

ESSB 6800 - H AMD

By Representative Wallace

ADOPTED AS AMENDED 03/08/2006

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

3 "Sec. 1. RCW 47.01.051 and 1977 ex.s. c 151 s 5 are each amended
4 to read as follows:

5 There is hereby created a transportation commission, which shall
6 consist of seven voting members appointed by the governor, with the
7 consent of the senate. The present five members of the highway
8 commission shall serve as five initial members of the transportation
9 commission until their terms of office as highway commission members
10 would have expired. The additional two members provided herein for the
11 transportation commission shall be appointed for initial terms to
12 expire on June 30, 1982, and June 30, 1983. Thereafter all terms shall
13 be for six years. No elective state official (~~(or)~~), state officer, or
14 state employee shall be a member of the commission(~~(, and not more than~~
15 ~~four members of the commission shall at the time of appointment or~~
16 ~~thereafter during their respective terms of office be members of the~~
17 ~~same major political party))~~). At the time of appointment or thereafter
18 during their respective terms of office, four members of the commission
19 shall reside in the western part of the state and three members shall
20 reside in the eastern part of the state as divided north and south by
21 the summit of the Cascade mountains. No more than two members of the
22 commission shall reside in the same county; however, the governor, or
23 his or her designee, shall serve as a nonvoting member of the
24 commission. Commission appointments should reflect both a wide range
25 of transportation interests and a balanced statewide geographic
26 representation. Commissioners (~~(shall not)~~) may be removed from office
27 by the governor before the expiration of their terms (~~(unless for a~~
28 ~~disqualifying change of residence or for cause based upon a~~
29 ~~determination of incapacity, incompetence, neglect of duty, or~~
30 ~~malfeasance in office by the superior court of the state of Washington~~

1 ~~in and for Thurston county upon petition and show cause proceedings~~
2 ~~duly brought therefor in said court and directed to the commissioner in~~
3 ~~question))~~ for cause. No member shall be appointed for more than two
4 consecutive terms.

5 **Sec. 2.** RCW 47.01.061 and 2005 c 319 s 4 are each amended to read
6 as follows:

7 (1) The commission shall meet at such times as it deems advisable
8 but at least (~~once every month~~) on a quarterly basis with meetings to
9 be held in different parts of the state. It may adopt its own rules
10 and regulations and may establish its own procedure. It shall act
11 collectively in harmony with recorded resolutions or motions adopted by
12 majority vote of at least four members. The commission may appoint an
13 (~~administrative secretary~~) executive director, and shall elect one of
14 its members (~~chairman~~) chair for a term of one year. The (~~chairman~~
15 ~~shall be able to~~) chair may vote on all matters before the commission.
16 The commission may from time to time retain planners, consultants, and
17 other technical personnel to advise it in the performance of its
18 duties.

19 (2) The commission shall submit to each regular session of the
20 legislature held in an odd-numbered year its own budget proposal
21 necessary for the commission's operations separate from that proposed
22 for the department.

23 (3) Each member of the commission shall be compensated in
24 accordance with RCW 43.03.250 and shall be reimbursed for actual
25 necessary traveling and other expenses in going to, attending, and
26 returning from meetings of the commission, and actual and necessary
27 traveling and other expenses incurred in the discharge of such duties
28 as may be requested by a majority vote of the commission or by the
29 secretary of transportation, but in no event shall (~~a commissioner be~~
30 ~~compensated in any year for more than one hundred twenty days, except~~
31 ~~the chairman of the commission who may be paid compensation for not~~
32 ~~more than one hundred fifty days~~) the entire commission membership be
33 compensated for more than one thousand two hundred thirty days
34 combined. Service on the commission shall not be considered as service
35 credit for the purposes of any public retirement system.

36 (4) Each member of the commission shall disclose any actual or

1 potential conflict of interest, if applicable under the circumstance,
2 regarding any commission business.

3 **Sec. 3.** RCW 47.01.071 and 2005 c 319 s 5 are each amended to read
4 as follows:

5 The transportation commission shall have the following functions,
6 powers, and duties:

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

17 (a) Develop transportation policies which are based on the
18 policies, goals, and objectives expressed and inherent in existing
19 state laws;

20 (b) Inventory the adopted policies, goals, and objectives of the
21 local and area-wide governmental bodies of the state and define the
22 role of the state, regional, and local governments in determining
23 transportation policies, in transportation planning, and in
24 implementing the state transportation plan;

25 (c) Propose a transportation policy for the state;

26 (d) Establish a procedure for review and revision of the state
27 transportation policy and for submission of proposed changes to the
28 governor and the legislature;

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

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

36 (3) In conjunction with the provisions under RCW 47.01.075, to
37 provide for public involvement in transportation designed to elicit the

1 public's views both with respect to adequate transportation services
2 and appropriate means of minimizing adverse social, economic,
3 environmental, and energy impact of transportation programs;

4 (4) To prepare a comprehensive and balanced statewide
5 transportation plan which shall be based on the transportation policy
6 adopted by the governor and the legislature, and applicable state and
7 federal laws. The plan must reflect the priorities of government
8 developed by the office of financial management and address regional
9 needs, including multimodal transportation planning. The plan shall be
10 reviewed and revised, and submitted to the governor and the house of
11 representatives and senate standing committees on transportation, prior
12 to each regular session of the legislature during an even-numbered year
13 thereafter. The plan shall be subject to the approval of the
14 legislature in the biennial transportation budget act.

15 The plan shall take into account federal law and regulations
16 relating to the planning, construction, and operation of transportation
17 facilities;

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

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

27 ~~(7)) To adopt such rules((, regulations, and policy directives))~~
28 as may be necessary to carry out reasonably and properly those
29 functions expressly vested in the commission by statute;

30 ~~((8)) (7)~~ To contract with the office of financial management or
31 other appropriate state agencies for administrative support, accounting
32 services, computer services, and other support services necessary to
33 carry out its other statutory duties;

34 (8) To conduct transportation-related studies and policy analysis
35 to the extent directed by the legislature or governor in the biennial
36 transportation budget act, or as otherwise provided in law, and subject
37 to the availability of amounts appropriated for this specific purpose;
38 and

1 (9) To exercise such other specific powers and duties as may be
2 vested in the transportation commission by this or any other provision
3 of law.

4 **Sec. 4.** RCW 47.01.075 and 2005 c 319 s 6 are each amended to read
5 as follows:

6 (1) The transportation commission shall provide a public forum for
7 the development of transportation policy in Washington state to include
8 coordination with regional transportation planning organizations,
9 transportation stakeholders, counties, cities, and citizens. It may
10 recommend to the secretary of transportation, the governor, and the
11 legislature means for obtaining appropriate citizen and professional
12 involvement in all transportation policy formulation and other matters
13 related to the powers and duties of the department. It may further
14 hold hearings and explore ways to improve the mobility of the
15 citizenry. At least every five years, the commission shall convene
16 regional forums to gather citizen input on transportation issues.

17 (2) Every two years, in coordination with the development of the
18 state biennial budget, the commission shall prepare the statewide
19 multimodal transportation progress report (~~(that outlines the)~~) and
20 propose to the office of financial management transportation priorities
21 (~~(of)~~) for the ensuing biennium. The report must:

22 (a) Consider the citizen input gathered at the forums;

23 (b) Be developed with the assistance of state transportation-
24 related agencies and organizations;

25 (c) Be developed with the input from state, local, and regional
26 jurisdictions, transportation service providers, (~~(and)~~) key
27 transportation stakeholders, and the office of financial management;

28 (d) Be considered by the secretary of transportation and other
29 state transportation-related agencies in preparing proposed agency
30 budgets and executive request legislation;

31 (e) Be submitted by the commission to the governor and the
32 legislature by October 1st of each even-numbered year for consideration
33 by the governor.

34 (3) In fulfilling its responsibilities under this section, the
35 commission may create ad hoc committees or other such committees of
36 limited duration as necessary.

1 (4) In order to promote a better transportation system, the
2 commission shall offer policy guidance and make recommendations to the
3 governor and the legislature in key issue areas, including but not
4 limited to:

5 (a) Transportation finance;

6 (b) Preserving, maintaining, and operating the statewide
7 transportation system;

8 (c) Transportation infrastructure needs;

9 (d) Promoting best practices for adoption and use by
10 transportation-related agencies and programs;

11 (e) Transportation efficiencies that will improve service delivery
12 and/or coordination;

13 (f) Improved planning and coordination among transportation
14 agencies and providers; ~~((and))~~

15 (g) Use of intelligent transportation systems and other technology-
16 based solutions; and

17 (h) Reporting of performance against goals, targets, and
18 benchmarks.

19 **Sec. 5.** RCW 47.01.091 and 1977 ex.s. c 151 s 9 are each amended to
20 read as follows:

21 The secretary shall establish such advisory councils as are
22 necessary to carry out the purposes of this ~~((1977 amendatory act))~~
23 title, and to insure adequate public participation in the planning and
24 development of transportation facilities. Members of such councils
25 shall serve at the pleasure of the secretary and may receive per diem
26 and necessary expenses, in accordance with RCW 43.03.050 and 43.03.060,
27 as now or hereafter amended.

28 **Sec. 6.** RCW 47.01.101 and 2005 c 319 s 7 are each amended to read
29 as follows:

30 The secretary shall have the authority and it shall be his or her
31 duty:

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

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

1 (3) To designate and establish such transportation district,
2 region, or branch offices as may be necessary or convenient, and to
3 appoint assistants and delegate any powers, duties, and functions to
4 them or any officer or employee of the department as deemed necessary
5 to administer the department efficiently;

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

10 (5) To adopt all department rules that are subject to the adoption
11 procedures contained in the state administrative procedure act, except
12 rules subject to adoption by the commission pursuant to statute;

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

15 (7) To provide, under contract or interagency agreement, ((full))
16 staff support to the commission, including long-term technical and
17 administrative support as needed, to assist it in carrying out its
18 functions, powers, and duties;

19 (8) To execute and implement the biennial operating budget for the
20 operation of the department in accordance with chapter 43.88 RCW and
21 with legislative appropriation;

22 (9) To advise the governor and the legislature with respect to
23 matters under the jurisdiction of the department; and

24 (10) To exercise all other powers and perform all other duties as
25 are now or hereafter provided by law.

26 **Sec. 7.** RCW 47.01.280 and 2005 c 319 s 121 are each amended to
27 read as follows:

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

33 (a) Meet the safety and design criteria of the department of
34 transportation;

35 (b) Will impair the operational integrity of the existing highway
36 system; and

1 (c) Will affect any other improvements planned by the department(~~(+~~
2 and
3 ~~(d) Will be consistent with its policies developed pursuant to RCW~~
4 ~~47.01.071))~~).

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

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

18 **Sec. 8.** RCW 47.05.021 and 2005 c 319 s 8 are each amended to read
19 as follows:

20 (1) The department shall conduct periodic analyses of the entire
21 state highway system(~~(-))~~ and report to the (~~(commission))~~ office of
22 financial management and the chairs of the transportation committees of
23 the senate and house of representatives, any subsequent recommendations
24 to subdivide, classify, and subclassify all designated state highways
25 into the following three functional classes:

26 (a) The "principal arterial system" shall consist of a connected
27 network of rural arterial routes with appropriate extensions into and
28 through urban areas, including all routes designated as part of the
29 interstate system, which serve corridor movements having travel
30 characteristics indicative of substantial statewide and interstate
31 travel;

32 (b) The "minor arterial system" shall, in conjunction with the
33 principal arterial system, form a rural network of arterial routes
34 linking cities and other activity centers which generate long distance
35 travel, and, with appropriate extensions into and through urban areas,
36 form an integrated network providing interstate and interregional
37 service; and

1 (c) The "collector system" shall consist of routes which primarily
2 serve the more important intercounty, intracounty, and intraurban
3 travel corridors, collect traffic from the system of local access roads
4 and convey it to the arterial system, and on which, regardless of
5 traffic volume, the predominant travel distances are shorter than on
6 arterial routes.

7 (2) The (~~transportation commission~~) department shall adopt a
8 functional classification of highways. The (~~commission~~) department
9 shall consider (~~the recommendations of the department and testimony~~)
10 comments from the public and local municipalities. The (~~commission~~)
11 department shall give consideration to criteria consistent with this
12 section and federal regulations relating to the functional
13 classification of highways, including but not limited to the following:

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

16 (b) Important traffic generating economic activities, including but
17 not limited to recreation, agriculture, government, business, and
18 industry;

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

21 (d) Directness of travel and distance between points of economic
22 importance;

23 (e) Length of trips;

24 (f) Character and volume of traffic;

25 (g) Preferential consideration for multiple service which shall
26 include public transportation;

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

28 (i) System continuity.

29 (3) The (~~transportation commission~~) department or the legislature
30 shall designate state highways of statewide significance under RCW
31 47.06.140. If the (~~commission~~) department designates a state highway
32 of statewide significance, it shall submit a list of such facilities
33 for adoption by the legislature. This statewide system shall include
34 at a minimum interstate highways and other statewide principal
35 arterials that are needed to connect major communities across the state
36 and support the state's economy.

37 (4) The (~~transportation commission~~) department shall designate a
38 freight and goods transportation system. This statewide system shall

1 include state highways, county roads, and city streets. The
2 (~~commission~~) department, in cooperation with cities and counties,
3 shall review and make recommendations to the legislature regarding
4 policies governing weight restrictions and road closures which affect
5 the transportation of freight and goods.

6 **Sec. 9.** RCW 36.57A.191 and 2003 c 363 s 304 are each amended to
7 read as follows:

8 As a condition of receiving state funding, a public transportation
9 benefit area authority shall submit a maintenance and preservation
10 management plan for certification by the department of transportation
11 (~~commission or its successor entity~~). The plan must inventory all
12 transportation system assets within the direction and control of the
13 authority, and provide a preservation plan based on lowest life-cycle
14 cost methodologies.

15 **Sec. 10.** RCW 36.78.121 and 2003 c 363 s 307 are each amended to
16 read as follows:

17 The county road administration board, or its successor entity,
18 shall establish a standard of good practice for maintenance of
19 transportation system assets. This standard must be implemented by all
20 counties no later than December 31, 2007. The board shall develop a
21 model maintenance management system for use by counties. The board
22 shall develop rules to assist the counties in the implementation of
23 this system. Counties shall annually submit their maintenance plans to
24 the board. The board shall compile the county data regarding
25 maintenance management and annually submit it to the (~~transportation~~
26 ~~commission or its successor entity~~) office of financial management.

27 **Sec. 11.** RCW 36.79.120 and 1988 c 26 s 6 are each amended to read
28 as follows:

29 Counties receiving funds from the rural arterial trust account for
30 construction of arterials and the construction of replacement bridges
31 funded by the federal bridge replacement program on access roads in
32 rural areas shall provide such matching funds as established by rules
33 recommended by the board, subject to review, revision, and final
34 approval by the (~~state transportation commission~~) office of financial

1 management. Matching requirements shall be established after
2 appropriate studies by the board, taking into account financial
3 resources available to counties to meet arterial needs.

4 **Sec. 12.** RCW 36.79.130 and 1983 1st ex.s. c 49 s 13 are each
5 amended to read as follows:

6 Not later than November 1st of each even-numbered year the board
7 shall prepare and present to the (~~state transportation commission~~)
8 office of financial management a recommended budget for expenditures
9 from the rural arterial trust account during the ensuing biennium. The
10 budget shall contain an estimate of the revenues to be credited to the
11 rural arterial trust account.

12 The (~~state transportation commission~~) office of financial
13 management shall review the budget as recommended, revise the budget as
14 it deems proper, and include the budget as revised as a separate
15 section of the transportation budget which it shall submit to the
16 governor pursuant to chapter 43.88 RCW.

17 **Sec. 13.** 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 transportation commission, (~~its~~
28 ~~successor entity~~) the department, 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. 14.** RCW 43.10.101 and 2005 c 319 s 104 are each amended to
24 read as follows:

25 The attorney general shall prepare annually a report to the
26 transportation committees of the legislature, the governor, the
27 department of transportation, and the transportation commission(~~(, and~~
28 ~~the transportation performance audit board~~)) comprising a comprehensive
29 summary of all cases involving tort claims against the department of
30 transportation involving highways which were concluded and closed in
31 the previous calendar year. The report shall include for each case
32 closed:

33 (1) A summary of the factual background of the case;

34 (2) Identification of the attorneys representing the state and the
35 opposing parties;

36 (3) A synopsis of the legal theories asserted and the defenses
37 presented;

1 (4) Whether the case was tried, settled, or dismissed, and in whose
2 favor;

3 (5) The approximate number of attorney hours expended by the state
4 on the case, together with the corresponding dollar amount billed
5 therefore; and

6 (6) Such other matters relating to the case as the attorney general
7 deems relevant or appropriate, especially including any comments or
8 recommendations for changes in statute law or agency practice that
9 might effectively reduce the exposure of the state to such tort claims.

10 **Sec. 15.** RCW 46.44.042 and 1996 c 116 s 1 are each amended to read
11 as follows:

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

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

1 For the purpose of this section, the width of tire in case of solid
2 rubber or hollow center cushion tires, so long as the use thereof may
3 be permitted by the law, shall be measured between the flanges of the
4 rim. For the purpose of this section, the width of tires in case of
5 pneumatic tires shall be the maximum overall normal inflated width as
6 stipulated by the manufacturer when inflated to the pressure specified
7 and without load thereon.

8 The department of transportation, (~~under rules adopted by the~~
9 ~~transportation commission~~) by rule with respect to state highways, and
10 a local authority, with respect to a public highway under its
11 jurisdiction, may extend the weight table in RCW 46.44.041 to one
12 hundred fifteen thousand pounds. However, the extension must be in
13 compliance with federal law, and vehicles operating under the extension
14 must be in full compliance with the 1997 axle and tire requirements
15 under this section.

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

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

1 reductions in permissible weights unless such restriction, limitation,
2 or prohibition, or reduction in permissible weights be first approved
3 in writing by the department of 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. 17.** RCW 46.44.090 and 2001 c 262 s 1 are each amended to read
20 as follows:

21 The department of transportation, pursuant to its rules (~~adopted~~
22 ~~by the transportation commission~~) with respect to state highways, and
23 local authorities, with respect to public highways under their
24 jurisdiction, may, upon application in writing and good cause being
25 shown therefor, issue a special permit in writing, or electronically,
26 authorizing the applicant to operate or move a vehicle or combination
27 of vehicles of a size, weight of vehicle, or load exceeding the maximum
28 set forth in RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, and
29 46.44.041 upon any public highway under the jurisdiction of the
30 authority granting such permit and for the maintenance of which such
31 authority is responsible.

32 **Sec. 18.** RCW 46.44.092 and 1989 c 398 s 2 are each amended to read
33 as follows:

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

1 On two-lane highways, fourteen feet;

2 On multiple-lane highways where a physical barrier serving as a
3 median divider separates opposing traffic lanes, twenty feet;

4 On multiple-lane highways without a physical barrier serving as a
5 median divider, thirty-two feet.

6 These limits apply except under the following conditions:

7 (1) In the case of buildings, the limitations referred to in this
8 section for movement on any two lane state highway other than the
9 national system of interstate and defense highways may be exceeded
10 under the following conditions: (a) Controlled vehicular traffic shall
11 be maintained in one direction at all times; (b) the maximum distance
12 of movement shall not exceed five miles; additional contiguous permits
13 shall not be issued to exceed the five-mile limit: PROVIDED, That when
14 the department of transportation(~~(, pursuant to general rules adopted~~
15 ~~by the transportation commission,)) determines a hardship would result,~~
16 this limitation may be exceeded upon approval of the department of
17 transportation; (c) prior to issuing a permit a qualified
18 transportation department employee shall make a visual inspection of
19 the building and route involved determining that the conditions listed
20 herein shall be complied with and that structures or overhead
21 obstructions may be cleared or moved in order to maintain a constant
22 and uninterrupted movement of the building; (d) special escort or other
23 precautions may be imposed to assure movement is made under the safest
24 possible conditions, and the Washington state patrol shall be advised
25 when and where the movement is to be made;

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

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

32 (4) These limitations may be rescinded when certification is made
33 by military officials, or by officials of public or private power
34 facilities, or when in the opinion of the department of transportation
35 the movement or action is a necessary movement or action: PROVIDED
36 FURTHER, That in the judgment of the department of transportation the
37 structures and highway surfaces on the routes involved are capable of
38 sustaining widths in excess of such limitation;

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

10 The applicant for any special permit shall specifically describe
11 the vehicle or vehicles and load to be operated or moved and the
12 particular state highways for which permit to operate is requested and
13 whether such permit is requested for a single trip or for continuous
14 operation.

15 **Sec. 19.** RCW 46.44.096 and 1996 c 92 s 1 are each amended to read
16 as follows:

17 In determining fees according to RCW 46.44.0941, mileage on state
18 primary and secondary highways shall be determined from the planning
19 survey records of the department of transportation, and the gross
20 weight of the vehicle or vehicles, including load, shall be declared by
21 the applicant. Overweight on which fees shall be paid will be gross
22 loadings in excess of loadings authorized by law or axle loadings in
23 excess of loadings authorized by law, whichever is the greater. Loads
24 which are overweight and oversize shall be charged the fee for the
25 overweight permit without additional fees being assessed for the
26 oversize features.

27 Special permits issued under RCW 46.44.047, 46.44.0941, or
28 46.44.095, may be obtained from offices of the department of
29 transportation, ports of entry, or other agents appointed by the
30 department.

31 The department may appoint agents for the purposes of selling
32 special motor vehicle permits, temporary additional tonnage permits,
33 and log tolerance permits. Agents so appointed may retain three
34 dollars and fifty cents for each permit sold to defray expenses
35 incurred in handling and selling the permits. If the fee is collected
36 by the department of transportation, the department shall certify the

1 fee so collected to the state treasurer for deposit to the credit of
2 the motor vehicle fund.

3 The department may select a third party contractor, by means of
4 competitive bid, to perform the department's permit issuance function,
5 as provided under RCW 46.44.090. Factors the department shall
6 consider, but is not limited to, in the selection of a third party
7 contractor are economic benefit to both the department and the motor
8 carrier industry, and enhancement of the overall level of permit
9 service. For purposes of this section, "third party contractor" means
10 a business entity that is authorized by the department to issue special
11 permits. The department of transportation (~~commission~~) may adopt
12 rules specifying the criteria that a business entity must meet in order
13 to qualify as a third party contractor under this section.

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

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

37 It shall be unlawful for any person to operate a vehicle or any

1 combination of vehicles over any bridge or other elevated structure or
2 through any tunnel or underpass constituting a part of any public
3 highway at a rate of speed or with a gross weight or of a size which is
4 greater at any time than the maximum speed or maximum weight or size
5 which can be maintained or carried with safety over any such bridge or
6 structure or through any such tunnel or underpass when such bridge,
7 structure, tunnel, or underpass is sign posted as hereinafter provided.
8 The secretary of transportation, if it be a bridge, structure, tunnel,
9 or underpass upon a state highway, or the governing body or authorities
10 of any county, city, or town, if it be upon roads or streets under
11 their jurisdiction, may restrict the speed which may be maintained or
12 the gross weight or size which may be operated upon or over any such
13 bridge or elevated structure or through any such tunnel or underpass
14 with safety thereto. The secretary or the governing body or
15 authorities of any county, city, or town having jurisdiction shall
16 determine and declare the maximum speed or maximum gross weight or size
17 which such bridge, elevated structure, tunnel, or underpass can
18 withstand or accommodate and shall cause suitable signs stating such
19 maximum speed or maximum gross weight, or size, or either, to be
20 erected and maintained on the right hand side of such highway, road, or
21 street and at a distance of not less than one hundred feet from each
22 end of such bridge, structure, tunnel, or underpass and on the approach
23 thereto: PROVIDED, That in the event that any such bridge, elevated
24 structure, tunnel, or underpass is upon a city street designated by the
25 department of transportation (~~commission~~) as forming a part of the
26 route of any state highway through any such incorporated city or town
27 the determination of any maximum speed or maximum gross weight or size
28 which such bridge, elevated structure, tunnel, or underpass can
29 withstand or accommodate shall not be enforceable at any speed, weight,
30 or size less than the maximum allowed by law, unless with the approval
31 in writing of the secretary. Upon the trial of any person charged with
32 a violation of this section, proof of either violation of maximum speed
33 or maximum weight, or size, or either, and the distance and location of
34 such signs as are required, shall constitute conclusive evidence of the
35 maximum speed or maximum weight, or size, or either, which can be
36 maintained or carried with safety over such bridge or elevated
37 structure or through such tunnel or underpass.

1 **Sec. 21.** RCW 46.68.113 and 2003 c 363 s 305 are each amended to
2 read as follows:

3 During the 2003-2005 biennium, cities and towns shall provide to
4 the transportation commission, or its successor entity, preservation
5 rating information on at least seventy percent of the total city and
6 town arterial network. Thereafter, the preservation rating information
7 requirement shall increase in five percent increments in subsequent
8 biennia. The rating system used by cities and towns must be based upon
9 the Washington state pavement rating method or an equivalent standard
10 approved by the department of transportation (~~commission or its~~
11 ~~successor entity~~). Beginning January 1, 2007, the preservation rating
12 information shall be submitted to the department.

13 **Sec. 22.** RCW 47.28.010 and 1977 ex.s. c 151 s 59 are each amended
14 to read as follows:

15 Whenever the general route of any state highway shall be designated
16 and laid out as running to or by way of certain designated points,
17 without specifying the particular route to be followed to or by way of
18 such points, the (~~transportation commission~~) department shall
19 determine the particular route to be followed by said state highway to
20 or by way of said designated points, and shall be at liberty to select
21 and adopt as a part of such state highway, the whole or any part of any
22 existing public highway previously designated as a county road, primary
23 road, or secondary road or now or hereafter classified as a county
24 road. The (~~commission~~) department need not select and adopt the
25 entire routes for such state highways at one time, but may select and
26 adopt parts of such routes from time to time as it deems advisable.
27 Where a state highway is designated as passing by way of a certain
28 point, this shall not require the (~~commission~~) department to cause
29 such state highway to pass through or touch such point but such
30 designation is directional only and may be complied with by location in
31 the general vicinity. The department (~~of transportation~~) is
32 empowered to construct as a part of any state highway as designated and
33 in addition to any portion meeting the limits of any incorporated city
34 or town a bypass section either through or around any such incorporated
35 city or town.

1 **Sec. 23.** RCW 47.28.170 and 1990 c 265 s 1 are each amended to read
2 as follows:

3 (1) Whenever the department finds that as a consequence of
4 accident, natural disaster, or other emergency, an existing state
5 highway is in jeopardy or is rendered impassible in one or both
6 directions and the department further finds that prompt reconstruction,
7 repair, or other work is needed to preserve or restore the highway for
8 public travel, the department may obtain at least three written bids
9 for the work without publishing a call for bids, and the secretary of
10 transportation may award a contract forthwith to the lowest responsible
11 bidder.

12 The department shall notify any association or organization of
13 contractors filing a request to regularly receive notification.
14 Notification to an association or organization of contractors shall
15 include: (a) The location of the work to be done; (b) the general
16 anticipated nature of the work to be done; and (c) the date determined
17 by the department as reasonable in view of the nature of the work and
18 emergent nature of the problem after which the department will not
19 receive bids.

20 (2) Whenever the department finds it necessary to protect a highway
21 facility from imminent damage or to perform emergency work to reopen a
22 highway facility, the department may contract for such work on a
23 negotiated basis not to exceed force account rates for a period not to
24 exceed thirty working days.

25 (3) The secretary shall review any contract exceeding ~~((two))~~ seven
26 hundred thousand dollars awarded under subsection (1) or (2) of this
27 section with the ~~((transportation commission at its next regularly~~
28 ~~scheduled meeting))~~ office of financial management within thirty days
29 of the contract award.

30 (4) Any person, firm, or corporation awarded a contract for work
31 must be prequalified pursuant to RCW 47.28.070 and may be required to
32 furnish a bid deposit or performance bond.

33 **Sec. 24.** RCW 47.38.060 and 1996 c 172 s 1 are each amended to read
34 as follows:

35 The ~~((transportation commission))~~ department may designate
36 interstate safety rest areas, as appropriate, as locations for memorial
37 signs to prisoners of war and those missing in action. The

1 ((~~commission~~)) department shall adopt policies for the placement of
2 memorial signs on interstate safety rest areas and may disapprove any
3 memorial sign that it determines to be inappropriate or inconsistent
4 with the policies. The policies shall include, but are not limited to,
5 guidelines for the size and location of and inscriptions on memorial
6 signs. The secretary shall adopt rules for administering this program.
7 Nonprofit associations may have their name identified on a memorial
8 sign if the association bears the cost of supplying and maintaining the
9 memorial sign.

10 **Sec. 25.** RCW 47.52.133 and 1987 c 200 s 2 are each amended to read
11 as follows:

12 Except as provided in RCW 47.52.134, the ((~~transportation~~
13 ~~commission~~)) department and the highway authorities of the counties and
14 incorporated cities and towns, with regard to facilities under their
15 respective jurisdictions, prior to the establishment of any limited
16 access facility, shall hold a public hearing within the county, city,
17 or town wherein the limited access facility is to be established to
18 determine the desirability of the plan proposed by such authority.
19 Notice of such hearing shall be given to the owners of property
20 abutting the section of any existing highway, road, or street being
21 established as a limited access facility, as indicated in the tax rolls
22 of the county, and in the case of a state limited access facility, to
23 the county and/or city or town. Such notice shall be by United States
24 mail in writing, setting forth a time for the hearing, which time shall
25 be not less than fifteen days after mailing of such notice. Notice of
26 such hearing also shall be given by publication not less than fifteen
27 days prior to such hearing in one or more newspapers of general
28 circulation within the county, city, or town. Such notice by
29 publication shall be deemed sufficient as to any owner or reputed owner
30 or any unknown owner or owner who cannot be located. Such notice shall
31 indicate a suitable location where plans for such proposal may be
32 inspected.

33 **Sec. 26.** RCW 47.52.145 and 1981 c 95 s 2 are each amended to read
34 as follows:

35 Whenever after the final adoption of a plan for a limited access
36 highway by the ((~~transportation commission~~)) department, an additional

1 design public hearing with respect to the facility or any portion
2 thereof is conducted pursuant to federal law resulting in a revision of
3 the design of the limited access plan, the (~~commission~~) department
4 may modify the previously adopted limited access plan to conform to the
5 revised design without further public hearings providing the following
6 conditions are met:

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

11 (2) If the previously adopted limited access plan was modified by
12 a board of review convened at the request of a county, city, or town,
13 the legislative authority of the county, city, or town shall approve
14 any revisions of the plan which conflict with modifications ordered by
15 the board of review.

16 **Sec. 27.** RCW 47.52.210 and 1981 c 95 s 3 are each amended to read
17 as follows:

18 (1) Whenever the (~~transportation commission~~) department adopts a
19 plan for a limited access highway to be constructed within the
20 corporate limits of a city or town which incorporates existing city or
21 town streets, title to such streets shall remain in the city or town,
22 and the provisions of RCW 47.24.020 as now or hereafter amended shall
23 continue to apply to such streets until such time that the highway is
24 operated as either a partially or fully controlled access highway.
25 Title to and full control over that portion of the city or town street
26 incorporated into the limited access highway shall be vested in the
27 state upon a declaration by the secretary of transportation that such
28 highway is operational as a limited access facility, but in no event
29 prior to the acquisition of right of way for such highway including
30 access rights, and not later than the final completion of construction
31 of such highway.

32 (2) Upon the completion of construction of a state limited access
33 highway within a city or town, the department of transportation may
34 relinquish to the city or town streets constructed or improved as a
35 functional part of the limited access highway, slope easements,
36 landscaping areas, and other related improvements to be maintained and
37 operated by the city or town in accordance with the limited access

1 plan. Title to such property relinquished to a city or town shall be
2 conveyed by a deed executed by the secretary of transportation and duly
3 acknowledged. Relinquishment of such property to the city or town may
4 be expressly conditioned upon the maintenance of access control
5 acquired by the state and the continued operation of such property as
6 a functional part of the limited access highway.

7 **Sec. 28.** RCW 81.112.086 and 2003 c 363 s 306 are each amended to
8 read as follows:

9 As a condition of receiving state funding, a regional transit
10 authority shall submit a maintenance and preservation management plan
11 for certification by the department of transportation (~~commission or~~
12 ~~its successor entity~~). The plan must inventory all transportation
13 system assets within the direction and control of the transit
14 authority, and provide a plan for preservation of assets based on
15 lowest life-cycle cost methodologies.

16 **Sec. 29.** RCW 36.56.121 and 2003 c 363 s 303 are each amended to
17 read as follows:

18 As a condition of receiving state funding, a county that has
19 assumed the transportation functions of a metropolitan municipal
20 corporation shall submit a maintenance and preservation management plan
21 for certification by the (~~transportation commission or its successor~~
22 ~~entity~~) department of transportation. The plan must inventory all
23 transportation system assets within the direction and control of the
24 county, and provide a preservation plan based on lowest life-cycle cost
25 methodologies.

26 **Sec. 30.** RCW 36.57A.070 and 1985 c 6 s 5 are each amended to read
27 as follows:

28 The comprehensive transit plan adopted by the authority shall be
29 reviewed by the state department of transportation (~~commission~~) to
30 determine:

31 (1) The completeness of service to be offered and the economic
32 viability of the transit system proposed in such comprehensive transit
33 plan;

34 (2) Whether such plan integrates the proposed transportation system

1 with existing transportation modes and systems that serve the benefit
2 area;

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

5 (4) Whether such plan is eligible for matching state or federal
6 funds((÷

7 ~~After reviewing the comprehensive transit plan, the state~~
8 ~~transportation commission shall have sixty days in which to approve~~
9 ~~such plan and to certify to the state treasurer that such public~~
10 ~~transportation benefit area shall be eligible to receive the motor~~
11 ~~vehicle excise tax proceeds authorized pursuant to RCW 35.58.273, as~~
12 ~~now or hereafter amended in the manner prescribed by chapter 82.44 RCW,~~
13 ~~as now or hereafter amended. To be approved a plan shall provide for~~
14 ~~coordinated transportation planning, the integration of such proposed~~
15 ~~transportation program with other transportation systems operating in~~
16 ~~areas adjacent to, or in the vicinity of the proposed public~~
17 ~~transportation benefit area, and be consistent with the public~~
18 ~~transportation coordination criteria adopted pursuant to the urban mass~~
19 ~~transportation act of 1964 as amended as of July 1, 1975. In the event~~
20 ~~such comprehensive plan is disapproved and ruled ineligible to receive~~
21 ~~motor vehicle tax proceeds, the state transportation commission shall~~
22 ~~provide written notice to the authority within thirty days as to the~~
23 ~~reasons for such plan's disapproval and such ineligibility. The~~
24 ~~authority may resubmit such plan upon reconsideration and correction of~~
25 ~~such deficiencies in the plan cited in such notice of disapproval)).~~

26 **Sec. 31.** RCW 47.10.861 and 2003 c 147 s 1 are each amended to read
27 as follows:

28 In order to provide funds necessary for the location, design, right
29 of way, and construction of selected projects or improvements that are
30 identified as transportation 2003 projects or improvements in the
31 omnibus transportation budget, there shall be issued and sold upon the
32 request of the secretary of the department of transportation
33 ~~((commission))~~ a total of two billion six hundred million dollars of
34 general obligation bonds of the state of Washington.

35 **Sec. 32.** RCW 47.10.862 and 2003 c 147 s 2 are each amended to read
36 as follows:

1 Upon the request of the secretary of the department of
2 transportation (~~commission~~), as appropriate, the state finance
3 committee shall supervise and provide for the issuance, sale, and
4 retirement of the bonds in RCW 47.10.861 through 47.10.866 in
5 accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.861
6 through 47.10.866 shall be sold in the manner, at time or times, in
7 amounts, and at the price as the state finance committee shall
8 determine. No bonds may be offered for sale without prior legislative
9 appropriation of the net proceeds of the sale of the bonds.

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

15 **Sec. 33.** RCW 47.10.843 and 1998 c 321 s 16 are each amended to
16 read as follows:

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

23 **Sec. 34.** RCW 47.10.844 and 1998 c 321 s 17 are each amended to
24 read as follows:

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

34 The state finance committee shall consider the issuance of short-
35 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. 35.** RCW 47.10.834 and 1995 2nd sp.s. c 15 s 2 are each
5 amended to read as follows:

6 In order to provide funds necessary to implement the public-private
7 transportation initiatives authorized by chapter 47.46 RCW, there shall
8 be issued and sold upon the request of the (~~Washington state~~)
9 secretary of the department of transportation (~~commission~~) a total of
10 twenty-five million six hundred twenty-five thousand dollars of general
11 obligation bonds of the state of Washington.

12 **Sec. 36.** RCW 47.10.835 and 1994 c 183 s 3 are each amended to read
13 as follows:

14 Upon the request of the secretary of the department of
15 transportation (~~commission~~), the state finance committee shall
16 supervise and provide for the issuance, sale, and retirement of the
17 bonds authorized by RCW 47.10.834 through 47.10.841 in accordance with
18 chapter 39.42 RCW. Bonds authorized by RCW 47.10.834 through 47.10.841
19 shall be sold in such manner, at such time or times, in such amounts,
20 and at such price as the state finance committee shall determine. No
21 such bonds may be offered for sale without prior legislative
22 appropriation of the net proceeds of the sale of the bonds. In making
23 such appropriation of the net proceeds of the sale of the bonds, the
24 legislature shall specify what portion of the appropriation is provided
25 for possible loans and what portion of the appropriation is provided
26 for other forms of cash contributions to projects.

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

32 **Sec. 37.** RCW 47.10.819 and 1993 c 432 s 1 are each amended to read
33 as follows:

34 In order to provide funds necessary for the location, design, right
35 of way, and construction of selected interstate and other highway

1 improvements, there shall be issued and sold upon the request of the
2 (~~Washington state~~) secretary of the department of transportation
3 (~~commission~~) a total of one hundred million dollars of general
4 obligation bonds of the state of Washington for the following purposes
5 and specified sums:

6 (1) Not to exceed twenty-five million dollars to pay the state's
7 and local governments' share of matching funds for the ten
8 demonstration projects identified in the Intermodal Surface
9 Transportation Efficiency Act of 1991.

10 (2) Not to exceed fifty million dollars to temporarily pay the
11 regular federal share of construction in advance of federal-aid
12 apportionments as authorized by this section.

13 (3) Not to exceed twenty-five million dollars for loans to local
14 governments to provide the required matching funds to take advantage of
15 available federal funds. These loans shall be on such terms and
16 conditions as determined by the (~~Washington state~~) secretary of the
17 department of transportation (~~commission~~), but in no event may the
18 loans be for a period of more than ten years. The interest rate on the
19 loans authorized under this subsection shall be equal to the interest
20 rate on the bonds sold for such purposes.

21 **Sec. 38.** RCW 47.10.820 and 1993 c 432 s 2 are each amended to read
22 as follows:

23 Upon the request of the secretary of the department of
24 transportation (~~commission~~), the state finance committee shall
25 supervise and provide for the issuance, sale, and retirement of the
26 bonds authorized by RCW 47.10.819 through 47.10.824 in accordance with
27 chapter 39.42 RCW. Bonds authorized by RCW 47.10.819 through 47.10.824
28 shall be sold in such manner, at such time or times, in such amounts,
29 and at such price as the state finance committee shall determine. No
30 such bonds may be offered for sale without prior legislative
31 appropriation of the net proceeds of the sale of the bonds.

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

1 **Sec. 39.** RCW 47.02.120 and 1990 c 293 s 1 are each amended to read
2 as follows:

3 For the purpose of providing funds for the acquisition of
4 headquarters facilities for district 1 of the department of
5 transportation and costs incidental thereto, together with all
6 improvements and equipment required to make the facilities suitable for
7 the department's use, there shall be issued and sold upon the request
8 of the (~~Washington transportation commission~~) secretary of the
9 department of transportation a total of fifteen million dollars of
10 general obligation bonds of the state of Washington.

11 **Sec. 40.** RCW 47.02.140 and 1990 c 293 s 3 are each amended to read
12 as follows:

13 Upon the request of the secretary of the department of
14 transportation (~~commission~~), the state finance committee shall
15 supervise and provide for the issuance, sale, and retirement of the
16 bonds authorized by RCW 47.02.120 through 47.02.190 in accordance with
17 chapter 39.42 RCW. Bonds authorized by RCW 47.02.120 through 47.02.190
18 shall be sold in such manner, at such time or times, in such amounts,
19 and at such price as the state finance committee shall determine.
20 Except for the purpose of repaying the loan from the motor vehicle
21 fund, no such bonds may be offered for sale without prior legislative
22 appropriation of the net proceeds of the sale of the bonds.

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

28 **Sec. 41.** RCW 47.17.132 and 1997 c 308 s 1 are each amended to read
29 as follows:

30 A state highway to be known as state route number 35 is established
31 as follows:

32 Beginning at the Washington-Oregon boundary line thence northerly
33 to a junction with state route number 14 in the vicinity of White
34 Salmon(~~; however, until such time as a bridge across the Columbia~~
35 ~~River is constructed at a location adopted by the transportation~~

1 ~~commission no existing route may be maintained or improved by the~~
2 ~~transportation commission as a temporary route for state route number~~
3 ~~35)).~~

4 **Sec. 42.** RCW 47.24.010 and 1998 c 245 s 97 are each amended to
5 read as follows:

6 The department of transportation (~~commission~~) shall determine
7 what streets, together with bridges thereon and wharves necessary for
8 use for ferriage of motor vehicle traffic in connection with such
9 streets, if any, in any incorporated cities and towns shall form a part
10 of the route of state highways and between the first and fifteenth days
11 of July of any year the department (~~of transportation~~) shall identify
12 by brief description, the streets, together with the bridges thereon
13 and wharves, if any, in such city or town which are designated as
14 forming a part of the route of any state highway; and all such streets,
15 including curbs and gutters and street intersections and such bridges
16 and wharves, shall thereafter be a part of the state highway system and
17 as such shall be constructed and maintained by the department (~~of~~
18 ~~transportation~~) from any state funds available therefor: PROVIDED,
19 That the responsibility for the construction and maintenance of any
20 such street together with its appurtenances may be returned to a city
21 or a town upon certification by the department (~~of transportation~~) to
22 the clerk of any city or town that such street, or portion thereof, is
23 no longer required as a part of the state highway system: PROVIDED
24 FURTHER, That any such certification that a street, or portion thereof,
25 is no longer required as a part of the state highway system shall be
26 made between the first and fifteenth of July following the
27 determination by the department that such street or portion thereof is
28 no longer required as a part of the state highway system, but this
29 shall not prevent the department and any city or town from entering
30 into an agreement that a city or town will accept responsibility for
31 such a street or portion thereof at some time other than between the
32 first and fifteenth of July of any year.

33 **Sec. 43.** RCW 43.88.030 and 2005 c 386 s 3 and 2005 c 319 s 108 are
34 each reenacted and amended to read as follows:

35 (1) The director of financial management shall provide all agencies
36 with a complete set of instructions for submitting biennial budget

1 requests to the director at least three months before agency budget
2 documents are due into the office of financial management. The budget
3 document or documents shall consist of the governor's budget message
4 which shall be explanatory of the budget and shall contain an outline
5 of the proposed financial policies of the state for the ensuing fiscal
6 period, as well as an outline of the proposed six-year financial
7 policies where applicable, and shall describe in connection therewith
8 the important features of the budget. The biennial budget document or
9 documents shall also describe performance indicators that demonstrate
10 measurable progress towards priority results. The message shall set
11 forth the reasons for salient changes from the previous fiscal period
12 in expenditure and revenue items and shall explain any major changes in
13 financial policy. Attached to the budget message shall be such
14 supporting schedules, exhibits and other explanatory material in
15 respect to both current operations and capital improvements as the
16 governor shall deem to be useful to the legislature. The budget
17 document or documents shall set forth a proposal for expenditures in
18 the ensuing fiscal period, or six-year period where applicable, based
19 upon the estimated revenues and caseloads as approved by the economic
20 and revenue forecast council and caseload forecast council or upon the
21 estimated revenues and caseloads of the office of financial management
22 for those funds, accounts, sources, and programs for which the forecast
23 councils do not prepare an official forecast. Revenues shall be
24 estimated for such fiscal period from the source and at the rates
25 existing by law at the time of submission of the budget document,
26 including the supplemental budgets submitted in the even-numbered years
27 of a biennium. However, the estimated revenues and caseloads for use
28 in the governor's budget document may be adjusted to reflect budgetary
29 revenue transfers and revenue and caseload estimates dependent upon
30 budgetary assumptions of enrollments, workloads, and caseloads. All
31 adjustments to the approved estimated revenues and caseloads must be
32 set forth in the budget document. The governor may additionally
33 submit, as an appendix to each supplemental, biennial, or six-year
34 agency budget or to the budget document or documents, a proposal for
35 expenditures in the ensuing fiscal period from revenue sources derived
36 from proposed changes in existing statutes.

37 ~~((Supplemental and biennial documents shall reflect a six year~~
38 ~~expenditure plan consistent with estimated revenues from existing~~

1 ~~sources. Any additional revenue resulting from proposed changes to~~
2 ~~existing statutes shall be separately identified within the document as~~
3 ~~well as related expenditures for the six year period.))~~

4 The budget document or documents shall also contain:

5 (a) Revenues classified by fund and source for the immediately past
6 fiscal period, those received or anticipated for the current fiscal
7 period, and those anticipated for the ensuing biennium;

8 (b) The undesignated fund balance or deficit, by fund;

9 (c) Such additional information dealing with expenditures,
10 revenues, workload, performance, and personnel as the legislature may
11 direct by law or concurrent resolution;

12 (d) Such additional information dealing with revenues and
13 expenditures as the governor shall deem pertinent and useful to the
14 legislature;

15 (e) Tabulations showing expenditures classified by fund, function,
16 and agency;

17 (f) The expenditures that include nonbudgeted, nonappropriated
18 accounts outside the state treasury;

19 (g) Identification of all proposed direct expenditures to implement
20 the Puget Sound water quality plan under chapter 90.71 RCW, shown by
21 agency and in total; and

22 (h) Tabulations showing each postretirement adjustment by
23 retirement system established after fiscal year 1991, to include, but
24 not be limited to, estimated total payments made to the end of the
25 previous biennial period, estimated payments for the present biennium,
26 and estimated payments for the ensuing biennium.

27 (2) The budget document or documents shall include detailed
28 estimates of all anticipated revenues applicable to proposed operating
29 or capital expenditures and shall also include all proposed operating
30 or capital expenditures. The total of beginning undesignated fund
31 balance and estimated revenues less working capital and other reserves
32 shall equal or exceed the total of proposed applicable expenditures.
33 The budget document or documents shall further include:

34 (a) Interest, amortization and redemption charges on the state
35 debt;

36 (b) Payments of all reliefs, judgments, and claims;

37 (c) Other statutory expenditures;

38 (d) Expenditures incident to the operation for each agency;

- 1 (e) Revenues derived from agency operations;
- 2 (f) Expenditures and revenues shall be given in comparative form
3 showing those incurred or received for the immediately past fiscal
4 period and those anticipated for the current biennium and next ensuing
5 biennium;
- 6 (g) A showing and explanation of amounts of general fund and other
7 funds obligations for debt service and any transfers of moneys that
8 otherwise would have been available for appropriation;
- 9 (h) Common school expenditures on a fiscal-year basis;
- 10 (i) A showing, by agency, of the value and purpose of financing
11 contracts for the lease/purchase or acquisition of personal or real
12 property for the current and ensuing fiscal periods; and
- 13 (j) A showing and explanation of anticipated amounts of general
14 fund and other funds required to amortize the unfunded actuarial
15 accrued liability of the retirement system specified under chapter
16 41.45 RCW, and the contributions to meet such amortization, stated in
17 total dollars and as a level percentage of total compensation.
- 18 (3) The governor's operating budget document or documents shall
19 reflect the statewide priorities as required by RCW 43.88.090.
- 20 (4) The governor's operating budget document or documents shall
21 identify activities that are not addressing the statewide priorities.
- 22 (5) A separate capital budget document or schedule shall be
23 submitted that will contain the following:
- 24 (a) A statement setting forth a long-range facilities plan for the
25 state that identifies and includes the highest priority needs within
26 affordable spending levels;
- 27 (b) A capital program consisting of proposed capital projects for
28 the next biennium and the two biennia succeeding the next biennium
29 consistent with the long-range facilities plan. Insomuch as is
30 practical, and recognizing emergent needs, the capital program shall
31 reflect the priorities, projects, and spending levels proposed in
32 previously submitted capital budget documents in order to provide a
33 reliable long-range planning tool for the legislature and state
34 agencies;
- 35 (c) A capital plan consisting of proposed capital spending for at
36 least four biennia succeeding the next biennium;
- 37 (d) A strategic plan for reducing backlogs of maintenance and
38 repair projects. The plan shall include a prioritized list of specific

1 facility deficiencies and capital projects to address the deficiencies
2 for each agency, cost estimates for each project, a schedule for
3 completing projects over a reasonable period of time, and
4 identification of normal maintenance activities to reduce future
5 backlogs;

6 (e) A statement of the reason or purpose for a project;

7 (f) Verification that a project is consistent with the provisions
8 set forth in chapter 36.70A RCW;

9 (g) A statement about the proposed site, size, and estimated life
10 of the project, if applicable;

11 (h) Estimated total project cost;

12 (i) For major projects valued over five million dollars, estimated
13 costs for the following project components: Acquisition, consultant
14 services, construction, equipment, project management, and other costs
15 included as part of the project. Project component costs shall be
16 displayed in a standard format defined by the office of financial
17 management to allow comparisons between projects;

18 (j) Estimated total project cost for each phase of the project as
19 defined by the office of financial management;

20 (k) Estimated ensuing biennium costs;

21 (l) Estimated costs beyond the ensuing biennium;

22 (m) Estimated construction start and completion dates;

23 (n) Source and type of funds proposed;

24 (o) Estimated ongoing operating budget costs or savings resulting
25 from the project, including staffing and maintenance costs;

26 (p) For any capital appropriation requested for a state agency for
27 the acquisition of land or the capital improvement of land in which the
28 primary purpose of the acquisition or improvement is recreation or
29 wildlife habitat conservation, the capital budget document, or an
30 omnibus list of recreation and habitat acquisitions provided with the
31 governor's budget document, shall identify the projected costs of
32 operation and maintenance for at least the two biennia succeeding the
33 next biennium. Omnibus lists of habitat and recreation land
34 acquisitions shall include individual project cost estimates for
35 operation and maintenance as well as a total for all state projects
36 included in the list. The document shall identify the source of funds
37 from which the operation and maintenance costs are proposed to be
38 funded;

1 (q) Such other information bearing upon capital projects as the
2 governor deems to be useful;

3 (r) Standard terms, including a standard and uniform definition of
4 normal maintenance, for all capital projects;

5 (s) Such other information as the legislature may direct by law or
6 concurrent resolution.

7 For purposes of this subsection (5), the term "capital project"
8 shall be defined subsequent to the analysis, findings, and
9 recommendations of a joint committee comprised of representatives from
10 the house capital appropriations committee, senate ways and means
11 committee, legislative evaluation and accountability program committee,
12 and office of financial management.

13 (6) No change affecting the comparability of agency or program
14 information relating to expenditures, revenues, workload, performance
15 and personnel shall be made in the format of any budget document or
16 report presented to the legislature under this section or RCW
17 43.88.160(1) relative to the format of the budget document or report
18 which was presented to the previous regular session of the legislature
19 during an odd-numbered year without prior legislative concurrence.
20 Prior legislative concurrence shall consist of (a) a favorable majority
21 vote on the proposal by the standing committees on ways and means of
22 both houses if the legislature is in session or (b) a favorable
23 majority vote on the proposal by members of the legislative evaluation
24 and accountability program committee if the legislature is not in
25 session.

26 NEW SECTION. **Sec. 44.** A new section is added to chapter 47.01 RCW
27 to read as follows:

28 (1) The transportation commission may review the performance and
29 outcome measures of transportation-related agencies. The purpose of
30 these reviews is to ensure that the legislature and the governor have
31 the means to adequately and accurately assess the performance and
32 outcomes of those agencies and departments.

33 (2) The performance and outcome measures and benchmarks of each
34 transportation-related agency or department may be reviewed at the
35 discretion of the transportation commission, or at the request of the
36 legislature or the governor. In setting the schedule and the extent of
37 performance reviews, the commission shall consider the timing and

1 results of other recent state, federal, and independent reviews and
2 audits, the seriousness of past findings, any inadequate remedial
3 action taken by an agency or department, whether an agency or
4 department lacks performance and outcome measures, and the desirability
5 to include a diverse range of agencies or programs each year. The
6 commission shall avoid duplication of effort in conducting performance
7 reviews by coordinating with the state auditor, joint legislative audit
8 and review committee, the citizen advisory board, and the governor's
9 performance review process.

10 (3) The reviews may include, but are not limited to:

11 (a) A determination of whether the performance and outcome measures
12 are consistent with legislative mandates, strategic plans, mission
13 statements, and goals and objectives, and whether the legislature has
14 established clear mandates, strategic plans, mission statements, and
15 goals and objectives that lend themselves to performance and outcome
16 measurement;

17 (b) An examination of how agency management uses the measures to
18 manage resources in an efficient and effective manner;

19 (c) An assessment of how performance benchmarks are established for
20 the purpose of assessing overall performance compared to external
21 standards and benchmarks;

22 (d) An examination of how an analysis of the measurement data is
23 used to make planning and operational improvements;

24 (e) A determination of how performance and outcome measures are
25 used in the budget planning, development, and allotment processes and
26 the extent to which the agency is in compliance with its
27 responsibilities under RCW 43.88.090;

28 (f) A review of how performance data are reported to and used by
29 the legislature both in policy development and resource allocation;

30 (g) An assessment of whether the performance measure data are
31 reliable and collected in a uniform and timely manner;

32 (h) A determination whether targeted funding investments and
33 established priorities of government actually produce the intended and
34 expected services and benefits; and

35 (i) Recommendations as necessary or appropriate.

36 (4) For the purposes of this section, "transportation-related
37 agencies" means any state or local agency, board, special purpose
38 district, or commission that receives or generates funding primarily

1 for transportation-related purposes. At a minimum, the department of
2 transportation, the Washington state patrol, the department of
3 licensing, the transportation improvement board or its successor
4 entity, the county road administration board or its successor entity,
5 and the traffic safety commission are considered transportation-related
6 agencies.

7 (5) The state auditor, legislative auditor, governor, and director
8 of the office of financial management shall report to the
9 transportation commission on an annual basis concerning their
10 performance improvement efforts to ensure coordination and avoid
11 duplication of effort.

12 **Sec. 45.** RCW 47.05.030 and 2005 c 319 s 9 are each amended to read
13 as follows:

14 The transportation commission shall ~~((adopt))~~ develop a
15 comprehensive ten-year investment program specifying program objectives
16 and performance measures for the preservation and improvement programs
17 defined in this section. The adopted ten-year investment program must
18 be forwarded as a recommendation to the governor and the legislature,
19 and is subject to the approval of the legislature in the biennial
20 transportation budget act. In the specification of investment program
21 objectives and performance measures, the transportation commission, in
22 consultation with the Washington state department of transportation,
23 shall define and adopt standards for effective programming and
24 prioritization practices including a needs analysis process. The
25 analysis process must ensure the identification of problems and
26 deficiencies, the evaluation of alternative solutions and trade-offs,
27 and estimations of the costs and benefits of prospective projects.
28 ~~((The investment program must be revised based on directions by the~~
29 ~~office of financial management.))~~ The investment program must be based
30 upon the needs identified in the state-owned highway component of the
31 statewide comprehensive transportation plan ~~((as defined in RCW~~
32 ~~47.01.071(3))~~).

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

- 1 (a) Life-cycle cost analysis;
- 2 (b) Traffic volume;
- 3 (c) Subgrade soil conditions;
- 4 (d) Environmental and weather conditions;
- 5 (e) Materials available; and
- 6 (f) Construction factors.

7 The comprehensive ten-year investment program for preservation must
8 identify projects for two years and an investment plan for the
9 remaining eight years.

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

22 ~~((The transportation commission shall approve and present the
23 comprehensive ten-year investment program to the governor and the
24 legislature as directed by the office of financial management.))~~

25 **Sec. 46.** RCW 47.05.035 and 2005 c 319 s 10 are each amended to
26 read as follows:

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

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

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

12 (4) The department shall allocate the estimated revenue between
13 preservation and improvement programs giving primary consideration to
14 the following factors:

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

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

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

21 (d) The availability of dedicated funds for a specific type of
22 work.

23 (5) The ~~((commission shall review the results of the department's
24 findings and shall consider those))~~ department shall consider the
25 findings in this section in the development of the ten-year investment
26 program.

27 **Sec. 47.** RCW 47.05.051 and 2005 c 319 s 11 are each amended to
28 read as follows:

29 ~~((1))~~ The comprehensive ten-year investment program shall be
30 based upon the needs identified in the state-owned highway component of
31 the statewide ~~((multimodal))~~ comprehensive transportation plan ~~((as
32 defined in RCW 47.01.071(4))~~ and priority selection systems that
33 incorporate the following criteria:

34 ~~((a))~~ (1) Priority programming for the preservation program shall
35 take into account the following, not necessarily in order of
36 importance:

1 ((+i)) (a) Extending the service life of the existing highway
2 system, including using the most cost-effective pavement surfaces,
3 considering:
4 ((+A)) (i) Life-cycle cost analysis;
5 ((+B)) (ii) Traffic volume;
6 ((+C)) (iii) Subgrade soil conditions;
7 ((+D)) (iv) Environmental and weather conditions;
8 ((+E)) (v) Materials available; and
9 ((+F)) (vi) Construction factors;
10 ((+ii)) (b) Ensuring the structural ability to carry loads imposed
11 upon highways and bridges; and
12 ((+iii)) (c) Minimizing life_cycle costs. ~~((The transportation
13 commission in carrying out the provisions of this section may delegate
14 to the department of transportation the authority to select
15 preservation projects to be included in the ten year program.~~
16 **(b))** (2) Priority programming for the improvement program must be
17 based primarily upon the following, not necessarily in order of
18 importance:
19 ((+i)) (a) Traffic congestion, delay, and accidents;
20 ((+ii)) (b) Location within a heavily traveled transportation
21 corridor;
22 ((+iii)) (c) Except for projects in cities having a population of
23 less than five thousand persons, synchronization with other potential
24 transportation projects, including transit and multimodal projects,
25 within the heavily traveled corridor; and
26 ((+iv)) (d) Use of benefit/cost analysis wherever feasible to
27 determine the value of the proposed project.
28 ((+e)) (3) Priority programming for the improvement program may
29 also take into account:
30 ((+i)) (a) Support for the state's economy, including job creation
31 and job preservation;
32 ((+ii)) (b) The cost-effective movement of people and goods;
33 ((+iii)) (c) Accident and accident risk reduction;
34 ((+iv)) (d) Protection of the state's natural environment;
35 ((+v)) (e) Continuity and systematic development of the highway
36 transportation network;
37 ((+vi)) (f) Consistency with local comprehensive plans developed

1 under chapter 36.70A RCW including the following if they have been
2 included in the comprehensive plan:

3 ~~((A))~~ (i) Support for development in and revitalization of
4 existing downtowns;

5 ~~((B))~~ (ii) Extent that development implements local comprehensive
6 plans for rural and urban residential and nonresidential densities;

7 ~~((C))~~ (iii) Extent of compact, transit-oriented development for
8 rural and urban residential and nonresidential densities;

9 ~~((D))~~ (iv) Opportunities for multimodal transportation; and

10 ~~((E))~~ (v) Extent to which the project accommodates planned growth
11 and economic development;

12 ~~((vii))~~ (g) Consistency with regional transportation plans
13 developed under chapter 47.80 RCW;

14 ~~((viii))~~ (h) Public views concerning proposed improvements;

15 ~~((ix))~~ (i) The conservation of energy resources;

16 ~~((x))~~ (j) Feasibility of financing the full proposed improvement;

17 ~~((xi))~~ (k) Commitments established in previous legislative
18 sessions;

19 ~~((xii))~~ (l) Relative costs and benefits of candidate programs.

20 ~~((d) Major projects addressing capacity deficiencies which
21 prioritize allowing for preliminary engineering shall be reprioritized
22 during the succeeding biennium, based upon updated project data.
23 Reprioritized projects may be delayed or canceled by the transportation
24 commission if higher priority projects are awaiting funding.~~

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

31 ~~(2) The commission may depart from the priority programming
32 established under subsection (1) of this section: (a) To the extent
33 that otherwise funds cannot be utilized feasibly within the program;
34 (b) as may be required by a court judgment, legally binding agreement,
35 or state and federal laws and regulations; (c) as may be required to
36 coordinate with federal, local, or other state agency construction
37 projects; (d) to take advantage of some substantial financial benefit
38 that may be available; (e) for continuity of route development; or (f)~~

1 because of changed financial or physical conditions of an unforeseen or
2 emergent nature. The commission or secretary of transportation shall
3 maintain in its files information sufficient to show the extent to
4 which the commission has departed from the established priority.

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

8 **Sec. 48.** RCW 47.29.010 and 2005 c 317 s 1 are each amended to read
9 as follows:

10 (1) The legislature finds that the public-private
11 (~~{transportation}~~) transportation initiatives act created under
12 chapter 47.46 RCW has not met the needs and expectations of the public
13 or private sectors for the development of transportation projects. The
14 legislature intends to phase out chapter 47.46 RCW coincident with the
15 completion of the Tacoma Narrows Bridge - SR 16 public-private
16 partnership. From July 24, 2005, this chapter will provide a more
17 desirable and effective approach to developing transportation projects
18 in partnership with the private sector by applying lessons learned from
19 other states and from this state's ten-year experience with chapter
20 47.46 RCW.

21 (2) It is the legislature's intent to achieve the following goals
22 through the creation of this new approach to public-private
23 partnerships:

24 (a) To provide a well-defined mechanism to facilitate the
25 collaboration between public and private entities in transportation;

26 (b) To bring innovative thinking from the private sector and other
27 states to bear on public projects within the state;

28 (c) To provide greater flexibility in achieving the transportation
29 projects; and

30 (d) To allow for creative cost and risk sharing between the public
31 and private partners.

32 (3) The legislature intends that the powers granted in this chapter
33 to the commission or department are in addition to any powers granted
34 under chapter 47.56 RCW.

35 (4) It is further the intent of the legislature that (~~the~~
36 ~~commission shall be responsible for receiving, reviewing, and approving~~
37 ~~proposals with technical support of the department; rule making; and~~

1 ~~for oversight of contract execution. The department shall be~~
2 ~~responsible for evaluating proposals and negotiating contracts))~~ an
3 expert review panel be established for each project developed under
4 this act. Expert review panels shall be responsible for reviewing
5 selected proposals, analyzing and reviewing tentative agreements, and
6 making recommendations to the governor and the transportation
7 commission on the advisability of executing agreements under this act.

8 NEW SECTION. Sec. 49. A new section is added to chapter 47.29 RCW
9 to read as follows:

10 (1) The department shall establish an expert review panel to
11 review, analyze, and make recommendations to the governor and the
12 transportation commission on whether to approve, reject, or continue
13 negotiations on a proposed project agreement under this chapter. The
14 department shall provide staff to support the expert review panel, if
15 requested by the panel. The expert review panel may utilize any of the
16 consultants under contract for the department, and the expert review
17 panel may contract for consulting expertise in specific areas as it
18 deems necessary to ensure a thorough and critical review of any
19 proposed project agreement.

20 (2) The governor shall appoint members of an expert review panel
21 that have experience in large capital project delivery, public-private
22 partnerships, public financing of infrastructure improvements, or other
23 areas of expertise that will benefit the panel. The panel shall
24 consist of no less than three, but no more than five members, as
25 determined by the governor.

26 NEW SECTION. Sec. 50. A new section is added to chapter 47.29 RCW
27 to read as follows:

28 Upon receiving the recommendations of the expert review panel as
29 provided in section 49 of this act, and upon consultation with the
30 governor, the transportation commission shall either execute the
31 proposed project agreement, reject the proposed project agreement, or
32 continue further negotiations between the state and a private partner.
33 The execution of any agreement or the rejection of any agreement shall
34 constitute a final action for legal or administrative purposes.

1 NEW SECTION. **Sec. 51.** The following acts or parts of acts are
2 each repealed:

- 3 (1) RCW 44.75.010 (Intent) and 2003 c 362 s 1;
- 4 (2) RCW 44.75.020 (Definitions) and 2005 c 319 s 16 & 2003 c 362 s
5 2;
- 6 (3) RCW 44.75.030 (Board created--Membership) and 2005 c 319 s 17
7 & 2003 c 362 s 3;
- 8 (4) RCW 44.75.040 (Procedures, compensation, support) and 2005 c
9 319 s 18 & 2003 c 362 s 4;
- 10 (5) RCW 44.75.050 (Reviews of transportation-related agencies) and
11 2005 c 319 s 19 & 2003 c 362 s 5;
- 12 (6) RCW 44.75.060 (Review methodology) and 2003 c 362 s 6;
- 13 (7) RCW 44.75.070 (Scope of reviews) and 2003 c 362 s 7;
- 14 (8) RCW 44.75.080 (Direction of audit) and 2005 c 319 s 20 & 2003
15 c 362 s 8;
- 16 (9) RCW 44.75.090 (Professional experts) and 2005 c 319 s 21 & 2003
17 c 362 s 9;
- 18 (10) RCW 44.75.100 (Audit reports) and 2005 c 319 s 22 & 2003 c 362
19 s 10;
- 20 (11) RCW 44.75.110 (Scope of audit) and 2005 c 319 s 23 & 2003 c
21 362 s 11;
- 22 (12) RCW 44.75.120 (Contents of report) and 2005 c 319 s 24 & 2003
23 c 362 s 12;
- 24 (13) RCW 44.75.800 (Department of transportation audit) and 2003 c
25 362 s 15;
- 26 (14) RCW 44.75.900 (Captions--2003 c 362) and 2003 c 362 s 18; and
27 (15) RCW 44.75.901 (Effective date--2003 c 362) and 2003 c 362 s
28 19.

29 NEW SECTION. **Sec. 52.** This act takes effect July 1, 2006."

30 Correct the title.

--- END ---