

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1853

Chapter 431, Laws of 2023

68th Legislature
2023 Regular Session

TRANSPORTATION RESOURCES—VARIOUS PROVISIONS

EFFECTIVE DATE: July 23, 2023—Except for sections 2 and 3, which take effect October 1, 2023; and section 10, which takes effect July 1, 2024.

Passed by the House April 20, 2023
Yeas 50 Nays 45

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 20, 2023
Yeas 32 Nays 16

DENNY HECK

President of the Senate

Approved May 11, 2023 9:58 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1853** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 11, 2023

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1853

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By House Transportation (originally sponsored by Representative Fey)

READ FIRST TIME 04/04/23.

1 AN ACT Relating to making certain corrective changes resulting
2 from the enactment of chapter 182, Laws of 2022 (transportation
3 resources); amending RCW 46.17.015, 46.17.025, 81.104.170,
4 81.104.175, 47.04.380, 47.04.390, 46.68.480, 43.84.092, 43.84.092,
5 47.66.140, and 43.392.040; reenacting and amending RCW 47.04.010;
6 adding a new section to chapter 70A.535 RCW; adding a new section to
7 chapter 47.04 RCW; creating new sections; recodifying RCW 47.24.060;
8 providing effective dates; and providing an expiration 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 corrective changes.

6 **Sec. 2.** RCW 46.17.015 and 2022 c 182 s 207 are each amended to
7 read as follows:

8 (1) A person who applies for a vehicle registration or for any
9 other right to operate a vehicle on the highways of this state shall
10 pay a 25 cent license plate technology fee in addition to any other
11 fees and taxes required by law. The license plate technology fee must
12 be distributed under RCW 46.68.370.

13 (2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not
14 subject to the license plate technology fee, except for a vehicle
15 (~~registered under RCW 46.16A.455(3)~~) subject to the fee under RCW
16 46.17.355.

17 (3) The revenue generated from (~~the license plate technology fee~~
18 ~~imposed on vehicles registered under RCW 46.16A.455(3)~~) subsection
19 (2) of this section must be deposited in the move ahead WA account
20 created in RCW 46.68.510.

21 **Sec. 3.** RCW 46.17.025 and 2022 c 182 s 208 are each amended to
22 read as follows:

23 (1) A person who applies for a vehicle registration or for any
24 other right to operate a vehicle on the highways of this state shall
25 pay a 50 cent license service fee in addition to any other fees and
26 taxes required by law. The license service fee must be distributed
27 under RCW 46.68.220.

28 (2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not
29 subject to the license service fee, except for a vehicle (~~registered~~
30 ~~under RCW 46.16A.455(3)~~) subject to the fee under RCW 46.17.355.

31 (3) The revenue generated from (~~the license service fee imposed~~
32 ~~on vehicles registered under RCW 46.16A.455(3)~~) subsection (2) of
33 this section must be deposited in the move ahead WA account created
34 in RCW 46.68.510.

35 **Sec. 4.** RCW 81.104.170 and 2019 c 273 s 12 are each amended to
36 read as follows:

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

9 (2) The tax authorized pursuant to this section is in addition to
10 the tax authorized by RCW 82.14.030 and must be collected from those
11 persons who are taxable by the state pursuant to chapters 82.08 and
12 82.12 RCW upon the occurrence of any taxable event within the taxing
13 district.

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

24 (b) The maximum rate of such tax that may be imposed by a
25 regional transit authority that includes a county with a population
26 of more than (~~one million five hundred thousand~~) 1,500,000 must be
27 approved by the voters and may not exceed 1.4 percent. If a regional
28 transit authority imposes the tax authorized under this subsection
29 (2)(b) in excess of 0.9 percent, the authority may not receive any
30 state grant funds provided in an omnibus transportation
31 appropriations act except transit coordination grants created in
32 chapter 11, Laws of 2015 3rd sp. sess. and regional mobility grant
33 program funds. To be eligible to receive regional mobility grant
34 program funds, a regional transit authority must have adopted, at a
35 minimum, a zero-fare policy that allows passengers 18 years of age
36 and younger to ride free of charge on all modes provided by the
37 authority by October 1, 2022.

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

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

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

6 **Sec. 5.** RCW 81.104.175 and 2018 c 81 s 1 are each amended to
7 read as follows:

8 (1) A regional transit authority that includes a county with a
9 population of more than (~~one million five hundred thousand~~)
10 1,500,000 may impose a regular property tax levy in an amount not to
11 exceed (~~twenty-five~~) 25 cents per (~~thousand dollars~~) \$1,000 of
12 the assessed value of property in the regional transit authority
13 district in accordance with the terms of this section.

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

18 (3) Property taxes imposed under this section may be imposed for
19 the period of time required to pay the cost to plan, design,
20 construct, operate, and maintain the transit facilities set forth in
21 the approved proposition. Property taxes pledged to repay bonds may
22 be imposed at the pledged amount until the bonds are retired. After
23 the bonds are retired, property taxes authorized under this section
24 must be:

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

27 (b) Terminated, unless the taxes have been extended by public
28 vote.

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

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

33 (6) If a regional transit authority imposes the tax authorized
34 under subsection (1) of this section, the authority may not receive
35 any state grant funds provided in an omnibus transportation
36 appropriations act except transit coordination grants created in
37 chapter 11, Laws of 2015 3rd sp. sess. and regional mobility grant
38 program funds. To be eligible to receive regional mobility grant
39 program funds, a regional transit authority must have adopted, at a

1 minimum, a zero-fare policy that allows passengers 18 years of age
2 and younger to ride free of charge on all modes provided by the
3 authority by October 1, 2022.

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

6 **Sec. 6.** RCW 47.04.380 and 2022 c 182 s 417 are each amended to
7 read as follows:

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

14 (2) To address these investment gaps, and to honor the legacy of
15 community advocacy of Sandy Williams, the Sandy Williams connecting
16 communities program is established within the department. The purpose
17 of the program is to improve active transportation connectivity in
18 communities by:

19 (a) Providing safe, continuous routes for pedestrians,
20 bicyclists, and other nonvehicle users carrying out their daily
21 activities;

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

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

27 (d) Facilitating the planning, development, and implementation of
28 projects and activities that will improve the connectivity and safety
29 of the active transportation network.

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

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

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

38 (c) Whether the project will serve:

1 (i) Overburdened communities as defined in RCW 70A.02.010 to mean
2 a geographic area where vulnerable populations face combined,
3 multiple environmental harms and health impacts, and includes, but is
4 not limited to, highly impacted communities as defined in RCW
5 19.405.020;

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

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

21 (iv) People with disabilities;

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

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

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

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

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

34 (5) The department shall submit a report to the transportation
35 committees of the legislature by December 1, 2022, and each December
36 1st thereafter identifying the selected connecting communities
37 projects for funding by the legislature. The report must also include
38 the status of previously funded projects.

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

1 **Sec. 7.** RCW 47.04.390 and 2022 c 182 s 419 are each amended to
2 read as follows:

3 (1) The department shall establish a statewide school-based
4 bicycle education grant program. The grant will support two programs:
5 One for elementary and middle school; and one for junior high and
6 high school aged youth to develop the skills and street safety
7 knowledge to be more confident bicyclists for transportation and/or
8 recreation. In development of the grant program, the department is
9 encouraged to consult with the environmental justice council and the
10 office of equity.

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

22 (b) Selected school districts shall receive and maintain a fleet
23 of bicycles for the youth in the program. Youth and families
24 participating in the school-base bicycle education grant program
25 shall have an opportunity to receive a bike, lock, helmet, and lights
26 free of cost.

27 (3) For the junior high and high school program, the department
28 shall contract with a nonprofit organization with relevant reach and
29 experience, including a statewide footprint; demonstrable experience
30 developing and managing youth-based programming serving youth of
31 color in an after-school and/or community setting; and deploying
32 bicycling and road safety education curriculum via a train the
33 trainer model. The selected nonprofit shall use the equity-based
34 criteria in subsection (4) of this section to identify target
35 populations and partner organizations including, but not limited to,
36 schools, community-based organizations, housing authorities, and
37 parks and recreation departments, that work with the eligible
38 populations of youth ages 14 to 18. Partner organizations shall
39 receive from the nonprofit: Education curriculum, materials,
40 equipment including, but not limited to, bicycles, helmets, locks,

1 and lights, guidance and consultation, and initial instructor/
2 volunteer training, as well as ongoing support.

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

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

8 (b) People of color;

9 (c) People of Hispanic heritage;

10 (d) People with disabilities;

11 (e) Environmental health disparities, such as those indicated by
12 the diesel pollution burden portion of the Washington environmental
13 health disparities map developed by the department of health, or
14 other similar indicators;

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

16 (g) Geographic location throughout the state;

17 (h) Crash experience involving pedestrians and bicyclists;

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

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

21 (5) The department shall submit a report for both programs to the
22 transportation committees of the legislature by December 1, 2022, and
23 each December 1st thereafter identifying the selected programs and
24 school districts for funding by the legislature. The report must also
25 include the status of previously funded programs.

26 **Sec. 8.** RCW 46.68.480 and 2022 c 182 s 430 are each amended to
27 read as follows:

28 The Cooper Jones active transportation safety account is created
29 in the state treasury. All receipts from penalties collected under
30 RCW 46.63.170 shall be deposited into the account. Expenditures from
31 the account may be used only to fund grant projects or programs for
32 bicycle, pedestrian, and nonmotorist safety improvement administered
33 by the Washington traffic safety commission. By December 1, 2024, and
34 every two years thereafter, the commission shall report to the
35 transportation committees of the legislature regarding the activities
36 funded from the account. The account is subject to allotment
37 procedures under chapter 43.88 RCW. Moneys in the account may be
38 spent only after appropriation.

1 **Sec. 9.** RCW 43.84.092 and 2022 c 182 s 403 are each amended to
2 read as follows:

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

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

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

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

35 (a) The following accounts and funds shall receive their
36 proportionate share of earnings based upon each account's and fund's
37 average daily balance for the period: The abandoned recreational
38 vehicle disposal account, the aeronautics account, the Alaskan Way
39 viaduct replacement project account, the ambulance transport fund,
40 the brownfield redevelopment trust fund account, the budget

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

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

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

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

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

32 **Sec. 10.** RCW 43.84.092 and 2022 c 182 s 404 are each amended to
33 read as follows:

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

37 (2) The treasury income account shall be utilized to pay or
38 receive funds associated with federal programs as required by the
39 federal cash management improvement act of 1990. The treasury income

1 account is subject in all respects to chapter 43.88 RCW, but no
2 appropriation is required for refunds or allocations of interest
3 earnings required by the cash management improvement act. Refunds of
4 interest to the federal treasury required under the cash management
5 improvement act fall under RCW 43.88.180 and shall not require
6 appropriation. The office of financial management shall determine the
7 amounts due to or from the federal government pursuant to the cash
8 management improvement act. The office of financial management may
9 direct transfers of funds between accounts as deemed necessary to
10 implement the provisions of the cash management improvement act, and
11 this subsection. Refunds or allocations shall occur prior to the
12 distributions of earnings set forth in subsection (4) of this
13 section.

14 (3) Except for the provisions of RCW 43.84.160, the treasury
15 income account may be utilized for the payment of purchased banking
16 services on behalf of treasury funds including, but not limited to,
17 depository, safekeeping, and disbursement functions for the state
18 treasury and affected state agencies. The treasury income account is
19 subject in all respects to chapter 43.88 RCW, but no appropriation is
20 required for payments to financial institutions. Payments shall occur
21 prior to distribution of earnings set forth in subsection (4) of this
22 section.

23 (4) Monthly, the state treasurer shall distribute the earnings
24 credited to the treasury income account. The state treasurer shall
25 credit the general fund with all the earnings credited to the
26 treasury income account except:

27 (a) The following accounts and funds shall receive their
28 proportionate share of earnings based upon each account's and fund's
29 average daily balance for the period: The abandoned recreational
30 vehicle disposal account, the aeronautics account, the Alaskan Way
31 viaduct replacement project account, the brownfield redevelopment
32 trust fund account, the budget stabilization account, the capital
33 vessel replacement account, the capitol building construction
34 account, the Central Washington University capital projects account,
35 the charitable, educational, penal and reformatory institutions
36 account, the Chehalis basin account, the Chehalis basin taxable
37 account, the cleanup settlement account, the climate active
38 transportation account, the climate transit programs account, the
39 Columbia river basin water supply development account, the Columbia
40 river basin taxable bond water supply development account, the

1 Columbia river basin water supply revenue recovery account, the
2 common school construction fund, the community forest trust account,
3 the connecting Washington account, the county arterial preservation
4 account, the county criminal justice assistance account, the deferred
5 compensation administrative account, the deferred compensation
6 principal account, the department of licensing services account, the
7 department of retirement systems expense account, the developmental
8 disabilities community services account, the diesel idle reduction
9 account, the drinking water assistance account, the administrative
10 subaccount of the drinking water assistance account, the early
11 learning facilities development account, the early learning
12 facilities revolving account, the Eastern Washington University
13 capital projects account, the education construction fund, the
14 education legacy trust account, the election account, the electric
15 vehicle account, the energy freedom account, the energy recovery act
16 account, the essential rail assistance account, The Evergreen State
17 College capital projects account, the fair start for kids account,
18 the ferry bond retirement fund, the fish, wildlife, and conservation
19 account, the freight mobility investment account, the freight
20 mobility multimodal account, the grade crossing protective fund, the
21 public health services account, the state higher education
22 construction account, the higher education construction account, the
23 higher education retirement plan supplemental benefit fund, the
24 highway bond retirement fund, the highway infrastructure account, the
25 highway safety fund, the hospital safety net assessment fund, the
26 Interstate 405 and state route number 167 express toll lanes account,
27 the judges' retirement account, the judicial retirement
28 administrative account, the judicial retirement principal account,
29 the limited fish and wildlife account, the local leasehold excise tax
30 account, the local real estate excise tax account, the local sales
31 and use tax account, the marine resources stewardship trust account,
32 the medical aid account, the money-purchase retirement savings
33 administrative account, the money-purchase retirement savings
34 principal account, the motor vehicle fund, the motorcycle safety
35 education account, the move ahead WA account, the move ahead WA
36 flexible account, the multimodal transportation account, the multiuse
37 roadway safety account, the municipal criminal justice assistance
38 account, the oyster reserve land account, the pension funding
39 stabilization account, the perpetual surveillance and maintenance
40 account, the pilotage account, the pollution liability insurance

1 agency underground storage tank revolving account, the public
2 employees' retirement system plan 1 account, the public employees'
3 retirement system combined plan 2 and plan 3 account, the public
4 facilities construction loan revolving account, the public health
5 supplemental account, the public works assistance account, the Puget
6 Sound capital construction account, the Puget Sound ferry operations
7 account, the Puget Sound Gateway facility account, the Puget Sound
8 taxpayer accountability account, the real estate appraiser commission
9 account, the recreational vehicle account, the regional mobility
10 grant program account, the resource management cost account, the
11 rural arterial trust account, the rural mobility grant program
12 account, the rural Washington loan fund, the sexual assault
13 prevention and response account, the site closure account, the
14 skilled nursing facility safety net trust fund, the small city
15 pavement and sidewalk account, the special category C account, the
16 special wildlife account, the state investment board expense account,
17 the state investment board commingled trust fund accounts, the state
18 patrol highway account, the state reclamation revolving account, the
19 state route number 520 civil penalties account, the state route
20 number 520 corridor account, the statewide broadband account, the
21 statewide tourism marketing account, the supplemental pension
22 account, the Tacoma Narrows toll bridge account, the teachers'
23 retirement system plan 1 account, the teachers' retirement system
24 combined plan 2 and plan 3 account, the tobacco prevention and
25 control account, the tobacco settlement account, the toll facility
26 bond retirement account, the transportation 2003 account (nickel
27 account), the transportation equipment fund, the JUDY transportation
28 future funding program account, the transportation improvement
29 account, the transportation improvement board bond retirement
30 account, the transportation infrastructure account, the
31 transportation partnership account, the traumatic brain injury
32 account, the University of Washington bond retirement fund, the
33 University of Washington building account, the voluntary cleanup
34 account, the volunteer firefighters' and reserve officers' relief and
35 pension principal fund, the volunteer firefighters' and reserve
36 officers' administrative fund, the vulnerable roadway user education
37 account, the Washington judicial retirement system account, the
38 Washington law enforcement officers' and firefighters' system plan 1
39 retirement account, the Washington law enforcement officers' and
40 firefighters' system plan 2 retirement account, the Washington public

1 safety employees' plan 2 retirement account, the Washington school
2 employees' retirement system combined plan 2 and 3 account, the
3 Washington state patrol retirement account, the Washington State
4 University building account, the Washington State University bond
5 retirement fund, the water pollution control revolving administration
6 account, the water pollution control revolving fund, the Western
7 Washington University capital projects account, the Yakima integrated
8 plan implementation account, the Yakima integrated plan
9 implementation revenue recovery account, and the Yakima integrated
10 plan implementation taxable bond account. Earnings derived from
11 investing balances of the agricultural permanent fund, the normal
12 school permanent fund, the permanent common school fund, the
13 scientific permanent fund, and the state university permanent fund
14 shall be allocated to their respective beneficiary accounts.

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

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

24 **Sec. 11.** RCW 47.04.010 and 2015 3rd sp.s. c 10 s 3 are each
25 reenacted and amended to read as follows:

26 The following words and phrases, wherever used in this title,
27 shall have the meaning as in this section ascribed to them, unless
28 where used the context thereof shall clearly indicate to the contrary
29 or unless otherwise defined in the chapter of which they are a part:

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

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

35 (3) "Business district." The territory contiguous to and
36 including a highway, as herein defined, when within any (~~six~~
37 ~~hundred~~) 600 feet along such highway there are buildings in use for
38 business or industrial purposes(~~(r)~~) including, but not limited to,
39 hotels, banks, or office buildings, railroad stations, and public

1 buildings which occupy at least (~~three hundred~~) 300 feet of
2 frontage on one side or (~~three hundred~~) 300 feet collectively on
3 both sides of the highway;

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

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

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

12 (7) "Combination of vehicles." Every combination of motor vehicle
13 and motor vehicle, motor vehicle and trailer, or motor vehicle and
14 semitrailer;

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

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

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

26 (11) "Highway." Every way, lane, road, street, boulevard, and
27 every way or place in the state of Washington open as a matter of
28 right to public vehicular travel both inside and outside the limits
29 of incorporated cities and towns;

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

36 (b) Where a highway includes two roadways (~~thirty~~) 30 feet or
37 more apart, then every crossing of each roadway of such divided
38 highway by an intersecting highway shall be regarded as a separate
39 intersection. In the event such intersecting highway also includes
40 two roadways (~~thirty~~) 30 feet or more apart, then every crossing of

1 two roadways of such highways shall be regarded as a separate
2 intersection;

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

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

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

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

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

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

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

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

25 (20) "Multiple lane highway." Any highway the roadway of which is
26 of sufficient width to reasonably accommodate two or more separate
27 lanes of vehicular traffic in the same direction, each lane of which
28 shall be not less than the maximum legal vehicle width, and whether
29 or not such lanes are marked;

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

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

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

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

1 (25) "Personal wireless service." Any federally licensed personal
2 wireless service;

3 (26) "Personal wireless service facilities." Unstaffed facilities
4 that are used for the transmission or reception, or both, of personal
5 wireless services including, but not necessarily limited to, antenna
6 arrays, transmission cables, equipment shelters, and support
7 structures;

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

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

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

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

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

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

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

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

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

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

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

11 (38) "Structurally deficient." A state bridge that is classified
12 as in poor condition under the state bridge condition rating system
13 and is reported by the state to the national bridge inventory as
14 having a deck, superstructure, or substructure rating of four or
15 below. Structurally deficient bridges are characterized by
16 deteriorated conditions of significant bridge elements and
17 potentially reduced load carrying capacity. Bridges deemed
18 structurally deficient typically require significant maintenance and
19 repair to remain in service, and require major rehabilitation or
20 replacement to address the underlying deficiency;

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

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

28 (41) "Traffic devices." All signs, signals, markings, and devices
29 not inconsistent with this title placed or erected by authority of a
30 public body or official having jurisdiction, for the purpose of
31 regulating, warning, or guiding traffic;

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

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

1 (44) "Active transportation" includes forms of pedestrian
2 mobility including walking or running, the use of a mobility
3 assistive device such as a wheelchair, bicycling and cycling
4 irrespective of the number of wheels, and the use of small personal
5 devices such as foot scooters or skateboards. Active transportation
6 includes both traditional and electric-assisted bicycles and other
7 devices. Planning for active transportation must consider and address
8 accommodation pursuant to the Americans with disabilities act and the
9 distinct needs of each form of active transportation;

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

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

17 (47) "Safe system approach" means an internationally recognized
18 holistic and proactive approach to road safety intended to
19 systematically reduce fatal and serious injury crash potential; as
20 described by the federal highway administration, the approach is
21 based on the following elements: Safe roads, safe speeds, safe
22 vehicles, safe road users, and postcrash care. The safe system
23 approach is incorporated through policies and practices of state
24 agencies and local governments with appropriate jurisdiction;

25 (48) "Shared-use path," also known as a "multiuse path," means a
26 facility designed for active transportation use and physically
27 separated from motorized vehicular traffic within the highway right-
28 of-way or on an exclusive right-of-way with minimal crossflow by
29 motor vehicles. Shared-use paths are primarily used by pedestrians
30 and people using bicycles or micromobility devices, including those
31 who use nonmotorized or motorized wheeled mobility or assistive
32 devices. With appropriate design considerations, equestrians may also
33 be accommodated by a shared-use path facility.

34 Words and phrases used herein in the past, present, or future
35 tense shall include the past, present, and future tenses; words and
36 phrases used herein in the masculine, feminine, or neuter gender
37 shall include the masculine, feminine, and neuter genders; and words
38 and phrases used herein in the singular or plural shall include the
39 singular and plural; unless the context thereof shall indicate to the
40 contrary.

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

3 (1) The department shall establish a transit support grant
4 program for the purpose of providing financial support to transit
5 agencies for operating and capital expenses only. Public transit
6 agencies must maintain or increase their local sales tax authority on
7 or after January 1, 2022, and may not delay or suspend the collection
8 of voter-approved sales taxes that were approved on or before January
9 1, 2022, in order to qualify for the grants.

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

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

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

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

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

32 (4) For the purposes of this section, "transit agency" or
33 "agency" means a city transit system under RCW 35.58.2721 or chapter
34 35.95A RCW, a county public transportation authority under chapter
35 36.57 RCW, a metropolitan municipal corporation transit system under
36 chapter 36.56 RCW, a public transportation benefit area under chapter
37 36.57A RCW, an unincorporated transportation benefit area under RCW
38 36.57.100, or any special purpose district formed to operate a public
39 transportation system.

1 **Sec. 13.** RCW 43.392.040 and 2022 c 182 s 429 are each amended to
2 read as follows:

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

5 (a) Development of a statewide transportation electrification
6 strategy to ensure market and infrastructure readiness for all new
7 vehicle sales;

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

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

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

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

24 (ii) Local governments to explore procurement opportunities and
25 work with local government and community programs to support
26 electrification;

27 (e) Creation of an industry electric vehicle advisory committee;
28 and

29 (f) Ensuring the statewide transportation electrification
30 strategy, grant distribution, programs, and activities associated
31 with advancing transportation electrification benefit vulnerable and
32 overburdened communities.

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

36 NEW SECTION. **Sec. 14.** A new section is added to chapter 70A.535
37 RCW to read as follows:

38 The clean fuels transportation investment account is created in
39 the state treasury. All receipts to the state from clean fuel credits

1 generated under this chapter from transportation investments,
2 including those listed under RCW 70A.535.050(3), must be deposited
3 into the account. Moneys in the account may be spent only after
4 appropriation. Expenditures from the account may only be used for
5 activities and projects that reduce greenhouse gas emissions and
6 decarbonize the transportation sector.

7 NEW SECTION. **Sec. 15.** Sections 4 and 5 of this act are remedial
8 in nature and apply retroactively to July 1, 2022.

9 NEW SECTION. **Sec. 16.** RCW 47.24.060 is recodified as a section
10 in chapter 47.04 RCW.

11 NEW SECTION. **Sec. 17.** Section 9 of this act expires July 1,
12 2024.

13 NEW SECTION. **Sec. 18.** Section 10 of this act takes effect July
14 1, 2024.

15 NEW SECTION. **Sec. 19.** Sections 2 and 3 of this act take effect
16 October 1, 2023.

Passed by the House April 20, 2023.
Passed by the Senate April 20, 2023.
Approved by the Governor May 11, 2023.
Filed in Office of Secretary of State May 11, 2023.

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