
SUBSTITUTE SENATE BILL 5743

State of Washington

68th Legislature

2023 Regular Session

By Senate Transportation (originally sponsored by Senators Lias and Billig)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to making certain nonsubstantive, corrective
2 changes resulting from enactment of chapter 182, Laws of 2022
3 (transportation resources); amending RCW 81.104.170, 81.104.175,
4 47.04.380, 47.04.390, 46.68.480, 43.84.092, 43.84.092, 47.66.140, and
5 43.392.040; reenacting and amending RCW 47.04.010; adding a new
6 section to chapter 47.04 RCW; creating new sections; recodifying RCW
7 47.24.060; providing an effective date; and providing an expiration
8 date.

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

10 NEW SECTION. **Sec. 1.** During the regular legislative session of
11 2022, the legislature passed Engrossed Substitute Senate Bill No.
12 5974 (chapter 182, Laws of 2022), a significant transportation
13 resources bill intended to provide needed transportation funding
14 throughout the state. However, since the enactment of that act,
15 certain drafting errors and omissions were identified within the act
16 resulting in some provisions being enacted contrary to legislative
17 intent. Additionally, some corrective changes were identified that
18 would better conform certain provisions with original legislative
19 intent. Therefore, it is the intent of the legislature to simply
20 correct manifest drafting errors and omissions and adopt corrective
21 changes in order to conform certain provisions with the original

1 legislative intent of Engrossed Substitute Senate Bill No. 5974
2 (chapter 182, Laws of 2022). It is not the intent of the legislature
3 to alter the intended substantive policy enacted in Engrossed
4 Substitute Senate Bill No. 5974 (chapter 182, Laws of 2022), but
5 rather to make certain nonsubstantive, corrective changes.

6 **Sec. 2.** RCW 81.104.170 and 2019 c 273 s 12 are each amended to
7 read as follows:

8 (1) Cities that operate transit systems, county transportation
9 authorities, metropolitan municipal corporations, public
10 transportation benefit areas, high capacity transportation corridor
11 areas, and regional transit authorities may submit an authorizing
12 proposition to the voters and if approved by a majority of persons
13 voting, fix and impose a sales and use tax in accordance with the
14 terms of this chapter, solely for the purpose of providing high
15 capacity transportation service.

16 (2) The tax authorized pursuant to this section is in addition to
17 the tax authorized by RCW 82.14.030 and must be collected from those
18 persons who are taxable by the state pursuant to chapters 82.08 and
19 82.12 RCW upon the occurrence of any taxable event within the taxing
20 district.

21 (a) Except for the tax imposed under (b) of this subsection by
22 regional transit authorities that include a county with a population
23 of more than (~~one million five hundred thousand~~) 1,500,000, the
24 maximum rate of such tax must be approved by the voters and may not
25 exceed one percent of the selling price (in the case of a sales tax)
26 or value of the article used (in the case of a use tax). The maximum
27 rate of such tax that may be imposed may not exceed nine-tenths of
28 one percent in any county that imposes a tax under RCW 82.14.340, or
29 within a regional transit authority if any county within the
30 authority imposes a tax under RCW 82.14.340.

31 (b) The maximum rate of such tax that may be imposed by a
32 regional transit authority that includes a county with a population
33 of more than (~~one million five hundred thousand~~) 1,500,000 must be
34 approved by the voters and may not exceed 1.4 percent. If a regional
35 transit authority imposes the tax authorized under this subsection
36 (2)(b) in excess of 0.9 percent, the authority may not receive any
37 state grant funds provided in an omnibus transportation
38 appropriations act except transit coordination grants created in
39 chapter 11, Laws of 2015 3rd sp. sess. and regional mobility grant

1 program funds. To be eligible to receive regional mobility grant
2 program funds, a regional transit authority must have adopted, at a
3 minimum, a zero-fare policy that allows passengers 18 years of age
4 and younger to ride free of charge on all modes provided by the
5 authority by October 1, 2022.

6 (3) (a) The exemptions in RCW 82.08.820 and 82.12.820 are for the
7 state portion of the sales and use tax and do not extend to the tax
8 authorized in this section.

9 (b) The exemptions in RCW 82.08.962 and 82.12.962 are for the
10 state and local sales and use taxes and include the tax authorized by
11 this section.

12 (c) The exemptions in RCW 82.14.532 are for the local sales and
13 use taxes and include the tax authorized by this section.

14 **Sec. 3.** RCW 81.104.175 and 2018 c 81 s 1 are each amended to
15 read as follows:

16 (1) A regional transit authority that includes a county with a
17 population of more than (~~one million five hundred thousand~~)
18 1,500,000 may impose a regular property tax levy in an amount not to
19 exceed (~~twenty-five~~) 25 cents per (~~thousand dollars~~) \$1,000 of
20 the assessed value of property in the regional transit authority
21 district in accordance with the terms of this section.

22 (2) Any tax imposed under this section must be used for the
23 purpose of providing high capacity transportation service, as set
24 forth in a proposition that is approved by a majority of the
25 registered voters that vote on the proposition.

26 (3) Property taxes imposed under this section may be imposed for
27 the period of time required to pay the cost to plan, design,
28 construct, operate, and maintain the transit facilities set forth in
29 the approved proposition. Property taxes pledged to repay bonds may
30 be imposed at the pledged amount until the bonds are retired. After
31 the bonds are retired, property taxes authorized under this section
32 must be:

33 (a) Reduced to the level required to operate and maintain the
34 regional transit authority's transit facilities; or

35 (b) Terminated, unless the taxes have been extended by public
36 vote.

37 (4) The limitations in RCW 84.52.043 do not apply to the tax
38 authorized in this section.

1 (5) The limitation in RCW 84.55.010 does not apply to the first
2 levy imposed under this section.

3 (6) If a regional transit authority imposes the tax authorized
4 under subsection (1) of this section, the authority may not receive
5 any state grant funds provided in an omnibus transportation
6 appropriations act except transit coordination grants created in
7 chapter 11, Laws of 2015 3rd sp. sess. and regional mobility grant
8 program funds. To be eligible to receive regional mobility grant
9 program funds, a regional transit authority must have adopted, at a
10 minimum, a zero-fare policy that allows passengers 18 years of age
11 and younger to ride free of charge on all modes provided by the
12 authority by October 1, 2022.

13 (7) Property taxes imposed under this section may not be imposed
14 on less than a whole parcel.

15 **Sec. 4.** RCW 47.04.380 and 2022 c 182 s 417 are each amended to
16 read as follows:

17 (1) The legislature finds that many communities across Washington
18 state have not equitably benefited from investments in the active
19 transportation network. The legislature also finds that legacy state
20 transportation facilities designed primarily for vehicle use caused
21 disconnections in safe routes for people who walk, bike, and roll to
22 work and to carry out other daily activities.

23 (2) To address these investment gaps, and to honor the legacy of
24 community advocacy of Sandy Williams, the Sandy Williams connecting
25 communities program is established within the department. The purpose
26 of the program is to improve active transportation connectivity in
27 communities by:

28 (a) Providing safe, continuous routes for pedestrians,
29 bicyclists, and other nonvehicle users carrying out their daily
30 activities;

31 (b) Mitigating for the health, safety, and access impacts of
32 transportation infrastructure that bisects communities and creates
33 obstacles in the local active transportation network;

34 (c) Investing in greenways providing protected routes for a wide
35 variety of nonvehicular users; and

36 (d) Facilitating the planning, development, and implementation of
37 projects and activities that will improve the connectivity and safety
38 of the active transportation network.

1 (3) The department must select projects to propose to the
2 legislature for funding. In selecting projects, the department must
3 consider, at a minimum, the following criteria:

4 (a) Access to a transit facility, community facility, commercial
5 center, or community-identified assets;

6 (b) The use of minority and women-owned businesses and community-
7 based organizations in planning, community engagement, design, and
8 construction of the project;

9 (c) Whether the project will serve:

10 (i) Overburdened communities as defined in RCW 70A.02.010 to mean
11 a geographic area where vulnerable populations face combined,
12 multiple environmental harms and health impacts, and includes, but is
13 not limited to, highly impacted communities as defined in RCW
14 19.405.020;

15 (ii) Vulnerable populations as defined in RCW 70A.02.010 to mean
16 population groups that are more likely to be at higher risk for poor
17 health outcomes in response to environmental harms, due to adverse
18 socioeconomic factors, such as unemployment, high housing, and
19 transportation costs relative to income, limited access to nutritious
20 food and adequate health care, linguistic isolation, and other
21 factors that negatively affect health outcomes and increase
22 vulnerability to the effects of environmental harms; and sensitivity
23 factors, such as low birth weight and higher rates of
24 hospitalization. Vulnerable populations include, but are not limited
25 to: Racial or ethnic minorities, low-income populations, populations
26 disproportionately impacted by environmental harms, and populations
27 of workers experiencing environmental harms;

28 (iii) Household incomes at or below 200 percent of the federal
29 poverty level; and

30 (iv) People with disabilities;

31 (d) Environmental health disparities, such as those indicated by
32 the diesel pollution burden portion of the Washington environmental
33 health disparities map developed by the department of health, or
34 other similar indicators;

35 (e) Location on or adjacent to tribal lands or locations
36 providing essential services to tribal members;

37 (f) Crash experience involving pedestrians and bicyclists; and

38 (g) Identified need by the community, for example in the state
39 active transportation plan or a regional, county, or community plan.

1 (4) It is the intent of the legislature that the Sandy Williams
2 connecting communities program comply with the requirements of
3 chapter 314, Laws of 2021.

4 (5) The department shall submit a report to the transportation
5 committees of the legislature by December 1, 2022, and each December
6 1st thereafter identifying the selected connecting communities
7 projects for funding by the legislature. The report must also include
8 the status of previously funded projects.

9 (6) This section expires July 1, 2027.

10 **Sec. 5.** RCW 47.04.390 and 2022 c 182 s 419 are each amended to
11 read as follows:

12 (1) The department shall establish a statewide school-based
13 bicycle education grant program. The grant will support two programs:
14 One for elementary and middle school; and one for junior high and
15 high school aged youth to develop the skills and street safety
16 knowledge to be more confident bicyclists for transportation and/or
17 recreation. In development of the grant program, the department is
18 encouraged to consult with the environmental justice council and the
19 office of equity.

20 (2)(a) For the elementary and middle school program, the
21 department shall contract with a nonprofit organization with relevant
22 reach and experience, including a statewide footprint and
23 demonstrable experience deploying bicycling and road safety education
24 curriculum via a train the trainer model in schools. The selected
25 nonprofit shall identify partner schools that serve target
26 populations, based on the criteria in subsection (3) of this section.
27 Partner schools shall receive from the nonprofit: In-school bike and
28 pedestrian safety education curriculum, materials, equipment guidance
29 and consultation, and physical education teacher trainings. Youth
30 grades three through eight are eligible for the program.

31 (b) Selected school districts shall receive and maintain a fleet
32 of bicycles for the youth in the program. Youth and families
33 participating in the school-base bicycle education grant program
34 shall have an opportunity to receive a bike, lock, helmet, and lights
35 free of cost.

36 (3) For the junior high and high school program, the department
37 shall contract with a nonprofit organization with relevant reach and
38 experience, including a statewide footprint; demonstrable experience
39 developing and managing youth-based programming serving youth of

1 color in an after-school and/or community setting; and deploying
2 bicycling and road safety education curriculum via a train the
3 trainer model. The selected nonprofit shall use the equity-based
4 criteria in subsection (4) of this section to identify target
5 populations and partner organizations including, but not limited to,
6 schools, community-based organizations, housing authorities, and
7 parks and recreation departments, that work with the eligible
8 populations of youth ages 14 to 18. Partner organizations shall
9 receive from the nonprofit: Education curriculum, materials,
10 equipment including, but not limited to, bicycles, helmets, locks,
11 and lights, guidance and consultation, and initial instructor/
12 volunteer training, as well as ongoing support.

13 (4) In selecting schools and partner organizations for the
14 school-based bicycle education grant program, the department and
15 nonprofit must consider, at a minimum, the following criteria:

16 (a) Population impacted by poverty, as measured by free and
17 reduced lunch population or 200 percent federal poverty level;

18 (b) People of color;

19 (c) People of Hispanic heritage;

20 (d) People with disabilities;

21 (e) Environmental health disparities, such as those indicated by
22 the diesel pollution burden portion of the Washington environmental
23 health disparities map developed by the department of health, or
24 other similar indicators;

25 (f) Location on or adjacent to an Indian reservation;

26 (g) Geographic location throughout the state;

27 (h) Crash experience involving pedestrians and bicyclists;

28 (i) Access to a community facility or commercial center; and

29 (j) Identified need in the state active transportation plan or a
30 regional, county, or community plan.

31 (5) The department shall submit a report for both programs to the
32 transportation committees of the legislature by December 1, 2022, and
33 each December 1st thereafter identifying the selected programs and
34 school districts for funding by the legislature. The report must also
35 include the status of previously funded programs.

36 **Sec. 6.** RCW 46.68.480 and 2022 c 182 s 430 are each amended to
37 read as follows:

38 The Cooper Jones active transportation safety account is created
39 in the state treasury. All receipts from penalties collected under

1 RCW 46.63.170 shall be deposited into the account. Expenditures from
2 the account may be used only to fund grant projects or programs for
3 bicycle, pedestrian, and nonmotorist safety improvement administered
4 by the Washington traffic safety commission. By December 1, 2024, and
5 every two years thereafter, the commission shall report to the
6 transportation committees of the legislature regarding the activities
7 funded from the account. The account is subject to allotment
8 procedures under chapter 43.88 RCW. Moneys in the account may be
9 spent only after appropriation.

10 **Sec. 7.** RCW 43.84.092 and 2022 c 182 s 403 are each amended to
11 read as follows:

12 (1) All earnings of investments of surplus balances in the state
13 treasury shall be deposited to the treasury income account, which
14 account is hereby established in the state treasury.

15 (2) The treasury income account shall be utilized to pay or
16 receive funds associated with federal programs as required by the
17 federal cash management improvement act of 1990. The treasury income
18 account is subject in all respects to chapter 43.88 RCW, but no
19 appropriation is required for refunds or allocations of interest
20 earnings required by the cash management improvement act. Refunds of
21 interest to the federal treasury required under the cash management
22 improvement act fall under RCW 43.88.180 and shall not require
23 appropriation. The office of financial management shall determine the
24 amounts due to or from the federal government pursuant to the cash
25 management improvement act. The office of financial management may
26 direct transfers of funds between accounts as deemed necessary to
27 implement the provisions of the cash management improvement act, and
28 this subsection. Refunds or allocations shall occur prior to the
29 distributions of earnings set forth in subsection (4) of this
30 section.

31 (3) Except for the provisions of RCW 43.84.160, the treasury
32 income account may be utilized for the payment of purchased banking
33 services on behalf of treasury funds including, but not limited to,
34 depository, safekeeping, and disbursement functions for the state
35 treasury and affected state agencies. The treasury income account is
36 subject in all respects to chapter 43.88 RCW, but no appropriation is
37 required for payments to financial institutions. Payments shall occur
38 prior to distribution of earnings set forth in subsection (4) of this
39 section.

1 (4) Monthly, the state treasurer shall distribute the earnings
2 credited to the treasury income account. The state treasurer shall
3 credit the general fund with all the earnings credited to the
4 treasury income account except:

5 (a) The following accounts and funds shall receive their
6 proportionate share of earnings based upon each account's and fund's
7 average daily balance for the period: The abandoned recreational
8 vehicle disposal account, the aeronautics account, the Alaskan Way
9 viaduct replacement project account, the ambulance transport fund,
10 the brownfield redevelopment trust fund account, the budget
11 stabilization account, the capital vessel replacement account, the
12 capitol building construction account, the Central Washington
13 University capital projects account, the charitable, educational,
14 penal and reformatory institutions account, the Chehalis basin
15 account, the Chehalis basin taxable account, the cleanup settlement
16 account, the climate active transportation account, the climate
17 transit programs account, the Columbia river basin water supply
18 development account, the Columbia river basin taxable bond water
19 supply development account, the Columbia river basin water supply
20 revenue recovery account, the common school construction fund, the
21 community forest trust account, the connecting Washington account,
22 the county arterial preservation account, the county criminal justice
23 assistance account, the deferred compensation administrative account,
24 the deferred compensation principal account, the department of
25 licensing services account, the department of retirement systems
26 expense account, the developmental disabilities community services
27 account, the diesel idle reduction account, the drinking water
28 assistance account, the administrative subaccount of the drinking
29 water assistance account, the early learning facilities development
30 account, the early learning facilities revolving account, the Eastern
31 Washington University capital projects account, the education
32 construction fund, the education legacy trust account, the election
33 account, the electric vehicle account, the energy freedom account,
34 the energy recovery act account, the essential rail assistance
35 account, The Evergreen State College capital projects account, the
36 fair start for kids account, the ferry bond retirement fund, the
37 fish, wildlife, and conservation account, the freight mobility
38 investment account, the freight mobility multimodal account, the
39 grade crossing protective fund, the public health services account,
40 the state higher education construction account, the higher education

1 construction account, the higher education retirement plan
2 supplemental benefit fund, the highway bond retirement fund, the
3 highway infrastructure account, the highway safety fund, the hospital
4 safety net assessment fund, the Interstate 405 and state route number
5 167 express toll lanes account, the judges' retirement account, the
6 judicial retirement administrative account, the judicial retirement
7 principal account, the limited fish and wildlife account, the local
8 leasehold excise tax account, the local real estate excise tax
9 account, the local sales and use tax account, the marine resources
10 stewardship trust account, the medical aid account, the money-
11 purchase retirement savings administrative account, the money-
12 purchase retirement savings principal account, the motor vehicle
13 fund, the motorcycle safety education account, the move ahead WA
14 account, the move ahead WA flexible account, the multimodal
15 transportation account, the multiuse roadway safety account, the
16 municipal criminal justice assistance account, the oyster reserve
17 land account, the pension funding stabilization account, the
18 perpetual surveillance and maintenance account, the pilotage account,
19 the pollution liability insurance agency underground storage tank
20 revolving account, the public employees' retirement system plan 1
21 account, the public employees' retirement system combined plan 2 and
22 plan 3 account, the public facilities construction loan revolving
23 account, the public health supplemental account, the public works
24 assistance account, the Puget Sound capital construction account, the
25 Puget Sound ferry operations account, the Puget Sound Gateway
26 facility account, the Puget Sound taxpayer accountability account,
27 the real estate appraiser commission account, the recreational
28 vehicle account, the regional mobility grant program account, the
29 resource management cost account, the rural arterial trust account,
30 the rural mobility grant program account, the rural Washington loan
31 fund, the sexual assault prevention and response account, the site
32 closure account, the skilled nursing facility safety net trust fund,
33 the small city pavement and sidewalk account, the special category C
34 account, the special wildlife account, the state investment board
35 expense account, the state investment board commingled trust fund
36 accounts, the state patrol highway account, the state reclamation
37 revolving account, the state route number 520 civil penalties
38 account, the state route number 520 corridor account, the statewide
39 broadband account, the statewide tourism marketing account, the
40 supplemental pension account, the Tacoma Narrows toll bridge account,

1 the teachers' retirement system plan 1 account, the teachers'
2 retirement system combined plan 2 and plan 3 account, the tobacco
3 prevention and control account, the tobacco settlement account, the
4 toll facility bond retirement account, the transportation 2003
5 account (nickel account), the transportation equipment fund, the JUDY
6 transportation future funding program account, the transportation
7 improvement account, the transportation improvement board bond
8 retirement account, the transportation infrastructure account, the
9 transportation partnership account, the traumatic brain injury
10 account, the University of Washington bond retirement fund, the
11 University of Washington building account, the voluntary cleanup
12 account, the volunteer firefighters' and reserve officers' relief and
13 pension principal fund, the volunteer firefighters' and reserve
14 officers' administrative fund, the vulnerable roadway user education
15 account, the Washington judicial retirement system account, the
16 Washington law enforcement officers' and firefighters' system plan 1
17 retirement account, the Washington law enforcement officers' and
18 firefighters' system plan 2 retirement account, the Washington public
19 safety employees' plan 2 retirement account, the Washington school
20 employees' retirement system combined plan 2 and 3 account, the
21 Washington state patrol retirement account, the Washington State
22 University building account, the Washington State University bond
23 retirement fund, the water pollution control revolving administration
24 account, the water pollution control revolving fund, the Western
25 Washington University capital projects account, the Yakima integrated
26 plan implementation account, the Yakima integrated plan
27 implementation revenue recovery account, and the Yakima integrated
28 plan implementation taxable bond account. Earnings derived from
29 investing balances of the agricultural permanent fund, the normal
30 school permanent fund, the permanent common school fund, the
31 scientific permanent fund, and the state university permanent fund
32 shall be allocated to their respective beneficiary accounts.

33 (b) Any state agency that has independent authority over accounts
34 or funds not statutorily required to be held in the state treasury
35 that deposits funds into a fund or account in the state treasury
36 pursuant to an agreement with the office of the state treasurer shall
37 receive its proportionate share of earnings based upon each account's
38 or fund's average daily balance for the period.

1 (5) In conformance with Article II, section 37 of the state
2 Constitution, no treasury accounts or funds shall be allocated
3 earnings without the specific affirmative directive of this section.

4 **Sec. 8.** RCW 43.84.092 and 2022 c 182 s 404 are each amended to
5 read as follows:

6 (1) All earnings of investments of surplus balances in the state
7 treasury shall be deposited to the treasury income account, which
8 account is hereby established in the state treasury.

9 (2) The treasury income account shall be utilized to pay or
10 receive funds associated with federal programs as required by the
11 federal cash management improvement act of 1990. The treasury income
12 account is subject in all respects to chapter 43.88 RCW, but no
13 appropriation is required for refunds or allocations of interest
14 earnings required by the cash management improvement act. Refunds of
15 interest to the federal treasury required under the cash management
16 improvement act fall under RCW 43.88.180 and shall not require
17 appropriation. The office of financial management shall determine the
18 amounts due to or from the federal government pursuant to the cash
19 management improvement act. The office of financial management may
20 direct transfers of funds between accounts as deemed necessary to
21 implement the provisions of the cash management improvement act, and
22 this subsection. Refunds or allocations shall occur prior to the
23 distributions of earnings set forth in subsection (4) of this
24 section.

25 (3) Except for the provisions of RCW 43.84.160, the treasury
26 income account may be utilized for the payment of purchased banking
27 services on behalf of treasury funds including, but not limited to,
28 depository, safekeeping, and disbursement functions for the state
29 treasury and affected state agencies. The treasury income account is
30 subject in all respects to chapter 43.88 RCW, but no appropriation is
31 required for payments to financial institutions. Payments shall occur
32 prior to distribution of earnings set forth in subsection (4) of this
33 section.

34 (4) Monthly, the state treasurer shall distribute the earnings
35 credited to the treasury income account. The state treasurer shall
36 credit the general fund with all the earnings credited to the
37 treasury income account except:

38 (a) The following accounts and funds shall receive their
39 proportionate share of earnings based upon each account's and fund's

1 average daily balance for the period: The abandoned recreational
2 vehicle disposal account, the aeronautics account, the Alaskan Way
3 viaduct replacement project account, the brownfield redevelopment
4 trust fund account, the budget stabilization account, the capital
5 vessel replacement account, the capitol building construction
6 account, the Central Washington University capital projects account,
7 the charitable, educational, penal and reformatory institutions
8 account, the Chehalis basin account, the Chehalis basin taxable
9 account, the cleanup settlement account, the climate active
10 transportation account, the climate transit programs account, the
11 Columbia river basin water supply development account, the Columbia
12 river basin taxable bond water supply development account, the
13 Columbia river basin water supply revenue recovery account, the
14 common school construction fund, the community forest trust account,
15 the connecting Washington account, the county arterial preservation
16 account, the county criminal justice assistance account, the deferred
17 compensation administrative account, the deferred compensation
18 principal account, the department of licensing services account, the
19 department of retirement systems expense account, the developmental
20 disabilities community services account, the diesel idle reduction
21 account, the drinking water assistance account, the administrative
22 subaccount of the drinking water assistance account, the early
23 learning facilities development account, the early learning
24 facilities revolving account, the Eastern Washington University
25 capital projects account, the education construction fund, the
26 education legacy trust account, the election account, the electric
27 vehicle account, the energy freedom account, the energy recovery act
28 account, the essential rail assistance account, The Evergreen State
29 College capital projects account, the fair start for kids account,
30 the ferry bond retirement fund, the fish, wildlife, and conservation
31 account, the freight mobility investment account, the freight
32 mobility multimodal account, the grade crossing protective fund, the
33 public health services account, the state higher education
34 construction account, the higher education construction account, the
35 higher education retirement plan supplemental benefit fund, the
36 highway bond retirement fund, the highway infrastructure account, the
37 highway safety fund, the hospital safety net assessment fund, the
38 Interstate 405 and state route number 167 express toll lanes account,
39 the judges' retirement account, the judicial retirement
40 administrative account, the judicial retirement principal account,

1 the limited fish and wildlife account, the local leasehold excise tax
2 account, the local real estate excise tax account, the local sales
3 and use tax account, the marine resources stewardship trust account,
4 the medical aid account, the money-purchase retirement savings
5 administrative account, the money-purchase retirement savings
6 principal account, the motor vehicle fund, the motorcycle safety
7 education account, the move ahead WA account, the move ahead WA
8 flexible account, the multimodal transportation account, the multiuse
9 roadway safety account, the municipal criminal justice assistance
10 account, the oyster reserve land account, the pension funding
11 stabilization account, the perpetual surveillance and maintenance
12 account, the pilotage account, the pollution liability insurance
13 agency underground storage tank revolving account, the public
14 employees' retirement system plan 1 account, the public employees'
15 retirement system combined plan 2 and plan 3 account, the public
16 facilities construction loan revolving account, the public health
17 supplemental account, the public works assistance account, the Puget
18 Sound capital construction account, the Puget Sound ferry operations
19 account, the Puget Sound Gateway facility account, the Puget Sound
20 taxpayer accountability account, the real estate appraiser commission
21 account, the recreational vehicle account, the regional mobility
22 grant program account, the resource management cost account, the
23 rural arterial trust account, the rural mobility grant program
24 account, the rural Washington loan fund, the sexual assault
25 prevention and response account, the site closure account, the
26 skilled nursing facility safety net trust fund, the small city
27 pavement and sidewalk account, the special category C account, the
28 special wildlife account, the state investment board expense account,
29 the state investment board commingled trust fund accounts, the state
30 patrol highway account, the state reclamation revolving account, the
31 state route number 520 civil penalties account, the state route
32 number 520 corridor account, the statewide broadband account, the
33 statewide tourism marketing account, the supplemental pension
34 account, the Tacoma Narrows toll bridge account, the teachers'
35 retirement system plan 1 account, the teachers' retirement system
36 combined plan 2 and plan 3 account, the tobacco prevention and
37 control account, the tobacco settlement account, the toll facility
38 bond retirement account, the transportation 2003 account (nickel
39 account), the transportation equipment fund, the JUDY transportation
40 future funding program account, the transportation improvement

1 account, the transportation improvement board bond retirement
2 account, the transportation infrastructure account, the
3 transportation partnership account, the traumatic brain injury
4 account, the University of Washington bond retirement fund, the
5 University of Washington building account, the voluntary cleanup
6 account, the volunteer firefighters' and reserve officers' relief and
7 pension principal fund, the volunteer firefighters' and reserve
8 officers' administrative fund, the vulnerable roadway user education
9 account, the Washington judicial retirement system account, the
10 Washington law enforcement officers' and firefighters' system plan 1
11 retirement account, the Washington law enforcement officers' and
12 firefighters' system plan 2 retirement account, the Washington public
13 safety employees' plan 2 retirement account, the Washington school
14 employees' retirement system combined plan 2 and 3 account, the
15 Washington state patrol retirement account, the Washington State
16 University building account, the Washington State University bond
17 retirement fund, the water pollution control revolving administration
18 account, the water pollution control revolving fund, the Western
19 Washington University capital projects account, the Yakima integrated
20 plan implementation account, the Yakima integrated plan
21 implementation revenue recovery account, and the Yakima integrated
22 plan implementation taxable bond account. Earnings derived from
23 investing balances of the agricultural permanent fund, the normal
24 school permanent fund, the permanent common school fund, the
25 scientific permanent fund, and the state university permanent fund
26 shall be allocated to their respective beneficiary accounts.

27 (b) Any state agency that has independent authority over accounts
28 or funds not statutorily required to be held in the state treasury
29 that deposits funds into a fund or account in the state treasury
30 pursuant to an agreement with the office of the state treasurer shall
31 receive its proportionate share of earnings based upon each account's
32 or fund's average daily balance for the period.

33 (5) In conformance with Article II, section 37 of the state
34 Constitution, no treasury accounts or funds shall be allocated
35 earnings without the specific affirmative directive of this section.

36 **Sec. 9.** RCW 47.04.010 and 2015 3rd sp.s. c 10 s 3 are each
37 reenacted and amended to read as follows:

38 The following words and phrases, wherever used in this title,
39 shall have the meaning as in this section ascribed to them, unless

1 where used the context thereof shall clearly indicate to the contrary
2 or unless otherwise defined in the chapter of which they are a part:

3 (1) "Alley." A highway within the ordinary meaning of alley not
4 designated for general travel and primarily used as a means of access
5 to the rear of residences and business establishments;

6 (2) "Arterial highway." Every highway, as herein defined, or
7 portion thereof designated as such by proper authority;

8 (3) "Business district." The territory contiguous to and
9 including a highway, as herein defined, when within any (~~six~~
10 ~~hundred~~) 600 feet along such highway there are buildings in use for
11 business or industrial purposes(~~(7)~~) including, but not limited to,
12 hotels, banks, or office buildings, railroad stations, and public
13 buildings which occupy at least (~~(three—hundred)~~) 300 feet of
14 frontage on one side or (~~(three—hundred)~~) 300 feet collectively on
15 both sides of the highway;

16 (4) "Center line." The line, marked or unmarked parallel to and
17 equidistant from the sides of a two-way traffic roadway of a highway
18 except where otherwise indicated by painted lines or markers;

19 (5) "Center of intersection." The point of intersection of the
20 center lines of the roadways of intersecting highways;

21 (6) "City street." Every highway as herein defined, or part
22 thereof located within the limits of incorporated cities and towns,
23 except alleys;

24 (7) "Combination of vehicles." Every combination of motor vehicle
25 and motor vehicle, motor vehicle and trailer, or motor vehicle and
26 semitrailer;

27 (8) "Commercial vehicle." Any vehicle the principal use of which
28 is the transportation of commodities, merchandise, produce, freight,
29 animals, or passengers for hire;

30 (9) "County road." Every highway as herein defined, or part
31 thereof, outside the limits of incorporated cities and towns and
32 which has not been designated as a state highway, or branch thereof;

33 (10) "Crosswalk." The portion of the roadway between the
34 intersection area and a prolongation or connection of the farthest
35 sidewalk line or in the event there are no sidewalks then between the
36 intersection area and a line ten feet therefrom, except as modified
37 by a marked crosswalk;

38 (11) "Highway." Every way, lane, road, street, boulevard, and
39 every way or place in the state of Washington open as a matter of

1 right to public vehicular travel both inside and outside the limits
2 of incorporated cities and towns;

3 (12) "Intersection area." (a) The area embraced within the
4 prolongation or connection of the lateral curb lines, or, if none,
5 then the lateral boundary lines of the roadways of two or more
6 highways which join one another at, or approximately at, right
7 angles, or the area within which vehicles traveling upon different
8 highways joining at any other angle may come in conflict;

9 (b) Where a highway includes two roadways (~~(thirty)~~) 30 feet or
10 more apart, then every crossing of each roadway of such divided
11 highway by an intersecting highway shall be regarded as a separate
12 intersection. In the event such intersecting highway also includes
13 two roadways (~~(thirty)~~) 30 feet or more apart, then every crossing of
14 two roadways of such highways shall be regarded as a separate
15 intersection;

16 (c) The junction of an alley with a street or highway shall not
17 constitute an intersection;

18 (13) "Intersection control area." The intersection area as herein
19 defined, together with such modification of the adjacent roadway area
20 as results from the arc or curb corners and together with any marked
21 or unmarked crosswalks adjacent to the intersection;

22 (14) "Laned highway." A highway the roadway of which is divided
23 into clearly marked lanes for vehicular traffic;

24 (15) "Local authorities." Every county, municipal, or other local
25 public board or body having authority to adopt local police
26 regulations under the Constitution and laws of this state;

27 (16) "Marked crosswalk." Any portion of a roadway distinctly
28 indicated for pedestrian crossing by lines or other markings on the
29 surface thereof;

30 (17) "Metal tire." Every tire, the bearing surface of which in
31 contact with the highway is wholly or partly of metal or other hard,
32 nonresilient material;

33 (18) "Motor truck." Any motor vehicle, as herein defined,
34 designed or used for the transportation of commodities, merchandise,
35 produce, freight, or animals;

36 (19) "Motor vehicle." Every vehicle, as herein defined, which is
37 in itself a self-propelled unit;

38 (20) "Multiple lane highway." Any highway the roadway of which is
39 of sufficient width to reasonably accommodate two or more separate
40 lanes of vehicular traffic in the same direction, each lane of which

1 shall be not less than the maximum legal vehicle width, and whether
2 or not such lanes are marked;

3 (21) "Operator." Every person who drives or is in actual physical
4 control of a vehicle as herein defined;

5 (22) "Peace officer." Any officer authorized by law to execute
6 criminal process or to make arrests for the violation of the statutes
7 generally or of any particular statute or statutes relative to the
8 highways of this state;

9 (23) "Pedestrian." Any person afoot or who is using a wheelchair,
10 power wheelchair as defined in RCW 46.04.415, or a means of
11 conveyance propelled by human power other than a bicycle;

12 (24) "Person." Every natural person, firm, copartnership,
13 corporation, association, or organization;

14 (25) "Personal wireless service." Any federally licensed personal
15 wireless service;

16 (26) "Personal wireless service facilities." Unstaffed facilities
17 that are used for the transmission or reception, or both, of personal
18 wireless services including, but not necessarily limited to, antenna
19 arrays, transmission cables, equipment shelters, and support
20 structures;

21 (27) "Pneumatic tires." Every tire of rubber or other resilient
22 material designed to be inflated with compressed air to support the
23 load thereon;

24 (28) "Private road or driveway." Every way or place in private
25 ownership and used for travel of vehicles by the owner or those
26 having express or implied permission from the owner, but not by other
27 persons;

28 (29) "Railroad." A carrier of persons or property upon vehicles,
29 other than streetcars, operated upon stationary rails, the route of
30 which is principally outside incorporated cities and towns;

31 (30) "Railroad sign or signal." Any sign, signal, or device
32 erected by authority of a public body or official or by a railroad
33 and intended to give notice of the presence of railroad tracks or the
34 approach of a railroad train;

35 (31) "Residence district." The territory contiguous to and
36 including the highway, as herein defined, not comprising a business
37 district, as herein defined, when the property on such highway for a
38 continuous distance of (~~three hundred~~) 300 feet or more on either
39 side thereof is in the main improved with residences or residences
40 and buildings in use for business;

1 (32) "Roadway." The paved, improved, or proper driving portion of
2 a highway designed, or ordinarily used for vehicular travel;

3 (33) "Safety zone." The area or space officially set apart within
4 a roadway for the exclusive use of pedestrians and which is protected
5 or is marked or indicated by painted marks, signs, buttons,
6 standards, or otherwise so as to be plainly discernible;

7 (34) "Sidewalk." That property between the curb lines or the
8 lateral lines of a roadway, as herein defined, and the adjacent
9 property, set aside and intended for the use of pedestrians or such
10 portion of private property parallel and in proximity to a highway
11 and dedicated to use by pedestrians;

12 (35) "Solid tire." Every tire of rubber or other resilient
13 material which does not depend upon inflation with compressed air for
14 the support of the load thereon;

15 (36) "State highway." Every highway as herein defined, or part
16 thereof, which has been designated as a state highway, or branch
17 thereof, by legislative enactment;

18 (37) "Streetcar." A vehicle other than a train, as herein
19 defined, for the transporting of persons or property and operated
20 upon stationary rails principally within incorporated cities and
21 towns;

22 (38) "Structurally deficient." A state bridge that is classified
23 as in poor condition under the state bridge condition rating system
24 and is reported by the state to the national bridge inventory as
25 having a deck, superstructure, or substructure rating of four or
26 below. Structurally deficient bridges are characterized by
27 deteriorated conditions of significant bridge elements and
28 potentially reduced load carrying capacity. Bridges deemed
29 structurally deficient typically require significant maintenance and
30 repair to remain in service, and require major rehabilitation or
31 replacement to address the underlying deficiency;

32 (39) "Traffic." Pedestrians, ridden or herded animals, vehicles,
33 streetcars, and other conveyances either singly or together while
34 using any highways for purposes of travel;

35 (40) "Traffic control signal." Any traffic device, as herein
36 defined, whether manually, electrically, or mechanically operated, by
37 which traffic alternately is directed to stop or proceed or otherwise
38 controlled;

39 (41) "Traffic devices." All signs, signals, markings, and devices
40 not inconsistent with this title placed or erected by authority of a

1 public body or official having jurisdiction, for the purpose of
2 regulating, warning, or guiding traffic;

3 (42) "Train." A vehicle propelled by steam, electricity, or other
4 motive power with or without cars coupled thereto, operated upon
5 stationary rails, except streetcars;

6 (43) "Vehicle." Every device capable of being moved upon a
7 highway and in, upon, or by which any person or property is or may be
8 transported or drawn upon a highway, excepting power wheelchairs, as
9 defined in RCW 46.04.415, or devices moved by human or animal power
10 or used exclusively upon stationary rails or tracks;

11 (44) "Active transportation" includes forms of pedestrian
12 mobility including walking or running, the use of a mobility
13 assistive device such as a wheelchair, bicycling and cycling
14 irrespective of the number of wheels, and the use of small personal
15 devices such as foot scooters or skateboards. Active transportation
16 includes both traditional and electric-assisted bicycles and other
17 devices. Planning for active transportation must consider and address
18 accommodation pursuant to the Americans with disabilities act and the
19 distinct needs of each form of active transportation;

20 (45) "Complete streets" means an approach to planning, designing,
21 building, operating, and maintaining streets that enable safe access
22 along and across the street for all people, including pedestrians,
23 bicyclists, motorists, and transit riders of all ages and abilities.
24 It incorporates principles of a safe system approach;

25 (46) "Population center" includes incorporated cities and towns,
26 including their urban growth areas, and census-designated places;

27 (47) "Safe system approach" means an internationally recognized
28 holistic and proactive approach to road safety intended to
29 systematically reduce fatal and serious injury crash potential; as
30 described by the federal highway administration, the approach is
31 based on the following elements: Safe roads, safe speeds, safe
32 vehicles, safe road users, and postcrash care. The safe system
33 approach is incorporated through policies and practices of state
34 agencies and local governments with appropriate jurisdiction;

35 (48) "Shared-use path," also known as a "multiuse path," means a
36 facility designed for active transportation use and physically
37 separated from motorized vehicular traffic within the highway right-
38 of-way or on an exclusive right-of-way with minimal crossflow by
39 motor vehicles. Shared-use paths are primarily used by pedestrians
40 and people using bicycles or micromobility devices, including those

1 who use nonmotorized or motorized wheeled mobility or assistive
2 devices. With appropriate design considerations, equestrians may also
3 be accommodated by a shared-use path facility.

4 Words and phrases used herein in the past, present, or future
5 tense shall include the past, present, and future tenses; words and
6 phrases used herein in the masculine, feminine, or neuter gender
7 shall include the masculine, feminine, and neuter genders; and words
8 and phrases used herein in the singular or plural shall include the
9 singular and plural; unless the context thereof shall indicate to the
10 contrary.

11 **Sec. 10.** RCW 47.66.140 and 2022 c 182 s 422 are each amended to
12 read as follows:

13 (1) The department shall establish a transit support grant
14 program for the purpose of providing financial support to transit
15 agencies for operating and capital expenses only. Public transit
16 agencies must maintain or increase their local sales tax authority on
17 or after January 1, 2022, in order to qualify for the grants.

18 (a) Grants for transit agencies must be prorated based on the
19 amount expended for operations in the most recently published report
20 of "Summary of Public Transportation" published by the department.

21 (b) No transit agency may receive more than 35 percent of these
22 distributions.

23 (c) Fuel type may not be a factor in the grant selection process.

24 (2) To be eligible to receive a grant, the transit agency must
25 have adopted, at a minimum, a zero-fare policy that allows passengers
26 18 years of age and younger to ride free of charge on all modes
27 provided by the agency. Transit agencies must submit documentation of
28 a zero-fare policy for 18 years of age and under by October 1, 2022,
29 to be eligible for the 2023-2025 biennium. Transit agencies that
30 submit such fare policy documentation following the October 1, 2022,
31 deadline shall become eligible for the next biennial distribution. To
32 the extent practicable, transit agencies shall align implementation
33 of youth zero-fare policies with equity and environmental justice
34 principles consistent with recommendations from the environmental
35 justice council, and ensure accessibility of the program to all
36 youth.

37 (3) The department shall, for the purposes of the "Summary of
38 Public Transportation" report, require grantees to report the number
39 of trips that were taken under this program.

1 (4) For the purposes of this section, "transit agency" or
2 "agency" means a city transit system under RCW 35.58.2721 or chapter
3 35.95A RCW, a county public transportation authority under chapter
4 36.57 RCW, a metropolitan municipal corporation transit system under
5 chapter 36.56 RCW, a public transportation benefit area under chapter
6 36.57A RCW, an unincorporated transportation benefit area under RCW
7 36.57.100, or any special purpose district formed to operate a public
8 transportation system.

9 **Sec. 11.** RCW 43.392.040 and 2022 c 182 s 429 are each amended to
10 read as follows:

11 (1) Interagency electric vehicle coordinating council
12 responsibilities include, but are not limited to:

13 (a) Development of a statewide transportation electrification
14 strategy to ensure market and infrastructure readiness for all new
15 vehicle sales;

16 (b) Identification of all electric vehicle infrastructure grant-
17 related funding to include existing and future opportunities,
18 including state, federal, and other funds, and also nongrant-related
19 funding, including revenues generated by an electric utility from
20 credits under the clean fuels program for transportation
21 electrification programs or projects pursuant to RCW 70A.535.080(2);

22 (c) Coordination of grant funding criteria across agency grant
23 programs to most efficiently distribute state and federal electric
24 vehicle-related funding in a manner that is most beneficial to the
25 state, advances best practices, and recommends additional criteria
26 that could be useful in advancing transportation electrification;

27 (d) Development of a robust public and private outreach plan that
28 includes engaging with:

29 (i) Community organizers and the environmental justice council to
30 develop community-driven programs to address zero emissions
31 transportation needs and priorities in overburdened communities; and

32 (ii) Local governments to explore procurement opportunities and
33 work with local government and community programs to support
34 electrification;

35 (e) Creation of an industry electric vehicle advisory committee;
36 and

37 (f) Ensuring the statewide transportation electrification
38 strategy, grant distribution, programs, and activities associated

1 with advancing transportation electrification benefit vulnerable and
2 overburdened communities.

3 (2) The council shall provide an annual report to the appropriate
4 committees of the legislature summarizing electric vehicle
5 implementation progress, gaps, and resource needs.

6 NEW SECTION. **Sec. 12.** Sections 2 and 3 of this act are remedial
7 in nature and apply retroactively to July 1, 2022.

8 NEW SECTION. **Sec. 13.** RCW 47.24.060 is recodified as a section
9 in chapter 47.04 RCW.

10 NEW SECTION. **Sec. 14.** Section 7 of this act expires July 1,
11 2024.

12 NEW SECTION. **Sec. 15.** Section 8 of this act takes effect July
13 1, 2024.

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