

1 The appropriation in this section is subject to the following
2 conditions and limitations: The entire appropriation is provided
3 solely for staffing costs to be dedicated to state transportation
4 activities. Staff hired to support transportation activities must have
5 practical experience with complex construction projects.

6 **Sec. 102.** 2009 c 470 s 102 (uncodified) is amended to read as
7 follows:

8 **FOR THE UTILITIES AND TRANSPORTATION COMMISSION**
9 Grade Crossing Protective Account--State
10 Appropriation ((~~\$705,000~~))
11 \$703,000

12 **Sec. 103.** 2009 c 470 s 103 (uncodified) is amended to read as
13 follows:

14 **FOR THE OFFICE OF FINANCIAL MANAGEMENT**
15 Motor Vehicle Account--State Appropriation ((~~\$3,389,000~~))
16 \$3,384,000
17 Puget Sound Ferry Operations Account--State
18 Appropriation \$100,000
19 TOTAL APPROPRIATION ((~~\$3,489,000~~))
20 \$3,484,000

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

23 (1) \$1,699,000 of the motor vehicle account--state appropriation is
24 provided solely for the office of regulatory assistance integrated
25 permitting project.

26 (2) \$1,004,000 of the motor vehicle account--state appropriation is
27 provided solely for the continued maintenance and support of the
28 transportation executive information system. Of the amount provided in
29 this subsection, \$502,000 is for two existing FTEs at the department of
30 transportation to maintain and support the system.

31 **Sec. 104.** 2009 c 470 s 104 (uncodified) is amended to read as
32 follows:

33 **FOR THE MARINE EMPLOYEES COMMISSION**
34 Puget Sound Ferry Operations Account--State
35 Appropriation ((~~\$446,000~~))

1 \$443,000

2 **Sec. 105.** 2009 c 470 s 106 (uncodified) is amended to read as
3 follows:

4 **FOR THE DEPARTMENT OF AGRICULTURE**

5 Motor Vehicle Account--State Appropriation ((~~\$1,507,000~~))
6 \$1,503,000

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

9 (1) \$351,000 of the motor vehicle account--state appropriation is
10 provided solely for costs associated with the motor fuel quality
11 program.

12 (2) \$1,004,000 of the motor vehicle account--state appropriation is
13 provided solely to test the quality of biofuel. The department must
14 test fuel quality at the biofuel manufacturer, distributor, and
15 retailer.

16 **Sec. 106.** 2009 c 470 s 107 (uncodified) is amended to read as
17 follows:

18 **FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

19 Motor Vehicle Account--State Appropriation ((~~\$502,000~~))
20 \$495,000

21 **TRANSPORTATION AGENCIES--OPERATING**

22 **Sec. 201.** 2009 c 470 s 201 (uncodified) is amended to read as
23 follows:

24 **FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

25 Highway Safety Account--State Appropriation ((~~\$2,542,000~~))
26 \$1,179,000

27 Highway Safety Account--Federal Appropriation ((~~\$16,540,000~~))
28 \$17,238,000

29 School Zone Safety Account--State Appropriation ((~~\$3,340,000~~))
30 \$1,669,000

31 Highway Safety Account--Local Appropriation ((~~\$50,000~~))
32 \$25,000

33 TOTAL APPROPRIATION ((~~\$22,472,000~~))

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

(1) (~~(\$2,670,000)~~) \$2,826,000 of the highway safety account-- federal appropriation is provided solely for a target zero trooper pilot program, which the commission shall develop and implement in collaboration with the Washington state patrol. The pilot program must demonstrate the effectiveness of intense, high visibility, driving under the influence enforcement in Washington. The commission shall apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program. If the pilot program is approved for funding by the national highway traffic safety administration, and sufficient federal grants are received, the commission shall provide grants to the Washington state patrol for the purchase of twenty-one fully equipped patrol vehicles in fiscal year 2010, and up to twenty-four months of salaries and benefits for eighteen troopers and three sergeants beginning in fiscal year (~~(2011)~~) 2010. The legislature anticipates that an additional (~~(\$1,830,000)~~) \$1,674,000 will be appropriated from the highway safety account-- federal in the 2011-13 fiscal biennium to conclude this pilot program.

(2) The commission may oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population over two hundred thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.

(a) The commission shall comply with RCW 46.63.170 in administering the projects.

(b) In order to ensure adequate time in the 2009-11 fiscal biennium to evaluate the effectiveness of the pilot projects, any projects authorized by the commission must be authorized by December 31, 2009.

(c) By January 1, 2011, the commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding automated traffic safety cameras demonstrated by the projects.

(3) The appropriations in this section are for fiscal year 2010 only. Funding for fiscal year 2011 is appropriated to the technical services bureau of the Washington state patrol.

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

(1) \$236,000 of the motor vehicle account--state appropriation is a reappropriation from the 2007-09 fiscal biennium for a comprehensive analysis of mid-term and long-term transportation funding mechanisms and methods. Elements of the study will include existing data and trends, policy objectives, performance and evaluation criteria, incremental transition strategies, and possibly, scaled testing. Baseline data and methods assessment must be concluded by December 31, 2009. Performance criteria must be developed by June 30, 2010, and recommended planning level alternative funding strategies must be completed by December 31, 2010.

(2) \$200,000 of the motor vehicle account--state appropriation is for the joint transportation committee to convene an independent expert review panel to review the assumptions for toll operations costs used by the department to model financial plans for tolled facilities. The joint transportation committee shall work with staff from the senate and the house of representatives transportation committees to identify the scope of the review and to assure that the work performed meets the needs of the house of representatives and the senate. The joint transportation committee shall provide a report to the house of representatives and senate transportation committees by September 1, 2009.

(3) \$300,000 of the motor vehicle account--state appropriation is for an independent analysis of methodologies to value the reversible lanes on Interstate 90 to be used for high capacity transit pursuant to sound transit proposition 1 approved by voters in November 2008. The independent analysis shall be conducted by sound transit and the department of transportation, using consultant resources deemed appropriate by the secretary of the department, the chief executive officer of sound transit, and the cochairs of the joint transportation committee. It shall be conducted in consultation with the federal transit and federal highway administrations and account for applicable federal laws, regulations, and practices. It shall also account for the 1976 Interstate 90 memorandum of agreement and subsequent 2004 amendment and the 1978 federal secretary of transportation's environmental decision on Interstate 90. The department and sound

1 transit must provide periodic reports to the joint transportation
2 committee, the sound transit board of directors, and the governor, and
3 report final recommendations by November 1, 2009.

4 **Sec. 205.** 2009 c 470 s 205 (uncodified) is amended to read as
5 follows:

6 **FOR THE TRANSPORTATION COMMISSION**

7	Motor Vehicle Account--State Appropriation	((\$2,237,000))
8		<u>\$2,225,000</u>
9	Multimodal Transportation Account--State Appropriation	\$112,000
10	TOTAL APPROPRIATION	((\$2,349,000))
11		<u>\$2,337,000</u>

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

14 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
15 the transportation commission shall periodically review and, if
16 necessary, modify the schedule of fares for the Washington state ferry
17 system. The transportation commission may increase ferry fares,
18 except no fare schedule modifications may be made prior to September 1,
19 2009. For purposes of this subsection, "modify" includes increases or
20 decreases to the schedule. The commission may only approve ferry fare
21 rate changes that have the same proportionate change for passengers as
22 for vehicles.

23 (2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
24 the transportation commission shall periodically review and, if
25 necessary, modify a schedule of toll charges applicable to the state
26 route number 167 high occupancy toll lane pilot project, as required
27 under RCW 47.56.403. For purposes of this subsection, "modify"
28 includes increases or decreases to the schedule.

29 (3) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
30 the transportation commission shall periodically review and, if
31 necessary, modify the schedule of toll charges applicable to the Tacoma
32 Narrows bridge, taking into consideration the recommendations of the
33 citizen advisory committee created under RCW 47.46.091. For purposes
34 of this subsection, "modify" includes increases or decreases to the
35 schedule.

36 (4) The commission may name state ferry vessels consistent with its
37 authority to name state transportation facilities under RCW 47.01.420.

1 When naming or renaming state ferry vessels, the commission shall
2 investigate selling the naming rights and shall make recommendations to
3 the legislature regarding this option.

4 (5) \$350,000 of the motor vehicle account--state appropriation is
5 provided solely for consultant support services to assist the
6 commission in updating the statewide transportation plan. The updated
7 plan must be submitted to the legislature by December 1, 2010.

8 ~~((If the commission considers implementing a ferry fuel~~
9 ~~surcharge, it must first submit an analysis and business plan to the~~
10 ~~office of financial management and either the joint transportation~~
11 ~~committee or the transportation committees of the legislature.)) The
12 commission shall impose a ferry fuel surcharge effective May 1, 2010,
13 in order to provide a mechanism for raising additional revenues in a
14 timely manner to help cover increased costs of ferry fuel that exceed
15 an adopted base level of funding.~~

16 **Sec. 206.** 2009 c 470 s 206 (uncodified) is amended to read as
17 follows:

18 **FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**
19 Motor Vehicle Account--State Appropriation ((\$695,000))
20 \$321,000

21 The appropriation in this section is subject to the following
22 conditions and limitations: ~~((The freight mobility strategic~~
23 ~~investment board shall, on a quarterly basis, provide status reports to~~
24 ~~the office of financial management and the transportation committees of~~
25 ~~the legislature on the delivery of projects funded by this act.)) The
26 appropriations in this section are for fiscal year 2010 only. Funding
27 for fiscal year 2011 is appropriated to the department of
28 transportation - local programs (Program Z - operating).~~

29 **Sec. 207.** 2009 c 470 s 207 (uncodified) is amended to read as
30 follows:

31 **FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**
32 State Patrol Highway Account--State
33 Appropriation ((\$228,024,000))
34 \$226,099,000
35 State Patrol Highway Account--Federal
36 Appropriation ((\$10,602,000))

1		<u>\$10,723,000</u>
2	State Patrol Highway Account--Private/Local	
3	Appropriation	((\$859,000))
4		<u>\$867,000</u>
5	TOTAL APPROPRIATION	((\$239,485,000))
6		<u>\$237,689,000</u>

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

9 (1) Washington state patrol officers engaged in off-duty uniformed
10 employment providing traffic control services to the department of
11 transportation or other state agencies may use state patrol vehicles
12 for the purpose of that employment, subject to guidelines adopted by
13 the chief of the Washington state patrol. The Washington state patrol
14 shall be reimbursed for the use of the vehicle at the prevailing state
15 employee rate for mileage and hours of usage, subject to guidelines
16 developed by the chief of the Washington state patrol, and Cessna
17 pilots funded from the state patrol highway account who are certified
18 to fly the King Airs may pilot those aircraft for general fund purposes
19 with the general fund reimbursing the state patrol highway account an
20 hourly rate to cover the costs incurred during the flights since the
21 aviation section will no longer be part of the Washington state patrol
22 cost allocation system as of July 1, 2009.

23 (2) The patrol shall not account for or record locally provided DUI
24 cost reimbursement payments as expenditure credits to the state patrol
25 highway account. The patrol shall report the amount of expected
26 locally provided DUI cost reimbursements to the office of financial
27 management and transportation committees of the legislature by
28 September 30th of each year.

29 (3) During the 2009-11 fiscal biennium, the Washington state patrol
30 shall continue to perform traffic accident investigations on Thurston
31 county roads, and shall work with the county to transition the traffic
32 accident investigations on Thurston county roads to the county by July
33 1, 2011.

34 (4) Within existing resources, the Washington state patrol shall
35 make every reasonable effort to increase the enrollment in each academy
36 class that commences during the 2009-11 fiscal biennium to fifty-five
37 cadets.

1 (5) The Washington state patrol shall collaborate with the
2 Washington traffic safety commission to develop and implement the
3 target zero trooper pilot program referenced in section 201 of this
4 act.

5 (6) The Washington state patrol shall discuss the implementation of
6 the pilot program described under section 218(2) of this act with any
7 union representing the affected employees.

8 (7) The Washington state patrol shall assign necessary personnel
9 and equipment to implement and operate the pilot program described
10 under section 218(2) of this act using the portion of the automated
11 traffic safety camera fines deposited into the state patrol highway
12 account, but not to exceed \$370,000. If the fines deposited into the
13 state patrol highway account from automated traffic safety camera
14 infractions do not reach \$370,000, the department of transportation
15 shall remit funds necessary to the Washington state patrol to ensure
16 the completion of the pilot program.

17 **Sec. 208.** 2009 c 470 s 208 (uncodified) is amended to read as
18 follows:

19 **FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**
20 State Patrol Highway Account--State Appropriation . . . ((~~\$1,557,000~~))
21 \$1,652,000

22 **Sec. 209.** 2009 c 470 s 209 (uncodified) is amended to read as
23 follows:

24 **FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**
25 State Patrol Highway Account--State
26 Appropriation ((~~\$105,680,000~~))
27 \$109,229,000
28 State Patrol Highway Account--Private/Local
29 Appropriation ((~~\$2,008,000~~))
30 \$2,510,000
31 Highway Safety Account--State Appropriation \$1,359,000
32 Highway Safety Account--Federal Appropriation \$17,273,000
33 Highway Safety Account--Private/Local Appropriation \$25,000
34 School Zone Safety Account--State Appropriation \$1,671,000
35 TOTAL APPROPRIATION ((~~\$107,688,000~~))
36 \$132,067,000

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

3 (1) The Washington state patrol shall work with the risk management
4 division in the office of financial management in compiling the
5 Washington state patrol's data for establishing the agency's risk
6 management insurance premiums to the tort claims account. The office
7 of financial management and the Washington state patrol shall submit a
8 report to the legislative transportation committees by December 31st of
9 each year on the number of claims, estimated claims to be paid, method
10 of calculation, and the adjustment in the premium.

11 (2) (~~(\$8,673,000)~~) \$10,793,000 of the total appropriation is
12 provided solely for automobile fuel in the 2009-11 fiscal biennium.

13 (3) \$7,421,000 of the total appropriation is provided solely for
14 the purchase of pursuit vehicles.

15 (4) (~~(\$6,328,000)~~) \$6,611,000 of the total appropriation is
16 provided solely for vehicle repair and maintenance costs of vehicles
17 used for highway purposes.

18 (5) \$384,000 of the total appropriation is provided solely for the
19 purchase of mission vehicles used for highway purposes in the
20 commercial vehicle and traffic investigation sections of the Washington
21 state patrol.

22 (6) The Washington state patrol may submit information technology-
23 related requests for funding only if the patrol has coordinated with
24 the department of information services as required under section 601 of
25 this act.

26 (7) \$345,000 of the state patrol highway account--state
27 appropriation is provided solely for the implementation of Engrossed
28 Substitute House Bill No. 1445 (domestic partners/Washington state
29 patrol retirement system). If Engrossed Substitute House Bill No. 1445
30 is not enacted by June 30, 2009, the amount provided in this subsection
31 shall lapse.

32 (8) Fiscal year 2011 funding from the Washington traffic safety
33 commission is appropriated to the technical services bureau to
34 consolidate state functions and accountability into one agency.

35 **Sec. 210.** 2009 c 470 s 210 (uncodified) is amended to read as
36 follows:

1 (i) Outreach to and solicitation of comment from parties affected
2 by the fuel taxes, including taxpayers, industry associations, state
3 and federal agencies, and Indian tribes, and from the transportation
4 and fiscal committees of the legislature; and

5 (ii) Identification and analysis of relevant factors including, but
6 not limited to:

7 (A) Taxpayer reporting and payment processes;

8 (B) The international fuel tax agreement;

9 (C) Proportional registration under the provisions of the
10 international registration plan and chapter 46.87 RCW;

11 (D) Computer systems;

12 (E) Best management practices and efficiencies;

13 (F) Costs; and

14 (G) Personnel matters((+

15 ~~(iii) Development of recommended actions to accomplish the~~
16 ~~transfer; and~~

17 ~~(iv) An implementation plan and schedule.~~

18 ~~(c) The report must include draft legislation, which transfers~~
19 ~~administration of fuel taxes as described under (a) of this subsection~~
20 ~~to the department of revenue on July 1, 2010, and amends existing law~~
21 ~~as needed)).~~

22 (2) \$55,845,000 of the highway safety account--state appropriation
23 is provided solely for the driver examining program. In order to
24 reduce costs and make the most efficient use of existing resources, the
25 department may consolidate licensing service offices by closing the
26 vehicle services counter at the highways licensing building in Olympia
27 and up to twenty-five licensing service offices.

28 (a) When closing offices, the department may redistribute staff
29 from consolidated offices to neighboring offices and local community
30 supercenters.

31 (b) In order to mitigate the effects of office consolidations on
32 customers, the department shall, within existing resources, provide the
33 following enhanced services:

34 (i) Extended daily and weekend hours in regional supercenter
35 offices;

36 (ii) Staffed greeter stations to improve office work flow; and

37 (iii) Self-service stations for online transaction access,
38 including vehicle renewal transactions.

1 (c) In areas that are not consolidated, the department will work to
2 reduce costs by identifying opportunities to share facilities with
3 subagent offices and state, county, or local government offices and by
4 analyzing hours and days of operation to meet demand.

5 (d) The department shall work with vehicle licensing subagents
6 regarding potential placement of self-service driver licensing kiosks
7 in communities that will be affected by licensing services offices
8 closures. The department may place kiosks in those subagent offices
9 where both parties agree, and may pay the subagents the fair market
10 value for any space used for kiosks.

11 (e) The department shall report to the joint transportation
12 committee by November 30, 2009, on the department's consolidation
13 implementation to date and its plan for continued implementation.

14 (3) \$11,688,000 of the highway safety account--state appropriation
15 is provided solely for costs associated with: Issuing enhanced
16 drivers' licenses and identicards at the enhanced licensing services
17 offices; extended hours at those licensing services offices; cross-
18 border tourism education; and other education campaigns. This is the
19 maximum amount the department may expend for this purpose.

20 (4) (~~(\$2,490,000)~~) \$1,765,000 of the ignition interlock device
21 revolving account--state appropriation is provided solely for the
22 department to assist indigent persons with the costs of installing,
23 removing, and leasing the device, and applicable licensing pursuant to
24 RCW 46.68.340.

25 (5) By December 31, 2009, the department shall report to the office
26 of financial management and the transportation committees of the
27 legislature a cost-benefit analysis of leasing versus purchasing field
28 office equipment.

29 (6) By December 31, 2009, the department shall submit to the office
30 of financial management and the transportation committees of the
31 legislature draft legislation that rewrites RCW 46.52.130 (driving
32 record abstracts) in plain language.

33 (7) The department may seek federal funds to implement a driver's
34 license and identicard biometric matching system pilot program to
35 verify the identity of applicants for, and holders of, drivers'
36 licenses and identicards. If funds are received, the department shall
37 report any benefits or problems identified during the course of the
38 pilot program to the transportation committees of the legislature upon

1 the completion of the program. The department may refer any suspected
2 criminal activity uncovered during the course of the pilot project to
3 the appropriate authorities for further investigation or prosecution.

4 (8) The department may submit information technology-related
5 requests for funding only if the department has coordinated with the
6 department of information services as required under section 601 of
7 this act.

8 (9) Consistent with the authority delegated to the director of
9 licensing under RCW 46.01.100, the department may adopt a new
10 organizational structure that includes the following programs: (a)
11 Driver and vehicle services, which must encompass services relating to
12 driver licensing customers, vehicle industry and fuel tax licensees,
13 and vehicle and vessel licensing and registration; and (b) driver
14 policy and programs, which must encompass policy development for all
15 driver-related programs, including driver examining, driver records,
16 commercial driver's license testing and auditing, driver training
17 schools, motorcycle safety, technical services, hearings, driver
18 special investigations, drivers' data management, central issuance
19 contract management, and state and federal initiatives.

20 (10) The legislature finds that measuring the performance of the
21 department requires the measurement of quality, timeliness, and unit
22 cost of services delivered to customers. Consequently:

23 (a) The department shall develop a set of metrics that measure that
24 performance and report to the transportation committees of the house of
25 representatives and the senate and to the office of financial
26 management on the development of these measurements along with
27 recommendations to the 2010 legislature on which measurements must
28 become a part of the next omnibus transportation appropriations act;

29 (b) The department shall study the process in place at the
30 licensing services office and present to the 2010 legislature
31 recommendations for process changes to improve efficiencies for both
32 the department and the customer; and

33 (c) The department shall, on a quarterly basis, report to the
34 transportation committees of the legislature the following monthly data
35 by licensing service office locations: (i) Lease costs; (ii) salary
36 and benefit costs; (iii) other costs; (iv) actual FTEs; (v) number of
37 transactions completed, by type of transaction; and (vi) office hours.

1 **Sec. 211.** 2009 c 470 s 211 (uncodified) is amended to read as
2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND**
4 **MAINTENANCE--PROGRAM B**

5	High Occupancy Toll Lanes Operations Account--State	
6	Appropriation	((\$2,867,000))
7		<u>\$2,856,000</u>
8	Motor Vehicle Account--State Appropriation	((\$585,000))
9		<u>\$576,000</u>
10	Tacoma Narrows Toll Bridge Account--State	
11	Appropriation	((\$27,358,000))
12		<u>\$26,410,000</u>
13	State Route Number 520 Corridor Account--State	
14	Appropriation	\$58,088,000
15	TOTAL APPROPRIATION	((\$88,898,000))
16		<u>\$87,930,000</u>

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

19 (1) The department shall make detailed quarterly expenditure
20 reports available to the transportation commission and to the public on
21 the department's web site using current department resources. The
22 reports must include a summary of revenue generated by tolls on the
23 Tacoma Narrows bridge and an itemized depiction of the use of that
24 revenue.

25 (2) The department shall work with the office of financial
26 management to review insurance coverage, deductibles, and limitations
27 on tolled facilities to assure that the assets are well protected at a
28 reasonable cost. Results from this review must be used to negotiate
29 any future new or extended insurance agreements.

30 (3) \$58,088,000 of the state route number 520 corridor account--
31 state appropriation is provided solely for the costs directly related
32 to tolling the state route number 520 floating bridge. Of this amount,
33 \$175,000 is for the immediate costs necessary to pursue a request for
34 proposal to implement variable, open road tolling on the state route
35 number 520 floating bridge. The request for proposal must include
36 tolling infrastructure and signage, customer service centers,
37 collection and billing procedures, and, to the extent practicable, the
38 maintenance and dispensing of transponders by the vendor. The

1 remaining (~~(\$57,913,000)~~) \$57,783,000 must be retained in unallotted
 2 status, and may only be released by the office of financial management
 3 after consultation with the joint transportation committee following
 4 the committee's examination of toll operations costs referenced in
 5 section 204(2) of this act. The amount provided in this subsection is
 6 contingent on the enactment of (a) Engrossed Substitute House Bill No.
 7 2211 and (b) either Engrossed Substitute House Bill No. 2326 or other
 8 legislation authorizing bonds for the state route number 520 corridor
 9 projects. If the conditions of this subsection are not satisfied, the
 10 amount provided in this subsection shall lapse.

11 **Sec. 212.** 2009 c 470 s 212 (uncodified) is amended to read as
 12 follows:

13 **FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM**
 14 **C**

15	Transportation Partnership Account--State	
16	Appropriation	\$2,675,000
17	Motor Vehicle Account--State Appropriation	((\$67,811,000))
18		<u>\$68,867,000</u>
19	Motor Vehicle Account--Federal Appropriation	\$240,000
20	Multimodal Transportation Account--State	
21	Appropriation	\$363,000
22	Transportation 2003 Account (Nickel Account)--State	
23	Appropriation	\$2,676,000
24	TOTAL APPROPRIATION	((\$73,765,000))
25		<u>\$74,821,000</u>

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

28 (1) The department shall consult with the office of financial
 29 management and the department of information services to: (a) Ensure
 30 that the department's current and future system development is
 31 consistent with the overall direction of other key state systems; and
 32 (b) when possible, use or develop common statewide information systems
 33 to encourage coordination and integration of information used by the
 34 department and other state agencies and to avoid duplication.

35 (2) \$1,216,000 of the transportation partnership account--state
 36 appropriation and \$1,216,000 of the transportation 2003 account (nickel
 37 account)--state appropriation are provided solely for the department to

1 develop a project management and reporting system which is a collection
2 of integrated tools for capital construction project managers to use to
3 perform all the necessary tasks associated with project management.
4 The department shall integrate commercial off-the-shelf software with
5 existing department systems and enhanced approaches to data management
6 to provide web-based access for multi-level reporting and improved
7 business work flows and reporting. On a quarterly basis, the
8 department shall report to the office of financial management and the
9 transportation committees of the legislature on the status of the
10 development and integration of the system. At a minimum, the reports
11 shall indicate the status of the work as it compares to the work plan,
12 any discrepancies, and proposed adjustments necessary to bring the
13 project back on schedule or budget if necessary.

14 (3) The department may submit information technology-related
15 requests for funding only if the department has coordinated with the
16 department of information services as required under section 601 of
17 this act.

18 **Sec. 213.** 2009 c 470 s 213 (uncodified) is amended to read as
19 follows:

20 **FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS**
21 **AND CONSTRUCTION--PROGRAM D--OPERATING**

22 Motor Vehicle Account--State Appropriation	((\$25,501,000))
23	<u>\$26,505,000</u>

24 The appropriation in this section is subject to the following
25 conditions and limitations: \$1,003,000 of the motor vehicle
26 account--state appropriation is provided solely for the department's
27 compliance with the national pollution discharge elimination system
28 permit.

29 **Sec. 214.** 2009 c 470 s 214 (uncodified) is amended to read as
30 follows:

31 **FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

32 Aeronautics Account--State Appropriation	((\$6,009,000))
33	<u>\$5,986,000</u>
34 Aeronautics Account--Federal Appropriation	\$2,150,000
35 TOTAL APPROPRIATION	((\$8,159,000))
36	<u>\$8,136,000</u>

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

3 (1) \$50,000 of the aeronautics account--state appropriation is a
4 reappropriation provided solely to pay any outstanding obligations of
5 the aviation planning council, which expires July 1, 2009.

6 (2) \$150,000 of the aeronautics account--state appropriation is a
7 reappropriation provided solely to complete runway preservation
8 projects.

9 **Sec. 215.** 2009 c 470 s 215 (uncodified) is amended to read as
10 follows:

11 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**
12 **SUPPORT--PROGRAM H**

13	Motor Vehicle Account--State Appropriation	((\$48,032,000))
14		<u>\$49,884,000</u>
15	Motor Vehicle Account--Federal Appropriation	\$500,000
16	Multimodal Transportation Account--State	
17	Appropriation	\$250,000
18	((Water Pollution Account--State Appropriation	\$2,000,000))
19	TOTAL APPROPRIATION	((\$50,782,000))
20		<u>\$50,634,000</u>

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

23 (1) The department shall develop a plan for all current and future
24 surplus property parcels based on the recommendations from the surplus
25 property legislative work group that were presented to the senate
26 transportation committee on February 26, 2009. The plan must include,
27 at a minimum, strategies for maximizing the number of parcels sold, a
28 schedule that optimizes proceeds, a recommended cash discount, a plan
29 to report to the joint transportation committee, a recommendation for
30 regional incentives, and a recommendation for equivalent value
31 exchanges. This plan must accompany the department's 2010 supplemental
32 budget request.

33 ((+3)) (2) The legislature recognizes that the Dryden pit site
34 (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned
35 real property under the jurisdiction of the department of
36 transportation, and that the public would benefit significantly from
37 the complete enjoyment of the natural scenic beauty and recreational

1 opportunities available at the site. Therefore, pursuant to RCW
2 47.12.080, the legislature declares that transferring the property to
3 the department of fish and wildlife is consistent with the public
4 interest in order to preserve the area for the use of the public. The
5 department of transportation shall, as soon as is practicable, transfer
6 and convey the Dryden pit site to the department of fish and wildlife
7 for adequate consideration in the amount of no less than \$600,000, the
8 proceeds of which must be deposited in the motor vehicle fund. By July
9 1, 2009, the department shall submit a status report regarding the
10 transaction to the chairs of the legislative transportation committees.

11 ~~((5) \$750,000))~~ (3) \$2,425,000 of the motor vehicle account--state
12 appropriation is provided solely for the department's compliance with
13 its national pollution discharge elimination system permit.

14 ~~((6))~~ (4) The department shall provide updated information on six
15 project milestones for all active projects, funded in part or in whole
16 with 2005 transportation partnership account funds or 2003 nickel
17 account funds, on a quarterly basis in the transportation executive
18 information system (TEIS). The department shall also provide updated
19 information on six project milestones for projects, funded with
20 preexisting funds and that are agreed to by the legislature, office of
21 financial management, and the department, on a quarterly basis in TEIS.

22 **Sec. 216.** 2009 c 470 s 216 (uncodified) is amended to read as
23 follows:

24 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**
25 **K**

26	Motor Vehicle Account--State Appropriation	(\$615,000)
27		<u>\$604,000</u>
28	Multimodal Transportation Account--State Appropriation	\$200,000
29	TOTAL APPROPRIATION	(\$815,000)
30		<u>\$804,000</u>

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

33 (1) \$200,000 of the multimodal transportation account--state
34 appropriation is provided solely for the department to develop and
35 implement public private partnerships at high priority terminals as
36 identified in the January 12, 2009, final report on joint development

1 opportunities at Washington state ferries terminals. The department
2 shall first consider a mutually beneficial agreement at the Edmonds
3 terminal.

4 (2) \$50,000 of the motor vehicle account--state appropriation is
5 provided solely for the department to investigate the potential to
6 generate revenue from web site sponsorships and similar ventures and,
7 if feasible, pursue partnership opportunities.

8 **Sec. 217.** 2009 c 470 s 217 (uncodified) is amended to read as
9 follows:

10 **FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

11 Motor Vehicle Account--State Appropriation	((\$347,637,000))
	<u>\$352,463,000</u>
13 Motor Vehicle Account--Federal Appropriation	((\$2,000,000))
	<u>\$22,000,000</u>
15 Motor Vehicle Account--Private/Local Appropriation	\$5,797,000
16 ((Water Pollution Account--State Appropriation	\$12,500,000))
17 TOTAL APPROPRIATION	((\$367,934,000))
	<u>\$380,260,000</u>

18

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

21 (1) If portions of the appropriations in this section are required
22 to fund maintenance work resulting from major disasters not covered by
23 federal emergency funds such as fire, flooding, snow, and major slides,
24 supplemental appropriations must be requested to restore state funding
25 for ongoing maintenance activities.

26 (2) The department shall request an unanticipated receipt for any
27 federal moneys received for emergency snow and ice removal and shall
28 place an equal amount of the motor vehicle account--state into
29 unallotted status. This exchange shall not affect the amount of
30 funding available for snow and ice removal.

31 (3) The department shall request an unanticipated receipt for any
32 private or local funds received for reimbursements of third party
33 damages that are in excess of the motor vehicle account--private/local
34 appropriation.

35 (4) ((~~\$2,000,000~~)) \$22,000,000 of the motor vehicle account--
36 federal appropriation is for unanticipated federal funds that may be
37 received during the 2009-11 fiscal biennium. Upon receipt of the

1 funds, the department shall provide a report on the use of the funds to
2 the transportation committees of the legislature and the office of
3 financial management.

4 (5) The department may incur costs related to the maintenance of
5 the decorative lights on the Tacoma Narrows bridge only if:

6 (a) The nonprofit corporation, narrows bridge lights organization,
7 maintains an account balance sufficient to reimburse the department for
8 all costs; and

9 (b) The department is reimbursed from the narrows bridge lights
10 organization within three months from the date any maintenance work is
11 performed. If the narrows bridge lights organization is unable to
12 reimburse the department for any future costs incurred, the lights must
13 be removed at the expense of the narrows bridge lights organization
14 subject to the terms of the contract.

15 (6) The department may work with the department of corrections to
16 utilize corrections crews for the purposes of litter pickup on state
17 highways.

18 (7) \$650,000 of the motor vehicle account--state appropriation is
19 provided solely for increased asphalt costs. If Senate Bill No. 5976
20 is not enacted by June 30, 2009, the amount provided in this subsection
21 shall lapse.

22 (8) \$16,800,000 of the motor vehicle account--state appropriation
23 is provided solely for the high priority maintenance backlog.
24 Addressing the maintenance backlog must result in increased levels of
25 service.

26 (~~(10) \$750,000~~) (9) \$1,140,000 of the motor vehicle account--
27 state appropriation is provided solely for the department's compliance
28 with its national pollution discharge elimination system permit.

29 (10) Up to \$500,000 of the motor vehicle account--state
30 appropriation is provided solely to accelerate the use of biodiesel
31 fuel by the department. The department may transfer any portion of the
32 appropriation provided in this section to section 222 of this act for
33 the department of transportation - marine division after approval by
34 the office of financial management.

35 **Sec. 218.** 2009 c 470 s 218 (uncodified) is amended to read as
36 follows:

1 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
2 **OPERATING**

3	Motor Vehicle Account--State Appropriation	((\$51,526,000))
4		<u>\$51,375,000</u>
5	Motor Vehicle Account--Federal Appropriation	\$2,050,000
6	Motor Vehicle Account--Private/Local Appropriation	\$127,000
7	TOTAL APPROPRIATION	((\$53,703,000))
8		<u>\$53,552,000</u>

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

11 (1) \$2,400,000 of the motor vehicle account--state appropriation is
12 provided solely for low-cost enhancements. The department shall give
13 priority to low-cost enhancement projects that improve safety or
14 provide congestion relief. The department shall prioritize low-cost
15 enhancement projects on a statewide rather than regional basis. By
16 September 1st of each even-numbered year, the department shall provide
17 a report to the legislature listing all low-cost enhancement projects
18 prioritized on a statewide rather than regional basis completed in the
19 prior year.

20 (2) The department, in consultation with the Washington state
21 patrol, may continue a pilot program for the patrol to issue
22 infractions based on information from automated traffic safety cameras
23 in roadway construction zones on state highways. For the purpose of
24 this pilot program, during the 2009-11 fiscal biennium, a roadway
25 construction zone includes areas where public employees or private
26 contractors are not present but where a driving condition exists that
27 would make it unsafe to drive at higher speeds, such as, when the
28 department is redirecting or realigning lanes on any public roadway
29 pursuant to ongoing construction. The department shall use the
30 following guidelines to administer the program:

31 (a) Automated traffic safety cameras may only take pictures of the
32 vehicle and vehicle license plate and only while an infraction is
33 occurring. The picture must not reveal the face of the driver or of
34 passengers in the vehicle;

35 (b) The department shall plainly mark the locations where the
36 automated traffic safety cameras are used by placing signs on locations
37 that clearly indicate to a driver that he or she is entering a roadway

1 construction zone where traffic laws are enforced by an automated
2 traffic safety camera;

3 (c) Notices of infractions must be mailed to the registered owner
4 of a vehicle within fourteen days of the infraction occurring;

5 (d) The owner of the vehicle is not responsible for the violation
6 if the owner of the vehicle, within fourteen days of receiving
7 notification of the violation, mails to the patrol, a declaration under
8 penalty of perjury, stating that the vehicle involved was, at the time,
9 stolen or in the care, custody, or control of some person other than
10 the registered owner, or any other extenuating circumstances;

11 (e) For purposes of the 2009-11 fiscal biennium pilot program,
12 infractions detected through the use of automated traffic safety
13 cameras are not part of the registered owner's driving record under RCW
14 46.52.101 and 46.52.120. Additionally, infractions generated by the
15 use of automated traffic safety cameras must be processed in the same
16 manner as parking infractions for the purposes of RCW 3.50.100,
17 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the
18 fine issued under this subsection (2) for an infraction generated
19 through the use of an automated traffic safety camera is one hundred
20 thirty-seven dollars. The court shall remit thirty-two dollars of the
21 fine to the state treasurer for deposit into the state patrol highway
22 account; and

23 (f) If a notice of infraction is sent to the registered owner and
24 the registered owner is a rental car business, the infraction must be
25 dismissed against the business if it mails to the patrol, within
26 fourteen days of receiving the notice, a declaration under penalty of
27 perjury of the name and known mailing address of the individual driving
28 or renting the vehicle when the infraction occurred. If the business
29 is unable to determine who was driving or renting the vehicle at the
30 time the infraction occurred, the business must sign a declaration
31 under penalty of perjury to this effect. The declaration must be
32 mailed to the patrol within fourteen days of receiving the notice of
33 traffic infraction. Timely mailing of this declaration to the issuing
34 agency relieves a rental car business of any liability under this
35 section for the notice of infraction. A declaration form suitable for
36 this purpose must be included with each automated traffic infraction
37 notice issued, along with instructions for its completion and use.

1 (3) The department shall implement a pilot project to evaluate the
2 benefits of using electronic traffic flagging devices. Electronic
3 traffic flagging devices must be tested by the department at multiple
4 sites and reviewed for efficiency and safety. The department shall
5 report to the transportation committees of the legislature on the best
6 use and practices involving electronic traffic flagging devices,
7 including recommendations for future use, by June 30, 2010.

8 ~~((4) \$173,000 of the motor vehicle account--state appropriation is
9 provided solely for the department to continue a pilot tow truck
10 incentive program and to expand the program to other areas of the
11 state. The department may provide incentive payments to towing
12 companies that meet clearance goals on accidents that involve heavy
13 trucks. The department shall report to the office of financial
14 management and the transportation committees of the legislature on the
15 effectiveness of the clearance goals and submit recommendations to
16 improve the pilot program with the department's 2010 supplemental
17 omnibus transportation appropriations act submittal.))~~

18 **Sec. 219.** 2009 c 470 s 219 (uncodified) is amended to read as
19 follows:

20 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**
21 **SUPPORT--PROGRAM S**

22	Motor Vehicle Account--State Appropriation	((\$29,153,000))
23		<u>\$29,103,000</u>
24	Motor Vehicle Account--Federal Appropriation	\$30,000
25	Multimodal Transportation Account--State	
26	Appropriation	\$973,000
27	State Route Number 520 Corridor Account--State	
28	Appropriation	\$264,000
29	TOTAL APPROPRIATION	((\$30,420,000))
30		<u>\$30,370,000</u>

31 The appropriations in this section are subject to the following
32 conditions and limitations: \$264,000 of the state route number 520
33 corridor account--state appropriation is provided solely for the costs
34 directly related to tolling the state route number 520 floating bridge.
35 This amount must be retained in unallotted status, and may only be
36 released by the office of financial management after consultation with
37 the joint transportation committee following the committee's

1 examination of toll operations costs referenced in section 204(2) of
2 this act. The amount provided in this section is contingent on the
3 enactment of (1) Engrossed Substitute House Bill No. 2211 and (2)
4 either Engrossed Substitute House Bill No. 2326 or other legislation
5 authorizing bonds for the state route number 520 corridor projects. If
6 the conditions of this section are not satisfied, the amount provided
7 in this section shall lapse.

8 **Sec. 220.** 2009 c 470 s 220 (uncodified) is amended to read as
9 follows:

10 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,**
11 **AND RESEARCH--PROGRAM T**

12	Motor Vehicle Account--State Appropriation	((\$24,724,000))
13		<u>\$23,912,000</u>
14	Motor Vehicle Account--Federal Appropriation	((\$19,116,000))
15		<u>\$22,116,000</u>
16	Multimodal Transportation Account--State	
17	Appropriation	((\$696,000))
18		<u>\$1,096,000</u>
19	Multimodal Transportation Account--Federal	
20	Appropriation	\$2,809,000
21	Multimodal Transportation Account--Private/Local	
22	Appropriation	\$100,000
23	TOTAL APPROPRIATION	((\$47,445,000))
24		<u>\$50,033,000</u>

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

27 (1) \$150,000 of the motor vehicle account--federal appropriation is
28 provided solely for the costs to develop an electronic map-based
29 computer application that will enable law enforcement officers and
30 others to more easily locate collisions and other incidents in the
31 field.

32 (2) \$400,000 of the ((~~motor vehicle~~)) multimodal transportation
33 account--state appropriation is provided solely for a diesel multiple
34 unit feasibility and initial planning study. The study must evaluate
35 potential service on the Stampede Pass line from Maple Valley to Auburn
36 via Covington. The study must evaluate the potential demand for
37 service, the business model and capital needs for launching and running

1 the line, and the need for improvements in switching, signaling, and
2 tracking. A report on the study must be submitted to the legislature
3 by June 30, 2010.

4 (3) \$243,000 of the motor vehicle account--state appropriation and
5 \$81,000 of the motor vehicle account--federal appropriation are
6 provided solely for the development of a freight database to help guide
7 freight investment decisions and track project effectiveness. The
8 database must be based on truck movement tracked through geographic
9 information system technology. TransNow shall contribute additional
10 federal funds that are not appropriated in this act. The department
11 shall work with the freight mobility strategic investment board to
12 implement this database.

13 **Sec. 221.** 2009 c 470 s 222 (uncodified) is amended to read as
14 follows:

15 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**
16 **V**

17	Regional Mobility Grant Program Account--State	
18	Appropriation	\$54,677,000
19	Multimodal Transportation Account--State	
20	Appropriation	((\$65,795,000))
21		<u>\$65,723,000</u>
22	Multimodal Transportation Account--Federal	
23	Appropriation	\$2,582,000
24	Multimodal Transportation Account--Private/Local	
25	Appropriation	\$1,027,000
26	TOTAL APPROPRIATION	((\$124,081,000))
27		<u>\$124,009,000</u>

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

30 (1) \$25,000,000 of the multimodal transportation account--state
31 appropriation is provided solely for a grant program for special needs
32 transportation provided by transit agencies and nonprofit providers of
33 transportation.

34 (a) \$5,500,000 of the amount provided in this subsection is
35 provided solely for grants to nonprofit providers of special needs
36 transportation. Grants for nonprofit providers shall be based on need,

1 including the availability of other providers of service in the area,
2 efforts to coordinate trips among providers and riders, and the cost
3 effectiveness of trips provided.

4 (b) \$19,500,000 of the amount provided in this subsection is
5 provided solely for grants to transit agencies to transport persons
6 with special transportation needs. To receive a grant, the transit
7 agency must have a maintenance of effort for special needs
8 transportation that is no less than the previous year's maintenance of
9 effort for special needs transportation. Grants for transit agencies
10 shall be prorated based on the amount expended for demand response
11 service and route deviated service in calendar year 2007 as reported in
12 the "Summary of Public Transportation - 2007" published by the
13 department of transportation. No transit agency may receive more than
14 thirty percent of these distributions.

15 (2) Funds are provided for the rural mobility grant program as
16 follows:

17 (a) \$8,500,000 of the multimodal transportation account--state
18 appropriation is provided solely for grants for those transit systems
19 serving small cities and rural areas as identified in the "Summary of
20 Public Transportation - 2007" published by the department of
21 transportation. Noncompetitive grants must be distributed to the
22 transit systems serving small cities and rural areas in a manner
23 similar to past disparity equalization programs.

24 (b) \$8,500,000 of the multimodal transportation account--state
25 appropriation is provided solely to providers of rural mobility service
26 in areas not served or underserved by transit agencies through a
27 competitive grant process.

28 (3) \$7,000,000 of the multimodal transportation account--state
29 appropriation is provided solely for a vanpool grant program for: (a)
30 Public transit agencies to add vanpools or replace vans; and (b)
31 incentives for employers to increase employee vanpool use. The grant
32 program for public transit agencies will cover capital costs only;
33 operating costs for public transit agencies are not eligible for
34 funding under this grant program. Additional employees may not be
35 hired from the funds provided in this section for the vanpool grant
36 program, and supplanting of transit funds currently funding vanpools is
37 not allowed. The department shall encourage grant applicants and

1 recipients to leverage funds other than state funds. At least
2 \$1,600,000 of this amount must be used for vanpool grants in congested
3 corridors.

4 (4) \$400,000 of the multimodal transportation account--state
5 appropriation is provided solely for a grant for a flexible carpooling
6 pilot project program to be administered and monitored by the
7 department. Funds are appropriated for one time only. The pilot
8 project program must: Test and implement at least one flexible
9 carpooling system in a high-volume commuter area that enables
10 carpooling without prearrangement; utilize technologies that, among
11 other things, allow for transfer of ride credits between participants;
12 and be a membership system that involves prescreening to ensure safety
13 of the participants. The program must include a pilot project that
14 targets commuter traffic on the state route number 520 bridge. The
15 department shall submit to the legislature by December 2010 a report on
16 the program results and any recommendations for additional flexible
17 carpooling programs.

18 (5) \$3,318,000 of the multimodal transportation account--state
19 appropriation and \$21,248,000 of the regional mobility grant program
20 account--state appropriation are reappropriated and provided solely for
21 the regional mobility grant projects identified on the LEAP
22 Transportation Document 2007-B, as developed April 20, 2007, or the
23 LEAP Transportation Document 2006-D, as developed March 8, 2006. The
24 department shall continue to review all projects receiving grant awards
25 under this program at least semiannually to determine whether the
26 projects are making satisfactory progress. The department shall
27 promptly close out grants when projects have been completed, and any
28 remaining funds available to the office of transit mobility must be
29 used only to fund projects on the LEAP Transportation Document 2006-D,
30 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as
31 developed April 20, 2007; or the LEAP Transportation Document 2009-B,
32 as developed April 24, 2009. It is the intent of the legislature to
33 appropriate funds through the regional mobility grant program only for
34 projects that will be completed on schedule.

35 (6) \$33,429,000 of the regional mobility grant program account--
36 state appropriation is provided solely for the regional mobility grant
37 projects identified in LEAP Transportation Document 2009-B, as
38 developed April 24, 2009. The department shall review all projects

1 receiving grant awards under this program at least semiannually to
2 determine whether the projects are making satisfactory progress. Any
3 project that has been awarded funds, but does not report activity on
4 the project within one year of the grant award, must be reviewed by the
5 department to determine whether the grant should be terminated. The
6 department shall promptly close out grants when projects have been
7 completed, and any remaining funds available to the office of transit
8 mobility must be used only to fund projects identified in LEAP
9 Transportation Document 2009-B, as developed April 24, 2009. The
10 department shall provide annual status reports on December 15, 2009,
11 and December 15, 2010, to the office of financial management and the
12 transportation committees of the legislature regarding the projects
13 receiving the grants. It is the intent of the legislature to
14 appropriate funds through the regional mobility grant program only for
15 projects that will be completed on schedule.

16 (7) \$300,000 of the multimodal transportation account--state
17 appropriation is provided solely for a transportation demand management
18 program, developed by the Whatcom council of governments, to further
19 reduce drive-alone trips and maximize the use of sustainable
20 transportation choices. The community-based program must focus on all
21 trips, not only commute trips, by providing education, assistance, and
22 incentives to four target audiences: (a) Large work sites; (b)
23 employees of businesses in downtown areas; (c) school children; and (d)
24 residents of Bellingham.

25 (8) \$130,000 of the multimodal transportation account--state
26 appropriation is provided solely to the department to distribute to
27 support Engrossed Substitute House Bill No. 2072 (special needs
28 transportation).

29 (a) \$80,000 of the amount provided in this subsection is provided
30 solely for implementation of the work group related to federal
31 requirements in section 1, chapter . . . (Engrossed Substitute House
32 Bill No. 2072), Laws of 2009.

33 (b) \$50,000 of the amount provided in this subsection is provided
34 solely to support the pilot project to be developed or implemented by
35 the local coordinating coalition comprised of a single county,
36 described in sections 9, 10, and 11, chapter . . . (Engrossed
37 Substitute House Bill No. 2072), Laws of 2009. The department shall
38 assist the local coordinating coalition to seek funding sufficient to

1 fully fund the pilot project from a variety of sources including, but
2 not limited to, the regional transit authority serving the county, the
3 regional transportation planning organization serving the county, and
4 other appropriate state and federal agencies and grants. Development
5 or implementation of the pilot project is contingent on securing
6 funding sufficient to fully fund the pilot project.

7 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by
8 June 30, 2009, the amount provided in this subsection (8) lapses. If
9 Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009,
10 but a commitment from other sources to fully fund the pilot project
11 described in (b) of this subsection has not been obtained by September
12 30, 2009, the amount provided in (b) of this subsection lapses.

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

15 (10) An affected urban growth area that has not previously
16 implemented a commute trip reduction program is exempt from the
17 requirements in RCW 70.94.527 if a solution to address the state
18 highway deficiency that exceeds the person hours of delay threshold has
19 been funded and is in progress during the 2009-11 fiscal biennium.

20 (11) \$2,309,000 of the multimodal transportation account--state
21 appropriation is provided solely for the tri-county connection service
22 for Island, Skagit, and Whatcom transit agencies.

23 (12) RCW 35.58.2796 requires the department to submit an annual
24 report summarizing the status of public transportation systems in the
25 state. When reviewing the data requirements for this report, the
26 department shall work with the transportation committees of the
27 legislature and the Washington state transit association to propose key
28 metrics and measurements that demonstrate the performance of the
29 statewide public transportation system. These measurements must be
30 reported to the office of financial management and the transportation
31 committees of the legislature by July 1, 2010.

32 **Sec. 222.** 2009 c 470 s 223 (uncodified) is amended to read as
33 follows:

34	FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X	
35	Puget Sound Ferry Operations Account--State	
36	Appropriation	((\$400,592,000))
37		<u>\$432,394,000</u>

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

3 (1)(a) (~~(\$53,110,560)~~) \$85,923,000 of the Puget Sound ferry
4 operations account--state appropriation is provided solely for auto
5 ferry vessel operating fuel in the 2009-11 fiscal biennium. (~~This~~
6 ~~appropriation is contingent upon the enactment of section 716 of this~~
7 ~~act.~~)

8 (b) All fuel purchased by the Washington state ferries at Harbor
9 Island for the operation of the Washington state ferries diesel powered
10 vessels must be a minimum of five percent biodiesel blend.

11 (2) To protect the waters of Puget Sound, the department shall
12 investigate nontoxic alternatives to fuel additives and other
13 commercial products that are used to operate, maintain, and preserve
14 vessels.

15 (3) If, after the department's review of fares and pricing
16 policies, the department proposes a fuel surcharge, the department must
17 evaluate other cost savings and fuel price stabilization strategies
18 that would be implemented before the imposition of a fuel surcharge.

19 (4) The department shall strive to significantly reduce the number
20 of injuries suffered by Washington state ferries employees. By
21 December 15, 2009, the department shall submit to the office of
22 financial management and the transportation committees of the
23 legislature its implementation plan to reduce such injuries.

24 (5) The department shall continue to provide service to Sidney,
25 British Columbia. The department may place a Sidney terminal departure
26 surcharge on fares for out of state residents riding the Washington
27 state ferry route that runs between Anacortes, Washington and Sidney,
28 British Columbia, if the cost for landing/license fee, taxes, and
29 additional amounts charged for docking are in excess of \$280,000 CDN.
30 The surcharge must be limited to recovering amounts above \$280,000 CDN.

31 (6) The department shall analyze operational solutions to enhance
32 service on the Bremerton to Seattle ferry run. The Washington state
33 ferries shall report its analysis to the transportation committees of
34 the legislature by December 1, 2009.

35 (7) The office of financial management budget instructions require
36 agencies to recast enacted budgets into activities. The Washington
37 state ferries shall include a greater level of detail in its 2011-13

1 omnibus transportation appropriations act request, as determined
2 jointly by the office of financial management, the Washington state
3 ferries, and the legislative transportation committees.

4 (8) \$3,000,000 of the Puget Sound ferry operations account--state
5 appropriation is provided solely for commercial insurance for ferry
6 assets. The office of financial management, after consultation with
7 the transportation committees of the legislature, must present a
8 business plan for the Washington state ferry system's insurance
9 coverage to the 2010 legislature. The business plan must include a
10 cost-benefit analysis of Washington state ferries' current commercial
11 insurance purchased for ferry assets and a review of self-insurance for
12 noncatastrophic events.

13 (9) \$1,100,000 of the Puget Sound ferry operations account--state
14 appropriation is provided solely for a marketing program. The
15 department shall present a marketing program proposal to the
16 transportation committees of the legislature during the 2010
17 legislative session before implementing this program. Of this amount,
18 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of
19 Coupeville for mitigation expenses related to only one vessel operating
20 on the Port Townsend/Keystone ferry route. The moneys provided to the
21 city of Port Townsend and town of Coupeville are not contingent upon
22 the required marketing proposal.

23 (10) \$350,000 of the Puget Sound ferry operations account--state
24 appropriation is provided solely for two extra trips per day during the
25 summer of 2009 season, beyond the current schedule, on the Port
26 Townsend/Keystone route.

27 (11) When purchasing uniforms that are required by collective
28 bargaining agreements, the department shall contract with the lowest
29 cost provider.

30 (12) The legislature finds that measuring the performance of
31 Washington state ferries requires the measurement of quality,
32 timeliness, and unit cost of services delivered to customers.
33 Consequently, the department must develop a set of metrics that measure
34 that performance and report to the transportation committees of the
35 legislature and to the office of financial management on the
36 development of these measurements along with recommendations to the
37 2010 legislature on which measurements must become a part of the next
38 omnibus transportation appropriations act.

1 (13) As a priority task, the department is directed to propose a
2 comprehensive incident and accident investigation policy and
3 appropriate procedures, and to provide the proposal to the legislature
4 by November 1, 2009, using existing resources and staff expertise. In
5 addition to consulting with ferry system unions and the United States
6 coast guard, the Washington state ferries is encouraged to solicit
7 independent outside expertise on incident and accident investigation
8 best practices as they may be found in other organizations with a
9 similar concern for marine safety. It is the intent of the legislature
10 to enact the policies into law and to publish that law and procedures
11 as a manual for Washington state ferries' accident/incident
12 investigations. Until that time, the Washington state ferry system
13 must exercise particular diligence to assure that any incident or
14 accident investigations are conducted within the spirit of the
15 guidelines of this act. The proposed policy must contain, at a
16 minimum:

17 (a) The definition of an incident and an accident and the type of
18 investigation that is required by both types of events;

19 (b) The process for appointing an investigating officer or officers
20 and a description of the authorities and responsibilities of the
21 investigating officer or officers. The investigating officer or
22 officers must:

23 (i) Have the appropriate training and experience as determined by
24 the policy;

25 (ii) Not have been involved in the incident or accident so as to
26 avoid any conflict of interest;

27 (iii) Have full access to all persons, records, and relevant
28 organizations that may have information about or may have contributed
29 to, directly or indirectly, the incident or accident under
30 investigation, in compliance with any affected employee's or employees'
31 respective collective bargaining agreement and state laws and rules
32 regarding public disclosure under chapter 42.56 RCW;

33 (iv) Be provided with, if requested by the investigating officer or
34 officers, appropriate outside technical expertise; and

35 (v) Be provided with staff and legal support by the Washington
36 state ferries as may be appropriate to the type of investigation;

37 (c) The process of working with the affected employee or employees

1 in accordance with the employee's or employees' respective collective
2 bargaining agreement and the appropriate union officials, within
3 protocols afforded to all public employees;

4 (d) The process by which the United States coast guard is kept
5 informed of, interacts with, and reviews the investigation;

6 (e) The process for review, approval, and implementation of any
7 approved recommendations within the department; and

8 (f) The process for keeping the public informed of the
9 investigation and its outcomes, in compliance with any affected
10 employee's or employees' respective collective bargaining agreement and
11 state laws and rules regarding public disclosure under chapter 42.56
12 RCW.

13 **Sec. 223.** 2009 c 470 s 224 (uncodified) is amended to read as
14 follows:

15 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**
16 Multimodal Transportation Account--State
17 Appropriation ((~~\$34,933,000~~))
18 \$37,401,000

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

21 (1) ((~~\$29,091,000~~)) \$31,591,000 of the multimodal transportation
22 account--state appropriation is provided solely for the Amtrak service
23 contract and Talgo maintenance contract associated with providing and
24 maintaining the state-supported passenger rail service. The department
25 is directed to continue to pursue efforts to reduce costs and increase
26 ridership, and review fares and/or fare schedules. Within thirty days
27 of each annual ridership/revenue reconciliation under the Amtrak
28 service contract, the department shall report annual credits to the
29 office of financial management and the legislative transportation
30 committees. Annual credits from Amtrak to the department including,
31 but not limited to, credits for increased revenue due to higher
32 ridership, and fare and/or fare schedule adjustments, must be used to
33 offset corresponding amounts of the multimodal transportation account--
34 state appropriation, which must be placed in reserve. Upon completion
35 of the rail platform project in the city of Stanwood, the department
36 shall provide daily Amtrak Cascades service to the city.

37 (2) Amtrak Cascade runs may not be eliminated.

(3) The department shall begin planning for a third roundtrip Cascades train between Seattle and Vancouver, B.C. by 2010.

Sec. 224. 2009 c 470 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Rural Arterial Trust Account--State Appropriation	\$453,000
Urban Arterial Trust Account--State Appropriation	\$896,000
Transportation Improvement Account--State Appropriation	\$897,000
County Arterial Preservation Account--State	
Appropriation	\$707,000
Motor Vehicle Account--State Appropriation	((\$8,739,000))
	\$10,145,000
Motor Vehicle Account--Federal Appropriation	\$2,567,000
TOTAL APPROPRIATION	((\$11,306,000))
	\$15,665,000

The appropriations in this section are subject to the following conditions and limitations: Fiscal year 2011 funding from the county road administration board, transportation improvement board, and freight mobility strategic investment board is appropriated to the department of transportation - local programs (Program Z). The department may only expend twenty-five percent of the transferred appropriations for the immediate costs necessary for consolidation. The remainder must be placed in unallotted status and may be released after a reorganization plan has been approved by the office of financial management and the house of representatives and senate transportation committees have been notified. Reorganization considerations must include, but not be limited to, the costs associated with staff, equipment, facilities, and contracting, and other costs associated with the elimination of the independent agencies. The office of financial management shall identify any net savings by September 30, 2010, and make allotment adjustments at that time.

TRANSPORTATION AGENCIES--CAPITAL

1	Appropriation	((\$85,643,000))
2		<u>\$45,176,000</u>
3	TOTAL APPROPRIATION	((\$213,822,000))
4		<u>\$110,709,000</u>

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

7 (1) The transportation improvement account--state appropriation
8 includes up to \$7,143,000 in proceeds from the sale of bonds authorized
9 in RCW 47.26.500.

10 (2) The urban arterial trust account--state appropriation includes
11 up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW
12 47.26.420.

13 (3) The appropriations in this section are for fiscal year 2010
14 only. Funding for fiscal year 2011 is appropriated to the department
15 of transportation - local programs (Program Z - capital).

16 **Sec. 303.** 2009 c 470 s 304 (uncodified) is amended to read as
17 follows:

18 **FOR THE DEPARTMENT OF TRANSPORTATION.** As part of its budget submittal
19 for the 2011-13 fiscal biennium, the department shall provide an annual
20 update to the report provided to the legislature and the office of
21 financial management in 2008 that:

22 (1) Compares the original project cost estimates approved in the
23 2003 and 2005 project lists to the completed cost of the project, or
24 the most recent legislatively approved budget and total project costs
25 for projects not yet completed;

26 (2) Identifies highway projects that may be reduced in scope and
27 still achieve a functional benefit;

28 (3) Identifies highway projects that have experienced scope
29 increases and that can be reduced in scope;

30 (4) Identifies highway projects that have lost significant local or
31 regional contributions that were essential to completing the project;
32 and

33 (5) Identifies contingency amounts allocated to projects.

34 **Sec. 304.** 2009 c 470 s 306 (uncodified) is amended to read as
35 follows:

1	FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I	
2	Multimodal Transportation Account--State	
3	Appropriation	((\$1,000))
4		<u>\$2,000</u>
5	Transportation Partnership Account--State	
6	Appropriation	((\$1,723,834,000))
7		<u>\$1,739,934,000</u>
8	Motor Vehicle Account--State Appropriation	((\$80,735,000))
9		<u>\$84,091,000</u>
10	Motor Vehicle Account--Federal Appropriation	((\$410,341,000))
11		<u>\$528,584,000</u>
12	Motor Vehicle Account--Private/Local	
13	Appropriation	((\$65,494,000))
14		<u>\$77,985,000</u>
15	Special Category C Account--State Appropriation	((\$24,549,000))
16		<u>\$25,221,000</u>
17	Transportation 2003 Account (Nickel Account)--State	
18	Appropriation	((\$703,708,000))
19		<u>\$743,273,000</u>
20	Freight Mobility Multimodal Account--State	
21	Appropriation	((\$4,422,000))
22		<u>\$4,574,000</u>
23	Tacoma Narrows Toll Bridge Account--State	
24	Appropriation	((\$788,000))
25		<u>\$789,000</u>
26	State Route Number 520 Corridor Account--State	
27	Appropriation	\$106,000,000
28	TOTAL APPROPRIATION	((\$3,119,872,000))
29		<u>\$3,310,453,000</u>

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

32 (1) Except as provided otherwise in this section, the entire
33 transportation 2003 account (nickel account) appropriation and the
34 entire transportation partnership account appropriation are provided
35 solely for the projects and activities as listed by fund, project, and
36 amount in ((~~LEAP Transportation Document 2009-1 as developed April 24,~~
37 ~~2009, Program Highway Improvement Program (I)~~)) TEIS Version 10GOV001
38 dated December 8, 2009. However, limited transfers of specific

1 line-item project appropriations may occur between projects for those
2 amounts listed subject to the conditions and limitations in sections
3 603 and 601 of this act.

4 (2) (~~As a result of economic changes since the initial development~~
5 ~~of the improvement program budget for the 2009-11 fiscal biennium, the~~
6 ~~department has received bids on construction contracts over the last~~
7 ~~several months that are favorable with respect to current estimates of~~
8 ~~project costs. National economic forecasts indicate that inflationary~~
9 ~~pressures are likely to remain lower than previously expected for the~~
10 ~~next several years. As a result, the nominal project cost totals shown~~
11 ~~in LEAP Transportation Document 2009-1 in aggregate for the 2009-11~~
12 ~~fiscal biennium and the 2011-13 fiscal biennium are expected to exceed~~
13 ~~the likely amount necessary to deliver the projects listed within those~~
14 ~~biennia by \$63,500,000 in the 2009-11 fiscal biennium and \$52,700,000~~
15 ~~in the 2011-13 fiscal biennium. The appropriations provided in this~~
16 ~~section for the projects in those biennia are therefore \$63,500,000~~
17 ~~less in the 2009-11 fiscal biennium and \$52,700,000 less in the 2011-13~~
18 ~~fiscal biennium than the aggregate total of project costs listed. It~~
19 ~~is the intent of the legislature that the department shall deliver the~~
20 ~~projects listed in LEAP Transportation Document 2009-1 within the time,~~
21 ~~scope, and budgets identified in that document, provided that the~~
22 ~~prices of commodities used in transportation projects do not differ~~
23 ~~significantly from those assumed for the 2009-11 and 2011-13 fiscal~~
24 ~~biennia in the March 2009 forecast of the economic and revenue forecast~~
25 ~~council.~~

26 (~~3) \$162,900,000~~) \$163,385,000 of the transportation partnership
27 account--state appropriation and \$106,000,000 of the state route number
28 520 corridor account--state appropriation are provided solely for the
29 state route number 520 bridge replacement and HOV project. The
30 department shall submit an application for the eastside transit and HOV
31 project to the supplemental discretionary grant program for regionally
32 significant projects as provided in the American Recovery and
33 Reinvestment Act of 2009. Eastside state route number 520 improvements
34 shall be designed and constructed to accommodate a future full
35 interchange at 124th Avenue Northeast. Concurrent with the eastside
36 transit and HOV project, the department shall conduct engineering
37 design of a full interchange at 124th Avenue Northeast. The amount
38 provided in this subsection from the state route number 520 corridor

1 account--state appropriation is contingent on the enactment of (a)
2 Engrossed Substitute House Bill No. 2211 and (b) either Engrossed
3 Substitute House Bill No. 2326 or other legislation authorizing bonds
4 for the state route number 520 corridor projects. If the conditions of
5 this subsection are not satisfied, the state route number 520 corridor
6 account--state appropriation shall lapse.

7 ~~((+4))~~ (3) As required under section 305(6), chapter 518, Laws of
8 2007, the department shall report by January 2010 to the transportation
9 committees of the legislature on the findings of the King county noise
10 reduction solutions pilot project.

11 ~~((+5))~~ (4) Funding allocated for mitigation costs is provided
12 solely for the purpose of project impact mitigation, and shall not be
13 used to develop or otherwise participate in the environmental
14 assessment process.

15 ~~((+6))~~ (5) The department shall apply for surface transportation
16 program (STP) enhancement funds to be expended in lieu of or in
17 addition to state funds for eligible costs of projects in Programs I
18 and P including, but not limited to, the SR 518, SR 520, Columbia river
19 crossing, and Alaskan Way viaduct projects.

20 ~~((+7))~~ (6) The department shall, on a quarterly basis beginning
21 July 1, 2009, provide to the office of financial management and the
22 legislature reports providing the status on each active project funded
23 in part or whole by the transportation 2003 account (nickel account) or
24 the transportation partnership account. Funding provided at a
25 programmatic level for transportation partnership account and
26 transportation 2003 account (nickel account) projects relating to
27 bridge rail, guard rail, fish passage barrier removal, and roadside
28 safety projects should be reported on a programmatic basis. Projects
29 within this programmatic level funding should be completed on a
30 priority basis and scoped to be completed within the current
31 programmatic budget. The department shall work with the office of
32 financial management and the transportation committees of the
33 legislature to agree on report formatting and elements. Elements must
34 include, but not be limited to, project scope, schedule, and costs.
35 For new construction contracts valued at fifteen million dollars or
36 more, the department must also use an earned value method of project
37 monitoring. The department shall also provide the information required

1 under this subsection on a quarterly basis via the transportation
2 executive information systems (TEIS).

3 ~~((+8))~~ (7) The transportation 2003 account (nickel account)--state
4 appropriation includes up to ~~((~~\$628,000,000~~))~~ \$709,000,000 in proceeds
5 from the sale of bonds authorized by RCW 47.10.861.

6 ~~((+9))~~ (8) The transportation partnership account--state
7 appropriation includes up to ~~((~~\$1,360,528,000~~))~~ \$1,481,528,000 in
8 proceeds from the sale of bonds authorized in RCW 47.10.873.

9 ~~((+10))~~ (9) The special category C account--state appropriation
10 includes up to ~~((~~\$22,127,000~~))~~ \$25,221,000 in proceeds from the sale of
11 bonds authorized in RCW 47.10.812.

12 ~~((+11))~~ (10) The motor vehicle account--state appropriation
13 includes up to \$31,500,000 in proceeds from the sale of bonds
14 authorized in RCW 47.10.843.

15 ~~((+12))~~ (11) The department must prepare a tolling study for the
16 Columbia river crossing project. While conducting the study, the
17 department must coordinate with the Oregon department of transportation
18 to perform the following activities:

19 (a) Evaluate the potential diversion of traffic from Interstate 5
20 to other parts of the transportation system when tolls are implemented
21 on Interstate 5 in the vicinity of the Columbia river;

22 (b) Evaluate the most advanced tolling technology to maintain
23 travel time speed and reliability for users of the Interstate 5 bridge;

24 (c) Evaluate available active traffic management technology to
25 determine the most effective options for technology that could maintain
26 travel time speed and reliability on the Interstate 5 bridge;

27 (d) Confer with the project sponsor's council, as well as local and
28 regional governing bodies adjacent to the Interstate 5 Columbia river
29 crossing corridor and the Interstate 205 corridor regarding the
30 implementation of tolls, the impacts that the implementation of tolls
31 might have on the operation of the corridors, the diversion of traffic
32 to local streets, and potential mitigation measures;

33 (e) Regularly report to the Washington transportation commission
34 regarding the progress of the study for the purpose of guiding the
35 commission's potential toll setting on the facility;

36 (f) Research and evaluate options for a potential toll-setting
37 framework between the Oregon and Washington transportation commissions;

1 (g) Conduct public work sessions and open houses to provide
2 information to citizens, including users of the bridge and business and
3 freight interests, regarding implementation of tolls on the Interstate
4 5 and to solicit citizen views on the following items:

5 (i) Funding a portion of the Columbia river crossing project with
6 tolls;

7 (ii) Implementing variable tolling as a way to reduce congestion on
8 the facility; and

9 (iii) Tolling Interstate 205 separately as a management tool for
10 the broader state and regional transportation system; and

11 (h) Provide a report to the governor and the legislature by January
12 2010.

13 (~~((13))~~) (12)(a) By January 2010, the department must prepare a
14 traffic and revenue study for Interstate 405 in King county and
15 Snohomish county that includes funding for improvements and high
16 occupancy toll lanes, as defined in RCW 47.56.401, for traffic
17 management. The department must develop a plan to operate up to two
18 high occupancy toll lanes in each direction on Interstate 405.

19 (b) For the facility listed in (a) of this subsection, the
20 department must:

21 (i) Confer with the mayors and city councils of jurisdictions in
22 the vicinity of the project regarding the implementation of high
23 occupancy toll lanes and the impacts that the implementation of these
24 high occupancy toll lanes might have on the operation of the corridor
25 and adjacent local streets;

26 (ii) Conduct public work sessions and open houses to provide
27 information to citizens regarding implementation of high occupancy toll
28 lanes and to solicit citizen views;

29 (iii) Regularly report to the Washington transportation commission
30 regarding the progress of the study for the purpose of guiding the
31 commission's toll setting on the facility; and

32 (iv) Provide a report to the governor and the legislature by
33 January 2010.

34 (~~((14) \$9,199,985))~~ (13) \$9,436,000 of the motor vehicle account--
35 state appropriation is provided solely for project 100224I, as
36 identified in the (~~LEAP~~) TEIS transportation document in subsection
37 (1) of this section: US 2 high priority safety project. Expenditure

1 of these funds is for safety projects on (~~state route number~~) US 2
2 between Monroe and Gold Bar, which may include median rumble strips,
3 traffic cameras, and electronic message signs.

4 (~~(+15)~~) (14) Expenditures for the state route number 99 Alaskan
5 Way viaduct replacement project must be made in conformance with
6 Engrossed Substitute Senate Bill No. 5768.

7 (~~(+16)~~) (15) The department shall conduct a public outreach
8 process to identify and respond to community concerns regarding the
9 Belfair bypass. The process must include representatives from Mason
10 county, the legislature, area businesses, and community members. The
11 department shall use this process to consider and develop design
12 alternatives that alter the project's scope so that the community's
13 needs are met within the project budget. The department shall provide
14 a report on the process and outcomes to the legislature by June 30,
15 2010.

16 (~~(+17)~~) (16) The legislature is committed to the timely completion
17 of R8A which supports the construction of sound transit's east link.
18 Following the completion of the independent analysis of the
19 methodologies to value the reversible lanes on Interstate 90 which may
20 be used for high capacity transit as directed in section 204 of this
21 act, the department shall complete the process of negotiations with
22 sound transit. Such agreement shall be completed no later than
23 December 1, 2009.

24 (~~(+18)~~) (17) \$250,000 of the motor vehicle account--state
25 appropriation is provided solely for the design and construction of a
26 right turn lane to improve visibility and traffic flow on (~~state route~~
27 ~~number~~) US 195 and Cheney-Spokane Road.

28 (~~(+19)~~ ~~-\$846,700~~) (18) \$730,000 of the motor vehicle account--
29 federal appropriation and (~~(\$17,280)~~) \$16,000 of the motor vehicle
30 account--state appropriation are provided solely for the Westview
31 school noise wall.

32 (~~(+20)~~ ~~-\$1,360~~) (19) \$2,000 of the motor vehicle account--state
33 appropriation and (~~(\$35,786)~~) \$131,000 of the motor vehicle account--
34 federal appropriation are provided solely for interchange design and
35 planning work on US 12 at A Street and Tank Farm Road.

36 (~~(+21)~~ ~~-\$20,011,125~~) (20)(a) \$21,566,000 of the transportation
37 partnership account--state appropriation, (~~(\$2,550)~~) \$26,000 of the
38 motor vehicle account--state appropriation, (~~(\$30,003,473)~~) \$29,865,000

1 of the motor vehicle account--private/local appropriation, and
2 (~~(\$1,482,066)~~) \$2,568,000 of the motor vehicle account--federal
3 appropriation are provided solely for the I-5/Columbia river
4 crossing/Vancouver project. The funding described in this subsection
5 includes a (~~(\$30,003,473)~~) \$29,865,000 contribution from the state of
6 Oregon.

7 (b) \$200,000 of the transportation partnership account--state
8 appropriation, included in (a) of this subsection, identified on
9 project number 400506A in the TEIS transportation document described in
10 subsection (1) of this section, is provided solely for the department
11 to work with the department of archaeology and historic preservation to
12 ensure that the cultural resources investigation is properly conducted
13 on the Columbia river crossing project. This project must be conducted
14 with active archaeological management and result in one report that
15 spans the single cultural area in Oregon and Washington. Additionally,
16 the department shall establish a scientific peer review of independent
17 archaeologists that are knowledgeable about the region and its cultural
18 resources.

19 ~~((+22))~~ (21) It is important that the public and policymakers have
20 accurate and timely access to information related to the Alaskan Way
21 viaduct replacement project as it proceeds to, and during, the
22 construction of all aspects of the project including, but not limited
23 to, information regarding costs, schedules, contracts, project status,
24 and neighborhood impacts. Therefore, it is the intent of the
25 legislature that the state, city, and county departments of
26 transportation establish a single source of accountability for
27 integration, coordination, tracking, and information of all requisite
28 components of the replacement project, which must include, at a
29 minimum:

30 (a) A master schedule of all subprojects included in the full
31 replacement project or program; and

32 (b) A single point of contact for the public, media, stakeholders,
33 and other interested parties.

34 ~~((+23))~~ (22) The state route number 520 corridor account--state
35 appropriation includes up to \$106,000,000 in proceeds from the sale of
36 bonds authorized in Engrossed Substitute House Bill No. 2326 or in
37 legislation authorizing bonds for the state route number 520 corridor
38 projects. If Engrossed Substitute House Bill No. 2326, or legislation

1 authorizing bonds for the state route number 520 corridor projects, is
2 not enacted by June 30, 2009, the amount provided in this subsection
3 shall lapse.

4 ~~((+24))~~ (23) The department shall evaluate a potential deep bore
5 culvert for the state route number 305/Bjorgen creek fish barrier
6 project identified as project 330514A in LEAP Transportation Document
7 ALL PROJECTS 2009-2, as developed April 24, 2009. The department shall
8 evaluate whether a deep bore culvert will be a less costly alternative
9 than a traditional culvert since a traditional culvert would require
10 extensive road detours during construction.

11 ~~((+25))~~ (24) Project number 330215A in the LEAP transportation
12 document described in subsection (1) of this section is expanded to
13 include safety and congestion improvements from the Key Peninsula
14 Highway to the vicinity of Purdy. The department shall consult with
15 the Washington traffic safety commission to ensure that this project
16 includes improvements at intersections and along the roadway to reduce
17 the frequency and severity of collisions related to roadway conditions
18 and traffic congestion.

19 ~~((+26)---\$10,600,000))~~ (25) \$8,890,000 of the transportation
20 partnership account--state appropriation is provided solely for project
21 109040Q, the Interstate 90 Two Way Transit and HOV Improvements--Stage
22 2 and 3 project, as indicated in the ~~((LEAP))~~ TEIS transportation
23 document referenced in subsection (1) of this section. Funds shall be
24 used solely for preliminary engineering on stages 2 and 3 of this
25 project.

26 ~~((+27))~~ (26) The department shall continue to work with the local
27 partners in developing transportation solutions necessary for the
28 economic growth in the Red Mountain American Viticulture Area of Benton
29 county.

30 ~~((+28))~~ (27) For highway construction projects where the
31 department considers agricultural lands of long-term commercial
32 significance, as defined in RCW 36.70A.030, in reviewing and selecting
33 sites to meet environmental mitigation requirements under the national
34 environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state
35 environmental policy act (chapter 43.21C RCW), the department shall, to
36 the greatest extent possible, consider using public land first. If
37 public lands are not available that meet the required environmental

1 mitigation needs, the department may use other sites while making every
2 effort to avoid any net loss of agricultural lands that have a
3 designation of long-term commercial significance.

4 ~~((+29))~~ (28) Within the motor vehicle account--state appropriation
5 and motor vehicle account--federal appropriation, the department may
6 transfer funds between programs I and P, except for funds that are
7 otherwise restricted in this act.

8 ~~((+30))~~ (29) Within the amounts provided in this section, \$200,000
9 of the transportation partnership account--state appropriation is
10 provided solely for the department to prepare a comprehensive tolling
11 study of the state route number 167 corridor to determine the
12 feasibility of administering tolls within the corridor, identified as
13 project number 316718A in the ~~((LEAP))~~ TEIS transportation document
14 described in subsection (1) of this section. The department shall
15 report to the joint transportation committee by September 30, 2010.
16 The department shall regularly report to the Washington transportation
17 commission regarding the progress of the study for the purpose of
18 guiding the commission's potential toll setting on the facility. The
19 elements of the study must include, at a minimum:

20 (a) The potential for value pricing to generate revenues for needed
21 transportation facilities within the corridor;

22 (b) Maximizing the efficient operation of the corridor; and

23 (c) Economic considerations for future system investments.

24 ~~((+31))~~ (30) Within the amounts provided in this section, \$200,000
25 of the transportation partnership account--state appropriation is
26 provided solely for the department to prepare a comprehensive tolling
27 study of the state route number 509 corridor to determine the
28 feasibility of administering tolls within the corridor, identified as
29 project number 850901F in the ~~((LEAP))~~ TEIS transportation document
30 described in subsection (1) of this section. The department shall
31 report to the joint transportation committee by September 30, 2010.
32 The department shall regularly report to the Washington transportation
33 commission regarding the progress of the study for the purpose of
34 guiding the commission's potential toll setting on the facility. The
35 elements of the study must include, at a minimum:

36 (a) The potential for value pricing to generate revenues for needed
37 transportation facilities within the corridor;

38 (b) Maximizing the efficient operation of the corridor; and

1 (c) Economic considerations for future system investments.

2 ~~((+32))~~ (31) Within the amounts provided in this section,
3 \$28,000,000 of the transportation partnership account--state
4 appropriation is for project ~~((600010A))~~ 6BI1001, as identified in the
5 ~~((LEAP))~~ TEIS transportation document in subsection (1) of this
6 section: NSC-North Spokane corridor ~~((design and right-of-way--new
7 alignment. Expenditure of these funds is))~~, for preliminary
8 engineering and right-of-way purchasing to prepare for four lanes to be
9 built from where existing construction ends at Francis Avenue for three
10 miles to the Spokane river. Additionally, any savings realized on
11 project ~~((600001A))~~ 6BI1001, as identified in the ~~((LEAP))~~ TEIS
12 transportation document in subsection (1) of this section: US 395/NSC-
13 Francis Avenue to Farwell Road - New Alignment, must be applied to
14 project ~~((600010A))~~ 6BI1001.

15 ~~((+33))~~ (32) \$400,000 of the motor vehicle account--state
16 appropriation is provided solely for the department to conduct a state
17 route number 2 route development plan that will identify essential
18 improvements needed between the port of Everett/Naval station and
19 approaching the state route number 9 interchange near the city of
20 Snohomish.

21 ~~((+34))~~ (33) If the SR 26 - Intersection and Illumination
22 Improvements are not completed by June 30, 2009, the department shall
23 ensure that the improvements are completed as soon as practicable after
24 June 30, 2009, and shall submit monthly progress reports on the
25 improvements beginning July 1, 2009.

26 ~~((+35) \$200,000 of the transportation partnership account--state
27 appropriation, identified on project number 400506A in the LEAP
28 transportation document described in subsection (1) of this section, is
29 provided solely for the department to work with the department of
30 archaeology and historic preservation to ensure that the cultural
31 resources investigation is properly conducted on the Columbia river
32 crossing project. This project must be conducted with active
33 archaeological management and result in one report that spans the
34 single cultural area in Oregon and Washington. Additionally, the
35 department shall establish a scientific peer review of independent
36 archaeologists that are knowledgeable about the region and its cultural
37 resources.~~

1 ~~(36)~~) (34) The department shall work with the department of
2 archaeology and historic preservation to ensure that the cultural
3 resources investigation is properly conducted on all mega-highway
4 projects and large ferry terminal projects. These projects must be
5 conducted with active archaeological management. Additionally, the
6 department shall establish a scientific peer review of independent
7 archaeologists that are knowledgeable about the region and its cultural
8 resources.

9 ~~((37))~~ (35) Within the amounts provided in this section,
10 \$1,500,000 of the motor vehicle account--state appropriation is
11 provided solely for necessary work along the south side of SR 532,
12 identified as project number 053255C in the ~~((LEAP))~~ TEIS
13 transportation document described in subsection (1) of this section.

14 ~~((38))~~ (36) \$10,000,000 of the transportation partnership
15 account--state appropriation is provided solely for the Spokane street
16 viaduct portion of project 809936Z, SR 99/Alaskan Way Viaduct -
17 Replacement project as indicated in the ~~((LEAP))~~ TEIS transportation
18 document referenced in subsection (1) of this section.

19 ~~((39))~~ (37) The department shall conduct a public outreach
20 process to identify and respond to community concerns regarding the
21 portion of John's Creek Road that connects state route number 3 and
22 state route number 101. The process must include representatives from
23 Mason county, the legislature, area businesses, and community members.
24 The department shall use this process to consider, develop, and design
25 a project scope so that the community's needs are met for the lowest
26 cost. The department shall provide a report on the process and
27 outcomes to the legislature by June 30, 2010.

28 ~~((40))~~ (38) The department shall apply for the competitive
29 portion of federal transit administration funds for eligible transit-
30 related costs of the state route number 520 bridge replacement and HOV
31 project and the Columbia river crossing project. The federal funds
32 described in this subsection must not include those federal transit
33 administration funds distributed by formula. The department shall
34 provide a report regarding this effort to the legislature by January 1,
35 2010.

36 (39) \$93,505,550 of the transportation partnership account--state
37 appropriation is provided solely for the Bellevue Braided Ramps project
38 within the Interstate 405 Corridor Improvements project (840551A).

1 \$67,500,000 of this amount must be placed in unallotted status until
2 the department submits a plan to the office of financial management and
3 the house of representatives and senate transportation committees for
4 the use of these moneys. This amount represents the savings that the
5 department achieved compared to the engineer's estimate for this
6 project.

7 **Sec. 305.** 2009 c 470 s 307 (uncodified) is amended to read as
8 follows:

9 **FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

10	Transportation Partnership Account--State	
11	Appropriation	(((\$103,077,000))
12		<u>\$76,599,000</u>
13	Motor Vehicle Account--State Appropriation	(((\$88,142,000))
14		<u>\$93,352,000</u>
15	Motor Vehicle Account--Federal Appropriation	(((\$524,954,000))
16		<u>\$539,876,000</u>
17	Motor Vehicle Account--Private/Local Appropriation	(((\$6,417,000))
18		<u>\$21,565,000</u>
19	Transportation 2003 Account (Nickel Account)--State	
20	Appropriation	(((\$7,237,000))
21		<u>\$6,328,000</u>
22	Puyallup Tribal Settlement Account--State	
23	Appropriation	(((\$6,500,000))
24		<u>\$1,456,000</u>
25	TOTAL APPROPRIATION	(((\$736,327,000))
26		<u>\$739,176,000</u>

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

29 (1) Except as provided otherwise in this section, the entire
30 transportation 2003 account (nickel account) appropriation and the
31 entire transportation partnership account appropriation are provided
32 solely for the projects and activities as listed by fund, project, and
33 amount in (~~LEAP Transportation Document 2009-1 as developed April 24,~~
34 ~~2009, Program Highway Preservation Program (P))~~ TEIS Version
35 10GOV001 dated December 8, 2009. However, limited transfers of
36 specific line-item project appropriations may occur between projects

1 for those amounts listed subject to the conditions and limitations in
2 sections 603 and 601 of this act.

3 (2) (~~(\$544,639)~~) \$542,000 of the motor vehicle account--federal
4 appropriation and (~~(\$455,361)~~) \$453,000 of the motor vehicle account--
5 state appropriation are provided solely for project 602110F, as
6 identified in the (~~LEAP~~) TEIS transportation document in subsection
7 (1) of this section: SR 21/Keller ferry boat - Preservation. Funds
8 are provided solely for preservation work on the existing vessel, the
9 Martha S.

10 (3) The department shall apply for surface transportation program
11 (STP) enhancement funds to be expended in lieu of or in addition to
12 state funds for eligible costs of projects in Programs I and P.

13 (4) (~~(\$6,500,000)~~) \$1,456,000 of the Puyallup tribal settlement
14 account--state appropriation is provided solely for mitigation costs
15 associated with the Murray Morgan/11th Street bridge demolition. (~~The~~
16 ~~department may negotiate with the city of Tacoma for the purpose of~~
17 ~~transferring ownership of the Murray Morgan/11th Street bridge to the~~
18 ~~city.)) If the city agrees to accept ownership of the bridge, the
19 department may use the Puyallup tribal settlement account appropriation
20 and other appropriated funds for bridge rehabilitation, bridge
21 replacement, bridge demolition, and related mitigation. The
22 department's participation, including prior expenditures and
23 expenditures from the highways and local programs program, may not
24 exceed (~~(\$39,953,000. Funds may not be expended unless the city of~~
25 ~~Tacoma agrees to take ownership of the bridge in its entirety and~~
26 ~~provides that the payment of these funds extinguishes any real or~~
27 ~~implied agreements regarding future bridge expenditures)) \$40,202,000.~~~~

28 (5) The department and the city of Tacoma must present to the
29 legislature an agreement on the timing of the transfer of ownership of
30 the Murray Morgan/11th Street bridge and any additional necessary state
31 funding required to achieve the transfer and rehabilitation of the
32 bridge by January 1, 2010.

33 (6) The department shall, on a quarterly basis beginning July 1,
34 2009, provide to the office of financial management and the legislature
35 reports providing the status on each active project funded in part or
36 whole by the transportation 2003 account (nickel account) or the
37 transportation partnership account. Funding provided at a programmatic
38 level for transportation partnership account projects relating to

1 seismic bridges should be reported on a programmatic basis. Projects
2 within this programmatic level funding should be completed on a
3 priority basis and scoped to be completed within the current
4 programmatic budget. The department shall work with the office of
5 financial management and the transportation committees of the
6 legislature to agree on report formatting and elements. Elements must
7 include, but not be limited to, project scope, schedule, and costs.
8 For new construction contracts valued at fifteen million dollars or
9 more, the department must also use an earned value method of project
10 monitoring. The department shall also provide the information required
11 under this subsection on a quarterly basis via the transportation
12 executive information systems (TEIS).

13 (7) The department of transportation shall continue to implement
14 the lowest life cycle cost planning approach to pavement management
15 throughout the state to encourage the most effective and efficient use
16 of pavement preservation funds. Emphasis should be placed on
17 increasing the number of roads addressed on time and reducing the
18 number of roads past due.

19 (8)(a) The department shall conduct an analysis of state highway
20 pavement replacement needs for the next ten years. The report must
21 include:

22 (i) The current backlog of asphalt and concrete pavement
23 preservation projects;

24 (ii) The level of investment needed to reduce or eliminate the
25 backlog and resume the lowest life-cycle cost;

26 (iii) Strategies for addressing the recent rapid escalation of
27 asphalt prices, including alternatives to using hot mix asphalt;

28 (iv) Criteria for determining which type of pavement will be used
29 for specific projects, including annualized cost per mile, traffic
30 volume per lane mile, and heavy truck traffic volume per lane mile; and

31 (v) The use of recycled asphalt and concrete in state highway
32 construction and the effect on highway pavement replacement needs.

33 (b) Additionally, the department shall work with the department of
34 ecology, the county road administration board, and the transportation
35 improvement board to explore and explain the potential use of permeable
36 asphalt and concrete pavement in state highway construction as an
37 alternative method of storm water mitigation and the potential effects
38 on highway pavement replacement needs.

1 (c) The department shall submit the report to the office of
2 financial management and the transportation committees of the
3 legislature by (~~December~~) September 1, 2010, in order to inform the
4 development of the 2011-13 omnibus transportation appropriations act.

5 (9) (~~(\$1,722)~~) \$297,000 of the motor vehicle account--state
6 appropriation, (~~(\$9,608,115)~~) \$23,425,000 of the motor vehicle
7 account--federal appropriation, and (~~(\$272,141)~~) \$373,000 of the
8 transportation partnership account--state appropriation are provided
9 solely for the SR 104/Hood Canal bridge - replace east half project,
10 identified as project 310407B in the (~~LEAP~~) TEIS transportation
11 document described in subsection (1) of this section.

12 (10) Within the motor vehicle account--state appropriation and
13 motor vehicle account--federal appropriation, the department may
14 transfer funds between programs I and P, except for funds that are
15 otherwise restricted in this act.

16 (11) Within the amounts provided in this section, \$1,510,000 of the
17 motor vehicle account--state appropriation is provided solely to
18 complete the rehabilitation of the SR 532/84th Avenue NW bridge deck.

19 (12) (~~(\$1,500,000)~~) \$1,440,000 of the motor vehicle account--
20 federal appropriation (~~is~~) and \$60,000 of the motor vehicle account--
21 state appropriation are provided solely for the environmental impact
22 statement and preliminary planning for the replacement of the state
23 route number 9 Snohomish river bridge.

24 (13) \$420,000 of the motor vehicle account--state appropriation and
25 \$7,850,000 of the motor vehicle account--federal appropriation are
26 provided solely for the SR 410 - Establish Interim Detour project
27 identified as 541002R in the TEIS transportation document described in
28 subsection (1) of this section.

29 (14) \$661,500 of the motor vehicle account--state appropriation and
30 \$4,238,500 of the motor vehicle account--federal appropriation are
31 provided solely for preliminary engineering and right-of-way for the SR
32 410 - Reconstruct Route project identified as 541002T in the TEIS
33 transportation document described in subsection (1) of this section.

34 **Sec. 306.** 2009 c 470 s 308 (uncodified) is amended to read as
35 follows:

36 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**

1 ~~\$51,734,000 of the transportation 2003 account (nickel account)--state~~
2 ~~appropriation, and \$170,000 of the multimodal transportation account--~~
3 ~~state appropriation are provided solely for ferry capital projects,~~
4 ~~project support, and administration as listed in LEAP Transportation~~
5 ~~Document ALL PROJECTS 2009-2 as developed April 24, 2009, Program--~~
6 ~~Ferries Construction Program (W).)~~ Except as otherwise provided in
7 this section, the entire transportation partnership account--state
8 appropriation and the entire transportation 2003 account (nickel
9 account)--state appropriation are provided solely for ferry capital
10 projects as listed in TEIS Version 10GOV001 dated December 8, 2009.
11 However, limited transfers of specific line-item project appropriations
12 may occur between projects for those amounts subject to the conditions
13 and limitations set forth in section 601 of this act.

14 (2) Of the total appropriation, a maximum of \$10,627,000 may be
15 used for administrative support, a maximum of \$8,184,000 may be used
16 for terminal project support, and a maximum of \$4,497,000 may be used
17 for vessel project support.

18 ((+2)) (3) \$51,734,000 of the transportation 2003 account (nickel
19 account)--state appropriation and \$63,100,000 of the transportation
20 partnership account--state appropriation are provided solely for the
21 acquisition of three new Island Home class ferry vessels subject to the
22 conditions of RCW 47.56.780. The department shall pursue a contract
23 for the second and third Island Home class ferry vessels with an option
24 to purchase a fourth Island Home class ferry vessel. However, if
25 sufficient resources are available to build one 144-auto vessel prior
26 to exercising the option to build the fourth Island Home class ferry
27 vessel, procurement of the fourth Island Home class ferry vessel will
28 be postponed and the department shall pursue procurement of a 144-auto
29 vessel.

30 (a) The first two Island Home class ferry vessels must be placed on
31 the Port Townsend-Keystone route.

32 (b) The department may add additional passenger capacity to one of
33 the Island Home class ferry vessels to make it more flexible within the
34 system in the future, if doing so does not require additional staffing
35 on the vessel.

36 (c) Cost savings from the following initiatives will be included in
37 the funding of these vessels: The department's review and update of

1 the vessel life-cycle cost model as required under this section; and
2 the implementation of technology efficiencies as required under section
3 602 of this act.

4 ~~((3))~~ ~~(\$2,450,000))~~ (4) \$8,450,000 of the Puget Sound capital
5 construction account--state appropriation ~~((is))~~ and \$2,450,000 of the
6 transportation partnership account--state appropriation are provided
7 solely ~~((for contingencies associated with closing out the existing~~
8 ~~contract))~~ for the ~~((technical))~~ detailed construction design of the
9 144-auto vessel and the storage and maintenance of vessel owner-
10 furnished equipment already procured, including construction
11 engineering as needed. The department shall use as much of the already
12 procured equipment as is practicable on the Island Home class ferry
13 vessel if it is likely to be obsolete before it is used in procured
14 144-auto vessels.

15 ~~((4))~~ (5) \$6,300,000 of the Puget Sound capital construction
16 account--state appropriation is provided solely for emergency capital
17 costs.

18 ~~((5))~~ (6) The Anacortes terminal may be replaced if additional
19 federal funds are sought and received by the department. If federal
20 funds received are not sufficient to replace the terminal, only usable,
21 discrete phases of the project, up to the amount of federal funds
22 received, may be constructed with the funds.

23 ~~((6))~~ (7) \$3,965,000 of the Puget Sound capital construction
24 account--state appropriation is provided solely for the following
25 vessel projects: Waste heat recovery pilot project for the Issaquah;
26 jumbo Mark 1 class steering gear ventilation pilot project; and ~~((a new~~
27 ~~propulsion system for the MV Yakima))~~ improvements to the Yakima and
28 Kaleetan propulsion controls to allow for two engine operation. Before
29 beginning these projects, the Washington state ferries must ensure the
30 vessels' out-of-service time does not negatively impact service to the
31 system.

32 ~~((7))~~ (8) The department shall pursue purchasing a
33 foreign-flagged vessel for service on the Anacortes, Washington to
34 Sidney, British Columbia ferry route.

35 ~~((8))~~ (9) The department shall provide to the office of financial
36 management and the legislature quarterly reports providing the status
37 on each project listed in this section and in the project lists
38 submitted pursuant to this act and on any additional projects for which

1 the department has expended funds during the 2009-11 fiscal biennium.
2 Elements must include, but not be limited to, project scope, schedule,
3 and costs. The department shall also provide the information required
4 under this subsection via the transportation executive information
5 systems (TEIS). The quarterly report regarding the status of projects
6 identified on the list referenced in subsection (1) of this section
7 must be developed according to an earned value method of project
8 monitoring.

9 ~~((+9))~~ (10) The department shall review and adjust its capital
10 program staffing levels to ensure staffing is at the most efficient
11 level necessary to implement the capital program in the omnibus
12 transportation appropriations act. The Washington state ferries shall
13 report this review and adjustment to the office of financial management
14 and the house and senate transportation committees of the legislature
15 by July 2009.

16 ~~((+10) \$3,763,000)~~ (11) \$5,557,000 of the total appropriation is
17 provided solely for the Washington state ferries to develop a
18 reservation system. The department shall complete a predesign study
19 and present the study to the joint transportation committee by November
20 1, 2009. This analysis must include an evaluation of the compatibility
21 of the Washington state ferries' electronic fare system, proposed
22 reservation system, and the implementation of smart card. The
23 department may not implement a statewide reservation system until the
24 department is authorized to do so in the 2010 supplemental omnibus
25 transportation appropriations act.

26 ~~((+11))~~ (12) \$1,200,000 of the total appropriation is provided
27 solely for improving the toll booth configuration at the Port Townsend
28 and Keystone ferry terminals.

29 ~~((+12) \$3,249,915)~~ (13) \$2,636,000 of the total appropriation is
30 provided solely for continued permitting and archaeological work in
31 order to determine the feasibility of relocating the Mukilteo ferry
32 terminal. In order to ensure that the cultural resources investigation
33 is properly conducted in a coordinated fashion, the department shall
34 work with the department of archaeology and historic preservation and
35 shall conduct work with active archaeological management. The
36 department shall seek additional federal funding for this project.

37 ~~((+13))~~ (14) The department shall develop a proposed ferry vessel

1 maintenance, preservation, and improvement program and present it to
2 the transportation committees of the legislature by July 1, 2010. The
3 proposal must:

4 (a) Improve the basis for budgeting vessel maintenance,
5 preservation, and improvement costs and for projecting those costs into
6 a sixteen-year financial plan;

7 (b) Limit the amount of planned out-of-service time to the greatest
8 extent possible, including options associated with department staff as
9 well as commercial shipyards. At a minimum, the department shall
10 consider the following:

11 (i) The costs compared to benefits of Eagle Harbor repair and
12 maintenance facility operations options to include staffing costs and
13 benefits in terms of reduced out-of-service time;

14 (ii) The maintenance requirements for on-vessel staff, including
15 the benefits of a systemwide standard;

16 (iii) The costs compared to benefits of staff performing
17 preservation or maintenance work, or both, while the vessel is
18 underway, tied up between sailings, or not deployed;

19 (iv) A review of the department's vessel maintenance, preservation,
20 and improvement program contracting process and contractual
21 requirements;

22 (v) The costs compared to benefits of allowing for increased costs
23 associated with expedited delivery;

24 (vi) A method for comparing the anticipated out-of-service time of
25 proposed projects and other projects planned during the same
26 construction period;

27 (vii) Coordination with required United States coast guard dry
28 dockings;

29 (viii) A method for comparing how proposed projects relate to the
30 service requirements of the route on which the vessel normally
31 operates; and

32 (ix) A method for evaluating the ongoing maintenance and
33 preservation costs associated with proposed improvement projects; and

34 (c) Be based on the service plan in the capital plan, recognizing
35 that vessel preservation and improvement needs may vary by route.

36 ((+14)) (15) \$247,000 of the Puget Sound capital construction
37 account--state appropriation is provided solely for the Washington
38 state ferries to review and update its vessel life-cycle cost model and

1 report the results to the house of representatives and senate
 2 transportation committees of the legislature by (~~December 1, 2009~~)
 3 March 1, 2010. This review will evaluate the impact of the planned
 4 out-of-service periods scheduled for each vessel on the ability of the
 5 overall system to deliver uninterrupted service and will assess the
 6 risk of service disruption from unscheduled maintenance or longer than
 7 planned maintenance periods.

8 (~~(+15)~~) (16) The department shall work with the department of
 9 archaeology and historic preservation to ensure that the cultural
 10 resources investigation is properly conducted on all large ferry
 11 terminal projects. These projects must be conducted with active
 12 archaeological management. Additionally, the department shall
 13 establish a scientific peer review of independent archaeologists that
 14 are knowledgeable about the region and its cultural resources.

15 (~~(+16)~~) (17) The Puget Sound capital construction account--state
 16 appropriation includes up to \$118,000,000 in proceeds from the sale of
 17 bonds authorized in RCW 47.10.843.

18 (18) The Puget Sound capital construction account--state
 19 appropriation reflects the reduction of three terminal positions due to
 20 decreased terminal activity and funding.

21 **Sec. 308.** 2009 c 470 s 310 (uncodified) is amended to read as
 22 follows:

23 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

24	Essential Rail Assistance Account--State Appropriation	\$675,000
25	Transportation Infrastructure Account--State	
26	Appropriation	((\$13,100,000))
27		<u>\$13,184,000</u>
28	Multimodal Transportation Account--State	
29	Appropriation	((\$68,530,000))
30		<u>\$96,334,000</u>
31	Multimodal Transportation Account--Federal	
32	Appropriation	((\$16,054,000))
33		<u>\$24,858,000</u>
34	Multimodal Transportation Account--Private/Local	
35	Appropriation	\$81,000
36	TOTAL APPROPRIATION	((\$98,440,000))
37		<u>\$135,132,000</u>

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

3 (1)(a) Except as provided otherwise in this section, the entire
4 appropriations in this section are provided solely for the projects and
5 activities as listed by fund, project, and amount in LEAP
6 Transportation Document ALL PROJECTS 2009-2 as developed April 24,
7 2009, Program - Rail Capital Program (Y). However, limited transfers
8 of specific line-item project appropriations may occur between projects
9 for those amounts listed subject to the conditions and limitations in
10 sections 603 and 601 of this act.

11 (b)(i) Within the amounts provided in this section, \$116,000 of the
12 transportation infrastructure account--state appropriation is for a
13 low-interest loan through the freight rail investment bank program to
14 the Port of Ephrata for rehabilitation of a rail spur.

15 (ii) Within the amounts provided in this section, \$1,200,000 of the
16 transportation infrastructure account--state appropriation is for a
17 low-interest loan through the freight rail investment bank program to
18 the Port of Everett for a new rail track to connect a cement loading
19 facility to the mainline.

20 (iii) Within the amounts provided in this section, \$3,684,000 of
21 the transportation infrastructure account--state appropriation is for
22 a low-interest loan through the freight rail investment bank program to
23 the Port of Quincy for construction of a rail loop.

24 (iv) The department shall issue the loans referenced in this
25 subsection (1)(b) with a repayment period of no more than ten years,
26 and only so much interest as is necessary to recoup the department's
27 costs to administer the loans.

28 (c)(i) Within the amounts provided in this section, (~~(\$1,712,022)~~)
29 \$1,713,000 of the multimodal transportation account--state
30 appropriation and \$175,000 of the essential rail assistance account--
31 state appropriation are for statewide - emergent freight rail
32 assistance projects as follows: Port of Ephrata/Ephrata - additional
33 spur rehabilitation (BIN 722710A) (~~(\$362,746)~~) \$363,000; Tacoma
34 Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000; CW
35 Line/Lincoln County - grade crossing rehabilitation (BIN 700610A)
36 (~~(\$370,650)~~) \$371,000; Clark County owned railroad/Vancouver - track
37 rehabilitation (BIN 710110A) (~~(\$366,813)~~) \$367,000; Tacoma Rail/Tacoma
38 - improved locomotive facility (BIN 711010B) (~~(\$366,813)~~) \$367,000.

1 (ii) Within the amounts provided in this section, \$500,000 of the
2 essential rail assistance account--state appropriation and \$25,000 of
3 the multimodal transportation account--state appropriation are for a
4 statewide - emergent freight rail assistance project grant for the
5 Tacoma Rail/Roy - new connection to BNSF and Yelm (BIN 711310A)
6 project, provided that the grantee first executes a written instrument
7 that imposes on the grantee the obligation to repay the grant within
8 thirty days in the event that the grantee discontinues or significantly
9 diminishes service along the line within a period of five years from
10 the date that the grant is awarded.

11 (iii) Within the amounts provided in this section, (~~(\$337,978)~~)
12 \$338,000 of the multimodal transportation account--state appropriation
13 is for a statewide - emergent freight rail assistance project grant for
14 the Lincoln County PDA/Creston - new rail spur (BIN 710510A) project,
15 provided that the grantee first documents to the satisfaction of the
16 department sufficient commitments from the new shipper or shippers to
17 locate in the publicly owned industrial park west of Creston to ensure
18 that the net present value of the public benefits of the project is
19 greater than the grant amount.

20 (d) Within the amounts provided in this section, (~~(\$8,100,000)~~)
21 \$8,115,000 of the transportation infrastructure account--state
22 appropriation is for grants to any intergovernmental entity or local
23 rail district to which the department of transportation assigns the
24 management and oversight responsibility for the business and economic
25 development elements of existing operating leases on the Palouse River
26 and Coulee City (PCC) rail lines. \$300,000 of the transportation
27 infrastructure account--state appropriation is provided solely for the
28 fence line replacement project on the CW line. The PCC rail line
29 system is made up of the CW, P&L, and PV Hooper rail lines. Business
30 and economic development elements include such items as levels of
31 service and business operating plans, but must not include the state's
32 oversight of railroad regulatory compliance, rail infrastructure
33 condition, or real property management issues. The PCC rail system
34 must be managed in a self-sustaining manner and best efforts must be
35 used to ensure that it does not require state capital or operating
36 subsidy beyond the level of state funding expended on it to date. The
37 assignment of the stated responsibilities to an intergovernmental
38 entity or rail district must be on terms and conditions as the

1 department of transportation and the intergovernmental entity or rail
2 district mutually agree. The grant funds may be used only to refurbish
3 the rail lines. It is the intent of the legislature to make the funds
4 appropriated in this section available as grants to an
5 intergovernmental entity or local rail district for the purposes stated
6 in this section at least until June 30, 2012, and to reappropriate as
7 necessary any portion of the appropriation in this section that is not
8 used by June 30, 2011.

9 (2)(a) The department shall issue a call for projects for the
10 freight rail investment bank program and the emergent freight rail
11 assistance program, and shall evaluate the applications according to
12 the cost benefit methodology developed during the 2008 interim using
13 the legislative priorities specified in (c) of this subsection. By
14 November 1, 2010, the department shall submit a prioritized list of
15 recommended projects to the office of financial management and the
16 transportation committees of the legislature.

17 (b) When the department identifies a prospective rail project that
18 may have strategic significance for the state, or at the request of a
19 proponent of a prospective rail project or a member of the legislature,
20 the department shall evaluate the prospective project according to the
21 cost benefit methodology developed during the 2008 interim using the
22 legislative priorities specified in (c) of this subsection. The
23 department shall report its cost benefit evaluation of the prospective
24 rail project, as well as the department's best estimate of an
25 appropriate construction schedule and total project costs, to the
26 office of financial management and the transportation committees of the
27 legislature.

28 (c) The legislative priorities to be used in the cost benefit
29 methodology are, in order of relative importance:

30 (i) Economic, safety, or environmental advantages of freight
31 movement by rail compared to alternative modes;

32 (ii) Self-sustaining economic development that creates family-wage
33 jobs;

34 (iii) Preservation of transportation corridors that would otherwise
35 be lost;

36 (iv) Increased access to efficient and cost-effective transport to
37 market for Washington's agricultural and industrial products;

1 (v) Better integration and cooperation within the regional,
2 national, and international systems of freight distribution; and

3 (vi) Mitigation of impacts of increased rail traffic on
4 communities.

5 (3) The department is directed to seek the use of unprogrammed
6 federal rail crossing funds to be expended in lieu of or in addition to
7 state funds for eligible costs of projects in program Y.

8 (4) At the earliest possible date, the department shall apply, and
9 assist ports and local jurisdictions in applying, for any federal
10 funding that may be available for any projects that may qualify for
11 such federal funding. State projects must be (a) currently identified
12 on the project list referenced in subsection (1)(a) of this section or
13 (b) projects for which no state match is required to complete the
14 project. Local or port projects must not require additional state
15 funding in order to complete the project, with the exception of (c)
16 state funds currently appropriated for such project if currently
17 identified on the project list referenced in subsection (1)(a) of this
18 section or (d) potential grants awarded in the competitive grant
19 process for the essential rail assistance program. If the department
20 receives any federal funding, the department is authorized to obligate
21 and spend the federal funds in accordance with federal law. To the
22 extent permissible by federal law, federal funds may be used (e) in
23 addition to state funds appropriated for projects currently identified
24 on the project list referenced in subsection (1)(a) of this section in
25 order to advance funding from future biennia for such project(s) or (f)
26 in lieu of state funds; however, the state funds must be redirected
27 within the rail capital program to advance funding for other projects
28 currently identified on the project list referenced in subsection
29 (1)(a) of this section. State funds may be redirected only upon
30 consultation with the transportation committees of the legislature and
31 the office of financial management, and approval by the director of the
32 office of financial management. The department shall spend the federal
33 funds before the state funds, and shall consult the office of financial
34 management and the transportation committees of the legislature
35 regarding project scope changes.

36 (5) The department shall provide quarterly reports to the office of
37 financial management and the transportation committees of the
38 legislature regarding applications that the department submits for

1 federal funds, the status of such applications, and the status of
2 projects identified on the list referenced in subsection (1)(a) of this
3 section. The quarterly report regarding the status of projects
4 identified on the list referenced in subsection (1)(a) of this section
5 must be developed according to an earned value method of project
6 monitoring.

7 (6) The multimodal transportation account--state appropriation
8 includes up to (~~(\$20,000,000)~~) \$42,000,000 in proceeds from the sale of
9 bonds authorized in RCW 47.10.867.

10 (7) When the balance of that portion of the miscellaneous program
11 account apportioned to the department for the grain train program
12 reaches \$1,180,000, the department shall acquire twenty-nine additional
13 grain train railcars.

14 **Sec. 309.** 2009 c 470 s 311 (uncodified) is amended to read as
15 follows:

16 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
17 **CAPITAL**

18	<u>Small City Pavement and Sidewalk Account--State</u>	
19	<u>Appropriation</u>	\$1,038,000
20	<u>Rural Arterial Trust Account--State Appropriation</u>	\$25,500,000
21	<u>Urban Arterial Trust Account--State Appropriation</u>	\$59,756,000
22	<u>Transportation Improvement Account--State</u>	
23	<u>Appropriation</u>	\$37,467,000
24	<u>County Arterial Preservation Account--State</u>	
25	<u>Appropriation</u>	\$15,830,000
26	Highway Infrastructure Account--State Appropriation	\$207,000
27	Highway Infrastructure Account--Federal	
28	Appropriation	\$1,602,000
29	Freight Mobility Investment Account--State	
30	Appropriation	((\$13,548,000))
31		<u>\$13,848,000</u>
32	Transportation Partnership Account--State	
33	Appropriation	\$8,863,000
34	Motor Vehicle Account--State Appropriation	((\$12,954,000))
35		<u>\$13,567,000</u>
36	Motor Vehicle Account--Federal Appropriation	((\$39,572,000))
37		<u>\$40,133,000</u>

1	Freight Mobility Multimodal Account--State	
2	Appropriation	\$14,920,000
3	Freight Mobility Multimodal Account--Local	
4	Appropriation	((\$3,135,000))
5		<u>\$3,258,000</u>
6	Multimodal Transportation Account--Federal	
7	Appropriation	((\$2,098,000))
8		<u>\$5,618,000</u>
9	Multimodal Transportation Account--State	
10	Appropriation	((\$28,262,000))
11		<u>\$28,605,000</u>
12	Transportation 2003 Account (Nickel Account)--State	
13	Appropriation	((\$709,000))
14		<u>\$2,709,000</u>
15	Passenger Ferry Account--State Appropriation	\$2,879,000
16	<u>Puyallup Tribal Settlement Account--State</u>	
17	<u>Appropriation</u>	<u>\$11,006,000</u>
18	TOTAL APPROPRIATION	((\$128,749,000))
19		<u>\$286,806,000</u>

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

22 (1) The department shall, on a quarterly basis, provide status
23 reports to the legislature on the delivery of projects as outlined in
24 the project lists incorporated in this section. For projects funded by
25 new revenue in the 2003 and 2005 transportation packages, reporting
26 elements shall include, but not be limited to, project scope, schedule,
27 and costs. Other projects may be reported on a programmatic basis.
28 The department shall also provide the information required under this
29 subsection on a quarterly basis via the transportation executive
30 information system (TEIS).

31 (2) \$2,729,000 of the passenger ferry account--state appropriation
32 is provided solely for near and long-term costs of capital improvements
33 in a business plan approved by the governor for passenger ferry
34 service.

35 (3) \$150,000 of the passenger ferry account--state appropriation is
36 provided solely for the Port of Kingston for a one-time operating
37 subsidy needed to retain a federal grant.

1 (4) \$3,000,000 of the motor vehicle account--federal appropriation
2 is provided solely for the Coal Creek parkway project (L1000025).

3 (5) The department shall seek the use of unprogrammed federal rail
4 crossing funds to be expended in lieu of or in addition to state funds
5 for eligible costs of projects in local programs, program Z capital.

6 (6) The department shall apply for surface transportation program
7 (STP) enhancement funds to be expended in lieu of or in addition to
8 state funds for eligible costs of projects in local programs, program
9 Z capital.

10 (7) Federal funds may be transferred from program Z to programs I
11 and P and state funds shall be transferred from programs I and P to
12 program Z to replace those federal funds in a dollar-for-dollar match.
13 Fund transfers authorized under this subsection shall not affect
14 project prioritization status. Appropriations shall initially be
15 allotted as appropriated in this act. The department may not transfer
16 funds as authorized under this subsection without approval of the
17 office of financial management. The department shall submit a report
18 on those projects receiving fund transfers to the office of financial
19 management and the transportation committees of the legislature by
20 December 1, 2009, and December 1, 2010.

21 (8) The city of Winthrop may utilize a design-build process for the
22 Winthrop bike path project. Of the amount appropriated in this section
23 for this project, \$500,000 of the multimodal transportation account--
24 state appropriation is contingent upon the state receiving from the
25 city of Winthrop \$500,000 in federal funds awarded to the city of
26 Winthrop by its local planning organization.

27 (9) (~~(\$18,182,113)~~) \$18,289,000 of the multimodal transportation
28 account--state appropriation, (~~(\$8,753,895)~~) \$8,810,000 of the motor
29 vehicle account--federal appropriation, and \$4,000,000 of the
30 transportation partnership account--state appropriation are provided
31 solely for the pedestrian and bicycle safety program projects and safe
32 routes to schools program projects identified in LEAP Transportation
33 Document 2009-A, pedestrian and bicycle safety program projects and
34 safe routes to schools program projects, as developed March 30, 2009,
35 LEAP Transportation Document 2007-A, pedestrian and bicycle safety
36 program projects and safe routes to schools program projects, as
37 developed April 20, 2007, and LEAP Transportation Document 2006-B,
38 pedestrian and bicycle safety program projects and safe routes to

1 schools program projects, as developed March 8, 2006. Projects must be
2 allocated funding based on order of priority. The department shall
3 review all projects receiving grant awards under this program at least
4 semiannually to determine whether the projects are making satisfactory
5 progress. Any project that has been awarded funds, but does not report
6 activity on the project within one year of the grant award must be
7 reviewed by the department to determine whether the grant should be
8 terminated. The department shall promptly close out grants when
9 projects have been completed, and identify where unused grant funds
10 remain because actual project costs were lower than estimated in the
11 grant award.

12 (10) Except as provided otherwise in this section, the entire
13 appropriations in this section are provided solely for the projects and
14 activities as listed by fund, project, and amount in LEAP
15 Transportation Document ALL PROJECTS 2009-2 as developed April 24,
16 2009, Programs - Local Program (Z).

17 (11) For the 2009-11 project appropriations, unless otherwise
18 provided in this act, the director of financial management may
19 authorize a transfer of appropriation authority between projects
20 managed by the freight mobility strategic investment board in order for
21 the board to manage project spending and efficiently deliver all
22 projects in the respective program.

23 (12) (~~(\$913,386)~~) \$913,000 of the motor vehicle account--state
24 appropriation and (~~(\$2,858,216)~~) \$2,858,000 of the motor vehicle
25 account--federal appropriation are provided solely for completion of
26 the US 101 northeast peninsula safety rest area and associated roadway
27 improvements east of Port Angeles at the Deer Park scenic view point.
28 The department must surplus any right-of-way previously purchased for
29 this project near Sequim. Approval to proceed with construction is
30 contingent on surplus of previously purchased right-of-way. \$865,000
31 of the motor vehicle account--state appropriation is to be placed into
32 unallotted status until such time as the right-of-way sale is
33 completed.

34 (\$11,006,000 of the Puyallup tribal settlement account--state
35 appropriation is provided solely for mitigation costs associated with
36 the Murray Morgan/11th Street bridge demolition. The department may
37 negotiate with the city of Tacoma for the purpose of transferring
38 ownership of the Murray Morgan/11th Street bridge to the city. If the

1 city agrees to accept ownership of the bridge, the department may use
2 the Puyallup tribal settlement account appropriation and other
3 appropriated funds for bridge rehabilitation, bridge replacement,
4 bridge demolition, and related mitigation. The department's
5 participation, including prior expenditures such as expenditures from
6 the preservation program, may not exceed \$40,202,000.

7 (14) Fiscal year 2011 funding from the county road administration
8 board and the transportation improvement board is appropriated to the
9 department of transportation - local programs (Program Z).

10 **TRANSFERS AND DISTRIBUTIONS**

11 **Sec. 401.** 2009 c 470 s 401 (uncodified) is amended to read as
12 follows:

13 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
14 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND**
15 **DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND**
16 **REVENUE**

17 Highway Bond Retirement Account Appropriation	((\$742,400,000))
	<u>\$725,400,000</u>
18 Ferry Bond Retirement Account Appropriation	\$33,771,000
19 Transportation Improvement Board Bond Retirement	
20 Account--State Appropriation	((\$22,541,000))
	<u>\$21,541,000</u>
21 Nondebt-Limit Reimbursable Account Appropriation	((\$18,400,000))
	<u>\$17,400,000</u>
22 Transportation Partnership Account--State	
23 Appropriation	\$8,318,000
24 Motor Vehicle Account--State Appropriation	\$901,000
25 Transportation 2003 Account (Nickel Account)--State	
26 Appropriation	\$4,116,000
27 Special Category C Account--State Appropriation	\$148,000
28 Urban Arterial Trust Account--State Appropriation	\$85,000
29 <u>State Route Number 520 Corridor Account--State</u>	
30 <u>Appropriation</u>	<u>\$600,000</u>
31 Transportation Improvement Account--State Appropriation	\$41,000
32 Multimodal Transportation Account--State Appropriation	\$283,000

1 TOTAL APPROPRIATION ((~~\$831,004,000~~))
2 \$812,604,000

3 **Sec. 402.** 2009 c 470 s 402 (uncodified) is amended to read as
4 follows:

5 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
6 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND**
7 **FISCAL AGENT CHARGES**

8 Transportation Partnership Account--State
9 Appropriation ((~~\$523,000~~))
10 \$559,000
11 Motor Vehicle Account--State Appropriation ((~~\$57,000~~))
12 \$59,000
13 Transportation 2003 Account (Nickel Account)--State
14 Appropriation ((~~\$259,000~~))
15 \$277,000
16 Special Category C Account--State Appropriation \$10,000
17 Urban Arterial Trust Account--State Appropriation \$5,000
18 Transportation Improvement Account--State Appropriation \$3,000
19 Multimodal Transportation Account--State Appropriation \$18,000
20 State Route Number 520 Corridor Account--State
21 Appropriation \$40,000
22 TOTAL APPROPRIATION ((~~\$875,000~~))
23 \$971,000

24 **Sec. 403.** 2009 c 470 s 403 (uncodified) is amended to read as
25 follows:

26 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
27 **BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

28 Motor Vehicle Account--State Appropriation:
29 For transfer to the Puget Sound Capital Construction
30 Account \$118,000,000

31 The department of transportation is authorized to sell up to
32 \$118,000,000 in bonds authorized by RCW 47.10.843 for vessel and
33 terminal acquisition, major and minor improvements, and long lead-time
34 materials acquisition for the Washington state ferries.

1 subsection (1) of this section represents repayment of operating loans
2 and reserve payments provided to the Tacoma Narrows toll bridge account
3 from the motor vehicle account in the 2005-07 fiscal biennium.

4 **COMPENSATION**

5 **Sec. 501.** 2009 c 470 s 503 (uncodified) is amended to read as
6 follows:

7 **COMPENSATION--INSURANCE BENEFITS.** Appropriations for state
8 agencies in this act are sufficient for nonrepresented and represented
9 state employee health benefits for state agencies, and are subject to
10 the following conditions and limitations:

11 (1)(a) The monthly employer funding rate for insurance benefit
12 premiums, public employees' benefits board administration, and the
13 uniform medical plan, shall not exceed \$745 per eligible employee for
14 fiscal year 2010. For fiscal year 2011, the monthly employer funding
15 rate shall not exceed (~~(\$768)~~) \$830 per eligible employee.

16 (b) In order to achieve the level of funding provided for health
17 benefits, the public employees' benefits board shall require any or all
18 of the following: Employee premium copayments; increases in point-of-
19 service cost sharing; the implementation of managed competition; or
20 make other changes to benefits consistent with RCW 41.05.065. During
21 the 2009-11 fiscal biennium, the board may only authorize benefit plans
22 and premium contributions for an employee and the employee's dependents
23 that are the same, regardless of an employee's status as represented or
24 nonrepresented under the personnel system reform act of 2002.

25 (c) The health care authority shall deposit any moneys received on
26 behalf of the uniform medical plan as a result of rebates on
27 prescription drugs, audits of hospitals, subrogation payments, or any
28 other moneys recovered as a result of prior uniform medical plan claims
29 payments into the public employees' and retirees' insurance account to
30 be used for insurance benefits. Such receipts shall not be used for
31 administrative expenditures.

32 (d) The conditions in this section apply to benefits for
33 nonrepresented employees, employees represented by the super coalition,
34 and represented employees outside of the super coalition, including
35 employees represented under chapter 47.64 RCW.

1 (2) The health care authority, subject to the approval of the
2 public employees' benefits board, shall provide subsidies for health
3 benefit premiums to eligible retired or disabled public employees and
4 school district employees who are eligible for medicare, pursuant to
5 RCW 41.05.085. From January 1, 2010, through December 31, 2010, the
6 subsidy shall be \$182.89. Beginning January 1, 2011, the subsidy shall
7 be \$182.89 per month.

8 **IMPLEMENTING PROVISIONS**

9 **Sec. 601.** 2009 c 470 s 603 (uncodified) is amended to read as
10 follows:

11 **FUND TRANSFERS.** (1) The transportation 2003 projects or
12 improvements and the 2005 transportation partnership projects or
13 improvements are listed in LEAP Transportation Document 2009-1 as
14 developed April 24, 2009, which consists of a list of specific projects
15 by fund source and amount over a sixteen year period. Current fiscal
16 biennium funding for each project is a line item appropriation, while
17 the outer year funding allocations represent a sixteen year plan. The
18 department is expected to use the flexibility provided in this section
19 to assist in the delivery and completion of all transportation
20 partnership account and transportation 2003 (nickel) account projects
21 on the LEAP lists referenced in this act. For the 2009-11 project
22 appropriations, unless otherwise provided in this act, the director of
23 financial management may authorize a transfer of appropriation
24 authority between projects funded with transportation 2003 account
25 (nickel account) appropriations, transportation partnership account
26 appropriations, or multimodal transportation account appropriations, in
27 order to manage project spending and efficiently deliver all projects
28 in the respective program under the following conditions and
29 limitations:

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

32 (b) Transfers from a project may not be made as a result of the
33 reduction of the scope of a project, nor shall a transfer be made to
34 support increases in the scope of a project;

1 (c) Each transfer between projects may only occur if the director
2 of financial management finds that any resulting change will not hinder
3 the completion of the projects as approved by the legislature. Until
4 the legislature reconvenes to consider the 2010 supplemental budget,
5 any unexpended 2007-09 appropriation balance as approved by the office
6 of financial management, in consultation with the legislative staff of
7 the house of representatives and senate transportation committees, may
8 be considered when transferring funds between projects;

9 (d) Transfers from a project may be made if the funds appropriated
10 to the project are in excess of the amount needed to complete the
11 project;

12 (e) Transfers may not occur to projects not identified on the
13 applicable project list, except for those projects that were expected
14 to be completed in the 2007-09 fiscal biennium; (~~and~~)

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

17 (g) Transfers between projects may be made by the department until
18 the transfer amount by project exceeds \$500,000. These transfers must
19 be reported quarterly to the director of financial management and the
20 chairs of the house of representatives and senate transportation
21 committees.

22 (2) At the time the department submits a request to transfer funds
23 under this section a copy of the request shall be submitted to the
24 transportation committees of the legislature.

25 (3) The office of financial management shall work with legislative
26 staff of the house of representatives and senate transportation
27 committees to review the requested transfers.

28 (4) The office of financial management shall document approved
29 transfers and/or schedule changes in the transportation executive
30 information system (TEIS), compare changes to the legislative baseline
31 funding and schedules identified by project identification number
32 identified in the LEAP lists adopted in this act, and transmit revised
33 project lists to chairs of the transportation committees of the
34 legislature on a quarterly basis.

35 **MISCELLANEOUS 2009-2011 FISCAL BIENNIUM**

1 **Sec. 701.** RCW 46.68.290 and 2006 c 337 s 5 are each amended to
2 read as follows:

3 (1) The transportation partnership account is hereby created in the
4 state treasury. All distributions to the account from RCW 46.68.090
5 must be deposited into the account. Money in the account may be spent
6 only after appropriation. Expenditures from the account must be used
7 only for projects or improvements identified as 2005 transportation
8 partnership projects or improvements in the omnibus transportation
9 appropriations act, including any principal and interest on bonds
10 authorized for the projects or improvements. During the 2009-2011
11 fiscal biennium, the legislature may transfer from the transportation
12 partnership account to the motor vehicle fund such amounts as reflect
13 the excess fund balance of the transportation partnership account.

14 (2) The legislature finds that:

15 (a) Citizens demand and deserve accountability of transportation-
16 related programs and expenditures. Transportation-related programs
17 must continuously improve in quality, efficiency, and effectiveness in
18 order to increase public trust;

19 (b) Transportation-related agencies that receive tax dollars must
20 continuously improve the way they operate and deliver services so
21 citizens receive maximum value for their tax dollars; and

22 (c) Fair, independent, comprehensive performance audits of
23 transportation-related agencies overseen by the elected state auditor
24 are essential to improving the efficiency, economy, and effectiveness
25 of the state's transportation system.

26 (3) For purposes of chapter 314, Laws of 2005:

27 (a) "Performance audit" means an objective and systematic
28 assessment of a state agency or agencies or any of their programs,
29 functions, or activities by the state auditor or designee in order to
30 help improve agency efficiency, effectiveness, and accountability.
31 Performance audits include economy and efficiency audits and program
32 audits.

33 (b) "Transportation-related agency" means any state agency, board,
34 or commission that receives funding primarily for transportation-
35 related purposes. At a minimum, the department of transportation, the
36 transportation improvement board or its successor entity, the county
37 road administration board or its successor entity, and the traffic
38 safety commission are considered transportation-related agencies. The

1 Washington state patrol and the department of licensing shall not be
2 considered transportation-related agencies under chapter 314, Laws of
3 2005.

4 (4) Within the authorities and duties under chapter 43.09 RCW, the
5 state auditor shall establish criteria and protocols for performance
6 audits. Transportation-related agencies shall be audited using
7 criteria that include generally accepted government auditing standards
8 as well as legislative mandates and performance objectives established
9 by state agencies. Mandates include, but are not limited to, agency
10 strategies, timelines, program objectives, and mission and goals as
11 required in RCW 43.88.090.

12 (5) Within the authorities and duties under chapter 43.09 RCW, the
13 state auditor may conduct performance audits for transportation-related
14 agencies. The state auditor shall contract with private firms to
15 conduct the performance audits.

16 (6) The audits may include:

17 (a) Identification of programs and services that can be eliminated,
18 reduced, consolidated, or enhanced;

19 (b) Identification of funding sources to the transportation-related
20 agency, to programs, and to services that can be eliminated, reduced,
21 consolidated, or enhanced;

22 (c) Analysis of gaps and overlaps in programs and services and
23 recommendations for improving, dropping, blending, or separating
24 functions to correct gaps or overlaps;

25 (d) Analysis and recommendations for pooling information technology
26 systems used within the transportation-related agency, and evaluation
27 of information processing and telecommunications policy, organization,
28 and management;

29 (e) Analysis of the roles and functions of the transportation-
30 related agency, its programs, and its services and their compliance
31 with statutory authority and recommendations for eliminating or
32 changing those roles and functions and ensuring compliance with
33 statutory authority;

34 (f) Recommendations for eliminating or changing statutes, rules,
35 and policy directives as may be necessary to ensure that the
36 transportation-related agency carry out reasonably and properly those
37 functions vested in the agency by statute;

1 (g) Verification of the reliability and validity of transportation-
2 related agency performance data, self-assessments, and performance
3 measurement systems as required under RCW 43.88.090;

4 (h) Identification of potential cost savings in the transportation-
5 related agency, its programs, and its services;

6 (i) Identification and recognition of best practices;

7 (j) Evaluation of planning, budgeting, and program evaluation
8 policies and practices;

9 (k) Evaluation of personnel systems operation and management;

10 (l) Evaluation of purchasing operations and management policies and
11 practices;

12 (m) Evaluation of organizational structure and staffing levels,
13 particularly in terms of the ratio of managers and supervisors to
14 nonmanagement personnel; and

15 (n) Evaluation of transportation-related project costs, including
16 but not limited to environmental mitigation, competitive bidding
17 practices, permitting processes, and capital project management.

18 (7) Within the authorities and duties under chapter 43.09 RCW, the
19 state auditor must provide the preliminary performance audit reports to
20 the audited state agency for comment. The auditor also may seek input
21 on the preliminary report from other appropriate officials. Comments
22 must be received within thirty days after receipt of the preliminary
23 performance audit report unless a different time period is approved by
24 the state auditor. The final performance audit report shall include
25 the objectives, scope, and methodology; the audit results, including
26 findings and recommendations; the agency's response and conclusions;
27 and identification of best practices.

28 (8) The state auditor shall provide final performance audit reports
29 to the citizens of Washington, the governor, the joint legislative
30 audit and review committee, the appropriate legislative committees, and
31 other appropriate officials. Final performance audit reports shall be
32 posted on the internet.

33 (9) The audited transportation-related agency is responsible for
34 follow-up and corrective action on all performance audit findings and
35 recommendations. The audited agency's plan for addressing each audit
36 finding and recommendation shall be included in the final audit report.
37 The plan shall provide the name of the contact person responsible for
38 each action, the action planned, and the anticipated completion date.

1 If the audited agency does not agree with the audit findings and
2 recommendations or believes action is not required, then the action
3 plan shall include an explanation and specific reasons.

4 The office of financial management shall require periodic progress
5 reports from the audited agency until all resolution has occurred. The
6 office of financial management is responsible for achieving audit
7 resolution. The office of financial management shall annually report
8 by December 31st the status of performance audit resolution to the
9 appropriate legislative committees and the state auditor. The
10 legislature shall consider the performance audit results in connection
11 with the state budget process.

12 The auditor may request status reports on specific audits or
13 findings.

14 (10) For the period from July 1, 2005, until June 30, 2007, the
15 amount of \$4,000,000 is appropriated from the transportation
16 partnership account to the state auditors office for the purposes of
17 subsections (2) through (9) of this section.

18 **Sec. 702.** RCW 36.79.020 and 1997 c 81 s 2 are each amended to read
19 as follows:

20 There is created in the motor vehicle fund the rural arterial trust
21 account. All moneys deposited in the motor vehicle fund to be credited
22 to the rural arterial trust account shall be expended for (1) the
23 construction and improvement of county rural arterials and collectors,
24 (2) the construction of replacement bridges funded by the federal
25 bridge replacement program on access roads in rural areas, and (3)
26 those expenses of the board associated with the administration of the
27 rural arterial program. During the 2009-2011 fiscal biennium, the
28 legislature may transfer from the rural arterial trust account to the
29 motor vehicle fund such amounts as reflect the excess fund balance of
30 the rural arterial trust account.

31 **Sec. 703.** RCW 47.12.340 and 1997 c 140 s 3 are each amended to
32 read as follows:

33 The advanced environmental mitigation revolving account is created
34 in the custody of the treasurer, into which the department shall
35 deposit directly and may expend without appropriation:

1 (1) An initial appropriation included in the department of
2 transportation's 1997-99 budget, and deposits from other identified
3 sources;

4 (2) All moneys received by the department from internal and
5 external sources for the purposes of conducting advanced environmental
6 mitigation; and

7 (3) Interest gained from the management of the advanced
8 environmental mitigation revolving account.

9 During the 2009-2011 fiscal biennium, the legislature may transfer
10 from the advanced environmental mitigation revolving account to the
11 motor vehicle fund such amounts as reflect the excess fund balance of
12 the advanced environmental mitigation revolving account.

13 **Sec. 704.** RCW 46.68.320 and 2006 c 337 s 8 are each amended to
14 read as follows:

15 (1) The regional mobility grant program account is hereby created
16 in the state treasury. Moneys in the account may be spent only after
17 appropriation. Expenditures from the account may be used only for the
18 grants provided under RCW 47.66.030.

19 (2) Beginning with September 2007, by the last day of September,
20 December, March, and June of each year, the state treasurer shall
21 transfer from the multimodal transportation account to the regional
22 mobility grant program account five million dollars.

23 (3) Beginning with September 2015, by the last day of September,
24 December, March, and June of each year, the state treasurer shall
25 transfer from the multimodal transportation account to the regional
26 mobility grant program account six million two hundred fifty thousand
27 dollars.

28 (4) During the 2009-2011 fiscal biennium, the legislature may
29 transfer from the regional mobility grant program account to the
30 multimodal transportation account such amounts as reflect the excess
31 fund balance of the regional mobility grant program account.

32 **Sec. 705.** RCW 43.19.642 and 2009 c 470 s 716 are each amended to
33 read as follows:

34 (1) Effective June 1, 2006, for agencies complying with the ultra-
35 low sulfur diesel mandate of the United States environmental protection
36 agency for on-highway diesel fuel, agencies shall use biodiesel as an

1 additive to ultra-low sulfur diesel for lubricity, provided that the
2 use of a lubricity additive is warranted and that the use of biodiesel
3 is comparable in performance and cost with other available lubricity
4 additives. The amount of biodiesel added to the ultra-low sulfur
5 diesel fuel shall be not less than two percent.

6 (2) Effective June 1, 2009, state agencies are required to use a
7 minimum of twenty percent biodiesel as compared to total volume of all
8 diesel purchases made by the agencies for the operation of the
9 agencies' diesel-powered vessels, vehicles, and construction equipment.

10 (3) All state agencies using biodiesel fuel shall, beginning on
11 July 1, 2006, file biannual reports with the department of general
12 administration documenting the use of the fuel and a description of how
13 any problems encountered were resolved.

14 ~~(4) ((For the 2009-2011 fiscal biennium, the Washington state
15 ferries is required to use a minimum of five percent biodiesel as
16 compared to total volume of all diesel purchases made by the Washington
17 state ferries for the operation of the Washington state ferries diesel-
18 powered vessels so long as the per gallon price of diesel containing a
19 five percent biodiesel blend level does not exceed the per gallon price
20 of diesel by more than five percent. If the per gallon price of diesel
21 containing a five percent biodiesel blend level exceeds the per gallon
22 price of diesel by more than five percent, the requirements of this
23 section do not apply to vessel fuel purchases by the Washington state
24 ferries.~~

25 ~~(5))~~ By December 1, 2009, the department of general administration
26 shall:

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

29 (b) Examine alternative fuel procurement methods that work to
30 address potential market barriers for in-state biodiesel producers and
31 report these findings to the legislature.

32 NEW SECTION. **Sec. 706.** The following acts or parts of acts are
33 each repealed:

34 (1) 2009 c 470 s 501 (uncodified); and

35 (2) 2009 c 470 s 502 (uncodified).

1 MISCELLANEOUS

2 NEW SECTION. **Sec. 801.** If any provision of this act or its
3 application to any person or circumstance is held invalid, the
4 remainder of the act or the application of the provision to other
5 persons or circumstances is not affected.

6 NEW SECTION. **Sec. 802.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 immediately.

(End of bill)

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