

ESSB 5352 - CONF REPT  
By Conference Committee

ADOPTED 04/25/2009

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

3 "2009-11 FISCAL BIENNIUM

4 NEW SECTION. **Sec. 1.** (1) The transportation budget of the state  
5 is hereby adopted and, subject to the provisions set forth, the several  
6 amounts specified, or as much thereof as may be necessary to accomplish  
7 the purposes designated, are hereby appropriated from the several  
8 accounts and funds named to the designated state agencies and offices  
9 for employee compensation and other expenses, for capital projects, and  
10 for other specified purposes, including the payment of any final  
11 judgments arising out of such activities, for the period ending June  
12 30, 2011.

13 (2) Unless the context clearly requires otherwise, the definitions  
14 in this subsection apply throughout this act.

15 (a) "Fiscal year 2010" or "FY 2010" means the fiscal year ending  
16 June 30, 2010.

17 (b) "Fiscal year 2011" or "FY 2011" means the fiscal year ending  
18 June 30, 2011.

19 (c) "FTE" means full-time equivalent.

20 (d) "Lapse" or "revert" means the amount shall return to an  
21 unappropriated status.

22 (e) "Provided solely" means the specified amount may be spent only  
23 for the specified purpose. Unless otherwise specifically authorized in  
24 this act, any portion of an amount provided solely for a specified  
25 purpose that is not expended subject to the specified conditions and  
26 limitations to fulfill the specified purpose shall lapse.

27 (f) "Reappropriation" means appropriation and, unless the context  
28 clearly provides otherwise, is subject to the relevant conditions and  
29 limitations applicable to appropriations.

1 (g) "LEAP" means the legislative evaluation and accountability  
2 program committee.

3 **GENERAL GOVERNMENT AGENCIES--OPERATING**

4 NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND**  
5 **HISTORIC PRESERVATION**

6 Motor Vehicle Account--State Appropriation . . . . . \$422,000

7 The appropriation in this section is subject to the following  
8 conditions and limitations: The entire appropriation is provided  
9 solely for staffing costs to be dedicated to state transportation  
10 activities. Staff hired to support transportation activities must have  
11 practical experience with complex construction projects.

12 NEW SECTION. **Sec. 102. FOR THE UTILITIES AND TRANSPORTATION**  
13 **COMMISSION**

14 Grade Crossing Protective Account--State Appropriation . . . . . \$705,000

15 NEW SECTION. **Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

16 Motor Vehicle Account--State Appropriation . . . . . \$3,389,000

17 Puget Sound Ferry Operations Account--State  
18 Appropriation . . . . . \$100,000

19 TOTAL APPROPRIATION . . . . . \$3,489,000

20 The appropriations in this section are subject to the following  
21 conditions and limitations:

22 (1) \$1,699,000 of the motor vehicle account--state appropriation is  
23 provided solely for the office of regulatory assistance integrated  
24 permitting project.

25 (2) \$1,004,000 of the motor vehicle account--state appropriation is  
26 provided solely for the continued maintenance and support of the  
27 transportation executive information system. Of the amount provided in  
28 this subsection, \$502,000 is for two existing FTEs at the department of  
29 transportation to maintain and support the system.

30 NEW SECTION. **Sec. 104. FOR THE MARINE EMPLOYEES COMMISSION**

31 Puget Sound Ferry Operations Account--State  
32 Appropriation . . . . . \$446,000



1 (c) Washington state ferries' implementation of the cost allocation  
2 methodology evaluated under section 205, chapter 518, Laws of 2007,  
3 assessing whether actual costs are allocated consistently with the  
4 methodology, whether there are sufficient internal controls to ensure  
5 proper allocation, and the adequacy of staff training.

6 (2) The joint legislative audit and review committee shall use  
7 existing staff and resources to conduct a review of scoping and cost  
8 estimates for transportation highway improvement and preservation  
9 projects funded in whole, or in part, by transportation partnership  
10 account--state and transportation 2003 account (nickel account)--state  
11 funds, excluding mega-projects. The review will examine whether the  
12 scoping and cost estimates guidelines used by the department of  
13 transportation are consistent with general construction industry  
14 practices and other appropriate standards. The review will include an  
15 analysis of a sample of scope and cost estimates for future projects.  
16 A report on the committee's findings and recommendations must be  
17 submitted to the house of representatives and senate transportation  
18 committees by December 2009.

19 (3) As part of its 2009-11 fiscal biennium work plan, the joint  
20 legislative audit and review committee shall conduct an analysis of the  
21 cost of credit card payment options at the department of  
22 transportation. For programs where a credit card payment option is  
23 offered, the review must include:

24 (a) An analysis of the direct and indirect cost per transaction to  
25 process customer payments using credit cards;

26 (b) An analysis of the direct and indirect cost per transaction for  
27 other methods of processing customer payments;

28 (c) An analysis of the historical and projected total aggregate  
29 costs for processing all forms of customer payments;

30 (d) Identification of whether there are customer service,  
31 administrative, and revenue collection benefits resulting from credit  
32 card usage; and

33 (e) A review of the use of credit card payment options in other  
34 state agencies and in similar transportation programs at other states.

35 The committee shall provide a report on its findings and any  
36 related recommendations to the legislature by January 2010.

37 **TRANSPORTATION AGENCIES--OPERATING**



1 the legislature regarding the use, public acceptance, outcomes, and  
2 other relevant issues regarding automated traffic safety cameras  
3 demonstrated by the projects.

4 NEW SECTION. **Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD**  
5 Rural Arterial Trust Account--State Appropriation . . . . . \$920,000  
6 Motor Vehicle Account--State Appropriation . . . . . \$2,129,000  
7 County Arterial Preservation Account--State  
8 Appropriation . . . . . \$1,423,000  
9 TOTAL APPROPRIATION . . . . . \$4,472,000

10 NEW SECTION. **Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD**  
11 Urban Arterial Trust Account--State Appropriation . . . . . \$1,824,000  
12 Transportation Improvement Account--State  
13 Appropriation . . . . . \$1,827,000  
14 TOTAL APPROPRIATION . . . . . \$3,651,000

15 NEW SECTION. **Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE**  
16 Motor Vehicle Account--State Appropriation . . . . . \$1,901,000

17 The appropriation in this section is subject to the following  
18 conditions and limitations:

19 (1) \$236,000 of the motor vehicle account--state appropriation is  
20 a reappropriation from the 2007-09 fiscal biennium for a comprehensive  
21 analysis of mid-term and long-term transportation funding mechanisms  
22 and methods. Elements of the study will include existing data and  
23 trends, policy objectives, performance and evaluation criteria,  
24 incremental transition strategies, and possibly, scaled testing.  
25 Baseline data and methods assessment must be concluded by December 31,  
26 2009. Performance criteria must be developed by June 30, 2010, and  
27 recommended planning level alternative funding strategies must be  
28 completed by December 31, 2010.

29 (2) \$200,000 of the motor vehicle account--state appropriation is  
30 for the joint transportation committee to convene an independent expert  
31 review panel to review the assumptions for toll operations costs used  
32 by the department to model financial plans for tolled facilities. The  
33 joint transportation committee shall work with staff from the senate  
34 and the house of representatives transportation committees to identify  
35 the scope of the review and to assure that the work performed meets the

1 needs of the house of representatives and the senate. The joint  
2 transportation committee shall provide a report to the house of  
3 representatives and senate transportation committees by September 1,  
4 2009.

5 (3) \$300,000 of the motor vehicle account--state appropriation is  
6 for an independent analysis of methodologies to value the reversible  
7 lanes on Interstate 90 to be used for high capacity transit pursuant to  
8 sound transit proposition 1 approved by voters in November 2008. The  
9 independent analysis shall be conducted by sound transit and the  
10 department of transportation, using consultant resources deemed  
11 appropriate by the secretary of the department, the chief executive  
12 officer of sound transit, and the cochairs of the joint transportation  
13 committee. It shall be conducted in consultation with the federal  
14 transit and federal highway administrations and account for applicable  
15 federal laws, regulations, and practices. It shall also account for  
16 the 1976 Interstate 90 memorandum of agreement and subsequent 2004  
17 amendment and the 1978 federal secretary of transportation's  
18 environmental decision on Interstate 90. The department and sound  
19 transit must provide periodic reports to the joint transportation  
20 committee, the sound transit board of directors, and the governor, and  
21 report final recommendations by November 1, 2009.

22 **NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION**

23 Motor Vehicle Account--State Appropriation . . . . .	\$2,237,000
24 Multimodal Transportation Account--State Appropriation . . . . .	\$112,000
25 TOTAL APPROPRIATION . . . . .	\$2,349,000

26 The appropriations in this section are subject to the following  
27 conditions and limitations:

28 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,  
29 the transportation commission shall periodically review and, if  
30 necessary, modify the schedule of fares for the Washington state ferry  
31 system. The transportation commission may increase ferry fares,  
32 except no fare schedule modifications may be made prior to September 1,  
33 2009. For purposes of this subsection, "modify" includes increases or  
34 decreases to the schedule. The commission may only approve ferry fare  
35 rate changes that have the same proportionate change for passengers as  
36 for vehicles.

1 (2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,  
2 the transportation commission shall periodically review and, if  
3 necessary, modify a schedule of toll charges applicable to the state  
4 route number 167 high occupancy toll lane pilot project, as required  
5 under RCW 47.56.403. For purposes of this subsection, "modify"  
6 includes increases or decreases to the schedule.

7 (3) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,  
8 the transportation commission shall periodically review and, if  
9 necessary, modify the schedule of toll charges applicable to the Tacoma  
10 Narrows bridge, taking into consideration the recommendations of the  
11 citizen advisory committee created under RCW 47.46.091. For purposes  
12 of this subsection, "modify" includes increases or decreases to the  
13 schedule.

14 (4) The commission may name state ferry vessels consistent with its  
15 authority to name state transportation facilities under RCW 47.01.420.  
16 When naming or renaming state ferry vessels, the commission shall  
17 investigate selling the naming rights and shall make recommendations to  
18 the legislature regarding this option.

19 (5) \$350,000 of the motor vehicle account--state appropriation is  
20 provided solely for consultant support services to assist the  
21 commission in updating the statewide transportation plan. The updated  
22 plan must be submitted to the legislature by December 1, 2010.

23 (6) If the commission considers implementing a ferry fuel  
24 surcharge, it must first submit an analysis and business plan to the  
25 office of financial management and either the joint transportation  
26 committee or the transportation committees of the legislature.

27 NEW SECTION. **Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC**  
28 **INVESTMENT BOARD**

29 Motor Vehicle Account--State Appropriation . . . . . \$695,000

30 The appropriation in this section is subject to the following  
31 conditions and limitations: The freight mobility strategic investment  
32 board shall, on a quarterly basis, provide status reports to the office  
33 of financial management and the transportation committees of the  
34 legislature on the delivery of projects funded by this act.

35 NEW SECTION. **Sec. 207. FOR THE WASHINGTON STATE PATROL--FIELD**



1 **OPERATIONS BUREAU**

2 State Patrol Highway Account--State  
3     Appropriation . . . . . \$228,024,000  
4 State Patrol Highway Account--Federal  
5     Appropriation . . . . . \$10,602,000  
6 State Patrol Highway Account--Private/Local  
7     Appropriation . . . . . \$859,000  
8     TOTAL APPROPRIATION . . . . . \$239,485,000

9     The appropriations in this section are subject to the following  
10 conditions and limitations:

11     (1) Washington state patrol officers engaged in off-duty uniformed  
12 employment providing traffic control services to the department of  
13 transportation or other state agencies may use state patrol vehicles  
14 for the purpose of that employment, subject to guidelines adopted by  
15 the chief of the Washington state patrol. The Washington state patrol  
16 shall be reimbursed for the use of the vehicle at the prevailing state  
17 employee rate for mileage and hours of usage, subject to guidelines  
18 developed by the chief of the Washington state patrol, and Cessna  
19 pilots funded from the state patrol highway account who are certified  
20 to fly the King Airs may pilot those aircraft for general fund purposes  
21 with the general fund reimbursing the state patrol highway account an  
22 hourly rate to cover the costs incurred during the flights since the  
23 aviation section will no longer be part of the Washington state patrol  
24 cost allocation system as of July 1, 2009.

25     (2) The patrol shall not account for or record locally provided DUI  
26 cost reimbursement payments as expenditure credits to the state patrol  
27 highway account. The patrol shall report the amount of expected  
28 locally provided DUI cost reimbursements to the office of financial  
29 management and transportation committees of the legislature by  
30 September 30th of each year.

31     (3) During the 2009-11 fiscal biennium, the Washington state patrol  
32 shall continue to perform traffic accident investigations on Thurston  
33 county roads, and shall work with the county to transition the traffic  
34 accident investigations on Thurston county roads to the county by July  
35 1, 2011.

36     (4) Within existing resources, the Washington state patrol shall  
37 make every reasonable effort to increase the enrollment in each academy

1 class that commences during the 2009-11 fiscal biennium to fifty-five  
2 cadets.

3 (5) The Washington state patrol shall collaborate with the  
4 Washington traffic safety commission to develop and implement the  
5 target zero trooper pilot program referenced in section 201 of this  
6 act.

7 (6) The Washington state patrol shall discuss the implementation of  
8 the pilot program described under section 218(2) of this act with any  
9 union representing the affected employees.

10 (7) The Washington state patrol shall assign necessary personnel  
11 and equipment to implement and operate the pilot program described  
12 under section 218(2) of this act using the portion of the automated  
13 traffic safety camera fines deposited into the state patrol highway  
14 account, but not to exceed \$370,000. If the fines deposited into the  
15 state patrol highway account from automated traffic safety camera  
16 infractions do not reach \$370,000, the department of transportation  
17 shall remit funds necessary to the Washington state patrol to ensure  
18 the completion of the pilot program.

19 NEW SECTION. **Sec. 208. FOR THE WASHINGTON STATE PATROL--**  
20 **INVESTIGATIVE SERVICES BUREAU**

21 State Patrol Highway Account--State Appropriation . . . . . \$1,557,000

22 NEW SECTION. **Sec. 209. FOR THE WASHINGTON STATE PATROL--**  
23 **TECHNICAL SERVICES BUREAU**

24 State Patrol Highway Account--State Appropriation . . . . . \$105,680,000

25 State Patrol Highway Account--Private/Local  
26 Appropriation . . . . . \$2,008,000

27 TOTAL APPROPRIATION . . . . . \$107,688,000

28 The appropriations in this section are subject to the following  
29 conditions and limitations:

30 (1) The Washington state patrol shall work with the risk management  
31 division in the office of financial management in compiling the  
32 Washington state patrol's data for establishing the agency's risk  
33 management insurance premiums to the tort claims account. The office  
34 of financial management and the Washington state patrol shall submit a  
35 report to the legislative transportation committees by December 31st of

1 each year on the number of claims, estimated claims to be paid, method  
2 of calculation, and the adjustment in the premium.

3 (2) \$8,673,000 of the total appropriation is provided solely for  
4 automobile fuel in the 2009-11 fiscal biennium.

5 (3) \$7,421,000 of the total appropriation is provided solely for  
6 the purchase of pursuit vehicles.

7 (4) \$6,328,000 of the total appropriation is provided solely for  
8 vehicle repair and maintenance costs of vehicles used for highway  
9 purposes.

10 (5) \$384,000 of the total appropriation is provided solely for the  
11 purchase of mission vehicles used for highway purposes in the  
12 commercial vehicle and traffic investigation sections of the Washington  
13 state patrol.

14 (6) The Washington state patrol may submit information technology-  
15 related requests for funding only if the patrol has coordinated with  
16 the department of information services as required under section 601 of  
17 this act.

18 (7) \$345,000 of the state patrol highway account--state  
19 appropriation is provided solely for the implementation of Engrossed  
20 Substitute House Bill No. 1445 (domestic partners/Washington state  
21 patrol retirement system). If Engrossed Substitute House Bill No. 1445  
22 is not enacted by June 30, 2009, the amount provided in this subsection  
23 shall lapse.

24 NEW SECTION. **Sec. 210. FOR THE DEPARTMENT OF LICENSING**

25	Marine Fuel Tax Refund Account--State Appropriation . . . . .	\$32,000
26	Motorcycle Safety Education Account--State	
27	Appropriation . . . . .	\$4,373,000
28	Wildlife Account--State Appropriation . . . . .	\$837,000
29	Highway Safety Account--State Appropriation . . . . .	\$145,085,000
30	Highway Safety Account--Federal Appropriation . . . . .	\$8,000
31	Motor Vehicle Account--State Appropriation . . . . .	\$78,805,000
32	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$1,372,000
33	Motor Vehicle Account--Federal Appropriation . . . . .	\$242,000
34	Department of Licensing Services Account--State	
35	Appropriation . . . . .	\$3,867,000
36	Washington State Patrol Highway Account--State	
37	Appropriation . . . . .	\$738,000



1 reduce costs and make the most efficient use of existing resources, the  
2 department may consolidate licensing service offices by closing the  
3 vehicle services counter at the highways licensing building in Olympia  
4 and up to twenty-five licensing service offices.

5 (a) When closing offices, the department may redistribute staff  
6 from consolidated offices to neighboring offices and local community  
7 supercenters.

8 (b) In order to mitigate the effects of office consolidations on  
9 customers, the department shall, within existing resources, provide the  
10 following enhanced services:

11 (i) Extended daily and weekend hours in regional supercenter  
12 offices;

13 (ii) Staffed greeter stations to improve office work flow; and

14 (iii) Self-service stations for online transaction access,  
15 including vehicle renewal transactions.

16 (c) In areas that are not consolidated, the department will work to  
17 reduce costs by identifying opportunities to share facilities with  
18 subagent offices and state, county, or local government offices and by  
19 analyzing hours and days of operation to meet demand.

20 (d) The department shall work with vehicle licensing subagents  
21 regarding potential placement of self-service driver licensing kiosks  
22 in communities that will be affected by licensing services offices  
23 closures. The department may place kiosks in those subagent offices  
24 where both parties agree, and may pay the subagents the fair market  
25 value for any space used for kiosks.

26 (e) The department shall report to the joint transportation  
27 committee by November 30, 2009, on the department's consolidation  
28 implementation to date and its plan for continued implementation.

29 (3) \$11,688,000 of the highway safety account--state appropriation  
30 is provided solely for costs associated with: Issuing enhanced  
31 drivers' licenses and identicards at the enhanced licensing services  
32 offices; extended hours at those licensing services offices; cross-  
33 border tourism education; and other education campaigns. This is the  
34 maximum amount the department may expend for this purpose.

35 (4) \$2,490,000 of the ignition interlock device revolving account--  
36 state appropriation is provided solely for the department to assist  
37 indigent persons with the costs of installing, removing, and leasing  
38 the device, and applicable licensing pursuant to RCW 46.68.340.

1 (5) By December 31, 2009, the department shall report to the office  
2 of financial management and the transportation committees of the  
3 legislature a cost-benefit analysis of leasing versus purchasing field  
4 office equipment.

5 (6) By December 31, 2009, the department shall submit to the office  
6 of financial management and the transportation committees of the  
7 legislature draft legislation that rewrites RCW 46.52.130 (driving  
8 record abstracts) in plain language.

9 (7) The department may seek federal funds to implement a driver's  
10 license and identicard biometric matching system pilot program to  
11 verify the identity of applicants for, and holders of, drivers'  
12 licenses and identicards. If funds are received, the department shall  
13 report any benefits or problems identified during the course of the  
14 pilot program to the transportation committees of the legislature upon  
15 the completion of the program.

16 (8) The department may submit information technology-related  
17 requests for funding only if the department has coordinated with the  
18 department of information services as required under section 601 of  
19 this act.

20 (9) Consistent with the authority delegated to the director of  
21 licensing under RCW 46.01.100, the department may adopt a new  
22 organizational structure that includes the following programs: (a)  
23 Driver and vehicle services, which must encompass services relating to  
24 driver licensing customers, vehicle industry and fuel tax licensees,  
25 and vehicle and vessel licensing and registration; and (b) driver  
26 policy and programs, which must encompass policy development for all  
27 driver-related programs, including driver examining, driver records,  
28 commercial driver's license testing and auditing, driver training  
29 schools, motorcycle safety, technical services, hearings, driver  
30 special investigations, drivers' data management, central issuance  
31 contract management, and state and federal initiatives.

32 (10) The legislature finds that measuring the performance of the  
33 department requires the measurement of quality, timeliness, and unit  
34 cost of services delivered to customers. Consequently:

35 (a) The department shall develop a set of metrics that measure that  
36 performance and report to the transportation committees of the house of  
37 representatives and the senate and to the office of financial

1 management on the development of these measurements along with  
2 recommendations to the 2010 legislature on which measurements must  
3 become a part of the next omnibus transportation appropriations act;

4 (b) The department shall study the process in place at the  
5 licensing services office and present to the 2010 legislature  
6 recommendations for process changes to improve efficiencies for both  
7 the department and the customer; and

8 (c) The department shall, on a quarterly basis, report to the  
9 transportation committees of the legislature the following monthly data  
10 by licensing service office locations: (i) Lease costs; (ii) salary  
11 and benefit costs; (iii) other costs; (iv) actual FTEs; (v) number of  
12 transactions completed, by type of transaction; and (vi) office hours.

13 NEW SECTION. **Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION--**  
14 **TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

15	High Occupancy Toll Lanes Operations Account--State	
16	Appropriation . . . . .	\$2,867,000
17	Motor Vehicle Account--State Appropriation . . . . .	\$585,000
18	Tacoma Narrows Toll Bridge Account--State	
19	Appropriation . . . . .	\$27,358,000
20	State Route Number 520 Corridor Account--State	
21	Appropriation . . . . .	\$58,088,000
22	TOTAL APPROPRIATION . . . . .	\$88,898,000

23 The appropriations in this section are subject to the following  
24 conditions and limitations:

25 (1) The department shall make detailed quarterly expenditure  
26 reports available to the transportation commission and to the public on  
27 the department's web site using current department resources. The  
28 reports must include a summary of revenue generated by tolls on the  
29 Tacoma Narrows bridge and an itemized depiction of the use of that  
30 revenue.

31 (2) The department shall work with the office of financial  
32 management to review insurance coverage, deductibles, and limitations  
33 on tolled facilities to assure that the assets are well protected at a  
34 reasonable cost. Results from this review must be used to negotiate  
35 any future new or extended insurance agreements.

36 (3) \$58,088,000 of the state route number 520 corridor account--  
37 state appropriation is provided solely for the costs directly related

1 to tolling the state route number 520 floating bridge. Of this amount,  
 2 \$175,000 is for the immediate costs necessary to pursue a request for  
 3 proposal to implement variable, open road tolling on the state route  
 4 number 520 floating bridge. The request for proposal must include  
 5 tolling infrastructure and signage, customer service centers,  
 6 collection and billing procedures, and, to the extent practicable, the  
 7 maintenance and dispensing of transponders by the vendor. The  
 8 remaining \$57,913,000 must be retained in unallotted status, and may  
 9 only be released by the office of financial management after  
 10 consultation with the joint transportation committee following the  
 11 committee's examination of toll operations costs referenced in section  
 12 204(2) of this act. The amount provided in this subsection is  
 13 contingent on the enactment of (a) Engrossed Substitute House Bill No.  
 14 2211 and (b) either Engrossed Substitute House Bill No. 2326 or other  
 15 legislation authorizing bonds for the state route number 520 corridor  
 16 projects. If the conditions of this subsection are not satisfied, the  
 17 amount provided in this subsection shall lapse.

18 NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--**  
 19 **INFORMATION TECHNOLOGY--PROGRAM C**

20 Transportation Partnership Account--State

21	Appropriation . . . . .	\$2,675,000
22	Motor Vehicle Account--State Appropriation . . . . .	\$67,811,000
23	Motor Vehicle Account--Federal Appropriation . . . . .	\$240,000
24	Multimodal Transportation Account--State	
25	Appropriation . . . . .	\$363,000
26	Transportation 2003 Account (Nickel Account)--State	
27	Appropriation . . . . .	\$2,676,000
28	TOTAL APPROPRIATION . . . . .	\$73,765,000

29 The appropriations in this section are subject to the following  
 30 conditions and limitations:

- 31 (1) The department shall consult with the office of financial  
 32 management and the department of information services to: (a) Ensure  
 33 that the department's current and future system development is  
 34 consistent with the overall direction of other key state systems; and  
 35 (b) when possible, use or develop common statewide information systems  
 36 to encourage coordination and integration of information used by the  
 37 department and other state agencies and to avoid duplication.



1 (2) \$1,216,000 of the transportation partnership account--state  
 2 appropriation and \$1,216,000 of the transportation 2003 account (nickel  
 3 account)--state appropriation are provided solely for the department to  
 4 develop a project management and reporting system which is a collection  
 5 of integrated tools for capital construction project managers to use to  
 6 perform all the necessary tasks associated with project management.  
 7 The department shall integrate commercial off-the-shelf software with  
 8 existing department systems and enhanced approaches to data management  
 9 to provide web-based access for multi-level reporting and improved  
 10 business work flows and reporting. On a quarterly basis, the  
 11 department shall report to the office of financial management and the  
 12 transportation committees of the legislature on the status of the  
 13 development and integration of the system. At a minimum, the reports  
 14 shall indicate the status of the work as it compares to the work plan,  
 15 any discrepancies, and proposed adjustments necessary to bring the  
 16 project back on schedule or budget if necessary.

17 (3) The department may submit information technology-related  
 18 requests for funding only if the department has coordinated with the  
 19 department of information services as required under section 601 of  
 20 this act.

21 NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--**  
 22 **FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING**  
 23 Motor Vehicle Account--State Appropriation . . . . . \$25,501,000

24 NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--**  
 25 **AVIATION--PROGRAM F**  
 26 Aeronautics Account--State Appropriation . . . . . \$6,009,000  
 27 Aeronautics Account--Federal Appropriation . . . . . \$2,150,000  
 28 TOTAL APPROPRIATION . . . . . \$8,159,000

29 The appropriations in this section are subject to the following  
 30 conditions and limitations:

31 (1) \$50,000 of the aeronautics account--state appropriation is a  
 32 reappropriation provided solely to pay any outstanding obligations of  
 33 the aviation planning council, which expires July 1, 2009.

34 (2) \$150,000 of the aeronautics account--state appropriation is a  
 35 reappropriation provided solely to complete runway preservation  
 36 projects.



1 right, or if the sale to the former owner is not completed within one  
2 year of the date of notice that the former owner intends to repurchase  
3 the property, that right shall be extinguished.

4 (3) The legislature recognizes that the Dryden pit site (WSDOT  
5 Inventory Control (IC) No. 2-04-00103) is unused state-owned real  
6 property under the jurisdiction of the department of transportation,  
7 and that the public would benefit significantly from the complete  
8 enjoyment of the natural scenic beauty and recreational opportunities  
9 available at the site. Therefore, pursuant to RCW 47.12.080, the  
10 legislature declares that transferring the property to the department  
11 of fish and wildlife is consistent with the public interest in order to  
12 preserve the area for the use of the public. The department of  
13 transportation shall, as soon as is practicable, transfer and convey  
14 the Dryden pit site to the department of fish and wildlife for adequate  
15 consideration in the amount of no less than \$600,000, the proceeds of  
16 which must be deposited in the motor vehicle fund. By July 1, 2009,  
17 the department shall submit a status report regarding the transaction  
18 to the chairs of the legislative transportation committees.

19 (4) \$2,000,000 of the water pollution account--state appropriation  
20 is provided solely for the department's compliance with its national  
21 pollution discharge elimination system permit, consistent with the  
22 purposes described in Substitute House Bill No. 1614, addressing  
23 petroleum pollution in storm water. If Substitute House Bill No. 1614  
24 is not enacted by June 30, 2009, the amount provided in this subsection  
25 shall lapse.

26 (5) \$750,000 of the motor vehicle account--state appropriation is  
27 provided solely for the department's compliance with its national  
28 pollution discharge elimination system permit.

29 (6) The department shall provide updated information on six project  
30 milestones for all active projects, funded in part or in whole with  
31 2005 transportation partnership account funds or 2003 nickel account  
32 funds, on a quarterly basis in the transportation executive information  
33 system (TEIS). The department shall also provide updated information  
34 on six project milestones for projects, funded with preexisting funds  
35 and that are agreed to by the legislature, office of financial  
36 management, and the department, on a quarterly basis in TEIS.



1 (3) The department shall request an unanticipated receipt for any  
2 private or local funds received for reimbursements of third party  
3 damages that are in excess of the motor vehicle account--private/local  
4 appropriation.

5 (4) \$2,000,000 of the motor vehicle account--federal appropriation  
6 is for unanticipated federal funds that may be received during the  
7 2009-11 fiscal biennium. Upon receipt of the funds, the department  
8 shall provide a report on the use of the funds to the transportation  
9 committees of the legislature and the office of financial management.

10 (5) The department may incur costs related to the maintenance of  
11 the decorative lights on the Tacoma Narrows bridge only if:

12 (a) The nonprofit corporation, narrows bridge lights organization,  
13 maintains an account balance sufficient to reimburse the department for  
14 all costs; and

15 (b) The department is reimbursed from the narrows bridge lights  
16 organization within three months from the date any maintenance work is  
17 performed. If the narrows bridge lights organization is unable to  
18 reimburse the department for any future costs incurred, the lights must  
19 be removed at the expense of the narrows bridge lights organization  
20 subject to the terms of the contract.

21 (6) The department may work with the department of corrections to  
22 utilize corrections crews for the purposes of litter pickup on state  
23 highways.

24 (7) \$650,000 of the motor vehicle account--state appropriation is  
25 provided solely for increased asphalt costs. If Senate Bill No. 5976  
26 is not enacted by June 30, 2009, the amount provided in this subsection  
27 shall lapse.

28 (8) \$16,800,000 of the motor vehicle account--state appropriation  
29 is provided solely for the high priority maintenance backlog.  
30 Addressing the maintenance backlog must result in increased levels of  
31 service.

32 (9) \$12,500,000 of the water pollution account--state appropriation  
33 is provided solely for the department's compliance with its national  
34 pollution discharge elimination system permit, consistent with the  
35 purposes described in Substitute House Bill No. 1614, addressing  
36 petroleum pollution in storm water. If Substitute House Bill No. 1614  
37 is not enacted by June 30, 2009, the amount provided in this subsection  
38 shall lapse.

1 (10) \$750,000 of the motor vehicle account--state appropriation is  
2 provided solely for the department's compliance with its national  
3 pollution discharge elimination system permit.

4 NEW SECTION. **Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--**  
5 **TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

6	Motor Vehicle Account--State Appropriation . . . . .	\$51,526,000
7	Motor Vehicle Account--Federal Appropriation . . . . .	\$2,050,000
8	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$127,000
9	TOTAL APPROPRIATION . . . . .	\$53,703,000

10 The appropriations in this section are subject to the following  
11 conditions and limitations:

12 (1) \$2,400,000 of the motor vehicle account--state appropriation is  
13 provided solely for low-cost enhancements. The department shall give  
14 priority to low-cost enhancement projects that improve safety or  
15 provide congestion relief. The department shall prioritize low-cost  
16 enhancement projects on a statewide rather than regional basis. By  
17 September 1st of each even-numbered year, the department shall provide  
18 a report to the legislature listing all low-cost enhancement projects  
19 prioritized on a statewide rather than regional basis completed in the  
20 prior year.

21 (2) The department, in consultation with the Washington state  
22 patrol, may continue a pilot program for the patrol to issue  
23 infractions based on information from automated traffic safety cameras  
24 in roadway construction zones on state highways. For the purpose of  
25 this pilot program, during the 2009-11 fiscal biennium, a roadway  
26 construction zone includes areas where public employees or private  
27 contractors are not present but where a driving condition exists that  
28 would make it unsafe to drive at higher speeds, such as, when the  
29 department is redirecting or realigning lanes on any public roadway  
30 pursuant to ongoing construction. The department shall use the  
31 following guidelines to administer the program:

32 (a) Automated traffic safety cameras may only take pictures of the  
33 vehicle and vehicle license plate and only while an infraction is  
34 occurring. The picture must not reveal the face of the driver or of  
35 passengers in the vehicle;

36 (b) The department shall plainly mark the locations where the  
37 automated traffic safety cameras are used by placing signs on locations

1 that clearly indicate to a driver that he or she is entering a roadway  
2 construction zone where traffic laws are enforced by an automated  
3 traffic safety camera;

4 (c) Notices of infractions must be mailed to the registered owner  
5 of a vehicle within fourteen days of the infraction occurring;

6 (d) The owner of the vehicle is not responsible for the violation  
7 if the owner of the vehicle, within fourteen days of receiving  
8 notification of the violation, mails to the patrol, a declaration under  
9 penalty of perjury, stating that the vehicle involved was, at the time,  
10 stolen or in the care, custody, or control of some person other than  
11 the registered owner, or any other extenuating circumstances;

12 (e) For purposes of the 2009-11 fiscal biennium pilot program,  
13 infractions detected through the use of automated traffic safety  
14 cameras are not part of the registered owner's driving record under RCW  
15 46.52.101 and 46.52.120. Additionally, infractions generated by the  
16 use of automated traffic safety cameras must be processed in the same  
17 manner as parking infractions for the purposes of RCW 3.50.100,  
18 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the  
19 fine issued under this subsection (2) for an infraction generated  
20 through the use of an automated traffic safety camera is one hundred  
21 thirty-seven dollars. The court shall remit thirty-two dollars of the  
22 fine to the state treasurer for deposit into the state patrol highway  
23 account; and

24 (f) If a notice of infraction is sent to the registered owner and  
25 the registered owner is a rental car business, the infraction must be  
26 dismissed against the business if it mails to the patrol, within  
27 fourteen days of receiving the notice, a declaration under penalty of  
28 perjury of the name and known mailing address of the individual driving  
29 or renting the vehicle when the infraction occurred. If the business  
30 is unable to determine who was driving or renting the vehicle at the  
31 time the infraction occurred, the business must sign a declaration  
32 under penalty of perjury to this effect. The declaration must be  
33 mailed to the patrol within fourteen days of receiving the notice of  
34 traffic infraction. Timely mailing of this declaration to the issuing  
35 agency relieves a rental car business of any liability under this  
36 section for the notice of infraction. A declaration form suitable for  
37 this purpose must be included with each automated traffic infraction  
38 notice issued, along with instructions for its completion and use.

1 (3) The department shall implement a pilot project to evaluate the  
2 benefits of using electronic traffic flagging devices. Electronic  
3 traffic flagging devices must be tested by the department at multiple  
4 sites and reviewed for efficiency and safety. The department shall  
5 report to the transportation committees of the legislature on the best  
6 use and practices involving electronic traffic flagging devices,  
7 including recommendations for future use, by June 30, 2010.

8 (4) \$173,000 of the motor vehicle account--state appropriation is  
9 provided solely for the department to continue a pilot tow truck  
10 incentive program and to expand the program to other areas of the  
11 state. The department may provide incentive payments to towing  
12 companies that meet clearance goals on accidents that involve heavy  
13 trucks. The department shall report to the office of financial  
14 management and the transportation committees of the legislature on the  
15 effectiveness of the clearance goals and submit recommendations to  
16 improve the pilot program with the department's 2010 supplemental  
17 omnibus transportation appropriations act submittal.

18 NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--**  
19 **TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

20	Motor Vehicle Account--State Appropriation . . . . .	\$29,153,000
21	Motor Vehicle Account--Federal Appropriation . . . . .	\$30,000
22	Multimodal Transportation Account--State	
23	Appropriation . . . . .	\$973,000
24	State Route Number 520 Corridor Account--State	
25	Appropriation . . . . .	\$264,000
26	TOTAL APPROPRIATION . . . . .	\$30,420,000

27 The appropriations in this section are subject to the following  
28 conditions and limitations: \$264,000 of the state route number 520  
29 corridor account--state appropriation is provided solely for the costs  
30 directly related to tolling the state route number 520 floating bridge.  
31 This amount must be retained in unallotted status, and may only be  
32 released by the office of financial management after consultation with  
33 the joint transportation committee following the committee's  
34 examination of toll operations costs referenced in section 204(2) of  
35 this act. The amount provided in this section is contingent on the  
36 enactment of (1) Engrossed Substitute House Bill No. 2211 and (2)  
37 either Engrossed Substitute House Bill No. 2326 or other legislation



1 authorizing bonds for the state route number 520 corridor projects. If  
2 the conditions of this section are not satisfied, the amount provided  
3 in this section shall lapse.

4 NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--**  
5 **TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

6	Motor Vehicle Account--State Appropriation . . . . .	\$24,724,000
7	Motor Vehicle Account--Federal Appropriation . . . . .	\$19,116,000
8	Multimodal Transportation Account--State	
9	Appropriation . . . . .	\$696,000
10	Multimodal Transportation Account--Federal	
11	Appropriation . . . . .	\$2,809,000
12	Multimodal Transportation Account--Private/Local	
13	Appropriation . . . . .	\$100,000
14	TOTAL APPROPRIATION . . . . .	\$47,445,000

15 The appropriations in this section are subject to the following  
16 conditions and limitations:

17 (1) \$150,000 of the motor vehicle account--federal appropriation is  
18 provided solely for the costs to develop an electronic map-based  
19 computer application that will enable law enforcement officers and  
20 others to more easily locate collisions and other incidents in the  
21 field.

22 (2) \$400,000 of the motor vehicle account--state appropriation is  
23 provided solely for a diesel multiple unit feasibility and initial  
24 planning study. The study must evaluate potential service on the  
25 Stampede Pass line from Maple Valley to Auburn via Covington. The  
26 study must evaluate the potential demand for service, the business  
27 model and capital needs for launching and running the line, and the  
28 need for improvements in switching, signaling, and tracking. A report  
29 on the study must be submitted to the legislature by June 30, 2010.

30 (3) \$243,000 of the motor vehicle account--state appropriation and  
31 \$81,000 of the motor vehicle account--federal appropriation are  
32 provided solely for the development of a freight database to help guide  
33 freight investment decisions and track project effectiveness. The  
34 database must be based on truck movement tracked through geographic  
35 information system technology. TransNow shall contribute additional  
36 federal funds that are not appropriated in this act. The department

1 shall work with the freight mobility strategic investment board to  
2 implement this database.

3 NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--**  
4 **CHARGES FROM OTHER AGENCIES--PROGRAM U**

5	Motor Vehicle Account--State Appropriation . . . . .	\$87,331,000
6	Motor Vehicle Account--Federal Appropriation . . . . .	\$400,000
7	Multimodal Transportation Account--State Appropriation . . . . .	\$561,000
8	TOTAL APPROPRIATION . . . . .	\$88,292,000

9 The appropriations in this section are subject to the following  
10 conditions and limitations:

11 (1) The office of financial management must provide a detailed  
12 accounting of the revenues and expenditures of the self- insurance fund  
13 to the transportation committees of the legislature on December 31st  
14 and June 30th of each year.

15 (2) Payments in this section represent charges from other state  
16 agencies to the department of transportation.

17 (a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT  
18 DIVISION OF RISK MANAGEMENT FEES . . . . . \$1,639,000

19 (b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE  
20 AUDITOR . . . . . \$937,000

21 (c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL  
22 ADMINISTRATION . . . . . \$6,060,000

23 (d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF  
24 PERSONNEL . . . . . \$6,347,000

25 (e) FOR PAYMENT OF SELF-INSURANCE LIABILITY  
26 PREMIUMS AND ADMINISTRATION . . . . . \$44,418,000

27 (f) FOR ARCHIVES AND RECORDS MANAGEMENT . . . . . \$623,000

28 (g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS  
29 ENTERPRISES . . . . . \$1,008,000

30 (h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS  
31 PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT . . . . . \$1,143,000

32 (i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE  
33 DEPARTMENT OF INFORMATION SERVICES . . . . . \$1,980,000

34 (j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY  
35 GENERAL'S OFFICE . . . . . \$8,526,000

36 (k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY  
37 GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT

1 LITIGATION . . . . . \$672,000

2 NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--**  
3 **PUBLIC TRANSPORTATION--PROGRAM V**

4 Regional Mobility Grant Program Account--State

5 Appropriation . . . . . \$54,677,000

6 Multimodal Transportation Account--State

7 Appropriation . . . . . \$65,795,000

8 Multimodal Transportation Account--Federal

9 Appropriation . . . . . \$2,582,000

10 Multimodal Transportation Account--Private/Local

11 Appropriation . . . . . \$1,027,000

12 TOTAL APPROPRIATION . . . . . \$124,081,000

13 The appropriations in this section are subject to the following  
14 conditions and limitations:

15 (1) \$25,000,000 of the multimodal transportation account--state  
16 appropriation is provided solely for a grant program for special needs  
17 transportation provided by transit agencies and nonprofit providers of  
18 transportation.

19 (a) \$5,500,000 of the amount provided in this subsection is  
20 provided solely for grants to nonprofit providers of special needs  
21 transportation. Grants for nonprofit providers shall be based on need,  
22 including the availability of other providers of service in the area,  
23 efforts to coordinate trips among providers and riders, and the cost  
24 effectiveness of trips provided.

25 (b) \$19,500,000 of the amount provided in this subsection is  
26 provided solely for grants to transit agencies to transport persons  
27 with special transportation needs. To receive a grant, the transit  
28 agency must have a maintenance of effort for special needs  
29 transportation that is no less than the previous year's maintenance of  
30 effort for special needs transportation. Grants for transit agencies  
31 shall be prorated based on the amount expended for demand response  
32 service and route deviated service in calendar year 2007 as reported in  
33 the "Summary of Public Transportation - 2007" published by the  
34 department of transportation. No transit agency may receive more than  
35 thirty percent of these distributions.

36 (2) Funds are provided for the rural mobility grant program as  
37 follows:

1 (a) \$8,500,000 of the multimodal transportation account--state  
2 appropriation is provided solely for grants for those transit systems  
3 serving small cities and rural areas as identified in the "Summary of  
4 Public Transportation - 2007" published by the department of  
5 transportation. Noncompetitive grants must be distributed to the  
6 transit systems serving small cities and rural areas in a manner  
7 similar to past disparity equalization programs.

8 (b) \$8,500,000 of the multimodal transportation account--state  
9 appropriation is provided solely to providers of rural mobility service  
10 in areas not served or underserved by transit agencies through a  
11 competitive grant process.

12 (3) \$7,000,000 of the multimodal transportation account--state  
13 appropriation is provided solely for a vanpool grant program for: (a)  
14 Public transit agencies to add vanpools or replace vans; and (b)  
15 incentives for employers to increase employee vanpool use. The grant  
16 program for public transit agencies will cover capital costs only;  
17 operating costs for public transit agencies are not eligible for  
18 funding under this grant program. Additional employees may not be  
19 hired from the funds provided in this section for the vanpool grant  
20 program, and supplanting of transit funds currently funding vanpools is  
21 not allowed. The department shall encourage grant applicants and  
22 recipients to leverage funds other than state funds. At least  
23 \$1,600,000 of this amount must be used for vanpool grants in congested  
24 corridors.

25 (4) \$400,000 of the multimodal transportation account--state  
26 appropriation is provided solely for a grant for a flexible carpooling  
27 pilot project program to be administered and monitored by the  
28 department. Funds are appropriated for one time only. The pilot  
29 project program must: Test and implement at least one flexible  
30 carpooling system in a high-volume commuter area that enables  
31 carpooling without prearrangement; utilize technologies that, among  
32 other things, allow for transfer of ride credits between participants;  
33 and be a membership system that involves prescreening to ensure safety  
34 of the participants. The program must include a pilot project that  
35 targets commuter traffic on the state route number 520 bridge. The  
36 department shall submit to the legislature by December 2010 a report on  
37 the program results and any recommendations for additional flexible  
38 carpooling programs.

1 (5) \$3,318,000 of the multimodal transportation account--state  
2 appropriation and \$21,248,000 of the regional mobility grant program  
3 account--state appropriation are reappropriated and provided solely for  
4 the regional mobility grant projects identified on the LEAP  
5 Transportation Document 2007-B, as developed April 20, 2007, or the  
6 LEAP Transportation Document 2006-D, as developed March 8, 2006. The  
7 department shall continue to review all projects receiving grant awards  
8 under this program at least semiannually to determine whether the  
9 projects are making satisfactory progress. The department shall  
10 promptly close out grants when projects have been completed, and any  
11 remaining funds available to the office of transit mobility must be  
12 used only to fund projects on the LEAP Transportation Document 2006-D,  
13 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as  
14 developed April 20, 2007; or the LEAP Transportation Document 2009-B,  
15 as developed April 24, 2009. It is the intent of the legislature to  
16 appropriate funds through the regional mobility grant program only for  
17 projects that will be completed on schedule.

18 (6) \$33,429,000 of the regional mobility grant program account--  
19 state appropriation is provided solely for the regional mobility grant  
20 projects identified in LEAP Transportation Document 2009-B, as  
21 developed April 24, 2009. The department shall review all projects  
22 receiving grant awards under this program at least semiannually to  
23 determine whether the projects are making satisfactory progress. Any  
24 project that has been awarded funds, but does not report activity on  
25 the project within one year of the grant award, must be reviewed by the  
26 department to determine whether the grant should be terminated. The  
27 department shall promptly close out grants when projects have been  
28 completed, and any remaining funds available to the office of transit  
29 mobility must be used only to fund projects identified in LEAP  
30 Transportation Document 2009-B, as developed April 24, 2009. The  
31 department shall provide annual status reports on December 15, 2009,  
32 and December 15, 2010, to the office of financial management and the  
33 transportation committees of the legislature regarding the projects  
34 receiving the grants. It is the intent of the legislature to  
35 appropriate funds through the regional mobility grant program only for  
36 projects that will be completed on schedule.

37 (7) \$300,000 of the multimodal transportation account--state  
38 appropriation is provided solely for a transportation demand management

1 program, developed by the Whatcom council of governments, to further  
2 reduce drive-alone trips and maximize the use of sustainable  
3 transportation choices. The community-based program must focus on all  
4 trips, not only commute trips, by providing education, assistance, and  
5 incentives to four target audiences: (a) Large work sites; (b)  
6 employees of businesses in downtown areas; (c) school children; and (d)  
7 residents of Bellingham.

8 (8) \$130,000 of the multimodal transportation account--state  
9 appropriation is provided solely to the department to distribute to  
10 support Engrossed Substitute House Bill No. 2072 (special needs  
11 transportation).

12 (a) \$80,000 of the amount provided in this subsection is provided  
13 solely for implementation of the work group related to federal  
14 requirements in section 1, chapter . . . (Engrossed Substitute House  
15 Bill No. 2072), Laws of 2009.

16 (b) \$50,000 of the amount provided in this subsection is provided  
17 solely to support the pilot project to be developed or implemented by  
18 the local coordinating coalition comprised of a single county,  
19 described in sections 9, 10, and 11, chapter . . . (Engrossed  
20 Substitute House Bill No. 2072), Laws of 2009. The department shall  
21 assist the local coordinating coalition to seek funding sufficient to  
22 fully fund the pilot project from a variety of sources including, but  
23 not limited to, the regional transit authority serving the county, the  
24 regional transportation planning organization serving the county, and  
25 other appropriate state and federal agencies and grants. Development  
26 or implementation of the pilot project is contingent on securing  
27 funding sufficient to fully fund the pilot project.

28 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by  
29 June 30, 2009, the amount provided in this subsection (8) lapses. If  
30 Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009,  
31 but a commitment from other sources to fully fund the pilot project  
32 described in (b) of this subsection has not been obtained by September  
33 30, 2009, the amount provided in (b) of this subsection lapses.

34 (9) Funds provided for the commute trip reduction program may also  
35 be used for the growth and transportation efficiency center program.

36 (10) An affected urban growth area that has not previously  
37 implemented a commute trip reduction program is exempt from the

1 requirements in RCW 70.94.527 if a solution to address the state  
2 highway deficiency that exceeds the person hours of delay threshold has  
3 been funded and is in progress during the 2009-11 fiscal biennium.

4 (11) \$2,309,000 of the multimodal transportation account--state  
5 appropriation is provided solely for the tri-county connection service  
6 for Island, Skagit, and Whatcom transit agencies.

7 NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--**  
8 **MARINE--PROGRAM X**

9 Puget Sound Ferry Operations Account--State  
10 Appropriation . . . . . \$400,592,000

11 The appropriation in this section is subject to the following  
12 conditions and limitations:

13 (1) \$53,110,560 of the Puget Sound ferry operations account--state  
14 appropriation is provided solely for auto ferry vessel operating fuel  
15 in the 2009-11 fiscal biennium. This appropriation is contingent upon  
16 the enactment of section 716 of this act.

17 (2) To protect the waters of Puget Sound, the department shall  
18 investigate nontoxic alternatives to fuel additives and other  
19 commercial products that are used to operate, maintain, and preserve  
20 vessels.

21 (3) If, after the department's review of fares and pricing  
22 policies, the department proposes a fuel surcharge, the department must  
23 evaluate other cost savings and fuel price stabilization strategies  
24 that would be implemented before the imposition of a fuel surcharge.

25 (4) The department shall strive to significantly reduce the number  
26 of injuries suffered by Washington state ferries employees. By  
27 December 15, 2009, the department shall submit to the office of  
28 financial management and the transportation committees of the  
29 legislature its implementation plan to reduce such injuries.

30 (5) The department shall continue to provide service to Sidney,  
31 British Columbia. The department may place a Sidney terminal departure  
32 surcharge on fares for out of state residents riding the Washington  
33 state ferry route that runs between Anacortes, Washington and Sidney,  
34 British Columbia, if the cost for landing/license fee, taxes, and  
35 additional amounts charged for docking are in excess of \$280,000 CDN.  
36 The surcharge must be limited to recovering amounts above \$280,000 CDN.

1 (6) The department shall analyze operational solutions to enhance  
2 service on the Bremerton to Seattle ferry run. The Washington state  
3 ferries shall report its analysis to the transportation committees of  
4 the legislature by December 1, 2009.

5 (7) The office of financial management budget instructions require  
6 agencies to recast enacted budgets into activities. The Washington  
7 state ferries shall include a greater level of detail in its 2011-13  
8 omnibus transportation appropriations act request, as determined  
9 jointly by the office of financial management, the Washington state  
10 ferries, and the legislative transportation committees.

11 (8) \$3,000,000 of the Puget Sound ferry operations account--state  
12 appropriation is provided solely for commercial insurance for ferry  
13 assets. The office of financial management, after consultation with  
14 the transportation committees of the legislature, must present a  
15 business plan for the Washington state ferry system's insurance  
16 coverage to the 2010 legislature. The business plan must include a  
17 cost-benefit analysis of Washington state ferries' current commercial  
18 insurance purchased for ferry assets and a review of self-insurance for  
19 noncatastrophic events.

20 (9) \$1,100,000 of the Puget Sound ferry operations account--state  
21 appropriation is provided solely for a marketing program. The  
22 department shall present a marketing program proposal to the  
23 transportation committees of the legislature during the 2010  
24 legislative session before implementing this program. Of this amount,  
25 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of  
26 Coupeville for mitigation expenses related to only one vessel operating  
27 on the Port Townsend/Keystone ferry route. The moneys provided to the  
28 city of Port Townsend and town of Coupeville are not contingent upon  
29 the required marketing proposal.

30 (10) \$350,000 of the Puget Sound ferry operations account--state  
31 appropriation is provided solely for two extra trips per day during the  
32 summer of 2009 season, beyond the current schedule, on the Port  
33 Townsend/Keystone route.

34 (11) When purchasing uniforms that are required by collective  
35 bargaining agreements, the department shall contract with the lowest  
36 cost provider.

37 (12) The legislature finds that measuring the performance of  
38 Washington state ferries requires the measurement of quality,



1 timeliness, and unit cost of services delivered to customers.  
2 Consequently, the department must develop a set of metrics that measure  
3 that performance and report to the transportation committees of the  
4 legislature and to the office of financial management on the  
5 development of these measurements along with recommendations to the  
6 2010 legislature on which measurements must become a part of the next  
7 omnibus transportation appropriations act.

8 (13) As a priority task, the department is directed to propose a  
9 comprehensive incident and accident investigation policy and  
10 appropriate procedures, and to provide the proposal to the legislature  
11 by November 1, 2009, using existing resources and staff expertise. In  
12 addition to consulting with ferry system unions and the United States  
13 coast guard, the Washington state ferries is encouraged to solicit  
14 independent outside expertise on incident and accident investigation  
15 best practices as they may be found in other organizations with a  
16 similar concern for marine safety. It is the intent of the legislature  
17 to enact the policies into law and to publish that law and procedures  
18 as a manual for Washington state ferries' accident/incident  
19 investigations. Until that time, the Washington state ferry system  
20 must exercise particular diligence to assure that any incident or  
21 accident investigations are conducted within the spirit of the  
22 guidelines of this act. The proposed policy must contain, at a  
23 minimum:

24 (a) The definition of an incident and an accident and the type of  
25 investigation that is required by both types of events;

26 (b) The process for appointing an investigating officer or officers  
27 and a description of the authorities and responsibilities of the  
28 investigating officer or officers. The investigating officer or  
29 officers must:

30 (i) Have the appropriate training and experience as determined by  
31 the policy;

32 (ii) Not have been involved in the incident or accident so as to  
33 avoid any conflict of interest;

34 (iii) Have full access to all persons, records, and relevant  
35 organizations that may have information about or may have contributed  
36 to, directly or indirectly, the incident or accident under  
37 investigation, in compliance with any affected employee's or employees'

1 respective collective bargaining agreement and state laws and rules  
2 regarding public disclosure under chapter 42.56 RCW;

3 (iv) Be provided with, if requested by the investigating officer or  
4 officers, appropriate outside technical expertise; and

5 (v) Be provided with staff and legal support by the Washington  
6 state ferries as may be appropriate to the type of investigation;

7 (c) The process of working with the affected employee or employees  
8 in accordance with the employee's or employees' respective collective  
9 bargaining agreement and the appropriate union officials, within  
10 protocols afforded to all public employees;

11 (d) The process by which the United States coast guard is kept  
12 informed of, interacts with, and reviews the investigation;

13 (e) The process for review, approval, and implementation of any  
14 approved recommendations within the department; and

15 (f) The process for keeping the public informed of the  
16 investigation and its outcomes, in compliance with any affected  
17 employee's or employees' respective collective bargaining agreement and  
18 state laws and rules regarding public disclosure under chapter 42.56  
19 RCW.

20 NEW SECTION. **Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--**  
21 **RAIL--PROGRAM Y--OPERATING**

22 Multimodal Transportation Account--State  
23 Appropriation . . . . . \$34,933,000

24 The appropriation in this section is subject to the following  
25 conditions and limitations:

26 (1) \$29,091,000 of the multimodal transportation account--state  
27 appropriation is provided solely for the Amtrak service contract and  
28 Talgo maintenance contract associated with providing and maintaining  
29 the state-supported passenger rail service. Upon completion of the  
30 rail platform project in the city of Stanwood, the department shall  
31 provide daily Amtrak Cascades service to the city.

32 (2) Amtrak Cascade runs may not be eliminated.

33 (3) The department shall begin planning for a third roundtrip  
34 Cascades train between Seattle and Vancouver, B.C. by 2010.

35 NEW SECTION. **Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--**

1 **LOCAL PROGRAMS--PROGRAM Z--OPERATING**

2	Motor Vehicle Account--State Appropriation . . . . .	\$8,739,000
3	Motor Vehicle Account--Federal Appropriation . . . . .	\$2,567,000
4	TOTAL APPROPRIATION . . . . .	\$11,306,000

5 NEW SECTION. **Sec. 226.** The legislature recognizes that the  
6 department of transportation operates a seventh administrative region,  
7 including the urban corridors office. Therefore, the legislature  
8 intends that the secretary of the department of transportation identify  
9 and implement operational efficiencies. This may result in a decrease  
10 in the number of total regions and the amount of regional staff. The  
11 secretary shall report to the office of financial management and the  
12 joint transportation committee by January 2010 with a report regarding  
13 how the operational efficiencies were achieved.

14 **TRANSPORTATION AGENCIES--CAPITAL**

15 NEW SECTION. **Sec. 301. FOR THE WASHINGTON STATE PATROL**

16	State Patrol Highway Account--State Appropriation . . . . .	\$3,126,000
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17 The appropriation in this section is subject to the following  
18 conditions and limitations:

19 (1) \$1,626,000 of the state patrol highway account--state  
20 appropriation is provided solely for the following minor works  
21 projects: \$450,000 for Shelton training academy roofs; \$150,000 for  
22 HVAC control replacements; \$168,000 for upgrades to scales; \$50,000 for  
23 Bellevue electrical equipment upgrades; \$90,000 for South King  
24 detachment window replacement; \$200,000 for the replacement of the  
25 Naselle radio tower, generator shelter, and fence; \$200,000 for  
26 unforeseen emergency repairs; and \$318,000 for the Shelton training  
27 academy drive course/skid pan repair.

28 (2) \$1,500,000 of the state patrol highway account--state  
29 appropriation is provided solely for the Shelton academy of the  
30 Washington state patrol and is contingent upon a signed agreement  
31 between the city of Shelton, the department of corrections, and the  
32 Washington state patrol that provides for an on-going payment to these  
33 three entities, based on their percentage of the total investment in

1 the project, from all hookup fees, late comer fees, LIDS, and all other  
2 initial fees collected for the new waste water treatment lines, waste  
3 water plants, water lines, and water systems.

4 **NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

5 Rural Arterial Trust Account--State Appropriation . . . . .	\$51,000,000
6 Motor Vehicle Account--State Appropriation . . . . .	\$1,048,000
7 County Arterial Preservation Account--State	
8 Appropriation . . . . .	\$31,400,000
9 TOTAL APPROPRIATION . . . . .	\$83,448,000

10 The appropriations in this section are subject to the following  
11 conditions and limitations:

12 (1) \$1,048,000 of the motor vehicle account--state appropriation  
13 may be used for county ferry projects as developed pursuant to RCW  
14 47.56.725(4).

15 (2) The appropriations in this section include funding to counties  
16 to assist them in efforts to recover from federally declared  
17 emergencies, by providing capitalization advances and local match for  
18 federal emergency funding as determined by the county road  
19 administration board. The county road administration board shall  
20 specifically identify any such selected projects and shall include  
21 information concerning such selected projects in its next annual report  
22 to the legislature.

23 **NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

24 Small City Pavement and Sidewalk Account--State	
25 Appropriation . . . . .	\$5,779,000
26 Urban Arterial Trust Account--State Appropriation . . . . .	\$122,400,000
27 Transportation Improvement Account--State	
28 Appropriation . . . . .	\$85,643,000
29 TOTAL APPROPRIATION . . . . .	\$213,822,000

30 The appropriations in this section are subject to the following  
31 conditions and limitations:

32 (1) The transportation improvement account--state appropriation  
33 includes up to \$7,143,000 in proceeds from the sale of bonds authorized  
34 in RCW 47.26.500.

35 (2) The urban arterial trust account--state appropriation includes

1 up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW  
2 47.26.420.

3 NEW SECTION. **Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION.** As  
4 part of its budget submittal for the 2011-13 fiscal biennium, the  
5 department shall provide an update to the report provided to the  
6 legislature in 2008 that:

7 (1) Compares the original project cost estimates approved in the  
8 2003 and 2005 project lists to the completed cost of the project, or  
9 the most recent legislatively approved budget and total project costs  
10 for projects not yet completed;

11 (2) Identifies highway projects that may be reduced in scope and  
12 still achieve a functional benefit;

13 (3) Identifies highway projects that have experienced scope  
14 increases and that can be reduced in scope;

15 (4) Identifies highway projects that have lost significant local or  
16 regional contributions that were essential to completing the project;  
17 and

18 (5) Identifies contingency amounts allocated to projects.

19 NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--**  
20 **PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

21 Motor Vehicle Account--State Appropriation . . . . . \$4,810,000

22 (1) \$1,198,000 of the motor vehicle account--state appropriation is  
23 provided solely for the Olympic region site acquisition debt service  
24 payments and administrative costs associated with capital improvement  
25 and preservation project and financial management.

26 (2) \$3,612,000 of the motor vehicle account--state appropriation is  
27 provided solely for high priority safety projects that are directly  
28 linked to employee safety, environmental risk, or minor works that  
29 prevent facility deterioration. This includes the administrative costs  
30 associated with those projects and the reconstruction of the Wandermere  
31 facility that was destroyed in the 2008-09 winter storms.

32 NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--**  
33 **IMPROVEMENTS--PROGRAM I**

34 Multimodal Transportation Account--State  
35 Appropriation . . . . . \$1,000



1 section for the projects in those biennia are therefore \$63,500,000  
2 less in the 2009-11 fiscal biennium and \$52,700,000 less in the 2011-13  
3 fiscal biennium than the aggregate total of project costs listed. It  
4 is the intent of the legislature that the department shall deliver the  
5 projects listed in LEAP Transportation Document 2009-1 within the time,  
6 scope, and budgets identified in that document, provided that the  
7 prices of commodities used in transportation projects do not differ  
8 significantly from those assumed for the 2009-11 and 2011-13 fiscal  
9 biennia in the March 2009 forecast of the economic and revenue forecast  
10 council.

11 (3) \$162,900,000 of the transportation partnership account--state  
12 appropriation and \$106,000,000 of the state route number 520 corridor  
13 account--state appropriation are provided solely for the state route  
14 number 520 bridge replacement and HOV project. The department shall  
15 submit an application for the eastside transit and HOV project to the  
16 supplemental discretionary grant program for regionally significant  
17 projects as provided in the American Recovery and Reinvestment Act of  
18 2009. Eastside state route number 520 improvements shall be designed  
19 and constructed to accommodate a future full interchange at 124th  
20 Avenue Northeast. Concurrent with the eastside transit and HOV  
21 project, the department shall conduct engineering design of a full  
22 interchange at 124th Avenue Northeast. The amount provided in this  
23 subsection is contingent on the enactment of (a) Engrossed Substitute  
24 House Bill No. 2211 and (b) either Engrossed Substitute House Bill No.  
25 2326 or other legislation authorizing bonds for the state route number  
26 520 corridor projects. If the conditions of this subsection are not  
27 satisfied, the state route number 520 corridor account--state  
28 appropriation shall lapse.

29 (4) As required under section 305(6), chapter 518, Laws of 2007,  
30 the department shall report by January 2010 to the transportation  
31 committees of the legislature on the findings of the King county noise  
32 reduction solutions pilot project.

33 (5) Funding allocated for mitigation costs is provided solely for  
34 the purpose of project impact mitigation, and shall not be used to  
35 develop or otherwise participate in the environmental assessment  
36 process.

37 (6) The department shall apply for surface transportation program  
38 (STP) enhancement funds to be expended in lieu of or in addition to

1 state funds for eligible costs of projects in Programs I and P  
2 including, but not limited to, the SR 518, SR 520, Columbia river  
3 crossing, and Alaskan Way viaduct projects.

4 (7) The department shall, on a quarterly basis beginning July 1,  
5 2009, provide to the office of financial management and the legislature  
6 reports providing the status on each active project funded in part or  
7 whole by the transportation 2003 account (nickel account) or the  
8 transportation partnership account. Funding provided at a programmatic  
9 level for transportation partnership account and transportation 2003  
10 account (nickel account) projects relating to bridge rail, guard rail,  
11 fish passage barrier removal, and roadside safety projects should be  
12 reported on a programmatic basis. Projects within this programmatic  
13 level funding should be completed on a priority basis and scoped to be  
14 completed within the current programmatic budget. The department shall  
15 work with the office of financial management and the transportation  
16 committees of the legislature to agree on report formatting and  
17 elements. Elements must include, but not be limited to, project scope,  
18 schedule, and costs. For new construction contracts valued at fifteen  
19 million dollars or more, the department must also use an earned value  
20 method of project monitoring. The department shall also provide the  
21 information required under this subsection on a quarterly basis via the  
22 transportation executive information systems (TEIS).

23 (8) The transportation 2003 account (nickel account)--state  
24 appropriation includes up to \$628,000,000 in proceeds from the sale of  
25 bonds authorized by RCW 47.10.861.

26 (9) The transportation partnership account--state appropriation  
27 includes up to \$1,360,528,000 in proceeds from the sale of bonds  
28 authorized in RCW 47.10.873.

29 (10) The special category C account--state appropriation includes  
30 up to \$22,127,000 in proceeds from the sale of bonds authorized in RCW  
31 47.10.812.

32 (11) The motor vehicle account--state appropriation includes up to  
33 \$31,500,000 in proceeds from the sale of bonds authorized in RCW  
34 47.10.843.

35 (12) The department must prepare a tolling study for the Columbia  
36 river crossing project. While conducting the study, the department  
37 must coordinate with the Oregon department of transportation to perform  
38 the following activities:



1 (a) Evaluate the potential diversion of traffic from Interstate 5  
2 to other parts of the transportation system when tolls are implemented  
3 on Interstate 5 in the vicinity of the Columbia river;

4 (b) Evaluate the most advanced tolling technology to maintain  
5 travel time speed and reliability for users of the Interstate 5 bridge;

6 (c) Evaluate available active traffic management technology to  
7 determine the most effective options for technology that could maintain  
8 travel time speed and reliability on the Interstate 5 bridge;

9 (d) Confer with the project sponsor's council, as well as local and  
10 regional governing bodies adjacent to the Interstate 5 Columbia river  
11 crossing corridor and the Interstate 205 corridor regarding the  
12 implementation of tolls, the impacts that the implementation of tolls  
13 might have on the operation of the corridors, the diversion of traffic  
14 to local streets, and potential mitigation measures;

15 (e) Regularly report to the Washington transportation commission  
16 regarding the progress of the study for the purpose of guiding the  
17 commission's potential toll setting on the facility;

18 (f) Research and evaluate options for a potential toll-setting  
19 framework between the Oregon and Washington transportation commissions;

20 (g) Conduct public work sessions and open houses to provide  
21 information to citizens, including users of the bridge and business and  
22 freight interests, regarding implementation of tolls on the Interstate  
23 5 and to solicit citizen views on the following items:

24 (i) Funding a portion of the Columbia river crossing project with  
25 tolls;

26 (ii) Implementing variable tolling as a way to reduce congestion on  
27 the facility; and

28 (iii) Tolling Interstate 205 separately as a management tool for  
29 the broader state and regional transportation system; and

30 (h) Provide a report to the governor and the legislature by January  
31 2010.

32 (13)(a) By January 2010, the department must prepare a traffic and  
33 revenue study for Interstate 405 in King county and Snohomish county  
34 that includes funding for improvements and high occupancy toll lanes,  
35 as defined in RCW 47.56.401, for traffic management. The department  
36 must develop a plan to operate up to two high occupancy toll lanes in  
37 each direction on Interstate 405.

1 (b) For the facility listed in (a) of this subsection, the  
2 department must:

3 (i) Confer with the mayors and city councils of jurisdictions in  
4 the vicinity of the project regarding the implementation of high  
5 occupancy toll lanes and the impacts that the implementation of these  
6 high occupancy toll lanes might have on the operation of the corridor  
7 and adjacent local streets;

8 (ii) Conduct public work sessions and open houses to provide  
9 information to citizens regarding implementation of high occupancy toll  
10 lanes and to solicit citizen views;

11 (iii) Regularly report to the Washington transportation commission  
12 regarding the progress of the study for the purpose of guiding the  
13 commission's toll setting on the facility; and

14 (iv) Provide a report to the governor and the legislature by  
15 January 2010.

16 (14) \$9,199,985 of the motor vehicle account--state appropriation  
17 is provided solely for project 100224I, as identified in the LEAP  
18 transportation document in subsection (1) of this section: US 2 high  
19 priority safety project. Expenditure of these funds is for safety  
20 projects on state route number 2 between Monroe and Gold Bar, which may  
21 include median rumble strips, traffic cameras, and electronic message  
22 signs.

23 (15) Expenditures for the state route number 99 Alaskan Way viaduct  
24 replacement project must be made in conformance with Engrossed  
25 Substitute Senate Bill No. 5768.

26 (16) The department shall conduct a public outreach process to  
27 identify and respond to community concerns regarding the Belfair  
28 bypass. The process must include representatives from Mason county,  
29 the legislature, area businesses, and community members. The  
30 department shall use this process to consider and develop design  
31 alternatives that alter the project's scope so that the community's  
32 needs are met within the project budget. The department shall provide  
33 a report on the process and outcomes to the legislature by June 30,  
34 2010.

35 (17) The legislature is committed to the timely completion of R8A  
36 which supports the construction of sound transit's east link.  
37 Following the completion of the independent analysis of the  
38 methodologies to value the reversible lanes on Interstate 90 which may

1 be used for high capacity transit as directed in section 204 of this  
2 act, the department shall complete the process of negotiations with  
3 sound transit. Such agreement shall be completed no later than  
4 December 1, 2009.

5 (18) \$250,000 of the motor vehicle account--state appropriation is  
6 provided solely for the design and construction of a right turn lane to  
7 improve visibility and traffic flow on state route number 195 and  
8 Cheney-Spokane Road.

9 (19) \$846,700 of the motor vehicle account--federal appropriation  
10 and \$17,280 of the motor vehicle account--state appropriation are  
11 provided solely for the Westview school noise wall.

12 (20) \$1,360 of the motor vehicle account--state appropriation and  
13 \$35,786 of the motor vehicle account--federal appropriation are  
14 provided solely for interchange design and planning work on US 12 at A  
15 Street and Tank Farm Road.

16 (21) \$20,011,125 of the transportation partnership account--state  
17 appropriation, \$2,550 of the motor vehicle account--state  
18 appropriation, \$30,003,473 of the motor vehicle account--private/local  
19 appropriation, and \$1,482,066 of the motor vehicle account--federal  
20 appropriation are provided solely for the I-5/Columbia river  
21 crossing/Vancouver project. The funding described in this subsection  
22 includes a \$30,003,473 contribution from the state of Oregon.

23 (22) It is important that the public and policymakers have accurate  
24 and timely access to information related to the Alaskan Way viaduct  
25 replacement project as it proceeds to, and during, the construction of  
26 all aspects of the project including, but not limited to, information  
27 regarding costs, schedules, contracts, project status, and neighborhood  
28 impacts. Therefore, it is the intent of the legislature that the  
29 state, city, and county departments of transportation establish a  
30 single source of accountability for integration, coordination,  
31 tracking, and information of all requisite components of the  
32 replacement project, which must include, at a minimum:

33 (a) A master schedule of all subprojects included in the full  
34 replacement project or program; and

35 (b) A single point of contact for the public, media, stakeholders,  
36 and other interested parties.

37 (23) The state route number 520 corridor account--state  
38 appropriation includes up to \$106,000,000 in proceeds from the sale of

1 bonds authorized in Engrossed Substitute House Bill No. 2326 or in  
2 legislation authorizing bonds for the state route number 520 corridor  
3 projects. If Engrossed Substitute House Bill No. 2326, or legislation  
4 authorizing bonds for the state route number 520 corridor projects, is  
5 not enacted by June 30, 2009, the amount provided in this subsection  
6 shall lapse.

7 (24) The department shall evaluate a potential deep bore culvert  
8 for the state route number 305/Bjorgen creek fish barrier project  
9 identified as project 330514A in LEAP Transportation Document ALL  
10 PROJECTS 2009-2, as developed April 24, 2009. The department shall  
11 evaluate whether a deep bore culvert will be a less costly alternative  
12 than a traditional culvert since a traditional culvert would require  
13 extensive road detours during construction.

14 (25) Project number 330215A in the LEAP transportation document  
15 described in subsection (1) of this section is expanded to include  
16 safety and congestion improvements from the Key Peninsula Highway to  
17 the vicinity of Purdy. The department shall consult with the  
18 Washington traffic safety commission to ensure that this project  
19 includes improvements at intersections and along the roadway to reduce  
20 the frequency and severity of collisions related to roadway conditions  
21 and traffic congestion.

22 (26) \$10,600,000 of the transportation partnership account--state  
23 appropriation is provided solely for project 109040Q, the Interstate 90  
24 Two Way Transit and HOV Improvements--Stage 2 and 3 project, as  
25 indicated in the LEAP transportation document referenced in subsection  
26 (1) of this section. Funds shall be used solely for preliminary  
27 engineering on stages 2 and 3 of this project.

28 (27) The department shall continue to work with the local partners  
29 in developing transportation solutions necessary for the economic  
30 growth in the Red Mountain American Viticulture Area of Benton county.

31 (28) For highway construction projects where the department  
32 considers agricultural lands of long-term commercial significance, as  
33 defined in RCW 36.70A.030, in reviewing and selecting sites to meet  
34 environmental mitigation requirements under the national environmental  
35 policy act (42 U.S.C. Sec. 4321 et seq.) and the state environmental  
36 policy act (chapter 43.21C RCW), the department shall, to the greatest  
37 extent possible, consider using public land first. If public lands are  
38 not available that meet the required environmental mitigation needs,

1 the department may use other sites while making every effort to avoid  
2 any net loss of agricultural lands that have a designation of long-term  
3 commercial significance.

4 (29) Within the motor vehicle account--state appropriation and  
5 motor vehicle account--federal appropriation, the department may  
6 transfer funds between programs I and P, except for funds that are  
7 otherwise restricted in this act.

8 (30) Within the amounts provided in this section, \$200,000 of the  
9 transportation partnership account--state appropriation is provided  
10 solely for the department to prepare a comprehensive tolling study of  
11 the state route number 167 corridor to determine the feasibility of  
12 administering tolls within the corridor, identified as project number  
13 316718A in the LEAP transportation document described in subsection (1)  
14 of this section. The department shall report to the joint  
15 transportation committee by September 30, 2010. The department shall  
16 regularly report to the Washington transportation commission regarding  
17 the progress of the study for the purpose of guiding the commission's  
18 potential toll setting on the facility. The elements of the study must  
19 include, at a minimum:

20 (a) The potential for value pricing to generate revenues for needed  
21 transportation facilities within the corridor;

22 (b) Maximizing the efficient operation of the corridor; and

23 (c) Economic considerations for future system investments.

24 (31) Within the amounts provided in this section, \$200,000 of the  
25 transportation partnership account--state appropriation is provided  
26 solely for the department to prepare a comprehensive tolling study of  
27 the state route number 509 corridor to determine the feasibility of  
28 administering tolls within the corridor, identified as project number  
29 850901F in the LEAP transportation document described in subsection (1)  
30 of this section. The department shall report to the joint  
31 transportation committee by September 30, 2010. The department shall  
32 regularly report to the Washington transportation commission regarding  
33 the progress of the study for the purpose of guiding the commission's  
34 potential toll setting on the facility. The elements of the study must  
35 include, at a minimum:

36 (a) The potential for value pricing to generate revenues for needed  
37 transportation facilities within the corridor;

38 (b) Maximizing the efficient operation of the corridor; and

1 (c) Economic considerations for future system investments.

2 (32) Within the amounts provided in this section, \$28,000,000 of  
3 the transportation partnership account--state appropriation is for  
4 project 600010A, as identified in the LEAP transportation document in  
5 subsection (1) of this section: NSC-North Spokane corridor design and  
6 right-of-way - new alignment. Expenditure of these funds is for  
7 preliminary engineering and right-of-way purchasing to prepare for four  
8 lanes to be built from where existing construction ends at Francis  
9 Avenue for three miles to the Spokane river. Additionally, any savings  
10 realized on project 600001A, as identified in the LEAP transportation  
11 document in subsection (1) of this section: US 395/NSC-Francis Avenue  
12 to Farwell Road - New Alignment, must be applied to project 600010A.

13 (33) \$400,000 of the motor vehicle account--state appropriation is  
14 provided solely for the department to conduct a state route number 2  
15 route development plan that will identify essential improvements needed  
16 between the port of Everett/Naval station and approaching the state  
17 route number 9 interchange near the city of Snohomish.

18 (34) If the SR 26 - Intersection and Illumination Improvements are  
19 not completed by June 30, 2009, the department shall ensure that the  
20 improvements are completed as soon as practicable after June 30, 2009,  
21 and shall submit monthly progress reports on the improvements beginning  
22 July 1, 2009.

23 (35) \$200,000 of the transportation partnership account--state  
24 appropriation, identified on project number 400506A in the LEAP  
25 transportation document described in subsection (1) of this section, is  
26 provided solely for the department to work with the department of  
27 archaeology and historic preservation to ensure that the cultural  
28 resources investigation is properly conducted on the Columbia river  
29 crossing project. This project must be conducted with active  
30 archaeological management and result in one report that spans the  
31 single cultural area in Oregon and Washington. Additionally, the  
32 department shall establish a scientific peer review of independent  
33 archaeologists that are knowledgeable about the region and its cultural  
34 resources.

35 (36) The department shall work with the department of archaeology  
36 and historic preservation to ensure that the cultural resources  
37 investigation is properly conducted on all mega-highway projects and  
38 large ferry terminal projects. These projects must be conducted with

1 active archaeological management. Additionally, the department shall  
2 establish a scientific peer review of independent archaeologists that  
3 are knowledgeable about the region and its cultural resources.

4 (37) Within the amounts provided in this section, \$1,500,000 of the  
5 motor vehicle account--state appropriation is provided solely for  
6 necessary work along the south side of SR 532, identified as project  
7 number 053255C in the LEAP transportation document described in  
8 subsection (1) of this section.

9 (38) \$10,000,000 of the transportation partnership account--state  
10 appropriation is provided solely for the Spokane street viaduct portion  
11 of project 809936Z, SR 99/Alaskan Way Viaduct - Replacement project as  
12 indicated in the LEAP transportation document referenced in subsection  
13 (1) of this section.

14 (39) The department shall conduct a public outreach process to  
15 identify and respond to community concerns regarding the portion of  
16 John's Creek Road that connects state route number 3 and state route  
17 number 101. The process must include representatives from Mason  
18 county, the legislature, area businesses, and community members. The  
19 department shall use this process to consider, develop, and design a  
20 project scope so that the community's needs are met for the lowest  
21 cost. The department shall provide a report on the process and  
22 outcomes to the legislature by June 30, 2010.

23 (40) The department shall apply for the competitive portion of  
24 federal transit administration funds for eligible transit-related costs  
25 of the state route number 520 bridge replacement and HOV project and  
26 the Columbia river crossing project. The federal funds described in  
27 this subsection must not include those federal transit administration  
28 funds distributed by formula. The department shall provide a report  
29 regarding this effort to the legislature by January 1, 2010.

30 NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--**  
31 **PRESERVATION--PROGRAM P**

32	Transportation Partnership Account--State	
33	Appropriation . . . . .	\$103,077,000
34	Motor Vehicle Account--State Appropriation . . . . .	\$88,142,000
35	Motor Vehicle Account--Federal Appropriation . . . . .	\$524,954,000
36	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$6,417,000
37	Transportation 2003 Account (Nickel Account)--State	

1       Appropriation . . . . . \$7,237,000  
2 Puyallup Tribal Settlement Account--State  
3       Appropriation . . . . . \$6,500,000  
4       TOTAL APPROPRIATION . . . . . \$736,327,000

5       The appropriations in this section are subject to the following  
6 conditions and limitations:

7       (1) Except as provided otherwise in this section, the entire  
8 transportation 2003 account (nickel account) appropriation and the  
9 entire transportation partnership account appropriation are provided  
10 solely for the projects and activities as listed by fund, project, and  
11 amount in LEAP Transportation Document 2009-1 as developed April 24,  
12 2009, Program - Highway Preservation Program (P). However, limited  
13 transfers of specific line-item project appropriations may occur  
14 between projects for those amounts listed subject to the conditions and  
15 limitations in section 603 of this act.

16       (2) \$544,639 of the motor vehicle account--federal appropriation  
17 and \$455,361 of the motor vehicle account--state appropriation are  
18 provided solely for project 602110F, as identified in the LEAP  
19 transportation document in subsection (1) of this section: SR  
20 21/Keller ferry boat - Preservation. Funds are provided solely for  
21 preservation work on the existing vessel, the Martha S.

22       (3) The department shall apply for surface transportation program  
23 (STP) enhancement funds to be expended in lieu of or in addition to  
24 state funds for eligible costs of projects in Programs I and P.

25       (4) \$6,500,000 of the Puyallup tribal settlement account--state  
26 appropriation is provided solely for mitigation costs associated with  
27 the Murray Morgan/11th Street bridge demolition. The department may  
28 negotiate with the city of Tacoma for the purpose of transferring  
29 ownership of the Murray Morgan/11th Street bridge to the city. If the  
30 city agrees to accept ownership of the bridge, the department may use  
31 the Puyallup tribal settlement account appropriation and other  
32 appropriated funds for bridge rehabilitation, bridge replacement,  
33 bridge demolition, and related mitigation. The department's  
34 participation, including prior expenditures, may not exceed  
35 \$39,953,000. Funds may not be expended unless the city of Tacoma  
36 agrees to take ownership of the bridge in its entirety and provides  
37 that the payment of these funds extinguishes any real or implied  
38 agreements regarding future bridge expenditures.



1 (5) The department and the city of Tacoma must present to the  
2 legislature an agreement on the timing of the transfer of ownership of  
3 the Murray Morgan/11th Street bridge and any additional necessary state  
4 funding required to achieve the transfer and rehabilitation of the  
5 bridge by January 1, 2010.

6 (6) The department shall, on a quarterly basis beginning July 1,  
7 2009, provide to the office of financial management and the legislature  
8 reports providing the status on each active project funded in part or  
9 whole by the transportation 2003 account (nickel account) or the  
10 transportation partnership account. Funding provided at a programmatic  
11 level for transportation partnership account projects relating to  
12 seismic bridges should be reported on a programmatic basis. Projects  
13 within this programmatic level funding should be completed on a  
14 priority basis and scoped to be completed within the current  
15 programmatic budget. The department shall work with the office of  
16 financial management and the transportation committees of the  
17 legislature to agree on report formatting and elements. Elements must  
18 include, but not be limited to, project scope, schedule, and costs.  
19 For new construction contracts valued at fifteen million dollars or  
20 more, the department must also use an earned value method of project  
21 monitoring. The department shall also provide the information required  
22 under this subsection on a quarterly basis via the transportation  
23 executive information systems (TEIS).

24 (7) The department of transportation shall continue to implement  
25 the lowest life cycle cost planning approach to pavement management  
26 throughout the state to encourage the most effective and efficient use  
27 of pavement preservation funds. Emphasis should be placed on  
28 increasing the number of roads addressed on time and reducing the  
29 number of roads past due.

30 (8)(a) The department shall conduct an analysis of state highway  
31 pavement replacement needs for the next ten years. The report must  
32 include:

33 (i) The current backlog of asphalt and concrete pavement  
34 preservation projects;

35 (ii) The level of investment needed to reduce or eliminate the  
36 backlog and resume the lowest life-cycle cost;

37 (iii) Strategies for addressing the recent rapid escalation of  
38 asphalt prices, including alternatives to using hot mix asphalt;

1 (iv) Criteria for determining which type of pavement will be used  
2 for specific projects, including annualized cost per mile, traffic  
3 volume per lane mile, and heavy truck traffic volume per lane mile; and

4 (v) The use of recycled asphalt and concrete in state highway  
5 construction and the effect on highway pavement replacement needs.

6 (b) Additionally, the department shall work with the department of  
7 ecology, the county road administration board, and the transportation  
8 improvement board to explore and explain the potential use of permeable  
9 asphalt and concrete pavement in state highway construction as an  
10 alternative method of storm water mitigation and the potential effects  
11 on highway pavement replacement needs.

12 (c) The department shall submit the report to the office of  
13 financial management and the transportation committees of the  
14 legislature by December 1, 2010, in order to inform the development of  
15 the 2011-13 omnibus transportation appropriations act.

16 (9) \$1,722 of the motor vehicle account--state appropriation,  
17 \$9,608,115 of the motor vehicle account--federal appropriation, and  
18 \$272,141 of the transportation partnership account--state appropriation  
19 are provided solely for the SR 104/Hood Canal bridge - replace east  
20 half project, identified as project 310407B in the LEAP transportation  
21 document described in subsection (1) of this section.

22 (10) Within the motor vehicle account--state appropriation and  
23 motor vehicle account--federal appropriation, the department may  
24 transfer funds between programs I and P, except for funds that are  
25 otherwise restricted in this act.

26 (11) Within the amounts provided in this section, \$1,510,000 of the  
27 motor vehicle account--state appropriation is provided solely to  
28 complete the rehabilitation of the SR 532/84th Avenue NW bridge deck.

29 (12) \$1,500,000 of the motor vehicle account--federal appropriation  
30 is provided solely for the environmental impact statement and  
31 preliminary planning for the replacement of the state route number 9  
32 Snohomish river bridge.

33 NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--**  
34 **TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

35	Motor Vehicle Account--State Appropriation . . . . .	\$6,394,000
36	Motor Vehicle Account--Federal Appropriation . . . . .	\$9,262,000
37	TOTAL APPROPRIATION . . . . .	\$15,656,000



1 to exercising the option to build the fourth Island Home class ferry  
2 vessel, procurement of the fourth Island Home class ferry vessel will  
3 be postponed and the department shall pursue procurement of a 144-auto  
4 vessel.

5 (a) The first two Island Home class ferry vessels must be placed on  
6 the Port Townsend-Keystone route.

7 (b) The department may add additional passenger capacity to one of  
8 the Island Home class ferry vessels to make it more flexible within the  
9 system in the future, if doing so does not require additional staffing  
10 on the vessel.

11 (c) Cost savings from the following initiatives will be included in  
12 the funding of these vessels: The department's review and update of  
13 the vessel life-cycle cost model as required under this section; and  
14 the implementation of technology efficiencies as required under section  
15 602 of this act.

16 (3) \$2,450,000 of the Puget Sound capital construction account--  
17 state appropriation is provided solely for contingencies associated  
18 with closing out the existing contract for the technical design of the  
19 144-auto vessel and the storage and maintenance of vessel owner-  
20 furnished equipment already procured. The department shall use as much  
21 of the already procured equipment as is practicable on the Island Home  
22 class ferry vessel if it is likely to be obsolete before it is used in  
23 procured 144-auto vessels.

24 (4) \$6,300,000 of the Puget Sound capital construction account--  
25 state appropriation is provided solely for emergency capital costs.

26 (5) The Anacortes terminal may be replaced if additional federal  
27 funds are sought and received by the department. If federal funds  
28 received are not sufficient to replace the terminal, only usable,  
29 discrete phases of the project, up to the amount of federal funds  
30 received, may be constructed with the funds.

31 (6) \$3,965,000 of the Puget Sound capital construction account--  
32 state appropriation is provided solely for the following vessel  
33 projects: Waste heat recovery pilot project; steering gear ventilation  
34 pilot project; and a new propulsion system for the MV Yakima. Before  
35 beginning these projects, the Washington state ferries must ensure the  
36 vessels' out-of-service time does not negatively impact service to the  
37 system.

1 (7) The department shall pursue purchasing a foreign-flagged vessel  
2 for service on the Anacortes, Washington to Sidney, British Columbia  
3 ferry route.

4 (8) The department shall provide to the office of financial  
5 management and the legislature quarterly reports providing the status  
6 on each project listed in this section and in the project lists  
7 submitted pursuant to this act and on any additional projects for which  
8 the department has expended funds during the 2009-11 fiscal biennium.  
9 Elements must include, but not be limited to, project scope, schedule,  
10 and costs. The department shall also provide the information required  
11 under this subsection via the transportation executive information  
12 systems (TEIS). The quarterly report regarding the status of projects  
13 identified on the list referenced in subsection (1) of this section  
14 must be developed according to an earned value method of project  
15 monitoring.

16 (9) The department shall review and adjust its capital program  
17 staffing levels to ensure staffing is at the most efficient level  
18 necessary to implement the capital program in the omnibus  
19 transportation appropriations act. The Washington state ferries shall  
20 report this review and adjustment to the office of financial management  
21 and the house and senate transportation committees of the legislature  
22 by July 2009.

23 (10) \$3,763,000 of the total appropriation is provided solely for  
24 the Washington state ferries to develop a reservation system. The  
25 department shall complete a predesign study and present the study to  
26 the joint transportation committee by November 1, 2009. This analysis  
27 must include an evaluation of the compatibility of the Washington state  
28 ferries' electronic fare system, proposed reservation system, and the  
29 implementation of smart card. The department may not implement a  
30 statewide reservation system until the department is authorized to do  
31 so in the 2010 supplemental omnibus transportation appropriations act.

32 (11) \$1,200,000 of the total appropriation is provided solely for  
33 improving the toll booth configuration at the Port Townsend and  
34 Keystone ferry terminals.

35 (12) \$3,249,915 of the total appropriation is provided solely for  
36 continued permitting and archaeological work in order to determine the  
37 feasibility of relocating the Mukilteo ferry terminal. In order to  
38 ensure that the cultural resources investigation is properly conducted

1 in a coordinated fashion, the department shall work with the department  
2 of archaeology and historic preservation and shall conduct work with  
3 active archaeological management. The department shall seek additional  
4 federal funding for this project.

5 (13) The department shall develop a proposed ferry vessel  
6 maintenance, preservation, and improvement program and present it to  
7 the transportation committees of the legislature by July 1, 2010. The  
8 proposal must:

9 (a) Improve the basis for budgeting vessel maintenance,  
10 preservation, and improvement costs and for projecting those costs into  
11 a sixteen-year financial plan;

12 (b) Limit the amount of planned out-of-service time to the greatest  
13 extent possible, including options associated with department staff as  
14 well as commercial shipyards. At a minimum, the department shall  
15 consider the following:

16 (i) The costs compared to benefits of Eagle Harbor repair and  
17 maintenance facility operations options to include staffing costs and  
18 benefits in terms of reduced out-of-service time;

19 (ii) The maintenance requirements for on-vessel staff, including  
20 the benefits of a systemwide standard;

21 (iii) The costs compared to benefits of staff performing  
22 preservation or maintenance work, or both, while the vessel is  
23 underway, tied up between sailings, or not deployed;

24 (iv) A review of the department's vessel maintenance, preservation,  
25 and improvement program contracting process and contractual  
26 requirements;

27 (v) The costs compared to benefits of allowing for increased costs  
28 associated with expedited delivery;

29 (vi) A method for comparing the anticipated out-of-service time of  
30 proposed projects and other projects planned during the same  
31 construction period;

32 (vii) Coordination with required United States coast guard dry  
33 dockings;

34 (viii) A method for comparing how proposed projects relate to the  
35 service requirements of the route on which the vessel normally  
36 operates; and

37 (ix) A method for evaluating the ongoing maintenance and  
38 preservation costs associated with proposed improvement projects; and

1 (c) Be based on the service plan in the capital plan, recognizing  
2 that vessel preservation and improvement needs may vary by route.

3 (14) \$247,000 of the Puget Sound capital construction account--  
4 state appropriation is provided solely for the Washington state ferries  
5 to review and update its vessel life-cycle cost model and report the  
6 results to the house of representatives and senate transportation  
7 committees of the legislature by December 1, 2009. This review will  
8 evaluate the impact of the planned out-of-service periods scheduled for  
9 each vessel on the ability of the overall system to deliver  
10 uninterrupted service and will assess the risk of service disruption  
11 from unscheduled maintenance or longer than planned maintenance  
12 periods.

13 (15) The department shall work with the department of archaeology  
14 and historic preservation to ensure that the cultural resources  
15 investigation is properly conducted on all large ferry terminal  
16 projects. These projects must be conducted with active archaeological  
17 management. Additionally, the department shall establish a scientific  
18 peer review of independent archaeologists that are knowledgeable about  
19 the region and its cultural resources.

20 (16) The Puget Sound capital construction account--state  
21 appropriation includes up to \$118,000,000 in proceeds from the sale of  
22 bonds authorized in RCW 47.10.843.

23 NEW SECTION. **Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--**  
24 **RAIL--PROGRAM Y--CAPITAL**

25	Essential Rail Assistance Account--State Appropriation . . . .	\$675,000
26	Transportation Infrastructure Account--State	
27	Appropriation . . . . .	\$13,100,000
28	Multimodal Transportation Account--State	
29	Appropriation . . . . .	\$68,530,000
30	Multimodal Transportation Account--Federal	
31	Appropriation . . . . .	\$16,054,000
32	Multimodal Transportation Account--Private/Local	
33	Appropriation . . . . .	\$81,000
34	TOTAL APPROPRIATION . . . . .	\$98,440,000

35 The appropriations in this section are subject to the following  
36 conditions and limitations:

1 (1)(a) Except as provided otherwise in this section, the entire  
2 appropriations in this section are provided solely for the projects and  
3 activities as listed by fund, project, and amount in LEAP  
4 Transportation Document ALL PROJECTS 2009-2 as developed April 24,  
5 2009, Program - Rail Capital Program (Y). However, limited transfers  
6 of specific line-item project appropriations may occur between projects  
7 for those amounts listed subject to the conditions and limitations in  
8 section 603 of this act.

9 (b)(i) Within the amounts provided in this section, \$116,000 of the  
10 transportation infrastructure account--state appropriation is for a  
11 low-interest loan through the freight rail investment bank program to  
12 the Port of Ephrata for rehabilitation of a rail spur.

13 (ii) Within the amounts provided in this section, \$1,200,000 of the  
14 transportation infrastructure account--state appropriation is for a  
15 low-interest loan through the freight rail investment bank program to  
16 the Port of Everett for a new rail track to connect a cement loading  
17 facility to the mainline.

18 (iii) Within the amounts provided in this section, \$3,684,000 of  
19 the transportation infrastructure account--state appropriation is for  
20 a low-interest loan through the freight rail investment bank program to  
21 the Port of Quincy for construction of a rail loop.

22 (iv) The department shall issue the loans referenced in this  
23 subsection (1)(b) with a repayment period of no more than ten years,  
24 and only so much interest as is necessary to recoup the department's  
25 costs to administer the loans.

26 (c)(i) Within the amounts provided in this section, \$1,712,022 of  
27 the multimodal transportation account--state appropriation and \$175,000  
28 of the essential rail assistance account--state appropriation are for  
29 statewide - emergent freight rail assistance projects as follows: Port  
30 of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A)  
31 \$362,746; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A)  
32 \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN  
33 700610A) \$370,650; Clark County owned railroad/Vancouver - track  
34 rehabilitation (BIN 710110A) \$366,813; Tacoma Rail/Tacoma - improved  
35 locomotive facility (BIN 711010B) \$366,813.

36 (ii) Within the amounts provided in this section, \$500,000 of the  
37 essential rail assistance account--state appropriation and \$25,000 of  
38 the multimodal transportation account--state appropriation are for a



1 statewide - emergent freight rail assistance project grant for the  
2 Tacoma Rail/Roy - new connection to BNSF and Yelm (BIN 711310A)  
3 project, provided that the grantee first executes a written instrument  
4 that imposes on the grantee the obligation to repay the grant within  
5 thirty days in the event that the grantee discontinues or significantly  
6 diminishes service along the line within a period of five years from  
7 the date that the grant is awarded.

8 (iii) Within the amounts provided in this section, \$337,978 of the  
9 multimodal transportation account--state appropriation is for a  
10 statewide - emergent freight rail assistance project grant for the  
11 Lincoln County PDA/Creston - new rail spur (BIN 710510A) project,  
12 provided that the grantee first documents to the satisfaction of the  
13 department sufficient commitments from the new shipper or shippers to  
14 locate in the publicly owned industrial park west of Creston to ensure  
15 that the net present value of the public benefits of the project is  
16 greater than the grant amount.

17 (d) Within the amounts provided in this section, \$8,100,000 of the  
18 transportation infrastructure account--state appropriation is for  
19 grants to any intergovernmental entity or local rail district to which  
20 the department of transportation assigns the management and oversight  
21 responsibility for the business and economic development elements of  
22 existing operating leases on the Palouse River and Coulee City (PCC)  
23 rail lines. The PCC rail line system is made up of the CW, P&L, and PV  
24 Hooper rail lines. Business and economic development elements include  
25 such items as levels of service and business operating plans, but must  
26 not include the state's oversight of railroad regulatory compliance,  
27 rail infrastructure condition, or real property management issues. The  
28 PCC rail system must be managed in a self-sustaining manner and best  
29 efforts must be used to ensure that it does not require state capital  
30 or operating subsidy beyond the level of state funding expended on it  
31 to date. The assignment of the stated responsibilities to an  
32 intergovernmental entity or rail district must be on terms and  
33 conditions as the department of transportation and the  
34 intergovernmental entity or rail district mutually agree. The grant  
35 funds may be used only to refurbish the rail lines. It is the intent  
36 of the legislature to make the funds appropriated in this section  
37 available as grants to an intergovernmental entity or local rail

1 district for the purposes stated in this section at least until June  
2 30, 2012, and to reappropriate as necessary any portion of the  
3 appropriation in this section that is not used by June 30, 2011.

4 (2)(a) The department shall issue a call for projects for the  
5 freight rail investment bank program and the emergent freight rail  
6 assistance program, and shall evaluate the applications according to  
7 the cost benefit methodology developed during the 2008 interim using  
8 the legislative priorities specified in (c) of this subsection. By  
9 November 1, 2010, the department shall submit a prioritized list of  
10 recommended projects to the office of financial management and the  
11 transportation committees of the legislature.

12 (b) When the department identifies a prospective rail project that  
13 may have strategic significance for the state, or at the request of a  
14 proponent of a prospective rail project or a member of the legislature,  
15 the department shall evaluate the prospective project according to the  
16 cost benefit methodology developed during the 2008 interim using the  
17 legislative priorities specified in (c) of this subsection. The  
18 department shall report its cost benefit evaluation of the prospective  
19 rail project, as well as the department's best estimate of an  
20 appropriate construction schedule and total project costs, to the  
21 office of financial management and the transportation committees of the  
22 legislature.

23 (c) The legislative priorities to be used in the cost benefit  
24 methodology are, in order of relative importance:

25 (i) Economic, safety, or environmental advantages of freight  
26 movement by rail compared to alternative modes;

27 (ii) Self-sustaining economic development that creates family-wage  
28 jobs;

29 (iii) Preservation of transportation corridors that would otherwise  
30 be lost;

31 (iv) Increased access to efficient and cost-effective transport to  
32 market for Washington's agricultural and industrial products;

33 (v) Better integration and cooperation within the regional,  
34 national, and international systems of freight distribution; and

35 (vi) Mitigation of impacts of increased rail traffic on  
36 communities.

37 (3) The department is directed to seek the use of unprogrammed

1 federal rail crossing funds to be expended in lieu of or in addition to  
2 state funds for eligible costs of projects in program Y.

3 (4) At the earliest possible date, the department shall apply, and  
4 assist ports and local jurisdictions in applying, for any federal  
5 funding that may be available for any projects that may qualify for  
6 such federal funding. State projects must be (a) currently identified  
7 on the project list referenced in subsection (1)(a) of this section or  
8 (b) projects for which no state match is required to complete the  
9 project. Local or port projects must not require additional state  
10 funding in order to complete the project, with the exception of (c)  
11 state funds currently appropriated for such project if currently  
12 identified on the project list referenced in subsection (1)(a) of this  
13 section or (d) potential grants awarded in the competitive grant  
14 process for the essential rail assistance program. If the department  
15 receives any federal funding, the department is authorized to obligate  
16 and spend the federal funds in accordance with federal law. To the  
17 extent permissible by federal law, federal funds may be used (e) in  
18 addition to state funds appropriated for projects currently identified  
19 on the project list referenced in subsection (1)(a) of this section in  
20 order to advance funding from future biennia for such project(s) or (f)  
21 in lieu of state funds; however, the state funds must be redirected  
22 within the rail capital program to advance funding for other projects  
23 currently identified on the project list referenced in subsection  
24 (1)(a) of this section. State funds may be redirected only upon  
25 consultation with the transportation committees of the legislature and  
26 the office of financial management, and approval by the director of the  
27 office of financial management. The department shall spend the federal  
28 funds before the state funds, and shall consult the office of financial  
29 management and the transportation committees of the legislature  
30 regarding project scope changes.

31 (5) The department shall provide quarterly reports to the office of  
32 financial management and the transportation committees of the  
33 legislature regarding applications that the department submits for  
34 federal funds, the status of such applications, and the status of  
35 projects identified on the list referenced in subsection (1)(a) of this  
36 section. The quarterly report regarding the status of projects  
37 identified on the list referenced in subsection (1)(a) of this section

1 must be developed according to an earned value method of project  
2 monitoring.

3 (6) The multimodal transportation account--state appropriation  
4 includes up to \$20,000,000 in proceeds from the sale of bonds  
5 authorized in RCW 47.10.867.

6 (7) When the balance of that portion of the miscellaneous program  
7 account apportioned to the department for the grain train program  
8 reaches \$1,180,000, the department shall acquire twenty-nine additional  
9 grain train railcars.

10 NEW SECTION. **Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION--**  
11 **LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

12	Highway Infrastructure Account--State Appropriation . . . . .	\$207,000
13	Highway Infrastructure Account--Federal	
14	Appropriation . . . . .	\$1,602,000
15	Freight Mobility Investment Account--State	
16	Appropriation . . . . .	\$13,548,000
17	Transportation Partnership Account--State	
18	Appropriation . . . . .	\$8,863,000
19	Motor Vehicle Account--State Appropriation . . . . .	\$12,954,000
20	Motor Vehicle Account--Federal Appropriation . . . . .	\$39,572,000
21	Freight Mobility Multimodal Account--State	
22	Appropriation . . . . .	\$14,920,000
23	Freight Mobility Multimodal Account--Local	
24	Appropriation . . . . .	\$3,135,000
25	Multimodal Transportation Account--Federal	
26	Appropriation . . . . .	\$2,098,000
27	Multimodal Transportation Account--State	
28	Appropriation . . . . .	\$28,262,000
29	Transportation 2003 Account (Nickel Account)--State	
30	Appropriation . . . . .	\$709,000
31	Passenger Ferry Account--State Appropriation . . . . .	\$2,879,000
32	TOTAL APPROPRIATION . . . . .	\$128,749,000

33 The appropriations in this section are subject to the following  
34 conditions and limitations:

35 (1) The department shall, on a quarterly basis, provide status  
36 reports to the legislature on the delivery of projects as outlined in  
37 the project lists incorporated in this section. For projects funded by

1 new revenue in the 2003 and 2005 transportation packages, reporting  
2 elements shall include, but not be limited to, project scope, schedule,  
3 and costs. Other projects may be reported on a programmatic basis.  
4 The department shall also provide the information required under this  
5 subsection on a quarterly basis via the transportation executive  
6 information system (TEIS).

7 (2) \$2,729,000 of the passenger ferry account--state appropriation  
8 is provided solely for near and long-term costs of capital improvements  
9 in a business plan approved by the governor for passenger ferry  
10 service.

11 (3) \$150,000 of the passenger ferry account--state appropriation is  
12 provided solely for the Port of Kingston for a one-time operating  
13 subsidy needed to retain a federal grant.

14 (4) \$3,000,000 of the motor vehicle account--federal appropriation  
15 is provided solely for the Coal Creek parkway project (L1000025).

16 (5) The department shall seek the use of unprogrammed federal rail  
17 crossing funds to be expended in lieu of or in addition to state funds  
18 for eligible costs of projects in local programs, program Z capital.

19 (6) The department shall apply for surface transportation program  
20 (STP) enhancement funds to be expended in lieu of or in addition to  
21 state funds for eligible costs of projects in local programs, program  
22 Z capital.

23 (7) Federal funds may be transferred from program Z to programs I  
24 and P and state funds shall be transferred from programs I and P to  
25 program Z to replace those federal funds in a dollar-for-dollar match.  
26 Fund transfers authorized under this subsection shall not affect  
27 project prioritization status. Appropriations shall initially be  
28 allotted as appropriated in this act. The department may not transfer  
29 funds as authorized under this subsection without approval of the  
30 office of financial management. The department shall submit a report  
31 on those projects receiving fund transfers to the office of financial  
32 management and the transportation committees of the legislature by  
33 December 1, 2009, and December 1, 2010.

34 (8) The city of Winthrop may utilize a design-build process for the  
35 Winthrop bike path project. Of the amount appropriated in this section  
36 for this project, \$500,000 of the multimodal transportation account--  
37 state appropriation is contingent upon the state receiving from the

1 city of Winthrop \$500,000 in federal funds awarded to the city of  
2 Winthrop by its local planning organization.

3 (9) \$18,182,113 of the multimodal transportation account--state  
4 appropriation, \$8,753,895 of the motor vehicle account--federal  
5 appropriation, and \$4,000,000 of the transportation partnership  
6 account--state appropriation are provided solely for the pedestrian and  
7 bicycle safety program projects and safe routes to schools program  
8 projects identified in LEAP Transportation Document 2009-A, pedestrian  
9 and bicycle safety program projects and safe routes to schools program  
10 projects, as developed March 30, 2009, LEAP Transportation Document  
11 2007-A, pedestrian and bicycle safety program projects and safe routes  
12 to schools program projects, as developed April 20, 2007, and LEAP  
13 Transportation Document 2006-B, pedestrian and bicycle safety program  
14 projects and safe routes to schools program projects, as developed  
15 March 8, 2006. Projects must be allocated funding based on order of  
16 priority. The department shall review all projects receiving grant  
17 awards under this program at least semiannually to determine whether  
18 the projects are making satisfactory progress. Any project that has  
19 been awarded funds, but does not report activity on the project within  
20 one year of the grant award must be reviewed by the department to  
21 determine whether the grant should be terminated. The department shall  
22 promptly close out grants when projects have been completed, and  
23 identify where unused grant funds remain because actual project costs  
24 were lower than estimated in the grant award.

25 (10) Except as provided otherwise in this section, the entire  
26 appropriations in this section are provided solely for the projects and  
27 activities as listed by fund, project, and amount in LEAP  
28 Transportation Document ALL PROJECTS 2009-2 as developed April 24,  
29 2009, Programs - Local Program (Z).

30 (11) For the 2009-11 project appropriations, unless otherwise  
31 provided in this act, the director of financial management may  
32 authorize a transfer of appropriation authority between projects  
33 managed by the freight mobility strategic investment board in order for  
34 the board to manage project spending and efficiently deliver all  
35 projects in the respective program.

36 (12) \$913,386 of the motor vehicle account--state appropriation and  
37 \$2,858,216 of the motor vehicle account--federal appropriation are  
38 provided solely for completion of the US 101 northeast peninsula safety

1 rest area and associated roadway improvements east of Port Angeles at  
2 the Deer Park scenic view point. The department must surplus any  
3 right-of-way previously purchased for this project near Sequim.  
4 Approval to proceed with construction is contingent on surplus of  
5 previously purchased right-of-way. \$865,000 of the motor vehicle  
6 account--state appropriation is to be placed into unallotted status  
7 until such time as the right-of-way sale is completed.

8 **TRANSFERS AND DISTRIBUTIONS**

9 **NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT**  
10 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**  
11 **BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND**  
12 **TRANSPORTATION FUND REVENUE**

13	Highway Bond Retirement Account Appropriation . . . . .	\$742,400,000
14	Ferry Bond Retirement Account Appropriation . . . . .	\$33,771,000
15	Transportation Improvement Board Bond Retirement	
16	Account--State Appropriation . . . . .	\$22,541,000
17	Nondebt-Limit Reimbursable Account Appropriation . . . . .	\$18,400,000
18	Transportation Partnership Account--State	
19	Appropriation . . . . .	\$8,318,000
20	Motor Vehicle Account--State Appropriation . . . . .	\$901,000
21	Transportation 2003 Account (Nickel Account)--State	
22	Appropriation . . . . .	\$4,116,000
23	Special Category C Account--State Appropriation . . . . .	\$148,000
24	Urban Arterial Trust Account--State Appropriation . . . . .	\$85,000
25	Transportation Improvement Account--State Appropriation . . . . .	\$41,000
26	Multimodal Transportation Account--State Appropriation . . . . .	\$283,000
27	TOTAL APPROPRIATION . . . . .	\$831,004,000

28 **NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT**  
29 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**  
30 **BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

31	Transportation Partnership Account--State Appropriation . . . . .	\$523,000
32	Motor Vehicle Account--State Appropriation . . . . .	\$57,000
33	Transportation 2003 Account (Nickel Account)--State	
34	Appropriation . . . . .	\$259,000





1 Account--State . . . . . \$5,288,000  
 2 (2) Motor Vehicle Account--State Appropriation:  
 3 For transfer to the Puget Sound Ferry Operations  
 4 Account--State . . . . . \$17,000,000  
 5 (3) Recreational Vehicle Account--State  
 6 Appropriation: For transfer to the Motor Vehicle  
 7 Account--State . . . . . \$2,000,000  
 8 (4) License Plate Technology Account--State  
 9 Appropriation: For transfer to the Motor Vehicle  
 10 Account--State . . . . . \$2,750,000  
 11 (5) Multimodal Transportation Account--State  
 12 Appropriation: For transfer to the Puget Sound  
 13 Ferry Operations Account--State . . . . . \$9,000,000  
 14 (6) Highway Safety Account--State Appropriation:  
 15 For transfer to the Multimodal Transportation  
 16 Account--State . . . . . \$18,750,000  
 17 (7) Department of Licensing Services Account--State  
 18 Appropriation: For transfer to the Motor Vehicle  
 19 Account--State . . . . . \$2,000,000  
 20 (8) Advanced Right-of-Way Account: For transfer  
 21 to the Motor Vehicle Account--State . . . . . \$14,000,000  
 22 (9) Motor Vehicle Account--State Appropriation:  
 23 For transfer to the Transportation Partnership  
 24 Account--State . . . . . \$8,000,000

25 The transfers identified in this section are subject to the  
 26 following conditions and limitations: The amount transferred in  
 27 subsection (1) of this section represents repayment of operating loans  
 28 and reserve payments provided to the Tacoma Narrows toll bridge account  
 29 from the motor vehicle account in the 2005-07 fiscal biennium.

30 NEW SECTION. **Sec. 408. STATUTORY APPROPRIATIONS.** In addition to  
 31 the amounts appropriated in this act for revenue for distribution,  
 32 state contributions to the law enforcement officers' and firefighters'  
 33 retirement system, and bond retirement and interest including ongoing  
 34 bond registration and transfer charges, transfers, interest on  
 35 registered warrants, and certificates of indebtedness, there is also  
 36 appropriated such further amounts as may be required or available for

1 these purposes under any statutory formula or under any proper bond  
2 covenant made under law.

3 NEW SECTION. **Sec. 409.** The department of transportation is  
4 authorized to undertake federal advance construction projects under the  
5 provisions of 23 U.S.C. Sec. 115 in order to maintain progress in  
6 meeting approved highway construction and preservation objectives. The  
7 legislature recognizes that the use of state funds may be required to  
8 temporarily fund expenditures of the federal appropriations for the  
9 highway construction and preservation programs for federal advance  
10 construction projects prior to conversion to federal funding.

11 **COMPENSATION**

12 NEW SECTION. **Sec. 501. FOR THE OFFICE OF FINANCIAL MANAGEMENT--**  
13 **REVISED PENSION CONTRIBUTION RATES**

14	Aeronautics Account--State . . . . .	(\$40,000)
15	Grade Crossing Protective Account--State . . . . .	(\$2,000)
16	State Patrol Highway Account--State . . . . .	(\$5,593,000)
17	Motorcycle Safety Education Account--State . . . . .	(\$18,000)
18	High Occupancy Toll Lanes Operations Account--State . . . . .	(\$20,000)
19	Rural Arterial Trust Account--State . . . . .	(\$20,000)
20	Wildlife Account--State . . . . .	(\$16,000)
21	Highway Safety Account--State . . . . .	(\$1,869,000)
22	Highway Safety Account--Federal . . . . .	(\$56,000)
23	Motor Vehicle Account--State . . . . .	(\$11,348,000)
24	Puget Sound Ferry Operations Account--State . . . . .	(\$5,019,000)
25	Urban Arterial Trust Account--State . . . . .	(\$26,000)
26	Transportation Improvement Account--State . . . . .	(\$26,000)
27	County Arterial Preservation Account--State . . . . .	(\$22,000)
28	Department of Licensing Services Account--State . . . . .	(\$36,000)
29	Multimodal Transportation Account--State . . . . .	(\$220,000)
30	Tacoma Narrows Toll Bridge Account--State . . . . .	(\$28,000)
31	Puget Sound Capital Construction Account--State . . . . .	(\$459,000)
32	Motor Vehicle Account--Federal . . . . .	(\$8,791,000)

33 Appropriations are adjusted to reflect changes to appropriations to  
34 reflect savings resulting from pension funding. The office of

1 financial management shall update agency appropriations schedules to  
2 reflect the changes to funding levels in this section as identified by  
3 agency and fund in LEAP transportation document Z9R-2009. From the  
4 applicable accounts, the office of financial management shall adjust  
5 allotments to the respective agencies by an amount that conforms with  
6 funding adjustments enacted in the 2009-11 omnibus operating  
7 appropriations act. Any allotment reductions under this section shall  
8 be placed in reserve status and remain unexpended.

9 NEW SECTION. **Sec. 502. FOR THE OFFICE OF FINANCIAL MANAGEMENT--**  
10 **REVISED EMPLOYER HEALTH BENEFIT RATES**

11	Aeronautics Account--State . . . . .	\$9,000
12	State Patrol Highway Account--State . . . . .	\$1,537,000
13	Motorcycle Safety Education Account--State . . . . .	\$6,000
14	Puget Sound Capital Construction--State . . . . .	\$85,000
15	High Occupancy Toll Lanes Operations Account--State . . . . .	\$5,000
16	Rural Arterial Trust Account--State . . . . .	\$3,000
17	Wildlife Account--State . . . . .	\$4,000
18	Highway Safety Account--State . . . . .	\$644,000
19	Highway Safety Account--Federal . . . . .	\$14,000
20	Motor Vehicle Account--State . . . . .	\$2,886,000
21	Puget Sound Ferry Operations Account--State . . . . .	\$1,311,000
22	Urban Arterial Trust Account--State . . . . .	\$5,000
23	Transportation Improvement Account--State . . . . .	\$5,000
24	County Arterial Preservation Account--State . . . . .	\$4,000
25	Department of Licensing Services Account--State . . . . .	\$6,000
26	Multimodal Transportation Account--State . . . . .	\$43,000
27	Tacoma Narrows Toll Bridge Account--State . . . . .	\$7,000
28	Motor Vehicle Account--Federal . . . . .	\$2,108,000

29 Appropriations are adjusted to reflect changes to appropriations to  
30 reflect changes in the employer cost of providing health benefit  
31 coverage. The office of financial management shall update agency  
32 appropriations schedules to reflect the changes to funding levels in  
33 this section as identified by agency and fund in LEAP transportation  
34 document 6M-2009. From the applicable accounts, the office of  
35 financial management shall adjust allotments to the respective agencies  
36 by an amount that conforms with funding adjustments enacted in the

1 2009-11 omnibus operating appropriations act. Any allotment reductions  
2 under this section shall be placed in reserve status and remain  
3 unexpended.

4 NEW SECTION.      **Sec. 503.      COMPENSATION--INSURANCE      BENEFITS.**

5 Appropriations for state agencies in this act are sufficient for  
6 nonrepresented and represented state employee health benefits for state  
7 agencies, and are subject to the following conditions and limitations:

8        (1)(a) The monthly employer funding rate for insurance benefit  
9 premiums, public employees' benefits board administration, and the  
10 uniform medical plan, shall not exceed \$745 per eligible employee for  
11 fiscal year 2010. For fiscal year 2011, the monthly employer funding  
12 rate shall not exceed \$768 per eligible employee.

13        (b) In order to achieve the level of funding provided for health  
14 benefits, the public employees' benefits board shall require any or all  
15 of the following: Employee premium copayments; increases in point-of-  
16 service cost sharing; the implementation of managed competition; or  
17 make other changes to benefits consistent with RCW 41.05.065. During  
18 the 2009-11 fiscal biennium, the board may only authorize benefit plans  
19 and premium contributions for an employee and the employee's dependents  
20 that are the same, regardless of an employee's status as represented or  
21 nonrepresented under the personnel system reform act of 2002.

22        (c) The health care authority shall deposit any moneys received on  
23 behalf of the uniform medical plan as a result of rebates on  
24 prescription drugs, audits of hospitals, subrogation payments, or any  
25 other moneys recovered as a result of prior uniform medical plan claims  
26 payments into the public employees' and retirees' insurance account to  
27 be used for insurance benefits. Such receipts shall not be used for  
28 administrative expenditures.

29        (d) The conditions in this section apply to benefits for  
30 nonrepresented employees, employees represented by the super coalition,  
31 and represented employees outside of the super coalition, including  
32 employees represented under chapter 47.64 RCW.

33        (2) The health care authority, subject to the approval of the  
34 public employees' benefits board, shall provide subsidies for health  
35 benefit premiums to eligible retired or disabled public employees and  
36 school district employees who are eligible for medicare, pursuant to

1 RCW 41.05.085. From January 1, 2010, through December 31, 2010, the  
2 subsidy shall be \$182.89. Beginning January 1, 2011, the subsidy shall  
3 be \$182.89 per month.

4 **IMPLEMENTING PROVISIONS**

5 NEW SECTION. **Sec. 601. INFORMATION SYSTEMS PROJECTS.** Agencies  
6 shall comply with the following requirements regarding information  
7 systems projects when specifically directed to do so by this act.

8 (1) Agency planning and decisions concerning information technology  
9 shall be made in the context of its information technology portfolio.  
10 "Information technology portfolio" means a strategic management  
11 approach in which the relationships between agency missions and  
12 information technology investments can be seen and understood, such  
13 that: Technology efforts are linked to agency objectives and business  
14 plans; the impact of new investments on existing infrastructure and  
15 business functions are assessed and understood before implementation;  
16 and agency activities are consistent with the development of an  
17 integrated, nonduplicative statewide infrastructure.

18 (2) Agencies shall use their information technology portfolios in  
19 making decisions on matters related to the following:

20 (a) System refurbishment, acquisitions, and development efforts;

21 (b) Setting goals and objectives for using information technology  
22 in meeting legislatively-mandated missions and business needs;

23 (c) Assessment of overall information processing performance,  
24 resources, and capabilities;

25 (d) Ensuring appropriate transfer of technological expertise for  
26 the operation of any new systems developed using external resources;  
27 and

28 (e) Progress toward enabling electronic access to public  
29 information.

30 (3) Each project will be planned and designed to take optimal  
31 advantage of Internet technologies and protocols. Agencies shall  
32 ensure that the project is in compliance with the architecture,  
33 infrastructure, principles, policies, and standards of digital  
34 government as maintained by the information services board.

1 (4) The agency shall produce a feasibility study for information  
2 technology projects at the direction of the information services board  
3 and in accordance with published department of information services  
4 policies and guidelines. At a minimum, such studies shall include a  
5 statement of: (a) The purpose or impetus for change; (b) the business  
6 value to the agency, including an examination and evaluation of  
7 benefits, advantages, and cost; (c) a comprehensive risk assessment  
8 based on the proposed project's impact on both citizens and state  
9 operations, its visibility, and the consequences of doing nothing; (d)  
10 the impact on agency and statewide information infrastructure; and (e)  
11 the impact of the proposed enhancements to an agency's information  
12 technology capabilities on meeting service delivery demands.

13 (5) The agency shall produce a comprehensive management plan for  
14 each project. The plan or plans shall address all factors critical to  
15 successful completion of each project. The plan(s) shall include, but  
16 is not limited to, the following elements: A description of the  
17 problem or opportunity that the information technology project is  
18 intended to address; a statement of project objectives and assumptions;  
19 a definition and schedule of phases, tasks, and activities to be  
20 accomplished; and the estimated cost of each phase. The planning for  
21 the phased approach shall be such that the business case justification  
22 for a project needs to demonstrate how the project recovers cost or  
23 adds measurable value or positive cost benefit to the agency's business  
24 functions within each development cycle.

25 (6) The agency shall produce quality assurance plans for  
26 information technology projects. Consistent with the direction of the  
27 information services board and the published policies and guidelines of  
28 the department of information services, the quality assurance plan  
29 shall address all factors critical to successful completion of the  
30 project and successful integration with the agency and state  
31 information technology infrastructure. At a minimum, quality assurance  
32 plans shall provide time and budget benchmarks against which project  
33 progress can be measured, a specification of quality assurance  
34 responsibilities, and a statement of reporting requirements. The  
35 quality assurance plans shall set out the functionality requirements  
36 for each phase of a project.

37 (7) A copy of each feasibility study, project management plan, and  
38 quality assurance plan shall be provided to the department of

1 information services, the office of financial management, and  
2 legislative fiscal committees. The plans and studies shall demonstrate  
3 a sound business case that justifies the investment of taxpayer funds  
4 on any new project, an assessment of the impact of the proposed system  
5 on the existing information technology infrastructure, the disciplined  
6 use of preventative measures to mitigate risk, and the leveraging of  
7 private-sector expertise as needed. Authority to expend any funds for  
8 individual information systems projects is conditioned on the approval  
9 of the relevant feasibility study, project management plan, and quality  
10 assurance plan by the department of information services and the office  
11 of financial management.

12 (8) Quality assurance status reports shall be submitted to the  
13 department of information services, the office of financial management,  
14 and legislative fiscal committees at intervals specified in the  
15 project's quality assurance plan.

16 NEW SECTION. **Sec. 602.** Transportation agencies shall consider  
17 some or all of the following strategies to achieve savings on  
18 information technology expenditures: (a) Holistic virtualization  
19 strategies; (b) wide-area network optimization strategies; (c)  
20 replacement of traditional telephone communications systems with  
21 alternatives; and (d) migration of external voice mail systems to  
22 internal voice mail systems. Agencies shall select an experienced firm  
23 from the prequalified contractors on the department of information  
24 services ITPS master agreement to develop a consolidated strategy and  
25 plan to achieve these strategies. By December 1, 2009, agencies shall  
26 report findings, including anticipated savings for the 2010  
27 supplemental omnibus transportation appropriations act, to the office  
28 of financial management and the transportation committees of the  
29 legislature.

30 NEW SECTION. **Sec. 603. FUND TRANSFERS.** (1) The transportation  
31 2003 projects or improvements and the 2005 transportation partnership  
32 projects or improvements are listed in LEAP Transportation Document  
33 2009-1 as developed April 24, 2009, which consists of a list of  
34 specific projects by fund source and amount over a sixteen year period.  
35 Current fiscal biennium funding for each project is a line item  
36 appropriation, while the outer year funding allocations represent a

1 sixteen year plan. The department is expected to use the flexibility  
2 provided in this section to assist in the delivery and completion of  
3 all transportation partnership account and transportation 2003 (nickel)  
4 account projects on the LEAP lists referenced in this act. For the  
5 2009-11 project appropriations, unless otherwise provided in this act,  
6 the director of financial management may authorize a transfer of  
7 appropriation authority between projects funded with transportation  
8 2003 account (nickel account) appropriations, transportation  
9 partnership account appropriations, or multimodal transportation  
10 account appropriations, in order to manage project spending and  
11 efficiently deliver all projects in the respective program under the  
12 following conditions and limitations:

13 (a) Transfers may only be made within each specific fund source  
14 referenced on the respective project list;

15 (b) Transfers from a project may not be made as a result of the  
16 reduction of the scope of a project, nor shall a transfer be made to  
17 support increases in the scope of a project;

18 (c) Each transfer between projects may only occur if the director  
19 of financial management finds that any resulting change will not hinder  
20 the completion of the projects as approved by the legislature. Until  
21 the legislature reconvenes to consider the 2010 supplemental budget,  
22 any unexpended 2007-09 appropriation balance as approved by the office  
23 of financial management, in consultation with the legislative staff of  
24 the house of representatives and senate transportation committees, may  
25 be considered when transferring funds between projects;

26 (d) Transfers from a project may be made if the funds appropriated  
27 to the project are in excess of the amount needed to complete the  
28 project;

29 (e) Transfers may not occur to projects not identified on the  
30 applicable project list, except for those projects that were expected  
31 to be completed in the 2007-09 fiscal biennium; and

32 (f) Transfers may not be made while the legislature is in session.

33 (2) At the time the department submits a request to transfer funds  
34 under this section a copy of the request shall be submitted to the  
35 transportation committees of the legislature.

36 (3) The office of financial management shall work with legislative  
37 staff of the house of representatives and senate transportation  
38 committees to review the requested transfers.



1 (4) The office of financial management shall document approved  
2 transfers and/or schedule changes in the transportation executive  
3 information system (TEIS), compare changes to the legislative baseline  
4 funding and schedules identified by project identification number  
5 identified in the LEAP lists adopted in this act, and transmit revised  
6 project lists to chairs of the transportation committees of the  
7 legislature on a quarterly basis.

8 NEW SECTION. **Sec. 604.** Executive Order number 05-05,  
9 archaeological and cultural resources, was issued effective November  
10 10, 2005. Agencies and higher education institutions that issue grants  
11 or loans for capital projects shall comply with the requirements set  
12 forth in this executive order.

13 **MISCELLANEOUS 2009-11 FISCAL BIENNIUM**

14 **Sec. 701.** RCW 46.68.170 and 2007 c 518 s 701 are each amended to  
15 read as follows:

16 There is hereby created in the motor vehicle fund the RV account.  
17 All moneys hereafter deposited in said account shall be used by the  
18 department of transportation for the construction, maintenance, and  
19 operation of recreational vehicle sanitary disposal systems at safety  
20 rest areas in accordance with the department's highway system plan as  
21 prescribed in chapter 47.06 RCW. During the ((2005-2007 and)) 2007-  
22 2009 and 2009-2011 fiscal biennia, the legislature may transfer from  
23 the RV account to the motor vehicle fund such amounts as reflect the  
24 excess fund balance of the RV account to accomplish the purposes  
25 identified in this section.

26 **Sec. 702.** RCW 47.29.170 and 2007 c 518 s 702 are each amended to  
27 read as follows:

28 Before accepting any unsolicited project proposals, the commission  
29 must adopt rules to facilitate the acceptance, review, evaluation, and  
30 selection of unsolicited project proposals. These rules must include  
31 the following:

32 (1) Provisions that specify unsolicited proposals must meet  
33 predetermined criteria;

1 (2) Provisions governing procedures for the cessation of  
2 negotiations and consideration;

3 (3) Provisions outlining that unsolicited proposals are subject to  
4 a two-step process that begins with concept proposals and would only  
5 advance to the second step, which are fully detailed proposals, if the  
6 commission so directed;

7 (4) Provisions that require concept proposals to include at least  
8 the following information: Proposers' qualifications and experience;  
9 description of the proposed project and impact; proposed project  
10 financing; and known public benefits and opposition; and

11 (5) Provisions that specify the process to be followed if the  
12 commission is interested in the concept proposal, which must include  
13 provisions:

14 (a) Requiring that information regarding the potential project  
15 would be published for a period of not less than thirty days, during  
16 which time entities could express interest in submitting a proposal;

17 (b) Specifying that if letters of interest were received during the  
18 thirty days, then an additional sixty days for submission of the fully  
19 detailed proposal would be allowed; and

20 (c) Procedures for what will happen if there are insufficient  
21 proposals submitted or if there are no letters of interest submitted in  
22 the appropriate time frame.

23 The commission may adopt other rules as necessary to avoid  
24 conflicts with existing laws, statutes, or contractual obligations of  
25 the state.

26 The commission may not accept or consider any unsolicited proposals  
27 before July 1, (~~2009~~) 2011.

28 NEW SECTION. **Sec. 703.** To the extent that any appropriation  
29 authorizes expenditures of state funds from the motor vehicle account,  
30 special category C account, Tacoma Narrows toll bridge account,  
31 transportation 2003 account (nickel account), transportation  
32 partnership account, transportation improvement account, Puget Sound  
33 capital construction account, multimodal transportation account, or  
34 other transportation capital project account in the state treasury for  
35 a state transportation program that is specified to be funded with  
36 proceeds from the sale of bonds authorized in chapter 47.10 RCW, the  
37 legislature declares that any such expenditures made prior to the issue

1 date of the applicable transportation bonds for that state  
2 transportation program are intended to be reimbursed from proceeds of  
3 those transportation bonds in a maximum amount equal to the amount of  
4 such appropriation.

5 **Sec. 704.** RCW 46.16.685 and 2007 c 518 s 704 are each amended to  
6 read as follows:

7 The license plate technology account is created in the state  
8 treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be  
9 deposited into this account. Expenditures from this account must  
10 support current and future license plate technology and systems  
11 integration upgrades for both the department and correctional  
12 industries. Moneys in the account may be spent only after  
13 appropriation. Additionally, the moneys in this account may be used to  
14 reimburse the motor vehicle account for any appropriation made to  
15 implement the digital license plate system. During the 2007-2009 and  
16 2009-2011 fiscal (~~(biennium)~~) biennia, the legislature may transfer  
17 from the license plate technology account to the (~~(multimodal~~  
18 ~~transportation)~~) highway safety account such amounts as reflect the  
19 excess fund balance of the license plate technology account.

20 **Sec. 705.** RCW 47.01.380 and 2006 c 311 s 26 are each amended to  
21 read as follows:

22 The department shall not commence construction on any part of the  
23 state route number 520 bridge replacement and HOV project until a  
24 record of decision has been reached providing reasonable assurance that  
25 project impacts will be avoided, minimized, or mitigated as much as  
26 practicable to protect against further adverse impacts on neighborhood  
27 environmental quality as a result of repairs and improvements made to  
28 the state route number 520 bridge and its connecting roadways, and that  
29 any such impacts will be addressed through engineering design choices,  
30 mitigation measures, or a combination of both. The requirements of  
31 this section shall not apply to off-site pontoon construction  
32 supporting the state route number 520 bridge replacement and HOV  
33 project. The requirements of this section shall not apply during the  
34 2009-2011 fiscal biennium.

1           **Sec. 706.** RCW 47.01.390 and 2007 c 518 s 705 are each amended to  
2 read as follows:

3           (1) Prior to commencing construction on either project, the  
4 department of transportation must complete all of the following  
5 requirements for both the Alaskan Way viaduct and Seattle Seawall  
6 replacement project, and the state route number 520 bridge replacement  
7 and HOV project: (a) In accordance with the national environmental  
8 policy act, the department must designate the preferred alternative,  
9 prepare a substantial project mitigation plan, and complete a  
10 comprehensive cost estimate review using the department's cost estimate  
11 validation process, for each project; (b) in accordance with all  
12 applicable federal highway administration planning and project  
13 management requirements, the department must prepare a project finance  
14 plan for each project that clearly identifies secured and anticipated  
15 fund sources, cash flow timing requirements, and project staging and  
16 phasing plans if applicable; and (c) the department must report these  
17 results for each project to the joint transportation committee.

18           (2) The requirements of this section shall not apply to (a) utility  
19 relocation work, and related activities, on the Alaskan Way viaduct and  
20 Seattle Seawall replacement project and (b) off-site pontoon  
21 construction supporting the state route number 520 bridge replacement  
22 and HOV project.

23           (3) The requirements of subsection (1) of this section shall not  
24 apply during the 2007-2009 fiscal biennium.

25           (4) The requirements of subsection (1) of this section shall not  
26 apply during the 2009-2011 fiscal biennium.

27           **Sec. 707.** RCW 47.60.395 and 2007 c 512 s 15 are each amended to  
28 read as follows:

29           (1) The joint legislative audit and review committee shall assess  
30 and report as follows:

31           (a) Audit the implementation of the cost allocation methodology  
32 evaluated under [section 205,] chapter 518, Laws of 2007, as it exists  
33 on July 22, 2007, assessing whether actual costs are allocated  
34 consistently with the methodology, whether there are sufficient  
35 internal controls to ensure proper allocation, and the adequacy of  
36 staff training; and

1 (b) Review the assignment of preservation costs and improvement  
2 costs for fiscal year 2009 to determine whether:

3 (i) The costs are capital costs;

4 (ii) The costs meet the statutory requirements for preservation  
5 activities and for improvement activities; and

6 (iii) Improvement costs are within the scope of legislative  
7 appropriations.

8 (2) The report on the evaluations in this section is due by January  
9 31, 2010.

10 (3) This section expires December 31, 2010.

11 (4) The requirements of this section shall not apply during the  
12 2009-11 fiscal biennium.

13 **Sec. 708.** RCW 88.16.090 and 2008 c 128 s 4 are each amended to  
14 read as follows:

15 (1) A person may pilot any vessel subject to this chapter on waters  
16 covered by this chapter only if licensed to pilot such vessels on such  
17 waters under this chapter.

18 (2)(a) A person is eligible to be licensed as a pilot or a pilot  
19 trainee if the person:

20 (i) Is a citizen of the United States;

21 (ii) Is over the age of twenty-five years and under the age of  
22 seventy years;

23 (iii)(A) Holds at the time of application, as a minimum, a United  
24 States government license as master of steam or motor vessels of not  
25 more than one thousand six hundred gross register tons (three thousand  
26 international tonnage convention tons) upon oceans, near coastal  
27 waters, or inland waters; or the then most equivalent federal license  
28 as determined by the board; any such license to have been held by the  
29 applicant for a period of at least two years before application;

30 (B) Holds at the time of licensure as a pilot, after successful  
31 completion of the board-required training program, a first class United  
32 States endorsement without restrictions on the United States government  
33 license for the pilotage district in which the pilot applicant desires  
34 to be licensed; however, all applicants for a pilot examination  
35 scheduled to be given before July 1, 2008, must have the United States  
36 pilotage endorsement at the time of application; and

1 (C) The board may require that applicants and pilots have federal  
2 licenses and endorsements as it deems appropriate; and

3 (iv) Successfully completes a board-specified training program.

4 (b) In addition to the requirements of (a) of this subsection, a  
5 pilot applicant must meet such other qualifications as may be required  
6 by the board.

7 (c) A person applying for a license under this section shall not  
8 have been convicted of an offense involving drugs or the personal  
9 consumption of alcohol in the twelve months prior to the date of  
10 application. This restriction does not apply to license renewals under  
11 this section.

12 (3) The board may establish such other training license and pilot  
13 license requirements as it deems appropriate.

14 (4) Pilot applicants shall be evaluated and may be ranked for entry  
15 into a board-specified training program in a manner specified by the  
16 board based on their performance on a written examination or  
17 examinations established by the board, performance on other evaluation  
18 exercises as may be required by the board, and other criteria or  
19 qualifications as may be set by the board.

20 When the board determines that the demand for pilots requires entry  
21 of an applicant into the training program it shall issue a training  
22 license to that applicant, but under no circumstances may an applicant  
23 be issued a training license more than four years after taking the  
24 written entry examination. The training license authorizes the trainee  
25 to do such actions as are specified in the training program.

26 After the completion of the training program the board shall  
27 evaluate the trainee's performance and knowledge. The board, as it  
28 deems appropriate, may then issue a pilot license, delay the issuance  
29 of the pilot license, deny the issuance of the pilot license, or  
30 require further training and evaluation.

31 (5) The board may (a) appoint a special independent committee or  
32 (b) contract with private or governmental entities knowledgeable and  
33 experienced in the development, administration, and grading of  
34 licensing examinations or simulator evaluations for marine pilots, or  
35 (c) do both. Active, licensed pilots designated by the board may  
36 participate in the development, administration, and grading of  
37 examinations and other evaluation exercises. If the board does appoint  
38 a special examination or evaluation development committee, it is

1 authorized to pay the members of the committee the same compensation  
2 and travel expenses as received by members of the board. Any person  
3 who willfully gives advance knowledge of information contained on a  
4 pilot examination or other evaluation exercise is guilty of a gross  
5 misdemeanor.

6 (6) This subsection applies to the review of a pilot applicant's  
7 written examinations and evaluation exercises to qualify to be placed  
8 on a waiting list to become a pilot trainee. Failure to comply with  
9 the process set forth in this subsection renders the results of the  
10 pilot applicant's written examinations and evaluation exercises final.  
11 A pilot applicant may seek board review, administrative review, and  
12 judicial review of the results of the written examinations and  
13 evaluation exercises in the following manner:

14 (a) A pilot applicant who seeks a review of the results of his or  
15 her written examinations or evaluation exercises must request from the  
16 board-appointed or board-designated examination committee an  
17 administrative review of the results of his or her written examinations  
18 or evaluation exercises as set forth by board rule.

19 (b) The determination of the examination committee's review of a  
20 pilot applicant's examination results becomes final after thirty days  
21 from the date of service of written notification of the committee's  
22 determination unless a full adjudicative hearing before an  
23 administrative law judge has been requested by the pilot applicant  
24 before the thirty-day period has expired, as set forth by board rule.

25 (c) When a full adjudicative hearing has been requested by the  
26 pilot applicant, the board shall request the appointment of an  
27 administrative law judge under chapter 34.12 RCW who has sufficient  
28 experience and familiarity with pilotage matters to be able to conduct  
29 a fair and impartial hearing. The hearing shall be governed by chapter  
30 34.05 RCW. The administrative law judge shall issue an initial order.

31 (d) The initial order of the administrative law judge is final  
32 unless within thirty days of the date of service of the initial order  
33 the board or pilot applicant requests review of the initial order under  
34 chapter 34.05 RCW.

35 (e) The board may appoint a person to review the initial order and  
36 to prepare and enter a final order as governed by chapter 34.05 RCW and  
37 as set forth by board rule. The person appointed by the board under  
38 this subsection (6)(e) is called the board reviewing officer.

1 (7) Pilots are licensed under this section for a term of five years  
2 from and after the date of the issuance of their respective state  
3 licenses. Licenses must thereafter be renewed as a matter of course,  
4 unless the board withholds the license for good cause. Each pilot  
5 shall pay to the state treasurer an annual license fee in an amount set  
6 by the board by rule. Pursuant to RCW 43.135.055, the fees established  
7 under this subsection may be increased (~~(in excess of the fiscal growth~~  
8 ~~factor as provided in RCW 43.135.055)) through the fiscal year ending  
9 June 30, ~~((2009))~~ 2011. The fees must be deposited in the pilotage  
10 account. The board may assess partially active or inactive pilots a  
11 reduced fee.~~

12 (8) All pilots and pilot trainees are subject to an annual physical  
13 examination by a physician chosen by the board. The physician shall  
14 examine the pilot's or pilot trainee's heart, blood pressure,  
15 circulatory system, lungs and respiratory system, eyesight, hearing,  
16 and such other items as may be prescribed by the board. After  
17 consultation with a physician and the United States coast guard, the  
18 board shall establish minimum health standards to ensure that pilots  
19 and pilot trainees licensed by the state are able to perform their  
20 duties. Within ninety days of the date of each annual physical  
21 examination, and after review of the physician's report, the board  
22 shall make a determination of whether the pilot or pilot trainee is  
23 fully able to carry out the duties of a pilot or pilot trainee under  
24 this chapter. The board may in its discretion check with the  
25 appropriate authority for any convictions of or information regarding  
26 offenses by a licensed pilot or pilot trainee involving drugs or the  
27 personal consumption of alcohol in the prior twelve months.

28 (9) The board may require vessel simulator training for a pilot  
29 trainee and shall require vessel simulator training for a licensed  
30 pilot subject to RCW 88.16.105. The board shall also require vessel  
31 simulator training in the first year of active duty for a new pilot and  
32 at least once every five years for all active pilots.

33 (10) The board shall prescribe, pursuant to chapter 34.05 RCW, such  
34 reporting requirements and review procedures as may be necessary to  
35 assure the accuracy and validity of license and service claims.  
36 Willful misrepresentation of such required information by a pilot  
37 applicant shall result in disqualification of the pilot applicant.



1       **Sec. 709.** RCW 47.12.244 and 2007 c 518 s 707 are each amended to  
2 read as follows:

3       There is created the "advance right-of-way revolving fund" in the  
4 custody of the treasurer, into which the department is authorized to  
5 deposit directly and expend without appropriation:

6       (1) An initial deposit of ten million dollars from the motor  
7 vehicle fund included in the department of transportation's 1991-93  
8 budget;

9       (2) All moneys received by the department as rental income from  
10 real properties that are not subject to federal aid reimbursement,  
11 except moneys received from rental of capital facilities properties as  
12 defined in chapter 47.13 RCW; and

13       (3) Any federal moneys available for acquisition of right-of-way  
14 for future construction under the provisions of section 108 of Title  
15 23, United States Code.

16       (~~(+4)~~) During the (~~(2007-09)~~) 2007-2009 and 2009-2011 fiscal  
17 (~~(biennium)~~) biennia, the legislature may transfer from the advance  
18 right-of-way revolving fund to the motor vehicle account amounts as  
19 reflect the excess fund balance of the advance right-of-way revolving  
20 fund.

21       **Sec. 710.** RCW 46.16.725 and 2008 c 72 s 2 are each amended to read  
22 as follows:

23       (1) The creation of the board does not in any way preclude the  
24 authority of the legislature to independently propose and enact special  
25 license plate legislation.

26       (2) The board must review and either approve or reject special  
27 license plate applications submitted by sponsoring organizations.

28       (3) Duties of the board include but are not limited to the  
29 following:

30       (a) Review and approve the annual financial reports submitted by  
31 sponsoring organizations with active special license plate series and  
32 present those annual financial reports to the senate and house  
33 transportation committees;

34       (b) Report annually to the senate and house transportation  
35 committees on the special license plate applications that were  
36 considered by the board;

1 (c) Issue approval and rejection notification letters to sponsoring  
2 organizations, the department, the chairs of the senate and house of  
3 representatives transportation committees, and the legislative sponsors  
4 identified in each application. The letters must be issued within  
5 seven days of making a determination on the status of an application;

6 (d) Review annually the number of plates sold for each special  
7 license plate series created after January 1, 2003. The board may  
8 submit a recommendation to discontinue a special plate series to the  
9 chairs of the senate and house of representatives transportation  
10 committees;

11 (e) Provide policy guidance and directions to the department  
12 concerning the adoption of rules necessary to limit the number of  
13 special license plates that an organization or a governmental entity  
14 may apply for.

15 (4) Except as provided in chapter 72, Laws of 2008, in order to  
16 assess the effects and impact of the proliferation of special license  
17 plates, the legislature declares a temporary moratorium on the issuance  
18 of any additional plates until July 1, (~~2009~~) 2011. During this  
19 period of time, the special license plate review board created in RCW  
20 46.16.705 and the department of licensing are prohibited from  
21 accepting, reviewing, processing, or approving any applications.  
22 Additionally, no special license plate may be enacted by the  
23 legislature during the moratorium, unless the proposed license plate  
24 has been approved by the board before February 15, 2005.

25 **Sec. 711.** RCW 46.68.060 and 2007 c 518 s 714 are each amended to  
26 read as follows:

27 There is hereby created in the state treasury a fund to be known as  
28 the highway safety fund to the credit of which shall be deposited all  
29 moneys directed by law to be deposited therein. This fund shall be  
30 used for carrying out the provisions of law relating to driver  
31 licensing, driver improvement, financial responsibility, cost of  
32 furnishing abstracts of driving records and maintaining such case  
33 records, and to carry out the purposes set forth in RCW 43.59.010.  
34 During the (~~2005-2007-and~~) 2007-2009 and 2009-2011 fiscal biennia,  
35 the legislature may transfer from the highway safety fund to the motor  
36 vehicle fund and the multimodal transportation account such amounts as  
37 reflect the excess fund balance of the highway safety fund.

1       **Sec. 712.** RCW 46.68.220 and 2009 c 8 s 503 are each amended to  
2 read as follows:

3       The department of licensing services account is created in the  
4 motor vehicle fund. All receipts from service fees received under RCW  
5 46.01.140(4)(b) shall be deposited into the account. Moneys in the  
6 account may be spent only after appropriation. Expenditures from the  
7 account may be used only for information and service delivery systems  
8 for the department, and for reimbursement of county licensing  
9 activities. During the 2007-2009 and 2009-2011 fiscal (~~biennium~~)  
10 biennia, the legislature may transfer from the department of licensing  
11 services account such amounts as reflect the excess fund balance of the  
12 account.

13       **Sec. 713.** RCW 46.61.527 and 1994 c 141 s 1 are each amended to  
14 read as follows:

15       (1) The secretary of transportation shall adopt standards and  
16 specifications for the use of traffic control devices in roadway  
17 construction zones on state highways. A roadway construction zone is  
18 an area where construction, repair, or maintenance work is being  
19 conducted by public employees or private contractors, on or adjacent to  
20 any public roadway. For the purpose of the pilot program referenced in  
21 section 218(2) of this act, during the 2009-2011 fiscal biennium, a  
22 roadway construction zone includes areas where public employees or  
23 private contractors are not present but where a driving condition  
24 exists that would make it unsafe to drive at higher speeds, such as,  
25 when the department is redirecting or realigning lanes on or adjacent  
26 to any public roadway pursuant to ongoing construction.

27       (2) No person may drive a vehicle in a roadway construction zone at  
28 a speed greater than that allowed by traffic control devices.

29       (3) A person found to have committed any infraction relating to  
30 speed restrictions in a roadway construction zone shall be assessed a  
31 monetary penalty equal to twice the penalty assessed under RCW  
32 46.63.110. This penalty may not be waived, reduced, or suspended.

33       (4) A person who drives a vehicle in a roadway construction zone in  
34 such a manner as to endanger or be likely to endanger any persons or  
35 property, or who removes, evades, or intentionally strikes a traffic  
36 safety or control device is guilty of reckless endangerment of roadway

1 workers. A violation of this subsection is a gross misdemeanor  
2 punishable under chapter 9A.20 RCW.

3 (5) The department shall suspend for sixty days the license or  
4 permit to drive or a nonresident driving privilege of a person  
5 convicted of reckless endangerment of roadway workers.

6 **Sec. 714.** RCW 46.63.170 and 2007 c 372 s 3 are each amended to  
7 read as follows:

8 (1) The use of automated traffic safety cameras for issuance of  
9 notices of infraction is subject to the following requirements:

10 (a) The appropriate local legislative authority must first enact an  
11 ordinance allowing for their use to detect one or more of the  
12 following: Stoplight, railroad crossing, or school speed zone  
13 violations. At a minimum, the local ordinance must contain the  
14 restrictions described in this section and provisions for public notice  
15 and signage. Cities and counties using automated traffic safety  
16 cameras before July 24, 2005, are subject to the restrictions described  
17 in this section, but are not required to enact an authorizing  
18 ordinance.

19 (b) Use of automated traffic safety cameras is restricted to two-  
20 arterial intersections, railroad crossings, and school speed zones  
21 only.

22 (c) During the 2009-2011 fiscal biennium, automated traffic safety  
23 cameras may be used to detect speed violations for the purposes of  
24 section 201(2) of this act if the local legislative authority first  
25 enacts an ordinance authorizing the use of cameras to detect speed  
26 violations.

27 (d) Automated traffic safety cameras may only take pictures of the  
28 vehicle and vehicle license plate and only while an infraction is  
29 occurring. The picture must not reveal the face of the driver or of  
30 passengers in the vehicle.

31 ((+d)) (e) A notice of infraction must be mailed to the registered  
32 owner of the vehicle within fourteen days of the violation, or to the  
33 renter of a vehicle within fourteen days of establishing the renter's  
34 name and address under subsection (3)(a) of this section. The law  
35 enforcement officer issuing the notice of infraction shall include with  
36 it a certificate or facsimile thereof, based upon inspection of  
37 photographs, microphotographs, or electronic images produced by an

1 automated traffic safety camera, stating the facts supporting the  
2 notice of infraction. This certificate or facsimile is prima facie  
3 evidence of the facts contained in it and is admissible in a proceeding  
4 charging a violation under this chapter. The photographs,  
5 microphotographs, or electronic images evidencing the violation must be  
6 available for inspection and admission into evidence in a proceeding to  
7 adjudicate the liability for the infraction. A person receiving a  
8 notice of infraction based on evidence detected by an automated traffic  
9 safety camera may respond to the notice by mail.

10 ~~((e))~~ (f) The registered owner of a vehicle is responsible for an  
11 infraction under RCW 46.63.030(1)(e) unless the registered owner  
12 overcomes the presumption in RCW 46.63.075, or, in the case of a rental  
13 car business, satisfies the conditions under subsection (3) of this  
14 section. If appropriate under the circumstances, a renter identified  
15 under subsection (3)(a) of this section is responsible for an  
16 infraction.

17 ~~((f))~~ (g) Notwithstanding any other provision of law, all  
18 photographs, microphotographs, or electronic images prepared under this  
19 section are for the exclusive use of law enforcement in the discharge  
20 of duties under this section and are not open to the public and may not  
21 be used in a court in a pending action or proceeding unless the action  
22 or proceeding relates to a violation under this section. No  
23 photograph, microphotograph, or electronic image may be used for any  
24 purpose other than enforcement of violations under this section nor  
25 retained longer than necessary to enforce this section.

26 ~~((g))~~ (h) All locations where an automated traffic safety camera  
27 is used must be clearly marked by placing signs in locations that  
28 clearly indicate to a driver that he or she is entering a zone where  
29 traffic laws are enforced by an automated traffic safety camera.

30 ~~((h))~~ (i) If a county or city has established an authorized  
31 automated traffic safety camera program under this section, the  
32 compensation paid to the manufacturer or vendor of the equipment used  
33 must be based only upon the value of the equipment and services  
34 provided or rendered in support of the system, and may not be based  
35 upon a portion of the fine or civil penalty imposed or the revenue  
36 generated by the equipment.

37 (2) Infractions detected through the use of automated traffic  
38 safety cameras are not part of the registered owner's driving record

1 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated  
2 by the use of automated traffic safety cameras under this section shall  
3 be processed in the same manner as parking infractions, including for  
4 the purposes of RCW (~~(3.46.120,)~~) 3.50.100, 35.20.220, 46.16.216, and  
5 46.20.270(3). However, the amount of the fine issued for an infraction  
6 generated through the use of an automated traffic safety camera shall  
7 not exceed the amount of a fine issued for other parking infractions  
8 within the jurisdiction.

9 (3) If the registered owner of the vehicle is a rental car  
10 business, the law enforcement agency shall, before a notice of  
11 infraction being issued under this section, provide a written notice to  
12 the rental car business that a notice of infraction may be issued to  
13 the rental car business if the rental car business does not, within  
14 eighteen days of receiving the written notice, provide to the issuing  
15 agency by return mail:

16 (a) A statement under oath stating the name and known mailing  
17 address of the individual driving or renting the vehicle when the  
18 infraction occurred; or

19 (b) A statement under oath that the business is unable to determine  
20 who was driving or renting the vehicle at the time the infraction  
21 occurred because the vehicle was stolen at the time of the infraction.  
22 A statement provided under this subsection must be accompanied by a  
23 copy of a filed police report regarding the vehicle theft; or

24 (c) In lieu of identifying the vehicle operator, the rental car  
25 business may pay the applicable penalty.

26 Timely mailing of this statement to the issuing law enforcement  
27 agency relieves a rental car business of any liability under this  
28 chapter for the notice of infraction.

29 (4) Nothing in this section prohibits a law enforcement officer  
30 from issuing a notice of traffic infraction to a person in control of  
31 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),  
32 (b), or (c).

33 (5) For the purposes of this section, "automated traffic safety  
34 camera" means a device that uses a vehicle sensor installed to work in  
35 conjunction with an intersection traffic control system, a railroad  
36 grade crossing control system, or a speed measuring device, and a  
37 camera synchronized to automatically record one or more sequenced  
38 photographs, microphotographs, or electronic images of the rear of a

1 motor vehicle at the time the vehicle fails to stop when facing a  
2 steady red traffic control signal or an activated railroad grade  
3 crossing control signal, or exceeds a speed limit in a school speed  
4 zone as detected by a speed measuring device. During the 2009-2011  
5 fiscal biennium, an automated traffic safety camera includes a camera  
6 used to detect speed violations for the purposes of section 201(2) of  
7 this act.

8 (6) During the 2009-2011 fiscal biennium, this section does not  
9 apply to automated traffic safety cameras for the purposes of section  
10 218(2) of this act.

11 **Sec. 715.** RCW 47.12.080 and 1984 c 7 s 121 are each amended to  
12 read as follows:

13 (1) Except as provided otherwise in this section, the secretary of  
14 transportation may transfer and convey to the United States, its  
15 agencies or instrumentalities, to any other state agency, to any county  
16 or city or port district of this state, or to any public utility  
17 company, any unused state-owned real property under the jurisdiction of  
18 the department of transportation when, in the judgment of the secretary  
19 of transportation and the attorney general, the transfer and conveyance  
20 is consistent with public interest. Whenever the secretary makes an  
21 agreement for any such transfer or conveyance, and the attorney general  
22 concurs therein, the secretary shall execute and deliver unto the  
23 grantee a deed of conveyance, easement, or other instrument, duly  
24 acknowledged, as shall be necessary to fulfill the terms of the  
25 aforesaid agreement. All moneys paid to the state of Washington under  
26 any of the provisions hereof shall be deposited in the motor vehicle  
27 fund.

28 (2) Through the end of the 2009-2011 fiscal biennium, the  
29 legislature may designate property under the jurisdiction of the  
30 department as unused state-owned real property and may further  
31 designate the transfer and conveyance of the property as consistent  
32 with the public interest. Once designated under this subsection, the  
33 legislature may direct the transfer and conveyance of the property to  
34 any entity described in subsection (1) of this section for adequate  
35 consideration as deemed such by the legislature, and need not require  
36 fair market value in exchange for the property.

1       **Sec. 716.** RCW 43.19.642 and 2007 c 348 s 201 are each amended to  
2 read as follows:

3       (1) Effective June 1, 2006, for agencies complying with the ultra-  
4 low sulfur diesel mandate of the United States environmental protection  
5 agency for on-highway diesel fuel, agencies shall use biodiesel as an  
6 additive to ultra-low sulfur diesel for lubricity, provided that the  
7 use of a lubricity additive is warranted and that the use of biodiesel  
8 is comparable in performance and cost with other available lubricity  
9 additives. The amount of biodiesel added to the ultra-low sulfur  
10 diesel fuel shall be not less than two percent.

11       (2) Effective June 1, 2009, state agencies are required to use a  
12 minimum of twenty percent biodiesel as compared to total volume of all  
13 diesel purchases made by the agencies for the operation of the  
14 agencies' diesel-powered vessels, vehicles, and construction equipment.

15       (3) All state agencies using biodiesel fuel shall, beginning on  
16 July 1, 2006, file biannual reports with the department of general  
17 administration documenting the use of the fuel and a description of how  
18 any problems encountered were resolved.

19       (4) For the 2009-2011 fiscal biennium, the Washington state ferries  
20 is required to use a minimum of five percent biodiesel as compared to  
21 total volume of all diesel purchases made by the Washington state  
22 ferries for the operation of the Washington state ferries diesel-  
23 powered vessels so long as the per gallon price of diesel containing a  
24 five percent biodiesel blend level does not exceed the per gallon price  
25 of diesel by more than five percent. If the per gallon price of diesel  
26 containing a five percent biodiesel blend level exceeds the per gallon  
27 price of diesel by more than five percent, the requirements of this  
28 section do not apply to vessel fuel purchases by the Washington state  
29 ferries.

30       (5) By December 1, 2009, the department of general administration  
31 shall:

32       (a) Report to the legislature on the average true price  
33 differential for biodiesel by blend and location; and

34       (b) Examine alternative fuel procurement methods that work to  
35 address potential market barriers for in-state biodiesel producers and  
36 report these findings to the legislature.



1       **Sec. 717.** RCW 43.19.534 and 1993 sp.s. c 20 s 1 are each amended  
2 to read as follows:

3       (1) State agencies, the legislature, and departments shall purchase  
4 for their use all goods and services required by the legislature,  
5 agencies, or departments that are produced or provided in whole or in  
6 part from class II inmate work programs operated by the department of  
7 corrections through state contract. These goods and services shall not  
8 be purchased from any other source unless, upon application by the  
9 department or agency: ~~((1))~~ (a) The department of general  
10 administration finds that the articles or products do not meet the  
11 reasonable requirements of the agency or department, ~~((2))~~ (b) are  
12 not of equal or better quality, or ~~((3))~~ (c) the price of the product  
13 or service is higher than that produced by the private sector.  
14 However, the criteria contained in ~~((1))~~ (a), ~~((2))~~ (b), and  
15 ~~((3))~~ (c) of this section for purchasing goods and services from  
16 sources other than correctional industries do not apply to goods and  
17 services produced by correctional industries that primarily replace  
18 goods manufactured or services obtained from outside the state. The  
19 department of corrections and department of general administration  
20 shall adopt administrative rules that implement this section.

21       (2) During the 2009-2011 fiscal biennium, and in conformance with  
22 section 223(11) of this act, this section does not apply to the  
23 purchase of uniforms by the Washington state ferries.

24       **Sec. 718.** RCW 47.68.090 and 1980 c 67 s 1 are each amended to read  
25 as follows:

26       The department of transportation may make available its engineering  
27 and other technical services, with or without charge, to any  
28 municipality or person desiring them in connection with the planning,  
29 acquisition, construction, improvement, maintenance or operation of  
30 airports or air navigation facilities.

31       The department may render financial assistance by grant or loan or  
32 both to any municipality or municipalities acting jointly in the  
33 planning, acquisition, construction, improvement, maintenance, or  
34 operation of an airport owned or controlled, or to be owned or  
35 controlled by such municipality or municipalities, or to any Indian  
36 tribe recognized as such by the federal government or such tribes  
37 acting jointly in the planning, acquisition, construction, improvement,

1 maintenance or operation of an airport, owned or controlled, or to be  
2 owned or controlled by such tribe or tribes and to be held available  
3 for the general use of the public, out of appropriations made by the  
4 legislature for such purposes. Such financial assistance may be  
5 furnished in connection with federal or other financial aid for the  
6 same purposes: PROVIDED, That no grant or loan or both shall be in  
7 excess of two hundred fifty thousand dollars, or five hundred thousand  
8 dollars during the 2009-2011 fiscal biennium, for any one project:  
9 PROVIDED FURTHER, That no grant or loan or both shall be granted unless  
10 the municipality or municipalities acting jointly, or the tribe or  
11 tribes acting jointly shall from their own funds match any funds made  
12 available by the department upon such ratio as the department may  
13 prescribe.

14 The department is authorized to act as agent of any municipality or  
15 municipalities acting jointly or any tribe or tribes acting jointly,  
16 upon the request of such municipality or municipalities, or such tribe  
17 or tribes in accepting, receiving, receipting for and disbursing  
18 federal moneys, and other moneys public or private, made available to  
19 finance, in whole or in part, the planning, acquisition, construction,  
20 improvement, maintenance or operation of an airport or air navigation  
21 facility; and if requested by such municipality or municipalities, or  
22 tribe or tribes, may act as its or their agent in contracting for and  
23 supervising such planning, acquisition, construction, improvement,  
24 maintenance, or operation; and all municipalities and tribes are  
25 authorized to designate the department as their agent for the foregoing  
26 purposes. The department, as principal on behalf of the state, and any  
27 municipality on its own behalf, may enter into any contracts, with each  
28 other or with the United States or with any person, which may be  
29 required in connection with a grant or loan of federal moneys for  
30 airport or air navigation facility purposes. All federal moneys  
31 accepted under this section shall be accepted and transferred or  
32 expended by the department upon such terms and conditions as are  
33 prescribed by the United States. All moneys received by the department  
34 pursuant to this section shall be deposited in the state treasury, and,  
35 unless otherwise prescribed by the authority from which such moneys  
36 were received, shall be kept in separate funds designated according to  
37 the purposes for which the moneys were made available, and held by the  
38 state in trust for such purposes. All such moneys are hereby

1 appropriated for the purposes for which the same were made available,  
2 to be disbursed or expended in accordance with the terms and conditions  
3 upon which they were made available: PROVIDED, That any landing fee or  
4 charge imposed by any Indian tribe or tribes for the privilege of use  
5 of an airport facility planned, acquired, constructed, improved,  
6 maintained, or operated with financial assistance from the department  
7 pursuant to this section must apply equally to tribal and nontribal  
8 members: PROVIDED FURTHER, That in the event any municipality or  
9 municipalities or Indian tribe or tribes, or any distributor of  
10 aircraft fuel as defined by RCW 82.42.020 which operates in any airport  
11 facility which has received financial assistance pursuant to this  
12 section, fails to collect the aircraft fuel excise tax as specified in  
13 chapter 82.42 RCW, all funds or value of technical assistance given or  
14 paid to such municipality or municipalities or Indian tribe or tribes  
15 under the provisions of this section shall revert to the department,  
16 and shall be due and payable to the department immediately.

17 **MISCELLANEOUS**

18 NEW SECTION. **Sec. 801.** If any provision of this act or its  
19 application to any person or circumstance is held invalid, the  
20 remainder of the act or the application of the provision to other  
21 persons or circumstances is not affected.

22 NEW SECTION. **Sec. 802.** This act is necessary for the immediate  
23 preservation of the public peace, health, or safety, or support of the  
24 state government and its existing public institutions, and takes effect  
25 immediately.

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1           Correct the title.

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