
HOUSE BILL 1084

State of Washington

68th Legislature

2023 Regular Session

By Representatives Fey, Ramos, Ryu, Ramel, Leavitt, Timmons, and Wylie

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1 AN ACT Relating to freight mobility prioritization; amending RCW
2 47.06A.010, 47.06A.001, 47.06A.020, 47.06A.030, 47.06.045, 47.06.070,
3 46.68.300, and 46.68.310; adding a new section to chapter 53.20 RCW;
4 adding a new section to chapter 47.04 RCW; creating a new section;
5 recodifying RCW 47.06A.080 and 47.06A.090; and repealing RCW
6 47.06A.045, 47.06A.050, and 47.06A.060.

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

8 **Sec. 1.** RCW 47.06A.010 and 1998 c 175 s 2 are each amended to
9 read as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this chapter.

12 (1) "Board" means the freight mobility strategic investment board
13 created in RCW 47.06A.030.

14 (2) "Department" means the department of transportation.

15 (3) "Freight mobility" means the safe, reliable, and efficient
16 movement of goods within and through the state to ensure the state's
17 economic vitality.

18 (4) "Indian tribe" has the same meaning as provided in RCW
19 43.376.010.

20 (5) "Local governments" means cities, towns, counties, special
21 purpose districts, port districts, and any other municipal

1 corporations or quasi-municipal corporations in the state excluding
2 school districts.

3 ~~((5))~~ (6) "Overburdened community" has the same meaning as
4 provided in RCW 70A.02.010.

5 (7) "Public entity" means a state agency, city, town, county,
6 port district, or municipal or regional planning organization.

7 ~~((6))~~ (8) "Strategic freight corridor" means a transportation
8 corridor of great economic importance within an integrated freight
9 system that:

10 (a) Serves international and domestic interstate and intrastate
11 trade;

12 (b) Enhances the state's competitive position through regional
13 and global gateways;

14 (c) Carries freight tonnages of at least:

15 (i) Four million gross tons annually on state highways, city
16 streets, and county roads;

17 (ii) Five million gross tons annually on railroads; or

18 (iii) Two and one-half million net tons on waterways; and

19 (d) Has been designated a strategic corridor by the board under
20 RCW 47.06A.020~~((3))~~ (4). However, new alignments to, realignments
21 of, and new links to strategic corridors that enhance freight
22 movement may qualify, even though no tonnage data exists for
23 facilities to be built in the future.

24 **Sec. 2.** RCW 47.06A.001 and 1998 c 175 s 1 are each amended to
25 read as follows:

26 The legislature finds that:

27 (1) Washington state is uniquely positioned as a gateway to the
28 global economy. As the most trade-dependent state in the nation, per
29 capita, Washington's economy is highly dependent on an efficient
30 multimodal transportation network in order to remain competitive.

31 (2) The vitality of the state's economy is placed at risk by
32 growing traffic congestion that impedes the safe and efficient
33 movement of goods. The absence of a comprehensive and coordinated
34 state policy that facilitates freight movements to local, national,
35 and international markets limits trade opportunities.

36 (3) Freight corridors that serve international and domestic
37 interstate and intrastate trade, and those freight corridors that
38 enhance the state's competitive position through regional and global
39 gateways are strategically important. In many instances, movement of

1 freight on these corridors is diminished by: Barriers that block or
2 delay access to intermodal facilities where freight is transferred
3 from one mode of transport to another; conflicts between rail and
4 road traffic; constraints on rail capacity; highway capacity
5 constraints, congestion, and condition; waterway system depths that
6 affect capacity; and institutional, regulatory, and operational
7 barriers.

8 ~~(4) ((Rapidly escalating population growth is placing an added~~
9 ~~burden on streets, roads, and highways that serve as freight~~
10 ~~corridors. Community benefits from economic activity associated with~~
11 ~~freight movement often conflict with community concerns over safety,~~
12 ~~mobility, [and] environmental quality. Efforts to))~~ The negative
13 impacts of freight transportation do not fall equally on all
14 residents of Washington, and historically the negative impacts have
15 been concentrated or felt most acutely within overburdened
16 communities. Overburdened communities and vulnerable populations tend
17 to be disproportionately located next to industrial areas and freight
18 facilities such as ports, rail yards, highways, and truck stops. As
19 such, the incidence of many health conditions, traffic accidents
20 involving nondrivers, and highways dividing communities are among the
21 highest in these communities. Freight mobility improvement efforts
22 must prevent or minimize community impacts in areas of high freight
23 movements ((that)) and must encourage the active participation of
24 communities in the early stages of proposed public and private
25 infrastructure investments ((will facilitate needed freight mobility
26 improvements)).

27 (5) Greenhouse gas emissions from freight transportation
28 contribute to global climate change. In keeping with RCW 70A.45.020,
29 freight mobility efforts must facilitate a transition to zero-
30 emissions technology and proposed public and private infrastructure
31 investments must align with this transition. This includes project
32 design that accommodates zero-emissions vehicle refueling and
33 transportation patterns, and prioritizing investments in zero-
34 emissions freight movement corridors.

35 (6) Ownership of the freight mobility network is fragmented and
36 spread across various public jurisdictions, private companies, and
37 state and national borders. Transportation projects have grown in
38 complexity and size, requiring more resources and longer
39 implementation time frames. Currently, there is no comprehensive and
40 integrated framework for planning the freight mobility needs of

1 public and private stakeholders in the freight transportation system.
2 A coordinated planning process should identify new infrastructure
3 investments that are integrated by public and private planning bodies
4 into a multimodal and multijurisdictional network in all areas of the
5 state, urban and rural, east and west. The state should integrate
6 freight mobility goals with state policy on related issues such as
7 economic development, growth management, and environmental
8 management.

9 ~~((6))~~ (7) State investment in projects that enhance or mitigate
10 freight movements, should pay special attention to solutions that
11 utilize a corridor solution to address freight mobility issues with
12 important transportation and economic impacts beyond any local area.
13 The corridor approach builds partnerships and fosters coordinated
14 planning among jurisdictions and the public and private sectors.

15 ~~((7))~~ (8) It is the policy of the state of Washington that
16 limited public transportation funding and competition between freight
17 and general mobility improvements for the same fund sources require
18 strategic, prioritized freight investments that reduce barriers to
19 freight movement, maximize cost-effectiveness, yield a return on the
20 state's investment, require complementary investments by public and
21 private interests, and solve regional freight mobility problems.
22 State financial assistance for freight mobility projects must
23 leverage other funds from all potential partners and sources,
24 including federal, county, city, port district, and private capital.

25 **Sec. 3.** RCW 47.06A.020 and 2013 c 104 s 1 are each amended to
26 read as follows:

27 (1) The purpose of the board is to:

28 (a) Provide strategic guidance to the governor and the
29 legislature regarding the highest priority freight mobility needs in
30 the state;

31 (b) Encourage policies that support a competitive, resilient,
32 sustainable, and equitable freight system; and

33 (c) Serve as a forum for discussion of state transportation
34 decisions affecting freight mobility.

35 (2) The board shall:

36 (a) Adopt rules and procedures necessary to implement the freight
37 mobility strategic investment program;

1 ~~(b) ((Solicit from public entities proposed projects that meet~~
2 ~~eligibility criteria established in accordance with subsection (4) of~~
3 ~~this section; and~~

4 ~~(c) Review and evaluate project applications based on criteria~~
5 ~~established under this section, and prioritize and select projects~~
6 ~~comprising a portfolio to be funded in part with grants from state~~
7 ~~funds appropriated for the freight mobility strategic investment~~
8 ~~program. In determining the appropriate level of state funding for a~~
9 ~~project, the board shall ensure that state funds are allocated to~~
10 ~~leverage the greatest amount of partnership funding possible. The~~
11 ~~board shall ensure that projects included in the portfolio are not~~
12 ~~more appropriately funded with other federal, state, or local~~
13 ~~government funding mechanisms or programs. The board shall reject~~
14 ~~those projects that appear to improve overall general mobility with~~
15 ~~limited enhancement for freight mobility.~~

16 ~~The board shall provide periodic progress reports on its~~
17 ~~activities to the office of financial management and the senate and~~
18 ~~house transportation committees.~~

19 ~~(2))~~ In consultation with local governments, transportation
20 planning organizations, other public entities, and Indian tribes
21 recommend a six-year investment program of the highest priority
22 freight mobility projects for the state across freight modes,
23 jurisdictions, and the regions of the state;

24 (c) Monitor the implementation of projects included in the six-
25 year investment program on an ongoing basis;

26 (d) Identify critical emerging freight mobility issues not yet
27 addressed by investments considered for inclusion in the six-year
28 investment program of the highest priority freight mobility
29 investments required in (a) of this subsection; and

30 (e) Submit an initial full report meeting the requirements of
31 this subsection to the governor and the transportation committees of
32 the legislature by December 1, 2024. Updated reports may be submitted
33 annually to the transportation committees of the legislature and
34 governor by December 1st of each year; however, a full update must be
35 provided every two years.

36 (3) The board may:

37 ~~(a) ((Accept from any state or federal agency, loans or grants~~
38 ~~for the financing of any transportation project and enter into~~
39 ~~agreements with any such agency concerning the loans or grants;~~

1 ~~(b))~~ Provide technical assistance to project ~~((applicants))~~
2 sponsors;
3 ~~((e))~~ (b) Accept any gifts, grants, or loans of funds,
4 property, or financial, or other aid in any form from any other
5 source on any terms and conditions which are not in conflict with
6 this chapter;
7 ~~((d))~~ (c) Adopt rules under chapter 34.05 RCW as necessary to
8 carry out the purposes of this chapter; ~~((and~~
9 ~~(e))~~ (d) Do all things necessary or convenient to carry out the
10 powers expressly granted or implied under this chapter;
11 (e) Evaluate and recommend for state sponsorship priority
12 projects eligible for federal grant funding under the nationally
13 significant multimodal freight and highway projects program, also
14 known as the infrastructure for rebuilding America program,
15 established in 23 U.S.C. Sec. 117 and the railroad crossing
16 elimination program established in 49 U.S.C. Sec. 22909; and
17 (f) For critical emerging freight issues identified under
18 subsection (2)(d) of this section, proactively work with potential
19 project sponsors, impacted communities, and other interested parties
20 to facilitate project development to address these critical issues.
21 ~~((3))~~ (4) The board shall ~~((designate))~~:
22 (a) Designate strategic freight corridors within the state. The
23 board shall update the list of designated strategic corridors not
24 less than every two years, and shall establish a method of collecting
25 and verifying data, including information on city and county-owned
26 roadways ~~((-~~
27 ~~(4) The board shall~~);
28 (b) Coordinate with the department of transportation throughout
29 the process of its periodic update of the state's freight mobility
30 plan and review and provide feedback on the plan;
31 (c) For the purposes of developing the six-year program of
32 highest priority freight mobility investments, utilize threshold
33 project eligibility criteria that, at a minimum, includes the
34 following:
35 ~~((a))~~ (i) The project must be on a strategic freight corridor;
36 ~~((b) The project must meet one of the following conditions:~~
37 ~~(i) It is primarily aimed at reducing identified barriers to~~
38 ~~freight movement with only incidental benefits to general or personal~~
39 ~~mobility; or~~

1 ~~(ii) It is primarily aimed at increasing capacity for the~~
2 ~~movement of freight with only incidental benefits to general or~~
3 ~~personal mobility; or~~

4 ~~(iii) It is primarily aimed at mitigating the impact on~~
5 ~~communities of increasing freight movement, including roadway/railway~~
6 ~~conflicts; and~~

7 ~~(c) The project must have a total public benefit/total public~~
8 ~~cost ratio of equal to or greater than one.~~

9 ~~(5) From June 11, 1998, through the biennium ending June 30,~~
10 ~~2001, the board shall use the multicriteria analysis and scoring~~
11 ~~framework for evaluating and ranking eligible freight mobility and~~
12 ~~freight mitigation projects developed by the freight mobility project~~
13 ~~prioritization committee and contained in the January 16, 1998,~~
14 ~~report entitled "Project Eligibility, Priority and Selection Process~~
15 ~~for a Strategic Freight Investment Program." The prioritization~~
16 ~~process shall measure the degree to which projects address important~~
17 ~~program objectives and shall generate a project score that reflects a~~
18 ~~project's priority compared to other projects. The board shall assign~~
19 ~~scoring points to each criterion that indicate the relative~~
20 ~~importance of the criterion in the overall determination of project~~
21 ~~priority. After June 30, 2001, the board may supplement and refine~~
22 ~~the initial project priority criteria and scoring framework developed~~
23 ~~by the freight mobility project prioritization committee as expertise~~
24 ~~and experience is gained in administering the freight mobility~~
25 ~~program.~~

26 ~~(6) It is the intent of the legislature that each freight~~
27 ~~mobility project contained in the project portfolio approved by the~~
28 ~~board utilize the greatest amount of nonstate funding possible. The~~
29 ~~board shall adopt rules that give preference to projects that contain~~
30 ~~the greatest levels of financial participation from nonprogram fund~~
31 ~~sources. The board shall consider twenty percent as the minimum~~
32 ~~partnership contribution, but shall also ensure that there are~~
33 ~~provisions allowing exceptions for projects that are located in areas~~
34 ~~where minimal local funding capacity exists or where the magnitude of~~
35 ~~the project makes the adopted partnership contribution financially~~
36 ~~unfeasible.~~

37 ~~(7) The board shall develop))~~ (ii) The project sponsor must
38 demonstrate a plan for:

39 (A) Sufficient engagement with overburdened communities impacted
40 by the project; and

1 (B) The evaluation of project alternatives and mitigation
2 measures addressing the impacts on these communities to the greatest
3 extent possible;

4 (d) Adopt other evaluation criteria for the six-year program of
5 highest priority freight mobility investments to include, but not be
6 limited to, benefits to the state's freight system, how much funding
7 has already been secured for a project, project readiness for
8 construction, and the regional distribution of projects;

9 (e) For the six-year investment program, solicit from public
10 entities proposed projects that meet threshold criteria established
11 in accordance with this subsection. The procedures for collecting and
12 validating project information must rely on information project
13 sponsors have already developed to the greatest extent possible;

14 (f) For the six-year investment program, review and evaluate
15 project submissions based on criteria established under this section
16 and prioritize and recommend projects with an appropriate level of
17 state funding for a project, ensuring that state funds are allocated
18 to leverage the greatest amount of partnership funding possible. The
19 board shall ensure that recommended projects are not more
20 appropriately funded with other federal, state, or local government
21 funding mechanisms or programs. The board shall not recommend those
22 projects that appear to improve overall general mobility with limited
23 enhancement for freight mobility; and

24 (g) Develop and recommend policies that address operational
25 improvements that primarily benefit and enhance freight movement((7))
26 including, but not limited to, policies that reduce congestion in
27 truck lanes at border crossings and weigh stations and provide for
28 access to ports during nonpeak hours.

29 NEW SECTION. Sec. 4. The freight mobility strategic investment
30 board must contract for a study of best practices for preventing or
31 mitigating the impacts of investments in and the operation of freight
32 systems in overburdened communities, with a focus on developing
33 common procedures and practices for use by jurisdictions developing
34 freight projects. The study must also make recommendations to the
35 board regarding methods to evaluate the threshold criteria requiring
36 projects to demonstrate a plan for engagement with overburdened
37 communities and mitigation of project impacts in those communities.
38 The recommended methods should not create duplicative burdens on
39 project sponsors. The board must work with the department of

1 enterprise services to ensure that a diverse group of potential
2 consultants are notified of the contracting opportunity. By December
3 1, 2024, the board must submit a report to the governor and
4 transportation committees of the legislature with its findings and
5 recommendations.

6 **Sec. 5.** RCW 47.06A.030 and 1999 c 216 s 2 are each amended to
7 read as follows:

8 (1) The freight mobility strategic investment board is created.
9 The board shall convene by July 1, 1998.

10 (2) The board is composed of (~~twelve~~) 15 members. The following
11 members are appointed by the governor for terms of four years, except
12 that five members initially are appointed for terms of two years: (a)
13 Two members, one of whom is from a city located within or along a
14 strategic freight corridor, appointed from a list of at least four
15 persons nominated by the association of Washington cities or its
16 successor; (b) two members, one of whom is from a county having a
17 strategic freight corridor within its boundaries, appointed from a
18 list of at least four persons nominated by the Washington state
19 association of counties or its successor; (c) two members, one of
20 whom is from a port district located within or along a strategic
21 freight corridor, appointed from a list of at least four persons
22 nominated by the Washington public ports association or its
23 successor; (d) one member representing the office of financial
24 management; (e) one member appointed as a representative of the
25 trucking industry; (f) one member appointed as a representative of
26 the railroads; (g) the secretary of the department of transportation
27 or the secretary's designee; (h) one member representing the
28 steamship industry; (~~and~~) (i) one member representing the package
29 delivery industry; (j) one member representing environmental
30 protection interests; (k) one member representing the interests of
31 overburdened communities; and (l) one member of the general public.
32 In appointing the general public member, the governor shall endeavor
33 to appoint a member with special expertise in relevant fields such as
34 public finance, freight transportation, or public works construction.
35 The governor shall appoint the general public member as chair of the
36 board. In making appointments to the board, the governor shall ensure
37 that each geographic region of the state is represented.
38 (3) Members of the board shall be reimbursed for reasonable and
39 customary travel expenses as provided in RCW 43.03.050 and 43.03.060.

1 (4) If a vacancy on the board occurs by death, resignation, or
2 otherwise, the governor shall fill the vacant position for the
3 unexpired term. Each vacancy in a position appointed from lists
4 provided by the associations and departments under subsection (2) of
5 this section must be filled from a list of at least four persons
6 nominated by the relevant association or associations.

7 (5) The appointments made in subsection (2) of this section are
8 not subject to confirmation.

9 **Sec. 6.** RCW 47.06.045 and 1998 c 175 s 10 are each amended to
10 read as follows:

11 The state-interest component of the statewide multimodal
12 transportation plan shall include a freight mobility plan which shall
13 assess the transportation needs to ensure the safe, reliable, and
14 efficient movement of goods within and through the state and to
15 ensure the state's economic vitality. The department shall coordinate
16 with the freight mobility strategic investment board throughout the
17 process of the department's periodic update of the state's freight
18 mobility plan and provide opportunities for the board to review and
19 provide feedback on the plan.

20 **Sec. 7.** RCW 47.06.070 and 1993 c 446 s 7 are each amended to
21 read as follows:

22 The state-interest component of the statewide multimodal
23 transportation plan shall include a state marine ports and navigation
24 plan, which shall assess the transportation needs of Washington's
25 marine ports, including navigation, and identify transportation
26 system improvements needed to support the international trade and
27 economic development role of Washington's marine ports. The
28 department shall coordinate with the freight mobility strategic
29 investment board throughout the process of the department's periodic
30 update of the state marine ports and navigation plan and provide
31 opportunities for the board to review and provide feedback on the
32 plan.

33 **Sec. 8.** RCW 46.68.300 and 2021 c 333 s 711 are each amended to
34 read as follows:

35 The freight mobility investment account is hereby created in the
36 state treasury. Money in the account may be spent only after
37 appropriation. Expenditures from the account may be used only for

1 freight mobility projects that have been (~~approved~~) recommended by
2 the freight mobility strategic investment board in RCW 47.06A.020 and
3 may include any principal and interest on bonds authorized for the
4 projects or improvements. (~~During the 2019-2021 and 2021-2023 fiscal~~
5 ~~biennia, the expenditures from the account may also be used for the~~
6 ~~administrative expenses of the freight mobility strategic investment~~
7 ~~board.~~)

8 **Sec. 9.** RCW 46.68.310 and 2020 c 219 s 702 are each amended to
9 read as follows:

10 The freight mobility multimodal account is created in the state
11 treasury. Money in the account may be spent only after appropriation.
12 Expenditures from the account may be used only for freight mobility
13 projects that have been (~~approved~~) recommended by the freight
14 mobility strategic investment board in RCW 47.06A.020 and may include
15 any principal and interest on bonds authorized for the projects or
16 improvements. (~~However, during the 2019-2021 fiscal biennium, the~~
17 ~~legislature may direct the state treasurer to make transfers of~~
18 ~~moneys in the freight mobility multimodal account to the multimodal~~
19 ~~transportation account.~~)

20 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
21 each repealed:

- 22 (1) RCW 47.06A.045 (Board—Standing committee—Travel
23 reimbursement) and 2013 c 306 s 707;
- 24 (2) RCW 47.06A.050 (Allocation of funds) and 2016 c 23 s 1, 2013
25 c 104 s 2, & 1998 c 175 s 6; and
- 26 (3) RCW 47.06A.060 (Grants and loans) and 1998 c 175 s 7.

27 NEW SECTION. **Sec. 11.** (1) RCW 47.06A.080 is recodified as a
28 section in chapter 53.20 RCW.

29 (2) RCW 47.06A.090 is recodified as a section in chapter 47.04
30 RCW.

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