
SECOND SUBSTITUTE SENATE BILL 5755

State of Washington 57th Legislature

2002 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Horn, Haugen, Winsley, McAuliffe and Oke; by request of The Blue Ribbon Commission on Transportation)

READ FIRST TIME 03/04/2002.

1 AN ACT Relating to governance of the department of transportation;
2 amending RCW 43.17.020, 47.01.041, and 47.01.071; reenacting and
3 amending RCW 47.01.101; creating a new section; and providing an
4 effective date.

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

6 **Sec. 1.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended
7 to read as follows:

8 There shall be a chief executive officer of each department to be
9 known as: (1) The secretary of social and health services, (2) the
10 director of ecology, (3) the director of labor and industries, (4) the
11 director of agriculture, (5) the director of fish and wildlife, (6) the
12 secretary of transportation, (7) the director of licensing, (8) the
13 director of general administration, (9) the director of community,
14 trade, and economic development, (10) the director of veterans affairs,
15 (11) the director of revenue, (12) the director of retirement systems,
16 (13) the secretary of corrections, ~~((and))~~ (14) the secretary of
17 health, and (15) the director of financial institutions.

18 Such officers, except ~~((the secretary of transportation and))~~ the
19 director of fish and wildlife, shall be appointed by the governor, with

1 the consent of the senate, and hold office at the pleasure of the
2 governor. (~~The secretary of transportation shall be appointed by the~~
3 ~~transportation commission as prescribed by RCW 47.01.041.~~) The
4 director of fish and wildlife shall be appointed by the fish and
5 wildlife commission as prescribed by RCW 77.04.055.

6 **Sec. 2.** RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each
7 amended to read as follows:

8 The executive head of the department of transportation shall be the
9 secretary of transportation, who shall be appointed by the
10 (~~transportation commission~~) governor, with the consent of the senate,
11 and may serve on an acting basis for up to one year until confirmed by
12 the senate, and shall be paid a salary to be fixed by the governor in
13 accordance with the provisions of RCW 43.03.040. The secretary shall
14 be an ex officio member of the commission without a vote. The
15 secretary shall be the chief executive officer of the commission (~~and~~
16 ~~be responsible to it, and shall be guided by policies established by~~
17 ~~it~~). The secretary shall serve (~~until removed by the commission, but~~
18 ~~only for incapacity, incompetence, neglect of duty, malfeasance in~~
19 ~~office, or failure to carry out the commission's policies. Before a~~
20 ~~motion for dismissal shall be acted on by the commission, the secretary~~
21 ~~shall be granted a hearing on formal written charges before the full~~
22 ~~commission. An action by the commission to remove the secretary shall~~
23 ~~be final~~) at the pleasure of the governor.

24 **Sec. 3.** RCW 47.01.071 and 1981 c 59 s 2 are each amended to read
25 as follows:

26 The transportation commission shall (~~have the following functions,~~
27 ~~powers, and duties:~~

28 (1) ~~To propose policies to be adopted by the legislature designed~~
29 ~~to assure the development and maintenance of a comprehensive and~~
30 ~~balanced statewide transportation system which will meet the needs of~~
31 ~~the people of this state for safe and efficient transportation~~
32 ~~services. Wherever appropriate the policies shall provide for the use~~
33 ~~of integrated, intermodal transportation systems to implement the~~
34 ~~social, economic, and environmental policies, goals, and objectives of~~
35 ~~the people of the state, and especially to conserve nonrenewable~~
36 ~~natural resources including land and energy. To this end the~~
37 ~~commission shall:~~

1 ~~(a) Develop transportation policies which are based on the~~
2 ~~policies, goals, and objectives expressed and inherent in existing~~
3 ~~state laws;~~

4 ~~(b) Inventory the adopted policies, goals, and objectives of the~~
5 ~~local and area wide governmental bodies of the state and define the~~
6 ~~role of the state, regional, and local governments in determining~~
7 ~~transportation policies, in transportation planning, and in~~
8 ~~implementing the state transportation plan;~~

9 ~~(c) Propose a transportation policy for the state, and after notice~~
10 ~~and public hearings, submit the proposal to the legislative~~
11 ~~transportation committee and the senate and house transportation~~
12 ~~committees by January 1, 1978, for consideration in the next~~
13 ~~legislative session;~~

14 ~~(d) Establish a procedure for review and revision of the state~~
15 ~~transportation policy and for submission of proposed changes to the~~
16 ~~legislature;~~

17 ~~(e) To integrate the statewide transportation plan with the needs~~
18 ~~of the elderly and handicapped, and to coordinate federal and state~~
19 ~~programs directed at assisting local governments to answer such needs;~~

20 ~~(2) To establish the policy of the department to be followed by the~~
21 ~~secretary on each of the following items:~~

22 ~~(a) To provide for the effective coordination of state~~
23 ~~transportation planning with national transportation policy, state and~~
24 ~~local land use policies, and local and regional transportation plans~~
25 ~~and programs;~~

26 ~~(b) To provide for public involvement in transportation designed to~~
27 ~~elicit the public's views both with respect to adequate transportation~~
28 ~~services and appropriate means of minimizing adverse social, economic,~~
29 ~~environmental, and energy impact of transportation programs;~~

30 ~~(c) To provide for the administration of grants in aid and other~~
31 ~~financial assistance to counties and municipal corporations for~~
32 ~~transportation purposes;~~

33 ~~(d) To provide for the management, sale, and lease of property or~~
34 ~~property rights owned by the department which are not required for~~
35 ~~transportation purposes;~~

36 ~~(3) To direct the secretary to prepare and submit to the commission~~
37 ~~a comprehensive and balanced statewide transportation plan which shall~~
38 ~~be based on the transportation policy adopted by the legislature and~~
39 ~~applicable state and federal laws. After public notice and hearings,~~

1 the commission shall adopt the plan and submit it to the legislative
2 transportation committee and to the house and senate standing
3 committees on transportation before January 1, 1980, for consideration
4 in the 1980 regular legislative session. The plan shall be reviewed
5 and revised prior to each regular session of the legislature during an
6 even-numbered year thereafter. A preliminary plan shall be submitted
7 to such committees by January 1, 1979.

8 The plan shall take into account federal law and regulations
9 relating to the planning, construction, and operation of transportation
10 facilities;

11 (4) To propose to the governor and the legislature prior to the
12 convening of each regular session held in an odd-numbered year a
13 recommended budget for the operations of the commission as required by
14 RCW 47.01.061;

15 (5) To approve and propose to the governor and to the legislature
16 prior to the convening of each regular session during an odd-numbered
17 year a recommended budget for the operation of the department and for
18 carrying out the program of the department for the ensuing biennium.
19 The proposed budget shall separately state the appropriations to be
20 made from the motor vehicle fund for highway purposes in accordance
21 with constitutional limitations and appropriations and expenditures to
22 be made from the general fund, or accounts thereof, and other available
23 sources for other operations and programs of the department;

24 (6) To review and authorize all departmental requests for
25 legislation;

26 (7) To)) approve the issuance and sale of all bonds authorized by
27 the legislature for ((capital construction of state highways,)) all
28 toll facilities((, Columbia Basin county roads (for which reimbursement
29 to the motor vehicle fund has been provided), urban arterial projects,
30 and aviation facilities;

31 (8) To adopt such rules, regulations, and policy directives as may
32 be necessary to carry out reasonably and properly those functions
33 expressly vested in the commission by statute;

34 (9) To delegate any of its powers to the secretary of
35 transportation whenever it deems it desirable for the efficient
36 administration of the department and consistent with the purposes of
37 this title;

38 (10) To exercise such other specific powers and duties as may be
39 vested in the transportation commission by this or any other provision

1 ~~of law~~) and set fares on state ferries and tolls on state toll
2 facilities.

3 **Sec. 4.** RCW 47.01.101 and 1987 c 505 s 48 and 1987 c 179 s 1 are
4 each reenacted and amended to read as follows:

5 The secretary shall have the authority and it shall be his or her
6 duty(~~(, subject to policy guidance from the commission)~~):

7 (1) To serve as chief executive officer of the department with full
8 administrative authority to direct all its activities;

9 (2) To organize the department as he or she may deem necessary to
10 carry out the work and responsibilities of the department effectively;

11 (3) To designate and establish such transportation district or
12 branch offices as may be necessary or convenient, and to appoint
13 assistants and delegate any powers, duties, and functions to them or
14 any officer or employee of the department as deemed necessary to
15 administer the department efficiently;

16 (4) To direct and coordinate the programs of the various divisions
17 of the department to assure that they achieve the greatest possible
18 mutual benefit, produce a balanced overall effort, and eliminate
19 unnecessary duplication of activity;

20 (5) To adopt all department rules that are subject to the adoption
21 procedures contained in the state Administrative Procedure Act, except
22 (~~(rules)~~) fares on state ferries and tolls on state toll facilities
23 subject to adoption by the commission pursuant to statute;

24 (6) To maintain and safeguard the official records of the
25 department, including the commission's recorded resolutions and orders;

26 (7) To provide full staff support to the commission to assist it in
27 carrying out its functions, powers, and duties (~~(and to execute the~~
28 ~~policy established by the commission pursuant to its legislative~~
29 ~~authority)~~);

30 (8) To execute and implement the biennial operating budget for the
31 operation of the department in accordance with chapter 43.88 RCW and
32 with legislative appropriation and, in such manner as prescribed
33 therein, to make and report to the (~~(commission and the)~~) chairs of the
34 transportation committees of the senate and house of representatives,
35 including one copy to the staff of each of the committees, deviations
36 from the planned biennial category A and H highway construction
37 programs necessary to adjust to unexpected delays or other
38 unanticipated circumstances(~~(-)~~);

1 (9) To propose policies to be adopted by the legislature designed
2 to assure the development and maintenance of a comprehensive and
3 balanced statewide transportation system that will meet the needs of
4 the people of this state for safe and efficient transportation
5 services. Wherever appropriate the policies shall provide for the use
6 of integrated, intermodal transportation systems to implement the
7 social, economic, and environmental policies, goals, and objectives of
8 the people of the state, and especially to conserve nonrenewable
9 natural resources including land and energy. To this end the secretary
10 shall:

11 (a) Develop transportation policies that are based on the policies,
12 goals, and objectives expressed and inherent in existing state laws;

13 (b) Inventory the adopted policies, goals, and objectives of the
14 local and area-wide governmental bodies of the state and define the
15 role of the state, regional, and local governments in determining
16 transportation policies, in transportation planning, and in
17 implementing the state transportation plan;

18 (c) Propose a transportation policy for the state, and after notice
19 and public hearings, submit the proposal to the legislative
20 transportation committee and the senate and house transportation
21 committees by January 1, 2004, for consideration in the next
22 legislative session;

23 (d) Establish a procedure for review and revision of the state
24 transportation policy and for submission of proposed changes to the
25 legislature;

26 (e) To integrate the statewide transportation plan with the needs
27 of the elderly and handicapped, and to coordinate federal and state
28 programs directed at assisting local governments to answer such needs;

29 (10) To establish the policy of the department on each of the
30 following items:

31 (a) To provide for the effective coordination of state
32 transportation planning with national transportation policy, state and
33 local land use policies, and local and regional transportation plans
34 and programs;

35 (b) To provide for public involvement in transportation designed to
36 elicit the public's views both with respect to adequate transportation
37 services and appropriate means of minimizing adverse social, economic,
38 environmental, and energy impact of transportation programs;

1 (c) To provide for the administration of grants in aid and other
2 financial assistance to counties and municipal corporations for
3 transportation purposes;

4 (d) To provide for the management, sale, and lease of property or
5 property rights owned by the department which are not required for
6 transportation purposes;

7 (11) To prepare a comprehensive and balanced statewide
8 transportation plan based on the transportation policy adopted by the
9 legislature and applicable state and federal laws. After public notice
10 and hearings, the secretary shall adopt the plan and submit it to the
11 legislative transportation committee and to the house and senate
12 standing committees on transportation before January 1, 2005, for
13 consideration in the 2005 regular legislative session. The plan must
14 be reviewed and revised before each regular session of the legislature
15 during an even-numbered year. A preliminary plan must be submitted to
16 the committees by January 1, 2004.

17 The plan must take into account federal law and regulations
18 relating to the planning, construction, and operation of transportation
19 facilities;

20 (12) To propose to the governor and the legislature prior to the
21 convening of each regular session held in an odd-numbered year a
22 recommended budget for the operations of the commission as required by
23 RCW 47.01.061;

24 (13) To approve and propose to the governor and to the legislature
25 before the convening of each regular session during an odd-numbered
26 year a recommended budget for the operation of the department and for
27 carrying out the program of the department for the ensuing biennium.
28 The proposed budget must separately state the appropriations to be made
29 from the motor vehicle fund for highway purposes in accordance with
30 constitutional limitations and appropriations and expenditures to be
31 made from the general fund, or accounts thereof, and other available
32 sources for other operations and programs of the department;

33 (14) To review and authorize all departmental requests for
34 legislation;

35 (15) To approve the issuance and sale of all bonds authorized by
36 the legislature for capital construction of state highways, Columbia
37 Basin county roads (for which reimbursement to the motor vehicle fund
38 has been provided), urban arterial projects, and aviation facilities;

1 (16) To adopt such rules and policy directives as may be necessary
2 to carry out reasonably and properly those functions expressly vested
3 in the department by statute;

4 (17) To exercise all other powers and perform all other duties as
5 are now or hereafter provided by law.

6 NEW SECTION. Sec. 5. (1) All powers, duties, and functions of the
7 transportation commission pertaining to functions other than setting
8 fares on state ferries and tolls on state toll facilities and bonding
9 authority for state toll facilities are transferred to the secretary of
10 transportation. All references to the chairman of the transportation
11 commission or the transportation commission in the Revised Code of
12 Washington are construed to mean the secretary of transportation when
13 referring to the functions transferred in this section.

14 (2)(a) All reports, documents, surveys, books, records, files,
15 papers, or written material in the possession of the transportation
16 commission pertaining to the powers, functions, and duties transferred
17 must be delivered to the custody of the secretary of transportation.
18 All cabinets, furniture, office equipment, motor vehicles, and other
19 tangible property employed by the transportation commission in carrying
20 out the powers, functions, and duties transferred must be made
21 available to the secretary of transportation. All funds, credits, or
22 other assets held in connection with the powers, functions, and duties
23 transferred will be assigned to the secretary of transportation.

24 (b) Any appropriations made to the transportation commission for
25 carrying out the powers, functions, and duties transferred will, on the
26 effective date of this act, be transferred and credited to the
27 department of transportation.

28 (c) Whenever any question arises as to the transfer of any
29 personnel, funds, books, documents, records, papers, files, equipment,
30 or other tangible property used or held in the exercise of the powers
31 and the performance of the duties and functions transferred, the
32 director of financial management shall make a determination as to the
33 proper allocation and certify the same to the state agencies concerned.

34 (3) All employees of the transportation commission engaged in
35 performing the powers, functions, and duties transferred are
36 transferred to the jurisdiction of the secretary of transportation.
37 All employees classified under chapter 41.06 RCW, the state civil
38 service law, are assigned to the receiving agency to perform their

1 usual duties upon the same terms as formerly, without any loss of
2 rights, subject to any action that may be appropriate thereafter in
3 accordance with the laws and rules governing state civil service.

4 (4) All rules and all pending business before the transportation
5 commission pertaining to the powers, functions, and duties transferred
6 shall be continued and acted upon by the secretary of transportation.
7 All existing contracts and obligations shall remain in full force and
8 shall be performed by the secretary of transportation.

9 (5) The transfer of the powers, duties, functions, and personnel of
10 the transportation commission shall not affect the validity of any act
11 performed before the effective date of this act.

12 (6) If apportionments of budgeted funds are required because of the
13 transfers directed by this section, the director of financial
14 management shall certify the apportionments to the agencies affected,
15 the state auditor, and the state treasurer. Each of these shall make
16 the appropriate transfer and adjustments in funds and appropriation
17 accounts and equipment records in accordance with the certification.

18 (7) Nothing contained in this section may be construed to alter any
19 existing collective bargaining unit or the provisions of any existing
20 collective bargaining agreement until the agreement has expired or
21 until the bargaining unit has been modified by action of the personnel
22 resources board as provided by law.

23 NEW SECTION. **Sec. 6.** This act takes effect January 1, 2003.

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