

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5153

56th Legislature
1999 Regular Session

Passed by the Senate April 20, 1999
YEAS 47 NAYS 0

President of the Senate

Passed by the House April 8, 1999
YEAS 96 NAYS 0

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5153** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5153

AS AMENDED BY THE HOUSE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Haugen, Goings, Gardner, T. Sheldon, Rasmussen and Patterson; by request of Legislative Transportation Committee)

Read first time 02/04/1999.

1 AN ACT Relating to the freight mobility strategic investment board;
2 and amending RCW 47.06A.020, 47.06A.030, and 47.06A.040.

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

4 **Sec. 1.** RCW 47.06A.020 and 1998 c 175 s 3 are each amended to read
5 as follows:

6 (1) The board shall:

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

9 (b) Solicit from public entities proposed projects that meet
10 eligibility criteria established in accordance with subsection (4) of
11 this section; and

12 (c) Review and evaluate project applications based on criteria
13 established under this section, and prioritize and select projects
14 comprising a portfolio to be funded in part with grants from state
15 funds appropriated for the freight mobility strategic investment
16 program. In determining the appropriate level of state funding for a
17 project, the board shall ensure that state funds are allocated to
18 leverage the greatest amount of partnership funding possible. After
19 selecting projects comprising the portfolio, the board shall submit

1 them as part of its budget request to the office of financial
2 management and the legislature. The board shall ensure that projects
3 submitted as part of the portfolio are not more appropriately funded
4 with other federal, state, or local government funding mechanisms or
5 programs. The board shall reject those projects that appear to improve
6 overall general mobility with limited enhancement for freight mobility.

7 The board shall provide periodic progress reports on its activities
8 to the ((governor)) office of financial management and the legislative
9 transportation committee.

10 (2) The board may:

11 (a) Accept from any state or federal agency, loans or grants for
12 the financing of any transportation project and enter into agreements
13 with any such agency concerning the loans or grants;

14 (b) Provide technical assistance to project applicants;

15 (c) Accept any gifts, grants, or loans of funds, property, or
16 financial, or other aid in any form from any other source on any terms
17 and conditions which are not in conflict with this chapter;

18 (d) Adopt rules under chapter 34.05 RCW as necessary to carry out
19 the purposes of this chapter; and

20 (e) Do all things necessary or convenient to carry out the powers
21 expressly granted or implied under this chapter.

22 (3) The board shall designate strategic freight corridors within
23 the state. The board shall update the list of designated strategic
24 corridors not less than every two years, and shall establish a method
25 of collecting and verifying data, including information on city and
26 county-owned roadways.

27 (4) From June 11, 1998, through the biennium ending June 30, 2001,
28 the board shall utilize threshold project eligibility criteria that, at
29 a minimum, includes the following:

30 (a) The project must be on a strategic freight corridor;

31 (b) The project must meet one of the following conditions:

32 (i) It is primarily aimed at reducing identified barriers to
33 freight movement with only incidental benefits to general or personal
34 mobility; or

35 (ii) It is primarily aimed at increasing capacity for the movement
36 of freight with only incidental benefits to general or personal
37 mobility; or

1 (iii) It is primarily aimed at mitigating the impact on communities
2 of increasing freight movement, including roadway/railway conflicts;
3 and

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

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

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

33 (7) The board shall develop and recommend policies that address
34 operational improvements that primarily benefit and enhance freight
35 movement, including, but not limited to, policies that reduce
36 congestion in truck lanes at border crossings and weigh stations and
37 provide for access to ports during nonpeak hours.

1 **Sec. 2.** RCW 47.06A.030 and 1998 c 175 s 4 are each amended to read
2 as follows:

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

5 (2) The board is composed of twelve members. The following members
6 are appointed by the governor for terms of four years, except that five
7 members initially are appointed for terms of two years: (a) Two
8 members, one of whom is from a city located within or along a strategic
9 freight corridor, appointed from a list of at least four persons
10 nominated by the association of Washington cities or its successor; (b)
11 two members, one of whom is from a county having a strategic freight
12 corridor within its boundaries, appointed from a list of at least four
13 persons nominated by the Washington state association of counties or
14 its successor; (c) two members, one of whom is from a port district
15 located within or along a strategic freight corridor, appointed from a
16 list of at least four persons nominated by the Washington public ports
17 association or its successor; (d) one member representing the office of
18 financial management; (e) one member appointed as a representative of
19 the trucking industry; (f) one member appointed as a representative of
20 the railroads; (g) the secretary of the department of transportation;
21 (h) one member representing the steamship industry; and (i) one member
22 of the general public. In appointing the general public member, the
23 governor shall endeavor to appoint a member with special expertise in
24 relevant fields such as public finance, freight transportation, or
25 public works construction. The governor shall appoint the general
26 public member as chair of the board. In making appointments to the
27 board, the governor shall ensure that each geographic region of the
28 state is represented.

29 (3) Members of the board (~~((may not receive compensation.~~
30 ~~Reimbursement for))~~ shall be reimbursed for reasonable and customary
31 travel ((and other)) expenses ((shall be provided by each respective
32 ~~organization that a member represents on the board))~~ as provided in RCW
33 43.03.050 and 43.03.060.

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

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

3 **Sec. 3.** RCW 47.06A.040 and 1998 c 175 s 5 are each amended to read
4 as follows:

5 The board (~~(shall)~~), at its option, may either appoint an executive
6 director, who shall serve at its pleasure and whose salary shall be set
7 by the board(~~(. Staff support to the board shall initially be provided~~
8 ~~by the department of transportation, the transportation improvement~~
9 ~~board, and the county road administration board or their successor~~
10 ~~agencies. The board shall develop a plan that provides for~~
11 ~~administration and staffing of the program and present this plan to the~~
12 ~~office of financial management and the legislative transportation~~
13 ~~committee by December 31, 1998)) or make provisions ensuring the
14 responsibilities of the executive director are carried out by an
15 existing transportation-related state agency or by private contract.
16 Staff support to the board shall be provided by the department of
17 transportation, the transportation improvement board, and the county
18 road administration board, or their successor agencies.~~

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