided solely for connecting communities projects (L1000308).

(4) $16,800,000 of the climate active transportation account—state appropriation is provided solely for the school-based bike safety education program (l1000309).

(5) The department shall submit a report to the transportation committees of the legislature by December 1, 2023, and December 1, 2024, on the status of projects and programs funded as part of the bicycle and pedestrian safety/safe routes to school grant program, connecting communities program, and school-based bike safety education program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status. In its December 1, 2023, report the department must also include recommended changes to the pedestrian safety/safe routes to school grant program application and selection processes to increase utilization by a greater diversity of jurisdictions.

(6) $15,786,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(7) $28,885,000 of the climate active transportation account—state appropriation is provided solely for move ahead WA bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(a) It is the intent of the legislature that $50,000,000 will be provided to the Seattle department of transportation to implement Aurora Avenue North Safety Improvements (L4000154). Under this program, the Seattle department of transportation will be required to implement strategic transportation investments for the Aurora Ave N Corridor from N 90th St to N 105th St that ensure slow vehicle speeds, walkability, multimodal mobility, safe routes to local schools, and safety for residents, which will demonstrate the benefits of similar transportation investments for other locations along Aurora Avenue and elsewhere. The Seattle department of transportation must convene a neighborhood oversight board consisting of residents of communities of the Aurora Ave N Corridor to prioritize investments and monitor project implementation. The oversight board should be composed of an equitable representation of local communities along the Aurora Ave N Corridor, including residents with disabilities. The Seattle department of transportation will ensure that the oversight board is consulted on a bimonthly basis during the prioritization process.

(b) The legislature intends, upon completion of the State Route 99/Aurora Avenue North Planning Study, that projects recommended in the study will be funded by this program. A specific focus must be on access management to consolidate driveways and improve safety for vulnerable users. This work must also include installation of full curb and sidewalks to improve safety, mobility, transit ridership, equity, and work towards the goals set forth in vision zero, target zero, and the Washington state active transportation plan. The Seattle department of transportation must ensure the design and implementation of an accessible sidewalk network to support users with mobility limitations, convenient and accessible transit stops, all-ages-and-abilities bicycle facilities, and safe pedestrian-activated crosswalks that puts safety over speed, balances the needs of different modes, reduces the level of traffic stress experienced by pedestrians and cyclists, connects to existing bicycle and transit networks, creates safe walking and bicycling routes to local schools including crosswalks, improves human and environmental health, and supports the surrounding neighborhoods. The Seattle department of transportation must coordinate with the Washington state department of transportation and King county metro in implementing the investments.

(8) $14,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the Guemes ferry boat replacement project (all electric) (L4000124).

(9) $4,000,000 of the move ahead WA account—state appropriation is provided solely for the department to establish a reducing rural roadway departures program (L2021122) to provide funding for safety improvements specific to preventing lane departures in areas where the departure is likely to cause serious injuries or death.

(10) $121,860,000 of the move ahead WA account—state appropriation and $12,000,000 of the move ahead WA flexible account—state appropriation are provided solely for move ahead local road projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(a) $21,000,000 of the move ahead Washington account—state appropriation is provided solely for three roundabouts to be constructed on SR 507 in partnership with local authorities. The roundabout at Vail is with Thurston county. The roundabout at Bald Hills is with the city of Yelm, and the roundabout at SR 702 is with Pierce county. The department is to work cooperatively with each local jurisdiction to construct these facilities within WSDOT rights-of-way. The department must provide all project predesign and design information developed to date to the local jurisdictions and have a project implementation agreement in place with each local jurisdiction within 180 calendar days of the enactment of this act. The implementation agreement may provide full control for the local authority to construct the project. Once the roundabouts are completed, the operations and maintenance of the roundabout are the responsibility of the department.

(b) It is the intent of the legislature that $25,000,000 will be provided as part of the move ahead WA investment package in a future biennium, as indicated on the list identified in subsection (1) of this section, for the Ballard and Magnolia bridge project (L4000123). As part of the project, the Seattle department of transportation must consult with an independent engineering firm to verify that the costs for the type, size, and location preliminary design report (TS&L), environmental impact statement (EIS), and 60 percent design work are within industry cost range standards in advance of moving forward with construction. The Seattle department of transportation must ensure that funds are maximized by limiting the percentage for TS&L, EIS, and 60 percent design work to 10 percent of the total cost of the project. Of the $25,000,000, $12,500,000 must remain in unallotted status, and may be distributed to the Seattle department of transportation only upon determination by the office of financial management that the Seattle department of transportation's cost estimates have been verified by an independent engineering firm as within industry cost range standards, and the Seattle department of transportation has secured the additional matching funding needed to complete the TS&L, EIS, and 60 percent design work.

(11) $36,640,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department will select projects as part of its update of the state freight plan, in consultation with the freight mobility strategic investment board and other stakeholders.

(12) $100,000 of the multimodal transportation account—state appropriation is provided solely for a grant to the Northwest Seaport Alliance (NWSA) to lead the creation and coordination of a multistakeholder zero emissions truck collaborative that will: (a) Facilitate the development and implementation of one or more zero-emissions drayage truck demonstration projects in Washington state; and (b) develop a roadmap for transitioning the entire fleet of approximately 4,500 drayage trucks that serve the NWSA cargo gateway to zero-emissions vehicles by 2050 or sooner.

(13) $21,098,000 of the freight mobility investment account—state appropriation and $22,728,000 of the freight mobility multimodal account—state appropriation are provided solely for freight mobility strategic investment projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(14) $25,000,000 of the motor vehicle account—state appropriation is provided solely for a federal fund exchange pilot program. The pilot program will allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of $1.00 in state funds per $1.00 in federal funds. The entirety of the appropriation in this subsection shall be held in unallotted status until surface transportation block grant population funding has been offered to the state, the department determines that a federalized project or projects funded in sections 305 (Improvements) or 306 (Preservation) is eligible to spend the surface transportation block grant population funding, and state funds appropriated in sections 305 (Improvements) or 306 (Preservation) for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding have been placed in unallotted status. A report on the effectiveness of the exchange program and recommendations for continuing the pilot program is due to the governor and transportation committees of the legislature by December 1, 2024.

(15) $4,150,000 of the motor vehicle account—state appropriation is provided solely for matching funds for federal funds to reconstruct Grant county and Adams county bridges as part of the Odessa groundwater replacement program.

(16)(a) For fiscal year 2025, $2,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to establish an e-bike lending library and ownership grant program. The department may accept grant applications from other state entities, local governments, and tribes that administer or plan to administer an e-bike lending library or ownership program for their employees for commute trip reduction purposes. The department may also accept grant applications from nonprofit organizations or tribal governments that serve persons who are low-income or reside in overburdened communities and that administer or plan to administer an e-bike lending library or ownership program for qualifying persons. Grant recipients must report program information and participation data to the University of Washington to inform its report described under (b) of this subsection.

(b) Of the amounts provided in this section, $90,000 is for the department to contract with the University of Washington's sustainable transportation lab to publish a general policy brief that provides innovative e-bike rebate and lending library or ownership grant program models and recommendations, and a report on program information and data collected under the e-bike lending library and ownership grant program established in (a) of this subsection. An initial brief and report must be submitted to the transportation committees of the legislature by January 1, 2024, with the final policy brief and report due to the transportation committees of the legislature by January 1, 2025.

(c) The department may not collect more than five percent of appropriated amounts to administer the programs under (a) of this subsection.

(17) $9,240,000 of the connecting Washington account—state appropriation is provided solely for the Aberdeen US 12 highway-rail separation project.

(18) $750,000 of the motor vehicle account—state appropriation is provided solely for the Grady Way overpass at Rainier Avenue South I-405 BRT Access study.

NEW SECTION. **Sec.**  **ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

(1) As part of its annual budget submittal, the department of transportation shall provide an update to the report provided to the legislature in the prior fiscal year that: (a) Compares the original project cost estimates approved in the 2003, 2005, and 2015 revenue package project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed; (b) identifies highway projects that may be reduced in scope and still achieve a functional benefit; (c) identifies highway projects that have experienced scope increases and that can be reduced in scope; (d) identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; (e) identifies risk reserves and contingency amounts allocated to projects; and (f) lists the nickel, TPA, and connecting Washington projects charging to the Nickel/TPA/CWA Environmental Mitigation Reserve (0BI4ENV) and the Nickel/TPA Projects Completed with Minor Ongoing Expenditures project (0BI100B), and the amount each project is charging.

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

NEW SECTION. **Sec.**  **QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

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

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

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

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

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

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

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

NEW SECTION. **Sec.**  **NOTIFICATION REQUIREMENTS FOR PAUSES AND CANCELLATIONS**

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

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

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

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

NEW SECTION. **Sec.**  **FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION—FUNDS MANAGEMENT**

(1) As part of the department of transportation's 2025-2027 biennial budget request, the department shall provide an overview of capital funds management challenges and recommendations for funds management strategies that would improve the likelihood of increasing performance associated with the following outcomes:

(a) Streamlined delivery of the department's capital program and local government capital projects;

(b) Increased likelihood that federal funds are committed and used prior to debt backed capital resources;

(c) Reduced overall time and cost of administrative efforts of the department and local governments;

(d) Ensured federal government contributions regarding its share toward overhead costs;

(e) Increased disadvantaged business enterprise program participation and/or funding;

(f) Maximized amount of federal redistributed and grant funding received by the state, including how to position the state for providing state matching funds for federal grant opportunities;

(g) Increased clarity on how federal funds are administered;

(h) Identification of opportunities to leverage current and future toll credits secured by the state; and

(i) Minimized risk of audit findings related to federal funds.

(2) The department may provide recommendations on the transportation appropriations act structure and project list amendments to most efficiently utilize state and federal capital funds.

(3) As part of the department's 2023-2025 biennial budget request, the department shall also report on:

(a) The federal grant programs it has applied for;

(b) The federal competitive grant programs it could have applied for but did not and the reason or reasons it did not apply; and

(c) The potential to use a federal fund exchange program to most efficiently use state and local federal funds.

**TRANSFERS AND DISTRIBUTIONS**

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

Transportation Partnership Account—State

Appropriation $852,000

Connecting Washington Account—State Appropriation $12,068,000

Special Category C Account—State Appropriation $885,000

Highway Bond Retirement Account—State Appropriation $1,467,679,000

Ferry Bond Retirement Account—State Appropriation $4,616,000

Transportation Improvement Board Bond Retirement

Account—State Appropriation $10,895,000

Nondebt-Limit Reimbursable Bond Retirement Account—

State Appropriation $28,606,000

Toll Facility Bond Retirement Account—State

Appropriation $76,372,000

TOTAL APPROPRIATION $1,601,973,000

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

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

Transportation Partnership Account—State

Appropriation $170,000

Connecting Washington Account—State Appropriation $2,414,000

Special Category C Account—State Appropriation $175,000

Transportation Improvement Account—State

Appropriation $20,000

TOTAL APPROPRIATION $2,779,000

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

Motor Vehicle Account—State Appropriation: For motor

vehicle fuel tax statutory distributions to

cities and counties $465,354,000

Multimodal Transportation Account—State

Appropriation: For distribution to cities and

counties $26,786,000

Motor Vehicle Account—State Appropriation: For

distribution to cities and counties $23,438,000

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

Motor Vehicle Account—State Appropriation: For motor

vehicle fuel tax refunds and statutory

transfers $1,969,182,000

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

Motor Vehicle Account—State Appropriation: For motor

vehicle fuel tax refunds and transfers $246,480,000

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

(1) Highway Safety Account—State Appropriation:

For transfer to the State Patrol Highway

Account—State $143,000,000

(2) Transportation Partnership Account—State

Appropriation: For transfer to the Motor Vehicle

Account—State $118,000,000

(3)(a) Transportation Partnership Account—State

Appropriation: For transfer to the Tacoma Narrows

Toll Bridge Account—State $6,611,000

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

(4) Motor Vehicle Account—State Appropriation:

For transfer to the County Arterial Preservation

Account—State $4,844,000

(5) Motor Vehicle Account—State Appropriation:

For transfer to the Freight Mobility Investment

Account—State $8,511,000

(6) Motor Vehicle Account—State Appropriation:

For transfer to the Rural Arterial Trust Account—State $4,844,000

(7) Motor Vehicle Account—State Appropriation:

For transfer to the Transportation Improvement

Account—State $9,688,000

(8)(a) State Route Number 520 Civil Penalties

Account—State Appropriation: For transfer to the

Motor Vehicle Account—State $1,000,000

(b) The transfer in this subsection is to repay moneys loaned to the state route number 520 civil penalties account in the 2019-2021 fiscal biennium.

(9) Capital Vessel Replacement Account—State

Appropriation: For transfer to the Connecting

Washington Account—State $25,000,000

(10)(a) Capital Vessel Replacement Account—State

Appropriation: For transfer to the Transportation

Partnership Account—State $500,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the Hybrid Electric Olympic Class (144-auto) Vessel #5 project (L2000329).

(11) Multimodal Transportation Account—State

Appropriation: For transfer to the Complete Streets

Grant Program Account—State $14,670,000

(12) Multimodal Transportation Account—State

Appropriation: For transfer to the Highway Safety

Account—State $65,000,000

(13) Multimodal Transportation Account—State

Appropriation: For transfer to the Freight Mobility

Multimodal Account—State $8,511,000

(14) Multimodal Transportation Account—State

Appropriation: For transfer to the Motor Vehicle

Account—State $90,000,000

(15) Multimodal Transportation Account—State

Appropriation: For transfer to the Puget Sound Ferry

Operations Account—State $40,000,000

(16) Multimodal Transportation Account—State

Appropriation: For transfer to the Puget Sound

Capital Construction Account—State $147,000,000

(17) Multimodal Transportation Account—State

Appropriation: For transfer to the Regional Mobility

Grant Program Account—State $27,679,000

(18) Multimodal Transportation Account—State

Appropriation: For transfer to the Rural Mobility

Grant Program Account—State $12,223,000

(19)(a) Alaskan Way Viaduct Replacement Project

Account—State Appropriation: For transfer to the

Transportation Partnership Account—State $22,899,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

(20) Tacoma Narrows Toll Bridge Account—State

Appropriation: For transfer to the Motor Vehicle

Account—State $543,000

(21) Puget Sound Ferry Operations Account—State

Appropriation: For transfer to the Puget Sound

Capital Construction Account—State $121,828,000

(22) Transportation 2003 Account (Nickel)—State

Appropriation: For transfer to the Motor Vehicle

Account—State $35,000,000

(23) Connecting Washington Account—State

Appropriation: For transfer to the Move Ahead WA

Account—State $250,000,000

(24) Multimodal Transportation Account—State

Appropriation: For transfer to the Move Ahead WA

Flexible Account—State $11,790,000

(25) Carbon Emissions Reduction Account—State

Appropriation: For transfer to the Climate Active

Transportation Account—State $160,230,000

(26) Carbon Emissions Reduction Account—State

Appropriation: For transfer to the Climate Transit

Programs Account—State $385,502,000

(27) Move Ahead WA Flexible Account—State

Appropriation: For transfer to the Puget Sound Ferry

Operations Account—State $132,000,000

(28) Alaskan Way Viaduct Replacement Project

Account—State Appropriation: For transfer to the

Motor Vehicle Account—State $16,000,000

(29) Electric Vehicle Account—State

Appropriation: For transfer to the Move Ahead WA

Flexible Account—State $33,300,000

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

Toll Facility Bond Retirement Account—Federal

Appropriation $194,241,000

Toll Facility Bond Retirement Account—State

Appropriation $25,372,000

TOTAL APPROPRIATION $219,613,000

NEW SECTION. **Sec.**  **FOR THE OFFICE OF FINANCIAL MANAGEMENT—CENTRAL CHARGES**

Pilotage Account—State Appropriation $24,000

State Patrol Highway Account—State Appropriation $5,590,000

Motorcycle Safety Education Account—State Appropriation $14,000

Freight Mobility Investment Account—State Appropriation $7,000

Limited Fish and Wildlife Account—State Appropriation $6,000

Highway Safety Account—State Appropriation $2,956,000

Highway Safety Account—Federal Appropriation $34,000

Motor Vehicle Account—State Appropriation $20,587,000

Transportation Improvement Account—State Appropriation $65,000

Ignition Interlock Device Revolving Account—State

Appropriation $12,000

Department of Licensing Services Account—State

Appropriation $265,000

Multimodal Transportation Account—State Appropriation $1,626,000

TOTAL APPROPRIATION $31,186,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for allocation to state agencies for central charges.

**COMPENSATION**

NEW SECTION. **Sec.**  **COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED**

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

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

In accordance with chapters 41.80, 41.56, and 47.64 RCW, agreements have been reached between the governor and employee organizations representing state employee bargaining units for the 2023-2025 fiscal biennium. Funding is provided in this act to fund these agreements. The collective bargaining agreements that have been reached and are funded in this act, and the description of the major economic terms in each of the listed agreements are specified in OFM transportation document 2023-5: 2023-2025 Collective Bargaining Agreements as developed December 14, 2022.

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

An agreement was reached for the 2023-2025 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies are sufficient to implement the provisions of the 2023-2025 collective bargaining agreement, which maintains the provisions of the prior agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed $1,130 per eligible employee for fiscal year 2024. For fiscal year 2025, the monthly employer funding rate shall not exceed $1,184 per eligible employee. These rates include funding to cover, effective January 1, 2024: (a) Increased provider payments in the uniform medical plan for in-network advanced registered nurse practitioners (ARNPs) to have parity with a licensed in-network physician for the same services rendered, (b) increasing the temporomandibular (TMJ) benefit to $1,000 annually/$5,000 lifetime in the uniform dental plan, and (c) eliminating the deductible for children up to age 15 in the uniform dental plan. These rates are sufficient to cover, effective January 1, 2025, carving vision benefits out medical plans into stand-alone vision insurance.

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

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

Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits, and are subject to the following conditions and limitations: The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed $1,130 per eligible employee for fiscal year 2024. For fiscal year 2025, the monthly employer funding rate may not exceed $1,184 per eligible employee.

NEW SECTION. **Sec.**  **COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations: The employer monthly funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed $1,130 per eligible employee for fiscal year 2024. For fiscal year 2025, the monthly employer funding rate shall not exceed $1,184 per eligible employee.

NEW SECTION. **Sec.**  **GENERAL WAGE INCREASES AND LUMP SUM PAYMENTS**

(1) Appropriations for state agency employee compensation in this act are sufficient to provide general wage increases, retention lump sum payment and a lump sum COVID-19 booster incentive to state agency employees who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(2) Funding is provided for a four percent general wage increase effective July 1, 2023, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a four percent salary increase effective July 1, 2023, for executive and legislative branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) Funding is provided for a three percent general wage increase effective July 1, 2024, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a three percent salary increase effective July 1, 2024, for executive and legislative branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4) Funding is provided for a retention lump sum payment of $1,000 for all employees as specified in subsection (1) of this section, employed on or before July 1, 2022, and continuously employed through July 1, 2023.

(5) Funding is provided for a COVID-19 booster incentive payment of $1,000 for all employees as specified in subsection (1) of this section, who provide verification, beginning January 1, 2023, through December 31, 2023, that they are up-to-date with the COVID-19 vaccine booster.

NEW SECTION. **Sec.**  **COMPENSATION—PENSION CONTRIBUTIONS**

Appropriations to state agencies include funding for an increase in pension contribution rates for several state pension systems. An increase of 0.12 percent is funded for state employer contributions to the public employees' retirement system, the public safety employees' retirement systems, and the school employees' retirement system. An increase of 0.23 percent for employer contributions to the teachers' retirement system is funded. These increases are provided for the purpose of a one-time, ongoing pension increase for retirees in the public employees' retirement system plan 1 and teachers' retirement system plan 1, as provided in chapter . . . (Senate Bill No. 5350), Laws of 2023 (providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1). If chapter . . . (Senate Bill No. 5350), Laws of 2023 (providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1) is not enacted by June 30, 2023, this section lapses.

NEW SECTION. **Sec.**  **COMPENSATION—REVISE PENSION CONTRIBUTION RATES**

The appropriations in this act for school districts and state agencies, including institutions of higher education, are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to agency appropriations to reflect pension contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board.

**IMPLEMENTING PROVISIONS**

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

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document 2023-1 as developed March 26, 2023, which consists of a list of specific projects by fund source and amount over a 16-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a 16-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

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

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

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

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

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

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

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

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

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

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

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

(l) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount to a single project does not exceed $250,000 or 10 percent of the total project per biennium, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

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

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

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

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

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

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

(i) Projects on LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 26, 2023; or

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

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

(8) This section does not apply to appropriations used to fund projects within the federal fund exchange pilot program authorized in sections 306, 307, and 311 of this act.

NEW SECTION. **Sec.**  **BOND REIMBURSEMENT**

To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, state route number 520 corridor account, connecting Washington account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made before the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

NEW SECTION. **Sec.**  **BELATED CLAIMS**

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

NEW SECTION. **Sec.**  **REAPPROPRIATIONS REPORTING**

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

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

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

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

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

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

(2) The department shall provide a web link for each change order that is more than $500,000 on the affected project web page.

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

(1) By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 26, 2023. The report must address each modal category separately and identify if 18th amendment protected funds have been used and, if not, the source of funding.

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

NEW SECTION. **Sec.**  **PROJECT SCOPE CHANGES**

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

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

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

(4) No fewer than 10 days after the receipt of a scope change request, the director of the office of financial management must provide written notification to the department of any decision regarding project scope changes, with copies submitted to the transportation committees of the legislature.

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

NEW SECTION. **Sec.**  **TOLL CREDITS**

The department of transportation may provide up to $5,000,000 in toll credits to Kitsap transit for its role in passenger-only ferry service and ferry corridor-related projects. The number of toll credits provided must be equal to, but no more than, the number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but must not exceed the amount authorized in this section.

NEW SECTION. **Sec.**  **LOCAL PARTNER COOPERATIVE AGREEMENTS**

(1) If a transportation project, where the Washington state department of transportation is the lead and the project is scheduled to be delivered or completed in the 2023-2025 biennium as shown on the LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 26, 2023, is in jeopardy of being delayed because the department is unable to deliver or complete the project within the 2023-2025 fiscal biennium and other local jurisdictions are able to deliver or complete the work, then the department must coordinate with the appropriate local jurisdictions to determine if a potential local partner is ready, willing, and able to execute delivery and completion of the project within the 2023-2025 biennium.

(2) The department must compile a list of projects under this section, including the timing under which the local partner agency can deliver or complete the projects within the 2023-2025 and 2025-2027 biennia. The department must submit the compiled list of projects to the governor and the transportation committees of the legislature by November 1, 2023.

**MISCELLANEOUS 2023-2025 FISCAL BIENNIUM**

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

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

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

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

(i) Fund sources;

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

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

(iv) Object and subobject codes of expenditures;

(v) Anticipated deliverables;

(vi) Historical budget and expenditure detail by fiscal year; and

(vii) Maintenance and operations costs by fiscal year for at least five years as a separate worksheet.

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

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

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

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

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

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

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

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

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

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

(i) Project changes each fiscal month;

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

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

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

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

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

(viii) Budget and expenditures each fiscal month;

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

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

(A) Office of the chief information officer;

(B) Agency project team; and

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

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

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

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

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

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

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

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

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

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

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

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

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

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

NEW SECTION. **Sec.**  **DEVELOPMENT OF CLIMATE COMMITMENT ACT EVALUATION TOOLS**

The department of transportation shall cooperate and provide assistance, as requested, in the joint transportation committee's development of program delivery evaluation tools and methodologies provided under section 204 of this act for programs, projects, and other activities that receive funding from the carbon emissions reduction account, the climate active transportation account, and the climate transit programs account.

**Sec.**  RCW 43.19.642 and 2021 c 333 s 703 are each amended to read as follows:

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

(2) Except as provided in subsection (5) of this section, effective June 1, 2009, state agencies are required to use a minimum of ((~~twenty~~)) 20 percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel‑powered vessels, vehicles, and construction equipment.

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2016, file annual reports with the department of enterprise services documenting the use of the fuel and a description of how any problems encountered were resolved.

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

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

(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

(5) During the ((~~2019-2021 and~~)) 2021-2023 and 2023-2025 fiscal biennia, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels, as long as the price of a B5 or B10 biodiesel blend does not exceed the price of conventional diesel fuel by five percent or more.

**Sec.**  RCW 82.21.030 and 2022 c 182 s 313 are each amended to read as follows:

(1)(a) A tax is imposed on the privilege of possession of hazardous substances in this state. Except as provided in (b) of this subsection, the rate of the tax is seven-tenths of one percent multiplied by the wholesale value of the substance. Moneys collected under this subsection (1)(a) must be deposited in the model toxics control capital account.

(b) Beginning July 1, 2019, the rate of the tax on petroleum products is one dollar and nine cents per barrel. The tax collected under this subsection (1)(b) on petroleum products must be deposited as follows, after first depositing the tax as provided in (c) of this subsection, except that during the ((~~2021-2023~~)) 2023-2025 biennium the deposit as provided in (c) of this subsection may be prorated equally across each month of the biennium:

(i) Sixty percent to the model toxics control operating account created under RCW 70A.305.180;

(ii) Twenty-five percent to the model toxics control capital account created under RCW 70A.305.190; and

(iii) Fifteen percent to the model toxics control stormwater account created under RCW 70A.305.200.

(c) Until the beginning of the ensuing biennium after the enactment of an additive transportation funding act, $50,000,000 per biennium to the motor vehicle fund to be used exclusively for transportation stormwater activities and projects. For purposes of this subsection, "additive transportation funding act" means an act enacted after June 30, 2023, in which the combined total of new revenues deposited into the motor vehicle fund and the multimodal transportation account exceed $2,000,000,000 per biennium attributable solely to an increase in revenue from the enactment of the act.

(d) The department must compile a list of petroleum products that are not easily measured on a per barrel basis. Petroleum products identified on the list are subject to the rate under (a) of this subsection in lieu of the volumetric rate under (b) of this subsection. The list will be made in a form and manner prescribed by the department and must be made available on the department's internet website. In compiling the list, the department may accept technical assistance from persons that sell, market, or distribute petroleum products and consider any other resource the department finds useful in compiling the list.

(2) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

(3) Beginning July 1, 2020, and every July 1st thereafter, the rate specified in subsection (1)(b) of this section must be adjusted to reflect the percentage change in the implicit price deflator for nonresidential structures as published by the United States department of commerce, bureau of economic analysis for the most recent 12-month period ending December 31st of the prior year.

**Sec.**  RCW 46.68.060 and 2022 c 182 s 434 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which must be deposited all moneys directed by law to be deposited therein. This fund must be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010, chapters 46.72 and 46.72A RCW, and RCW 47.04.410. During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the highway safety fund to the Puget Sound ferry operations account, the motor vehicle fund, and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund. During the ((~~2017-2019, 2019-2021, and~~)) 2021-2023 and 2023-2025 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the highway safety fund to the multimodal transportation account and the state patrol highway account.

**Sec.**  RCW 46.68.300 and 2021 c 333 s 711 are each amended to read as follows:

The freight mobility investment account is hereby created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for freight mobility projects that have been approved by the freight mobility strategic investment board in RCW 47.06A.020 and may include any principal and interest on bonds authorized for the projects or improvements. During the ((~~2019-2021 and~~)) 2021-2023 and 2023-2025 fiscal biennia, the expenditures from the account may also be used for the administrative expenses of the freight mobility strategic investment board.

**Sec.**  RCW 47.60.322 and 2021 c 333 s 712 are each amended to read as follows:

(1) The capital vessel replacement account is created in the motor vehicle fund. All revenues generated from the vessel replacement surcharge under RCW 47.60.315(7) and service fees collected by the department of licensing or county auditor or other agent appointed by the director under RCW 46.17.040, 46.17.050, and 46.17.060 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of ferry vessels. However, expenditures from the account must first be used to support the construction or purchase, including any applicable financing costs, of a ferry vessel with a carrying capacity of at least ((~~one hundred forty-four~~)) 144 cars.

(2) The state treasurer may transfer moneys from the capital vessel replacement account to the transportation 2003 account (nickel account) for debt service on bonds issued for the construction of 144-car class ferry vessels.

(3) The legislature may transfer from the capital vessel replacement account to the connecting Washington account created under RCW 46.68.395 such amounts as reflect the excess fund balance of the capital vessel replacement account to be used for ferry terminal construction and preservation.

(4) During the ((~~2019-2021 and~~)) 2021-2023 and 2023-2025 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the capital vessel replacement account to the transportation partnership account and the connecting Washington account.

**Sec.**  RCW 46.68.290 and 2022 c 157 s 16 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the motor vehicle fund. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within ((~~thirty~~)) 30 days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(10) For the period from July 1, 2005, until June 30, 2007, the amount of $4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (2) through (9) of this section.

(11) During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation partnership account to the connecting Washington account such amounts as reflect the excess fund balance of the transportation partnership account.

(12) During the ((~~2019-2021 and~~)) 2021-2023 and 2023-2025 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the transportation partnership account to the connecting Washington account, the motor vehicle fund, the Tacoma Narrows toll bridge account, and the capital vessel replacement account.

**Sec.**  RCW 46.68.063 and 2021 c 333 s 714 are each amended to read as follows:

The department of licensing technology improvement and data management account is created in the highway safety fund. All receipts from fees collected under RCW 46.12.630(5) must be deposited into the account. Expenditures from the account may be used only for investments in technology and data management at the department. During the ((~~2019-2021 and~~)) 2021-2023 and 2023-2025 biennia, the account may also be used for responding to public records requests. Moneys in the account may be spent only after appropriation.

**Sec.**  RCW 47.60.530 and 2021 c 333 s 715 are each amended to read as follows:

(1) The Puget Sound ferry operations account is created in the motor vehicle fund.

(2) The following funds must be deposited into the account:

(a) All moneys directed by law;

(b) All revenues generated from ferry fares; and

(c) All revenues generated from commercial advertising, concessions, parking, and leases as allowed under RCW 47.60.140.

(3) Moneys in the account may be spent only after appropriation.

(4) Expenditures from the account may be used only for the maintenance, administration, and operation of the Washington state ferry system.

(5) ((~~During the 2015-2017 fiscal biennium, the legislature may transfer from the Puget Sound ferry operations account to the connecting Washington account such amounts as reflect the excess fund balance of the Puget Sound ferry operations account.~~

~~(6) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the Puget Sound ferry operations account to the connecting Washington account.~~

~~(7)~~)) During the 2021-2023 and 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the Puget Sound ferry operations account to the Puget Sound capital construction account.

**Sec.**  RCW 47.60.315 and 2021 c 333 s 716 are each amended to read as follows:

(1) The commission shall adopt fares and pricing policies by rule, under chapter 34.05 RCW, according to the following schedule:

(a) Each year the department shall provide the commission a report of its review of fares and pricing policies, with recommendations for the revision of fares and pricing policies for the ensuing year;

(b) By September 1st of each year, beginning in 2008, the commission shall adopt by rule fares and pricing policies for the ensuing year.

(2) The commission may adopt by rule fares that are effective for more or less than one year for the purposes of transitioning to the fare schedule in subsection (1) of this section.

(3) The commission may increase ferry fares included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

(4) The chief executive officer of the ferry system may authorize the use of promotional, discounted, and special event fares to the general public and commercial enterprises for the purpose of maximizing capacity use and the revenues collected by the ferry system. The department shall report to the commission a summary of the promotional, discounted, and special event fares offered during each fiscal year and the financial results from these activities.

(5) Fare revenues and other revenues deposited in the Puget Sound ferry operations account created in RCW 47.60.530 may not be used to support the Puget Sound capital construction account created in RCW 47.60.505, unless the support for capital is separately identified in the fare or except as provided in section ((~~715, chapter 333, Laws of 2021~~)) 710 of this act during the ((~~2021-2023~~)) 2023-2025 biennium.

(6) The commission may not raise fares until the fare rules contain pricing policies developed under RCW 47.60.290, or September 1, 2009, whichever is later.

(7) The commission shall impose a vessel replacement surcharge of ((~~twenty-five~~)) 25 cents on every one-way and round-trip ferry fare sold, including multiride and monthly pass fares. This surcharge must be clearly indicated to ferry passengers and drivers and, if possible, on the fare media itself.

(8) Except as provided in subsection (10) of this section, beginning May 1, 2020, the commission shall impose an additional vessel replacement surcharge in an amount sufficient to fund ((~~twenty-five~~)) 25 year debt service on one 144-auto hybrid vessel taking into account funds provided in chapter 417, Laws of 2019 or chapter . . . (SSB 5419), Laws of 2019. The department of transportation shall provide to the commission vessel and debt service cost estimates. Information on vessels constructed or purchased with revenue from the surcharges must be publicly posted including, but not limited to, the commission website.

(9) The vessel replacement surcharges imposed in this section may only be used for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of new ferry vessels.

(10) The commission shall not impose the additional vessel replacement surcharge in subsection (8) of this section if doing so would increase fares by more than ((~~ten~~)) 10 percent.

**Sec.**  RCW 34.05.350 and 2021 c 333 s 717 are each amended to read as follows:

(1) If an agency for good cause finds:

(a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest;

(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule; or

(c) In order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, 2013, or in an omnibus transportation appropriations act for the 2021-2023 ((~~biennium~~)) and 2023-2025 biennia related to setting toll rates or ferry fares, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency,

the agency may dispense with those requirements and adopt, amend, or repeal the rule on an emergency basis. The agency's finding and a concise statement of the reasons for its finding shall be incorporated in the order for adoption of the emergency rule or amendment filed with the office of the code reviser under RCW 34.05.380 and with the rules review committee.

(2) An emergency rule adopted under this section takes effect upon filing with the code reviser, unless a later date is specified in the order of adoption, and may not remain in effect for longer than one hundred twenty days after filing. Identical or substantially similar emergency rules may not be adopted in sequence unless conditions have changed or the agency has filed notice of its intent to adopt the rule as a permanent rule, and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. This section does not relieve any agency from compliance with any law requiring that its permanent rules be approved by designated persons or bodies before they become effective.

(3) Within seven days after the rule is adopted, any person may petition the governor requesting the immediate repeal of a rule adopted on an emergency basis by any department listed in RCW 43.17.010. Within seven days after submission of the petition, the governor shall either deny the petition in writing, stating his or her reasons for the denial, or order the immediate repeal of the rule. In ruling on the petition, the governor shall consider only whether the conditions in subsection (1) of this section were met such that adoption of the rule on an emergency basis was necessary. If the governor orders the repeal of the emergency rule, any sanction imposed based on that rule is void. This subsection shall not be construed to prohibit adoption of any rule as a permanent rule.

**Sec.**  RCW 46.09.540 and 2021 c 333 s 720 are each amended to read as follows:

(1) The multiuse roadway safety account is created in the motor vehicle fund. All receipts from vehicle license fees under RCW 46.17.350(1)(r) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for grants administered by the department of transportation to: (a) Counties to perform safety engineering analysis of mixed vehicle use on any road within a county; (b) local governments to provide funding to erect signs providing notice to the motoring public that (i) wheeled all-terrain vehicles are present or (ii) wheeled all-terrain vehicles may be crossing; (c) the state patrol or local law enforcement for purposes of defraying the costs of enforcement of chapter 23, Laws of 2013 2nd sp. sess.; (d) law enforcement to investigate accidents involving wheeled all-terrain vehicles; and (e) during the ((~~2021-2023~~)) 2023-2025 biennium grants may be made to counties to (i) enhance or maintain any segment of a road within the county in which the segment has been designated as part of a travel or tourism route for use by wheeled all-terrain vehicles; and (ii) purchase, print, develop, or use educational brochures or mapping technology that aids in the safety and direction of users of wheeled all-terrain vehicle routes.

(2) The department of transportation must prioritize grant awards in the following priority order:

(a) For the purpose of marking highway crossings with signs warning motorists that wheeled all-terrain vehicles may be crossing when an ORV recreation facility parking lot is on the other side of a public roadway from the actual ORV recreation facility; and

(b) For the purpose of marking intersections with signs where a wheeled all-terrain vehicle may cross a public road to advise motorists of the upcoming intersection. Such signs must conform to the manual on uniform traffic control devices.

**Sec.**  RCW 47.66.120 and 2022 c 182 s 439 are each amended to read as follows:

(1)(a) The department's public transportation division shall establish a green transportation capital grant program. The purpose of the grant program is to aid any transit authority in funding cost-effective capital projects to reduce the carbon intensity of the Washington transportation system, examples of which include: Electrification of vehicle fleets, including battery and fuel cell electric vehicles; modification or replacement of capital facilities in order to facilitate fleet electrification and/or hydrogen refueling; necessary upgrades to electrical transmission and distribution systems; and construction of charging and fueling stations. The department's public transportation division shall identify projects and shall submit a prioritized list of all projects requesting funding to the legislature by December 1st of each even-numbered year.

(b) The department's public transportation division shall select projects based on a competitive process that considers the following criteria:

(i) The cost-effectiveness of the reductions in carbon emissions provided by the project; and

(ii) The benefit provided to transitioning the entire state to a transportation system with lower carbon intensity.

(c) The department must incorporate environmental justice principles into the grant selection process, with the goal of increasing the distribution of funding to communities based on addressing environmental harms and providing environmental benefits for overburdened communities, as defined in RCW 70A.02.010, and vulnerable populations.

(2) The department's public transportation division must establish an advisory committee to assist in identifying projects under subsection (1) of this section. The advisory committee must include representatives from the department of ecology, the department of commerce, the utilities and transportation commission, and at least one transit authority.

(3) In order to receive green transportation capital grant program funding for a project, a transit authority must provide matching funding for that project that is at least equal to twenty percent of the total cost of the project.

(4) The department's public transportation division must report annually to the transportation committees of the legislature on the status of any grant projects funded by the program created under this section.

(5) For purposes of this section, "transit authority" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, a regional transit authority under chapter 81.112 RCW, or any special purpose district formed to operate a public transportation system.

(6) During the ((~~2021-2023~~)) 2023-2025 fiscal biennium, the department may provide up to 20 percent of the total green transportation capital grant program funding for zero emissions capital transition planning projects.

**Sec.**  RCW 70A.205.415 and 2022 c 186 s 705 are each amended to read as follows:

The waste tire removal account is created in the state treasury. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles, measures that prevent future accumulation of unauthorized waste tire piles, and road wear related maintenance on state and local public highways. During the 2007-2009 fiscal biennium, the legislature may transfer from the waste tire removal account to the motor vehicle fund such amounts as reflect the excess fund balance of the waste tire removal account. During the 2021-2023 and 2023-2025 fiscal ((~~biennium~~)) biennia, appropriations from the waste tire removal account may be made for the department of transportation to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way.

**Sec.**  RCW 46.68.410 and 2022 c 186 s 706 are each amended to read as follows:

(1) The vehicle identification number inspection fee collected under RCW 46.17.130 must be distributed as follows:

(a) $15 to the state patrol highway account created in RCW 46.68.030; and

(b) $50 to the motor vehicle fund created in RCW 46.68.070.

(2) During the ((~~2021-2023~~)) 2023-2025 fiscal biennium, the entire vehicle identification number inspection fee collected under RCW 46.17.130 must be distributed to the state patrol highway account created in RCW 46.68.030.

**Sec.**  RCW 47.12.063 and 2022 c 186 s 710 are each amended to read as follows:

(1) It is the intent of the legislature to continue the department's policy giving priority consideration to abutting property owners in agricultural areas when disposing of property through its surplus property program under this section.

(2) Whenever the department determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for transportation purposes and that it is in the public interest to do so, the department may sell the property or exchange it in full or part consideration for land or building improvements or for construction of highway improvements at fair market value to any person through the solicitation of written bids through public advertising in the manner prescribed under RCW 47.28.050 or in the manner prescribed under RCW 47.12.283.

(3) The department may forego the processes prescribed by RCW 47.28.050 and 47.12.283 and sell the real property to any of the following entities or persons at fair market value:

(a) Any other state agency;

(b) The city or county in which the property is situated;

(c) Any other municipal corporation;

(d) Regional transit authorities created under chapter 81.112 RCW;

(e) The former owner of the property from whom the state acquired title;

(f) In the case of residentially improved property, a tenant of the department who has resided thereon for not less than six months and who is not delinquent in paying rent to the state;

(g) Any abutting private owner but only after each other abutting private owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting private owner requests in writing the right to purchase the property within 15 days after receiving notice of the proposed sale, the property shall be sold at public auction in the manner provided in RCW 47.12.283;

(h) To any other owner of real property required for transportation purposes;

(i) In the case of property suitable for residential use, any nonprofit organization dedicated to providing affordable housing to very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510 and is eligible to receive assistance through the Washington housing trust fund created in chapter 43.185 RCW;

(j) During the ((~~2021-2023~~)) 2023-2025 fiscal biennium, any nonprofit organization that identifies real property to be sold or conveyed as a substitute for real property owned by the nonprofit within the city of Seattle to be redeveloped for the purpose of affordable housing, which can be sold at less than its fair market value to the extent the department finds it is in the public interest to do so; or

(k) A federally recognized Indian tribe within whose reservation boundary the property is located.

(4) When selling real property pursuant to RCW 47.12.283, the department may withhold or withdraw the property from an auction when requested by one of the entities or persons listed in subsection (3) of this section and only after the receipt of a nonrefundable deposit equal to 10 percent of the fair market value of the real property or $5,000, whichever is less. This subsection does not prohibit the department from exercising its discretion to withhold or withdraw the real property from an auction if the department determines that the property is no longer surplus or chooses to sell the property through one of the other means listed in subsection (2) of this section. If a transaction under this subsection is not completed within 60 days, the real property must be put back up for sale.

(5) Sales to purchasers may, at the department's option, be for cash, by real estate contract, or exchange of land or highway improvements. Transactions involving the construction of improvements must be conducted pursuant to chapter 47.28 RCW and Title 39 RCW, as applicable, and must comply with all other applicable laws and rules.

(6) Conveyances made pursuant to this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(7) Unless otherwise provided, all moneys received pursuant to the provisions of this section less any real estate broker commissions paid pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

(8) The department may not enter into equal value exchanges or property acquisitions for building improvements without first consulting with the office of financial management and the joint transportation committee.

**Sec.**  RCW 46.68.500 and 2022 c 182 s 103 are each amended to read as follows:

(1) The climate transit programs account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the following transit grant programs: Transit support grant program, tribal transit mobility grants, transit coordination grants, special needs transit grants, bus and bus facility grant program, green transit grants, and transportation demand management grants, as well as transit projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2023, the state treasurer shall annually transfer 56 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate transit programs account. The provisions of this subsection do not apply during the 2023-2025 fiscal biennium.

**Sec.**  RCW 46.68.490 and 2022 c 182 s 102 are each amended to read as follows:

(1) The climate active transportation account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the following active transportation grant programs: Safe routes to schools, school-based bike program, bicycle and pedestrian grant program, complete streets grants program, and connecting communities grant program, as well as pedestrian and bicycle or other active transportation projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2023, the state treasurer shall annually transfer 24 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate active transportation account. The provisions of this subsection do not apply during the 2023-2025 fiscal biennium.

**Sec.**  RCW 46.68.280 and 2019 c 416 s 706 are each amended to read as follows:

(1) The transportation 2003 account (nickel account) is hereby created in the motor vehicle fund. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as transportation 2003 projects or improvements in the omnibus transportation budget and to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements. Upon completion of the projects or improvements identified as transportation 2003 projects or improvements, moneys deposited in this account must only be used to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements, and any funds in the account in excess of the amount necessary to make the principal and interest payments may be used for maintenance on the completed projects or improvements.

(2) During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation 2003 account (nickel account) to the connecting Washington account such amounts as reflect the excess fund balance of the transportation 2003 account (nickel account).

(3) During the 2017-2019 and the 2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the transportation 2003 account (nickel account) to the connecting Washington account, the Puget Sound capital construction account, and the Tacoma Narrows toll bridge account.

(4) The "nickel account" means the transportation 2003 account.

(5) During the 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the transportation 2003 account (nickel account) to the motor vehicle fund.

**Sec.**  RCW 46.68.395 and 2020 c 219 s 707 are each amended to read as follows:

(1) The connecting Washington account is created in the motor vehicle fund. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as connecting Washington projects or improvements in a transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) Moneys in the connecting Washington account may not be expended on the state route number 99 Alaskan Way viaduct replacement project.

(3) During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the connecting Washington account to the motor vehicle fund.

(4) During the 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the connecting Washington account to the move ahead WA account.

**Sec.**  RCW 82.44.200 and 2022 c 187 s 501 are each amended to read as follows:

The electric vehicle account is created in the transportation infrastructure account. Proceeds from the principal and interest payments made on loans from the account must be deposited into the account. Expenditures from the account may be used only for the purposes specified in RCW 47.04.350, 82.08.9999, and 82.12.9999, and the support of other transportation electrification and alternative fuel related purposes, including RCW 47.01.520. Moneys in the account may be spent only after appropriation. During the 2021-2023 and 2023-2025 fiscal ((~~biennium~~)) biennia, the legislature may direct the state treasurer to make transfers of moneys in the electric vehicle account to the move ahead WA flexible account.

**Sec.**  RCW 47.56.864 and 2012 c 83 s 3 are each amended to read as follows:

A special account to be known as the Alaskan Way viaduct replacement project account is created in the state treasury.

(1) Deposits to the account must include:

(a) All proceeds of bonds issued for construction of the Alaskan Way viaduct replacement project, including any capitalized interest;

(b) All of the tolls and other revenues received from the operation of the Alaskan Way viaduct replacement project as a toll facility, to be deposited at least monthly;

(c) Any interest that may be earned from the deposit or investment of those revenues;

(d) Notwithstanding RCW 47.12.063, proceeds from the sale of any surplus real property acquired for the purpose of building the Alaskan Way viaduct replacement project; and

(e) All damages, liquidated or otherwise, collected under any contract involving the construction of the Alaskan Way viaduct replacement project.

(2) Subject to the covenants made by the state in the bond proceedings authorizing the issuance and sale of bonds for the construction of the Alaskan Way viaduct replacement project, toll charges, other revenues, and interest received from the operation of the Alaskan Way viaduct replacement project as a toll facility may be used to:

(a) Pay any required costs allowed under RCW 47.56.820; and

(b) Repay amounts to the motor vehicle fund as required.

(3) When repaying the motor vehicle fund, the state treasurer shall transfer funds from the Alaskan Way viaduct replacement project account to the motor vehicle fund on or before each debt service date for bonds issued for the construction of the Alaskan Way viaduct replacement project in an amount sufficient to repay the motor vehicle fund for amounts transferred from that fund to the highway bond retirement fund to provide for any bond principal and interest due on that date. The state treasurer may establish subaccounts for the purpose of segregating toll charges, bond sale proceeds, and other revenues.

(4) During the 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the Alaskan Way viaduct replacement project account to the motor vehicle fund.

NEW SECTION. **Sec.**  Section 717 of this act only takes effect if chapter . . . (House Bill No. 1237), Laws of 2023 is not enacted by June 30, 2023.

**MISCELLANEOUS 2019-2021 FISCAL BIENNIUM**

NEW SECTION. **Sec.**  The appropriations to the department of transportation in chapter 416, Laws of 2019, chapter 219, Laws of 2020, and this act must be expended for the programs and in the amounts specified in chapter 416, Laws of 2019, chapter 219, Laws of 2020, and this act. However, after May 1, 2021, unless specifically prohibited, the department may transfer state appropriations for the 2019-2021 fiscal biennium among operating programs after approval by the director of the office of financial management. However, the department shall not transfer state moneys that are provided solely for a specific purpose. The department shall not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of the office of financial management shall notify the appropriate transportation committees of the legislature prior to approving any allotment modifications or transfers under this section.

**2021-2023 FISCAL BIENNIUM**

**GENERAL GOVERNMENT AGENCIES—OPERATING**

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

**FOR THE HOUSE OF REPRESENTATIVES**

Motor Vehicle Account—State Appropriation ((~~$3,210,000~~))

 $1,577,000

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

**FOR THE SENATE**

Motor Vehicle Account—State Appropriation ((~~$3,085,000~~))

 $1,518,000

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

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Account—State Appropriation ((~~$1,441,0000~~))

 $1,034,000

Puget Sound Ferry Operations Account—State Appropriation $126,000

Multimodal Transportation Account—State Appropriation $250,000

TOTAL APPROPRIATION ((~~$1,817,000~~))

 $1,410,000

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

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

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

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

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

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

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

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

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

NEW SECTION. **Sec.**  A new section is added to 2022 c 186 (uncodified) to read as follows:

(1) During the 2021-2023 fiscal biennium, the department of agriculture shall produce a fuel tax sticker for display on each motor fuel pump from which fuel is sold at retail that displays and provides notice of the federal and state fuel tax rates. The sticker must display the rate of each tax, in cents per gallon, for each type of fuel.

(2) The department of agriculture shall provide notice of federal and state fuel tax rates, in the form of a fuel tax sticker, to be displayed on motor fuel pumps.

(3) The department of agriculture shall distribute fuel tax stickers to all individuals who conduct fuel pump inspections, including department employees and local government employees. Government employees who conduct fuel pump inspections shall display a fuel tax sticker on each motor fuel pump or shall verify that such a sticker is being displayed at the time of inspection as required under this subsection. Fuel tax stickers must:

(a) Be displayed on each face of the motor fuel pump on which the price of the fuel sold from the pump is displayed; and

(b) Be displayed in a clear, conspicuous, and prominent manner.

(4) The department of agriculture shall provide fuel tax stickers by mail to fuel pump owners who request them for the face of each motor fuel pump for which a sticker is requested.

(5) The department of agriculture shall produce updated fuel tax stickers on an annual basis when one or more fuel tax rates have changed. Fuel tax stickers must be replaced at the time of motor fuel pump inspection if the sticker has been updated with any new fuel tax rates.

**TRANSPORTATION AGENCIES—OPERATING**

**Sec.**  2022 c 186 s 205 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account—State Appropriation $3,804,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $127,000

State Route Number 520 Corridor Account—State

Appropriation $276,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $180,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $172,000

TOTAL APPROPRIATION $4,559,000

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

(1)(a) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall periodically report to the steering committee with updates on activities undertaken in accordance with the federal grant awarded July 2020 ("Forward Drive"). A year-end update on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2022, and by January 1, 2023. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(b) The commission shall coordinate with the department of transportation to jointly seek federal funds available through the federal strategic innovations in revenue collection grant program, applying toll credits for meeting match requirements. One or more grant applications may be developed that, at a minimum, propose to:

(i) Assess the impact of a road usage charge, incentives, and other factors on consumer purchase of electric vehicles and conduct a test with drivers to fully assess impacts;

(ii) Assess delivery vehicle fleets and how a road usage charge may be applied, identifying potential impacts to fleet operations and costs, and state transportation revenues, and conducting a pilot test to further inform the identification of potential impacts from a road usage charge;

(iii) Review the process for changing vehicle ownership and determine the considerations and possible implications with a road usage charge system, identifying the processes and structure needed for reconciling a road usage charge owed between sellers and purchasers of used vehicles; and

(iv) Identify opportunities for achieving large-scale data integration to support road usage charge service provisions that could be offered by private-sector service providers, conducting a pilot test to determine the ability of such service providers to support automated mileage reporting and periodic payment services.

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

(3) $1,500,000 of the motor vehicle account—state appropriation is provided solely for the commission to conduct a full planning-level traffic and revenue study of the Hood River Bridge to determine the viability of toll revenues to support future financing of improvements and possible replacement of the bridge, considering prior work and studies conducted. The commission shall coordinate this work with the department of transportation, the Port of Hood River, the Oregon department of transportation, and other entities as needed. The results of the assessment must be submitted to the house and senate transportation committees by June 30, 2023.

(4) Within the parameters established by RCW 47.56.880, the commission shall review toll revenue performance on the Interstate 405 and state route number 167 corridor and adjust Interstate 405 tolls as appropriate to increase toll revenue to provide sufficient funds for payments of future debt pursuant to RCW 47.10.896 and to support improvements to the corridor. The commission may consider adjusting maximum toll rates, minimum toll rates, time-of-day rates, restricting direct access ramps to transit and HOV vehicles only, or any combination thereof, in setting tolls to increase toll revenue.

**Sec.**  2022 c 186 s 206 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State

Appropriation ((~~$843,000~~))

 $895,000

The appropriations in this section are subject to the following conditions and limitations: Within appropriated funds, the freight mobility strategic investment board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2022 annual report to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

**Sec.**  2022 c 186 s 207 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation ((~~$524,348,000~~))

 $525,972,000

State Patrol Highway Account—Federal Appropriation $16,433,000

State Patrol Highway Account—Private/Local

Appropriation $4,314,000

Highway Safety Account—State Appropriation $1,292,000

Ignition Interlock Device Revolving Account—State

Appropriation $2,243,000

Multimodal Transportation Account—State

Appropriation $293,000

State Route Number 520 Corridor Account—State

Appropriation $433,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $77,000

I-405 and SR 167 Express Toll Lanes Account—State

Appropriation $1,348,000

TOTAL APPROPRIATION ((~~$550,781,000~~))

 $552,405,000

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

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

(2) $580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2021, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since January 1, 2021, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than $625,000 in state sales and use taxes have been remitted to the state since January 1, 2021, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406, chapter 333, Laws of 2021. In recognition of the efforts of the license investigation unit that have resulted in additional state sales and use taxes remitted to the state through the end of calendar year 2022, the Washington state patrol shall notify the state treasurer to transfer additional funds pursuant to section 1206 of this act.

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

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

(a) A summary of recruitment and retention strategies;

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

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

(d) The composition of workforce;

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

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

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

(6) $6,422,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities. Beginning January 1, 2022, the Washington state patrol must report semiannually to the office of the state chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the state chief information officer, this report shall be transmitted to the office of financial management and the house and senate transportation committees.

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

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

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

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

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

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

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

(14) $46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 320, Laws of 2021 (peace officer tactics).

(15) $46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 324, Laws of 2021 (use of force by officers).

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

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

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

(18) $331,000 of the state patrol highway account—state appropriation is provided solely for the state patrol's diversity, equity, and inclusion program and a contract with an external psychologist to perform exams. If chapter 146, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(19) $793,000 of the state patrol highway account—state appropriation is provided solely for the tenant improvements and higher than expected equipment costs for the toxicology lab in Federal Way, and preparing a report on the current cost recovery mechanisms and opportunities for expanding these cost recovery mechanisms in the future. The report must be submitted to the governor and the transportation committees of the legislature by November 1, 2022.

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

(21) ((~~$122,000 of the state patrol highway account—state appropriation, $1,000 of the highway safety account—state appropriation, and $4,000 of the ignition interlock account—state appropriation are provided solely for implementation of chapter . . . (House Bill No. 1804), Laws of 2022 (interruptive military service credit for members of the state retirement systems). If chapter . . . (House Bill No. 1804), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.~~

~~(22)~~)) $250,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 80, Laws of 2022 (peace officers/use of force). If chapter 80, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

((~~(23)~~)) (22) $949,000 of the state patrol highway account—state appropriation is provided solely for vehicle identification number inspection staff to reduce the backlog of inspections and a study of how to incorporate best practices into the program, including the timeliness of inspections.

(23) $595,000 of the state patrol highway account—state appropriation is provided solely for legal expenses associated with *McClain v. Washington State Patrol*.

**Sec.**  2022 c 186 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

Marine Fuel Tax Refund Account—State Appropriation $34,000

Motorcycle Safety Education Account—State

Appropriation $5,016,000

Limited Fish and Wildlife Account—State

Appropriation $922,000

Highway Safety Account—State Appropriation ((~~$242,712,000~~))

 $240,649,000

Highway Safety Account—Federal Appropriation $1,294,000

Motor Vehicle Account—State Appropriation ((~~$80,449,000~~))

 $79,522,000

Motor Vehicle Account—Federal Appropriation $400,000

Motor Vehicle Account—Private/Local Appropriation $1,336,000

Ignition Interlock Device Revolving Account—State

Appropriation $6,123,000

Department of Licensing Services Account—State

Appropriation ((~~$7,964,000~~))

 $7,872,000

License Plate Technology Account—State Appropriation

 ((~~$4,092,000~~))

 $4,045,000

Abandoned Recreational Vehicle Disposal Account—State

Appropriation $3,078,000

Limousine Carriers Account—State Appropriation $110,000

Electric Vehicle Account—State Appropriation $425,000

((~~DOL~~)) Department of Licensing Technology Improvement

((~~&~~)) and Data Management Account—State

Appropriation $874,000

Agency Financial Transaction Account—State

Appropriation ((~~$22,257,000~~))

 $21,360,000

Move Ahead WA Flexible Account—State Appropriation $1,260,000

TOTAL APPROPRIATION ((~~$377,086,000~~))

 $374,320,000

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

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

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

(3)(a) For the 2021-2023 biennium, the department shall charge $1,336,000 for the administration and collection of a motor vehicle excise tax on behalf of a regional transit authority, as authorized under RCW 82.44.135. The amount in this subsection must be deducted before distributing any revenues to a regional transit authority.

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

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

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

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

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

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

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

(7) $523,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 158, Laws of 2021 (DOL issued documents).

(8) $929,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 240, Laws of 2021 (suspension of licenses for traffic infractions).

(9) $23,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 10, Laws of 2021 (restoring voter eligibility after felony conviction).

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

(11)(a) $54,000 of the motor vehicle account—state appropriation is provided solely for the issuance of nonemergency medical transportation vehicle decals to implement the high occupancy vehicle lane access pilot program established in section 216, chapter 333, Laws of 2021. A for hire nonemergency medical transportation vehicle is a vehicle that is a "for hire vehicle" under RCW 46.04.190 that provides nonemergency medical transportation, including for life-sustaining transportation purposes, to meet the medical transportation needs of individuals traveling to medical practices and clinics, cancer centers, dialysis facilities, hospitals, and other care providers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) $434,000 of the highway safety account—state appropriation is provided solely for the implementation of the Thurston county superior court order in *Pierce et al. v. Department of Licensing*.

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

(14) $100,000 of the highway safety account—state appropriation is provided solely for the department to lead a study on the potential impacts that current licensing requirements, including required training hours, and testing requirements may have on the shortage of commercial drivers, and whether adjustments to these requirements may be warranted to help alleviate the shortage. In completing the study, the department must consult with the workforce training board, state board for community and technical colleges, federal motor carrier safety officials, organizations representing veterans, organizations representing commercial drivers, and organizations representing businesses or government entities that rely on commercial drivers. The report must be submitted to the governor and the transportation committees of the legislature by December 1, 2022.

(15) $965,000 of the motor vehicle account—state appropriation is provided solely for the increased costs associated with delays in the production of license plates, and to provide a report detailing license plate inventory practices and whether those practices should be changed to guard against potential future plate production delays. The report must be submitted to the governor and the transportation committees of the legislature by December 1, 2022.

(16) $28,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 96, Laws of 2022 (state leadership board) and making improvements to the annual information submitted by special license plate sponsoring organizations pursuant to RCW 46.18.120(2). The improvements must include, but are not limited to, the following: An annual budget for the sponsoring organization's activities in the preceding year; information regarding private and other governmental support for the activities of the sponsoring organization; and a description of the number of people served or services delivered, as appropriate, by the sponsoring organization in the preceding year. If chapter 96, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(17) $268,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Senate Bill No. 5054), Laws of 2022 (impaired driving). If chapter . . . (Engrossed Senate Bill No. 5054), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(18) $113,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 51, Laws of 2022 (human trafficking disqualification for a commercial driver's license). If chapter 51, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(19) $18,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 239, Laws of 2022 (Patches pal special license plates). If chapter 239, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(20) $350,000 of the highway safety account—state appropriation is provided solely to expand driver's license assistance and support services in King county with an existing provider that is already providing these services to low-income immigrant and refugee women. By March 1, 2023, the contracted provider must submit information on the annual budget in the preceding year; information regarding private and other governmental support for the activities of the provider; and a description of the number of people served, services delivered, and outcome measures.

(21) $6,139,000 of the highway safety account—state appropriation, $1,849,000 of the motor vehicle account—state appropriation, $203,000 of the department of licensing services account—state appropriation, and $105,000 of the department of licensing technology improvement and data management account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies and agency operations and customer service levels. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department shall submit a report to the governor and the legislative transportation committees detailing the specific expenditures made from the contingency funding provided in this subsection.

(22) $28,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 191, Laws of 2022 (veterans and military suicide). If chapter 191, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(23) $83,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 36, Laws of 2022 (vehicle registration certificate addresses). If chapter 36, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(24) $57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 40, Laws of 2022 (off-road vehicles fees). If chapter 40, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(25) $18,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 117, Laws of 2022 (wine special license plate). If chapter 117, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(26) $316,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 132, Laws of 2022 (temporary license plates). If chapter 132, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(27) $251,000 of the highway safety account—state appropriation is provided solely for the department to: (a) Provide each driver's license, identicard, instruction permit, intermediate license, and commercial driver's license applicant with written materials regarding the contents and requirements of RCW 46.61.212, the slow down and move over law, at the completion of the applicant's licensing transaction; (b) place signage in each of the licensing service offices that provide background on the written materials that the applicant will receive regarding the slow down and move over law; and (c) initiate the development of an appropriate training module relating to the requirements of RCW 46.61.212, for inclusion in all new driver training curricula.

(28) $550,000 of the move ahead WA flexible account—state appropriation is provided solely for an interagency transfer to the department of children, youth, and families to provide driver's license support to a larger population of foster youth than is currently being served. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(29) $569,000 of the move ahead WA flexible account—state appropriation and $103,000 of the agency financial transaction account—state are for estimated implementation costs associated with new revenues.

(30) $141,000 of the move ahead WA flexible account—state appropriation is provided solely for chapter 57, Laws of 2022 (homeless identicard).

**Sec.**  2022 c 186 s 209 (uncodified) is amended to read as follows:

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

State Route Number 520 Corridor Account—State

Appropriation ((~~$58,356,000~~))

 $55,324,000

State Route Number 520 Civil Penalties Account—State

Appropriation $4,163,000

Tacoma Narrows Toll Bridge Account—State

Appropriation ((~~$31,102,000~~))

 $33,330,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation ((~~$21,806,000~~))

 $23,725,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ((~~$24,647,000~~))

 $23,146,000

TOTAL APPROPRIATION ((~~$140,074,000~~))

 $139,688,000

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

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

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

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

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

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

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

(3)(a) ((~~$1,189,000~~)) $875,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, ((~~$2,783,000~~)) $2,049,000 of the state route number 520 corridor account—state appropriation, ((~~$1,218,000~~)) $903,000 of the Tacoma Narrows toll bridge account—state appropriation, and ((~~$1,568,000~~)) $1,155,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back office system from the 2019-2021 biennium.

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

(4) $121,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $288,000 of the state route number 520 corridor account—state appropriation, $128,000 of the Tacoma Narrows toll bridge account—state appropriation, and $163,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to contract with the state auditor's office for a performance audit of the department's project to replace its electronic toll collection system. The audit should include an evaluation of the department's project planning, vendor procurement, contract management and project oversight. The final report is to be issued by December 31, 2022. The state auditor will transmit copies of the report to the jurisdictional committees of the legislature and the department.

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

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

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

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

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

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

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

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

(iv) Workload costs related to hearings;

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

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

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

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

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

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

(9) ((~~$4,554,000~~)) $5,779,000 of the state route number 520 corridor account—state appropriation and ((~~$580,000~~)) $744,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the increased costs of insurance for the state route number 520 floating bridge and the Tacoma Narrows bridge, respectively. The department shall conduct an evaluation of the short and long-term costs and benefits including risk mitigation of self-insurance as compared to the commercial insurance option for the state route number 520 floating bridge, as allowed under the terms of the state route number 520 master bond resolution. By December 15, 2021, the department shall report to the legislature on the results of this evaluation.

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

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

(12) $14,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $32,000 of the state route number 520 corridor account—state appropriation, $22,000 of the Tacoma Narrows toll bridge account—state appropriation, and $27,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely to implement chapter 132, Laws of 2022 (temporary license plates). If chapter 132, Laws of 2022 is not enacted by June 30, 2022, the amounts provided in this subsection lapse.

**Sec.**  2022 c 186 s 210 (uncodified) is amended to read as follows:

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

Transportation Partnership Account—State

Appropriation $1,461,000

Motor Vehicle Account—State Appropriation ((~~$101,010,000~~))

 $101,020,000

Puget Sound Ferry Operations Account—State

Appropriation $307,000

Multimodal Transportation Account—State

Appropriation $7,013,000

Transportation 2003 Account (Nickel Account)—State

Appropriation $1,461,000

TOTAL APPROPRIATION ((~~$111,252,000~~))

 $111,262,000

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

(1) $4,273,000 of the multimodal transportation account—state appropriation and $4,273,000 of the motor vehicle account—state appropriation are provided solely for the department's cost related to the one Washington project, and is subject to the conditions, limitations, and review requirements of section 701, chapter 333, Laws of 2021.

(2) $2,404,000 of the motor vehicle account—state appropriation and $119,000 of the multimodal transportation account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

**Sec.**  2022 c 186 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING**

Motor Vehicle Account—State Appropriation ((~~$36,843,000~~))

 $37,921,000

State Route Number 520 Corridor Account—State

Appropriation $34,000

TOTAL APPROPRIATION ((~~$36,877,000~~))

 $37,955,000

The appropriations in this section are subject to the following conditions and limitations: $780,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

**Sec.**  2022 c 186 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION EQUIPMENT FUND—PROGRAM E**

Motor Vehicle Account—State Appropriation ((~~$12,396,000~~))

 $13,860,000

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

(1) ((~~$10,396,000~~)) $11,860,000 of the motor vehicle account—state appropriation is provided solely for the department's costs related to replacing obsolete transportation equipment. The appropriations to the department in this section must be expended to maximize the amount of obsolete equipment replaced in the 2021-2023 biennium.

(2) $2,000,000 of the motor vehicle account—state appropriation is provided solely for the department's costs related to replacing snow removal equipment. The appropriations to the department in this section must be expended to maximize the amount of snow removal equipment replaced in the 2021-2023 biennium.

**Sec.**  2022 c 186 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F**

Aeronautics Account—State Appropriation ((~~$8,127,000~~))

 $9,129,000

Aeronautics Account—Federal Appropriation $3,916,000

Aeronautics Account—Private/Local Appropriation $60,000

Multimodal Transportation Account—State

Appropriation $150,000

Move Ahead WA Flexible Account—State Appropriation $10,000

TOTAL APPROPRIATION ((~~$12,253,000~~))

 $13,265,000

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

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

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

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

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

(b) Community engagement efforts may include:

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

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

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

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

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

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

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

(5) $10,000 of the move ahead WA flexible account—state appropriation is provided solely for the creation of a sustainable aviation grant program for airports. The purpose of the grant program is to support adoption of zero emissions aircraft and sustainable aviation fuels, reduce harmful aviation-related emissions, and reduce the aviation industry's reliance on fossil fuels. Sustainable aviation projects may include, but are not limited to: (a) Sustainable aviation fuel storage; (b) electrification of ground support equipment; (c) electric aircraft charging infrastructure; (d) airport clean power production; or (e) electric vehicle charging stations whose infrastructure also supports ground support equipment and electric aircraft charging. The department must select projects, which may include planning, to propose to the legislature for funding. The department shall submit a report to the transportation committees of the legislature by December 1, 2022, identifying the initial selection of sustainable aviation projects for funding by the legislature and recommended changes to modify and sustain the program.

(6) $1,000,000 of the aeronautics account—state appropriation is provided solely for move ahead WA aviation grants.

**Sec.**  2022 c 186 s 214 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation ((~~$58,254,000~~))

 $57,864,000

Motor Vehicle Account—Federal Appropriation $500,000

Multimodal Transportation Account—State

Appropriation $758,000

TOTAL APPROPRIATION ((~~$59,512,000~~))

 $59,122,000

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 WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

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

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

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

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

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

(4) During the 2021-2023 biennium, if the department takes possession of the property situated in the city of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property is still no longer needed for transportation purposes, the department shall provide the city of Edmonds with the right of first purchase at fair market value in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

(5) ((~~$535,000~~)) $125,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 217, Laws of 2021 (noxious weeds).

(6) $1,026,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter 314, Laws of 2021 (environmental justice task force).

(7) $2,399,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(8) The department shall offer to sell the northern parcel of site 14 on the Puget Sound Gateway Program SR 509 Completion Project Surplus Property list, located immediately south of S. 216th Street and adjacent to the Barnes Creek Nature Trail in Des Moines, to Seattle Goodwill Industries, a nonprofit organization with tax ID 91-05688708, located at 700 Dearborn Place S., Seattle, WA 98144, in accordance with RCW 47.12.063 at fair market value because the legislature finds it in the public interest to do so for the public benefit that will result from Goodwill's redevelopment of the property it owns at Rainier Ave. South and South Dearborn Street to increase the supply of affordable housing.

**Sec.**  2022 c 186 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**

Motor Vehicle Account—State Appropriation $685,000

Electric Vehicle Account—State Appropriation ((~~$11,900,000~~))

 $9,164,000

Multimodal Transportation Account—State

Appropriation ((~~$3,290,000~~))

 $2,790,000

Multimodal Transportation Account—Federal

Appropriation $500,000

TOTAL APPROPRIATION ((~~$15,875,000~~))

 $13,139,000

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

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

(2) ((~~$10,900,000~~)) $9,154,000 of the electric vehicle account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

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

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

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

((~~(6)~~)) (5) $250,000 of the multimodal transportation account—state appropriation is provided solely to fund the design of an electric charging mega-site project at Mount Vernon library commons.

(6) $500,000 of the multimodal transportation account—federal appropriation and $10,000 of the electric vehicle account—state appropriation are provided solely to implement the national electric vehicle program, established in the federal infrastructure investment and jobs act (P.L. 117-58), as directed by the interagency electric vehicle coordinating council created in chapter 182, Laws of 2022.

**Sec.**  2022 c 186 s 216 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation ((~~$505,015,000~~))

 $506,500,000

Motor Vehicle Account—Federal Appropriation $7,000,000

Motor Vehicle Account—Local Appropriation $17,000

State Route Number 520 Corridor Account—State

Appropriation $4,657,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $1,560,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $8,611,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $2,594,000

Waste Tire Removal Account—State Appropriation $5,000,000

Move Ahead WA Account—State Appropriation $47,000,000

TOTAL APPROPRIATION ((~~$534,454,000~~))

 $582,939,000

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

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

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

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

(4) $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, to be administered in conjunction with subsection (9) of this section. 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.

(5) The department must continue a pilot program for the 2021-2023 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, 2022, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

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

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

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

(9)(a) $3,000,000 of the motor vehicle account—state appropriation and $5,000,000 of the waste tire removal account—state appropriation are provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way. The department must coordinate and work with local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way, and may reimburse the organizations doing this outreach assistance who transition people into treatment or housing or for debris clean up on highway rights-of-way. A minimum of $2,000,000 of this appropriation must be used to provide more frequent removal of litter on the highway rights-of-way that is generated by unsheltered people and may be used to hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are providing enhanced safety to department staff during debris cleanup or during efforts to prevent future encampments from forming on highway rights-of-way.

(b) Beginning November 1, 2022, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the house and senate transportation committees of the legislature on the status of these efforts, including:

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

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

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

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

(10)(a) ((~~$2,000,000~~)) $500,000 of the motor vehicle account—state appropriation is provided solely for the department to contract with the city of Fife to address the risks to safety and public health associated with homeless encampments on department-owned rights-of-way along the SR 167/SR 509 Puget Sound Gateway project corridor in and adjacent to the city limits.

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

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

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

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

(11) $12,096,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(12) ((~~$5,400,000 of the motor vehicle account—state appropriation is provided solely for replacement of traffic signs and to increase the visibility of road pavement markings. Investments must replace traffic signs that do not meet the department's standards or that are faded, lacking in reflectivity, cracked, illegible, or damaged. Investments must also increase the visibility of road pavement markings during periods of low light conditions and during precipitation with pavement marking products that contain all-weather optical reflectivity capability. The request for proposals and subsequent competitive procurement for the signs shall be performed following state specifications and standards.~~

~~(13)~~)) $17,000 of the motor vehicle account—local appropriation is provided solely to update existing signs along Interstate 5 in the vicinity of Seattle center. The department must install new Seattle center logos with a redesigned logo that recognizes climate pledge arena, but is not responsible for design or fabrication of the logo or new sign.

((~~(14)~~)) (13) $100,000 of the motor vehicle account—state appropriation is provided solely for the department to install fencing to delineate between the privately leased property owned by the department and the public right-of-way property maintained by the city of Seattle. The parameters of the adjacent properties located under the Interstate 5 corridor, south of milepost 165, are south Jackson street and south King street going north and south, and 8th avenue south and 9th avenue south going west to east in the international district.

((~~(15)~~)) (14)(a) $2,500,000 of the motor vehicle account—state appropriation is provided solely for:

(i) Additional resources for operations, maintenance, facility replacements, security, and upgrades to safety rest areas to ensure that safety rest areas owned and operated by the department are open for use except for seasonal closures or cleaning, maintenance, and repair; and

(ii) Reconfiguration of maintenance operations pursuant to chapter 262, Laws of 2022 (safety rest areas).

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

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

(d) The department must make a report to the transportation committees of the legislature regarding the additional operations and maintenance activities made at safety rest areas to ensure that rest areas stayed open by January 15, 2023. The report must include the status per safety rest area of openings and closures that were impacted by the additional activities; the additional activities, including security efforts, that were performed at the rest areas; and an update on the status and a review of the safety rest area strategic plan.

((~~(16)~~)) (15)(a) $50,000 of the motor vehicle account—state appropriation is provided solely for the department to install and inspect monthly human trafficking informational posters in every rest room in every safety rest area owned and operated by the department.

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

(c) The posters must:

(i) Be printed in a variety of languages;

(ii) Include contact information for seeking help, which may include toll-free telephone numbers a person may call for assistance, including the number for the national human trafficking resource center and the number for the Washington state office of crime victims advocacy; and

(iii) Be made of durable material and permanently affixed.

(d) The department shall install the informational posters in every restroom at every safety rest area owned and operated by the department by December 31, 2022.

(e) Beginning January 1, 2023, or one month after installation of informational posters, whichever is sooner, the department shall inspect the informational posters as part of its monthly maintenance activities to ensure that the posters are in fair condition and remain legible.

(f) The department must make a report to the transportation committees of the legislature regarding the installation of informational posters at safety rest areas by January 15, 2023. The report must include the number of informational posters installed, the location of the poster installations, and the completion date of the poster installations.

**Sec.**  2022 c 186 s 217 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation ((~~$73,760,000~~))

 $73,968,000

Motor Vehicle Account—Federal Appropriation $2,050,000

Motor Vehicle Account—Private/Local Appropriation $295,000

State Route Number 520 Corridor Account—State

Appropriation $225,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $40,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $1,112,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $20,000

Agency Financial Transaction Account—State

Appropriation $100,000

TOTAL APPROPRIATION ((~~$77,602,000~~))

 $77,810,000

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

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

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

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

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

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

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

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

(3) $2,574,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(4) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least $100,000 in credit card and other financial transaction costs related to the collection of fees imposed under RCW 46.44.0941 for driver and vehicle fee transactions beginning January 1, 2023. The department may recover transaction fees incurred through credit card transactions. At the direction of the office of financial management, the department shall develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues. In consultation with the office of financial management, the department shall notify the office of the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in RCW 46.01.385 on a quarterly basis. The department shall also submit, as part of its 2023-2025 budget submittal, an overview of the credit card cost recovery approach, including fee rates and the amount of revenue expected to be generated in the 2021-2023 and 2023-2025 biennia.

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

**Sec.**  2022 c 186 s 218 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation ((~~$37,365,000~~))

 $37,371,000

Motor Vehicle Account—Federal Appropriation $780,000

Motor Vehicle Account—Private/Local Appropriation $500,000

Puget Sound Ferry Operations Account—State

Appropriation $266,000

Multimodal Transportation Account—State

Appropriation $5,129,000

State Route Number 520 Corridor Account—State

Appropriation $186,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $150,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $121,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $77,000

Move Ahead WA Flexible Account—State Appropriation $2,000,000

TOTAL APPROPRIATION ((~~$44,574,000~~))

 $46,580,000

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

(1) $4,000,000 of the multimodal transportation account—state appropriation is provided solely for efforts to increase diversity in the transportation construction workforce through: (a) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; (b) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program. At a minimum, $1,000,000 of the total appropriation in this subsection shall be directed toward the efforts outlined in (b) of this subsection. The provider(s) chosen to complete the work in this subsection shall be selected through a competitive bidding process. The program shall be administered by the Washington state department of transportation's office of equal opportunity.

(2) $1,446,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(3) $774,000 of the motor vehicle account—state appropriation and $266,000 of the Puget Sound ferry operations account—state appropriation are provided solely for the department to hire a workforce development consultant to develop, track, and monitor the progress of community workforce agreements, and to hire staff to assist with the development and implementation of internal diversity, equity, and inclusion efforts and serve as subject matter experts on federal and state civil rights provisions. The department shall engage with relevant stakeholders, and provide a progress report on the implementation of efforts under this subsection to the transportation committees of the legislature and the governor by December 1, 2022.

(4) For Washington state department of transportation small works roster projects under RCW 39.04.155, the department may only allow firms certified as small business enterprises, under 49 C.F.R. 26.39, to bid on the contract, unless the department determines there would be insufficient bidders for a particular project. The department shall report on the effectiveness of this policy to the transportation committees of the legislature by January 31, 2023.

(5) $2,000,000 of the move ahead WA flexible account—state appropriation is provided solely for efforts to increase diversity in the transportation construction and maritime workforce. Of this amount:

(a) $500,000 of the move ahead WA flexible account—state appropriation is provided solely for: (i) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; and (ii) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program.

(b) $1,500,000 of the move ahead WA flexible account—state appropriation is provided solely for expansion of the PASS program to support apprenticeships and workforce development in the maritime industry through preapprenticeship training for inland waterways trades and support services to obtain necessary documents and coast guard certification.

**Sec.**  2022 c 186 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T**

Motor Vehicle Account—State Appropriation ((~~$26,483,000~~))

 $26,502,000

Motor Vehicle Account—Federal Appropriation $34,865,000

Motor Vehicle Account—Private/Local Appropriation $400,000

Multimodal Transportation Account—State

Appropriation ((~~$1,902,000~~))

 $1,322,000

Multimodal Transportation Account—Federal

Appropriation $2,809,000

Multimodal Transportation Account—Private/Local

Appropriation $100,000

State Route Number 520 Corridor Account—State

Appropriation $451,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $2,879,000

Move Ahead WA Flexible Account—State Appropriation $1,500,000

Move Ahead WA Flexible Account—Federal Appropriation $1,000,000

TOTAL APPROPRIATION ((~~$69,889,000~~))

 $71,828,000

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

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

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

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

(4) $451,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to contract with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction, maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study shall examine testing methodologies and project timelines and costs. A draft report must be submitted to the transportation committees of the legislature and the governor by March 1, 2022. A final report must be submitted to the transportation committees of the legislature and the governor by December 31, 2022.

(5) $5,900,000 of the motor vehicle account—federal appropriation and $400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects.

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

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

(8) $1,654,000 of the motor vehicle account—state appropriation and $108,000 of the multimodal transportation account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(9) $450,000 of the motor vehicle account—state appropriation is provided solely for the department to complete a performance-based project evaluation model based on the initial work done for section 218(7), chapter 219, Laws of 2020, in a way that operationalizes the six transportation policy goals in RCW 47.04.280. This work should first include clarification of the transportation policy goals through development of objectives and criteria that reflect system priorities based on outcomes of community engagement. After a framework is established by which goals can be more directly related to outcomes, the project evaluation model should leverage the department's existing experts and best practices used for prioritizing programmatic funds to develop procedures by which evaluators could consistently score and rank all types of projects. The department must issue a report by June 30, 2023, summarizing the new project evaluation model, and provide recommendations for how this process could be implemented in coordination with the legislative work cycle.

(10)(a) ((~~$250,000~~)) $70,000 of the multimodal transportation account—state appropriation is provided solely for Thurston regional planning council (TRPC) to conduct a study examining options for multimodal high capacity transportation (HCT) to serve travelers on the I-5 corridor between central Thurston county (Olympia area) and Pierce county.

(b) The study will include an assessment of travelsheds and ridership potential and identify and provide an evaluation of options to enhance connectivity and accessibility for the greater south Puget Sound region with an emphasis on linking to planned or existing commuter or regional light rail. The study must account for previous and ongoing efforts by transit agencies and the department. The study will emphasize collaboration with a diverse community of interests, including but not limited to transit, business, public agencies, tribes, and providers and users of transportation who because of age, income, or ability may face barriers and challenges. TRPC will provide to the transportation committees of the legislature a study outline and recommendations of deliverables by December 1, 2022.

(11) ((~~$600,000~~)) $200,000 of the multimodal transportation account—state appropriation is provided solely for the city of Seattle's office of planning and community development to support an equitable development initiative to reconnect the South Park neighborhood, currently divided by State Route 99.

(a) The support work must include:

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

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

(b) The support work must be conducted in coordination and partnership with neighborhood residents, neighborhood industrial and commercial representatives, the state department of transportation, and other entities and neighborhoods potentially impacted by changes to the operation of SR 99.

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

(12)(a) $1,500,000 of the move ahead WA flexible account—state appropriation and $1,000,000 of the move ahead WA flexible account—federal appropriation are provided solely for an Interstate 5 planning and environmental linkage study. This study will serve as a next step toward a statewide Interstate 5 master plan, building upon existing work underway in the corridor. It is the intent of the legislature to direct $40,000,000 to complete the planning and environmental linkage study over the course of the 16-year move ahead WA investment program.

(b) The study must meet planning and environmental linkages requirements to assess strategies and actions to address preservation and safety needs; climate change; improve corridor efficiency and person-throughput; and operate managed lanes effectively in the long-term. The study must include a robust public engagement program; and must assess multimodal transportation system impacts as well as economic, revenue and equity considerations. The outcome of this work will provide a basis for preliminary project planning, design, and environmental work.

(c) The department shall conduct initial stakeholder listening sessions and submit an interim report on the Interstate 5 planning and environmental linkage study to the joint transportation committee by June 30, 2023. The interim report will set study limits; outline milestones and deliverables for environmental analysis; define committee structure and equitable engagement approaches; define subsequent phases of the study; and determine final scope, budget, and workforce needs.

(d) As an initial element of the study, the department must identify and prepare recommendations for near-term actions to improve HOV lane system-wide performance. The study should identify steps required to convert HOV lanes to a different managed lane operating concept such as express toll lanes, including detailed analysis and environmental process. The recommendations must include the planning, design, environmental review, equity considerations, community engagement, traffic and revenue analysis, rate setting, and related engineering considerations necessary for a full I-5 HOV system conversion. The department shall submit an interim report on near-term recommendations to the legislative transportation committees by June 30, 2023.

(13) By December 1, 2022, the department must also submit a recommended approach and funding request to:

(a) Assess the seismic risk of the I-5 causeway from Boeing field to Lake City Way; and

(b) Recommendations for future work to mitigate seismic risk on the causeway, including estimated costs.

**Sec.**  2022 c 186 s 220 (uncodified) is amended to read as follows:

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

Aeronautics Account—State Appropriation $1,000

Transportation Partnership Account—State

Appropriation $25,000

Motor Vehicle Account—State Appropriation $101,849,000

Puget Sound Ferry Operations Account—State

Appropriation $244,000

State Route Number 520 Corridor Account—State

Appropriation $26,000

Connecting Washington Account—State Appropriation $203,000

Multimodal Transportation Account—State

Appropriation $4,968,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $19,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $14,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $15,000

Move Ahead WA Flexible Account—State Appropriation $2,000,000

TOTAL APPROPRIATION ((~~$107,364,000~~))

 $109,364,000

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

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

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

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

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

(5) $2,000,000 of the move ahead WA flexible account—state appropriation is provided solely for enhanced funding to the office of minority and women's business enterprises to increase the number of certified women and minority-owned contractors in the transportation sector.

**Sec.**  2022 c 186 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account—State Appropriation $784,000

Regional Mobility Grant Program Account—State

Appropriation ((~~$115,488,000~~))

 $79,866,000

Rural Mobility Grant Program Account—State

Appropriation ((~~$33,283,000~~))

 $32,732,000

Multimodal Transportation Account—State

Appropriation ((~~$134,754,000~~))

 $123,533,000

Multimodal Transportation Account—Federal

Appropriation $3,574,000

Multimodal Transportation Account—Private/Local

Appropriation $100,000

Climate Transit Programs Account—State Appropriation $53,436,000

TOTAL APPROPRIATION ((~~$287,983,000~~))

 $294,025,000

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

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

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

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

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

(3) $2,000,000 of the multimodal transportation account—state appropriation is provided solely for a public transit rideshare grant program for: (a) Public transit agencies to add or replace rideshare vehicles; and (b) incentives and outreach to increase rideshare use. The grant program for public transit agencies may cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds. Fuel type may not be a factor in the grant selection process.

(4) $37,809,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((~~2022-2~~)) 2023-2 ALL PROJECTS as developed March ((~~9, 2022~~)) 26, 2023, Program - Public Transportation Program (V).

(5)(a) $77,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((~~2022-2~~)) 2023-2 ALL PROJECTS as developed March ((~~9, 2022~~)) 26, 2023, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2021, and December 15, 2022, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2023-2025 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee unless all other funding is awarded. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant. Fuel type may not be a factor in the grant selection process.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2021-2023 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

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

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

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

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

(8)(a) Except as provided otherwise in this subsection, $29,030,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document ((~~2022-2~~)) 2023-2 ALL PROJECTS as developed March ((~~9, 2022~~)) 26, 2023. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(b) Within the amount provided in this subsection, $900,000 of the multimodal transportation account—state appropriation is provided solely to complete work on Martin Luther King Way, Rainier Ave improvements (G2000040).

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

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

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

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

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

(14)(a) $500,000 of the multimodal transportation account—state appropriation is provided solely for King county metro to develop a pilot program to place teams including human services personnel along routes that are enduring significant public safety issues and various disruptive behavior in south King county. The team would be available to deescalate disruptions, provide immediate access to transit resources, and refer customers to community resources to break cycles of inappropriate behavior. The teams must be individuals trained in deescalation and outreach. The function and duties should be cocreated with community stakeholders.

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

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

(15)(a) $250,000 of the multimodal transportation account—state appropriation is provided solely for the department, in consultation with the joint transportation committee, to conduct a study of statewide transit service benchmarks. Elements of the study include:

(i) Development of definitions of frequent fixed route transit and accessible frequent fixed route transit; and

(ii) Identification of, to the extent possible using existing data, current gaps in frequent fixed route transit and accessible walking routes to frequent fixed route transit stops.

(b) An initial report is due by December 15, 2022, that proposes a definition of frequent transit and documents how many people in Washington live within one half mile walk of frequent transit. A final report is due by June 30, 2023, that identifies gaps in accessible frequent transit, analyzed for disparities in race, age, and disability, and develops funding scenarios to address the identified gaps.

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

(17) $14,120,000 of the climate transit programs account—state appropriation is provided solely for newly selected special needs grants. Of this amount:

(a) $3,248,000 of the climate transit programs account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost-effectiveness of trips provided.

(b) $10,872,000 of the climate transit programs account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than 30 percent of these distributions.

(18) $33,606,000 of the climate transit programs account—state appropriation is provided solely for transit support grants. To be eligible for transit support grant distribution, transit agencies must submit documentation of fare-free policy for 18 years and under by October 1, 2022, to be eligible for the 2023-2025 biennium. Transit agencies that submit fare policy documentation following the October 1, 2022, deadline shall become eligible for the next biennial distribution.

(19) $4,710,000 of the climate transit programs account—state appropriation is provided solely for newly selected green transportation grants.

(20) $1,000,000 of the climate transit programs account—state appropriation is provided solely for newly selected transit coordination grants. The department shall give priority to grant proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities.

(21) It is the intent of the legislature that $520,000 will be provided for the Sauk-Suiattle Commuter Bus Project (L1000318) in the 2023-2025 fiscal biennium.

(22) The department shall submit the projects on LEAP Transportation Document 2022 NL-3 as developed March 9, 2022, in three tiers to the transportation committees of the legislature and the office of financial management by December 1, 2022, prioritizing projects based on community impacts to overburdened communities as defined in RCW 70A.02.010.

**Sec.**  2022 c 186 s 222 (uncodified) is amended to read as follows:

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

Multimodal Transportation Account—State

Appropriation $9,000

Puget Sound Ferry Operations Account—State

Appropriation ((~~$430,388,000~~))

 $444,549,000

Puget Sound Ferry Operations Account—Federal

Appropriation ((~~$156,789,000~~))

 $155,934,000

Puget Sound Ferry Operations Account—Private/Local

Appropriation $121,000

TOTAL APPROPRIATION ((~~$587,298,000~~))

 $600,613,000

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

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

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

(3) $32,905,000 of the Puget Sound ferry operations account—federal appropriation and ((~~$53,794,000~~)) $64,998,000 of the Puget Sound ferry operations account—state appropriation are provided ((~~solely~~)) for auto ferry vessel operating fuel in the 2021-2023 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) ((~~$500,000~~)) $750,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

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

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

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

(8) $484,000 of the Puget Sound ferry operations account—federal is provided solely for the department to contract for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

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

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

(11) $735,000 of the Puget Sound ferry operations account—state appropriation and $410,000 of the Puget Sound ferry operations account—federal appropriation are provided solely for familiarization for new assignments of engine crew and terminal staff.

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

(13) ((~~$250,000~~)) $75,000 of the Puget Sound ferry operations account—state appropriation is provided solely for Washington State Ferries to conduct a study of passenger demographics. The study must include:

(a) Information on age, race, gender, income level of passengers by route in summer and winter seasons;

(b) Composition of passengers by travel purpose, such as commute, tourism, or commerce; and

(c) Frequency of passenger trips by mode and fare products utilized.

The study may be included as part of a larger origin and destination study. The department shall report study results to the transportation committees of the legislature by December 1, 2023.

(14)(a) $8,419,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for Washington state ferries to:

(i) Continuously recruit and hire deck, engine, and terminal staff;

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

(iii) Enhance employee retention by standardizing on-call worker schedules;

(iv) Increase training and development opportunities for employees; and

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

(b) It is the intent of the legislature to continue funding for the activities outlined in this section as part of the move ahead WA package.

(15) $248,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for labor at the Vashon terminal.

(16) $194,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for operating costs at the Mukilteo terminal.

(17) $294,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for deck and engine internships.

(18) By December 1, 2022, the department must report on the status of efforts to increase training and development opportunities for employees. The report must include a description of the new training and career advancement programs for able-bodied sailors, mates, and engineers; the numbers of employees participating in each program; the number of employees completing each program; the number of open positions that the program is designed to fill; and the anticipated number of employee promotions as a result of program completion. The department must provide the report to the office of financial management and the transportation committees of the legislature.

(19) For the Mukilteo multimodal terminal, the department must submit a report showing for a 12-month period, on a monthly basis, how much electricity is generated by solar power generated on-site, electricity usage, and actual electricity cost savings. The report is due to the transportation committees of the legislature by June 30, 2023.

(20) $93,000 of the Puget Sound ferry operations account—state appropriation is provided ((~~solely~~)) for Washington state ferries to partner with local community colleges and universities to secure housing for workforce training sessions and to pay in advance for the costs of transportation worker identification credentials for incoming ferry system employees and trainees.

(21)(a) ((~~$300,000~~)) $150,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the department, in consultation with the joint transportation committee, to oversee a consultant study to identify and recommend cost-effective strategies to maximize walk-on passenger ridership of the Anacortes – San Juan ferry routes. The study must also identify available public funding sources to support these strategies. Reducing the need for passengers to bring their cars on the ferries will increase the capacity of each ferry run to transport more people.

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

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

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

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

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

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

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

(i) Washington state ferries;

(ii) San Juan county council;

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

(iv) San Juan economic development council;

(v) City of Anacortes;

(vi) City of Friday Harbor;

(vii) Skagit transit;

(viii) Skagit RTPO;

(ix) Eastsound;

(x) Lopez Village;

(xi) Transit dependent populations; and

(xii) Others as deemed appropriate by the committee.

(d) A report with recommendations on the most feasible and cost-effective strategies to maximize walk-on passenger ridership of the Anacortes – San Juan and Anacortes - Sidney ferry routes is due to the transportation committees of the legislature by January 6, 2023.

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

(b) For future negotiations or modifications of the collective bargaining agreements, it is the intent of the legislature that the collective bargaining representatives for the state and ferry employee organizations may consider the findings of the review and analysis required in (a) of this subsection and negotiate in a manner to remove identified barriers and address identified impacts so as not to perpetuate negative impacts.

(23) To the extent that an activity funded by federal funds in this section is not eligible for federal reimbursement, the department may transfer expenditure authority between state and federal appropriations provided in this section.

(24) $1,700,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the able-bodied sailor to mate program.

(25) $551,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in addition to the amounts provided in subsection (3) of this section.

**Sec.**  2022 c 186 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING**

Multimodal Transportation Account—State

Appropriation ((~~$68,430,000~~))

 $66,681,000

Multimodal Transportation Account—Private/Local

Appropriation $46,000

Multimodal Transportation Account—Federal

Appropriation $500,000

TOTAL APPROPRIATION ((~~$68,976,000~~))

 $67,227,000

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

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

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

(3) ((~~$4,000,000~~)) $2,250,000 of the multimodal transportation account—state appropriation is provided solely for the continued coordination, engagement, and planning for a new ultra high-speed ground transportation corridor with participation from Washington, Oregon, and British Columbia. This funding is contingent on meaningful financial contributions for this effort by Oregon or British Columbia. "Ultra high-speed" means a maximum testing speed of at least 250 miles per hour. These efforts are to support and advance activities and must abide by the memorandum of understanding signed by the governors of Washington and Oregon, and the premier of the province of British Columbia in November 2021. The department shall establish a policy committee with participation from Washington, Oregon, and British Columbia, including representation from the two largest caucuses of each chamber of the Washington state legislature, and coordinate the activities of the policy committee to include:

(a) Developing an organizational framework that facilitates input in decision-making from all parties;

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

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

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

(e) Developing a recommendation on the structure and membership of a formal coordinating entity that will be responsible for advancing the project through the project initiation stage to project development and recommended next steps for establishment of the coordinating entity. Project development processes must include consideration of negative and positive impacts on communities of color, low-income households, indigenous peoples, and other disadvantaged communities.

By June 30, 2023, the department shall provide to the governor and the transportation committees of the legislature a report detailing the work conducted by the policy committee and recommendations for establishing a coordinating entity. The report must also include an assessment of current activities and results relating to stakeholder engagement, planning, and any federal funding application. As applicable, the assessment should also be sent to the executive and legislative branches of government in Oregon and appropriate government bodies in the province of British Columbia.

(4) The department shall consider applying for federal grant opportunities that support the development of the Amtrak Cascades service. Grant submittals must align with the department's federally required service development plan and state rail plans and partnership agreements with Amtrak as the service provider and BNSF Railway as the host railroad.

**Sec.**  2022 c 186 s 224 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation ((~~$12,451,000~~))

 $12,454,000

Motor Vehicle Account—Federal Appropriation $2,567,000

Multiuse Roadway Safety Account—State Appropriation ((~~$900,000~~))

 $450,000

Multimodal Transportation Account—State

Appropriation $250,000

TOTAL APPROPRIATION ((~~$16,168,000~~))

 $16,171,000

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

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

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

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

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

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

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

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

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

**TRANSPORTATION AGENCIES—CAPITAL**

NEW SECTION. **Sec.**  A new section is added to 2022 c 186 (uncodified) to read as follows:**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Small City Pavement and Sidewalk Account—State

Appropriation $4,100,000

Transportation Improvement Account—State

Appropriation $171,000,000

Complete Streets Grant Program Account—State

Appropriation $14,670,000

Move Ahead WA Account—State Appropriation $10,000,000

Climate Active Transportation Account—State

Appropriation $3,000,000

TOTAL APPROPRIATION $202,770,000

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

(1) The entire climate active transportation account—state appropriation is provided solely for newly selected complete streets grants.

(2) The entire move ahead WA account—state appropriation is provided solely for additional preservation funding to cities.

**Sec.**  2022 c 186 s 301 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State

Appropriation ((~~$17,769,000~~))

 $4,331,000

Freight Mobility Multimodal Account—State

Appropriation ((~~$14,004,000~~))

 $5,296,000

TOTAL APPROPRIATION ((~~$31,773,000~~))

 $9,627,000

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

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document ((~~2022-2~~)) 2023-2 ALL PROJECTS as developed March ((~~9, 2022~~)) 26, 2023, Freight Mobility Strategic Investment Board (FMSIB).

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

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

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

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

(ii) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects on LEAP Transportation Document ((~~2022-2~~)) 2023-2 ALL PROJECTS as developed March ((~~9, 2022~~)) 26, 2023;

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

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

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

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

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

**Sec.**  2022 c 186 s 302 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation ((~~$4,803,000~~))

 $4,203,000

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

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

(2) ((~~$3,501,000~~)) $3,508,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

(a) $250,000 for emergency repairs;

(b) $350,000 for fuel tank decommissioning;

(c) ((~~$750,000~~)) $250,000 for generator and electrical replacement;

(d) $195,000 for the exterior envelope of the Yakima office;

(e) $466,000 for equipment shelters;

(f) ((~~$650,000~~)) $550,000 for the weatherization projects;

(g) $200,000 for roof replacements reappropriation; and

(h) $640,000 for water and fire suppression systems reappropriation and $607,000 for additional water and fire suppression systems.

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

**Sec.**  2022 c 186 s 303 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation ((~~$55,028,000~~))

 $49,028,000

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

County Arterial Preservation Account—State

Appropriation ((~~$44,653,000~~))

 $45,666,000

Move Ahead WA Account—State Appropriation $10,000,000

TOTAL APPROPRIATION ((~~$101,137,000~~))

 $106,150,000

The appropriations in this section are subject to the following conditions and limitations: The entire move ahead WA account—state appropriation is provided solely for additional preservation funding allocations to counties through the county arterial preservation program.

**Sec.**  2022 c 186 s 304 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL**

Motor Vehicle Account—State Appropriation ((~~$16,076,000~~))

 $15,743,000

Connecting Washington Account—State Appropriation $3,667,000

TOTAL APPROPRIATION ((~~$19,743,000~~))

 $19,410,000

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

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

(2)(a) $4,325,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract issued pursuant to chapter 39.94 RCW for the department facility located at 15700 Dayton Ave N in Shoreline.

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

**Sec.**  2022 c 186 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

Transportation 2003 Account (Nickel Account)—State

Appropriation ((~~$482,000~~))

 $486,000

Transportation Partnership Account—State

Appropriation ((~~$232,566,000~~))

 $173,980,000

Motor Vehicle Account—State Appropriation ((~~$246,948,000~~))

 $233,938,000

Motor Vehicle Account—Federal Appropriation ((~~$251,835,000~~))

 $262,303,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation ((~~$400,000,000~~))

 $100,000,000

Motor Vehicle Account—Private/Local Appropriation ((~~$56,192,000~~))

 $88,263,000

Connecting Washington Account—State

Appropriation ((~~$2,063,783,000~~))

 $1,656,457,000

Special Category C Account—State Appropriation ((~~$86,198,000~~))

 $63,548,000

Multimodal Transportation Account—State

Appropriation ((~~$10,792,000~~))

 $4,779,000

Puget Sound Gateway Facility Account—State

Appropriation $8,400,000

State Route Number 520 Corridor Account—State

Appropriation $70,886,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ((~~$217,282,000~~))

 $34,028,000

Move Ahead WA Account—State Appropriation ((~~$10,771,000~~))

 $105,905,000

Move Ahead WA Account—Federal Appropriation $7,200,000

TOTAL APPROPRIATION ((~~$3,663,335,000~~))

 $2,810,173,000

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

(1) Except as provided otherwise in this section, the entire move ahead WA account—state appropriation, the entire connecting Washington account—state appropriation, and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((~~2022-1~~)) 2023-1 as developed March ((~~9, 2022~~)) 26, 2023, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section ((~~601, chapter 333, Laws of 2021~~)) 601 of this act, chapter . . ., Laws of 2023 (this act).

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((~~2022-2~~)) 2023-2 ALL PROJECTS as developed March ((~~9, 2022~~)) 26, 2023, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001), as long as the application of the funds is not inconsistent with subsection ((~~(26)~~)) (24) of this section.

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

(4) ((~~The connecting Washington account—state appropriation includes up to $326,594,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.~~

~~(5)~~)) The special category C account—state appropriation includes up to ((~~$51,460,000~~)) $34,350,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

((~~(6)~~)) (5) The transportation partnership account—state appropriation includes up to ((~~$124,629,000~~)) $98,140,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

((~~(7) $161,792,000~~)) (6) $106,947,000 of the transportation partnership account—state appropriation, $3,882,000 of the motor vehicle account—private/local appropriation, ((~~$9,000,000~~)) $4,880,000 of the motor vehicle account—state appropriation, ((~~$1,000 of the transportation 2003 account (nickel account)—state appropriation,~~)) and ((~~$985,000~~)) $987,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project be used to repay project cost increases paid from the transportation partnership account—state funds and motor vehicle account—state funds.

((~~(8) $186,820,000~~)) (7) $168,663,000 of the connecting Washington account—state appropriation and $488,000 of the motor vehicle account—local appropriation are provided solely for the US 395 North Spokane Corridor project (M00800R). If the department expects the original scope of this project to be completed under budget when a final design is approved for the interchange with I-90 and nearby on ramp access, then the scope of work for this project must also include constructing a land bridge in the vicinity of Liberty Park in Spokane, if appropriations are sufficient. It is the intent of the legislature, consistent with the move ahead WA proposal, to advance future funding for this project in order to accelerate delivery by up to two years.

((~~(9)~~)) (8)(a) ((~~$177,982,000~~)) $20,962,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project.

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

((~~(10)~~)) (9)(a) ((~~$329,681,000~~)) $309,774,000 of the connecting Washington account—state appropriation, $70,886,000 of the state route number 520 corridor account—state appropriation, and ((~~$1,021,000~~)) $1,411,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

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

(c) Of the amounts provided in this subsection ((~~(10)~~)) (9), $100,000 of the state route number 520 corridor account—state appropriation is provided solely for noise mitigation activities. It is the intent of the legislature to provide an additional $1,000,000 for noise mitigation activities over the course of the 16-year move ahead WA funding package.

((~~(11) $361,296,000~~)) (10) $296,965,000 of the connecting Washington account—state appropriation, ((~~$4,800,000~~)) $2,145,000 of the multimodal transportation account—state appropriation, ((~~$13,725,000~~)) $4,242,000 of the motor vehicle account—private/local appropriation, $7,200,000 of the move ahead WA account—federal appropriation, $8,400,000 of the Puget Sound Gateway facility account—state appropriation, and ((~~$85,015,000~~)) $84,515,000 of the motor vehicle account—federal appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

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

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

(c) It is the legislature's intent that the department shall consult with the joint executive committee and joint steering committee to determine the most appropriate interchange at the junction of state route number 161 (Meridian avenue) and state route number 167.

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

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

((~~(12)(a) $25,378,000 of the motor vehicle account—state appropriation and $413,000 of the motor vehicle account—private/local appropriation are provided solely to support a project office and the continued work toward the I-5 Interstate Bridge Replacement project (L2000370).~~

~~(b) The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.~~

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

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

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

~~(iii) Identify a locally preferred alternative; and~~

~~(iv) Begin preparing a final SEIS.~~

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

~~(13)~~)) (11)(a) ((~~$400,000,000~~)) $100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation, ((~~$25,327,000~~)) $167,194,000 of the connecting Washington account—state appropriation, $35,263,000 of the motor vehicle account—federal appropriation, $5,618,000 of the motor vehicle account—local appropriation, $9,016,000 of the transportation partnership account—state appropriation, $83,133,000 of the move ahead WA account—state appropriation, and $149,776,000 of the motor vehicle account—state appropriation are provided solely for the Fish Passage Barrier Removal project (0BI4001) ((~~with the intent of fully complying with the federal~~ *~~U.S. v. Washington~~* ~~court injunction by 2030~~)).

(b) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide $2,435,000,000 for fish passage barrier removal with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030. Furthermore, it is the intent of the legislature that funding provided for this purpose may be used to jointly leverage state and local funds for match requirements in applying for competitive federal aid grants provided in the infrastructure investment and jobs act for removals of fish passage barriers under the national culvert removal, replacement, and restoration program. State funds used for the purpose described in this subsection must not compromise fully complying with the court injunction by 2030.

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

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

((~~(d)~~)) (e) Of the amount provided in this subsection, $142,923,000 of the motor vehicle account—federal appropriation reflects the department's portion of the unrestricted funds from the coronavirus response and relief supplemental appropriations act of 2021. If the final amount from this act changes while the legislature is not in session, the department shall follow the existing unanticipated receipt process and adjust the list referenced in subsection (1) of this section accordingly, supplanting state funds with federal funds if possible as directed in section ((~~601, chapter 333, Laws of 2021~~)) 601 of this act, chapter . . ., Laws of 2023 (this act).

((~~(14) $14,367,000~~)) (12) $13,542,000 of the connecting Washington account—state appropriation((~~, $311,000 of the motor vehicle account—state appropriation,~~)) and ((~~$3,149,000~~)) $4,285,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard – Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the ((~~$20,900,000~~)) $19,575,000 of state appropriation provided for the total project on the list referenced in subsection (1) of this section.

((~~(15) $16,984,000~~)) (13) $17,071,000 of the motor vehicle account—federal appropriation, ((~~$269,000~~)) $177,000 of the motor vehicle account—state appropriation, and ((~~$17,900,000~~)) $13,666,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

((~~(16) $18,915,000~~)) (14) $17,019,000 of the Special Category C account—state appropriation is provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

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

((~~(18) $1,237,000~~)) (16) $148,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343).

((~~(19) $2,197,000~~)) (17)(a) $1,223,000 of the motor vehicle account—state appropriation ((~~and $749,000 of the connecting Washington account—state appropriation are~~)) is provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI).

(b) The department must consider reserving portions of state route 522, including designated lanes or ramps, for the exclusive or preferential use of public transportation vehicles, privately owned buses, motorcycles, private motor vehicles carrying not less than a specified number of passengers, or private transportation provider vehicles pursuant to RCW 47.52.025.

((~~(20) $1,455,000~~)) (18) $1,382,000 of the motor vehicle account—federal appropriation is provided solely for the US 101/Morse Creek Safety Barrier project (L1000247).

((~~(21) $1,000,000~~)) (19) $780,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276).

((~~(22) $7,185,000~~)) (20) $1,892,000 of the connecting Washington account—state appropriation is provided solely for the US Hwy 2 Safety project (N00200R).

((~~(23)~~)) (21) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

((~~(24)~~)) (22) Any advisory group that the department convenes during the 2021-2023 fiscal biennium must consider the interests of the entire state of Washington.

((~~(25)~~)) (23) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

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

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

((~~(26)~~)) (24) $2,738,000 of the motor vehicle account—state appropriation is provided solely for the US 97 Wildlife Crossing Improvements project (L2021117). It is the intent of the legislature that, to the extent possible, the department use this funding as match for competitive federal funding to make additional wildlife crossing improvements on the corridor. The department must report to the transportation committees of the legislature with additional corridors that could benefit from wildlife crossing improvements and that are likely to successfully compete for federal funding.

((~~(27) $12,635,000~~)) (25) $2,830,000 of the connecting Washington account—state appropriation is provided solely for the SR 3 Freight Corridor (T30400R) project. The legislature intends to provide a total of $78,910,000 for this project, including an increase of $12,000,000 in future biennia to safeguard against inflation and supply/labor interruptions and ensure that:

(a) The northern terminus remains at Lake Flora Road and the southern terminus at the intersection of SR 3/SR 302;

(b) Multimodal safety improvements at the southern terminus remain in the project to provide connections to North Mason school district and provide safe routes to schools; and

(c) Intersections on the freight corridor are constructed at Romance Hill and Log Yard road.

((~~(28) $450,000 of the motor vehicle account—state appropriation is provided solely for the SR 900 Safety Improvements project (L2021118). The department must: (a) Work in collaboration with King county and Skyway coalition to align community assets, transportation infrastructure needs, and initial design for safety improvements along SR 900; and (b) work with the Skyway coalition to lead community planning engagement and active transportation activities.~~

~~(29) $5,694,000~~)) (26) $5,686,000 of the connecting Washington account—state appropriation is provided solely for the I-5/Chamber Way Interchange Vicinity Improvements project.

((~~(30) $500,000~~)) (27) $166,000 of the motor vehicle account—state appropriation is provided solely for SR 162/SR 161 Additional Connectivity in South Pierce County project (L1000312) to conduct a study on the need for additional connectivity in the area between SR 162, south of Military Road East and north of Orting, and SR 161 in South Pierce county.

(28)(a) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide $500,000,000 for the stormwater retrofits and improvements project (L4000040).

(b) The department shall ensure that $6,000,000 is provided to the Urban Stormwater Partnership - I-5 Ship-Canal Bridge Pilot (Seattle) project from the $500,000,000 provided from stormwater retrofits and improvements over the 16-year move ahead WA investment program.

(c) The funding provided for stormwater retrofits and improvements must enhance stormwater runoff treatment from existing roads and infrastructure with an emphasis on green infrastructure retrofits. Projects must be prioritized based on benefits to salmon recovery and ecosystem health, reducing toxic pollution, addressing health disparities, and cost-effectiveness. The department of transportation must submit progress reports on its efforts to reduce the toxicity of stormwater runoff from existing infrastructure, recommendations for addressing barriers to innovative solutions, and anticipated demand for funding each biennium.

(29) $3,000,000 of the move ahead WA—state appropriation is provided solely for the US 2 Trestle Capacity Improvements & Westbound Trestle Replacement project (L4000056). It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide $210,541,000 for planning, design, right-of-way acquisition, interim improvements, and initial construction. It is the further intent of the legislature that this project enhance multimodal mobility options on the US 2 Trestle. The planning, design and engineering work must consider options to enhance transit and multimodal mobility, including bus rapid transit. The department must report to the legislature with its preliminary analysis of these options by June 30, 2023.

(30) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide $74,298,000 for the SR 3/Gorst Area - Widening project (L4000017). Tribal consultation with the Suquamish Tribe must begin at the earliest stage of planning, including without limitation on all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required by state law, or by a state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from the Suquamish Tribe. Regularly scheduled tribal consultation meetings with the Suquamish Tribe must continue throughout the duration of any funding program and proposed project approval.

(31)(a) $25,379,000 of the motor vehicle account—state appropriation, $36,414,000 of the motor vehicle account—private/local appropriation, and $10,000,000 of the move ahead WA account—state appropriation are provided solely for the I-5 Columbia River Bridge (L4000054) including support of a project office and the continued work toward replacing the I-5 Columbia River Bridge. The legislature finds that the replacement of the I-5 Columbia River Bridge is a project of national significance and is critical for the movement of freight. Replacing the aging Interstate Bridge with a modern, seismically resilient, multimodal structure that provides improved mobility for people, goods and services is a high priority. Therefore, the legislature intends to support the replacement of the I-5 Columbia River Bridge with an investment of $1,000,000,000 over the 16-year move ahead WA investment program.

(b) The project office in subsection (a) of this section must study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

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

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

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

(iii) Identify a locally preferred alternative; and

(iv) Begin preparing a final SEIS.

**Sec.**  2022 c 186 s 306 (uncodified) is amended to read as follows:

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

Recreational Vehicle Account—State Appropriation $1,520,000

Transportation 2003 Account (Nickel Account)—State

Appropriation $53,911,000

Transportation Partnership Account—State

Appropriation ((~~$21,441,000~~))

 $23,038,000

Motor Vehicle Account—State Appropriation ((~~$111,174,000~~))

 $123,099,000

Motor Vehicle Account—Federal Appropriation ((~~$545,560,000~~))

 $261,466,000

Motor Vehicle Account—Private/Local Appropriation ((~~$13,735,000~~))

 $13,734,000

Connecting Washington Account—State Appropriation ((~~$224,342,000~~))

 $112,845,000

State Route Number 520 Corridor Account—State

Appropriation ((~~$2,143,000~~))

 $812,000

Tacoma Narrows Toll Bridge Account—State

Appropriation ((~~$5,676,000~~))

 $3,578,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation ((~~$391,000~~))

 $251,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ((~~$12,830,000~~))

 $9,216,000

Move Ahead WA Account—State Appropriation $94,888,000

Move Ahead WA Account—Federal Appropriation $45,112,000

TOTAL APPROPRIATION ((~~$992,723,000~~))

 $743,470,000

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((~~2022-1~~)) 2023-1 as developed March ((~~9, 2022~~)) 26, 2023, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section ((~~601, chapter 333, Laws of 2021~~)) 601 of this act, chapter . . ., Laws of 2023 (this act).

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((~~2022-2~~)) 2023-2 ALL PROJECTS as developed March ((~~9, 2022~~)) 26, 2023, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001)((~~, as long as the application of the funds is not inconsistent with subsection (10) of this section~~)).

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

(4) $8,531,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701, chapter 333, Laws of 2021. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

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

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

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

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

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

(10) $94,888,000 of the move ahead WA account—state appropriation and $45,112,000 of the move ahead WA account—federal appropriation is provided solely for highway preservation (L4000057). The department must use funding provided in this subsection, along with other funds at its discretion, for the following preservation projects:

(a) I-5/SB Denny Way-Lakeview Viaduct;

(b) I-5/SB&NB Concrete and Joint Replacement;

(c) SR 529/NB Snohomish River – Bridge Rehabilitation and Painting;

(d) I-5/SB Snohomish River Bridge Painting.

**Sec.**  2022 c 186 s 307 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation ((~~$9,618,000~~))

 $10,084,000

Motor Vehicle Account—Federal Appropriation $11,215,000

Motor Vehicle Account—Private/Local Appropriation $500,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $900,000

TOTAL APPROPRIATION ((~~$22,233,000~~))

 $22,699,000

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

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

(2) $1,001,000 of the motor vehicle account—state appropriation and $2,060,000 of the motor vehicle account—federal appropriation are provided solely for the Challenge Seattle project (000009Q). The department shall provide a progress report on this project to the transportation committees of the legislature by January 15, 2022.

**Sec.**  2022 c 186 s 308 (uncodified) is amended to read as follows:

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

Puget Sound Capital Construction Account—State

Appropriation ((~~$167,533,000~~))

 $139,563,000

Puget Sound Capital Construction Account—Federal

Appropriation ((~~$180,571,000~~))

 $154,759,000

Puget Sound Capital Construction Account—

Private/Local Appropriation ((~~$2,181,000~~))

 $1,844,000

Transportation Partnership Account—State

Appropriation ((~~$9,432,000~~))

 $3,759,000

Connecting Washington Account—State Appropriation ((~~$99,141,000~~))

 $97,904,000

Capital Vessel Replacement Account—State

Appropriation ((~~$45,668,000~~))

 $5,769,000

((~~Motor Vehicle Account—State Appropriation~~ ~~$1,000~~))

Transportation 2003 Account (Nickel Account)—State

Appropriation $987,000

Move Ahead WA Account—State Appropriation $2,804,000

TOTAL APPROPRIATION ((~~$505,514,000~~))

 $407,389,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((~~2022-2~~)) 2023-2 ALL PROJECTS as developed March ((~~9, 2022~~)) 26, 2023, Program - Washington State Ferries Capital Program (W).

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

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

(i) Anticipated cost increases and cost savings;

(ii) Anticipated cash flow and schedule changes; and

(iii) Explanations for the changes.

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

(i) What work has been done;

(ii) How have schedules shifted; and

(iii) Associated changes in funding among projects, accompanied by explanations for the changes.

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

(3) ((~~$12,232,000~~)) $19,940,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(4) ((~~$2,385,000~~)) $2,384,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA card next generation project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(5) ((~~$28,134,000~~)) $3,656,000 of the Puget Sound capital construction account—state appropriation is provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(6) ((~~$45,668,000~~)) $5,769,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). In 2019 the legislature amended RCW 47.60.810 to direct the department to modify an existing vessel construction contract to provide for an additional five ferries. As such, it is the intent of the legislature that the department award the contract for the hybrid electric Olympic class vessel #5(L2000329) in a timely manner. In addition, the legislature intends to minimize costs and maximize construction efficiency by providing sufficient funding for construction of all five vessels, including funding for long lead time materials procured at the lowest possible prices. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690. If the department elects not to execute a new modification to an existing option contract for one or more additional 144-auto ferries under RCW 47.60.810(4), the department shall proceed with development of a new design-build request for proposals in accordance with RCW 47.60.810, 47.60.812, 47.60.814, 47.60.815, 47.60.816, 47.60.818, 47.60.820, 47.60.822, 47.60.824, and 47.60.8241. Of the amounts provided in this section, $200,000 is provided solely for hiring an independent owner's representative to perform quality oversight, manage the change order process, and ensure contract compliance.

(7) The capital vessel replacement account—state appropriation includes up to ((~~$45,468,000~~)) $5,769,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(8) ((~~$4,200,000~~)) $2,838,000 of the connecting Washington account—state appropriation is provided solely for ferry vessel and terminal preservation (L2000110). The funds provided in this subsection must be used for unplanned preservation needs before shifting funding from other preservation projects.

(9) $2,804,000 of the move ahead Washington account—state appropriation is provided solely for the preservation of the MV Tillikum (9444413B).

**Sec.**  2022 c 186 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL**

Essential Rail Assistance Account—State

Appropriation $1,108,000

Transportation Infrastructure Account—State

Appropriation ((~~$6,218,000~~))

 $6,219,000

Multimodal Transportation Account—State

Appropriation ((~~$118,320,000~~))

 $61,681,000

Multimodal Transportation Account—Federal

Appropriation ((~~$6,567,000~~))

 $7,885,000

Multimodal Transportation Account—Private/Local

Appropriation $13,000

Motor Vehicle Account—State Appropriation $1,810,000

TOTAL APPROPRIATION ((~~$134,036,000~~))

 $78,716,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((~~2022-2~~)) 2023-2 ALL PROJECTS as developed March ((~~9, 2022~~)) 26, 2023, Program - Rail Program (Y).

(2) $5,089,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued. FRIB program loans may be recommended by the department for 2022 supplemental transportation appropriations up to the amount provided in this appropriation that has not been provided for the projects listed in ((~~2021-2~~)) 2023-2 ALL PROJECTS, as referenced in subsection (1) of this section. The department shall submit a prioritized list for any loans recommended to the office of financial management and the transportation committees of the legislature by November 15, 2021.

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

(4) $367,000 of the transportation infrastructure account—state appropriation and $1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full $7,337,000 cost of this project is reimbursed.

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

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

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

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

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

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

(7) $32,996,000 of the multimodal transportation account—state appropriation is provided solely for Passenger Rail Equipment Replacement (project 700010C). The appropriation in this subsection include insurance proceeds received by the state. The department must use these funds only to purchase replacement equipment that has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

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

(9) $500,000 of the multimodal transportation account—state appropriation is provided solely for the Chelatchie Prairie railroad for track improvement activities on the northern part of the railroad (L1000311).

(10) The entire move ahead WA flexible account—state appropriation in this section is provided solely for the rail projects and activities as listed in LEAP Transportation Document 2022 NL-1 as developed March 9, 2022.

(11) $50,000,000 of the carbon emissions reduction account—state appropriation is provided solely for state match contributions to support the department's application for pending federal grant opportunities for a new ultra high-speed ground transportation corridor. These funds are to remain in unallotted status and are available only upon award of federal funds. The department must provide draft applications for federal grant opportunities to the transportation committees of the legislature for review and comment prior to submission.

**Sec.**  2022 c 186 s 310 (uncodified) is amended to read as follows:

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

Highway Infrastructure Account—State Appropriation $1,744,000

Highway Infrastructure Account—Federal Appropriation

 $2,935,000

Transportation Partnership Account—State

Appropriation ((~~$1,000,000~~))

 $500,000

Motor Vehicle Account—State Appropriation ((~~$25,101,000~~))

 $21,631,000

Motor Vehicle Account—Federal Appropriation ((~~$79,306,000~~))

 $44,945,000

Motor Vehicle Account—Private/Local Appropriation $6,600,000

Connecting Washington Account—State Appropriation ((~~$178,464,000~~))

 $134,363,000

Multimodal Transportation Account—State

Appropriation ((~~$96,975,000~~))

 $62,362,000

Move Ahead WA Account—State Appropriation $4,000,000

Move Ahead WA Flexible Account—State Appropriation $3,000,000

Climate Active Transportation Account—State

Appropriation $12,182,000

Freight Mobility Investment Account—State

Appropriation $5,875,000

Freight Mobility Multimodal Account—State

Appropriation $910,000

TOTAL APPROPRIATION ((~~$392,125,000~~))

 $301,047,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((~~2022-2~~)) 2023-2 ALL PROJECTS as developed March ((~~9, 2022~~)) 26, 2023, Program - Local Programs Program (Z).

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

(a)(i) ((~~$46,163,000~~)) $29,870,000 of the multimodal transportation account—state appropriation ((~~is~~)) and $5,496,000 of the climate active transportation account—state are provided solely for pedestrian and bicycle safety program projects (L2000188).

(ii) The state route 99/Aurora Avenue North Planning Study funded in this subsection (2)(a) must prioritize designs that ensure slow vehicle speeds and systematic improvement to the quality of multimodal access, and must be fully completed by September 30, 2023, in order to ensure construction of improvements begin no later than March 1, 2024.

(b) ((~~$26,086,000~~)) $18,349,000 of the motor vehicle account—federal appropriation ((~~and $21,656,000~~)), $16,562,000 of the multimodal transportation account—state appropriation, and $6,686,000 of the climate active transportation account—state appropriation are provided solely for safe routes to school projects (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

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

(4) ((~~$11,987,000~~)) $9,537,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

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

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

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

(8) ((~~$35,411,000~~)) $10,137,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department will identify projects through its current national highway system asset management call for projects with applications due in February 2021. The department shall give priority to those projects that can be obligated by September 30, 2021.

(9) ((~~$400,000~~)) $300,000 of the multimodal transportation account—state appropriation is provided solely for a grant to the Northwest Seaport Alliance (NWSA) to lead the creation and coordination of a multistakeholder zero emissions truck collaborative that will: (a) Facilitate the development and implementation of one or more zero-emissions drayage truck demonstration projects in Washington state; and (b) develop a roadmap for transitioning the entire fleet of approximately 4,500 drayage trucks that serve the NWSA cargo gateway to zero-emissions vehicles by 2050 or sooner.

(10) ((~~$8,524,000~~)) $2,900,000 of the connecting Washington account—state appropriation is provided solely for the I-5/Mellen Street Connector project.

(11) ((~~$500,000~~)) $100,000 of the motor vehicle account—state appropriation is provided solely for the 166th/SR 410 Interchange.

(12) ((~~$1,063,000~~)) $263,000 of the motor vehicle account—state appropriation is provided solely for repairs and rehabilitation of the Pierce county ferry landings at Anderson Island and Steilacoom.

(13) ((~~$300,000~~)) $150,000 of the motor vehicle account—state appropriation is provided solely for the city of Spokane for preliminary engineering of the US 195/Inland Empire Way project. Funds may be used for predesign environmental assessment work, community engagement, design, and project cost estimation.

(14)(a) The entire move ahead WA account—state appropriation and the entire move ahead WA flexible account—state appropriation are provided solely for the move ahead WA local road projects and activities as listed in the LEAP transportation document referenced in subsection (1) of this section.

(b) It is the intent of the legislature that $25,000,000 will be provided as part of the move ahead WA investment package in a future biennium, as indicated on the list identified in subsection (1) of this section, for the Ballard and Magnolia bridge project (L4000123). As part of the project, the Seattle department of transportation must consult with an independent engineering firm to verify that the costs for the type, size, and location preliminary design report (TS&L), environmental impact statement (EIS), and 60 percent design work are within industry cost range standards in advance of moving forward with construction. The Seattle department of transportation must ensure that funds are maximized by limiting the percentage for TS&L, EIS, and 60 percent design work to 10 percent of the total cost of the project. Of the $25,000,000, $12,500,000 must remain in unallotted status, and may be distributed to the Seattle department of transportation only upon determination by the office of financial management that the Seattle department of transportation's cost estimates have been verified by an independent engineering firm as within industry cost range standards, and the Seattle department of transportation has secured the additional matching funding needed to complete the TS&L, EIS, and 60 percent design work.

(15) $3,000,000 of the move ahead WA flexible account—state appropriation is provided solely for railroad crossing grant awards that match federal funds for city and county projects which eliminate at-grade highway-rail crossings.

(16)(a) The entire climate active transportation account—state appropriation is provided solely for the move ahead WA pedestrian and bike safety projects as listed in the LEAP transportation document referenced in subsection (1) of this section.

(b) It is the intent of the legislature that $50,000,000 will be provided to the Seattle department of transportation to implement Aurora Avenue North Safety Improvements (L4000154). Under this program, the Seattle department of transportation will be required to implement strategic transportation investments for the Aurora Ave N Corridor from N 90th St to N 105th St that ensure slow vehicle speeds, walkability, multimodal mobility, safe routes to local schools, and safety for residents, which will demonstrate the benefits of similar transportation investments for other locations along Aurora Avenue and elsewhere. The Seattle department of transportation must convene a neighborhood oversight board consisting of residents of communities of the Aurora Ave N Corridor to prioritize investments and monitor project implementation. The oversight board should be composed of an equitable representation of local communities along the Aurora Ave N Corridor, including residents with disabilities. The Seattle department of transportation will ensure that the oversight board is consulted on a bimonthly basis during the prioritization process.

(b) The legislature intends, upon completion of the State Route 99/Aurora Avenue North Planning Study, that projects recommended in the study will be funded by this program. A specific focus must be on access management to consolidate driveways and improve safety for vulnerable users. This work must also include installation of full curb and sidewalks to improve safety, mobility, transit ridership, equity, and work towards the goals set forth in vision zero, target zero, and the Washington state active transportation plan. The Seattle department of transportation must ensure the design and implementation of an accessible sidewalk network to support users with mobility limitations, convenient and accessible transit stops, all ages and abilities bicycle facilities, and safe pedestrian-activated crosswalks that puts safety over speed, balances the needs of different modes, reduces the level of traffic stress experienced by pedestrians and cyclists, connects to existing bicycle and transit networks, creates safe walking and bicycling routes to local schools including crosswalks, improves human and environmental health, and supports the surrounding neighborhoods. The Seattle department of transportation must coordinate with the Washington state department of transportation and King county metro in implementing the investments. The Seattle department of transportation must ensure that funds are maximized by limiting the percentage for planning, predesign, design, permitting, and environmental review to 10 percent of the total cost of each project.

**Sec.**  2022 c 186 s 312 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION—FUNDS MANAGEMENT**

(1) As part of the department of transportation's 2023-2025 biennial budget request, the department shall provide an overview of capital funds management challenges and recommendations for funds management strategies that would improve the likelihood of increasing performance associated with the following outcomes:

(a) Streamlined delivery of the department's capital program and local government capital projects;

(b) Increased likelihood that federal funds are committed and used prior to debt backed capital resources;

(c) Reduced overall time and cost of administrative efforts of the department and local governments;

(d) Ensured federal government contributions regarding its share toward overhead costs;

(e) Increased disadvantaged business enterprise program participation and/or funding;

(f) Maximized amount of federal redistributed and grant funding received by the state, including how to position the state for providing state matching funds for federal grant opportunities;

(g) Increased clarity on how federal funds are administered;

(h) Identification of opportunities to leverage current and future toll credits secured by the state; and

(i) Minimized risk of audit findings related to federal funds.

(2) The department may provide recommendations on the transportation appropriations act structure and project list amendments to most efficiently utilize state and federal capital funds.

(3) As part of the department's 2023-2025 biennial budget request, the department shall also report on:

(a) The federal grant programs it has applied for;

(b) The federal competitive grant programs it could have applied for but did not and the reason or reasons it did not apply; and

(c) The potential to use a federal fund exchange program to most efficiently use state and local federal funds.

**TRANSFERS AND DISTRIBUTIONS**

**Sec.**  2022 c 186 s 401 (uncodified) is amended to read as follows:

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

Transportation Partnership Account—State

Appropriation ((~~$794,000~~))

 $273,000

((~~Connecting Washington Account—State Appropriation~~ ~~$1,633,000~~))

Special Category C Account—State Appropriation ((~~$257,000~~))

 $74,000

Highway Bond Retirement Account—State Appropriation ((~~$1,408,622,000~~))

 $1,406,513,000

Ferry Bond Retirement Account—State Appropriation $17,150,000

Transportation Improvement Board Bond Retirement

Account—State Appropriation ((~~$18,152,000~~))

 $18,055,000

Nondebt-Limit Reimbursable Bond Retirement Account—

State Appropriation ((~~$26,278,000~~))

 $29,238,000

Toll Facility Bond Retirement Account—State

Appropriation $76,376,000

TOTAL APPROPRIATION ((~~$1,542,811,000~~))

 $1,547,679,000

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

**Sec.**  2022 c 186 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation Partnership Account—State

Appropriation ((~~$150,000~~))

 $51,000

((~~Connecting Washington Account—State Appropriation~~ ~~$327,000~~))

Special Category C Account—State Appropriation ((~~$51,000~~))

 $18,000

Transportation Improvement Account—State

Appropriation $20,000

TOTAL APPROPRIATION ((~~$548,000~~))

 $89,000

**Sec.**  2022 c 186 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account—State Appropriation: For motor

vehicle fuel tax statutory distributions to

cities and counties ((~~$474,003,000~~))

 $467,037,000

Multimodal Transportation Account—State

Appropriation: For distribution to cities and

counties $26,786,000

Motor Vehicle Account—State Appropriation: For

distribution to cities and counties $23,438,000

**Sec.**  2022 c 186 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor

vehicle fuel tax refunds and statutory

transfers ((~~$2,000,419,000~~))

 $1,971,401,000

**Sec.**  2022 c 186 s 405 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor

vehicle fuel tax refunds and transfers ((~~$240,330,000~~))

 $264,160,000

**Sec.**  2022 c 186 s 406 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

(1) Highway Safety Account—State Appropriation:

For transfer to the State Patrol Highway

Account—State ((~~$47,000,000~~))

 $50,000,000

(2)((~~(a) Transportation Partnership Account—State~~

~~Appropriation: For transfer to the Capital Vessel~~

~~Replacement Account—State~~ ~~$45,468,000~~

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

~~(3)~~))(a) Transportation Partnership Account—State

Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State $30,293,000

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

((~~(4)~~)) (3)(a) Motor Vehicle Account—State Appropriation:

For transfer to Alaskan Way Viaduct Replacement Project

Account—State $6,000,000

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

((~~(5)~~)) (4) Motor Vehicle Account—State Appropriation:

For transfer to the County Arterial Preservation

Account—State $7,666,000

((~~(6)~~)) (5) Motor Vehicle Account—State Appropriation:

For transfer to the Freight Mobility Investment

Account—State $5,511,000

((~~(7)~~)) (6) Motor Vehicle Account—State Appropriation:

For transfer to the Rural Arterial Trust Account—State $9,331,000

((~~(8)~~)) (7) Motor Vehicle Account—State Appropriation:

For transfer to the Transportation Improvement

Account—State $9,688,000

((~~(9)~~)) (8) Rural Mobility Grant Program Account—State

Appropriation: For transfer to the Multimodal

Transportation Account—State $3,000,000

((~~(10)~~)) (9)(a) State Route Number 520 Civil Penalties

Account—State Appropriation: For transfer to the

Motor Vehicle Account—State

 $2,000,000

(b) The transfer in this subsection is to repay moneys loaned to the state route number 520 civil penalties account in the 2019-2021 fiscal biennium.

((~~(11)~~)) (10) State Route Number 520 Civil Penalties

Account—State Appropriation: For transfer to the

State Route Number 520 Corridor Account~~—~~State $1,532,000

((~~(12)~~)) (11) Capital Vessel Replacement Account—State

Appropriation: For transfer to the Connecting

Washington Account—State $35,000,000

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

~~Appropriation: For transfer to the Transportation~~

~~Partnership Account—State~~ ~~$1,542,000~~

~~(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the Hybrid Electric Olympic Class (144-auto) Vessel #5 project (L2000329).~~

~~(14)~~)) (12) Multimodal Transportation Account—State

Appropriation: For transfer to the Complete Streets

Grant Program Account—State $14,670,000

((~~(15)~~)) (13) Multimodal Transportation Account—State

Appropriation: For transfer to the Connecting

Washington Account—State $200,000,000

((~~(16)~~)) (14) Multimodal Transportation Account—State

Appropriation: For transfer to the Freight Mobility

Multimodal Account—State $4,011,000

((~~(17)~~)) (15) Multimodal Transportation Account—State

Appropriation: For transfer to the Ignition Interlock

Device Revolving Account—State $600,000

((~~(18)~~)) (16) Multimodal Transportation Account—State

Appropriation: For transfer to the Pilotage

Account—State $2,000,000

((~~(19)~~)) (17) Multimodal Transportation Account—State

Appropriation: For transfer to the Puget Sound

Capital Construction Account—State ((~~$816,700,000~~))

 $30,000,000

((~~(20)~~)) (18) Multimodal Transportation Account—State

Appropriation: For transfer to the Regional Mobility

Grant Program Account—State $27,679,000

((~~(21)~~)) (19) Multimodal Transportation Account—State

Appropriation: For transfer to the Rural Mobility

Grant Program Account—State $15,223,000

((~~(22)~~)) (20)(a) Alaskan Way Viaduct Replacement Project

Account—State Appropriation: For transfer to the

Transportation Partnership Account—State $22,884,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

((~~(23)~~)) (21) Tacoma Narrows Toll Bridge Account—State

Appropriation: For transfer to the Motor Vehicle

Account—State $950,000

((~~(24)~~)) (22) Puget Sound Ferry Operations Account—State

Appropriation: For transfer to the Puget Sound

Capital Construction Account—State $60,000,000

((~~(25)~~)) (23)(a) General Fund Account—State

Appropriation: For transfer to the State Patrol

Highway Account—State $625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(2), chapter 333, Laws of 2021.

((~~(26)~~)) (24) Motor Vehicle Account—State

Appropriation: For transfer to the Puget Sound

Capital Construction Account—State $30,000,000

((~~(27)~~)) (25) Multimodal Transportation Account—State

Appropriation: For transfer to the I-405 and SR 167

Express Toll Lanes Account—State $268,433,000

((~~(28)~~)) (26) Multimodal Transportation Account—State

Appropriation: For transfer to the Move Ahead WA

Account—State ((~~$874,081,000~~))

 $1,660,781,000

((~~(29)~~)) (27) Multimodal Transportation Account—State

Appropriation: For transfer to the State Route

Number 520 Corridor Account—State $70,786,000

((~~(30) Motor Vehicle Account—State~~

~~Appropriation: For transfer to the Connecting Washington~~

~~Account—State~~ ~~$80,000,000~~

~~(31)~~)) (28) Move Ahead WA Account—State

Appropriation: For transfer to the Connecting Washington

Account—State $600,000,000

((~~(32)~~)) (29) Transportation Improvement Account—State

Appropriation: For transfer to the Transportation

Improvement Board Bond Retirement Account $6,451,550

(30)(a) Carbon Emissions Reduction Account—State

Appropriation: For transfer to the Puget Sound

Ferry Operations Account—State $600,000

(b) The amount transferred in this subsection represents an estimate of fare replacement revenue to account for the implementation of 18 and under fare-free policies.

(31) Motor Vehicle Account—State Appropriation: For

transfer to the Move Ahead WA Account—State $3,607,000

(32) Electric Vehicle Account—State Appropriation:

For transfer to the Move Ahead WA Flexible

Account—State $16,064,000

(33) Carbon Emissions Reduction Account—State

Appropriation: For transfer to the Climate

Active Transportation Account—State $23,182,000

(34) Carbon Emissions Reduction Account—State

Appropriation: For transfer to the Climate

Transit Programs Account—State $53,436,000

(35) Multimodal Transportation Account—State

Appropriation: For transfer to the State Route Number

520 Civil Penalties Account—State $1,000,000

**Sec.**  2021 c 333 s 407 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Toll Facility Bond Retirement Account—Federal

Appropriation ((~~$199,129,000~~))

 $199,040,000

Toll Facility Bond Retirement Account—State

Appropriation $25,372,000

TOTAL APPROPRIATION ((~~$224,501,000~~))

 $224,412,000

**MISCELLANEOUS 2021-2023 FISCAL BIENNIUM**

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

(1) 2022 c 187 s 1 (uncodified);

(2) 2022 c 187 s 101 (uncodified);

(3) 2022 c 187 s 102 (uncodified);

(4) 2022 c 187 s 103 (uncodified);

(5) 2022 c 187 s 104 (uncodified);

(6) 2022 c 187 s 201 (uncodified);

(7) 2022 c 187 s 202 (uncodified);

(8) 2022 c 187 s 203 (uncodified);

(9) 2022 c 187 s 204 (uncodified);

(10) 2022 c 187 s 205 (uncodified);

(11) 2022 c 187 s 206 (uncodified);

(12) 2022 c 187 s 207 (uncodified);

(13) 2022 c 187 s 208 (uncodified);

(14) 2022 c 187 s 209 (uncodified);

(15) 2022 c 187 s 210 (uncodified);

(16) 2022 c 187 s 211 (uncodified);

(17) 2022 c 187 s 301 (uncodified);

(18) 2022 c 187 s 302 (uncodified);

(19) 2022 c 187 s 303 (uncodified);

(20) 2022 c 187 s 304 (uncodified);

(21) 2022 c 187 s 305 (uncodified);

(22) 2022 c 187 s 306 (uncodified);

(23) 2022 c 187 s 307 (uncodified);

(24) 2022 c 187 s 308 (uncodified);

(25) 2022 c 187 s 401 (uncodified);

(26) 2022 c 187 s 501;

(27) 2022 c 187 s 502 (uncodified); and

(28) 2022 c 187 s 503 (uncodified).

NEW SECTION. **Sec.**  A new section is added to 2022 c 186 (uncodified) to read as follows:

The appropriations to the department of transportation in chapter 333, Laws of 2021, chapters 186 and 187, Laws of 2022, and this act must be expended for the programs and in the amounts specified in chapter 333, Laws of 2021, chapters 186 and 187, Laws of 2022, and this act. However, after May 1, 2023, unless specifically prohibited, the department may transfer state appropriations for the 2021-2023 fiscal biennium among operating programs after approval by the director of the office of financial management. However, the department shall not transfer state moneys that are provided solely for a specific purpose. The department shall not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of the office of financial management shall notify the appropriate transportation committees of the legislature prior to approving any allotment modifications or transfers under this section.

**MISCELLANEOUS**

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**--- END ---**