

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

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

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

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

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

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

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

18 (g) "LEAP" means the legislative evaluation and accountability
19 program committee.

20 **GENERAL GOVERNMENT AGENCIES--OPERATING**

21 NEW SECTION. **Sec. 101. FOR THE UTILITIES AND TRANSPORTATION**
22 **COMMISSION**

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

24 NEW SECTION. **Sec. 102. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

25 Motor Vehicle Account--State Appropriation \$3,369,000

26 Puget Sound Ferry Operations Account--State
27 Appropriation \$100,000

28 TOTAL APPROPRIATION \$3,469,000

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

31 (1) \$1,699,000 of the motor vehicle account--state appropriation is
32 provided solely for the office of regulatory assistance integrated
33 permitting project.

34 (2) \$1,004,000 of the motor vehicle account--state appropriation is
35 provided solely for the continued maintenance and support of the

1 transportation executive information system. Of the amount provided in
2 this subsection, \$502,000 is for two existing FTEs at the department of
3 transportation to maintain and support the system.

4 NEW SECTION. **Sec. 103. FOR THE MARINE EMPLOYEES COMMISSION**

5 Puget Sound Ferry Operations Account--State

6 Appropriation \$446,000

7 NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION**
8 **COMMISSION**

9 Motor Vehicle Account--State Appropriation \$1,406,000

10 The appropriation in this section is subject to the following
11 conditions and limitations: The entire appropriation in this section
12 is provided solely for road maintenance purposes and for the operation
13 of the department of archaeology and historic preservation.

14 NEW SECTION. **Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE**

15 Motor Vehicle Account--State Appropriation \$1,507,000

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

18 (1) \$351,000 of the motor vehicle account--state appropriation is
19 provided solely for costs associated with the motor fuel quality
20 program.

21 (2) \$1,004,000 of the motor vehicle account--state appropriation is
22 provided solely to test the quality of biofuel. The department must
23 test fuel quality at the biofuel manufacturer, distributor, and
24 retailer.

25 NEW SECTION. **Sec. 106. FOR THE LEGISLATIVE EVALUATION AND**
26 **ACCOUNTABILITY PROGRAM COMMITTEE**

27 Motor Vehicle Account--State Appropriation \$502,000

28 NEW SECTION. **Sec. 107. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW**
29 **COMMITTEE**

30 (1) As part of its 2009-11 fiscal biennium work plan, the joint
31 legislative audit and review committee shall audit the capital cost
32 accounting practices of the Washington state ferries. The audit must

1 review the following and provide a report on its findings and any
2 related recommendations to the legislature by January 2011:

3 (a) Costs assigned to capital accounts to determine whether they
4 are capital costs that meet the statutory requirements for preservation
5 and improvement activities and whether they are within the scope of
6 legislative appropriations;

7 (b) Implementation of the life-cycle cost model required under RCW
8 47.60.345 to determine if it was developed as required and is
9 maintained and updated when asset inspections are made; and

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

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

28 **TRANSPORTATION AGENCIES--OPERATING**

29 **NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY**
30 **COMMISSION**

31	Highway Safety Account--State Appropriation	\$2,542,000
32	Highway Safety Account--Federal Appropriation	\$16,540,000
33	School Zone Safety Account--State Appropriation	\$3,340,000
34	TOTAL APPROPRIATION	\$22,422,000

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

1 (1) The commission may oversee no more than five pilot projects
2 implementing the use of automated traffic safety cameras to detect
3 speed violations.

4 (a) The commission shall comply with RCW 46.63.170 in administering
5 the projects.

6 (b) In order to ensure adequate time in the 2009-11 fiscal biennium
7 to evaluate the effectiveness of the pilot projects, any projects
8 authorized by the commission must be authorized by December 31, 2009.

9 (c) By January 1, 2011, the commission shall provide a report to
10 the legislature regarding the use, public acceptance, outcomes, and
11 other relevant issues regarding automated traffic safety cameras
12 demonstrated by the projects.

13 (2) \$2,670,000 of the highway safety account--federal appropriation
14 is provided solely for a target zero trooper pilot program, which the
15 commission shall develop and implement in collaboration with the
16 Washington state patrol. The pilot program must demonstrate the
17 effectiveness of intense, high visibility, driving under the influence
18 enforcement in Washington. The commission shall apply to the national
19 highway traffic safety administration for federal highway safety grants
20 to cover the cost of the pilot program. If the pilot program is
21 approved for funding by the national highway traffic safety
22 administration, and sufficient federal grants are received, the
23 commission shall provide grants to the Washington state patrol for the
24 purchase of twenty-one fully equipped patrol vehicles in fiscal year
25 2010, and up to twenty-four months of salaries and benefits for
26 eighteen troopers and three sergeants beginning in fiscal year 2011.
27 The legislature anticipates that an additional \$1,830,000 will be
28 appropriated from the highway safety account--federal in the 2011-13
29 fiscal biennium to conclude this pilot program.

30 **NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

31 Rural Arterial Trust Account--State Appropriation	\$920,000
32 Motor Vehicle Account--State Appropriation	\$2,129,000
33 County Arterial Preservation Account--State	
34 Appropriation	\$1,423,000
35 TOTAL APPROPRIATION	\$4,472,000

1 NEW SECTION. **Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

2 Urban Arterial Trust Account--State Appropriation \$1,824,000
3 Transportation Improvement Account--State
4 Appropriation \$1,827,000
5 TOTAL APPROPRIATION \$3,651,000

6 NEW SECTION. **Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE**

7 Motor Vehicle Account--State Appropriation \$1,501,000

8 The appropriation in this section is subject to the following
9 conditions and limitations:

10 (1) \$236,000 of the motor vehicle account--state appropriation is
11 a reappropriation from the 2007-09 fiscal biennium for a comprehensive
12 analysis of mid-term and long-term transportation funding mechanisms
13 and methods. Elements of the study will include existing data and
14 trends, policy objectives, performance and evaluation criteria,
15 incremental transition strategies, and possibly, scaled testing.
16 Baseline data and methods assessment must be concluded by December 31,
17 2009. Performance criteria must be developed by June 30, 2010, and
18 recommended planning level alternative funding strategies must be
19 completed by December 31, 2010.

20 (2) \$200,000 of the motor vehicle account--state appropriation is
21 for the joint transportation committee to convene an independent expert
22 review panel to review the assumptions for toll operations costs used
23 by the department to model financial plans for tolled facilities. The
24 joint transportation committee shall provide a report to the house of
25 representatives and senate transportation committees by September 1,
26 2009.

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

28 Motor Vehicle Account--State Appropriation \$1,887,000
29 Multimodal Transportation Account--State Appropriation \$112,000
30 TOTAL APPROPRIATION \$1,999,000

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

33 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
34 the transportation commission shall periodically review and, if
35 necessary, modify the schedule of fares for the Washington state ferry
36 system. The transportation commission may increase ferry fares,

1 except no fare schedule modifications may be made prior to September 1,
2 2009. For purposes of this subsection, "modify" includes increases or
3 decreases to the schedule.

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

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

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

22 NEW SECTION. **Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC**
23 **INVESTMENT BOARD**

24 Motor Vehicle Account--State Appropriation \$695,000

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

30 NEW SECTION. **Sec. 207. FOR THE WASHINGTON STATE PATROL--FIELD**
31 **OPERATIONS BUREAU**

32 State Patrol Highway Account--State
33 Appropriation \$232,147,000
34 State Patrol Highway Account--Federal
35 Appropriation \$10,602,000
36 State Patrol Highway Account--Private/Local

1	Appropriation	\$859,000
2	TOTAL APPROPRIATION	\$243,608,000

3 The appropriations in this section are subject to the following
4 conditions and limitations:

5 (1) Washington state patrol officers engaged in off-duty uniformed
6 employment providing traffic control services to the department of
7 transportation or other state agencies may use state patrol vehicles
8 for the purpose of that employment, subject to guidelines adopted by
9 the chief of the Washington state patrol. The Washington state patrol
10 shall be reimbursed for the use of the vehicle at the prevailing state
11 employee rate for mileage and hours of usage, subject to guidelines
12 developed by the chief of the Washington state patrol.

13 (2) The patrol shall not account for or record locally provided DUI
14 cost reimbursement payments as expenditure credits to the state patrol
15 highway account. The patrol shall report the amount of expected
16 locally provided DUI cost reimbursements to the office of financial
17 management and transportation committees of the legislature by
18 September 30th of each year.

19 (3) During the 2009-11 fiscal biennium, the Washington state patrol
20 shall continue to perform traffic accident investigations on Thurston
21 county roads, and shall work with the county to transition the traffic
22 accident investigations on Thurston county roads to the county by July
23 1, 2011.

24 (4) \$2,125,000 of the state patrol highway account--state
25 appropriation is provided solely for the Washington state patrol to
26 increase the enrollment in each of the academy classes to fifty-five
27 cadets during the 2009-11 fiscal biennium.

28 (5) The Washington state patrol shall collaborate with the
29 Washington traffic safety commission to develop and implement the
30 target zero trooper pilot program referenced in section 201(2) of this
31 act.

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

35 (7) The Washington state patrol shall assign necessary personnel
36 and equipment to implement and operate the pilot program described
37 under section 218(2) of this act using the portion of the automated
38 traffic safety camera fines deposited into the state patrol highway

1 account, but not to exceed \$370,000. If the fines deposited into the
2 state patrol highway account from automated traffic safety camera
3 infractions do not reach \$370,000, the department of transportation
4 shall remit funds necessary to the Washington state patrol to ensure
5 the completion of the pilot program.

6 NEW SECTION. **Sec. 208. FOR THE WASHINGTON STATE PATROL--**
7 **INVESTIGATIVE SERVICES BUREAU**

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

9 NEW SECTION. **Sec. 209. FOR THE WASHINGTON STATE PATROL--**
10 **TECHNICAL SERVICES BUREAU**

11 State Patrol Highway Account--State Appropriation \$104,137,000

12 State Patrol Highway Account--Private/Local
13 Appropriation \$2,008,000

14 TOTAL APPROPRIATION \$106,145,000

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

17 (1) The Washington state patrol shall work with the risk management
18 division in the office of financial management in compiling the
19 Washington state patrol's data for establishing the agency's risk
20 management insurance premiums to the tort claims account. The office
21 of financial management and the Washington state patrol shall submit a
22 report to the legislative transportation committees by December 31st of
23 each year on the number of claims, estimated claims to be paid, method
24 of calculation, and the adjustment in the premium.

25 (2) \$8,673,000 of the total appropriation is provided solely for
26 automobile fuel in the 2009-11 fiscal biennium.

27 (3) \$8,638,000 of the total appropriation is provided solely for
28 the purchase of pursuit vehicles.

29 (4) \$6,328,000 of the total appropriation is provided solely for
30 vehicle repair and maintenance costs of vehicles used for highway
31 purposes.

32 (5) \$384,000 of the total appropriation is provided solely for the
33 purchase of mission vehicles used for highway purposes in the
34 commercial vehicle and traffic investigation sections of the Washington
35 state patrol.

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

5 (7) \$800,000 of the state patrol highway account--state
6 appropriation is provided solely for the Washington state patrol to
7 increase the enrollment in each of the academy classes to fifty-five
8 cadets during the 2009-11 fiscal biennium.

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

10	Marine Fuel Tax Refund Account--State Appropriation	\$32,000
11	Motorcycle Safety Education Account--State	
12	Appropriation	\$4,373,000
13	Wildlife Account--State Appropriation	\$837,000
14	Highway Safety Account--State Appropriation	\$145,403,000
15	Highway Safety Account--Federal Appropriation	\$8,000
16	Motor Vehicle Account--State Appropriation	\$78,671,000
17	Motor Vehicle Account--Private/Local Appropriation	\$1,372,000
18	Motor Vehicle Account--Federal Appropriation	\$242,000
19	Department of Licensing Services Account--State	
20	Appropriation	\$4,718,000
21	Washington State Patrol Highway Account--State	
22	Appropriation	\$738,000
23	Ignition Interlock Device Revolving Account--State	
24	Appropriation	\$2,490,000
25	TOTAL APPROPRIATION	\$238,884,000

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

28 (1)(a) By November 1, 2009, the department of licensing, working
29 with the department of revenue, shall analyze and plan for the transfer
30 by July 1, 2010, of the administration of fuel taxes imposed under
31 chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law
32 from the department of licensing to the department of revenue. By
33 November 1, 2009, the departments shall report findings and
34 recommendations to the governor and the transportation and fiscal
35 committees of the legislature.

36 (b) The analysis and planning directed under this subsection must
37 include, but is not limited to, the following:

1 (i) Outreach to and solicitation of comment from parties affected
2 by the fuel taxes, including taxpayers, industry associations, state
3 and federal agencies, and Indian tribes, and from the transportation
4 and fiscal committees of the legislature;

5 (ii) Identification and analysis of relevant factors including, but
6 not limited to:

7 (A) Taxpayer reporting and payment processes;

8 (B) The international fuel tax agreement;

9 (C) Proportional registration under the provisions of the
10 international registration plan and chapter 46.87 RCW;

11 (D) Computer systems;

12 (E) Best management practices and efficiencies;

13 (F) Costs; and

14 (G) Personnel matters;

15 (iii) Development of recommended actions to accomplish the
16 transfer; and

17 (iv) An implementation plan and schedule.

18 (c) The report must include draft legislation, which transfers
19 administration of fuel taxes as described under (a) of this subsection
20 to the department of revenue on July 1, 2010, and amends existing law
21 as needed.

22 (2) \$55,845,000 of the highway safety account--state appropriation
23 is provided solely for the driver examining program. The department
24 shall not close any licensing service offices other than the following
25 anticipated closures: (a) Auburn; (b) Bellevue; (c) Bothell; (d) East
26 Seattle; (e) Greenwood; (f) Othello; (g) West Tacoma; (h) Vancouver;
27 (i) Yakima; and (j) the driver/vehicle licensing service office in the
28 highway-licensing building in Olympia. The department shall, on a
29 quarterly basis, report to the transportation committees of the
30 legislature the following monthly data by licensing service office
31 locations: (a) Lease costs; (b) salary and benefit costs; (c) other
32 expenditures; (d) FTEs; (e) number of transactions completed, by type
33 of transaction; and (f) office hours.

34 (3) \$11,688,000 of the highway safety account--state appropriation
35 is provided solely for costs associated with: Issuing enhanced
36 drivers' licenses and identicards at the enhanced licensing services
37 offices; extended hours at those licensing services offices; cross-

1 border tourism education; and other education campaigns. This is the
2 maximum amount the department may expend for this purpose.

3 (4) \$2,490,000 of the ignition interlock device revolving account--
4 state appropriation is provided solely for the department to assist
5 indigent persons with the costs of installing, removing, and leasing
6 the device, and applicable licensing pursuant to RCW 46.68.340.

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

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

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

22 (8) The department may submit information technology-related
23 requests for funding only if the department has coordinated with the
24 department of information services as required under section 601 of
25 this act.

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

1 The appropriations in this section are subject to the following
2 conditions and limitations:

3 (1) The department shall consult with the office of financial
4 management and the department of information services to: (a) Ensure
5 that the department's current and future system development is
6 consistent with the overall direction of other key state systems; and
7 (b) when possible, use or develop common statewide information systems
8 to encourage coordination and integration of information used by the
9 department and other state agencies and to avoid duplication.

10 (2) The department shall provide updated information on six project
11 milestones for all active projects, funded in part or in whole with
12 2005 transportation partnership account funds or 2003 nickel account
13 funds, on a quarterly basis in the transportation executive information
14 system (TEIS). The department shall also provide updated information
15 on six project milestones for projects, funded with preexisting funds
16 and that are agreed to by the legislature, office of financial
17 management, and the department, on a quarterly basis in TEIS.

18 (3) \$1,216,000 of the transportation partnership account--state
19 appropriation and \$1,216,000 of the transportation 2003 account (nickel
20 account)--state appropriation are provided solely for the department to
21 develop a project management and reporting system which is a collection
22 of integrated tools for capital construction project managers to use to
23 perform all the necessary tasks associated with project management.
24 The department shall integrate commercial off-the-shelf software with
25 existing department systems and enhanced approaches to data management
26 to provide web-based access for multi-level reporting and improved
27 business workflows and reporting. On a quarterly basis, the department
28 shall report to the office of financial management and the
29 transportation committees of the legislature on the status of the
30 development and integration of the system. At a minimum, the reports
31 shall indicate the status of the work as it compares to the work plan,
32 any discrepancies, and proposed adjustments necessary to bring the
33 project back on schedule or budget if necessary.

34 (4) The department may submit information technology-related
35 requests for funding only if the department has coordinated with the
36 department of information services as required under section 601 of
37 this act.

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

14 (3) \$2,000,000 of the water pollution account--state appropriation
15 is provided solely for the department's compliance with its national
16 pollution discharge elimination system permit, consistent with the
17 purposes described in Substitute House Bill No. 1614, addressing
18 petroleum pollution in storm water.

19 (4) The department shall work with the department of ecology, the
20 county road administration board, and the transportation improvement
21 board to develop model procedures, and municipal and state rules, to
22 maximize the use of permeable concrete and asphalt on road construction
23 and preservation projects. The department shall report to the joint
24 transportation committee by December 1, 2009, with recommendations that
25 will increase the use of permeable concrete and asphalt at the state
26 and local level, and reduce the need for more costly alternative
27 methods of storm water mitigation.

28 NEW SECTION. **Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--**
29 **ECONOMIC PARTNERSHIPS--PROGRAM K**

30 Motor Vehicle Account--State Appropriation	\$565,000
31 Multimodal Transportation Account--State Appropriation	\$200,000
32 TOTAL APPROPRIATION	\$765,000

33 The appropriations in this section are subject to the following
34 conditions and limitations: \$200,000 of the multimodal transportation
35 account--state appropriation is provided solely for the department to
36 develop and implement public private partnerships at high priority
37 terminals as identified in the January 12, 2009, final report on joint

1 development opportunities at Washington state ferries terminals. The
2 department shall first consider a mutually beneficial agreement at the
3 Edmonds terminal.

4 NEW SECTION. **Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--**
5 **HIGHWAY MAINTENANCE--PROGRAM M**

6	Motor Vehicle Account--State Appropriation	\$346,887,000
7	Motor Vehicle Account--Federal Appropriation	\$2,000,000
8	Motor Vehicle Account--Private/Local Appropriation	\$5,797,000
9	Water Pollution Account--State Appropriation	\$12,500,000
10	TOTAL APPROPRIATION	\$367,184,000

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

13 (1) If portions of the appropriations in this section are required
14 to fund maintenance work resulting from major disasters not covered by
15 federal emergency funds such as fire, flooding, snow, and major slides,
16 supplemental appropriations must be requested to restore state funding
17 for ongoing maintenance activities.

18 (2) The department shall request an unanticipated receipt for any
19 federal moneys received for emergency snow and ice removal and shall
20 place an equal amount of the motor vehicle account--state into
21 unallotted status. This exchange shall not affect the amount of
22 funding available for snow and ice removal.

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

27 (4) \$2,000,000 of the motor vehicle account--federal appropriation
28 is for unanticipated federal funds that may be received during the
29 2009-11 fiscal biennium. Upon receipt of the funds, the department
30 shall provide a report on the use of the funds to the transportation
31 committees of the legislature and the office of financial management.

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

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

1 (b) The department is reimbursed from the narrows bridge lights
2 organization within three months from the date any maintenance work is
3 performed. If the narrows bridge lights organization is unable to
4 reimburse the department for any future costs incurred, the lights must
5 be removed at the expense of the narrows bridge lights organization
6 subject to the terms of the contract.

7 (6) The department may work with the department of corrections to
8 utilize corrections crews for the purposes of litter pickup on state
9 highways.

10 (7) \$650,000 of the motor vehicle account--state appropriation is
11 provided solely for increased asphalt costs. If Senate Bill No. 5976
12 is not enacted by June 30, 2009, the amount provided in this subsection
13 shall lapse.

14 (8) \$16,800,000 of the motor vehicle account--state appropriation
15 is provided solely for the high priority maintenance backlog.
16 Addressing the maintenance backlog must result in increased levels of
17 service.

18 (9) The department shall provide a cost-benefit analysis to the
19 house and senate transportation committees by January 15, 2010, on
20 replacing all illuminated guide signs in the state with a super high
21 efficiency, retroflective sheeting for optimal performance and sign
22 illumination to be completed by June 30, 2014. The report shall
23 include an update on replacements from illuminated guide signs with a
24 super high efficiency, retroflective sheeting that have occurred since
25 January 15, 2010.

26 (10) \$12,500,000 of the water pollution account--state
27 appropriation is provided solely for the department's compliance with
28 its national pollution discharge elimination system permit, consistent
29 with the purposes described in Substitute House Bill No. 1614,
30 addressing petroleum pollution in storm water.

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

33	Motor Vehicle Account--State Appropriation	\$51,353,000
34	Motor Vehicle Account--Federal Appropriation	\$2,050,000
35	Motor Vehicle Account--Private/Local Appropriation	\$127,000
36	State Route Number 520 Corridor Account--State	
37	Appropriation	\$88,000

1 TOTAL APPROPRIATION \$53,618,000

2 The appropriations in this section are subject to the following
3 conditions and limitations:

4 (1) \$2,400,000 of the motor vehicle account--state appropriation is
5 provided solely for low-cost enhancements. The department shall give
6 priority to low-cost enhancement projects that improve safety or
7 provide congestion relief. The department shall prioritize low-cost
8 enhancement projects on a statewide rather than regional basis. By
9 September 1st of each even-numbered year, the department shall provide
10 a report to the legislature listing all low-cost enhancement projects
11 prioritized on a statewide rather than regional basis completed in the
12 prior year.

13 (2) The department, in consultation with the Washington state
14 patrol, may continue a pilot program for the patrol to issue
15 infractions based on information from automated traffic safety cameras
16 in roadway construction zones on state highways when workers are
17 present. The department shall use the following guidelines to
18 administer the program:

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

23 (b) The department shall plainly mark the locations where the
24 automated traffic safety cameras are used by placing signs on locations
25 that clearly indicate to a driver that he or she is entering a roadway
26 construction zone where traffic laws are enforced by an automated
27 traffic safety camera;

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

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

36 (e) For purposes of the 2009-11 fiscal biennium pilot program,
37 infractions detected through the use of automated traffic safety
38 cameras are not part of the registered owner's driving record under RCW

1 46.52.101 and 46.52.120. Additionally, infractions generated by the
2 use of automated traffic safety cameras must be processed in the same
3 manner as parking infractions for the purposes of RCW 3.50.100,
4 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the
5 fine issued under this subsection (2) for an infraction generated
6 through the use of an automated traffic safety camera is one hundred
7 thirty-seven dollars. The court shall remit thirty-two dollars of the
8 fine to the state treasurer for deposit into the state patrol highway
9 account; and

10 (f) If a notice of infraction is sent to the registered owner and
11 the registered owner is a rental car business, the infraction must be
12 dismissed against the business if it mails to the patrol, within
13 fourteen days of receiving the notice, a declaration under penalty of
14 perjury of the name and known mailing address of the individual driving
15 or renting the vehicle when the infraction occurred. If the business
16 is unable to determine who was driving or renting the vehicle at the
17 time the infraction occurred, the business must sign a declaration
18 under penalty of perjury to this effect. The declaration must be
19 mailed to the patrol within fourteen days of receiving the notice of
20 traffic infraction. Timely mailing of this declaration to the issuing
21 agency relieves a rental car business of any liability under this
22 section for the notice of infraction. A declaration form suitable for
23 this purpose must be included with each automated traffic infraction
24 notice issued, along with instructions for its completion and use.

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

32 (4) \$88,000 of the state route number 520 corridor account is
33 provided solely for costs directly related to tolling the state route
34 number 520 floating bridge.

35 NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--**
36 **TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**
37 Motor Vehicle Account--State Appropriation \$29,389,000

1 (3) The department shall, to the greatest extent practicable,
2 maximize the use of recycled concrete and asphalt on road construction
3 and preservation projects. The department shall report to the joint
4 transportation committee by December 1, 2010, regarding the use of
5 recycled concrete and asphalt. The report must include, at a minimum,
6 how much recycled concrete and asphalt was used and the resulting cost
7 savings to the state.

8 (4) \$600,000 of the motor vehicle account--state appropriation is
9 provided solely for a diesel multiple unit feasibility and initial
10 planning study. The study must evaluate potential service on the
11 Stampede Pass line from Maple Valley to Auburn via Covington. The
12 study must evaluate the potential demand for service, the business
13 model and capital needs for launching and running the line, and the
14 need for improvements in switching, signaling, and tracking. A report
15 on the study must be submitted to the legislature by June 30, 2010.

16 (5) \$400,000 of the motor vehicle account--state appropriation is
17 provided solely for a state route number 2 development plan as
18 described in Substitute House Bill No. 1575.

19 (6) \$400,000 of the motor vehicle account--state appropriation is
20 provided solely for a study of the use of tolls to help fund future
21 capacity and connection improvements on state route number 167 and
22 state route number 509. A report on the study must be submitted to the
23 house of representatives and senate transportation committees by
24 September 30, 2010.

25 (7) \$243,000 of the motor vehicle account--state appropriation and
26 \$81,000 of the motor vehicle account--federal appropriation are
27 provided solely for the development of a freight database to help guide
28 freight investment decisions and track project effectiveness. The
29 database must be based on truck movement tracked through geographic
30 information system technology. TransNow shall contribute additional
31 federal funds that are not appropriated in this act. The department
32 shall work with the freight mobility strategic investment board to
33 implement this database.

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

36	Motor Vehicle Account--State Appropriation	\$87,331,000
37	Motor Vehicle Account--Federal Appropriation	\$400,000

1 Multimodal Transportation Account--State Appropriation \$561,000
2 TOTAL APPROPRIATION \$88,292,000

3 The appropriations in this section are subject to the following
4 conditions and limitations:

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

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

11 (a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT
12 DIVISION OF RISK MANAGEMENT FEES \$1,639,000

13 (b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE
14 AUDITOR \$937,000

15 (c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL
16 ADMINISTRATION \$6,060,000

17 (d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF
18 PERSONNEL \$6,347,000

19 (e) FOR PAYMENT OF SELF-INSURANCE LIABILITY
20 PREMIUMS AND ADMINISTRATION \$44,418,000

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

22 (g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS
23 ENTERPRISES \$1,008,000

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

26 (i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE
27 DEPARTMENT OF INFORMATION SERVICES \$1,477,000

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

30 (k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY
31 GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT
32 LITIGATION \$672,000

33 NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--**
34 **PUBLIC TRANSPORTATION--PROGRAM V**

35 Regional Mobility Grant Program Account--State
36 Appropriation \$36,208,000

37 Multimodal Transportation Account--State

1	Appropriation	\$78,845,000
2	Multimodal Transportation Account--Federal	
3	Appropriation	\$2,582,000
4	Multimodal Transportation Account--Private/Local	
5	Appropriation	\$1,027,000
6	TOTAL APPROPRIATION	\$118,662,000

7 The appropriations in this section are subject to the following
8 conditions and limitations:

9 (1) \$26,000,000 of the multimodal transportation account--state
10 appropriation is provided solely for a grant program for special needs
11 transportation provided by transit agencies and nonprofit providers of
12 transportation.

13 (a) \$6,000,000 of the amount provided in this subsection is
14 provided solely for grants to nonprofit providers of special needs
15 transportation. Grants for nonprofit providers shall be based on need,
16 including the availability of other providers of service in the area,
17 efforts to coordinate trips among providers and riders, and the cost
18 effectiveness of trips provided.

19 (b) \$20,000,000 of the amount provided in this subsection is
20 provided solely for grants to transit agencies to transport persons
21 with special transportation needs. To receive a grant, the transit
22 agency must have a maintenance of effort for special needs
23 transportation that is no less than the previous year's maintenance of
24 effort for special needs transportation. Grants for transit agencies
25 shall be prorated based on the amount expended for demand response
26 service and route deviated service in calendar year 2007 as reported in
27 the "Summary of Public Transportation - 2007" published by the
28 department of transportation. No transit agency may receive more than
29 thirty percent of these distributions.

30 (2) Funds are provided for the rural mobility grant program as
31 follows:

32 (a) \$9,500,000 of the multimodal transportation account--state
33 appropriation is provided solely for grants for those transit systems
34 serving small cities and rural areas as identified in the "Summary of
35 Public Transportation - 2007" published by the department of
36 transportation. Noncompetitive grants must be distributed to the
37 transit systems serving small cities and rural areas in a manner
38 similar to past disparity equalization programs.

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

5 (c) \$1,000,000 of the multimodal transportation account--state
6 appropriation is provided solely for vanpool grants to rural transit
7 agencies to cover the capital cost of adding vans. The grants must be
8 administered under the same rules and criteria as the statewide vanpool
9 grant program.

10 (3) \$11,600,000 of the multimodal transportation account--state
11 appropriation is provided solely for a statewide vanpool grant program
12 for public transit agencies to cover the capital costs of vans. At
13 least \$3,600,000 of this amount must be used for vanpool grants in
14 congested corridors in King, Pierce, Snohomish, Thurston, Clark, and
15 Spokane counties.

16 (4) \$500,000 of the multimodal transportation account--state
17 appropriation is provided solely to expand park and ride lot capacity
18 through short-term lease agreements and relocation incentives for
19 carpools and vanpools.

20 (5)(a) \$2,500,000 of the multimodal transportation account--state
21 appropriation is provided solely for grants to cities and counties to
22 expand the commute trip reduction program established in RCW 70.94.521
23 through 70.94.555 to: (i) Increase voluntary participation by medium-
24 sized employers (fifty to one hundred employees) in affected urban
25 growth areas; and (ii) provide state technical support for the expanded
26 program. The commute trip reduction board shall establish criteria for
27 grants and statewide trip reduction goals for medium-sized employers,
28 and report biennially on achievement of the goals as part of the
29 board's legislative report.

30 (b) \$2,500,000 of the multimodal transportation account--state
31 appropriation is provided solely for: (i) Grants to local governments
32 primarily for small employers (under fifty employees) pursuant to the
33 provisions for growth and transportation efficiency centers established
34 under RCW 70.94.521 through 70.94.555; (ii) state technical support;
35 and (iii) the measurement of the effectiveness of the program.

36 (6) \$400,000 of the multimodal transportation account--state
37 appropriation is provided solely for a grant for a flexible carpooling
38 pilot project program to be administered and monitored by the

1 department. Funds are appropriated for one time only. The pilot
2 project program must: Test and implement at least one flexible
3 carpooling system in a high-volume commuter area that enables
4 carpooling without prearrangement; utilize technologies that, among
5 other things, allow for transfer of ride credits between participants;
6 and be a membership system that involves prescreening to ensure safety
7 of the participants. The program must include a pilot project that
8 targets commuter traffic on the state route number 520 bridge. The
9 department shall submit to the legislature by December 2010 a report on
10 the program results and any recommendations for additional flexible
11 carpooling programs.

12 (7) \$3,317,808 of the multimodal transportation account--state
13 appropriation and \$21,248,089 of the regional mobility grant program
14 account--state appropriation are reappropriated and provided solely for
15 the regional mobility grant projects identified in LEAP Transportation
16 Document 2007-B, as developed April 20, 2007; LEAP Transportation
17 Document 2006-D, as developed March 8, 2006; or as selected by the
18 legislature from the priority list to be submitted by the department in
19 January 2009. Any project that has been awarded funds but has not
20 reported activity within one year of the grant award must be reviewed
21 by the department to determine whether the grant award should be
22 terminated. If the grant award is terminated, the funds lapse. It is
23 the intent of the legislature to appropriate funds through the regional
24 mobility grant program only for projects that will be completed on
25 schedule.

26 (8) \$14,959,600 of the regional mobility grant program account--
27 state appropriation is provided solely for the regional mobility grant
28 projects identified in LEAP Transportation Document 2009-B, as
29 developed March 30, 2009. The department shall review all projects
30 receiving grant awards under this program at least semiannually to
31 determine whether the projects are making satisfactory progress. Any
32 project that has been awarded funds, but does not report activity on
33 the project within one year of the grant award, must be reviewed by the
34 department to determine whether the grant should be terminated. The
35 department shall promptly close out grants when projects have been
36 completed, and any remaining funds available to the office of transit
37 mobility must be used only to fund projects identified in LEAP
38 Transportation Document 2009-B, as developed March 30, 2009. The

1 department shall provide annual status reports on December 15, 2009,
2 and December 15, 2010, to the office of financial management and the
3 transportation committees of the legislature regarding the projects
4 receiving the grants. It is the intent of the legislature to
5 appropriate funds through the regional mobility grant program only for
6 projects that will be completed on schedule.

7 (9) \$80,000 of the multimodal transportation account--state
8 appropriation is provided solely to the department of transportation to
9 distribute for implementation of the work group related to federal
10 requirements in section 1, chapter . . . (Engrossed Substitute House
11 Bill No. 2072), Laws of 2009 (special needs transportation). If
12 Engrossed Substitute House Bill No. 2072 is not enacted by June 30,
13 2009, the amount provided in this section shall lapse.

14 NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--**
15 **MARINE--PROGRAM X**

16 Puget Sound Ferry Operations Account--State
17 Appropriation \$404,720,000

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

20 (1) \$52,463,000 of the Puget Sound ferry operations account--state
21 appropriation is provided solely for auto ferry vessel operating fuel
22 in the 2009-11 fiscal biennium. Any expenditures for fuel hedging
23 payments may be considered vessel operating fuel payments.

24 (2) To protect the waters of Puget Sound, the Washington state
25 ferries shall investigate nontoxic alternatives to fuel additives and
26 other commercial products that are used to operate, maintain, and
27 preserve vessels.

28 (3) If the Washington state ferries considers implementing a fuel
29 surcharge, they must first submit an analysis and business plan to the
30 office of financial management and either the joint transportation
31 committee or the transportation committees of the legislature. The
32 analysis must include an evaluation of other cost savings and fuel
33 price stabilization strategies that would be implemented before the
34 imposition of a fuel surcharge.

35 (4) The department shall strive to significantly reduce the number
36 of injuries suffered by Washington state ferries employees. By

1 December 15, 2009, the department shall submit to the office of
2 financial management and the transportation committees of the
3 legislature its implementation plan to reduce such injuries.

4 (5) The Washington state ferries shall continue to provide service
5 to Sidney, British Columbia. The Washington state ferries may place a
6 Sidney terminal departure surcharge on fares for out of state residents
7 riding the Washington state ferry route that runs between Anacortes,
8 Washington and Sidney, British Columbia, if the cost for
9 landing/license fee, taxes, and additional amounts charged for docking
10 are in excess of \$280,000 CDN. The surcharge must be limited to
11 recovering amounts above \$280,000 CDN.

12 (6) The Washington state ferries shall analyze operational
13 solutions to enhance service on the Bremerton to Seattle ferry run.
14 The Washington state ferries shall report their analysis to the
15 transportation committees of the legislature by December 1, 2009.

16 (7) The office of financial management budget instructions require
17 agencies to recast enacted budgets into activities. The Washington
18 state ferries shall include a greater level of detail in the recast of
19 the ferry budget, as determined jointly by the office of financial
20 management, the Washington state ferries, and the legislative
21 transportation committees.

22 (8) \$8,000,000 of the Puget Sound ferry operations account--state
23 appropriation is to be placed in unallotted status until the office of
24 financial management, after consultation with the house of
25 representatives and senate transportation committees, has approved the
26 rates and conditions of commercial insurance purchased for ferry
27 assets.

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

30 Multimodal Transportation Account--State
31 Appropriation \$34,933,000

32 The appropriation in this section is subject to the following
33 conditions and limitations:

34 (1) \$29,091,000 of the multimodal transportation account--state
35 appropriation is provided solely for the Amtrak service contract and
36 Talgo maintenance contract associated with providing and maintaining

1 the state-supported passenger rail service. Upon completion of the
2 rail platform project in the city of Stanwood, the department shall
3 provide daily Amtrak Cascades service to the city.

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

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

7 NEW SECTION. **Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--**
8 **LOCAL PROGRAMS--PROGRAM Z--OPERATING**

9	Motor Vehicle Account--State Appropriation	\$8,739,000
10	Motor Vehicle Account--Federal Appropriation	\$2,567,000
11	TOTAL APPROPRIATION	\$11,306,000

12 **TRANSPORTATION AGENCIES--CAPITAL**

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

14 State Patrol Highway Account--State Appropriation \$3,126,000

15 The appropriation in this section is subject to the following
16 conditions and limitations:

17 (1) \$1,626,000 of the state patrol highway account--state
18 appropriation is provided solely for the following minor works
19 projects: \$450,000 for Shelton training academy roofs; \$150,000 for
20 HVAC control replacements; \$168,000 for upgrades to scales; \$50,000 for
21 Bellevue electrical equipment upgrades; \$90,000 for South King
22 detachment window replacement; \$200,000 for the replacement of the
23 Naselle radio tower, generator shelter, and fence; \$200,000 for
24 unforeseen emergency repairs; and \$318,000 for the Shelton training
25 academy drive course/skid pan repair.

26 (2) \$1,500,000 of the state patrol highway account--state
27 appropriation is provided solely for the Shelton academy of the
28 Washington state patrol and is contingent upon a signed agreement
29 between the city of Shelton, the department of corrections, and the
30 Washington state patrol that provides for an on-going payment to these
31 three entities, based on their percentage of the total investment in
32 the project, from all hookup fees, late comer fees, LIDS, and all other
33 initial fees collected for the new waste water treatment lines, waste
34 water plants, water lines, and water systems.

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

2	Rural Arterial Trust Account--State Appropriation	\$51,000,000
3	Motor Vehicle Account--State Appropriation	\$1,048,000
4	County Arterial Preservation Account--State	
5	Appropriation	\$31,400,000
6	TOTAL APPROPRIATION	\$83,448,000

7 The appropriations in this section are subject to the following
8 conditions and limitations:

9 (1) \$1,048,000 of the motor vehicle account--state appropriation
10 may be used for county ferry projects as developed pursuant to RCW
11 47.56.725(4).

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

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

21	Small City Pavement and Sidewalk Account--State	
22	Appropriation	\$4,600,000
23	Urban Arterial Trust Account--State Appropriation	\$122,400,000
24	Transportation Improvement Account--State	
25	Appropriation	\$85,643,000
26	TOTAL APPROPRIATION	\$212,643,000

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

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

32 (2) The urban arterial trust account--state appropriation includes
33 up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW
34 47.26.420.

35 NEW SECTION. **Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION.** As

1 part of its budget submittal for the 2011-13 fiscal biennium, the
2 department shall provide an update to the report provided to the
3 legislature in 2008 that:

4 (1) Compares the original project cost estimates approved in the
5 2003 and 2005 project lists to the completed cost of the project, or
6 the most recent legislatively approved budget and total project costs
7 for projects not yet completed;

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

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

12 (4) Identifies highway projects that have lost significant local or
13 regional contributions that were essential to completing the project;
14 and

15 (5) Identifies contingency amounts allocated to projects.

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

18 Motor Vehicle Account--State Appropriation \$3,757,000

19 The appropriation in this section is subject to the following
20 conditions and limitations: \$290,000 of the motor vehicle account--
21 state appropriation is provided solely for reconstruction of the
22 Wandermere facility that was destroyed in the 2008-09 winter storms.

23 NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--**
24 **IMPROVEMENTS--PROGRAM I**

25 Multimodal Transportation Account--State
26 Appropriation \$1,000

27 Transportation Partnership Account--State
28 Appropriation \$1,599,350,000

29 Motor Vehicle Account--State Appropriation \$107,339,000

30 Motor Vehicle Account--Federal Appropriation \$404,530,000

31 Motor Vehicle Account--Private/Local
32 Appropriation \$65,494,000

33 Special Category C Account--State Appropriation \$24,549,000

34 Transportation 2003 Account (Nickel Account)--State
35 Appropriation \$750,085,000

36 Freight Mobility Multimodal Account--State

1	Appropriation	\$4,422,000
2	Tacoma Narrows Toll Bridge Account--State Appropriation	\$788,000
3	State Route Number 520 Corridor Account--State	
4	Appropriation	\$270,000,000
5	TOTAL APPROPRIATION	\$3,226,558,000

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

8 (1) Except as provided otherwise in this section, the entire
9 transportation 2003 account (nickel account) appropriation and the
10 entire transportation partnership account appropriation are provided
11 solely for the projects and activities as listed by fund, project, and
12 amount in LEAP Transportation Document 2009-1, Highway Improvement
13 Program (I), as developed March 30, 2009. However, limited transfers
14 of specific line-item project appropriations may occur between projects
15 for those amounts listed subject to the conditions and limitations in
16 section 603 of this act.

17 (2) As a result of economic changes since the initial development
18 of the improvement program budget for the 2009-11 fiscal biennium, the
19 department has received bids on construction contracts over the last
20 several months that are favorable with respect to current estimates of
21 project costs. National economic forecasts indicate that inflationary
22 pressures are likely to remain lower than previously expected for the
23 next several years. As a result, the nominal project cost totals shown
24 in LEAP Transportation Document 2009-1 in aggregate for the 2009-11
25 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed
26 the likely amount necessary to deliver the projects listed within those
27 biennia by fifty million dollars in each biennium. The appropriations
28 provided in this section for the projects in those biennia are fifty
29 million dollars less than the aggregate total of project costs listed.
30 It is the intent of the legislature that, so long as the favorable
31 bidding climate continues, the department shall deliver the projects
32 listed in LEAP Transportation Document 2009-1 within the time, scope,
33 and budgets identified in that document.

34 (3) \$62,874,000 of the transportation partnership account--state
35 appropriation and \$270,000,000 of the state route number 520 corridor
36 account--state appropriation are provided solely for replacement of the
37 state route number 520 bridge for projects for which the designs are
38 agreed upon. The department shall submit an application for the

1 eastside transit and HOV project to the supplemental discretionary
2 grant program for regionally significant projects as provided in the
3 American Recovery and Reinvestment Act of 2009. If federal stimulus
4 funds are received, an equivalent amount of the funds already
5 identified for this project must be earmarked for the construction of
6 the projects on the west side of the state route number 520 corridor.
7 Eastside state route number 520 improvements shall be designed and
8 constructed to accommodate a future full interchange at 124th Avenue
9 Northeast. Concurrent with the eastside transit and HOV project, the
10 department shall conduct engineering design of a full interchange at
11 124th Avenue Northeast.

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

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

20 (6) The department shall apply for surface transportation program
21 (STP) enhancement funds to be expended in lieu of or in addition to
22 state funds for eligible costs of projects in Programs I and P
23 including, but not limited to, the SR 518, SR 520, Columbia river
24 crossing, and Alaskan Way viaduct projects.

25 (7) The department shall, on a quarterly basis beginning July 1,
26 2009, provide to the office of financial management and the legislature
27 reports providing the status on each active project funded in part or
28 whole by the transportation 2003 account (nickel account) or the
29 transportation partnership account. Funding provided at a programmatic
30 level for transportation partnership account and transportation 2003
31 account (nickel account) projects relating to bridge rail, guard rail,
32 fish passage barrier removal, and roadside safety projects should be
33 reported on a programmatic basis. Projects within this programmatic
34 level funding should be completed on a priority basis and scoped to be
35 completed within the current programmatic budget. The department shall
36 work with the office of financial management and the transportation
37 committees of the legislature to agree on report formatting and
38 elements. Elements must include, but not be limited to, project scope,

1 schedule, and costs. For new construction contracts valued at fifteen
2 million dollars or more, the department must also use an earned value
3 method of project monitoring. The department shall also provide the
4 information required under this subsection on a quarterly basis via the
5 transportation executive information systems (TEIS).

6 (8) The transportation 2003 account (nickel account)--state
7 appropriation includes up to \$704,000,000 in proceeds from the sale of
8 bonds authorized by RCW 47.10.861.

9 (9) The transportation partnership account--state appropriation
10 includes up to \$1,258,269,000 in proceeds from the sale of bonds
11 authorized in RCW 47.10.873.

12 (10) The special category C account--state appropriation includes
13 up to \$22,127,000 in proceeds from the sale of bonds authorized in RCW
14 47.10.812.

15 (11) The motor vehicle account--state appropriation includes up to
16 \$55,900,000 in proceeds from the sale of bonds authorized in RCW
17 47.10.843.

18 (12) The department must prepare a tolling study for the Columbia
19 river crossing project. While conducting the study, the department
20 must coordinate with the Oregon department of transportation to perform
21 the following activities:

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

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

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

30 (d) Confer with the project sponsor's council, as well as local and
31 regional governing bodies adjacent to the Interstate 5 Columbia river
32 crossing corridor and the Interstate 205 corridor regarding the
33 implementation of tolls, the impacts that the implementation of tolls
34 might have on the operation of the corridors, the diversion of traffic
35 to local streets, and potential mitigation measures;

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

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

3 (g) Conduct public work sessions and open houses to provide
4 information to citizens, including users of the bridge and business and
5 freight interests, regarding implementation of tolls on the Interstate
6 5 and to solicit citizen views on the following items:

7 (i) Funding a portion of the Columbia river crossing project with
8 tolls;

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

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

13 (h) Provide a report to the governor and the legislature by January
14 2010.

15 (13)(a) By January 2010, the department must prepare a traffic and
16 revenue study for Interstate 405 in King county and Snohomish county
17 that includes funding for improvements and high occupancy toll lanes,
18 as defined in RCW 47.56.401, for traffic management. The department
19 must develop a plan to operate up to two high occupancy toll lanes in
20 each direction on Interstate 405.

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

23 (i) Confer with the mayors and city councils of jurisdictions in
24 the vicinity of the project regarding the implementation of high
25 occupancy toll lanes and the impacts that the implementation of these
26 high occupancy toll lanes might have on the operation of the corridor
27 and adjacent local streets;

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

31 (iii) Provide a report to the governor and the legislature by
32 January 2010.

33 (14) \$9,199,985 of the motor vehicle account--state appropriation
34 is provided solely for project 100224I, as identified in the LEAP
35 transportation document in subsection (1) of this section: US 2 high
36 priority safety project. Expenditure of these funds is for safety
37 projects on state route number 2 between Skykomish and Gold Bar, which

1 may include median rumble strips, traffic cameras, and electronic
2 message signs.

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

6 (16) The department shall conduct a public outreach process to
7 identify and respond to community concerns regarding the Belfair
8 bypass. The process must include representatives from Mason county,
9 the legislature, area businesses, and community members. The
10 department shall use this process to consider and develop design
11 alternatives that alter the project's scope so that the community's
12 needs are met within the project budget. The department shall provide
13 a report on the process and outcomes to the legislature by June 30,
14 2010.

15 (17) The department shall not sign the final environmental impact
16 statement for the east link project or negotiate an airspace lease with
17 sound transit for the use of the Interstate 90 center roadway for
18 exclusive use by light rail until completion of an independent facility
19 asset assessment by the joint transportation committee.

20 (18) \$6,000,000 of the motor vehicle account--state appropriation
21 is provided solely for the design and construction of a new interchange
22 between state route number 195 and Cheney-Spokane Road. It is the
23 intent of the legislature that an additional \$6,500,000 will be
24 provided in the 2011-13 omnibus transportation appropriations act to
25 complete this project.

26 (19) \$846,700 of the motor vehicle account--federal appropriation
27 and \$17,280 of the motor vehicle account--state appropriation are
28 provided solely for the Westview school noise wall.

29 (20) \$1,360 of the motor vehicle account--state appropriation and
30 \$35,786 of the motor vehicle account--federal appropriation are
31 provided solely for interchange design and planning work on US 12 at A
32 Street and Tank Farm Road.

33 (21) \$20,011,125 of the transportation partnership account--state
34 appropriation, \$2,550 of the motor vehicle account--state
35 appropriation, \$30,003,473 of the motor vehicle account--private/local
36 appropriation, and \$1,482,066 of the motor vehicle account--federal
37 appropriation is provided solely for the I-5/Columbia river

1 crossing/Vancouver project. The funding described in this subsection
2 includes a \$35,000,000 contribution from the state of Oregon.

3 (22) It is important that the public and policymakers have accurate
4 and timely access to information related to the Alaskan Way viaduct
5 replacement project as it proceeds to, and during, the construction of
6 all aspects of the project including, but not limited to, information
7 regarding costs, schedules, contracts, project status, and neighborhood
8 impacts. Therefore, it is the intent of the legislature that the
9 state, city, and county departments of transportation establish a
10 single source of accountability for integration, coordination,
11 tracking, and information of all requisite components of the
12 replacement project, which must include, at a minimum:

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

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

17 (23)(a) The legislature finds that the city of Seattle has agreed
18 to pay for and ensure the adequate and efficient access for freight and
19 vehicles, and adequate and efficient access to neighborhoods along the
20 state route number 99 corridor, as part of their responsibilities in
21 the Alaskan Way viaduct replacement project as recommended by the
22 governor, King county, and the city of Seattle in the letter of
23 agreement dated January 13, 2009. The elements of the city's plan
24 include:

25 (i) Performing all work necessary to ensure that the Alaskan Way
26 surface street is an efficient alternative access route for freight and
27 vehicles, including:

28 (A) Operating the four-lane Alaskan Way surface street between
29 Holgate Street and Elliot Avenue/Western Avenue in a manner that
30 optimizes through traffic and freight movement to and through the
31 surface street corridor along the waterfront;

32 (B) Synchronizing traffic lights and traffic control devices along
33 state route number 99 between Spokane Street and the Aurora Bridge, and
34 erecting additional traffic lights and control devices, if necessary,
35 to prioritize vehicular and freight traffic flow; and

36 (C) Providing for reliable and effective access to the port of
37 Seattle and other major destinations south of the port, including

1 implementing measures to facilitate efficient traffic flow along
2 Alaskan Way by way of the state route number 99 and state route number
3 519 interchange;

4 (D) Providing for reliable and effective access to and from state
5 route number 99 and to and from the Mercer corridor for the port of
6 Seattle and other residents and businesses in northwest Seattle;

7 (ii) Working with the state department of transportation and, prior
8 to removal of the viaduct, developing a plan that optimizes traffic
9 flow from neighborhoods in northwest Seattle to the deep bored tunnel,
10 including:

11 (A) Providing for the efficient movement of traffic along major
12 arterials including, but not limited to, North 46th Street, North 39th
13 Street, Nickerson Street, Dexter Avenue North, Mercer Street, and West
14 Mercer Street; and

15 (B) Providing for traffic light synchronization, and addressing on-
16 street parking, congestion near the Aurora Avenue bridge related to the
17 Queen Anne Drive and 6th Avenue North turnaround, and bridge policies
18 that affect congestion and traffic flow; and

19 (iii) Prior to removal of the viaduct, developing and implementing
20 a plan that maximizes safe and efficient vehicle throughput on Mercer
21 Street, including: Optimizing traffic flow on Mercer Street, which
22 includes two-way West Mercer Street improvements, and from Elliott
23 Avenue to state route number 99; and providing safe and efficient
24 access to state route number 99 and the deep bored tunnel.

25 (b) In order to ensure that the city of Seattle complies with its
26 commitment as described in (a) of this subsection, the state shall make
27 \$50,000,000 of the transportation partnership account--state
28 appropriation as provided in the 2009-2011 transportation budget, or as
29 much thereof as is appropriated from this account, whichever is
30 smaller, available for contribution to the south Spokane Street viaduct
31 component of the Alaskan Way viaduct replacement project, contingent on
32 the city of Seattle complying with this subsection.

33 (c) All costs related to the work performed by the city of Seattle
34 to provide adequate and efficient access for freight and vehicles along
35 the state route number 99 corridor, as described in (a) of this
36 subsection, shall be borne by the city.

37 (d) The city of Seattle may comply with this subsection by entering
38 into an agreement with the department of transportation in which the

1 city agrees to make all improvements identified in this subsection and
2 to be solely responsible for all costs associated with the listed
3 improvements.

4 (24) The state route number 520 corridor account--state
5 appropriation includes up to \$270,000,000 in proceeds from the sale of
6 bonds authorized in House Bill No. 2326. If House Bill No. 2326 is not
7 enacted by June 30, 2009, the amount provided in this subsection shall
8 lapse.

9 (25) The department shall evaluate a potential deep bore culvert
10 for the state route number 305/Bjorgen creek fish barrier project
11 identified as project 330514 A in LEAP Transportation Document ALL
12 PROJECTS 2009-2, as developed March 30, 2009. The department shall
13 evaluate whether a deep bore culvert will be a less costly alternative
14 than a traditional culvert since a traditional culvert would require
15 extensive road detours during construction.

16 NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--**
17 **PRESERVATION--PROGRAM P**

18	Transportation Partnership Account--State	
19	Appropriation	\$107,377,000
20	Motor Vehicle Account--State Appropriation	\$111,009,000
21	Motor Vehicle Account--Federal Appropriation	\$514,767,000
22	Motor Vehicle Account--Private/Local Appropriation	\$6,417,000
23	Transportation 2003 Account (Nickel Account)--State	
24	Appropriation	\$7,237,000
25	Puyallup Tribal Settlement Account--State	
26	Appropriation	\$6,500,000
27	TOTAL APPROPRIATION	\$753,307,000

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

30 (1) The entire transportation 2003 account (nickel account)
31 appropriation and the entire transportation partnership account
32 appropriation are provided solely for the projects and activities as
33 listed by fund, project, and amount in LEAP Transportation Document
34 2009-1, Highway Preservation Program (P), as developed March 30, 2009.
35 However, limited transfers of specific line-item project appropriations
36 may occur between projects for those amounts listed subject to the
37 conditions and limitations in section 603 of this act.

1 (2) \$544,639 of the motor vehicle account--federal appropriation
2 and \$280,361 of the motor vehicle account--state appropriation are
3 provided solely for project 602110F, as identified in the LEAP
4 transportation document in subsection (1) of this section: SR
5 21/Keller ferry boat - replace ferry boat. The Keller ferry boat
6 replacement must consist of a tug and barge.

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

10 (4) \$6,500,000 of the Puyallup tribal settlement account--state
11 appropriation is provided solely for mitigation costs associated with
12 the Murray Morgan/11th Street bridge demolition. The department may
13 negotiate with the city of Tacoma for the purpose of transferring
14 ownership of the Murray Morgan/11th Street bridge to the city. If the
15 city agrees to accept ownership of the bridge, the department may use
16 the Puyallup tribal settlement account appropriation and other
17 appropriated funds for bridge rehabilitation, bridge replacement,
18 bridge demolition, and related mitigation. The department's
19 participation, including prior expenditures, may not exceed
20 \$39,953,000. Funds may not be expended unless the city of Tacoma
21 agrees to take ownership of the bridge in its entirety and provides
22 that the payment of these funds extinguishes any real or implied
23 agreements regarding future bridge expenditures.

24 (5) The department shall, on a quarterly basis beginning July 1,
25 2009, provide to the office of financial management and the legislature
26 reports providing the status on each active project funded in part or
27 whole by the transportation 2003 account (nickel account) or the
28 transportation partnership account. Funding provided at a programmatic
29 level for transportation partnership account projects relating to
30 seismic bridges should be reported on a programmatic basis. Projects
31 within this programmatic level funding should be completed on a
32 priority basis and scoped to be completed within the current
33 programmatic budget. The department shall work with the office of
34 financial management and the transportation committees of the
35 legislature to agree on report formatting and elements. Elements must
36 include, but not be limited to, project scope, schedule, and costs.
37 For new construction contracts valued at fifteen million dollars or
38 more, the department must also use an earned value method of project

1 monitoring. The department shall also provide the information required
2 under this subsection on a quarterly basis via the transportation
3 executive information systems (TEIS).

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

10 (7) Within existing funds and resources, the department shall
11 conduct an analysis and produce a report on state highway pavement
12 replacement needs, level of investment, timing, and strategies for the
13 next ten years. The department shall include the following in the
14 report:

15 (a) For asphalt and chip seal: (i) The current backlog of "black"
16 pavement preservation projects; (ii) the level of investment needed and
17 schedule to reduce or eliminate the backlog and resume the lowest life-
18 cycle cost to replace the highway lane miles; and (iii) strategies for
19 addressing the recent rapid escalation of asphalt prices and using
20 alternatives to hot mix asphalt;

21 (b) For concrete or "white" pavement: (i) Identification of
22 concrete rehabilitation and replacement needs in the next ten years;
23 and (ii) the level of investment, schedule, and strategies for
24 rehabilitation and replacement, including dowel-bar retrofit, selected
25 panel replacement, and full replacement; and

26 (c) For all types of pavement: Criteria for determining which type
27 of pavement will be used for specific projects, including annualized
28 cost per mile, traffic volume per lane mile, and heavy truck traffic
29 volume per lane mile.

30 The department shall submit the report to the office of financial
31 management and the transportation committees of the legislature by
32 December 31, 2009, in order to inform the development of the 2011-13
33 omnibus transportation appropriations act.

34 (8) \$1,722 of the motor vehicle account--state appropriation,
35 \$9,608,115 of the motor vehicle account--federal appropriation, and
36 \$272,141 of the transportation partnership account--state appropriation
37 are provided solely for the Hood Canal bridge project.

1 NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--**
2 **TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**
3 Motor Vehicle Account--State Appropriation \$6,394,000
4 Motor Vehicle Account--Federal Appropriation \$9,262,000
5 TOTAL APPROPRIATION \$15,656,000

6 NEW SECTION. **Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--**
7 **WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**
8 Puget Sound Capital Construction Account--State
9 Appropriation \$129,775,000
10 Puget Sound Capital Construction Account--Federal
11 Appropriation \$38,675,000
12 Puget Sound Capital Construction Account--Local
13 Appropriation \$8,492,000
14 Transportation 2003 Account (Nickel Account)--State
15 Appropriation \$67,931,000
16 Transportation Partnership Account--State
17 Appropriation \$64,784,000
18 Multimodal Transportation Account--State Appropriation \$170,000
19 TOTAL APPROPRIATION \$309,827,000

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

22 (1) \$129,566,000 of the Puget Sound capital construction account--
23 state appropriation, \$38,675,000 of the Puget Sound capital
24 construction account--federal appropriation, \$64,784,000 of the
25 transportation partnership account--state appropriation, \$67,931,000 of
26 the transportation 2003 account (nickel account)--state appropriation,
27 and \$170,000 of the multimodal transportation account--state
28 appropriation are provided solely for ferry capital projects, project
29 support, and administration as listed in LEAP Transportation Document
30 ALL PROJECTS 2009-2, Ferries Construction Program (W), as developed
31 March 30, 2009.

32 (2) \$57,031,000 of the transportation 2003 account (nickel
33 account)--state appropriation and \$63,100,000 of the transportation
34 partnership account--state appropriation are provided solely for the
35 acquisition of three new Island Homes class ferry vessels subject to
36 the conditions and limitations in RCW 47.56.780, the first two of which
37 shall be used to restore service on the Port Townsend-Keystone route.

1 The department may add additional passenger capacity to one of these
2 vessels to make it more flexible within the system in the future, if
3 doing so does not require additional staffing on the vessel.

4 (3) \$6,300,000 of the Puget Sound capital construction account--
5 state appropriation is provided solely for emergency capital costs.

6 (4) The Anacortes terminal may be replaced if additional federal
7 funds are sought and received by the department. If federal funds
8 received are not sufficient to replace the terminal, only usable,
9 discrete phases of the project, up to the amount of federal funds
10 received, may be constructed with the funds.

11 (5) \$247,000 of the Puget Sound capital construction account--state
12 appropriation is provided solely for the department to update the
13 vessel life-cycle cost model by December 31, 2009.

14 (6) \$3,965,000 of the Puget Sound capital construction account--
15 state appropriation is provided solely for the following vessel
16 projects: Waste heat recovery pilot project; steering gear ventilation
17 pilot project; and a new propulsion system for the MV Yakima. Before
18 beginning these projects, the Washington state ferries must ensure the
19 vessels' out-of-service time does not negatively impact service to the
20 system.

21 (7) The Washington state ferries shall pursue purchasing a
22 foreign-flagged vessel for service on the Anacortes, Washington to
23 Sidney, British Columbia ferry route.

24 (8) The department shall provide to the office of financial
25 management and the legislature quarterly reports providing the status
26 on each project listed in this section and in the project lists
27 submitted pursuant to this act and on any additional projects for which
28 the department has expended funds during the 2009-11 fiscal biennium.
29 Elements must include, but not be limited to, project scope, schedule,
30 and costs. The department shall also provide the information required
31 under this subsection via the transportation executive information
32 systems (TEIS). The quarterly report regarding the status of projects
33 identified on the list referenced in subsection (1) of this section
34 must be developed according to an earned value method of project
35 monitoring.

36 (9) The Washington state ferries shall review and adjust their
37 capital program staffing levels to ensure staffing is at the most
38 efficient level necessary to implement the capital program in the

1 omnibus transportation appropriations act. The Washington state
2 ferries shall report this review and adjustment to the office of
3 financial management and the house and senate transportation committees
4 of the legislature by July 2009.

5 (10) \$3,763,000 of this appropriation is provided solely for the
6 Washington state ferries to develop a reservation system. Of this
7 amount, \$3,118,000 shall be placed in unallotted status until the
8 Washington state ferries develops a plan for a reservation system pilot
9 program and the plan is reviewed by the office of financial management
10 and either the joint transportation committee or the transportation
11 committees of the legislature. This analysis must include an
12 evaluation of the compatibility of the Washington state ferries'
13 electronic fare system, proposed reservation system, and the
14 implementation of smart card.

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

17	Essential Rail Assistance Account--State Appropriation	\$675,000
18	Transportation Infrastructure Account--State	
19	Appropriation	\$9,416,000
20	Multimodal Transportation Account--State	
21	Appropriation	\$97,610,000
22	Multimodal Transportation Account--Federal	
23	Appropriation	\$16,054,000
24	Multimodal Transportation Account--Private/Local	
25	Appropriation	\$81,000
26	TOTAL APPROPRIATION	\$123,836,000

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

29 (1)(a) Except as provided otherwise in this section, the entire
30 appropriations in this section are provided solely for the projects and
31 activities as listed by fund, project, and amount in LEAP
32 Transportation Document ALL PROJECTS 2009-2, Rail Capital Program (Y),
33 as developed March 30, 2009. However, limited transfers of specific
34 line-item project appropriations may occur between projects for those
35 amounts listed subject to the conditions and limitations in section 603
36 of this act.

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

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

10 (c)(i) Within the amounts provided in this section, \$1,679,350 of
11 the multimodal transportation account--state appropriation and \$175,000
12 of the essential rail assistance account--state appropriation are for
13 statewide - emergent freight rail assistance projects as follows: Port
14 of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A)
15 \$362,746; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A)
16 \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN
17 700610A) \$337,978; Clark County owned railroad/Vancouver - track
18 rehabilitation (BIN 710110A) \$366,813; Tacoma Rail/Tacoma - improved
19 locomotive facility (BIN 711010B) \$366,813.

20 (ii) Within the amounts provided in this section, \$500,000 of the
21 essential rail assistance account--state appropriation and \$25,000 of
22 the multimodal transportation account--state appropriation are for a
23 statewide - emergent freight rail assistance project grant for the
24 Tacoma Rail/Roy - new connection to BNSF and Yelm (BIN 711310A)
25 project, provided that the grantee first executes a written instrument
26 that imposes on the grantee the obligation to repay the grant within
27 thirty days in the event that the grantee discontinues or significantly
28 diminishes service along the line within a period of five years from
29 the date that the grant is awarded.

30 (iii) Within the amounts provided in this section, \$337,978 of the
31 multimodal transportation account--state appropriation is for a
32 statewide - emergent freight rail assistance project grant for the
33 Lincoln County PDA/Creston - new rail spur (BIN 710510A) project,
34 provided that the grantee first documents to the satisfaction of the
35 department sufficient commitments from the new shipper or shippers to
36 locate in the publicly owned industrial park west of Creston to ensure
37 that the net present value of the public benefits of the project is
38 greater than the grant amount.

1 (d) \$8,100,000 of the transportation infrastructure account--state
2 appropriation is provided solely for grants to any intergovernmental
3 entity or local rail district to which the department of transportation
4 assigns the management and oversight responsibility for the business
5 and economic development elements of existing operating leases on the
6 Palouse River and Coulee City (PCC) rail lines. The PCC rail line
7 system is made up of the CW, P&L, and PV Hooper rail lines. Business
8 and economic development elements include such items as levels of
9 service and business operating plans, but must not include the state's
10 oversight of railroad regulatory compliance, rail infrastructure
11 condition, or real property management issues. The PCC rail system
12 must be managed in a self-sustaining manner and best efforts must be
13 used to ensure that it does not require state capital or operating
14 subsidy beyond the level of state funding expended on it to date. The
15 assignment of the stated responsibilities to an intergovernmental
16 entity or rail district must be on terms and conditions as the
17 department of transportation and the intergovernmental entity or rail
18 district mutually agree. The grant funds may be used only to refurbish
19 the rail lines. It is the intent of the legislature to make the funds
20 appropriated in this section available as grants to an
21 intergovernmental entity or local rail district for the purposes stated
22 in this section at least until June 30, 2012, and to reappropriate as
23 necessary any portion of the appropriation in this section that is not
24 used by June 30, 2011.

25 (2)(a) The department shall issue a call for projects for the
26 freight rail investment bank program and the emergent freight rail
27 assistance program, and shall evaluate the applications according to
28 the cost benefit methodology developed during the 2008 interim using
29 the legislative priorities specified in (c) of this subsection. By
30 November 1, 2010, the department shall submit a prioritized list of
31 recommended projects to the office of financial management and the
32 transportation committees of the legislature.

33 (b) When the department identifies a prospective rail project that
34 may have strategic significance for the state, or at the request of a
35 proponent of a prospective rail project or a member of the legislature,
36 the department shall evaluate the prospective project according to the
37 cost benefit methodology developed during the 2008 interim using the
38 legislative priorities specified in (c) of this subsection. The

1 department shall report its cost benefit evaluation of the prospective
2 rail project, as well as the department's best estimate of an
3 appropriate construction schedule and total project costs, to the
4 office of financial management and the transportation committees of the
5 legislature.

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

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

10 (ii) Self-sustaining economic development that creates family-wage
11 jobs;

12 (iii) Preservation of transportation corridors that would otherwise
13 be lost;

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

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

18 (vi) Mitigation of impacts of increased rail traffic on
19 communities.

20 (3) The department is directed to seek the use of unprogrammed
21 federal rail crossing funds to be expended in lieu of or in addition to
22 state funds for eligible costs of projects in program Y.

23 (4) At the earliest possible date, the department shall apply, and
24 assist ports and local jurisdictions in applying, for any federal
25 funding that may be available for any projects that may qualify for
26 such federal funding. State projects must be (a) currently identified
27 on the project list referenced in subsection (1)(a) of this section or
28 (b) projects for which no state match is required to complete the
29 project. Local or port projects must not require additional state
30 funding in order to complete the project, with the exception of (c)
31 state funds currently appropriated for such project if currently
32 identified on the project list referenced in subsection (1)(a) of this
33 section or (d) potential grants awarded in the competitive grant
34 process for the essential rail assistance program. If the department
35 receives any federal funding, the department is authorized to obligate
36 and spend the federal funds in accordance with federal law. To the
37 extent permissible by federal law, federal funds may be used (e) in
38 addition to state funds appropriated for projects currently identified

1 on the project list referenced in subsection (1)(a) of this section in
 2 order to advance funding from future biennia for such project(s) or (f)
 3 in lieu of state funds; however, the state funds must be redirected
 4 within the rail capital program to advance funding for other projects
 5 currently identified on the project list referenced in subsection
 6 (1)(a) of this section. State funds may be redirected only upon
 7 consultation with the transportation committees of the legislature and
 8 the office of financial management, and approval by the director of the
 9 office of financial management. The department shall spend the federal
 10 funds before the state funds, and shall consult the office of financial
 11 management and the transportation committees of the legislature
 12 regarding project scope changes.

13 (5) The department shall provide quarterly reports to the office of
 14 financial management and the transportation committees of the
 15 legislature regarding applications that the department submits for
 16 federal funds, the status of such applications, and the status of
 17 projects identified on the list referenced in subsection (1)(a) of this
 18 section. The quarterly report regarding the status of projects
 19 identified on the list referenced in subsection (1)(a) of this section
 20 must be developed according to an earned value method of project
 21 monitoring.

22 (6) The multimodal transportation account--state appropriation
 23 includes up to \$43,616,000 in proceeds from the sale of bonds
 24 authorized in RCW 47.10.867.

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

27	Highway Infrastructure Account--State Appropriation	\$207,000
28	Highway Infrastructure Account--Federal	
29	Appropriation	\$1,602,000
30	Freight Mobility Investment Account--State	
31	Appropriation	\$13,048,000
32	Transportation Partnership Account--State	
33	Appropriation	\$8,363,000
34	Motor Vehicle Account--State Appropriation	\$11,745,000
35	Motor Vehicle Account--Federal Appropriation	\$37,569,000
36	Freight Mobility Multimodal Account--State	
37	Appropriation	\$13,918,000

1	Freight Mobility Multimodal Account--Local	
2	Appropriation	\$3,135,000
3	Multimodal Transportation Account--Federal	
4	Appropriation	\$2,098,000
5	Multimodal Transportation Account--State	
6	Appropriation	\$23,340,000
7	Transportation 2003 Account (Nickel Account)--State	
8	Appropriation	\$709,000
9	Passenger Ferry Account--State Appropriation	\$2,879,000
10	TOTAL APPROPRIATION	\$118,613,000

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

13 (1) The department shall, on a quarterly basis, provide status
14 reports to the legislature on the delivery of projects as outlined in
15 the project lists incorporated in this section. For projects funded by
16 new revenue in the 2003 and 2005 transportation packages, reporting
17 elements shall include, but not be limited to, project scope, schedule,
18 and costs. Other projects may be reported on a programmatic basis.
19 The department shall also provide the information required under this
20 subsection on a quarterly basis via the transportation executive
21 information system (TEIS).

22 (2) \$2,879,000 of the passenger ferry account--state appropriation
23 is provided solely for near and long-term costs of capital improvements
24 in a business plan approved by the governor for passenger ferry
25 service.

26 (3) \$3,000,000 of the motor vehicle account--federal appropriation
27 is provided solely for the Coal Creek parkway project (L1000025).

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

31 (5) The department shall apply for surface transportation program
32 (STP) enhancement funds to be expended in lieu of or in addition to
33 state funds for eligible costs of projects in local programs, program
34 Z capital.

35 (6) Federal funds may be transferred from program Z to programs I
36 and P and state funds shall be transferred from programs I and P to
37 program Z to replace those federal funds in a dollar-for-dollar match.
38 Fund transfers authorized under this subsection shall not affect

1 project prioritization status. Appropriations shall initially be
2 allotted as appropriated in this act. The department may not transfer
3 funds as authorized under this subsection without approval of the
4 office of financial management. The department shall submit a report
5 on those projects receiving fund transfers to the office of financial
6 management and the transportation committees of the legislature by
7 December 1, 2009, and December 1, 2010.

8 (7) The city of Winthrop may utilize a design-build process for the
9 Winthrop bike path project. Of the amount appropriated in this section
10 for this project, \$500,000 of the multimodal transportation account--
11 state appropriation is contingent upon the state receiving from the
12 city of Winthrop \$500,000 in federal funds awarded to the city of
13 Winthrop by its local planning organization.

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

36 (9) Except as provided otherwise in this section, the entire
37 appropriations in this section are provided solely for the projects and

1 activities as listed by fund, project, and amount in LEAP
2 Transportation Document ALL PROJECTS 2009-2, Local Program (Z), as
3 developed March 30, 2009.

4 (10) For the 2009-11 project appropriations, unless otherwise
5 provided in this act, the director of financial management may
6 authorize a transfer of appropriation authority between projects
7 managed by the freight mobility strategic investment board in order for
8 the board to manage project spending and efficiently deliver all
9 projects in the respective program.

10 **TRANSFERS AND DISTRIBUTIONS**

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

15	Highway Bond Retirement Account Appropriation	\$693,602,000
16	Ferry Bond Retirement Account Appropriation	\$33,770,000
17	Transportation Improvement Board Bond Retirement	
18	Account--State Appropriation	\$23,205,000
19	Nondebt-Limit Reimbursable Account Appropriation	\$17,282,000
20	Transportation Partnership Account--State	
21	Appropriation	\$4,656,000
22	Motor Vehicle Account--State Appropriation	\$658,000
23	Transportation 2003 Account (Nickel Account)--State	
24	Appropriation	\$2,605,000
25	Special Category C Account--State Appropriation	\$82,000
26	Urban Arterial Trust Account--State Appropriation	\$56,000
27	Transportation Improvement Account--State Appropriation	\$26,000
28	Multimodal Transportation Account--State Appropriation	\$161,000
29	TOTAL APPROPRIATION	\$776,103,000

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

33	Transportation Partnership Account--State Appropriation	\$629,000
34	Motor Vehicle Account--State Appropriation	\$89,000

1 Transportation 2003 Account (Nickel Account)--State
 2 Appropriation \$352,000
 3 Special Category C Account--State Appropriation \$11,000
 4 Urban Arterial Trust Account--State Appropriation \$8,000
 5 Transportation Improvement Account--State Appropriation \$4,000
 6 Multimodal Transportation Account--State Appropriation \$22,000
 7 TOTAL APPROPRIATION \$1,115,000

8 NEW SECTION. **Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT**
 9 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**
 10 **MVFT BONDS AND TRANSFERS**

11 Motor Vehicle Account--State Appropriation:
 12 For transfer to the Puget Sound Capital Construction
 13 Account \$122,000,000

14 The department of transportation is authorized to sell up to
 15 \$122,000,000 in bonds authorized by RCW 47.10.843 for vessel and
 16 terminal acquisition, major and minor improvements, and long lead-time
 17 materials acquisition for the Washington state ferries.

18 NEW SECTION. **Sec. 404. FOR THE STATE TREASURER--STATE REVENUES**
 19 **FOR DISTRIBUTION**

20 Motor Vehicle Account Appropriation for
 21 motor vehicle fuel tax distributions to cities
 22 and counties \$488,843,000

23 NEW SECTION. **Sec. 405. FOR THE STATE TREASURER--TRANSFERS**
 24 Motor Vehicle Account--State

25 Appropriation: For motor vehicle fuel tax
 26 refunds and statutory transfers \$1,310,279,000

27 NEW SECTION. **Sec. 406. FOR THE DEPARTMENT OF LICENSING--**
 28 **TRANSFERS**

29 Motor Vehicle Account--State
 30 Appropriation: For motor vehicle fuel tax
 31 refunds and transfers \$129,178,000

32 NEW SECTION. **Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE**

1	TRANSFERS	
2	(1) Tacoma Narrows Toll Bridge Account--State	
3	Appropriation: For transfer to the Motor Vehicle	
4	Account--State	\$5,288,000
5	(2) Motor Vehicle Account--State Appropriation:	
6	For transfer to the Puget Sound Ferry Operations	
7	Account--State	\$12,000,000
8	(3) Recreational Vehicle Account--State	
9	Appropriation: For transfer to the Motor Vehicle	
10	Account--State	\$1,645,000
11	(4) License Plate Technology Account--State	
12	Appropriation: For transfer to the Motor Vehicle	
13	Account--State	\$2,750,000
14	(5) Multimodal Transportation Account--State	
15	Appropriation: For transfer to the Puget Sound	
16	Ferry Operations Account--State	\$20,000,000
17	(6) Waste Tire Removal Account--State Appropriation:	
18	For transfer to the Motor Vehicle Account--State	\$5,000,000
19	(7) Highway Safety Account--State Appropriation:	
20	For transfer to the Multimodal Transportation	
21	Account--State	\$15,000,000
22	(8) Department of Licensing Services Account--State	
23	Appropriation: For transfer to the Motor Vehicle	
24	Account--State	\$1,500,000
25	(9) State Patrol Highway Account--State Appropriation:	
26	For transfer to the Motor Vehicle Account--State	\$10,000,000
27	(10) Motor Vehicle Account--State Appropriation:	
28	For transfer to the High Occupancy Toll Lanes Operations	
29	Account	\$1,000,000
30	(11) Advanced Right-of-Way Account: For transfer	
31	to the Motor Vehicle Account--State	\$14,000,000
32	(12) Regional Mobility Grant Program Account--State	
33	Appropriation: For transfer to the Multimodal	
34	Transportation Account--State	\$30,000,000
35	(13) Multimodal Transportation Account--State	
36	Appropriation: For transfer to the Puget Sound Capital	
37	Construction Account--State	\$1,500,000

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

6 NEW SECTION. **Sec. 408. STATUTORY APPROPRIATIONS.** In addition to
7 the amounts appropriated in this act for revenue for distribution,
8 state contributions to the law enforcement officers' and firefighters'
9 retirement system, and bond retirement and interest including ongoing
10 bond registration and transfer charges, transfers, interest on
11 registered warrants, and certificates of indebtedness, there is also
12 appropriated such further amounts as may be required or available for
13 these purposes under any statutory formula or under any proper bond
14 covenant made under law.

15 NEW SECTION. **Sec. 409.** The department of transportation is
16 authorized to undertake federal advance construction projects under the
17 provisions of 23 U.S.C. Sec. 115 in order to maintain progress in
18 meeting approved highway construction and preservation objectives. The
19 legislature recognizes that the use of state funds may be required to
20 temporarily fund expenditures of the federal appropriations for the
21 highway construction and preservation programs for federal advance
22 construction projects prior to conversion to federal funding.

23 **COMPENSATION**

24 NEW SECTION. **Sec. 501. FOR THE OFFICE FINANCIAL MANAGEMENT--**
25 **REVISED PENSION CONTRIBUTION RATES**

26	Aeronautics Account--State	(\$34,000)
27	Grade Crossing Protective Account--State	(\$2,000)
28	State Patrol Highway Account--State	(\$12,723,000)
29	Motorcycle Safety Education Account--State	(\$14,000)
30	High Occupancy Toll Lanes Operations Account--State	(\$16,000)
31	Rural Arterial Trust Account--State	(\$16,000)
32	Wildlife Account--State	(\$12,000)
33	Highway Safety Account--State	(\$1,543,000)

1	Highway Safety Account--Federal	(\$46,000)
2	Motor Vehicle Account--State	(\$8,240,000)
3	Puget Sound Ferry Operations Account--State	(\$4,147,000)
4	Urban Arterial Trust Account--State	(\$22,000)
5	Transportation Improvement Account--State	(\$22,000)
6	County Arterial Preservation Account--State	(\$18,000)
7	Department of Licensing Services Account--State	(\$30,000)
8	Multimodal Transportation Account--State	(\$138,000)
9	Tacoma Narrows Toll Bridge Account--State	(\$24,000)

10 Appropriations are adjusted to reflect changes to appropriations to
11 reflect savings resulting from pension funding. The office of
12 financial management shall update agency appropriations schedules to
13 reflect the changes to funding levels in this section as identified by
14 agency and fund in LEAP document Z9-2009.

15 NEW SECTION. **Sec. 502. FOR THE OFFICE FINANCIAL MANAGEMENT--**
16 **REVISED EMPLOYER HEALTH BENEFIT RATES**

17	Aeronautics Account--State	\$14,000
18	State Patrol Highway Account--State	\$2,409,000
19	Motorcycle Safety Education Account--State	\$9,000
20	Puget Sound Capital Construction--State	\$134,000
21	High Occupancy Toll Lanes Operations Account--State	\$8,000
22	Rural Arterial Trust Account--State	\$6,000
23	Wildlife Account--State	\$6,000
24	Highway Safety Account--State	\$1,011,000
25	Highway Safety Account--Federal	\$22,000
26	Motor Vehicle Account--State	\$7,783,000
27	Puget Sound Ferry Operations Account--State	\$2,054,000
28	Urban Arterial Trust Account--State	\$8,000
29	Transportation Improvement Account--State	\$8,000
30	County Arterial Preservation Account--State	\$6,000
31	Department of Licensing Services Account--State	\$12,000
32	Multimodal Transportation Account--State	\$68,000
33	Tacoma Narrows Toll Bridge Account--State	\$12,000

34 Appropriations are adjusted to reflect changes to appropriations to
35 reflect changes in the employer cost of providing health benefit
36 coverage. The office of financial management shall update agency

1 appropriations schedules to reflect the changes to funding levels in
2 this section as identified by agency and fund in LEAP document 6M-2009.

3 **IMPLEMENTING PROVISIONS**

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

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

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

- 19 (a) System refurbishment, acquisitions, and development efforts;
20 (b) Setting goals and objectives for using information technology
21 in meeting legislatively-mandated missions and business needs;
22 (c) Assessment of overall information processing performance,
23 resources, and capabilities;
24 (d) Ensuring appropriate transfer of technological expertise for
25 the operation of any new systems developed using external resources;
26 and
27 (e) Progress toward enabling electronic access to public
28 information.

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

34 (4) The agency shall produce a feasibility study for information
35 technology projects at the direction of the information services board

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

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

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

35 (7) A copy of each feasibility study, project management plan, and
36 quality assurance plan shall be provided to the department of
37 information services, the office of financial management, and
38 legislative fiscal committees. The plans and studies shall demonstrate

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

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

14 NEW SECTION. **Sec. 602.** Due to the state of the economy affecting
15 state budgets, the state is reviewing agency spending plans to identify
16 areas in which new technologies can be applied to achieve greater
17 efficiencies, economies of scale, and save the state money.
18 Information technology and communications is an area where the state
19 can save millions of dollars, if managed well. If information
20 technology and communications are managed poorly, by not planning
21 effectively and taking advantage of new capabilities, this can also
22 cost the state millions of dollars.

23 By July 1, 2009, each transportation agency is required to begin
24 implementing a holistic virtualization strategy to take advantage of
25 information technology infrastructure savings in the areas of capital
26 and operating costs at the server, desktop, network, data storage,
27 business continuance, and disaster recovery levels. This includes a
28 disaster recovery strategy and roadmap, a unified storage strategy, a
29 network infrastructure plan, and a centralized management plan for
30 servers and applications. The business needs, business strategy, and
31 mission of each agency must be tied to the technical strategy,
32 including the completion of an impact analysis showing a quantifiable
33 return on investment analysis for cost savings/avoidance.

34 By July 1, 2009, due to the large increase in networks to move an
35 increasingly large amount of data, transportation agencies are to begin
36 implementing wide area network optimization technologies to improve

1 application performance while decreasing continuing requests for
2 additional bandwidth and save the state money.

3 By January 1, 2010, each transportation agency shall have a plan
4 and begin its implementation for moving from legacy communication
5 systems that are outdated and costly and implement new voice over
6 internet protocol communications systems. Each agency is required to
7 begin implementing a holistic communications and collaboration strategy
8 to take advantage of information technology infrastructure savings in
9 the areas of capital and operating costs, decrease statewide
10 communication costs, and increase communications and collaboration
11 capabilities.

12 NEW SECTION. **Sec. 603. FUND TRANSFERS.** (1) The transportation
13 2003 projects or improvements and the 2005 transportation partnership
14 projects or improvements are listed in LEAP Transportation Document
15 2009-1, which consists of a list of specific projects by fund source
16 and amount over a sixteen year period. Current fiscal biennium funding
17 for each project is a line item appropriation, while the outer year
18 funding allocations represent a sixteen year plan. The department is
19 expected to use the flexibility provided in this section to assist in
20 the delivery and completion of all transportation partnership account
21 and transportation 2003 (nickel) account projects on the LEAP lists
22 referenced in this act. For the 2009-11 project appropriations, unless
23 otherwise provided in this act, the director of financial management
24 may authorize a transfer of appropriation authority between projects
25 funded with transportation 2003 account (nickel account)
26 appropriations, transportation partnership account appropriations, or
27 multimodal transportation account appropriations, in order to manage
28 project spending and efficiently deliver all projects in the respective
29 program under the following conditions and limitations:

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

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

35 (c) Each transfer between projects may only occur if the director
36 of financial management finds that any resulting change will not hinder
37 the completion of the projects as approved by the legislature;

1 (d) Transfers from a project may be made if the funds appropriated
2 to the project are in excess of the amount needed to complete the
3 project;

4 (e) Transfers may not occur to projects not identified on the
5 applicable project list; and

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

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

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

13 (4) The office of financial management shall document approved
14 transfers and/or schedule changes in the transportation executive
15 information system (TEIS), compare changes to the legislative baseline
16 funding and schedules identified by project identification number
17 identified in the LEAP lists adopted in this act, and transmit revised
18 project lists to chairs of the transportation committees of the
19 legislature on a quarterly basis.

20 NEW SECTION. **Sec. 604. MEGA-PROJECT REPORTING.** Mega-projects are
21 defined as individual or groups of related projects that cost
22 \$1,000,000,000 or more. These projects include, but are not limited
23 to: Alaskan Way viaduct, SR 520, SR 167, I-405, North Spokane
24 corridor, I-5 Tacoma HOV, and the Columbia river crossing. The office
25 of financial management shall track mega-projects and report the
26 financial status and schedule of these projects at least once a year to
27 the transportation committees of the legislature. The design of mega-
28 projects must be evaluated considering cost, capacity, safety, mobility
29 needs, and how well the design of the facility fits within its urban
30 environment.

31 NEW SECTION. **Sec. 605.** Executive Order number 05-05,
32 archaeological and cultural resources, was issued effective November
33 10, 2005. Agencies and higher education institutions that issue grants
34 or loans for capital projects shall comply with the requirements set
35 forth in this executive order.

1 MISCELLANEOUS 2009-11 FISCAL BIENNIUM

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

4 There is hereby created in the motor vehicle fund the RV account.
5 All moneys hereafter deposited in said account shall be used by the
6 department of transportation for the construction, maintenance, and
7 operation of recreational vehicle sanitary disposal systems at safety
8 rest areas in accordance with the department's highway system plan as
9 prescribed in chapter 47.06 RCW. During the ((2005-2007-and)) 2007-
10 2009 and 2009-2011 fiscal biennia, the legislature may transfer from
11 the RV account to the motor vehicle fund such amounts as reflect the
12 excess fund balance of the RV account.

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

15 Before accepting any unsolicited project proposals, the commission
16 must adopt rules to facilitate the acceptance, review, evaluation, and
17 selection of unsolicited project proposals. These rules must include
18 the following:

19 (1) Provisions that specify unsolicited proposals must meet
20 predetermined criteria;

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

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

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

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

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

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

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

7 The commission may adopt other rules as necessary to avoid
8 conflicts with existing laws, statutes, or contractual obligations of
9 the state.

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

12 NEW SECTION. **Sec. 703.** To the extent that any appropriation
13 authorizes expenditures of state funds from the motor vehicle account,
14 special category C account, Tacoma Narrows toll bridge account,
15 transportation 2003 account (nickel account), transportation
16 partnership account, transportation improvement account, Puget Sound
17 capital construction account, multimodal transportation account, or
18 other transportation capital project account in the state treasury for
19 a state transportation program that is specified to be funded with
20 proceeds from the sale of bonds authorized in chapter 47.10 RCW, the
21 legislature declares that any such expenditures made prior to the issue
22 date of the applicable transportation bonds for that state
23 transportation program are intended to be reimbursed from proceeds of
24 those transportation bonds in a maximum amount equal to the amount of
25 such appropriation.

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

28 The license plate technology account is created in the state
29 treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be
30 deposited into this account. Expenditures from this account must
31 support current and future license plate technology and systems
32 integration upgrades for both the department and correctional
33 industries. Moneys in the account may be spent only after
34 appropriation. Additionally, the moneys in this account may be used to
35 reimburse the motor vehicle account for any appropriation made to
36 implement the digital license plate system. During the 2007-2009 and

1 2009-2011 fiscal (~~(biennium)~~) biennia, the legislature may transfer
2 from the license plate technology account to the multimodal
3 transportation account such amounts as reflect the excess fund balance
4 of the license plate technology account.

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

7 The department shall not commence construction on any part of the
8 state route number 520 bridge replacement and HOV project until a
9 record of decision has been reached providing reasonable assurance that
10 project impacts will be avoided, minimized, or mitigated as much as
11 practicable to protect against further adverse impacts on neighborhood
12 environmental quality as a result of repairs and improvements made to
13 the state route number 520 bridge and its connecting roadways, and that
14 any such impacts will be addressed through engineering design choices,
15 mitigation measures, or a combination of both. The requirements of
16 this section shall not apply to off-site pontoon construction
17 supporting the state route number 520 bridge replacement and HOV
18 project. The requirements of this section shall not apply during the
19 2009-2011 fiscal biennium.

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

22 (1) Prior to commencing construction on either project, the
23 department of transportation must complete all of the following
24 requirements for both the Alaskan Way viaduct and Seattle Seawall
25 replacement project, and the state route number 520 bridge replacement
26 and HOV project: (a) In accordance with the national environmental
27 policy act, the department must designate the preferred alternative,
28 prepare a substantial project mitigation plan, and complete a
29 comprehensive cost estimate review using the department's cost estimate
30 validation process, for each project; (b) in accordance with all
31 applicable federal highway administration planning and project
32 management requirements, the department must prepare a project finance
33 plan for each project that clearly identifies secured and anticipated
34 fund sources, cash flow timing requirements, and project staging and
35 phasing plans if applicable; and (c) the department must report these
36 results for each project to the joint transportation committee.

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

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

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

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

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

14 (a) Audit the implementation of the cost allocation methodology
15 evaluated under [section 205,] chapter 518, Laws of 2007, as it exists
16 on July 22, 2007, assessing whether actual costs are allocated
17 consistently with the methodology, whether there are sufficient
18 internal controls to ensure proper allocation, and the adequacy of
19 staff training; and

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

22 (i) The costs are capital costs;

23 (ii) The costs meet the statutory requirements for preservation
24 activities and for improvement activities; and

25 (iii) Improvement costs are within the scope of legislative
26 appropriations.

27 (2) The report on the evaluations in this section is due by January
28 31, 2010.

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

30 (4) The requirements of this section shall not apply during the
31 2009-11 fiscal biennium.

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

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

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

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

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

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

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

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

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

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

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

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

33 (4) Pilot applicants shall be evaluated and may be ranked for entry
34 into a board-specified training program in a manner specified by the
35 board based on their performance on a written examination or
36 examinations established by the board, performance on other evaluation
37 exercises as may be required by the board, and other criteria or
38 qualifications as may be set by the board.

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

7 After the completion of the training program the board shall
8 evaluate the trainee's performance and knowledge. The board, as it
9 deems appropriate, may then issue a pilot license, delay the issuance
10 of the pilot license, deny the issuance of the pilot license, or
11 require further training and evaluation.

12 (5) The board may (a) appoint a special independent committee or
13 (b) contract with private or governmental entities knowledgeable and
14 experienced in the development, administration, and grading of
15 licensing examinations or simulator evaluations for marine pilots, or
16 (c) do both. Active, licensed pilots designated by the board may
17 participate in the development, administration, and grading of
18 examinations and other evaluation exercises. If the board does appoint
19 a special examination or evaluation development committee, it is
20 authorized to pay the members of the committee the same compensation
21 and travel expenses as received by members of the board. Any person
22 who willfully gives advance knowledge of information contained on a
23 pilot examination or other evaluation exercise is guilty of a gross
24 misdemeanor.

25 (6) This subsection applies to the review of a pilot applicant's
26 written examinations and evaluation exercises to qualify to be placed
27 on a waiting list to become a pilot trainee. Failure to comply with
28 the process set forth in this subsection renders the results of the
29 pilot applicant's written examinations and evaluation exercises final.
30 A pilot applicant may seek board review, administrative review, and
31 judicial review of the results of the written examinations and
32 evaluation exercises in the following manner:

33 (a) A pilot applicant who seeks a review of the results of his or
34 her written examinations or evaluation exercises must request from the
35 board-appointed or board-designated examination committee an
36 administrative review of the results of his or her written examinations
37 or evaluation exercises as set forth by board rule.

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

7 (c) When a full adjudicative hearing has been requested by the
8 pilot applicant, the board shall request the appointment of an
9 administrative law judge under chapter 34.12 RCW who has sufficient
10 experience and familiarity with pilotage matters to be able to conduct
11 a fair and impartial hearing. The hearing shall be governed by chapter
12 34.05 RCW. The administrative law judge shall issue an initial order.

13 (d) The initial order of the administrative law judge is final
14 unless within thirty days of the date of service of the initial order
15 the board or pilot applicant requests review of the initial order under
16 chapter 34.05 RCW.

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

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

32 (8) All pilots and pilot trainees are subject to an annual physical
33 examination by a physician chosen by the board. The physician shall
34 examine the pilot's or pilot trainee's heart, blood pressure,
35 circulatory system, lungs and respiratory system, eyesight, hearing,
36 and such other items as may be prescribed by the board. After
37 consultation with a physician and the United States coast guard, the
38 board shall establish minimum health standards to ensure that pilots

1 and pilot trainees licensed by the state are able to perform their
2 duties. Within ninety days of the date of each annual physical
3 examination, and after review of the physician's report, the board
4 shall make a determination of whether the pilot or pilot trainee is
5 fully able to carry out the duties of a pilot or pilot trainee under
6 this chapter. The board may in its discretion check with the
7 appropriate authority for any convictions of or information regarding
8 offenses by a licensed pilot or pilot trainee involving drugs or the
9 personal consumption of alcohol in the prior twelve months.

10 (9) The board may require vessel simulator training for a pilot
11 trainee and shall require vessel simulator training for a licensed
12 pilot subject to RCW 88.16.105. The board shall also require vessel
13 simulator training in the first year of active duty for a new pilot and
14 at least once every five years for all active pilots.

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

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

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

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

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

32 (3) Any federal moneys available for acquisition of right-of-way
33 for future construction under the provisions of section 108 of Title
34 23, United States Code.

35 ((+4)) During the ((2007-09)) 2007-2009 and 2009-2011 fiscal
36 ((biennium)) biennia, the legislature may transfer from the advance

1 right-of-way revolving fund to the motor vehicle account amounts as
2 reflect the excess fund balance of the advance right-of-way revolving
3 fund.

4 **Sec. 710.** RCW 70.95.521 and 2007 c 518 s 708 are each amended to
5 read as follows:

6 The waste tire removal account is created in the state treasury.
7 All receipts from tire fees imposed under RCW 70.95.510 must be
8 deposited in the account. Moneys in the account may be spent only
9 after appropriation. Expenditures from the account may be used for the
10 cleanup of unauthorized waste tire piles and measures that prevent
11 future accumulation of unauthorized waste tire piles. During the 2007-
12 2009 and 2009-2011 fiscal (~~(biennium)~~) biennia, the legislature may
13 transfer from the waste tire removal account to the motor vehicle fund
14 such amounts as reflect the excess fund balance of the waste tire
15 removal account.

16 **Sec. 711.** RCW 46.16.725 and 2008 c 72 s 2 are each amended to read
17 as follows:

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

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

23 (3) Duties of the board include but are not limited to the
24 following:

25 (a) Review and approve the annual financial reports submitted by
26 sponsoring organizations with active special license plate series and
27 present those annual financial reports to the senate and house
28 transportation committees;

29 (b) Report annually to the senate and house transportation
30 committees on the special license plate applications that were
31 considered by the board;

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

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

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

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

20 **Sec. 712.** RCW 46.68.060 and 2007 c 518 s 714 are each amended to
21 read as follows:

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

33 **Sec. 713.** RCW 46.63.170 and 2007 c 372 s 3 are each amended to
34 read as follows:

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

1 (a) The appropriate local legislative authority must first enact an
2 ordinance allowing for their use to detect one or more of the
3 following: Stoplight, railroad crossing, or school speed zone
4 violations. At a minimum, the local ordinance must contain the
5 restrictions described in this section and provisions for public notice
6 and signage. Cities and counties using automated traffic safety
7 cameras before July 24, 2005, are subject to the restrictions described
8 in this section, but are not required to enact an authorizing
9 ordinance.

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

13 (c) During the 2009-2011 fiscal biennium, automated traffic safety
14 cameras may be used to detect speed violations for the purposes of
15 section 201(1) of this act if the local legislative authority first
16 enacts an ordinance authorizing the use of cameras to detect speed
17 violations.

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

22 ((+d)) (e) A notice of infraction must be mailed to the registered
23 owner of the vehicle within fourteen days of the violation, or to the
24 renter of a vehicle within fourteen days of establishing the renter's
25 name and address under subsection (3)(a) of this section. The law
26 enforcement officer issuing the notice of infraction shall include with
27 it a certificate or facsimile thereof, based upon inspection of
28 photographs, microphotographs, or electronic images produced by an
29 automated traffic safety camera, stating the facts supporting the
30 notice of infraction. This certificate or facsimile is prima facie
31 evidence of the facts contained in it and is admissible in a proceeding
32 charging a violation under this chapter. The photographs,
33 microphotographs, or electronic images evidencing the violation must be
34 available for inspection and admission into evidence in a proceeding to
35 adjudicate the liability for the infraction. A person receiving a
36 notice of infraction based on evidence detected by an automated traffic
37 safety camera may respond to the notice by mail.

1 ((+e)) (f) The registered owner of a vehicle is responsible for an
2 infraction under RCW 46.63.030(1)(e) unless the registered owner
3 overcomes the presumption in RCW 46.63.075, or, in the case of a rental
4 car business, satisfies the conditions under subsection (3) of this
5 section. If appropriate under the circumstances, a renter identified
6 under subsection (3)(a) of this section is responsible for an
7 infraction.

8 ((+f)) (g) Notwithstanding any other provision of law, all
9 photographs, microphotographs, or electronic images prepared under this
10 section are for the exclusive use of law enforcement in the discharge
11 of duties under this section and are not open to the public and may not
12 be used in a court in a pending action or proceeding unless the action
13 or proceeding relates to a violation under this section. No
14 photograph, microphotograph, or electronic image may be used for any
15 purpose other than enforcement of violations under this section nor
16 retained longer than necessary to enforce this section.

17 ((+g)) (h) All locations where an automated traffic safety camera
18 is used must be clearly marked by placing signs in locations that
19 clearly indicate to a driver that he or she is entering a zone where
20 traffic laws are enforced by an automated traffic safety camera.

21 ((+h)) (i) If a county or city has established an authorized
22 automated traffic safety camera program under this section, the
23 compensation paid to the manufacturer or vendor of the equipment used
24 must be based only upon the value of the equipment and services
25 provided or rendered in support of the system, and may not be based
26 upon a portion of the fine or civil penalty imposed or the revenue
27 generated by the equipment.

28 (2) Infractions detected through the use of automated traffic
29 safety cameras are not part of the registered owner's driving record
30 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
31 by the use of automated traffic safety cameras under this section shall
32 be processed in the same manner as parking infractions, including for
33 the purposes of RCW ((3.46.120,)) 3.50.100, 35.20.220, 46.16.216, and
34 46.20.270(3). However, the amount of the fine issued for an infraction
35 generated through the use of an automated traffic safety camera shall
36 not exceed the amount of a fine issued for other parking infractions
37 within the jurisdiction.

1 (3) If the registered owner of the vehicle is a rental car
2 business, the law enforcement agency shall, before a notice of
3 infraction being issued under this section, provide a written notice to
4 the rental car business that a notice of infraction may be issued to
5 the rental car business if the rental car business does not, within
6 eighteen days of receiving the written notice, provide to the issuing
7 agency by return mail:

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

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

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

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

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

25 (5) For the purposes of this section, "automated traffic safety
26 camera" means a device that uses a vehicle sensor installed to work in
27 conjunction with an intersection traffic control system, a railroad
28 grade crossing control system, or a speed measuring device, and a
29 camera synchronized to automatically record one or more sequenced
30 photographs, microphotographs, or electronic images of the rear of a
31 motor vehicle at the time the vehicle fails to stop when facing a
32 steady red traffic control signal or an activated railroad grade
33 crossing control signal, or exceeds a speed limit in a school speed
34 zone as detected by a speed measuring device. During the 2009-2011
35 fiscal biennium, an automated traffic safety camera includes a camera
36 used to detect speed violations for the purposes of section 201(1) of
37 this act.

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