

SHB 1122 - H AMD 3

By Representative Murray

ADOPTED 02/03/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "PART I

4 PHASING OUT THE TRANSPORTATION COMMISSION AND GUBERNATORIAL APPOINTMENT
5 OF THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION

6 NEW SECTION. **Sec. 1.** The legislature recognizes the need to
7 streamline governance of the transportation system in order to increase
8 efficiency and accountability to the people it serves. The legislature
9 intends to create a single point of accountability for the performance
10 of the state's transportation system by making the management of the
11 department of transportation directly accountable to the governor. The
12 legislature also desires to further streamline governance structures.
13 A review and analysis of the current duties and responsibilities of the
14 transportation commission must be conducted to determine where these
15 functions are best carried out.

16 NEW SECTION. **Sec. 2.** The legislative transportation committee
17 shall conduct a review and analysis of the statutory duties, roles, and
18 functions of the transportation commission. The committee shall
19 determine which responsibilities are administrative or ministerial in
20 nature and should be transferred to the executive, and which
21 responsibilities are policy setting in nature and should be transferred
22 to the legislature. The review and analysis must include at least the
23 following authorities: (1) To establish toll facilities; (2) to set
24 tolls and fares; (3) to request bond issuances by the state treasurer;
25 (4) to adopt the twenty-year state transportation policy plan; (5) to
26 conduct public involvement processes; (6) to develop and monitor
27 attainment of benchmarks directed in RCW 47.01.012; (7) to review and
28 approve six-year transit plans and proposed public transportation

1 benefit area plans; (8) to set operational policies for state highways,
2 including access issues and hours of operation for high-occupancy
3 vehicles. By December 15, 2003, the legislative transportation
4 committee shall make recommendations to the house and senate
5 transportation committees for streamlining, consolidating, or
6 eliminating the duties, roles, and functions of the transportation
7 commission. The legislative transportation committee shall consult
8 with affected agencies and other stakeholders in conducting its
9 analysis. The committee may consult with and retain private
10 professional and technical experts as necessary to ensure an
11 independent review and analysis.

12 **Sec. 3.** RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each
13 amended to read as follows:

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

29 **Sec. 4.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended
30 to read as follows:

31 There shall be a chief executive officer of each department to be
32 known as: (1) The secretary of social and health services, (2) the
33 director of ecology, (3) the director of labor and industries, (4) the
34 director of agriculture, (5) the director of fish and wildlife, (6) the
35 secretary of transportation, (7) the director of licensing, (8) the
36 director of general administration, (9) the director of community,

1 trade, and economic development, (10) the director of veterans affairs,
2 (11) the director of revenue, (12) the director of retirement systems,
3 (13) the secretary of corrections, (~~and~~) (14) the secretary of
4 health, and (15) the director of financial institutions.

5 Such officers, except the (~~secretary of transportation and the~~)
6 director of fish and wildlife, shall be appointed by the governor, with
7 the consent of the senate, and hold office at the pleasure of the
8 governor. (~~The secretary of transportation shall be appointed by the~~
9 ~~transportation commission as prescribed by RCW 47.01.041.~~) The
10 director of fish and wildlife shall be appointed by the fish and
11 wildlife commission as prescribed by RCW 77.04.055.

12 PART II

13 TRANSFERRING POWERS OF THE TRANSPORTATION COMMISSION TO THE 14 LEGISLATIVE TRANSPORTATION COMMITTEE

15 **Sec. 5.** RCW 35.58.2795 and 1994 c 158 s 6 are each amended to read
16 as follows:

17 By April 1st of each year, the legislative authority of each
18 municipality, as defined in RCW 35.58.272, and each regional transit
19 authority shall prepare a six-year transit development plan for that
20 calendar year and the ensuing five years. The program shall be
21 consistent with the comprehensive plans adopted by counties, cities,
22 and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the
23 inherent authority of a first class city or charter county derived from
24 its charter, or chapter 36.70A RCW. The program shall contain
25 information as to how the municipality intends to meet state and local
26 long-range priorities for public transportation, capital improvements,
27 significant operating changes planned for the system, and how the
28 municipality intends to fund program needs. The six-year plan for each
29 municipality and regional transit authority shall specifically set
30 forth those projects of regional significance for inclusion in the
31 transportation improvement program within that region. Each
32 municipality and regional transit authority shall file the six-year
33 program with the state department of transportation, the transportation
34 improvement board, and cities, counties, and regional planning councils
35 within which the municipality is located.

1 In developing its program, the municipality and the regional
2 transit authority shall consider those policy recommendations affecting
3 public transportation contained in the state transportation policy plan
4 approved by the ((state)) legislative transportation ((~~commission~~))
5 committee and, where appropriate, adopted by the legislature. The
6 municipality shall conduct one or more public hearings while developing
7 its program and for each annual update.

8 **Sec. 6.** RCW 36.57A.070 and 1985 c 6 s 5 are each amended to read
9 as follows:

10 The comprehensive transit plan adopted by the authority shall be
11 reviewed by the ((state)) legislative transportation ((~~commission~~))
12 committee to determine:

13 (1) The completeness of service to be offered and the economic
14 viability of the transit system proposed in such comprehensive transit
15 plan;

16 (2) Whether such plan integrates the proposed transportation system
17 with existing transportation modes and systems that serve the benefit
18 area;

19 (3) Whether such plan coordinates that area's system and service
20 with nearby public transportation systems;

21 (4) Whether such plan is eligible for matching state or federal
22 funds;

23 After reviewing the comprehensive transit plan, the ((state))
24 legislative transportation ((~~commission shall have~~)) committee has
25 sixty days in which to approve such plan and to certify to the state
26 treasurer that such public transportation benefit area shall be
27 eligible to receive the motor vehicle excise tax proceeds authorized
28 pursuant to RCW 35.58.273, as now or hereafter amended in the manner
29 prescribed by chapter 82.44 RCW, as now or hereafter amended. To be
30 approved a plan shall provide for coordinated transportation planning,
31 the integration of such proposed transportation program with other
32 transportation systems operating in areas adjacent to, or in the
33 vicinity of the proposed public transportation benefit area, and be
34 consistent with the public transportation coordination criteria adopted
35 pursuant to the urban mass transportation act of 1964 as amended as of
36 July 1, 1975. In the event such comprehensive plan is disapproved and
37 ruled ineligible to receive motor vehicle tax proceeds, the ((state))

1 legislative transportation (~~commission~~) committee shall provide
2 written notice to the authority within thirty days as to the reasons
3 for such plan's disapproval and such ineligibility. The authority may
4 resubmit such plan upon reconsideration and correction of such
5 deficiencies in the plan cited in such notice of disapproval.

6 **Sec. 7.** RCW 36.79.120 and 1988 c 26 s 6 are each amended to read
7 as follows:

8 Counties receiving funds from the rural arterial trust account for
9 construction of arterials and the construction of replacement bridges
10 funded by the federal bridge replacement program on access roads in
11 rural areas shall provide such matching funds as established by rules
12 recommended by the board, subject to review, revision, and final
13 approval by the (~~state~~) legislative transportation (~~commission~~)
14 committee. Matching requirements shall be established after
15 appropriate studies by the board, taking into account financial
16 resources available to counties to meet arterial needs.

17 **Sec. 8.** RCW 36.120.020 and 2002 c 56 s 102 are each amended to
18 read as follows:

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

21 (1) "Board" means the governing body of a regional transportation
22 investment district.

23 (2) "Department" means the Washington state department of
24 transportation.

25 (3) "Highway of statewide significance" means an existing or
26 proposed state route or federal interstate designated as a highway of
27 statewide significance by the legislative transportation (~~commission~~)
28 committee, its successor entity, or the legislature.

29 (4) "Lead agency" means a public agency that by law can plan,
30 design, and build a transportation project and has been so designated
31 by the district.

32 (5) "Regional transportation investment district" or "district"
33 means a municipal corporation whose boundaries are coextensive with two
34 or more contiguous counties and that has been created by county
35 legislative authorities and a vote of the people under this chapter to
36 implement a regional transportation investment plan.

1 (6) "Regional transportation investment district planning
2 committee" or "planning committee" means the advisory committee created
3 under RCW 36.120.030 to create and propose to county legislative
4 authorities a regional transportation investment plan to develop,
5 finance, and construct transportation projects.

6 (7) "Regional transportation investment plan" or "plan" means a
7 plan to develop, construct, and finance a transportation project or
8 projects.

9 (8) "Transportation project" means:

10 (a) A capital improvement or improvements to a highway that has
11 been designated, in whole or in part, as a highway of statewide
12 significance, including an extension, that:

13 (i) Adds a lane or new lanes to an existing state or federal
14 highway; or

15 (ii) Repairs or replaces a lane or lanes damaged by an event
16 declared an emergency by the governor before January 1, 2002.

17 (b) A capital improvement or improvements to all or a portion of a
18 highway of statewide significance, including an extension, and may
19 include the following associated multimodal capital improvements:

20 (i) Approaches to highways of statewide significance;

21 (ii) High-occupancy vehicle lanes;

22 (iii) Flyover ramps;

23 (iv) Park and ride lots;

24 (v) Bus pullouts;

25 (vi) Vans for vanpools;

26 (vii) Buses; and

27 (viii) Signalization, ramp metering, and other transportation
28 system management improvements.

29 (c) A capital improvement or improvements to all or a portion of a
30 city street, county road, or existing highway or the creation of a new
31 highway that intersects with a highway of statewide significance, if
32 all of the following conditions are met:

33 (i) The project is included in a plan that makes highway
34 improvement projects that add capacity to a highway or highways of
35 statewide significance;

36 (ii) The secretary of transportation determines that the project
37 would better relieve traffic congestion than investing that same money
38 in adding capacity to a highway of statewide significance;

1 (iii) Matching money equal to one-third of the total cost of the
2 project is provided by local entities, including but not limited to a
3 metropolitan planning organization, county, city, port, or private
4 entity in which a county participating in a plan is located. Local
5 entities may use federal grants to meet this matching requirement;

6 (iv) In no case may the cumulative regional transportation
7 investment district contribution to all projects constructed under this
8 subsection (8)(c) exceed ten percent of the revenues generated by the
9 district;

10 (v) In no case may the cumulative regional transportation
11 investment district contribution to all projects constructed under this
12 subsection (8)(c) exceed one billion dollars; and

13 (vi) The specific projects are included within the plan and
14 submitted as part of the plan to a vote of the people.

15 (d) Operations, preservation, and maintenance are excluded from
16 this definition and may not be included in a regional transportation
17 investment plan.

18 (9) "Weighted vote" means a vote that reflects the population each
19 board or planning committee member represents relative to the
20 population represented by the total membership of the board or planning
21 committee. Population will be determined using the federal 2000 census
22 or subsequent federal census data.

23 **Sec. 9.** RCW 43.160.010 and 1999 c 164 s 101 and 1999 c 94 s 5 are
24 each reenacted and amended to read as follows:

25 (1) The legislature finds that it is the public policy of the state
26 of Washington to direct financial resources toward the fostering of
27 economic development through the stimulation of investment and job
28 opportunities and the retention of sustainable existing employment for
29 the general welfare of the inhabitants of the state. Reducing
30 unemployment and reducing the time citizens remain jobless is important
31 for the economic welfare of the state. A valuable means of fostering
32 economic development is the construction of public facilities which
33 contribute to the stability and growth of the state's economic base.
34 Strengthening the economic base through issuance of industrial
35 development bonds, whether single or umbrella, further serves to reduce
36 unemployment. Consolidating issues of industrial development bonds
37 when feasible to reduce costs additionally advances the state's purpose

1 to improve economic vitality. Expenditures made for these purposes as
2 authorized in this chapter are declared to be in the public interest,
3 and constitute a proper use of public funds. A community economic
4 revitalization board is needed which shall aid the development of
5 economic opportunities. The general objectives of the board should
6 include:

7 (a) Strengthening the economies of areas of the state which have
8 experienced or are expected to experience chronically high unemployment
9 rates or below average growth in their economies;

10 (b) Encouraging the diversification of the economies of the state
11 and regions within the state in order to provide greater seasonal and
12 cyclical stability of income and employment;

13 (c) Encouraging wider access to financial resources for both large
14 and small industrial development projects;

15 (d) Encouraging new economic development or expansions to maximize
16 employment;

17 (e) Encouraging the retention of viable existing firms and
18 employment; and

19 (f) Providing incentives for expansion of employment opportunities
20 for groups of state residents that have been less successful relative
21 to other groups in efforts to gain permanent employment.

22 (2) The legislature also finds that the state's economic
23 development efforts can be enhanced by, in certain instances, providing
24 funds to improve state highways, county roads, or city streets for
25 industries considering locating or expanding in this state.

26 (a) The legislature finds it desirable to provide a process whereby
27 the need for diverse public works improvements necessitated by planned
28 economic development can be addressed in a timely fashion and with
29 coordination among all responsible governmental entities.

30 (b) Transportation improvements on state highways that have been
31 approved by the community economic revitalization board must be
32 approved by the legislative transportation (~~commission~~) committee in
33 accordance with the procedures established by RCW 43.160.074 and
34 47.01.280 to receive funding.

35 (3) The legislature also finds that the state's economic
36 development efforts can be enhanced by, in certain instances, providing
37 funds to assist development of telecommunications infrastructure that

1 supports business development, retention, and expansion in rural
2 natural resources impact areas and rural counties of the state.

3 (4) The legislature also finds that the state's economic
4 development efforts can be enhanced by providing funds to improve
5 markets for those recyclable materials representing a large fraction of
6 the waste stream. The legislature finds that public facilities which
7 result in private construction of processing or remanufacturing
8 facilities for recyclable materials are eligible for consideration from
9 the board.

10 (5) The legislature finds that sharing economic growth statewide is
11 important to the welfare of the state. Rural counties and rural
12 natural resources impact areas do not share in the economic vitality of
13 the Puget Sound region. The ability of these communities to pursue
14 business and job retention, expansion, and development opportunities
15 depends on their capacity to ready necessary economic development
16 project plans, sites, permits, and infrastructure for private
17 investments. Project-specific planning, predevelopment, and
18 infrastructure are critical ingredients for economic development.
19 Rural counties and rural natural resources impact areas generally lack
20 these necessary tools and resources to diversify and revitalize their
21 economies. It is, therefore, the intent of the legislature to increase
22 the amount of funding available through the community economic
23 revitalization board for rural counties and rural natural resources
24 impact areas, and to authorize flexibility for available resources in
25 these areas to help fund planning, predevelopment, and construction
26 costs of infrastructure and facilities and sites that foster economic
27 vitality and diversification.

28 **Sec. 10.** RCW 43.160.074 and 1985 c 433 s 5 are each amended to
29 read as follows:

30 (1) An application to the board from a political subdivision may
31 also include a request for improvements to an existing state highway or
32 highways. The application is subject to all of the applicable criteria
33 relative to qualifying types of development set forth in this chapter,
34 as well as procedures and criteria established by the board.

35 (2) Before board consideration of an application from a political
36 subdivision that includes a request for improvements to an existing

1 state highway or highways, the application shall be forwarded by the
2 board to the legislative transportation (~~(commission)~~) committee.

3 (3) The board may not make its final determination on any
4 application made under subsection (1) of this section before receiving
5 approval, as submitted or amended or disapproval from the legislative
6 transportation (~~(commission)~~) committee as specified in RCW 47.01.280.
7 Notwithstanding its disposition of the remainder of any such
8 application, the board may not approve a request for improvements to an
9 existing state highway or highways without the approval as submitted or
10 amended of the legislative transportation (~~(commission)~~) committee as
11 specified in RCW 47.01.280.

12 (4) The board shall notify the legislative transportation
13 (~~(commission)~~) committee of its decision regarding any application made
14 under this section.

15 **Sec. 11.** RCW 46.44.080 and 1977 ex.s. c 151 s 29 are each amended
16 to read as follows:

17 Local authorities with respect to public highways under their
18 jurisdiction may prohibit the operation thereon of motor trucks or
19 other vehicles or may impose limits as to the weight thereof, or any
20 other restrictions as may be deemed necessary, whenever any such public
21 highway by reason of rain, snow, climatic or other conditions, will be
22 seriously damaged or destroyed unless the operation of vehicles thereon
23 be prohibited or restricted or the permissible weights thereof reduced:
24 PROVIDED, That whenever a highway has been closed generally to vehicles
25 or specified classes of vehicles, local authorities shall by general
26 rule or by special permit authorize the operation thereon of school
27 buses, emergency vehicles, and motor trucks transporting perishable
28 commodities or commodities necessary for the health and welfare of
29 local residents under such weight and speed restrictions as the local
30 authorities deem necessary to protect the highway from undue damage:
31 PROVIDED FURTHER, That the governing authorities of incorporated cities
32 and towns shall not prohibit the use of any city street designated by
33 the legislative transportation (~~(commission)~~) committee as forming a
34 part of the route of any primary state highway through any such
35 incorporated city or town by vehicles or any class of vehicles or
36 impose any restrictions or reductions in permissible weights unless

1 such restriction, limitation, or prohibition, or reduction in
2 permissible weights be first approved in writing by the department of
3 transportation.

4 The local authorities imposing any such restrictions or
5 limitations, or prohibiting any use or reducing the permissible weights
6 shall do so by proper ordinance or resolution and shall erect or cause
7 to be erected and maintained signs designating the provisions of the
8 ordinance or resolution in each end of the portion of any public
9 highway affected thereby, and no such ordinance or resolution shall be
10 effective unless and until such signs are erected and maintained.

11 The department shall have the same authority as hereinabove granted
12 to local authorities to prohibit or restrict the operation of vehicles
13 upon state highways. The department shall give public notice of
14 closure or restriction. The department may issue special permits for
15 the operation of school buses and motor trucks transporting perishable
16 commodities or commodities necessary for the health and welfare of
17 local residents under specified weight and speed restrictions as may be
18 necessary to protect any state highway from undue damage.

19 **Sec. 12.** RCW 46.61.450 and 1977 ex.s. c 151 s 39 are each amended
20 to read as follows:

21 It shall be unlawful for any person to operate a vehicle or any
22 combination of vehicles over any bridge or other elevated structure or
23 through any tunnel or underpass constituting a part of any public
24 highway at a rate of speed or with a gross weight or of a size which is
25 greater at any time than the maximum speed or maximum weight or size
26 which can be maintained or carried with safety over any such bridge or
27 structure or through any such tunnel or underpass when such bridge,
28 structure, tunnel, or underpass is sign posted as hereinafter provided.
29 The secretary of transportation, if it be a bridge, structure, tunnel,
30 or underpass upon a state highway, or the governing body or authorities
31 of any county, city, or town, if it be upon roads or streets under
32 their jurisdiction, may restrict the speed which may be maintained or
33 the gross weight or size which may be operated upon or over any such
34 bridge or elevated structure or through any such tunnel or underpass
35 with safety thereto. The secretary or the governing body or
36 authorities of any county, city, or town having jurisdiction shall
37 determine and declare the maximum speed or maximum gross weight or size

1 which such bridge, elevated structure, tunnel, or underpass can
2 withstand or accommodate and shall cause suitable signs stating such
3 maximum speed or maximum gross weight, or size, or either, to be
4 erected and maintained on the right hand side of such highway, road, or
5 street and at a distance of not less than one hundred feet from each
6 end of such bridge, structure, tunnel, or underpass and on the approach
7 thereto: PROVIDED, That in the event that any such bridge, elevated
8 structure, tunnel, or underpass is upon a city street designated by the
9 legislative transportation (~~commission~~) committee as forming a part
10 of the route of any state highway through any such incorporated city or
11 town the determination of any maximum speed or maximum gross weight or
12 size which such bridge, elevated structure, tunnel, or underpass can
13 withstand or accommodate shall not be enforceable at any speed, weight,
14 or size less than the maximum allowed by law, unless with the approval
15 in writing of the secretary. Upon the trial of any person charged with
16 a violation of this section, proof of either violation of maximum speed
17 or maximum weight, or size, or either, and the distance and location of
18 such signs as are required, shall constitute conclusive evidence of the
19 maximum speed or maximum weight, or size, or either, which can be
20 maintained or carried with safety over such bridge or elevated
21 structure or through such tunnel or underpass.

22 **Sec. 13.** RCW 47.01.012 and 2002 c 5 s 101 are each amended to read
23 as follows:

24 It is the intent of the legislature to establish policy goals for
25 the operation, performance of, and investment in, the state's
26 transportation system. The policy goals shall consist of, but not be
27 limited to, the following benchmark categories, adopted by the state's
28 Blue Ribbon Commission on Transportation on November 30, 2000. In
29 addition to improving safety, public investments in transportation
30 shall support achievement of these and other priority goals:

31 No interstate highways, state routes, and local arterials shall be
32 in poor condition; no bridges shall be structurally deficient, and
33 safety retrofits shall be performed on those state bridges at the
34 highest seismic risk levels; traffic congestion on urban state highways
35 shall be significantly reduced and be no worse than the national mean;
36 delay per driver shall be significantly reduced and no worse than the
37 national mean; per capita vehicle miles traveled shall be maintained at

1 2000 levels; the nonauto share of commuter trips shall be increased in
2 urban areas; administrative costs as a percentage of transportation
3 spending shall achieve the most efficient quartile nationally; and the
4 state's public transit agencies shall achieve the median cost per
5 vehicle revenue hour of peer transit agencies, adjusting for the
6 regional cost-of-living.

7 These policy goals shall be the basis for establishment of detailed
8 and measurable performance benchmarks.

9 It is the intent of the legislature that the legislative
10 transportation (~~(commission)~~) committee establish performance measures
11 to ensure transportation system performance at local, regional, and
12 state government levels, and the legislative transportation
13 (~~(commission)~~) committee should work with appropriate government
14 entities to accomplish this.

15 If House Bill No. 1120 or a similar bill creating citizen oversight
16 of the transportation performance benchmarks becomes law, the
17 legislative transportation committee shall work in conjunction with the
18 citizen oversight panel to monitor the attainment of transportation
19 performance benchmarks.

20 **Sec. 14.** RCW 47.01.071 and 1981 c 59 s 2 are each amended to read
21 as follows:

22 The legislative transportation (~~(commission shall have)~~) committee
23 has the following functions, powers, and duties:

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

34 (a) Develop transportation policies which are based on the
35 policies, goals, and objectives expressed and inherent in existing
36 state laws;

1 (b) Inventory the adopted policies, goals, and objectives of the
2 local and area-wide governmental bodies of the state and define the
3 role of the state, regional, and local governments in determining
4 transportation policies, in transportation planning, and in
5 implementing the state transportation plan;

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

11 (d) Establish a procedure for review and revision of the state
12 transportation policy and for submission of proposed changes to the
13 legislature;

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

17 (2) To establish the policy of the department to be followed by the
18 secretary on each of the following items:

19 (a) To provide for the effective coordination of state
20 transportation planning with national transportation policy, state and
21 local land use policies, and local and regional transportation plans
22 and programs;

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

27 (c) To provide for the administration of grants in aid and other
28 financial assistance to counties and municipal corporations for
29 transportation purposes;

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

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

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

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

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

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

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

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

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

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

37 ((10)) (6) To exercise such other specific powers and duties as

1 may be vested in the (~~transportation commission~~) committee by this or
2 any other provision of law.

3 **Sec. 15.** RCW 47.01.250 and 1998 c 245 s 92 are each amended to
4 read as follows:

5 The chief of the Washington state patrol, the director of the
6 traffic safety commission, the executive director of the county road
7 administration board, and the director of licensing are designated as
8 official consultants to the legislative transportation (~~commission~~)
9 committee so that the goals and activities of their respective agencies
10 which relate to transportation are fully coordinated with other related
11 responsibilities of the department of transportation. In this
12 capacity, the chief of the Washington state patrol, the director of the
13 traffic safety commission, the executive director of the county road
14 administration board, and the director of licensing shall consult with
15 the legislative transportation (~~commission~~) committee and the
16 secretary of transportation on the implications and impacts on the
17 transportation related functions and duties of their respective
18 agencies of any proposed comprehensive transportation plan, program, or
19 policy.

20 In order to develop fully integrated, balanced, and coordinated
21 transportation plans, programs, and budgets the chief of the Washington
22 state patrol, the director of the traffic safety commission, the
23 executive director of the county road administration board, and the
24 director of licensing shall consult with the secretary of
25 transportation on the matter of relative priorities during the
26 development of their respective agencies' plans, programs, and budgets
27 as they pertain to transportation activities.

28 **Sec. 16.** RCW 47.01.280 and 1999 c 94 s 10 are each amended to read
29 as follows:

30 (1) Upon receiving an application for improvements to an existing
31 state highway or highways pursuant to RCW 43.160.074 from the community
32 economic revitalization board, the legislative transportation
33 (~~commission~~) committee shall, in a timely manner, determine whether
34 or not the proposed state highway improvements:

35 (a) Meet the safety and design criteria of the department of
36 transportation;

- 1 (b) Will impair the operational integrity of the existing highway
- 2 system;
- 3 (c) Will affect any other improvements planned by the department;
- 4 and
- 5 (d) Will be consistent with its policies developed pursuant to RCW
- 6 47.01.071.

7 (2) Upon completion of its determination of the factors contained
8 in subsection (1) of this section and any other factors it deems
9 pertinent, the ~~((transportation commission))~~ committee shall forward
10 its approval, as submitted or amended or disapproval of the proposed
11 improvements to the board, along with any recommendation it may wish to
12 make concerning the desirability and feasibility of the proposed
13 development. If the ~~((transportation commission))~~ committee
14 disapproves any proposed improvements, it shall specify its reasons for
15 disapproval.

16 (3) Upon notification from the board of an application's approval
17 pursuant to RCW 43.160.074, the ~~((transportation commission))~~
18 department shall ~~((direct the department of transportation to))~~ carry
19 out the improvements in coordination with the applicant.

20 (4) The ~~((transportation commission))~~ department shall notify the
21 ~~((legislative))~~ house and senate standing committees on transportation
22 ~~((committee))~~ of all state highway improvements to be carried out
23 pursuant to RCW 43.160.074 and this section.

24 **Sec. 17.** RCW 47.05.021 and 2002 c 56 s 301 are each amended to
25 read as follows:

26 (1) The ~~((transportation commission is hereby directed to))~~
27 department shall conduct periodic analyses of the entire state highway
28 system, report thereon to the chairs of the transportation committees
29 of the senate and house of representatives, including one copy to the
30 staff of each of the committees, biennially and based thereon, ~~((to))~~
31 subdivide, classify, and subclassify according to their function and
32 importance all designated state highways and those added from time to
33 time and periodically review and revise the classifications into the
34 following three functional classes:

35 (a) The "principal arterial system" shall consist of a connected
36 network of rural arterial routes with appropriate extensions into and
37 through urban areas, including all routes designated as part of the

1 interstate system, which serve corridor movements having travel
2 characteristics indicative of substantial statewide and interstate
3 travel;

4 (b) The "minor arterial system" shall, in conjunction with the
5 principal arterial system, form a rural network of arterial routes
6 linking cities and other activity centers which generate long distance
7 travel, and, with appropriate extensions into and through urban areas,
8 form an integrated network providing interstate and interregional
9 service; and

10 (c) The "collector system" shall consist of routes which primarily
11 serve the more important intercounty, intracounty, and intraurban
12 travel corridors, collect traffic from the system of local access roads
13 and convey it to the arterial system, and on which, regardless of
14 traffic volume, the predominant travel distances are shorter than on
15 arterial routes.

16 (2) In making the functional classification the (~~transportation~~
17 ~~commission~~) department shall adopt and give consideration to criteria
18 consistent with this section and federal regulations relating to the
19 functional classification of highways, including but not limited to the
20 following:

21 (a) Urban population centers within and without the state
22 stratified and ranked according to size;

23 (b) Important traffic generating economic activities, including but
24 not limited to recreation, agriculture, government, business, and
25 industry;

26 (c) Feasibility of the route, including availability of alternate
27 routes within and without the state;

28 (d) Directness of travel and distance between points of economic
29 importance;

30 (e) Length of trips;

31 (f) Character and volume of traffic;

32 (g) Preferential consideration for multiple service which shall
33 include public transportation;

34 (h) Reasonable spacing depending upon population density; and

35 (i) System continuity.

36 (3) The (~~transportation commission or the~~) legislature shall
37 designate state highways of statewide significance under RCW 47.06.140.

38 (~~If the commission designates a state highway of statewide~~

1 ~~significance, it shall submit a list of such facilities for adoption by~~
2 ~~the legislature.))~~ This statewide system shall include at a minimum
3 interstate highways and other statewide principal arterials that are
4 needed to connect major communities across the state and support the
5 state's economy.

6 (4) The legislative transportation (~~(commission)~~) committee shall
7 designate a freight and goods transportation system. This statewide
8 system shall include state highways, county roads, and city streets.
9 The (~~(commission)~~) committee, in cooperation with cities and counties,
10 shall review and make recommendations to the legislature regarding
11 policies governing weight restrictions and road closures which affect
12 the transportation of freight and goods.

13 **Sec. 18.** RCW 47.05.030 and 2002 c 5 s 402 are each amended to read
14 as follows:

15 The legislative transportation (~~(commission)~~) committee shall adopt
16 a comprehensive six-year investment program specifying program
17 objectives and performance measures for the preservation and
18 improvement programs defined in this section. In the specification of
19 investment program objectives and performance measures, the legislative
20 transportation (~~(commission, in consultation with the Washington state~~
21 ~~department of transportation,)~~) committee shall define and adopt
22 standards for effective programming and prioritization practices
23 including a needs analysis process. The analysis process must ensure
24 the identification of problems and deficiencies, the evaluation of
25 alternative solutions and trade-offs, and estimations of the costs and
26 benefits of prospective projects. The investment program must be
27 revised biennially, effective on July 1st of odd-numbered years. The
28 investment program must be based upon the needs identified in the
29 state-owned highway component of the statewide transportation plan as
30 defined in RCW 47.01.071(3).

31 (1) The preservation program consists of those investments
32 necessary to preserve the existing state highway system and to restore
33 existing safety features, giving consideration to lowest life cycle
34 costing. The preservation program must require use of the most cost-
35 effective pavement surfaces, considering:

- 36 (a) Life-cycle cost analysis;
- 37 (b) Traffic volume;

- 1 (c) Subgrade soil conditions;
- 2 (d) Environmental and weather conditions;
- 3 (e) Materials available; and
- 4 (f) Construction factors.

5 The comprehensive six-year investment program for preservation must
6 identify projects for two years and an investment plan for the
7 remaining four years.

8 (2) The improvement program consists of investments needed to
9 address identified deficiencies on the state highway system to increase
10 mobility, address congestion, and improve safety, support for the
11 economy, and protection of the environment. The six-year investment
12 program for improvements must identify projects for two years and major
13 deficiencies proposed to be addressed in the six-year period giving
14 consideration to relative benefits and life cycle costing. The
15 legislative transportation (~~(commission)~~) committee shall give higher
16 priority for correcting identified deficiencies on those facilities
17 classified as facilities of statewide significance as defined in RCW
18 47.06.140. Project prioritization must be based primarily upon cost-
19 benefit analysis, where appropriate.

20 The legislative transportation (~~(commission)~~) committee shall
21 approve and present the comprehensive six-year investment program to
22 the legislature in support of the biennial budget request under RCW
23 44.40.070 and 44.40.080.

24 **Sec. 19.** RCW 47.05.035 and 2002 c 5 s 403 are each amended to read
25 as follows:

26 (1) The department (~~(and the commission)~~) shall use the
27 transportation demand modeling tools developed under subsection (2) of
28 this section to evaluate investments based on the best mode or
29 improvement, or mix of modes and improvements, to meet current and
30 future long-term demand within a corridor or system for the lowest
31 cost. The end result of these demand modeling tools is to provide a
32 cost-benefit analysis by which the department (~~(and the commission)~~)
33 can determine the relative mobility improvement and congestion relief
34 each mode or improvement under consideration will provide and the
35 relative investment each mode or improvement under consideration will
36 need to achieve that relief. The department must forward the results

1 of its analysis to the legislative transportation committee for
2 approval.

3 (2) The department will participate in the refinement, enhancement,
4 and application of existing transportation demand modeling tools to be
5 used to evaluate investments. This participation and use of
6 transportation demand modeling tools will be phased in.

7 (3) In developing program objectives and performance measures, the
8 legislative transportation ((commission)) committee shall evaluate
9 investment trade-offs between the preservation and improvement
10 programs. In making these investment trade-offs, the ((commission))
11 committee shall evaluate, using cost-benefit techniques, roadway and
12 bridge maintenance activities as compared to roadway and bridge
13 preservation program activities and adjust those programs accordingly.

14 (4) The ((commission)) legislative transportation committee shall
15 allocate the estimated revenue between preservation and improvement
16 programs giving primary consideration to the following factors:

17 (a) The relative needs in each of the programs and the system
18 performance levels that can be achieved by meeting these needs;

19 (b) The need to provide adequate funding for preservation to
20 protect the state's investment in its existing highway system;

21 (c) The continuity of future transportation development with those
22 improvements previously programmed; and

23 (d) The availability of dedicated funds for a specific type of
24 work.

25 **Sec. 20.** RCW 47.05.051 and 2002 c 189 s 3 are each amended to read
26 as follows:

27 (1) The comprehensive six-year investment program shall be based
28 upon the needs identified in the state-owned highway component of the
29 statewide multimodal transportation plan as defined in RCW 47.01.071(3)
30 and priority selection systems that incorporate the following criteria:

31 (a) Priority programming for the preservation program shall take
32 into account the following, not necessarily in order of importance:

33 (i) Extending the service life of the existing highway system,
34 including using the most cost-effective pavement surfaces, considering:

35 (A) Life-cycle cost analysis;

36 (B) Traffic volume;

37 (C) Subgrade soil conditions;

1 (D) Environmental and weather conditions;
2 (E) Materials available; and
3 (F) Construction factors;
4 (ii) Ensuring the structural ability to carry loads imposed upon
5 highways and bridges; and
6 (iii) Minimizing life cycle costs. The legislative transportation
7 (~~commission~~) committee in carrying out the provisions of this section
8 may delegate to the department of transportation the authority to
9 select preservation projects to be included in the six-year program.

10 (b) Priority programming for the improvement program must be based
11 primarily upon the following, not necessarily in order of importance:
12 (i) Traffic congestion, delay, and accidents;
13 (ii) Location within a heavily traveled transportation corridor;
14 (iii) Except for projects in cities having a population of less
15 than five thousand persons, synchronization with other potential
16 transportation projects, including transit and multimodal projects,
17 within the heavily traveled corridor; and
18 (iv) Use of benefit/cost analysis wherever feasible to determine
19 the value of the proposed project.

20 (c) Priority programming for the improvement program may also take
21 into account:
22 (i) Support for the state's economy, including job creation and job
23 preservation;
24 (ii) The cost-effective movement of people and goods;
25 (iii) Accident and accident risk reduction;
26 (iv) Protection of the state's natural environment;
27 (v) Continuity and systematic development of the highway
28 transportation network;
29 (vi) Consistency with local comprehensive plans developed under
30 chapter 36.70A RCW including the following if they have been included
31 in the comprehensive plan:
32 (A) Support for development in and revitalization of existing
33 downtowns;
34 (B) Extent that development implements local comprehensive plans
35 for rural and urban residential and nonresidential densities;
36 (C) Extent of compact, transit-oriented development for rural and
37 urban residential and nonresidential densities;
38 (D) Opportunities for multimodal transportation; and

1 (E) Extent to which the project accommodates planned growth and
2 economic development;

3 (vii) Consistency with regional transportation plans developed
4 under chapter 47.80 RCW;

5 (viii) Public views concerning proposed improvements;

6 (ix) The conservation of energy resources;

7 (x) Feasibility of financing the full proposed improvement;

8 (xi) Commitments established in previous legislative sessions;

9 (xii) Relative costs and benefits of candidate programs.

10 (d) Major projects addressing capacity deficiencies which
11 prioritize allowing for preliminary engineering shall be reprioritized
12 during the succeeding biennium, based upon updated project data.
13 Reprioritized projects may be delayed or canceled by the legislative
14 transportation (~~commission~~) committee if higher priority projects are
15 awaiting funding.

16 (e) Major project approvals which significantly increase a
17 project's scope or cost from original prioritization estimates shall
18 include a review of the project's estimated revised priority rank and
19 the level of funding provided. Projects may be delayed or canceled by
20 the legislative transportation (~~commission~~) committee if higher
21 priority projects are awaiting funding.

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

36 (3) The (~~commission~~) committee shall identify those projects that
37 yield freight mobility benefits or that alleviate the impacts of
38 freight mobility upon affected communities.

1 **Sec. 21.** RCW 47.06.030 and 1997 c 369 s 8 are each amended to read
2 as follows:

3 The (~~commission~~) legislative transportation committee shall
4 develop a state transportation policy plan that (1) establishes a
5 vision and goals for the development of the statewide transportation
6 system consistent with the state's growth management goals, (2)
7 identifies significant statewide transportation policy issues, and (3)
8 recommends statewide transportation policies and strategies to the
9 legislature to fulfill the requirements of RCW 47.01.071(1). The state
10 transportation policy plan shall be the product of an ongoing process
11 that involves representatives of significant transportation interests
12 and the general public from across the state. The plan shall address
13 how the department of transportation will meet the transportation needs
14 and expedite the completion of industrial projects of statewide
15 significance.

16 **Sec. 22.** RCW 47.06.050 and 2002 c 5 s 413 are each amended to read
17 as follows:

18 The state-owned facilities component of the statewide
19 transportation plan shall consist of:

20 (1) The state highway system plan, which identifies program and
21 financing needs and recommends specific and financially realistic
22 improvements to preserve the structural integrity of the state highway
23 system, ensure acceptable operating conditions, and provide for
24 enhanced access to scenic, recreational, and cultural resources. The
25 state highway system plan shall contain the following elements:

26 (a) A system preservation element, which shall establish structural
27 preservation objectives for the state highway system including bridges,
28 identify current and future structural deficiencies based upon analysis
29 of current conditions and projected future deterioration, and recommend
30 program funding levels and specific actions necessary to preserve the
31 structural integrity of the state highway system consistent with
32 adopted objectives. Lowest life cycle cost methodologies must be used
33 in developing a pavement management system. This element shall serve
34 as the basis for the preservation component of the six-year highway
35 program and the two-year biennial budget request to the legislature;

36 (b) A highway maintenance element, establishing service levels for
37 highway maintenance on state-owned highways that meet benchmarks

1 established by the legislative transportation (~~commission~~) committee.
2 The highway maintenance element must include an estimate of costs for
3 achieving those service levels over twenty years. This element will
4 serve as the basis for the maintenance component of the six-year
5 highway program and the two-year biennial budget request to the
6 legislature;

7 (c) A capacity and operational improvement element, which shall
8 establish operational objectives, including safety considerations, for
9 moving people and goods on the state highway system, identify current
10 and future capacity, operational, and safety deficiencies, and
11 recommend program funding levels and specific improvements and
12 strategies necessary to achieve the operational objectives. In
13 developing capacity and operational improvement plans the department
14 shall first assess strategies to enhance the operational efficiency of
15 the existing system before recommending system expansion. Strategies
16 to enhance the operational efficiencies include but are not limited to
17 access management, transportation system management, demand management,
18 and high-occupancy vehicle facilities. The capacity and operational
19 improvement element must conform to the state implementation plan for
20 air quality and be consistent with regional transportation plans
21 adopted under chapter 47.80 RCW, and shall serve as the basis for the
22 capacity and operational improvement portions of the six-year highway
23 program and the two-year biennial budget request to the legislature;

24 (d) A scenic and recreational highways element, which shall
25 identify and recommend designation of scenic and recreational highways,
26 provide for enhanced access to scenic, recreational, and cultural
27 resources associated with designated routes, and recommend a variety of
28 management strategies to protect, preserve, and enhance these
29 resources. The department, affected counties, cities, and towns,
30 regional transportation planning organizations, and other state or
31 federal agencies shall jointly develop this element;

32 (e) A paths and trails element, which shall identify the needs of
33 nonmotorized transportation modes on the state transportation systems
34 and provide the basis for the investment of state transportation funds
35 in paths and trails, including funding provided under chapter 47.30
36 RCW.

37 (2) The state ferry system plan, which shall guide capital and
38 operating investments in the state ferry system. The plan shall

1 establish service objectives for state ferry routes, forecast travel
2 demand for the various markets served in the system, develop strategies
3 for ferry system investment that consider regional and statewide
4 vehicle and passenger needs, support local land use plans, and assure
5 that ferry services are fully integrated with other transportation
6 services. The plan must provide for maintenance of capital assets.
7 The plan must also provide for preservation of capital assets based on
8 lowest life cycle cost methodologies. The plan shall assess the role
9 of private ferries operating under the authority of the utilities and
10 transportation commission and shall coordinate ferry system capital and
11 operational plans with these private operations. The ferry system plan
12 must be consistent with the regional transportation plans for areas
13 served by the state ferry system, and shall be developed in conjunction
14 with the ferry advisory committees.

15 **Sec. 23.** RCW 47.12.242 and 1991 c 291 s 1 are each amended to read
16 as follows:

17 The term "advance right of way acquisition" means the acquisition
18 of property and property rights, generally not more than ten years in
19 advance of programmed highway construction projects, together with the
20 engineering costs necessary for such advance right of way acquisition.
21 Any property or property rights purchased must be in designated highway
22 transportation corridors and be for projects approved by the
23 (~~commission~~) committee as part of the state's six-year plan or
24 included in the state's route development planning effort.

25 **Sec. 24.** RCW 47.12.330 and 1998 c 181 s 2 are each amended to read
26 as follows:

27 For the purpose of environmental mitigation of transportation
28 projects, the department may acquire or develop, or both acquire and
29 develop, environmental mitigation sites in advance of the construction
30 of programmed projects. The term "advanced environmental mitigation"
31 means mitigation of adverse impacts upon the environment from
32 transportation projects before their design and construction. Advanced
33 environmental mitigation consists of the acquisition of property; the
34 acquisition of property, water, or air rights; the development of
35 property for the purposes of improved environmental management;
36 engineering costs necessary for such purchase and development; and the

1 use of advanced environmental mitigation sites to fulfill project
2 environmental permit requirements. Advanced environmental mitigation
3 must be conducted in a manner that is consistent with the definition of
4 mitigation found in the council of environmental quality regulations
5 (40 C.F.R. Sec. 1508.20) and the governor's executive order on wetlands
6 (EO 90-04). Advanced environmental mitigation is for projects approved
7 by the (~~transportation commission~~) committee as part of the state's
8 six-year plan or included in the state highway system plan. Advanced
9 environmental mitigation must give consideration to activities related
10 to fish passage, fish habitat, wetlands, and flood management.
11 Advanced environmental mitigation may also be conducted in partnership
12 with federal, state, or local government agencies, tribal governments,
13 interest groups, or private parties. Partnership arrangements may
14 include joint acquisition and development of mitigation sites,
15 purchasing and selling mitigation bank credits among participants, and
16 transfer of mitigation site title from one party to another. Specific
17 conditions of partnership arrangements will be developed in written
18 agreements for each applicable environmental mitigation site.

19 **Sec. 25.** RCW 47.24.010 and 1998 c 245 s 97 are each amended to
20 read as follows:

21 The (~~transportation commission~~) committee shall determine what
22 streets, together with bridges thereon and wharves necessary for use
23 for ferriage of motor vehicle traffic in connection with such streets,
24 if any, in any incorporated cities and towns shall form a part of the
25 route of state highways and between the first and fifteenth days of
26 July of any year the department of transportation shall identify by
27 brief description, the streets, together with the bridges thereon and
28 wharves, if any, in such city or town which are designated as forming
29 a part of the route of any state highway; and all such streets,
30 including curbs and gutters and street intersections and such bridges
31 and wharves, shall thereafter be a part of the state highway system and
32 as such shall be constructed and maintained by the department of
33 transportation from any state funds available therefor: PROVIDED, That
34 the responsibility for the construction and maintenance of any such
35 street together with its appurtenances may be returned to a city or a
36 town upon certification by the department of transportation to the
37 clerk of any city or town that such street, or portion thereof, is no

1 longer required as a part of the state highway system: PROVIDED
2 FURTHER, That any such certification that a street, or portion thereof,
3 is no longer required as a part of the state highway system shall be
4 made between the first and fifteenth of July following the
5 determination by the department that such street or portion thereof is
6 no longer required as a part of the state highway system, but this
7 shall not prevent the department and any city or town from entering
8 into an agreement that a city or town will accept responsibility for
9 such a street or portion thereof at some time other than between the
10 first and fifteenth of July of any year.

11 **Sec. 26.** RCW 47.26.170 and 1994 c 179 s 16 are each amended to
12 read as follows:

13 Each county having within its boundaries an urban area and cities
14 and towns shall prepare and submit to the transportation improvement
15 board arterial inventory data required to determine the long-range
16 arterial construction needs. The counties, cities, and towns shall
17 revise the arterial inventory data every four years to show the current
18 arterial construction needs through the advanced planning period, and
19 as revised shall submit them to the transportation improvement board
20 during the first week of January every four years beginning in 1996.
21 The inventory data shall be prepared pursuant to guidelines established
22 by the transportation improvement board. As information is updated, it
23 shall be made available to the (~~commission and the~~) legislative
24 transportation committee.

25 **Sec. 27.** RCW 47.28.010 and 1977 ex.s. c 151 s 59 are each amended
26 to read as follows:

27 Whenever the general route of any state highway shall be designated
28 and laid out as running to or by way of certain designated points,
29 without specifying the particular route to be followed to or by way of
30 such points, the (~~transportation commission~~) committee shall
31 determine the particular route to be followed by said state highway to
32 or by way of said designated points, and shall be at liberty to select
33 and adopt as a part of such state highway, the whole or any part of any
34 existing public highway previously designated as a county road, primary
35 road, or secondary road or now or hereafter classified as a county
36 road. The (~~commission~~) committee need not select and adopt the

1 entire routes for such state highways at one time, but may select and
2 adopt parts of such routes from time to time as it deems advisable.
3 Where a state highway is designated as passing by way of a certain
4 point, this shall not require the (~~commission~~) committee to cause
5 such state highway to pass through or touch such point but such
6 designation is directional only and may be complied with by location in
7 the general vicinity. The department of transportation is empowered to
8 construct as a part of any state highway as designated and in addition
9 to any portion meeting the limits of any incorporated city or town a
10 bypass section either through or around any such incorporated city or
11 town.

12 **Sec. 28.** RCW 47.80.060 and 1992 c 101 s 31 are each amended to
13 read as follows:

14 In order to qualify for state planning funds available to regional
15 transportation planning organizations, the regional transportation
16 planning organizations containing any county with a population in
17 excess of one million shall provide voting membership on its executive
18 board to the (~~state~~) legislative transportation (~~commission~~)
19 committee, the state department of transportation, and the three
20 largest public port districts within the region as determined by gross
21 operating revenues. It shall further assure that at least fifty
22 percent of the county and city local elected officials who serve on the
23 executive board also serve on transit agency boards or on a regional
24 transit authority.

25 **PART III**
26 **TRANSFERRING POWERS OF THE TRANSPORTATION COMMISSION TO**
27 **THE DEPARTMENT OF TRANSPORTATION**

28 NEW SECTION. **Sec. 29.** A new section is added to chapter 47.01 RCW
29 to read as follows:

30 The secretary of transportation has the following powers and
31 duties:

32 (1) Propose to the governor and to the legislature before the
33 convening of each regular session during an odd-numbered year a
34 recommended budget for the operation of the department and for carrying
35 out the program of the department for the ensuing biennium. The

1 proposed budget must separately state the appropriations to be made
2 from the motor vehicle fund for highway purposes in accordance with
3 constitutional limitations and appropriations and expenditures to be
4 made from the general fund, or accounts thereof, and other available
5 sources for other operations and programs of the department;

6 (2) Review and authorize all departmental requests for legislation;

7 (3) Approve the issuance and sale of all bonds authorized by the
8 legislature for capital construction of state highways, toll
9 facilities, Columbia Basin county roads (for which reimbursement to the
10 motor vehicle fund has been provided), urban arterial projects, and
11 aviation facilities.

12 **Sec. 30.** RCW 36.79.010 and 1997 c 81 s 1 are each amended to read
13 as follows:

14 The definitions set forth in this section apply throughout this
15 chapter unless the context clearly requires otherwise.

16 (1) "Rural arterial program" means improvement projects on those
17 county roads in rural areas classified as rural arterials and
18 collectors in accordance with the federal functional classification
19 system and the construction of replacement bridges funded by the
20 federal bridge replacement program on access roads in rural areas.

21 (2) "Rural area" means every area of the state outside of areas
22 designated as urban areas by the state department of transportation
23 (~~(commission)~~) with the approval of the secretary of the United States
24 Department of Transportation in accordance with federal law.

25 (3) "Board" means the county road administration board created by
26 RCW 36.78.030.

27 **Sec. 31.** RCW 36.79.130 and 1983 1st ex.s. c 49 s 13 are each
28 amended to read as follows:

29 Not later than November 1st of each even-numbered year the board
30 shall prepare and present to the (~~(state)~~) legislative transportation
31 (~~(commission)~~) committee a recommended budget for expenditures from the
32 rural arterial trust account during the ensuing biennium. The budget
33 shall contain an estimate of the revenues to be credited to the rural
34 arterial trust account.

35 The (~~(state)~~) department of transportation (~~(commission)~~) shall
36 review the budget as recommended, revise the budget as it deems proper,

1 and include the budget as revised as a separate section of the
2 transportation budget which it shall submit to the governor pursuant to
3 chapter 43.88 RCW.

4 **Sec. 32.** RCW 36.120.050 and 2002 c 56 s 105 are each amended to
5 read as follows:

6 (1) A regional transportation investment district planning
7 committee may, as part of a regional transportation investment plan,
8 recommend the imposition of some or all of the following revenue
9 sources, which a regional transportation investment district may impose
10 upon approval of the voters as provided in this chapter:

11 (a) A regional sales and use tax, as specified in RCW 82.14.430, of
12 up to 0.5 percent of the selling price, in the case of a sales tax, or
13 value of the article used, in the case of a use tax, upon the
14 occurrence of any taxable event in the regional transportation
15 investment district;

16 (b) A local option vehicle license fee, as specified under RCW
17 82.80.100, of up to one hundred dollars per vehicle registered in the
18 district. As used in this subsection, "vehicle" means motor vehicle as
19 defined in RCW 46.04.320. Certain classes of vehicles, as defined
20 under chapter 46.04 RCW, may be exempted from this fee;

21 (c) A parking tax under RCW 82.80.030;

22 (d) A local motor vehicle excise tax under RCW 81.100.060 and
23 chapter 81.104 RCW;

24 (e) An employer excise tax under RCW 81.100.030; and

25 (f) Vehicle tolls on new or reconstructed facilities. Unless
26 otherwise specified by law, the department shall administer the
27 collection of vehicle tolls on designated facilities, and the ((state))
28 department of transportation ((commission)), or its successor, shall be
29 the tolling authority.

30 (2) Taxes, fees, and tolls may not be imposed without an
31 affirmative vote of the majority of the voters within the boundaries of
32 the district voting on a ballot proposition as set forth in RCW
33 36.120.070. Revenues from these taxes and fees may be used only to
34 implement the plan as set forth in this chapter. A district may
35 contract with the state department of revenue or other appropriate
36 entities for administration and collection of any of the taxes or fees
37 authorized in this section.

1 (3) Existing statewide motor vehicle fuel and special fuel taxes,
2 at the distribution rates in effect on January 1, 2001, are not
3 intended to be altered by this chapter.

4 **Sec. 33.** RCW 46.44.042 and 1996 c 116 s 1 are each amended to read
5 as follows:

6 Subject to the maximum gross weights specified in RCW 46.44.041, it
7 is unlawful to operate any vehicle upon the public highways with a
8 gross weight, including load, upon any tire concentrated upon the
9 surface of the highway in excess of six hundred pounds per inch width
10 of such tire. An axle manufactured after July 31, 1993, carrying more
11 than ten thousand pounds gross weight must be equipped with four or
12 more tires. Effective January 1, 1997, an axle carrying more than ten
13 thousand pounds gross weight must have four or more tires, regardless
14 of date of manufacture. Instead of the four or more tires per axle
15 requirements of this section, an axle may be equipped with two tires
16 limited to five hundred pounds per inch width of tire. This section
17 does not apply to vehicles operating under oversize or overweight
18 permits, or both, issued under RCW 46.44.090, while carrying a
19 nonreducible load.

20 The following equipment may operate at six hundred pounds per inch
21 width of tire: (1) A nonliftable steering axle or axles on the power
22 unit; (2) a tiller axle on fire fighting apparatus; (3) a rear booster
23 trailing axle equipped with two tires on a ready-mix concrete transit
24 truck; and (4) a straddle trailer manufactured before January 1, 1996,
25 equipped with single-tire axles or a single axle using a walking beam
26 supported by two in-line single tires and used exclusively for the
27 transport of fruit bins between field, storage, and processing. A
28 straddle trailer manufactured after January 1, 1996, meeting this use
29 criteria may carry five hundred fifteen pounds per inch width of tire
30 on sixteen and one-half inch wide tires.

31 For the purpose of this section, the width of tire in case of solid
32 rubber or hollow center cushion tires, so long as the use thereof may
33 be permitted by the law, shall be measured between the flanges of the
34 rim. For the purpose of this section, the width of tires in case of
35 pneumatic tires shall be the maximum overall normal inflated width as
36 stipulated by the manufacturer when inflated to the pressure specified
37 and without load thereon.

1 The department of transportation, under rules adopted by (~~the~~
2 ~~transportation commission~~) it with respect to state highways, and a
3 local authority, with respect to a public highway under its
4 jurisdiction, may extend the weight table in RCW 46.44.041 to one
5 hundred fifteen thousand pounds. However, the extension must be in
6 compliance with federal law, and vehicles operating under the extension
7 must be in full compliance with the 1997 axle and tire requirements
8 under this section.

9 **Sec. 34.** RCW 46.44.090 and 2001 c 262 s 1 are each amended to read
10 as follows:

11 The department of transportation, pursuant to rules adopted by
12 (~~the transportation commission~~) it with respect to state highways,
13 and local authorities, with respect to public highways under their
14 jurisdiction, may, upon application in writing and good cause being
15 shown therefor, issue a special permit in writing, or electronically,
16 authorizing the applicant to operate or move a vehicle or combination
17 of vehicles of a size, weight of vehicle, or load exceeding the maximum
18 set forth in RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, and
19 46.44.041 upon any public highway under the jurisdiction of the
20 authority granting such permit and for the maintenance of which such
21 authority is responsible.

22 **Sec. 35.** RCW 46.44.092 and 1989 c 398 s 2 are each amended to read
23 as follows:

24 Special permits may not be issued for movements on any state
25 highway outside the limits of any city or town in excess of the
26 following widths:

- 27 On two-lane highways, fourteen feet;
- 28 On multiple-lane highways where a physical barrier serving as a
29 median divider separates opposing traffic lanes, twenty feet;
- 30 On multiple-lane highways without a physical barrier serving as a
31 median divider, thirty-two feet.

32 These limits apply except under the following conditions:

- 33 (1) In the case of buildings, the limitations referred to in this
34 section for movement on any two lane state highway other than the
35 national system of interstate and defense highways may be exceeded
36 under the following conditions: (a) Controlled vehicular traffic shall

1 be maintained in one direction at all times; (b) the maximum distance
2 of movement shall not exceed five miles; additional contiguous permits
3 shall not be issued to exceed the five-mile limit: PROVIDED, That when
4 the department of transportation, pursuant to general rules adopted by
5 (~~the transportation commission~~) it, determines a hardship would
6 result, this limitation may be exceeded upon approval of the department
7 of transportation; (c) prior to issuing a permit a qualified
8 transportation department employee shall make a visual inspection of
9 the building and route involved determining that the conditions listed
10 herein shall be complied with and that structures or overhead
11 obstructions may be cleared or moved in order to maintain a constant
12 and uninterrupted movement of the building; (d) special escort or other
13 precautions may be imposed to assure movement is made under the safest
14 possible conditions, and the Washington state patrol shall be advised
15 when and where the movement is to be made;

16 (2) Permits may be issued for widths of vehicles in excess of the
17 preceding limitations on highways or sections of highways which have
18 been designed and constructed for width in excess of such limitations;

19 (3) Permits may be issued for vehicles with a total outside width,
20 including the load, of nine feet or less when the vehicle is equipped
21 with a mechanism designed to cover the load pursuant to RCW 46.61.655;

22 (4) These limitations may be rescinded when certification is made
23 by military officials, or by officials of public or private power
24 facilities, or when in the opinion of the department of transportation
25 the movement or action is a necessary movement or action: PROVIDED
26 FURTHER, That in the judgment of the department of transportation the
27 structures and highway surfaces on the routes involved are capable of
28 sustaining widths in excess of such limitation;

29 (5) These limitations shall not apply to movement during daylight
30 hours on any two lane state highway where the gross weight, including
31 load, does not exceed eighty thousand pounds and the overall width of
32 load does not exceed sixteen feet: PROVIDED, That the minimum and
33 maximum speed of such movements, prescribed routes of such movements,
34 the times of such movements, limitation upon frequency of trips (which
35 limitation shall be not less than one per week), and conditions to
36 assure safety of traffic may be prescribed by the department of
37 transportation or local authority issuing such special permit.

1 The applicant for any special permit shall specifically describe
2 the vehicle or vehicles and load to be operated or moved and the
3 particular state highways for which permit to operate is requested and
4 whether such permit is requested for a single trip or for continuous
5 operation.

6 **Sec. 36.** RCW 46.44.096 and 1996 c 92 s 1 are each amended to read
7 as follows:

8 In determining fees according to RCW 46.44.0941, mileage on state
9 primary and secondary highways shall be determined from the planning
10 survey records of the department of transportation, and the gross
11 weight of the vehicle or vehicles, including load, shall be declared by
12 the applicant. Overweight on which fees shall be paid will be gross
13 loadings in excess of loadings authorized by law or axle loadings in
14 excess of loadings authorized by law, whichever is the greater. Loads
15 which are overweight and oversize shall be charged the fee for the
16 overweight permit without additional fees being assessed for the
17 oversize features.

18 Special permits issued under RCW 46.44.047, 46.44.0941, or
19 46.44.095, may be obtained from offices of the department of
20 transportation, ports of entry, or other agents appointed by the
21 department.

22 The department may appoint agents for the purposes of selling
23 special motor vehicle permits, temporary additional tonnage permits,
24 and log tolerance permits. Agents so appointed may retain three
25 dollars and fifty cents for each permit sold to defray expenses
26 incurred in handling and selling the permits. If the fee is collected
27 by the department of transportation, the department shall certify the
28 fee so collected to the state treasurer for deposit to the credit of
29 the motor vehicle fund.

30 The department may select a third party contractor, by means of
31 competitive bid, to perform the department's permit issuance function,
32 as provided under RCW 46.44.090. Factors the department shall
33 consider, but is not limited to, in the selection of a third party
34 contractor are economic benefit to both the department and the motor
35 carrier industry, and enhancement of the overall level of permit
36 service. For purposes of this section, "third party contractor" means
37 a business entity that is authorized by the department to issue special

1 permits. The department of transportation (~~commission~~) may adopt
2 rules specifying the criteria that a business entity must meet in order
3 to qualify as a third party contractor under this section.

4 Fees established in RCW 46.44.0941 shall be paid to the political
5 body issuing the permit if the entire movement is to be confined to
6 roads, streets, or highways for which that political body is
7 responsible. When a movement involves a combination of state highways,
8 county roads, and/or city streets the fee shall be paid to the state
9 department of transportation. When a movement is confined within the
10 city limits of a city or town upon city streets, including routes of
11 state highways on city streets, all fees shall be paid to the city or
12 town involved. A permit will not be required from city or town
13 authorities for a move involving a combination of city or town streets
14 and state highways when the move through a city or town is being
15 confined to the route of the state highway. When a move involves a
16 combination of county roads and city streets the fee shall be paid to
17 the county authorities, but the fee shall not be collected nor the
18 county permit issued until valid permits are presented showing that the
19 city or town authorities approve of the move in question. When the
20 movement involves only county roads the fees collected shall be paid to
21 the county involved. Fees established shall be paid to the political
22 body issuing the permit if the entire use of the vehicle during the
23 period covered by the permit shall be confined to the roads, streets,
24 or highways for which that political body is responsible.

25 **Sec. 37.** RCW 47.02.120 and 1990 c 293 s 1 are each amended to read
26 as follows:

27 For the purpose of providing funds for the acquisition of
28 headquarters facilities for district 1 of the department of
29 transportation and costs incidental thereto, together with all
30 improvements and equipment required to make the facilities suitable for
31 the department's use, there shall be issued and sold upon the request
32 of the (~~Washington transportation commission~~) department a total of
33 fifteen million dollars of general obligation bonds of the state of
34 Washington.

35 **Sec. 38.** RCW 47.02.140 and 1990 c 293 s 3 are each amended to read
36 as follows:

1 Upon the request of the secretary of transportation (~~commission~~),
2 the state finance committee shall supervise and provide for the
3 issuance, sale, and retirement of the bonds authorized by RCW 47.02.120
4 through 47.02.190 in accordance with chapter 39.42 RCW. Bonds
5 authorized by RCW 47.02.120 through 47.02.190 shall be sold in such
6 manner, at such time or times, in such amounts, and at such price as
7 the state finance committee shall determine. Except for the purpose of
8 repaying the loan from the motor vehicle fund, no such bonds may be
9 offered for sale without prior legislative appropriation of the net
10 proceeds of the sale of the bonds.

11 The state finance committee shall consider the issuance of short-
12 term obligations in lieu of long-term obligations for the purposes of
13 more favorable interest rates, lower total interest costs, and
14 increased marketability and for the purpose of retiring the bonds
15 during the life of the project for which they were issued.

16 **Sec. 39.** RCW 47.10.843 and 1998 c 321 s 16 are each amended to
17 read as follows:

18 In order to provide funds necessary for the location, design, right
19 of way, and construction of state and local highway improvements, there
20 shall be issued and sold upon the request of the (~~Washington state~~
21 ~~transportation commission~~) department a maximum of one billion nine
22 hundred million dollars of general obligation bonds of the state of
23 Washington.

24 **Sec. 40.** RCW 47.10.844 and 1998 c 321 s 17 are each amended to
25 read as follows:

26 Upon the request of the (~~transportation commission~~) department,
27 the state finance committee shall supervise and provide for the
28 issuance, sale, and retirement of the bonds authorized by RCW 47.10.843
29 through 47.10.848 in accordance with chapter 39.42 RCW. Bonds
30 authorized by RCW 47.10.843 through 47.10.848 shall be sold in such
31 manner, at such time or times, in such amounts, and at such price as
32 the state finance committee shall determine. No such bonds may be
33 offered for sale without prior legislative appropriation of the net
34 proceeds of the sale of the bonds.

35 The state finance committee shall consider the issuance of short-
36 term obligations in lieu of long-term obligations for the purposes of

1 more favorable interest rates, lower total interest costs, and
2 increased marketability and for the purpose of retiring the bonds
3 during the life of the project for which they were issued.

4 **Sec. 41.** RCW 47.12.200 and 1977 ex.s. c 151 s 55 are each amended
5 to read as follows:

6 The (~~transportation—commission~~) department may enter into
7 agreements with the state finance committee for financing the
8 acquisition, by purchase or condemnation, of real property together
9 with engineering costs that the (~~transportation—commission~~)
10 department deems will be necessary for the improvement of the state
11 highway system. Such agreements may provide for the acquisition of an
12 individual parcel or for the acquisition of any number of parcels
13 within the limits of a contemplated highway project.

14 **Sec. 42.** RCW 47.12.220 and 1977 ex.s. c 151 s 56 are each amended
15 to read as follows:

16 Each such agreement shall include, but shall not be limited to the
17 following:

18 (1) A provision stating the term of the agreement which shall not
19 extend more than seven years from the effective date of the agreement;

20 (2) A designation of the specific fund or funds to be used to carry
21 out such agreement;

22 (3) A provision that the department of transportation may redeem
23 warrants purchased by the state finance committee at any time prior to
24 the letting of a highway improvement contract utilizing the property;
25 and further, during the effective period of each such agreement the
26 department of transportation shall redeem such warrants whenever such
27 a highway improvement contract is let, or upon the expiration of such
28 agreement, whichever date is earlier;

29 (4) A provision stating the rate of interest such warrants shall
30 bear commencing at the time of purchase by the state finance committee;

31 (5) Any additional provisions agreed upon by the (~~transportation~~
32 ~~commission~~) department and the state finance committee which are
33 necessary to carry out the purposes of such agreement as indicated by
34 RCW 47.12.180 through 47.12.240(~~, as now or hereafter amended~~)).

1 **Sec. 43.** RCW 47.17.132 and 1997 c 308 s 1 are each amended to read
2 as follows:

3 A state highway to be known as state route number 35 is established
4 as follows:

5 Beginning at the Washington-Oregon boundary line thence northerly
6 to a junction with state route number 14 in the vicinity of White
7 Salmon; however, until such time as a bridge across the Columbia River
8 is constructed at a location adopted by the (~~transportation~~
9 ~~commission~~) department no existing route may be maintained or improved
10 by the (~~transportation~~~~commission~~) department as a temporary route
11 for state route number 35.

12 **Sec. 44.** RCW 47.26.440 and 1994 c 179 s 25 are each amended to
13 read as follows:

14 Not later than November 1st of each even-numbered year the
15 transportation improvement board shall prepare and present to the
16 (~~commission~~) department for comment and recommendation an adopted
17 budget for expenditures from funds administered by the board during the
18 ensuing biennium. The budget shall contain an estimate of the revenues
19 to be credited to the several accounts and the amount, if any, of bond
20 proceeds which the board determines should be made available through
21 the sale of bonds in the ensuing biennium.

22 **Sec. 45.** RCW 47.38.060 and 1996 c 172 s 1 are each amended to read
23 as follows:

24 The (~~transportation~~~~commission~~) department may designate
25 interstate safety rest areas, as appropriate, as locations for memorial
26 signs to prisoners of war and those missing in action. The
27 (~~commission~~) department shall adopt policies for the placement of
28 memorial signs on interstate safety rest areas and may disapprove any
29 memorial sign that it determines to be inappropriate or inconsistent
30 with the policies. The policies shall include, but are not limited to,
31 guidelines for the size and location of and inscriptions on memorial
32 signs. The secretary shall adopt rules for administering this program.
33 Nonprofit associations may have their name identified on a memorial
34 sign if the association bears the cost of supplying and maintaining the
35 memorial sign.

1 **Sec. 46.** RCW 47.46.090 and 2002 c 114 s 6 are each amended to read
2 as follows:

3 (1) A citizen advisory committee must be created for any project
4 developed under this chapter that imposes toll charges for use of a
5 transportation facility. The governor shall appoint nine members to
6 the committee, all of whom must be permanent residents of the affected
7 project area, as that term is used in RCW 47.46.030.

8 (2) The citizen advisory committee shall serve in an advisory
9 capacity to the ((~~commission~~)) department on all matters related to the
10 imposition of tolls. Members of the committee shall serve without
11 compensation.

12 (3) No toll charge may be imposed or modified unless the citizen
13 advisory committee has been given at least twenty days to review and
14 comment on any proposed toll charge schedule. In setting toll rates,
15 the ((~~commission~~)) department shall give consideration to any
16 recommendations of the citizen advisory committee.

17 **Sec. 47.** RCW 47.46.120 and 2002 c 114 s 9 are each amended to read
18 as follows:

19 Pursuant to RCW 43.135.055, the legislature authorizes the
20 department of transportation ((~~commission~~)) to increase bridge tolls in
21 excess of the fiscal growth factor.

22 **Sec. 48.** RCW 47.52.133 and 1987 c 200 s 2 are each amended to read
23 as follows:

24 Except as provided in RCW 47.52.134, the ((~~transportation~~
25 ~~commission~~)) department and the highway authorities of the counties and
26 incorporated cities and towns, with regard to facilities under their
27 respective jurisdictions, prior to the establishment of any limited
28 access facility, shall hold a public hearing within the county, city,
29 or town wherein the limited access facility is to be established to
30 determine the desirability of the plan proposed by such authority.
31 Notice of such hearing shall be given to the owners of property
32 abutting the section of any existing highway, road, or street being
33 established as a limited access facility, as indicated in the tax rolls
34 of the county, and in the case of a state limited access facility, to
35 the county and/or city or town. Such notice shall be by United States
36 mail in writing, setting forth a time for the hearing, which time shall

1 be not less than fifteen days after mailing of such notice. Notice of
2 such hearing also shall be given by publication not less than fifteen
3 days prior to such hearing in one or more newspapers of general
4 circulation within the county, city, or town. Such notice by
5 publication shall be deemed sufficient as to any owner or reputed owner
6 or any unknown owner or owner who cannot be located. Such notice shall
7 indicate a suitable location where plans for such proposal may be
8 inspected.

9 **Sec. 49.** RCW 47.52.145 and 1981 c 95 s 2 are each amended to read
10 as follows:

11 Whenever after the final adoption of a plan for a limited access
12 highway by the (~~transportation commission~~) department, an additional
13 design public hearing with respect to the facility or any portion
14 thereof is conducted pursuant to federal law resulting in a revision of
15 the design of the limited access plan, the (~~commission~~) department
16 may modify the previously adopted limited access plan to conform to the
17 revised design without further public hearings providing the following
18 conditions are met:

19 (1) As compared with the previously adopted limited access plan,
20 the revised plan will not require additional or different right of way
21 with respect to that section of highway for which the design has been
22 revised, in excess of five percent by area; and

23 (2) If the previously adopted limited access plan was modified by
24 a board of review convened at the request of a county, city, or town,
25 the legislative authority of the county, city, or town shall approve
26 any revisions of the plan which conflict with modifications ordered by
27 the board of review.

28 **Sec. 50.** RCW 47.52.210 and 1981 c 95 s 3 are each amended to read
29 as follows:

30 (1) Whenever the (~~transportation commission~~) department adopts a
31 plan for a limited access highway to be constructed within the
32 corporate limits of a city or town which incorporates existing city or
33 town streets, title to such streets shall remain in the city or town,
34 and the provisions of RCW 47.24.020 as now or hereafter amended shall
35 continue to apply to such streets until such time that the highway is
36 operated as either a partially or fully controlled access highway.

1 Title to and full control over that portion of the city or town street
2 incorporated into the limited access highway shall be vested in the
3 state upon a declaration by the secretary of transportation that such
4 highway is operational as a limited access facility, but in no event
5 prior to the acquisition of right of way for such highway including
6 access rights, and not later than the final completion of construction
7 of such highway.

8 (2) Upon the completion of construction of a state limited access
9 highway within a city or town, the department of transportation may
10 relinquish to the city or town streets constructed or improved as a
11 functional part of the limited access highway, slope easements,
12 landscaping areas, and other related improvements to be maintained and
13 operated by the city or town in accordance with the limited access
14 plan. Title to such property relinquished to a city or town shall be
15 conveyed by a deed executed by the secretary of transportation and duly
16 acknowledged. Relinquishment of such property to the city or town may
17 be expressly conditioned upon the maintenance of access control
18 acquired by the state and the continued operation of such property as
19 a functional part of the limited access highway.

20 **Sec. 51.** RCW 47.56.030 and 2002 c 114 s 19 are each amended to
21 read as follows:

22 (1) Except as permitted under chapter 47.46 RCW:

23 (a) The department of transportation shall have full charge of the
24 construction of all toll bridges and other toll facilities including
25 the Washington state ferries, and the operation and maintenance
26 thereof.

27 (b) The (~~(transportation commission)~~) department shall determine
28 and establish the tolls and charges thereon, and shall perform all
29 duties and exercise all powers relating to the financing, refinancing,
30 and fiscal management of all toll bridges and other toll facilities
31 including the Washington state ferries, and bonded indebtedness in the
32 manner provided by law.

33 (c) The department shall have full charge of design of all toll
34 facilities.

35 (d) Except as provided in this section, the department shall
36 proceed with the construction of such toll bridges and other facilities
37 and the approaches thereto by contract in the manner of state highway

1 construction immediately upon there being made available funds for such
2 work and shall prosecute such work to completion as rapidly as
3 practicable. The department is authorized to negotiate contracts for
4 any amount without bid under (d)(i) and (ii) of this subsection:

5 (i) Emergency contracts, in order to make repairs to ferries or
6 ferry terminal facilities or removal of such facilities whenever
7 continued use of ferries or ferry terminal facilities constitutes a
8 real or immediate danger to the traveling public or precludes prudent
9 use of such ferries or facilities; and

10 (ii) Single source contracts for vessel dry dockings, when there is
11 clearly and legitimately only one available bidder to conduct dry dock-
12 related work for a specific class or classes of vessels. The contracts
13 may be entered into for a single vessel dry docking or for multiple
14 vessel dry dockings for a period not to exceed two years.

15 (2) The department shall proceed with the procurement of materials,
16 supplies, services, and equipment needed for the support, maintenance,
17 and use of a ferry, ferry terminal, or other facility operated by
18 Washington state ferries, in accordance with chapter 43.19 RCW except
19 as follows:

20 (a) Except as provided in (d) of this subsection, when the
21 secretary of the department of transportation determines in writing
22 that the use of invitation for bid is either not practicable or not
23 advantageous to the state and it may be necessary to make competitive
24 evaluations, including technical or performance evaluations among
25 acceptable proposals to complete the contract award, a contract may be
26 entered into by use of a competitive sealed proposals method, and a
27 formal request for proposals solicitation. Such formal request for
28 proposals solicitation shall include a functional description of the
29 needs and requirements of the state and the significant factors.

30 (b) When purchases are made through a formal request for proposals
31 solicitation the contract shall be awarded to the responsible proposer
32 whose competitive sealed proposal is determined in writing to be the
33 most advantageous to the state taking into consideration price and
34 other evaluation factors set forth in the request for proposals. No
35 significant factors may be used in evaluating a proposal that are not
36 specified in the request for proposals. Factors that may be considered
37 in evaluating proposals include but are not limited to: Price;
38 maintainability; reliability; commonality; performance levels; life

1 cycle cost if applicable under this section; cost of transportation or
2 delivery; delivery schedule offered; installation cost; cost of spare
3 parts; availability of parts and service offered; and the following:

4 (i) The ability, capacity, and skill of the proposer to perform the
5 contract or provide the service required;

6 (ii) The character, integrity, reputation, judgment, experience,
7 and efficiency of the proposer;

8 (iii) Whether the proposer can perform the contract within the time
9 specified;

10 (iv) The quality of performance of previous contracts or services;

11 (v) The previous and existing compliance by the proposer with laws
12 relating to the contract or services;

13 (vi) Objective, measurable criteria defined in the request for
14 proposal. These criteria may include but are not limited to items such
15 as discounts, delivery costs, maintenance services costs, installation
16 costs, and transportation costs; and

17 (vii) Such other information as may be secured having a bearing on
18 the decision to award the contract.

19 (c) When purchases are made through a request for proposal process,
20 proposals received shall be evaluated based on the evaluation factors
21 set forth in the request for proposal. When issuing a request for
22 proposal for the procurement of propulsion equipment or systems that
23 include an engine, the request for proposal must specify the use of a
24 life cycle cost analysis that includes an evaluation of fuel
25 efficiency. When a life cycle cost analysis is used, the life cycle
26 cost of a proposal shall be given at least the same relative importance
27 as the initial price element specified in the request of proposal
28 documents. The department may reject any and all proposals received.
29 If the proposals are not rejected, the award shall be made to the
30 proposer whose proposal is most advantageous to the department,
31 considering price and the other evaluation factors set forth in the
32 request for proposal.

33 (d) If the department is procuring large equipment or systems
34 (e.g., electrical, propulsion) needed for the support, maintenance, and
35 use of a ferry operated by Washington state ferries, the department
36 shall proceed with a formal request for proposal solicitation under
37 this subsection (2) without a determination of necessity by the
38 secretary.

1 **Sec. 52.** RCW 47.56.032 and 1984 c 7 s 247 are each amended to read
2 as follows:

3 All powers vested in the toll bridge authority as of September 21,
4 1977, relating to the acquiring, operating, extending, designing,
5 constructing, repairing, and maintenance of the Washington state
6 ferries or any part thereof and the collecting of tolls and charges for
7 use of its facilities, shall be performed by the department. The
8 (~~commission~~) department shall determine all fares, tolls, and other
9 charges for its facilities and shall directly perform all duties and
10 exercise all powers relating to financing, refinancing, and fiscal
11 management of the system's bonded indebtedness in the manner provided
12 by law.

13 **Sec. 53.** RCW 47.56.070 and 1977 ex.s. c 151 s 67 are each amended
14 to read as follows:

15 The department of transportation may(~~(, with the approval of the~~
16 ~~transportation commission,)~~) provide for the establishment,
17 construction, and operation of toll tunnels, toll roads, and other
18 facilities necessary for their construction and connection with public
19 highways of the state. It may cause surveys to be made to determine
20 the propriety of their establishment, construction, and operation, and
21 may acquire rights of way and other facilities necessary to carry out
22 the provisions hereof; and may issue, sell, and redeem bonds, and
23 deposit and expend them; secure and remit financial and other
24 assistance in the construction thereof; carry insurance thereon; and
25 handle any other matters pertaining thereto, all of which shall be
26 conducted in the same manner and under the same procedure as provided
27 for the establishing, constructing, operating, and maintaining of toll
28 bridges by the department, insofar as reasonably consistent and
29 applicable. No toll facility, toll bridge, toll road, or toll tunnel,
30 shall be combined with any other toll facility for the purpose of
31 financing unless such facilities form a continuous project, to the end
32 that each such facility or project be self-liquidating and self-
33 sustaining.

34 **Sec. 54.** RCW 47.56.076 and 2002 c 56 s 403 are each amended to
35 read as follows:

36 Upon approval of a majority of the voters within its boundaries

1 voting on the ballot proposition, and only for the purposes authorized
2 in RCW 36.120.050(1)(f), a regional transportation investment district
3 may impose vehicle tolls on state routes where improvements financed in
4 whole or in part by a regional transportation investment district add
5 additional lanes to, or reconstruct lanes on, a highway of statewide
6 significance. The department shall administer the collection of
7 vehicle tolls on designated facilities unless otherwise specified in
8 law, and (~~the state transportation commission, or its successor,~~)
9 shall be the tolling authority.

10 **Sec. 55.** RCW 47.56.080 and 1977 ex.s. c 151 s 68 are each amended
11 to read as follows:

12 Whenever in the judgment of the (~~transportation commission~~)
13 department it is considered in the best interest of the public highways
14 of the state that any new toll bridge or bridges be constructed upon
15 any public highway and across any stream, body of water, gulch,
16 navigable water, swamp, or other topographical formation and operated
17 by the state the (~~commission~~) department shall adopt a resolution
18 declaring that public interest and necessity require the construction
19 of such toll bridge or bridges and authorizing the issuance of revenue
20 bonds for the purpose of obtaining funds in an amount not in excess of
21 that estimated to be required for such construction. The issuance of
22 bonds as provided in this chapter for the construction of more than one
23 toll bridge may at the discretion of the (~~commission~~) department be
24 included in the same authority and issue of bonds.

25 **Sec. 56.** RCW 47.56.110 and 1984 c 7 s 255 are each amended to read
26 as follows:

27 Before the department proceeds with any action to secure a right of
28 way or with construction of any toll bridge under the provisions of
29 this chapter, the (~~commission~~) department shall first pass a
30 resolution that public interest and necessity require the acquisition
31 of right of way for and the construction of the toll bridge. The
32 resolution is conclusive evidence (1) of the public necessity of such
33 construction; (2) that the property is necessary therefor; and (3) that
34 the proposed construction is planned or located in a manner which will
35 be most compatible with the greatest public good and the least private
36 injury. When it becomes necessary for the department to condemn any

1 real estate to be used in connection with any such bridge, the attorney
2 general of the state shall represent the department. In eminent domain
3 proceedings to acquire property for any of the purposes of this
4 chapter, any toll bridge, real property, personal property, franchises,
5 rights, easements, or other property or privileges appurtenant thereto
6 appropriated or dedicated to a public use or purpose by any person,
7 firm, private, public, or municipal corporation, county, city, town,
8 district, or any political subdivision of the state, may be condemned
9 and taken, and the acquisition and use as provided in this chapter for
10 the same public use or purpose to which the property has been so
11 appropriated or dedicated, or for any other public use or purpose, is
12 a superior and permanent right and necessity, and a more necessary use
13 and purpose than the public use or purpose to which the property has
14 already been appropriated or dedicated. It is not necessary in any
15 eminent domain proceedings under this chapter to plead or prove any
16 acts or proceedings preliminary or prior to the adoption of the
17 resolution hereinbefore referred to describing the property sought to
18 be taken and directing such proceedings.

19 **Sec. 57.** RCW 47.56.120 and 1977 ex.s. c 151 s 70 are each amended
20 to read as follows:

21 ~~((In the event that))~~ If the ~~((transportation commission should))~~
22 department determines that any toll bridge should be constructed, all
23 cost thereof including right of way, survey, and engineering shall be
24 paid out of any funds available for payment of the cost of such toll
25 bridge under this chapter.

26 **Sec. 58.** RCW 47.56.250 and 1977 ex.s. c 151 s 71 are each amended
27 to read as follows:

28 Whenever a proposed toll bridge, toll road, toll tunnel, or any
29 other toll facility of any sort is to be constructed, any city, county,
30 or other political subdivision located in relation to such facility so
31 as to benefit directly or indirectly thereby, may, either jointly or
32 separately, at the request of the ~~((transportation commission))~~
33 department advance or contribute money, or bonds, rights of way, labor,
34 materials, and other property toward the expense of building the toll
35 facility, and for preliminary surveys and the preparation of plans and
36 estimates of cost therefor and other preliminary expenses. Any such

1 city, county, or other political subdivision may, either jointly or
2 separately, at the request of the (~~transportation commission~~)
3 department advance or contribute money or bonds for the purpose of
4 guaranteeing the payment of interest or principal on the bonds issued
5 by the (~~commission~~) department to finance the toll facility.
6 Appropriations for such purposes may be made from any funds available,
7 including county road funds received from or credited by the state, or
8 funds obtained by excess tax levies made pursuant to law or the
9 issuance of general obligation bonds for this purpose. General
10 obligation bonds issued by a city, county, or political subdivision may
11 (~~with the consent of the commission~~) be placed with the department of
12 transportation to be sold by the department to provide funds for such
13 purpose. Money, or bonds, or property so advanced or contributed may
14 be immediately transferred or delivered to the department to be used
15 for the purpose for which contribution was made. The (~~commission~~)
16 department may enter into an agreement with a city, county, or other
17 political subdivision to repay any money, or bonds or the value of a
18 right of way, labor, materials, or other property so advanced or
19 contributed. The (~~commission~~) department may make such repayment to
20 a city, county, or other political subdivision and reimburse the state
21 for any expenditures made by it in connection with the toll facility
22 out of tolls and other revenues for the use of the toll facility.

23 **Sec. 59.** RCW 47.60.013 and 1981 c 341 s 1 are each amended to read
24 as follows:

25 The governor is authorized to take such actions as may be necessary
26 to insure the continued operation of the Puget Sound ferry and toll
27 bridge system under any emergency circumstances which threaten the
28 continued operation of the system. In the event of such an emergency,
29 the governor may assume all the powers granted by law to the
30 (~~transportation commission and~~) department of transportation with
31 respect to the ferry system. In addition, notwithstanding the
32 provisions of chapters 47.60 and 47.64 RCW, the governor may contract
33 with any qualified persons for the operation of the Washington state
34 ferry system, or any part thereof, or for ferry service to be provided
35 by privately owned vessels. Administrative costs to the office of the
36 governor incurred in the exercise of this authority shall be reimbursed
37 by the department.

1 **Sec. 60.** RCW 47.60.150 and 1999 c 94 s 26 are each amended to read
2 as follows:

3 Subject to the provisions of RCW 47.60.326, the schedule of charges
4 for the services and facilities of the system shall be fixed and
5 revised from time to time by the (~~commission~~) department so that the
6 tolls and other revenues deposited in the Puget Sound ferry operations
7 account for maintenance and operation, and all moneys in the Puget
8 Sound capital construction account available for debt service will
9 yield annual revenue and income sufficient, after allowance for all
10 operating, maintenance, and repair expenses to pay the interest and
11 principal and sinking fund charges for all outstanding revenue bonds,
12 and to create and maintain a fund for ordinary renewals and
13 replacements: PROVIDED, That if provision is made by any resolution
14 for the issuance of revenue bonds for the creation and maintenance of
15 a special fund for rehabilitating, rebuilding, enlarging, or improving
16 all or any part of the ferry system then such schedule of tolls and
17 rates of charges shall be fixed and revised so that the revenue and
18 income will also be sufficient to comply with such provision.

19 All income and revenues as collected shall be paid to the state
20 treasurer for the account of the department and deposited into the
21 Puget Sound ferry operations account. Nothing in this section requires
22 tolls on the Hood Canal bridge except as may be required by any bond
23 covenants.

24 **Sec. 61.** RCW 47.60.326 and 2001 1st sp.s. c 1 s 1 are each amended
25 to read as follows:

26 (1) In order to maintain an adequate, fair, and economically sound
27 schedule of charges for the transportation of passengers, vehicles, and
28 commodities on the Washington state ferries, the department of
29 transportation each year shall conduct a full review of such charges.

30 (2) Prior to February 1st of each odd-numbered year the department
31 shall (~~transmit to the transportation commission~~) make public a
32 report of its review together with its recommendations for the revision
33 of a schedule of charges for the ensuing biennium. The (~~commission~~)
34 department on or before July 1st of that year shall adopt as a rule, in
35 the manner provided by the Washington Administrative Procedure Act, a
36 schedule of charges for the Washington state ferries for the ensuing

1 biennium commencing July 1st. The schedule may initially be adopted as
2 an emergency rule if necessary to take effect on, or as near as
3 possible to, July 1st.

4 (3) The department in making its review (~~((and))~~), formulating
5 recommendations, and (~~((the commission in))~~) adopting a schedule of
6 charges may consider any of the following factors:

7 (a) The amount of subsidy available to the ferry system for
8 maintenance and operation;

9 (b) The time and distance of ferry runs;

10 (c) The maintenance and operation costs for ferry runs with a
11 proper adjustment for higher costs of operating outmoded or less
12 efficient equipment;

13 (d) The efficient distribution of traffic between cross-sound
14 routes;

15 (e) The desirability of reasonable commutation rates for persons
16 using the ferry system to commute daily to work;

17 (f) The effect of proposed fares in increasing walk-on and
18 vehicular passenger use;

19 (g) The effect of proposed fares in promoting all types of ferry
20 use during nonpeak periods;

21 (h) Such other factors as prudent managers of a major ferry system
22 would consider.

23 (4) If at any time during the biennium it appears that projected
24 revenues from the Puget Sound ferry operations account and any other
25 operating subsidy available to the Washington state ferries will be
26 less than the projected total cost of maintenance and operation of the
27 Washington state ferries for the biennium, the department shall
28 forthwith undertake a review of its schedule of charges to ascertain
29 whether or not the schedule of charges should be revised. The
30 department shall, upon completion of its review report, (~~((submit))~~) make
31 public its recommendation (~~((to the transportation commission which))~~),
32 and may in its sound discretion revise the schedule of charges as
33 required to meet necessary maintenance and operation expenditures of
34 the ferry system for the biennium or may defer action until the regular
35 annual review and revision of ferry charges as provided in subsection
36 (2) of this section.

37 (5) The provisions of RCW 47.60.330 relating to public

1 participation shall apply to the process of revising ferry tolls under
2 this section.

3 (6) Under RCW 43.135.055, the (~~transportation commission~~)
4 department may increase ferry tolls included in the schedule of charges
5 adopted under this section by a percentage that exceeds the fiscal
6 growth factor.

7 **Sec. 62.** RCW 47.60.330 and 1983 c 15 s 26 are each amended to read
8 as follows:

9 (1) Before a substantial expansion or curtailment in the level of
10 service provided to ferry users, or a revision in the schedule of ferry
11 tolls or charges, the department of transportation shall consult with
12 affected ferry users. The consultation shall be: (a) By public
13 hearing in affected local communities; (b) by review with the affected
14 ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting
15 a survey of affected ferry users; or (d) by any combination of (a)
16 through (c).

17 (2) There is created a ferry system productivity council consisting
18 of a representative of each ferry advisory committee empanelled under
19 RCW 47.60.310, elected by the members thereof, and two representatives
20 of employees of the ferry system appointed by mutual agreement of all
21 of the unions representing ferry employees, which shall meet from time
22 to time with ferry system management to discuss means of improving
23 ferry system productivity.

24 (3) Before increasing ferry tolls the department of transportation
25 shall consider all possible cost reductions with full public
26 participation as provided in subsection (1) of this section and,
27 consistent with public policy, shall consider adapting service levels
28 equitably on a route-by-route basis to reflect trends in and forecasts
29 of traffic usage. Forecasts of traffic levels shall be developed by
30 the bond covenant traffic engineering firm appointed under the
31 provisions of RCW 47.60.450. Provisions of this section shall not
32 alter obligations under RCW 47.60.450. Before including any toll
33 increase in a budget proposal (~~by the commission~~), the department of
34 transportation shall consult with affected ferry users in the manner
35 prescribed in (1)(b) of this section plus the procedure of either
36 (1)(a) or (c) of this section.

1 **Sec. 63.** RCW 47.60.445 and 1990 c 42 s 409 are each amended to
2 read as follows:

3 Notwithstanding the provisions of RCW 47.56.240 and 47.56.245 the
4 (~~transportation commission~~) department shall not collect tolls on the
5 Hood Canal bridge for any purpose except where necessary to comply with
6 bond covenants.

7 The cost of maintenance, upkeep, and repair may be paid from funds
8 appropriated for the construction and maintenance of the primary state
9 highways of the state of Washington.

10 **Sec. 64.** RCW 47.60.800 and 1992 c 158 s 1 are each amended to read
11 as follows:

12 In order to provide funds necessary for vessel and terminal
13 acquisition, construction, and major and minor improvements, including
14 long lead time materials acquisition for the Washington state ferries,
15 there shall be issued and sold upon the request of the (~~Washington~~
16 ~~state~~) department of transportation (~~commission~~) and legislative
17 appropriation a total of two hundred ten million dollars of general
18 obligation bonds of the state of Washington.

19 **Sec. 65.** RCW 47.64.011 and 1983 c 15 s 2 are each amended to read
20 as follows:

21 As used in this chapter, unless the context otherwise requires, the
22 definitions in this section shall apply.

23 (1) "Arbitration" means the procedure whereby the parties involved
24 in an impasse submit their differences to a third party for a final and
25 binding decision or as provided in this chapter.

26 (2) "Arbitrator" means either a single arbitrator or a panel of
27 three arbitrators as provided in RCW 47.64.240.

28 (3) "Collective bargaining representative" means the persons
29 designated by the secretary of transportation and employee
30 organizations to be the exclusive representatives during collective
31 bargaining negotiations.

32 (4) "Department of transportation" means the department as defined
33 in RCW 47.01.021.

34 (5) "Ferry employee" means any employee of the marine
35 transportation division of the department of transportation who is a

1 member of a collective bargaining unit represented by a ferry employee
2 organization and does not include an exempt employee pursuant to RCW
3 41.06.079.

4 (6) "Ferry employee organization" means any labor organization
5 recognized to represent a collective bargaining unit of ferry
6 employees.

7 (7) "Ferry system management" means those management personnel of
8 the marine transportation division of the department of transportation
9 who have been vested with the day-to-day management responsibilities of
10 the Washington state ferry system by the (~~transportation commission~~)
11 department and who are not members of a collective bargaining unit
12 represented by a ferry employee organization.

13 (8) "Lockout" means the refusal of ferry system management to
14 furnish work to ferry employees in an effort to get ferry employee
15 organizations to make concessions during collective bargaining,
16 grievance, or other labor relation negotiations. Curtailment of
17 employment of ferry employees due to lack of work resulting from a
18 strike or work stoppage, as defined in subsection (11) of this section,
19 shall not be considered a lockout.

20 (9) "Marine employees' commission" means the commission created in
21 RCW 47.64.280.

22 (10) "Office of financial management" means the office as created
23 in RCW 43.41.050.

24 (11) "Strike or work stoppage" means a ferry employee's refusal, in
25 concerted action with others, to report to duty, or his or her willful
26 absence from his or her position, or his or her stoppage or slowdown of
27 work, or his or her abstinence in whole or in part from the full,
28 faithful, and proper performance of the duties of employment, for the
29 purpose of inducing, influencing, or coercing a change in conditions,
30 compensation, rights, privileges, or obligations of his, her, or any
31 other ferry employee's employment. A refusal, in good faith, to work
32 under conditions which pose an endangerment to the health and safety of
33 ferry employees or the public, as determined by the master of the
34 vessel, shall not be considered a strike for the purposes of this
35 chapter.

36 (12) "Transportation commission" means the commission as defined in
37 RCW 47.01.021.

1 **Sec. 66.** RCW 47.64.170 and 1983 c 15 s 8 are each amended to read
2 as follows:

3 (1) Any ferry employee organization certified as the bargaining
4 representative shall be the exclusive representative of all ferry
5 employees in the bargaining unit and shall represent all such employees
6 fairly.

7 (2) A ferry employee organization or organizations and the
8 secretary of transportation may each designate any individual as its
9 representative to engage in collective bargaining negotiations.

10 (3) Negotiating sessions, including strategy meetings of ferry
11 system management or employee organizations, mediation, and the
12 deliberative process of arbitrators are exempt from the provisions of
13 chapter 42.30 RCW. Hearings conducted by arbitrators may be open to
14 the public by mutual consent of the parties. Any meeting of the
15 (~~transportation commission~~) department, during which a collective
16 bargaining agreement is subject to ratification, shall be open to the
17 public.

18 (4) Terms of any collective bargaining agreement may be enforced by
19 civil action in Thurston county superior court upon the initiative of
20 either party.

21 (5) Ferry system employees or any employee organization shall not
22 negotiate or attempt to negotiate directly with (~~a member of the~~
23 ~~transportation commission~~) department personnel if the (~~commission~~)
24 department has appointed or authorized a bargaining representative for
25 the purpose of bargaining with the ferry employees or their
26 representative, unless the (~~member of the commission~~) department
27 personnel is the designated bargaining representative of the ferry
28 system.

29 (6) The negotiation of a proposed collective bargaining agreement
30 by representatives of ferry system management and a ferry employee
31 organization shall commence in each odd-numbered year immediately
32 following adoption by the legislature and approval by the governor of
33 the biennial budget.

34 (7) Until a new collective bargaining agreement is negotiated, or
35 until an award is made by the arbitrator, the terms and conditions of
36 the previous collective bargaining agreement shall remain in force.
37 The wage and benefit provisions of any collective bargaining agreement,
38 or arbitrator's award in lieu thereof, that is concluded after July 1st

1 of an odd-numbered year shall be retroactive to July 1st. It is the
2 intent of this section that the collective bargaining agreement or
3 arbitrator's award shall commence on July 1st of each odd-numbered year
4 and shall terminate on June 30th of the next odd-numbered year to
5 coincide with the ensuing biennial budget year, as defined by RCW
6 43.88.020(7), to the extent practical.

7 (8) Any ferry union contract terminating before July 1, 1983,
8 shall, with the agreement of the parties, remain in effect until a
9 contract can be concluded under RCW 47.64.006, 47.64.011, and 47.64.120
10 through 47.64.280. The contract may be retroactive to the expiration
11 date of the prior contract, and the cost to the department of three
12 months retroactive compensation and benefits for this 1983 contract
13 negotiation only shall not be included in calculating the limitation
14 imposed by RCW 47.64.180. If the parties cannot agree to contract
15 extension, any increase agreed to for the three-month period shall be
16 included in calculating the limit imposed by RCW 47.64.180.

17 (9) Any ferry union contract which would terminate after July 1,
18 1983, may, by agreement of the parties, be terminated as of July 1,
19 1983, and a new contract concluded pursuant to RCW 47.64.006,
20 47.64.011, and 47.64.120 through 47.64.280. Any contract terminating
21 after July 1, 1983, is subject to this chapter only upon its expiration
22 and shall not be renewed for a period beyond July 1, 1985.

23 NEW SECTION. **Sec. 67.** The following acts or parts of acts are
24 each repealed:

25 (1) RCW 47.01.051 (Commission created--Appointment of members--
26 Terms--Qualifications--Removal) and 1977 ex.s. c 151 s 5; and

27 (2) RCW 47.01.061 (Commission--Procedures and internal operations)
28 and 1987 c 364 s 2, 1984 c 287 s 94, 1983 1st ex.s. c 53 s 29, 1981 c
29 59 s 1, & 1977 ex.s. c 151 s 6.

30 NEW SECTION. **Sec. 68.** Any employees impacted by the repeal of the
31 transportation commission in section 67 of this act are transferred to
32 the department of transportation.

33 NEW SECTION. **Sec. 69.** Part headings used in this act are not part
34 of the law.

1 NEW SECTION. **Sec. 70.** Sections 1 through 4 of this act are
2 necessary for the immediate preservation of the public peace, health,
3 or safety, or support of the state government and its existing public
4 institutions, and take effect July 1, 2003. The remainder of this act
5 takes effect January 1, 2004."

6 Correct the title.

--- END ---