
SUBSTITUTE HOUSE BILL 2180

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Transportation Policy & Budget (originally sponsored by Representatives K. Schmidt, Radcliff, Mitchell, O'Brien and Robertson)

Read first time 03/10/97.

1 AN ACT Relating to the establishment of a state policy and program
2 for freight mobility strategic investments; amending RCW 43.84.092 and
3 47.05.051; adding a new section to chapter 47.26 RCW; adding new
4 sections to chapter 46.68 RCW; adding a new section to chapter 36.79
5 RCW; adding a new section to chapter 47.06 RCW; adding a new chapter to
6 Title 47 RCW; providing an effective date; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that:

9 (1) The well-being of the state of Washington's citizens is
10 jeopardized when the vitality of the state's economy is placed at risk
11 by aging transportation infrastructure, growing traffic congestion that
12 impedes the efficient and safe flow of goods and people, constrained
13 public funding for transportation investments needed to respond to
14 anticipated population and economic growth, and the absence of a
15 comprehensive and coordinated state policy and program that facilitates
16 freight movements to local, national, and international markets.

17 (2) Endowed with a strategic position on the burgeoning Pacific
18 trade routes, Washington state is uniquely positioned as a gateway to
19 the global economy. As the most trade-dependent state in the nation,

1 per capita, Washington's economy is highly dependent on an efficient
2 multimodal transportation network order to remain competitive with
3 other west coast ports and to maintain its competitive edge in domestic
4 markets.

5 (3) Freight corridors that serve international and domestic
6 interstate and intrastate trade, and those freight corridors that
7 enhance the state's competitive position through regional and global
8 gateways are strategically important. Physical barriers that block or
9 delay access to intermodal facilities where freight is transferred from
10 one mode of transport to another; conflicts between rail and road
11 traffic; constraints on rail capacity; highway capacity constraints,
12 congestion, and condition; waterway system depths that affect capacity;
13 and institutional, regulatory, and operational barriers impede the free
14 movement of freight through these corridors.

15 (4) Rapidly escalating population growth is placing an added burden
16 on streets, roads, and highways that also serve as freight corridors.
17 Community benefits from economic activity associated with freight
18 movement, through access to goods, jobs, and exporting opportunities,
19 often conflict with community concerns over safety, mobility,
20 environmental quality, and access to emergency and recreational
21 facilities. State efforts to minimize community impacts in areas of
22 high freight movements and that encourage the active participation of
23 local communities in the early stages of proposed public and private
24 infrastructure investments will facilitate needed freight mobility
25 improvements.

26 (5) Ownership of the freight mobility network is fragmented and
27 spread across various public jurisdictions, private companies, and
28 state and national borders. Transportation projects have grown in
29 complexity and size, requiring more resources and longer implementation
30 time frames. Currently, there is no comprehensive and integrated
31 framework for planning the freight mobility needs of public and private
32 stakeholders in the freight transportation system. A coordinated
33 planning process should identify new infrastructure investments that
34 are integrated by public and private planning bodies into a multimodal
35 and multijurisdictional network in all areas of the state, urban and
36 rural, east and west. The state should integrate freight mobility
37 goals with state policy on related issues such as economic development,
38 growth management, and environmental management.

1 (6) It is the policy of the state of Washington that constrained
2 public transportation funding and competition between freight and
3 general mobility improvements for the same fund sources require
4 strategic, prioritized freight investments that reduce barriers to
5 freight movement, maximize cost-effectiveness, yield a return on the
6 state's investment, encourage complementary investments by public and
7 private interests, and solve regional freight mobility problems. State
8 financial assistance for freight mobility projects should leverage
9 other funds from all potential partners and sources, including federal,
10 county, city, port district, and private capital.

11 NEW SECTION. **Sec. 2.** Unless the context clearly requires
12 otherwise, the definitions in this section apply throughout this
13 chapter.

14 (1) "Board" means the freight mobility strategic investment board
15 created in section 4 of this act.

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

17 (3) "Financing guarantees" means the pledge of money in the freight
18 mobility strategic investment account, or money to be received by the
19 freight mobility strategic investment account, to the repayment of all
20 or a portion of the principal of or interest on obligations issued to
21 finance freight mobility projects.

22 (4) "Local governments" means cities, towns, counties, special
23 purpose districts, port districts, and any other municipal corporations
24 or quasi-municipal corporations in the state excluding school
25 districts.

26 (5) "Strategic freight corridor" means a transportation corridor of
27 great economic importance within an integrated freight system, that has
28 been designated a strategic corridor under section 3(3) of this act.

29 (6) "Freight mobility" means the safe, reliable, and efficient
30 movement of goods within and through the state to ensure the state's
31 economic vitality.

32 (7) "Public entity" means a city, town, county, port district, or
33 municipal or regional planning organization.

34 NEW SECTION. **Sec. 3.** The department shall develop and implement
35 a freight mobility investment program in accordance with subsections
36 (1) through (6) of this section for the purpose of providing state
37 financial and technical assistance for transportation projects that

1 enhance freight mobility. The department is authorized to enact rules
2 necessary to implement this program, provided the freight mobility
3 strategic investment board and the legislative transportation committee
4 have approved any proposed rules in advance of adoption by the
5 department. The department shall provide periodic progress reports to
6 the legislative transportation committee and the freight mobility
7 strategic investment board.

8 (1) The department shall solicit from public and private entities
9 proposed projects that meet the eligibility criteria established in
10 accordance with subsection (4) of this section.

11 (2) To the greatest extent practicable, the department shall
12 incorporate and utilize the freight mobility analysis developed jointly
13 between the Puget Sound regional transportation planning organization
14 and the office of urban mobility within the department, and the
15 recommendations of the freight mobility advisory committee, established
16 and appointed by the legislative transportation committee.

17 (3) The department shall designate strategic freight mobility
18 corridors within the state based on freight tonnages, values, or other
19 criteria relevant in determining those transportation corridors most
20 critical to the state economy. The department shall update the list of
21 designated strategic corridors not less than every two years, and shall
22 establish a method of collecting and verifying data, including
23 information on city and county-owned roadways.

24 (4) The department shall establish project eligibility criteria
25 that, at a minimum, includes the following:

26 (a) The project's relationship to a strategic freight corridor;

27 (b) The degree to which the project: Improves intermodal or port
28 access, alleviates a rail/road conflict, improves freight rail capacity
29 or condition, improves road capacity or condition specifically for
30 freight mobility, or improves waterway capacity specifically for
31 freight mobility; and

32 (c) The state-wide or regional significance of the project.

33 (5) In addition to developing project eligibility criteria, the
34 department shall also establish criteria that can be used to prioritize
35 and select projects for possible funding. At a minimum, selection
36 criteria should include consideration of the following:

37 (a) Level of financial commitment from public and private partners;

38 (b) Critical timing of investment decisions by public or private
39 partners;

1 (c) Level to which congestion or delay in the delivery of freight
2 is reduced;

3 (d) Reduction of transportation impacts on affected communities;

4 (e) Analyzes the project's relative costs and benefits, including
5 consideration of least-cost alternatives and the cost of taking no
6 action;

7 (f) National, state-wide, or regional significance of the project;

8 (g) Improves access to ports or at border crossings;

9 (h) Furthers economic development; and

10 (i) Consistency with state and regional transportation plans,
11 including those developed under chapter 36.70A RCW, the growth
12 management act.

13 (6) The department shall provide technical expertise to public and
14 private entities to assist these entities in submitting proposed
15 projects.

16 NEW SECTION. **Sec. 4.** (1) The freight mobility strategic
17 investment board is created.

18 (2) The board is composed of thirteen members with nonex officio
19 members appointed by the secretary of the department. The board
20 members are appointed for terms of four years, except that five members
21 initially are appointed for terms of two years. The board must
22 include: (a) Two members, one of whom is from a city located within or
23 along a strategic freight corridor, appointed from a list of at least
24 six persons nominated by the association of Washington cities or its
25 successor; (b) two members, one of whom is from a county having a
26 strategic freight corridor within its boundaries, appointed from a list
27 of at least six persons nominated by the Washington state association
28 of counties or its successor; (c) two members, one of whom is from a
29 port district located within or along a strategic freight corridor,
30 appointed from a list of at least six persons nominated by the
31 Washington public ports association or its successor; (d) two members
32 from the department, nominated by the secretary of the department; (e)
33 one member appointed as a representative of the trucking industry; (f)
34 one member appointed as a representative of the class I railroads; (g)
35 the chairman of the senate transportation committee; (h) the chairman
36 of the house transportation committee; and (i) one member of the
37 general public. In appointing the general public member, the secretary
38 shall endeavor to appoint a member with special expertise in relevant

1 fields such as public finance, freight transportation, or public works
2 construction. The secretary shall appoint the general public member as
3 chair of the board.

4 (3) Staff support to the board shall be provided by the department,
5 except that the board is authorized to employ a professional
6 administrator to organize and assist the board in carrying out its
7 responsibilities.

8 (4) Members of the board shall receive no compensation but shall be
9 reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

10 (5) If a vacancy on the board occurs by death, resignation, or
11 otherwise, the secretary shall fill the vacant position for the
12 unexpired term. Each vacancy in a position appointed from lists
13 provided by the associations and departments under subsection (2) of
14 this section shall be filled from a list of at least three persons
15 nominated by the relevant association or associations. Any members of
16 the board, appointive or otherwise, may be removed by the secretary for
17 cause in accordance with RCW 43.06.070 and 43.06.080.

18 NEW SECTION. **Sec. 5.** (1) The board shall meet not less than twice
19 per year to conduct any and all necessary business, including, but not
20 limited to:

21 (a) Reviewing, evaluating, and approving the department's proposed
22 rules and procedures necessary to implement the freight mobility
23 strategic investment program;

24 (b) Reviewing and evaluating project applications based on criteria
25 established under section 3 of this act, and prioritizing and selecting
26 projects comprising a portfolio to be funded in whole or in part with
27 financial guarantees, loans, or grants from the freight mobility
28 strategic investment account, created under section 7 of this act.
29 After selecting projects comprising the portfolio, the board shall
30 submit the portfolio to the legislative transportation committee for
31 its approval prior to obligating or disbursing any funds from the
32 account. The board shall ensure that projects submitted as part of the
33 portfolio are not more appropriately funded with other federal, state,
34 or local government funding mechanisms or programs. The board shall
35 strictly scrutinize those projects that appear to improve overall
36 general mobility with limited enhancement for freight mobility.

37 (2) The board may:

1 (a) Submit the project portfolio for review and comment by the
2 transportation commission, but is not required to do so. The
3 transportation commission has no authority to alter any of the projects
4 contained in the portfolio;

5 (b) Accept from any state or federal agency, loans or grants for
6 the planning or financing of any transportation project and enter into
7 agreements with any such agency concerning the loans or grants;

8 (c) Provide technical assistance to project applicants;

9 (d) Accept any gifts, grants, or loans of funds, property, or
10 financial, or other aid in any form from any other source on any terms
11 and conditions which are not in conflict with this chapter;

12 (e) Adopt rules under chapter 34.05 RCW as necessary to carry out
13 the purposes of this chapter; and

14 (f) Do all acts and things necessary or convenient to carry out the
15 powers expressly granted or implied under this chapter.

16 NEW SECTION. **Sec. 6.** The legislative transportation committee
17 shall review project portfolios submitted under section 5 of this act
18 for funding approval from the freight mobility strategic investment
19 account. The legislative transportation committee may remove projects
20 from the portfolio, but may not add new projects, substitute for
21 removed projects, or change the scope of projects selected for
22 inclusion within the portfolio.

23 NEW SECTION. **Sec. 7.** The freight mobility strategic investment
24 account is created within the transportation fund or motor vehicle
25 fund. Money may be placed in the account from the proceeds of bonds or
26 from any other lawful source. Money in the account must be used to
27 make grants, loans, or to give financial guarantees for selected
28 freight mobility projects. Moneys in the account may be used to
29 provide for state match requirements to qualify for federal intermodal
30 surface transportation act funds. For the 1997-99 fiscal biennium,
31 moneys in the account may be appropriated by the legislature, and are
32 not subject to the project selection process prescribed in chapter
33 . . . , Laws of 1997 (this act). Any moneys not appropriated by the
34 legislature or expended by the board during the 1997-99 fiscal biennium
35 for selected freight mobility projects or uses shall remain in the
36 account for other eligible projects.

1 **Sec. 8.** RCW 43.84.092 and 1996 c 262 s 4 are each amended to read
2 as follows:

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

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

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

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

33 (a) The following accounts and funds shall receive their
34 proportionate share of earnings based upon each account's and fund's
35 average daily balance for the period: The capitol building
36 construction account, the Cedar River channel construction and
37 operation account, the Central Washington University capital projects
38 account, the charitable, educational, penal and reformatory
39 institutions account, the common school construction fund, the county

1 criminal justice assistance account, the county sales and use tax
2 equalization account, the data processing building construction
3 account, the deferred compensation administrative account, the deferred
4 compensation principal account, the department of retirement systems
5 expense account, the Eastern Washington University capital projects
6 account, the education construction fund, the emergency reserve fund,
7 the federal forest revolving account, the health services account, the
8 public health services account, the health system capacity account, the
9 personal health services account, the highway infrastructure account,
10 the industrial insurance premium refund account, the judges' retirement
11 account, the judicial retirement administrative account, the judicial
12 retirement principal account, the local leasehold excise tax account,
13 the local real estate excise tax account, the local sales and use tax
14 account, the medical aid account, the mobile home park relocation fund,
15 the municipal criminal justice assistance account, the municipal sales
16 and use tax equalization account, the natural resources deposit
17 account, the perpetual surveillance and maintenance account, the public
18 employees' retirement system plan I account, the public employees'
19 retirement system plan II account, the Puyallup tribal settlement
20 account, the resource management cost account, the site closure
21 account, the special wildlife account, the state employees' insurance
22 account, the state employees' insurance reserve account, the state
23 investment board expense account, the state investment board commingled
24 trust fund accounts, the supplemental pension account, the teachers'
25 retirement system plan I account, the teachers' retirement system plan
26 II account, the transportation infrastructure account, the freight
27 mobility strategic investment account, the tuition recovery trust fund,
28 the University of Washington bond retirement fund, the University of
29 Washington building account, the volunteer fire fighters' relief and
30 pension principal account, the volunteer fire fighters' relief and
31 pension administrative account, the Washington judicial retirement
32 system account, the Washington law enforcement officers' and fire
33 fighters' system plan I retirement account, the Washington law
34 enforcement officers' and fire fighters' system plan II retirement
35 account, the Washington state patrol retirement account, the Washington
36 State University building account, the Washington State University bond
37 retirement fund, the water pollution control revolving fund, and the
38 Western Washington University capital projects account. Earnings
39 derived from investing balances of the agricultural permanent fund, the

1 normal school permanent fund, the permanent common school fund, the
2 scientific permanent fund, and the state university permanent fund
3 shall be allocated to their respective beneficiary accounts. All
4 earnings to be distributed under this subsection (4)(a) shall first be
5 reduced by the allocation to the state treasurer's service fund
6 pursuant to RCW 43.08.190.

7 (b) The following accounts and funds shall receive eighty percent
8 of their proportionate share of earnings based upon each account's or
9 fund's average daily balance for the period: The aeronautics account,
10 the aircraft search and rescue account, the central Puget Sound public
11 transportation account, the city hardship assistance account, the
12 county arterial preservation account, the department of licensing
13 services account, the economic development account, the essential rail
14 assistance account, the essential rail banking account, the ferry bond
15 retirement fund, the gasohol exemption holding account, the grade
16 crossing protective fund, the high capacity transportation account, the
17 highway bond retirement fund, the highway construction stabilization
18 account, the highway safety account, the marine operating fund, the
19 motor vehicle fund, the motorcycle safety education account, the
20 pilotage account, the public transportation systems account, the Puget
21 Sound capital construction account, the Puget Sound ferry operations
22 account, the recreational vehicle account, the rural arterial trust
23 account, the safety and education account, the small city account, the
24 special category C account, the state patrol highway account, the
25 transfer relief account, the transportation capital facilities account,
26 the transportation equipment fund, the transportation fund, the
27 transportation improvement account, the transportation revolving loan
28 account, and the urban arterial trust account.

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

32 NEW SECTION. **Sec. 9.** In order to aid the financing of eligible
33 freight mobility projects, the board may:

34 (1) Make low-interest or interest-free loans from the freight
35 mobility strategic investment account or other funds and accounts for
36 the purpose of financing freight mobility projects. The board may
37 require the terms and conditions and may charge the rates of interest
38 on its loans as it deems necessary or convenient to carry out the

1 purposes of this chapter. Money received in repayment of loans made
2 under this section is paid into the freight mobility strategic
3 investment account for uses consistent with this chapter.

4 (2) Pledge money in the freight mobility strategic investment
5 account, or money to be received by the freight mobility strategic
6 investment account, to the repayment of all or a portion of the
7 principal of or interest on obligations issued to finance freight
8 mobility projects. The board shall not pledge an amount greater than
9 the sum of money in the freight mobility strategic investment account
10 plus money to be received from the payment of the debt service on loans
11 made from that account, nor shall the board pledge the faith and credit
12 or the taxing power of the state or an agency or subdivision thereof to
13 the repayment of obligations issued.

14 (3) Create subaccounts in the freight mobility strategic investment
15 account as the board deems necessary to carry out the purposes of this
16 chapter.

17 (4) Provide a method for the allocation of loans and financing
18 guarantees and the provision of technical assistance under this
19 chapter.

20 All freight mobility projects aided in whole or in part under this
21 chapter are put out for competitive bids, except for emergency public
22 works under RCW 43.155.065 for which the recipient jurisdiction shall
23 comply with this requirement to the extent feasible and practicable.
24 The competitive bids called for are administered in the same manner as
25 all other public works projects put out for competitive bidding by the
26 lead project proponent aided under this chapter.

27 NEW SECTION. **Sec. 10.** (1) The board may make low-interest or
28 interest-free loans for preconstruction activities on freight mobility
29 projects before the legislature approves the construction phase of the
30 project. Preconstruction activities include design, engineering, bid-
31 document preparation, environmental studies, right of way acquisition,
32 and other preliminary phases of transportation projects as determined
33 by the board. The purpose of the loans authorized in this section is
34 to accelerate the completion of freight mobility projects by allowing
35 preconstruction activities to be performed before the approval of the
36 construction phase of the project by the legislature.

37 (2) Projects receiving loans for preconstruction activities under
38 this section must be evaluated using the process and factors

1 established by the board under section 9 of this act. The receipt of
2 a loan for preconstruction activities does not ensure the receipt of a
3 construction loan for the project under this chapter. The board shall
4 adopt a single application process for project proponents seeking both
5 a loan for preconstruction activities under this section and a
6 construction loan for the project.

7 NEW SECTION. **Sec. 11.** The board shall keep proper records of
8 accounts and shall be subject to audit by the state auditor.

9 NEW SECTION. **Sec. 12.** A new section is added to chapter 47.26 RCW
10 to read as follows:

11 For the period ending June 30, 1998, the transportation improvement
12 board shall give special consideration to projects that eliminate,
13 reduce, or mitigate the impacts of freight traffic at highway/rail
14 crossings. These projects may include, but are not limited to, grade
15 separation, signalization, consolidation of public at-grade crossings,
16 and construction of bypass routes for vehicular and pedestrian traffic.

17 NEW SECTION. **Sec. 13.** A new section is added to chapter 46.68 RCW
18 to read as follows:

19 For the period ending June 30, 1998, the transportation improvement
20 board shall give special consideration to projects that eliminate,
21 reduce, or mitigate the impacts of freight traffic at highway/rail
22 crossings. These projects may include, but are not limited to, grade
23 separation, signalization, consolidation of public at-grade crossings,
24 and construction of bypass routes for vehicular and pedestrian traffic.

25 NEW SECTION. **Sec. 14.** A new section is added to chapter 36.79 RCW
26 to read as follows:

27 For the period ending June 30, 1998, the county road administration
28 board shall give special consideration to projects that eliminate,
29 reduce, or mitigate the impacts of freight traffic at highway/rail
30 crossings. These projects may include, but are not limited to, grade
31 separation, signalization, consolidation of public at-grade crossings,
32 and construction of bypass routes for vehicular and pedestrian traffic.

33 NEW SECTION. **Sec. 15.** A new section is added to chapter 46.68 RCW
34 to read as follows:

1 For the period ending June 30, 1998, the county road administration
2 board shall give special consideration to projects that eliminate,
3 reduce, or mitigate the impacts of freight traffic at highway/rail
4 crossings. These projects may include, but are not limited to, grade
5 separation, signalization, consolidation of public at-grade crossings,
6 and construction of bypass routes for vehicular and pedestrian traffic.

7 NEW SECTION. **Sec. 16.** A new section is added to chapter 47.06 RCW
8 to read as follows:

9 The state-interest component of the state-wide multimodal
10 transportation plan shall include a freight mobility plan which shall
11 assess the transportation needs to ensure the safe, reliable, and
12 efficient movement of goods within and through the state to ensure the
13 state's economic vitality.

14 NEW SECTION. **Sec. 17.** To the greatest extent practicable, port
15 districts in the state shall submit their development plans to the
16 regional transportation planning organization or metropolitan planning
17 organization, the department, and affected cities and counties to
18 better coordinate the development and funding of freight mobility
19 projects.

20 **Sec. 18.** RCW 47.05.051 and 1993 c 490 s 5 are each amended to read
21 as follows:

22 The comprehensive six-year investment program shall be based upon
23 the needs identified in the state-owned highway component of the state-
24 wide multimodal transportation plan as defined in RCW 47.01.071(3) and
25 priority selection systems that incorporate the following criteria:

26 (1) Priority programming for the preservation program shall take
27 into account the following, not necessarily in order of importance:

28 (a) Extending the service life of the existing highway system;

29 (b) Ensuring the structural ability to carry loads imposed upon
30 highways and bridges; and

31 (c) Minimizing life cycle costs. The transportation commission in
32 carrying out the provisions of this section may delegate to the
33 department of transportation the authority to select preservation
34 projects to be included in the six-year program.

35 (2) Priority programming for the improvement program shall take
36 into account the following:

1 (a) Support for the state's economy, including job creation and job
2 preservation;

3 (b) The cost-effective movement of people and goods;

4 (c) Accident and accident risk reduction;

5 (d) Protection of the state's natural environment;

6 (e) Continuity and systematic development of the highway
7 transportation network;

8 (f) Consistency with local comprehensive plans developed under
9 chapter 36.70A RCW;

10 (g) Consistency with regional transportation plans developed under
11 chapter 47.80 RCW;

12 (h) Public views concerning proposed improvements;

13 (i) The conservation of energy resources;

14 (j) Feasibility of financing the full proposed improvement;

15 (k) Commitments established in previous legislative sessions;

16 (l) Relative costs and benefits of candidate programs;

17 (m) Major projects addressing capacity deficiencies which
18 prioritize allowing for preliminary engineering shall be reprioritized
19 during the succeeding biennium, based upon updated project data.
20 Reprioritized projects may be delayed or canceled by the transportation
21 commission if higher priority projects are awaiting funding; and

22 (n) Major project approvals which significantly increase a
23 project's scope or cost from original prioritization estimates shall
24 include a review of the project's estimated revised priority rank and
25 the level of funding provided. Projects may be delayed or canceled by
26 the transportation commission if higher priority projects are awaiting
27 funding.

28 (3) The commission may depart from the priority programming
29 established under subsections (1) and (2) of this section: (a) To the
30 extent that otherwise funds cannot be utilized feasibly within the
31 program; (b) as may be required by a court judgment, legally binding
32 agreement, or state and federal laws and regulations; (c) as may be
33 required to coordinate with federal, local, or other state agency
34 construction projects; (d) to take advantage of some substantial
35 financial benefit that may be available; (e) for continuity of route
36 development; or (f) because of changed financial or physical conditions
37 of an unforeseen or emergent nature. The commission or secretary of
38 transportation shall maintain in its files information sufficient to

1 show the extent to which the commission has departed from the
2 established priority.

3 (4) The commission shall identify those projects that yield freight
4 mobility benefits or that alleviate the impacts of freight mobility
5 upon affected communities.

6 NEW SECTION. Sec. 19. The legislative transportation committee
7 shall review and analyze freight mobility issues affecting eastern and
8 southeastern Washington and report back to the legislature by January
9 15, 1998. The review and analysis shall also give consideration to
10 nonphysical barriers, such as burdensome laws and regulations, that are
11 adversely impacting freight mobility.

12 NEW SECTION. Sec. 20. If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

16 NEW SECTION. Sec. 21. This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and takes effect
19 immediately.

20 NEW SECTION. Sec. 22. Sections 1 through 7, 9 through 11, 17, and
21 19 of this act constitute a new chapter in Title 47 RCW.

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