

VETO MESSAGE ON HB 2451-S

April 4, 2002

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to subsections 208(4) and 208(5), pages 9-10; 216(8), pages 17-18; and 404(5), page 34, Engrossed Substitute House Bill No. 2451 entitled: "AN ACT Relating to transportation funding and appropriations;"

Subsections 208(4) and 208(5), pages 9-10 (Washington State Patrol«Support Services Bureau)

Subsections 4 and 5 of section 208 would have required the Washington State Patrol to contract with an independent consulting firm to develop a cost allocation system to qualify activities as "highway purposes" under Article II, Section 40 of the State Constitution " the #8 amendment " and that such findings shall be utilized in the development of the agency's 2003-05 budget request. No additional funds were provided to conduct this study. In addition, the competitive selection of a consulting firm, familiarizing the contractor with agency programs, and the development of a cost allocation system would involve many agency staff members, and could not be done quickly. It is unlikely a thoughtful product could be developed within the time frame required in the proviso.

While I have vetoed these subsections, I direct the Washington State Patrol to provide the Legislative Transportation Committee with an overview of its application of the constitutional limitations imposed on the spending of #8 amendment funds. This is of paramount importance in maintaining the integrity and sustainability of the Patrol's budget, given the large influx of one-time transportation funds to offset what had been omnibus appropriations.

Subsection 216(8), pages 17-18 (Department of Transportation--Improvements--Program I)

Subsection 216(8) would have prevented state investment in high-occupancy vehicle (HOV) lanes in Clark County until there are two and one-half times as many park and ride lot vehicle spaces as were in existence on January 1, 2002, or until the I-5 bridge is retrofitted to include four southbound general-purpose lanes.

The provisions outlined in this subsection would unnecessarily limit the criteria by which decisions to move forward with future HOV lanes in Clark County should be made. The Department of Transportation (DOT) is currently conducting a pilot project in Clark County to evaluate the effectiveness of HOV lanes on Interstate 5. I have vetoed this subsection to provide the DOT, the City of Vancouver, and the Regional Transportation Council of Clark County the opportunity to consider the results of the pilot project and other factors, such as lane usage, before the decision to continue HOV lane projects in Clark County is made.

Subsection 404(5), page 34 (For the State Treasurer«Transfers)

Subsection 404(5) would provide the State Treasurer with the authority to distribute license, permit, and fee revenues from the Motor Vehicle Account to other accounts. The collection and distribution of these revenues, however, is already authorized in statute for the Department of Licensing and the Department of Transportation. This provision would have been in conflict with existing statutory direction.

For these reasons, I have vetoed subsections 208(4) and 208(5), pages 9-10; 216(8), pages 17-18; and 404(5), page 34 of Engrossed Substitute House Bill No. 2451.

With the exception of subsections 208(4) and 208(5), pages 9-10; 216(8), pages 17-18; and 404(5), page 34, Engrossed Substitute House Bill No. 2451 is approved.

Respectfully submitted,
Gary Locke
Governor