
ENGROSSED SUBSTITUTE SENATE BILL 6381

State of Washington 61st Legislature 2010 Regular Session

By Senate Transportation (originally sponsored by Senators Haugen and Marr; by request of Governor Gregoire)

READ FIRST TIME 02/25/10.

1 AN ACT Relating to transportation funding and appropriations;
2 amending RCW 43.19.642, 47.12.080, 46.68.320, 47.12.340, and 70.95.532;
3 amending 2009 c 8 s 2 (uncodified); amending 2009 c 470 ss 101, 102,
4 103, 104, 106, 107, 108, 201, 202, 203, 204, 205, 206, 207, 208, 209,
5 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 222, 223, 224,
6 225, 302, 303, 306, 307, 308, 309, 310, 311, 401, 402, 403, 407, 304,
7 and 603 (uncodified); creating new sections; making appropriations and
8 authorizing expenditures for capital improvements; and declaring an
9 emergency.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**2009-11 FISCAL BIENNIUM
ECONOMIC STIMULUS FUNDING**

13 **Sec. 1.** 2009 c 8 s 2 (uncodified) is amended to read as follows:
14 **FOR THE DEPARTMENT OF TRANSPORTATION--AMERICAN RECOVERY AND**
15 **REINVESTMENT ACT OF 2009.**
16 Motor Vehicle Account--Federal Appropriation \$341,400,000

1 The appropriation in this section is subject to the following
2 conditions and limitations:

3 (1) The entire appropriation in this section is (~~provided solely~~)
4 for the projects and amounts listed in ARRA Washington State Project
5 LEAP document 2009, as developed on February 24, 2009. Funds under
6 this section may be reallocated among projects shown in the document to
7 the extent that the department finds it necessary for the purposes of
8 facilitating completion of the projects with the highest priority or to
9 maintain maximum federal funds eligibility.

10 (2) To achieve the legislative objectives provided in section 1(2)
11 of this act with respect to highway projects, it is the intent of the
12 legislature that the appropriation in this section be used for:
13 Transportation 2003 account (nickel account) projects and
14 transportation partnership account (TPA) projects that would have
15 otherwise been delayed due to decreased revenues, so as to advance
16 project completion dates similar to those envisioned in the enacted
17 2008 legislative list of projects; projects that preserve or
18 rehabilitate Washington state highways and roads; and projects that
19 modify roadway alignments and conditions to create safer roads for the
20 traveling public.

21 (3)(a) The department of transportation shall obligate at least
22 fifty percent of the funds no later than one hundred twenty days after
23 surface transportation program funds under the American Recovery and
24 Reinvestment Act of 2009 have been apportioned to the states;

25 (b) The department shall obligate all funds no later than one year
26 after surface transportation program funds under the American Recovery
27 and Reinvestment Act of 2009 have been apportioned to the states;

28 (c) The department shall place the first priority for allocating
29 funds on those projects listed as "First Tier" projects on ARRA
30 Washington State Project LEAP document 2009, as developed on February
31 24, 2009. The department shall place the second priority on projects
32 listed as "Second Tier" projects on the document; and

33 (d) Within each tier of projects on ARRA Washington State Project
34 LEAP document 2009, as developed on February 24, 2009, the department
35 shall place the highest priority for allocating funds on the
36 transportation 2003 account (nickel account) projects and
37 transportation partnership account (TPA) projects listed to advance

1 their completion. The department shall prioritize funding for other
2 projects within the tier according to how soon the contract for the
3 project could be awarded.

4 (4) By June 30, 2009, the department of transportation shall report
5 to the legislative standing committees on transportation and the office
6 of financial management on the status of federal stimulus funds
7 including, but not limited to, identifying the projects shown in ARRA
8 Washington State Project LEAP document 2009, as developed on February
9 24, 2009, for which federal stimulus funding has already been
10 obligated, the amount of federal recovery funds estimated to be
11 obligated to the projects, and the completion status of each project.
12 Subsequent status reports are due to the legislative standing
13 committees on transportation and the office of financial management on
14 August 31, 2009, and December 1, 2009.

15 **GENERAL GOVERNMENT AGENCIES--OPERATING**

16 **Sec. 101.** 2009 c 470 s 101 (uncodified) is amended to read as
17 follows:

18 **FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

19 Motor Vehicle Account--State Appropriation((~~\$422,000~~))
20 \$416,000

21 The appropriation in this section is subject to the following
22 conditions and limitations: The entire appropriation is provided
23 solely for staffing costs to be dedicated to state transportation
24 activities. Staff hired to support transportation activities must have
25 practical experience with complex construction projects.

26 **Sec. 102.** 2009 c 470 s 102 (uncodified) is amended to read as
27 follows:

28 **FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

29 Grade Crossing Protective
30 Account--State Appropriation((~~\$705,000~~))
31 \$703,000

32 **Sec. 103.** 2009 c 470 s 103 (uncodified) is amended to read as
33 follows:

1 **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

2 Motor Vehicle Account--State Appropriation ((~~\$3,389,000~~))
3 \$3,532,000

4 Puget Sound Ferry Operations Account--State
5 Appropriation \$100,000

6 TOTAL APPROPRIATION ((~~\$3,489,000~~))
7 \$3,632,000

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

10 (1) \$1,699,000 of the motor vehicle account--state appropriation is
11 provided solely for the office of regulatory assistance integrated
12 permitting project.

13 (2) \$1,004,000 of the motor vehicle account--state appropriation is
14 provided solely for the continued maintenance and support of the
15 transportation executive information system. Of the amount provided in
16 this subsection, \$502,000 is for two existing FTEs at the department of
17 transportation to maintain and support the system.

18 (3) \$150,000 of the motor vehicle account--state appropriation is
19 provided solely for the office of financial management to contract with
20 the Washington state association of counties for a pilot program to
21 develop and implement a streamlined process for programmatic hydraulic
22 project approvals for multiple, recurring local transportation and
23 public works projects. The pilot program must include the following:
24 (a) Describing, defining, and documenting classes of local
25 transportation and public works projects appropriate for programmatic
26 hydraulic project approvals permits; (b) developing technical
27 permitting requirements and conditions; (c) administratively adopting
28 and implementing programmatic hydraulic project approvals statewide;
29 and (d) piloting, reviewing, updating, and training throughout all
30 Washington counties. For the purpose of this subsection, the contract
31 with the Washington state association of counties is deemed a revenue
32 generation and auditing activity as that term is construed in section
33 602(2), chapter 3, Laws of 2010.

34 **Sec. 104.** 2009 c 470 s 104 (uncodified) is amended to read as
35 follows:

36 **FOR THE MARINE EMPLOYEES COMMISSION**

37 Puget Sound Ferry Operations Account--State

1 Appropriation ((~~\$446,000~~))
2 \$442,000

3 **Sec. 105.** 2009 c 470 s 106 (uncodified) is amended to read as
4 follows:

5 **FOR THE DEPARTMENT OF AGRICULTURE**

6 Motor Vehicle Account--State Appropriation ((~~\$1,507,000~~))
7 \$1,500,000

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

10 (1) \$351,000 of the motor vehicle account--state appropriation is
11 provided solely for costs associated with the motor fuel quality
12 program.

13 (2) \$1,004,000 of the motor vehicle account--state appropriation is
14 provided solely to test the quality of biofuel. The department must
15 test fuel quality at the biofuel manufacturer, distributor, and
16 retailer.

17 **Sec. 106.** 2009 c 470 s 107 (uncodified) is amended to read as
18 follows:

19 **FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

20 Motor Vehicle Account--State Appropriation ((~~\$502,000~~))
21 \$494,000

22 **Sec. 107.** 2009 c 470 s 108 (uncodified) is amended to read as
23 follows:

24 **FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

25 Motor Vehicle Account--State Appropriation \$50,000

26 The appropriation in this section is subject to the following
27 conditions and limitations:

28 (1) As part of its 2009-11 fiscal biennium work plan, the joint
29 legislative audit and review committee shall audit the capital cost
30 accounting practices of the Washington state ferries. The audit must
31 review the following and provide a report on its findings and any
32 related recommendations to the legislature by January 2011:

33 (a) Costs assigned to capital accounts to determine whether they
34 are capital costs that meet the statutory requirements for preservation
35

1 and improvement activities and whether they are within the scope of
2 legislative appropriations;

3 (b) Implementation of the life-cycle cost model required under RCW
4 47.60.345 to determine if it was developed as required and is
5 maintained and updated when asset inspections are made; and

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

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

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

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

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

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

35 (d) Identification of whether there are customer service,
36 administrative, and revenue collection benefits resulting from credit
37 card usage; and

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

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

5 (4)(a) As part of its 2009-11 fiscal biennium work plan, the entire
6 appropriation in this section is for the joint legislative audit and
7 review committee to conduct an analysis of the storm water permit
8 requirements issued by the department of ecology in February 2009 to
9 determine the costs and benefits of alternative options for the
10 department of transportation to meet the requirements. The review must
11 include, at a minimum, an analysis of the following:

12 (i) The department of transportation performing the functions of
13 the permit in house;

14 (ii) The functions of the permit being consolidated within the
15 department of ecology; and

16 (iii) The use of an external firm or organization to meet the
17 requirements.

18 (b) This appropriation is for a consultant contract to assist the
19 committee with its analysis. For the purpose of this subsection, the
20 consultant contract is deemed an auditing activity as that term is
21 construed in section 602(2), chapter 3, Laws of 2010.

22 (c) The committee shall provide a report to the legislature by
23 December 2010.

24 **TRANSPORTATION AGENCIES--OPERATING**

25 **Sec. 201.** 2009 c 470 s 201 (uncodified) is amended to read as
26 follows:

27 **FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

28 Highway Safety Account--State Appropriation	((\$2,542,000))
	<u>\$2,536,000</u>
29 Highway Safety Account--Federal Appropriation	((\$16,540,000))
	<u>\$34,654,000</u>
30 School Zone Safety Account--State Appropriation	\$3,340,000
31 Highway Safety Account--Local Appropriation	\$50,000
32 TOTAL APPROPRIATION	((\$22,472,000))
	<u>\$40,580,000</u>

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

3 (1) (~~(\$2,670,000)~~) \$2,826,000 of the highway safety account--
4 federal appropriation is provided solely for a target zero trooper
5 pilot program, which the commission shall develop and implement in
6 collaboration with the Washington state patrol. The pilot program must
7 demonstrate the effectiveness of intense, high visibility, driving
8 under the influence enforcement in Washington. The commission shall
9 apply to the national highway traffic safety administration for federal
10 highway safety grants to cover the cost of the pilot program. If the
11 pilot program is approved for funding by the national highway traffic
12 safety administration, and sufficient federal grants are received, the
13 commission shall provide grants to the Washington state patrol for the
14 purchase of twenty-one fully equipped patrol vehicles in fiscal year
15 2010, and up to twenty-four months of salaries and benefits for
16 eighteen troopers and three sergeants beginning in fiscal year (~~(2011)~~)
17 2010. The legislature anticipates that an additional (~~(\$1,830,000)~~)
18 \$1,674,000 will be appropriated from the highway safety account--
19 federal in the 2011-13 fiscal biennium to conclude this pilot program.

20 (2) The commission may oversee pilot projects implementing the use
21 of automated traffic safety cameras to detect speed violations within
22 cities west of the Cascade mountains that have a population over two
23 hundred thousand. For the purposes of pilot projects in this
24 subsection, no more than one automated traffic safety camera may be
25 used to detect speed violations within any one jurisdiction.

26 (a) The commission shall comply with RCW 46.63.170 in administering
27 the projects.

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

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

35 **Sec. 202.** 2009 c 470 s 202 (uncodified) is amended to read as
36 follows:

1 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

2	Rural Arterial Trust Account--State Appropriation	((\$920,000))
3		<u>\$903,000</u>
4	Motor Vehicle Account--State Appropriation	((\$2,129,000))
5		<u>\$2,097,000</u>
6	County Arterial Preservation Account--State	
7	Appropriation	((\$1,423,000))
8		<u>\$1,405,000</u>
9	TOTAL APPROPRIATION	((\$4,472,000))
10		<u>\$4,405,000</u>

11 **Sec. 203.** 2009 c 470 s 203 (uncodified) is amended to read as
 12 follows:

13 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

14	Urban Arterial Trust Account--State Appropriation	((\$1,824,000))
15		<u>\$1,803,000</u>
16	Transportation Improvement Account--State	
17	Appropriation	((\$1,827,000))
18		<u>\$1,806,000</u>
19	TOTAL APPROPRIATION	((\$3,651,000))
20		<u>\$3,609,000</u>

21 **Sec. 204.** 2009 c 470 s 204 (uncodified) is amended to read as
 22 follows:

23 **FOR THE JOINT TRANSPORTATION COMMITTEE**

24	Motor Vehicle Account--State Appropriation	((\$1,901,000))
25		<u>\$2,319,000</u>

26 The appropriation in this section is subject to the following
 27 conditions and limitations:

28 (1) \$236,000 of the motor vehicle account--state appropriation is
 29 a reappropriation from the 2007-09 fiscal biennium for a comprehensive
 30 analysis of mid-term and long-term transportation funding mechanisms
 31 and methods. Elements of the study will include existing data and
 32 trends, policy objectives, performance and evaluation criteria,
 33 incremental transition strategies, and possibly, scaled testing.
 34 Baseline data and methods assessment must be concluded by December 31,
 35 2009. Performance criteria must be developed by June 30, 2010, and

1 recommended planning level alternative funding strategies must be
2 completed by December 31, 2010.

3 (2) \$200,000 of the motor vehicle account--state appropriation is
4 for the joint transportation committee to convene an independent expert
5 review panel to review the assumptions for toll operations costs used
6 by the department to model financial plans for tolled facilities. The
7 joint transportation committee shall work with staff from the senate
8 and the house of representatives transportation committees to identify
9 the scope of the review and to assure that the work performed meets the
10 needs of the house of representatives and the senate. The joint
11 transportation committee shall provide a report to the house of
12 representatives and senate transportation committees by September 1,
13 2009.

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

31 (4) The joint transportation committee shall work with the
32 department of licensing, the office of the code reviser, staff to the
33 legislative transportation committees, and other stakeholders to
34 evaluate the implementation of Senate Bill No. 6379. At a minimum, the
35 evaluation must identify the unintended impacts of Senate Bill No. 6379
36 on policy and revenue collection, if any. The joint transportation
37 committee shall issue its evaluation, including corrective draft
38 legislation if needed, by December 1, 2010.

1 (5) \$125,000 of the motor vehicle account--state appropriation is
2 for the joint transportation committee to evaluate the preparation of
3 state-level transportation plans. The evaluation must include a review
4 of federal planning requirements, the Washington transportation plan
5 and statewide modal plan requirements, and transportation plan
6 requirements for regional and local entities. The evaluation must make
7 recommendations concerning the appropriate responsibilities for
8 preparation of plans, methods to develop plans more efficiently, and
9 the utility of the state-level planning documents. The committee shall
10 issue a report of its evaluation, including draft legislation if
11 required, to the house of representatives and senate transportation
12 committees by December 15, 2010.

13 (6)(a) \$250,000 of the motor vehicle account--state appropriation
14 is for the joint transportation committee to evaluate funding
15 assistance and services provided by the county road administration
16 board, transportation improvement board, freight mobility strategic
17 investment board, and the department of transportation's highway and
18 local programs division. In 2010, the governor recommended
19 consolidating small transportation agencies as part of an overall
20 effort to streamline state government, provide economies of scale, and
21 improve customer service. The evaluation may include recommendations
22 on consolidating the agencies within the department of transportation,
23 within another existing agency, or within a newly created agency. The
24 study may also make recommendations on restructuring grant programs to
25 generate efficiencies or other more efficient ways to distribute
26 associated revenues.

27 (b) The joint transportation committee shall form a policy work
28 group to oversee the evaluation. The work group must consist of
29 legislators appointed by the joint transportation committee and a
30 member of the governor's staff appointed by the governor.

31 (c) Any evaluation recommendations must be accompanied by a
32 detailed implementation plan. The plan must include details on the
33 recommended governance structure, accounts and program structure, and
34 transition process and associated costs. The plan must include a
35 proposed organization chart and proposed legislation to enact the
36 recommended changes. A preliminary evaluation must be made to the
37 joint transportation committee by November 15, 2010, and a final
38 evaluation is due on December 15, 2010.

1 **Sec. 205.** 2009 c 470 s 205 (uncodified) is amended to read as
2 follows:

3 **FOR THE TRANSPORTATION COMMISSION**

4	Motor Vehicle Account--State Appropriation	((\$2,237,000))
5		<u>\$2,346,000</u>
6	Multimodal Transportation Account--State Appropriation	\$112,000
7	TOTAL APPROPRIATION	((\$2,349,000))
8		<u>\$2,458,000</u>

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

11 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
12 the transportation commission shall periodically review and, if
13 necessary, modify the schedule of fares for the Washington state ferry
14 system. The transportation commission may increase ferry fares,
15 except no fare schedule modifications may be made prior to September 1,
16 2009. For purposes of this subsection, "modify" includes increases or
17 decreases to the schedule. The commission may only approve ferry fare
18 rate changes that have the same proportionate change for passengers as
19 for vehicles.

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

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

33 (4) The commission may name state ferry vessels consistent with its
34 authority to name state transportation facilities under RCW 47.01.420.
35 When naming or renaming state ferry vessels, the commission shall
36 investigate selling the naming rights and shall make recommendations to
37 the legislature regarding this option.

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

5 ~~(6) ((If the commission considers implementing a ferry fuel~~
6 ~~surcharge, it must first submit an analysis and business plan to the~~
7 ~~office of financial management and either the joint transportation~~
8 ~~committee or the transportation committees of the legislature.))~~ The
9 commission may impose a ferry fuel surcharge effective July 1, 2011.
10 When implementing a ferry fuel surcharge, the commission must regard
11 ferry fuel surcharges as fare policy changes and thus, ferry fuel
12 surcharges should be included in all public procedures and processes
13 currently used for fare pricing per RCW 47.60.290.

14 (7) The commission shall work with the department of
15 transportation's program K (economic partnerships) in conducting a best
16 practices review of nontoll, public-private partnerships. The purpose
17 of this review is to identify the policies and procedures that are
18 appropriate for application in Washington state. The commission must
19 report its findings and recommendations, including draft legislation if
20 warranted, to the house of representatives and senate transportation
21 committees by January 2011.

22 (8) As part of its development of the statewide transportation
23 plan, the commission shall collect and review prioritized, constrained
24 project lists, including preservation and maintenance projects, from
25 cities, counties, and regional and metropolitan planning organizations
26 to identify statewide transportation needs. The project lists should
27 include a brief description and status of each project along with the
28 funding required and associated timeline from start to completion. The
29 commission shall review the information and forward it, along with
30 recommendations, to the house of representatives and senate
31 transportation committees by January 2011.

32 **Sec. 206.** 2009 c 470 s 206 (uncodified) is amended to read as
33 follows:

34 **FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**
35 Motor Vehicle Account--State Appropriation ((\$695,000))
36 \$692,000

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

6 **Sec. 207.** 2009 c 470 s 207 (uncodified) is amended to read as
7 follows:

8 **FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

9	State Patrol Highway Account--State	
10	Appropriation	((\$228,024,000))
11		<u>\$228,362,000</u>
12	State Patrol Highway Account--Federal	
13	Appropriation	((\$10,602,000))
14		<u>\$10,903,000</u>
15	State Patrol Highway Account--Private/Local	
16	Appropriation	((\$859,000))
17		<u>\$867,000</u>
18	TOTAL APPROPRIATION	((\$239,485,000))
19		<u>\$240,132,000</u>

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

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

36 (2) The patrol shall not account for or record locally provided DUI
37 cost reimbursement payments as expenditure credits to the state patrol

1 highway account. The patrol shall report the amount of expected
2 locally provided DUI cost reimbursements to the office of financial
3 management and transportation committees of the legislature by
4 September 30th of each year.

5 (3) During the 2009-11 fiscal biennium, the Washington state patrol
6 shall continue to perform traffic accident investigations on Thurston
7 county roads, and shall work with the county to transition the traffic
8 accident investigations on Thurston county roads to the county by July
9 1, 2011.

10 (4) Within existing resources, the Washington state patrol shall
11 make every reasonable effort to increase the enrollment in each academy
12 class that commences during the 2009-11 fiscal biennium to fifty-five
13 cadets.

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

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

21 ~~(7))~~ The Washington state patrol shall assign cadets and necessary
22 ~~((personnel and))~~ computer equipment to implement and operate the pilot
23 program described under section 218(2) of this act using the portion of
24 the automated traffic safety camera fines deposited into the state
25 patrol highway account, but not to exceed \$370,000. If the fines
26 deposited into the state patrol highway account from automated traffic
27 safety camera infractions do not reach \$370,000, the department of
28 transportation shall remit funds necessary to the Washington state
29 patrol to ensure the completion of the pilot program. The Washington
30 state patrol shall not assign troopers to operate or deploy the pilot
31 program equipment used in the roadway construction zones.

32 (7) \$3,236,000 of the state patrol highway account--state
33 appropriation is provided solely for the aerial traffic enforcement
34 program. The Washington state patrol shall evaluate the costs
35 associated with aerial traffic highway enforcement to determine if the
36 costs are accurately apportioned between the state patrol highway
37 account and the general fund. It is the intent of the legislature that
38 the state patrol highway account incurs costs that result only from

1 highway enforcement activities and that the general fund incurs costs
2 associated with the King Airs. The Washington state patrol shall
3 report the results of the evaluation to the legislature by June 30,
4 2010.

5 (8) For the remainder of the 2009-11 fiscal biennium, the
6 Washington state patrol shall perform traffic accident investigations
7 on highways in Island county and Mason county.

8 (9) \$3,601,000 of the state patrol highway account--state
9 appropriation is provided solely for the costs associated with a basic
10 trooper class.

11 **Sec. 208.** 2009 c 470 s 208 (uncodified) is amended to read as
12 follows:

13 **FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**
14 State Patrol Highway Account--State Appropriation . . . ((~~\$1,557,000~~))
15 \$1,648,000

16 **Sec. 209.** 2009 c 470 s 209 (uncodified) is amended to read as
17 follows:

18 **FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**
19 State Patrol Highway Account--State Appropriation . . ((~~\$105,680,000~~))
20 \$108,560,000
21 State Patrol Highway Account--Private/Local
22 Appropriation ((~~\$2,008,000~~))
23 \$2,510,000
24 TOTAL APPROPRIATION ((~~\$107,688,000~~))
25 \$111,070,000

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

28 (1) The Washington state patrol shall work with the risk management
29 division in the office of financial management in compiling the
30 Washington state patrol's data for establishing the agency's risk
31 management insurance premiums to the tort claims account. The office
32 of financial management and the Washington state patrol shall submit a
33 report to the legislative transportation committees by December 31st of
34 each year on the number of claims, estimated claims to be paid, method
35 of calculation, and the adjustment in the premium.

1 (2) (~~(\$8,673,000)~~) \$10,425,000 of the total appropriation is
2 provided solely for automobile fuel in the 2009-11 fiscal biennium.

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

5 (4) (~~(\$6,328,000)~~) \$6,611,000 of the total appropriation is
6 provided solely for vehicle repair and maintenance costs of vehicles
7 used for highway purposes.

8 (5) \$384,000 of the total appropriation is provided solely for the
9 purchase of mission vehicles used for highway purposes in the
10 commercial vehicle and traffic investigation sections of the Washington
11 state patrol.

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

16 (7) \$345,000 of the state patrol highway account--state
17 appropriation is provided solely for the implementation of Engrossed
18 Substitute House Bill No. 1445 (domestic partners/Washington state
19 patrol retirement system). If Engrossed Substitute House Bill No. 1445
20 is not enacted by June 30, 2009, the amount provided in this subsection
21 shall lapse.

22 **Sec. 210.** 2009 c 470 s 210 (uncodified) is amended to read as
23 follows:

24 **FOR THE DEPARTMENT OF LICENSING**

25	Marine Fuel Tax Refund Account--State Appropriation	\$32,000
26	Motorcycle Safety Education Account--State	
27	Appropriation	((\$4,373,000))
28		<u>\$4,361,000</u>
29	Wildlife Account--State Appropriation	((\$837,000))
30		<u>\$823,000</u>
31	Highway Safety Account--State Appropriation	((\$145,085,000))
32		<u>\$144,185,000</u>
33	Highway Safety Account--Federal Appropriation	((\$8,000))
34		<u>\$945,000</u>
35	Motor Vehicle Account--State Appropriation	((\$78,805,000))
36		<u>\$78,130,000</u>
37	Motor Vehicle Account--Private/Local Appropriation	\$1,372,000

1	Motor Vehicle Account--Federal Appropriation	\$242,000
2	Department of Licensing Services Account--State	
3	Appropriation	((\$3,867,000))
4		<u>\$4,706,000</u>
5	Washington State Patrol Highway Account--State	
6	Appropriation	\$738,000
7	Ignition Interlock Device Revolving Account--State	
8	Appropriation	((\$2,490,000))
9		<u>\$1,640,000</u>
10	TOTAL APPROPRIATION	((\$237,849,000))
11		<u>\$237,174,000</u>

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

14 (1)(a) By November 1, 2009, the department of licensing, working
15 with the department of revenue, shall analyze and plan for the transfer
16 by July 1, 2010, of the administration of fuel taxes imposed under
17 chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law
18 from the department of licensing to the department of revenue. By
19 November 1, 2009, the departments shall report findings and
20 recommendations to the governor and the transportation and fiscal
21 committees of the legislature.

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

24 (i) Outreach to and solicitation of comment from parties affected
25 by the fuel taxes, including taxpayers, industry associations, state
26 and federal agencies, and Indian tribes, and from the transportation
27 and fiscal committees of the legislature; and

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

- 30 (A) Taxpayer reporting and payment processes;
- 31 (B) The international fuel tax agreement;
- 32 (C) Proportional registration under the provisions of the
33 international registration plan and chapter 46.87 RCW;
- 34 (D) Computer systems;
- 35 (E) Best management practices and efficiencies;
- 36 (F) Costs; and
- 37 (G) Personnel matters(÷

1 ~~(iii) — Development — of — recommended — actions — to — accomplish — the~~
2 ~~transfer; and~~

3 ~~(iv) An implementation plan and schedule)).~~

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

8 (2) \$55,845,000 of the highway safety account--state appropriation
9 is provided solely for the driver examining program. In order to
10 reduce costs and make the most efficient use of existing resources, the
11 department may consolidate licensing service offices by closing the
12 vehicle services counter at the highways licensing building in Olympia
13 and up to twenty-five licensing service offices.

14 (a) When closing offices, the department may redistribute staff
15 from consolidated offices to neighboring offices and local community
16 supercenters.

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

20 (i) Extended daily and weekend hours in regional supercenter
21 offices;

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

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

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

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

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

1 (3) \$11,688,000 of the highway safety account--state appropriation
2 is provided solely for costs associated with: Issuing enhanced
3 drivers' licenses and identicards at the enhanced licensing services
4 offices; extended hours at those licensing services offices; cross-
5 border tourism education; and other education campaigns. This is the
6 maximum amount the department may expend for this purpose.

7 (~~(\$2,490,000)~~) \$1,640,000 of the ignition interlock device
8 revolving account--state appropriation is provided solely for the
9 department to assist indigent persons with the costs of installing,
10 removing, and leasing the device, and applicable licensing pursuant to
11 RCW 46.68.340.

12 (5) \$869,000 of the department of licensing services account--state
13 appropriation is provided solely for purchasing equipment for the field
14 licensing service offices and subagent offices.

15 (6) By December 31, 2009, the department shall report to the office
16 of financial management and the transportation committees of the
17 legislature a cost-benefit analysis of leasing versus purchasing field
18 office equipment.

19 (~~(+6)~~) (7) By December 31, 2009, the department shall submit to
20 the office of financial management and the transportation committees of
21 the legislature draft legislation that rewrites RCW 46.52.130 (driving
22 record abstracts) in plain language.

23 (~~(+7)~~) (8) The department may seek federal funds to implement a
24 driver's license and identicard biometric matching system pilot program
25 to verify the identity of applicants for, and holders of, drivers'
26 licenses and identicards. If funds are received, the department shall
27 report any benefits or problems identified during the course of the
28 pilot program to the transportation committees of the legislature upon
29 the completion of the program.

30 (~~(+8)~~) (9) The department may submit information technology-
31 related requests for funding only if the department has coordinated
32 with the department of information services as required under section
33 601 of this act.

34 (~~(+9)~~) (10) Consistent with the authority delegated to the
35 director of licensing under RCW 46.01.100, the department may adopt a
36 new organizational structure that includes the following programs: (a)
37 Driver and vehicle services, which must encompass services relating to
38 driver licensing customers, vehicle industry and fuel tax licensees,

1 and vehicle and vessel licensing and registration; and (b) driver
2 policy and programs, which must encompass policy development for all
3 driver-related programs, including driver examining, driver records,
4 commercial driver's license testing and auditing, driver training
5 schools, motorcycle safety, technical services, hearings, driver
6 special investigations, drivers' data management, central issuance
7 contract management, and state and federal initiatives.

8 ((+10+)) (11) The legislature finds that measuring the performance
9 of the department requires the measurement of quality, timeliness, and
10 unit cost of services delivered to customers. Consequently:

11 (a) The department shall develop a set of metrics that measure that
12 performance and report to the transportation committees of the house of
13 representatives and the senate and to the office of financial
14 management on the development of these measurements along with
15 recommendations to the 2010 legislature on which measurements must
16 become a part of the next omnibus transportation appropriations act;

17 (b) The department shall study the process in place at the
18 licensing services office and present to the 2010 legislature
19 recommendations for process changes to improve efficiencies for both
20 the department and the customer; and

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

26 **Sec. 211.** 2009 c 470 s 211 (uncodified) is amended to read as
27 follows:

28 **FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND**
29 **MAINTENANCE--PROGRAM B**

30	High Occupancy Toll Lanes Operations Account--State	
31	Appropriation	((\$2,867,000))
32		<u>\$2,852,000</u>
33	Motor Vehicle Account--State Appropriation	((\$585,000))
34		<u>\$575,000</u>
35	Tacoma Narrows Toll Bridge Account--State	
36	Appropriation	((\$27,358,000))
37		<u>\$26,530,000</u>

1	State Route Number 520 Corridor Account--State	
2	Appropriation	((\$58,088,000))
3		<u>\$30,065,000</u>
4	TOTAL APPROPRIATION	((\$88,898,000))
5		<u>\$60,022,000</u>

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

8 (1) The department shall make detailed quarterly expenditure
9 reports available to the transportation commission and to the public on
10 the department's web site using current department resources. The
11 reports must include a summary of revenue generated by tolls on the
12 Tacoma Narrows bridge and an itemized depiction of the use of that
13 revenue.

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

19 (3) ((~~\$58,088,000~~)) \$28,000,000 of the state route number 520
20 corridor account--state appropriation is provided solely for the costs
21 directly related to tolling the state route number 520 floating bridge.
22 ((~~Of this amount, \$175,000 is for the immediate costs necessary to~~
23 ~~pursue a request for proposal to implement variable, open road tolling~~
24 ~~on the state route number 520 floating bridge. The request for~~
25 ~~proposal must include tolling infrastructure and signage, customer~~
26 ~~service centers, collection and billing procedures, and, to the extent~~
27 ~~practicable, the maintenance and dispensing of transponders by the~~
28 ~~vendor. The remaining \$57,913,000)) \$8,000,000 must be retained in
29 unallotted status, and may only be released by the office of financial
30 management after consultation with the joint transportation committee
31 ((~~following the committee's examination of toll operations costs~~
32 ~~referenced in section 204(2) of this act)). The amount provided in
33 this subsection is contingent on the enactment of (a) Engrossed
34 Substitute House Bill No. 2211 and (b) either Engrossed Substitute
35 House Bill No. 2326 or other legislation authorizing bonds for the
36 state route number 520 corridor projects. If the conditions of this
37 subsection are not satisfied, the amount provided in this subsection
38 shall lapse.~~~~

1 (4) The department shall consider transitioning to all electronic
 2 tolling on the Tacoma Narrows bridge toll facility and discontinuing a
 3 cash toll option.

4 (5) \$2,065,000 of the state route number 520 corridor account--
 5 state appropriation and \$127,000 of the Tacoma Narrows toll bridge
 6 account--state appropriation are provided solely for expenditures
 7 related to the toll adjudication process. The amount provided in this
 8 subsection is contingent on the enactment by June 30, 2010, of either
 9 Engrossed Substitute Senate Bill No. 6499 or Substitute House Bill No.
 10 2897; however, if the enacted bill does not specify the department as
 11 the toll penalty adjudicating agency, the amount provided in this
 12 subsection lapses.

13 (6) The department shall review, and revise where appropriate,
 14 current signage and ingress/egress locations on the state route number
 15 167 high occupancy toll lanes pilot project. The department shall
 16 continue to work with the Washington state patrol on educating the
 17 public on the rules of the road related to crossing a double white
 18 line. The department shall continue to monitor the performance of the
 19 high occupancy toll lanes to ensure that driving conditions for high
 20 occupancy vehicles that share these lanes are not significantly
 21 changed.

22 **Sec. 212.** 2009 c 470 s 212 (uncodified) is amended to read as
 23 follows:

24 **FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM**
 25 **C**

26	Transportation Partnership Account--State	
27	Appropriation	\$2,675,000
28	Motor Vehicle Account--State Appropriation	(\$67,811,000)
29		<u>\$68,679,000</u>
30	Motor Vehicle Account--Federal Appropriation	\$240,000
31	Multimodal Transportation Account--State	
32	Appropriation	\$363,000
33	Transportation 2003 Account (Nickel Account)--State	
34	Appropriation	\$2,676,000
35	TOTAL APPROPRIATION	(\$73,765,000)
36		<u>\$74,633,000</u>

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

26 (3) The department may submit information technology-related
27 requests for funding only if the department has coordinated with the
28 department of information services as required under section 601 of
29 this act.

30 **Sec. 213.** 2009 c 470 s 213 (uncodified) is amended to read as
31 follows:

32 **FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS**
33 **AND CONSTRUCTION--PROGRAM D--OPERATING**
34 Motor Vehicle Account--State Appropriation (~~(\$25,501,000)~~)
35 \$25,381,000

1 **Sec. 214.** 2009 c 470 s 214 (uncodified) is amended to read as
2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

4 Aeronautics Account--State Appropriation	(((\$6,009,000)))
	<u>\$5,978,000</u>
6 Aeronautics Account--Federal Appropriation	\$2,150,000
7 TOTAL APPROPRIATION	(((\$8,159,000)))
	<u>\$8,128,000</u>

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

11 (1) \$50,000 of the aeronautics account--state appropriation is a
12 reappropriation provided solely to pay any outstanding obligations of
13 the aviation planning council, which expires July 1, 2009.

14 (2) \$150,000 of the aeronautics account--state appropriation is a
15 reappropriation provided solely to complete runway preservation
16 projects.

17 (3) Within the amounts provided in this section, the department
18 shall develop guidelines setting forth consultation procedures and a
19 process to assist counties and cities to identify land uses that may be
20 incompatible with airports and aircraft operations, and to encourage
21 and facilitate the adoption and implementation of comprehensive plan
22 policies and development regulations consistent with RCW 36.70.547 and
23 36.70A.510.

24 **Sec. 215.** 2009 c 470 s 215 (uncodified) is amended to read as
25 follows:

26 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**
27 **SUPPORT--PROGRAM H**

28 Motor Vehicle Account--State Appropriation	(((\$48,032,000)))
	<u>\$50,580,000</u>
30 Motor Vehicle Account--Federal Appropriation	\$500,000
31 Multimodal Transportation Account--State	
32 Appropriation	\$250,000
33 (Water Pollution Account--State Appropriation)	(\$2,000,000)
34 TOTAL APPROPRIATION	(((\$50,782,000)))
	<u>\$51,330,000</u>

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

1 (1) The department shall develop a plan for all current and future
2 surplus property parcels based on the recommendations from the surplus
3 property legislative work group that were presented to the senate
4 transportation committee on February 26, 2009. The plan must include,
5 at a minimum, strategies for maximizing the number of parcels sold, a
6 schedule that optimizes proceeds, a recommended cash discount, a plan
7 to report to the joint transportation committee, a recommendation for
8 regional incentives, and a recommendation for equivalent value
9 exchanges. This plan must accompany the department's 2010 supplemental
10 budget request. By December 1, 2010, the department shall report to
11 the legislative transportation committees on the entities eligible to
12 receive surplus property provided in RCW 47.12.063 to determine the
13 frequency with which the department transfers property to those
14 entities and the implications to the department. It is the intent of
15 the legislature that the list of entities eligible to receive surplus
16 property be periodically evaluated to determine whether the list is
17 appropriate and provides utility to the department.

18 ~~((+3))~~ (2) The legislature recognizes that the Dryden pit site
19 (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned
20 real property under the jurisdiction of the department of
21 transportation, and that the public would benefit significantly from
22 the complete enjoyment of the natural scenic beauty and recreational
23 opportunities available at the site. Therefore, pursuant to RCW
24 47.12.080, the legislature declares that transferring a portion of the
25 property to the department of fish and wildlife solely for recreational
26 use and a portion of the property to the Yakama Nation solely for
27 perpetual offsite mitigation for the impact of the federal Columbia
28 river power system on fish and wildlife is consistent with the public
29 interest in order to preserve the area for the use of the public and
30 the betterment of the natural environment. The department of
31 transportation shall ~~((, as soon as is practicable,))~~ work with the
32 department of fish and wildlife, the Yakama Nation, and the Bonneville
33 power administration to redefine the property boundaries accordingly.
34 The department of transportation, as soon as practicable, shall
35 transfer and convey the respective portions of the Dryden pit site to
36 the department of fish and wildlife and the Yakama Nation for
37 ~~((adequate consideration in the amount of no less than \$600,000))~~ fair
38 market value, the proceeds of which must be deposited in the motor

1 vehicle fund. (~~By July 1, 2009~~) The department of transportation is
2 not responsible for any costs associated with the cleanup or transfer
3 of this property and may request reimbursement from the Yakama Nation
4 or the Bonneville power administration for work done. If the
5 department of fish and wildlife is unable to provide the fair market
6 value for the portion of the land that is identified for recreational
7 use, that portion of the land must be held by the department of
8 transportation until the department of fish and wildlife is able to
9 provide the fair market value. By July 1, 2010, and annually
10 thereafter until the entire Dryden pit property has been transferred,
11 the department shall submit a status report regarding the transaction
12 to the chairs of the legislative transportation committees.

13 (~~(5) \$750,000~~) (3) \$3,175,000 of the motor vehicle account--state
14 appropriation is provided solely for the department's compliance with
15 its national pollution discharge elimination system permit. The
16 department's work may include the completion of system development,
17 reporting, and planning to meet deadlines in the current biennium. The
18 appropriation provided in this subsection is contingent on the
19 enactment of section 107(4) of this act.

20 (~~(6)~~) (4) The department shall provide updated information on six
21 project milestones for all active projects, funded in part or in whole
22 with 2005 transportation partnership account funds or 2003 nickel
23 account funds, on a quarterly basis in the transportation executive
24 information system (TEIS). The department shall also provide updated
25 information on six project milestones for projects, funded with
26 preexisting funds and that are agreed to by the legislature, office of
27 financial management, and the department, on a quarterly basis in TEIS.

28 (5) \$886,000 of the motor vehicle account--state appropriation is
29 provided solely for the department to pursue the sale of surplus
30 properties and to address encroachment on the department's property.
31 It is the intent of the legislature that the effort to sell surplus
32 property includes at least two, but not more than four, auctions per
33 year depending on the real estate market. The legislature intends that
34 the real estate services division of the department will recover the
35 cost of its efforts from the sale proceeds. By January 31, 2011, the
36 department must report to the office of financial management and the
37 legislative transportation committees on the results of the auctions.
38 The report must include: (a) The department's plan for continued

1 disposal of surplus property; (b) a detail of changes from the previous
2 report; and (c) a current list of surplus property by region that
3 includes the acquisition date and price of the property, the status of
4 the surplus property, and estimated value of the property. Except as
5 provided otherwise in this subsection, by June 30, 2010, the department
6 must finalize all pending equal value exchange activity for the
7 construction or improvement of facilities, after which time the
8 department may not pursue any other equal value exchanges for the
9 construction or improvement of facilities. However, the northwest
10 region may pursue an equal value exchange to replace the Mount Baker
11 headquarters office. The exchange may include an exchange for the old
12 Puget Sound energy site, the old Arco site, or any combination of the
13 two.

14 **Sec. 216.** 2009 c 470 s 216 (uncodified) is amended to read as
15 follows:

16 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**
17 **K**

18 Motor Vehicle Account--State Appropriation	(((\$615,000))
19	<u>\$677,000</u>
20 Multimodal Transportation Account--State Appropriation	\$200,000
21 TOTAL APPROPRIATION	(((\$815,000))
22	<u>\$877,000</u>

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

25 (1) \$200,000 of the multimodal transportation account--state
26 appropriation is provided solely for the department to develop and
27 implement public private partnerships at high priority terminals as
28 identified in the January 12, 2009, final report on joint development
29 opportunities at Washington state ferries terminals. The department
30 shall first consider a mutually beneficial agreement at the Edmonds
31 terminal.

32 (2) \$50,000 of the motor vehicle account--state appropriation is
33 provided solely for the department to investigate the potential to
34 generate revenue from web site sponsorships and similar ventures and,
35 if feasible, pursue partnership opportunities.

36 (3) \$75,000 of the motor vehicle account--state appropriation is
37 provided solely for the implementation of a pilot project allowing

1 advertisements and sponsorships on select web pages. The pilot project
2 must be organized under the partnership model described in the
3 department's web site monetizing feasibility study, which was prepared
4 under subsection (2) of this section. Once operational, the pilot
5 project must operate for at least twelve consecutive months. After
6 twelve months of continuous operation, the department shall provide a
7 report with recommendations on whether to continue project operations
8 to the office of financial management and the chairs of the
9 transportation committees. The department may end the pilot project
10 after less than twelve consecutive months of operation if insufficient
11 bids or proposals are received from potential sponsors or advertisers.
12 For the purpose of this subsection, if a consultant contract is
13 warranted, the consultant contract is deemed a revenue generation
14 activity as that term is construed in section 602(2), chapter 3, Laws
15 of 2010.

16 **Sec. 217.** 2009 c 470 s 217 (uncodified) is amended to read as
17 follows:

18 **FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

19 Motor Vehicle Account--State Appropriation	((\$347,637,000))
	<u>\$347,645,000</u>
20	
21 Motor Vehicle Account--Federal Appropriation	((\$2,000,000))
22	<u>\$7,000,000</u>
23 Motor Vehicle Account--Private/Local Appropriation	\$5,797,000
24 (Water Pollution Account--State Appropriation	\$12,500,000)
25 TOTAL APPROPRIATION	((\$367,934,000))
26	<u>\$360,442,000</u>

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

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

34 (2) The department shall request an unanticipated receipt for any
35 federal moneys received for emergency snow and ice removal and shall
36 place an equal amount of the motor vehicle account--state into

1 unallotted status. This exchange shall not affect the amount of
2 funding available for snow and ice removal.

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

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

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

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

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

24 (6) The department may work with the department of corrections to
25 utilize corrections crews for the purposes of litter pickup on state
26 highways.

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

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

35 (~~(+10)~~) (9) \$750,000 of the motor vehicle account--state
36 appropriation is provided solely for the department's compliance with
37 its national pollution discharge elimination system permit.

1 pursuant to ongoing construction. The department shall use the
2 following guidelines to administer the program:

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

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

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

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

20 (e) For purposes of the 2009-11 fiscal biennium pilot program,
21 infractions detected through the use of automated traffic safety
22 cameras are not part of the registered owner's driving record under RCW
23 46.52.101 and 46.52.120. Additionally, infractions generated by the
24 use of automated traffic safety cameras must be processed in the same
25 manner as parking infractions for the purposes of RCW 3.50.100,
26 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the
27 fine issued under this subsection (2) for an infraction generated
28 through the use of an automated traffic safety camera is one hundred
29 thirty-seven dollars. The court shall remit thirty-two dollars of the
30 fine to the state treasurer for deposit into the state patrol highway
31 account; and

32 (f) If a notice of infraction is sent to the registered owner and
33 the registered owner is a rental car business, the infraction must be
34 dismissed against the business if it mails to the patrol, within
35 fourteen days of receiving the notice, a declaration under penalty of
36 perjury of the name and known mailing address of the individual driving
37 or renting the vehicle when the infraction occurred. If the business
38 is unable to determine who was driving or renting the vehicle at the

1 time the infraction occurred, the business must sign a declaration
2 under penalty of perjury to this effect. The declaration must be
3 mailed to the patrol within fourteen days of receiving the notice of
4 traffic infraction. Timely mailing of this declaration to the issuing
5 agency relieves a rental car business of any liability under this
6 section for the notice of infraction. A declaration form suitable for
7 this purpose must be included with each automated traffic infraction
8 notice issued, along with instructions for its completion and use.

9 (3) The department shall implement a pilot project to evaluate the
10 benefits of using electronic traffic flagging devices. Electronic
11 traffic flagging devices must be tested by the department at multiple
12 sites and reviewed for efficiency and safety. The department shall
13 report to the transportation committees of the legislature on the best
14 use and practices involving electronic traffic flagging devices,
15 including recommendations for future use, by June 30, 2010.

16 (4) \$173,000 of the motor vehicle account--state appropriation is
17 provided solely for the department to continue a pilot tow truck
18 incentive program and to expand the program to other areas of the
19 state. The department may provide incentive payments to towing
20 companies that meet clearance goals on accidents that involve heavy
21 trucks. The department shall report to the office of financial
22 management and the transportation committees of the legislature on the
23 effectiveness of the clearance goals and submit recommendations to
24 improve the pilot program with the department's 2010 supplemental
25 omnibus transportation appropriations act submittal. The tow truck
26 incentive program may continue to provide incentives for quick
27 clearance of traffic incidents involving large vehicles. The
28 department shall make recommendations as part of its biennial budget
29 proposal for expanding the use of the incentive program.

30 (5) \$92,000 of the motor vehicle account--state appropriation is
31 provided solely for operating a new active traffic management system on
32 Interstate 5, Interstate 90, and SR 520. The department shall track
33 the costs associated with these systems on a corridor basis and report
34 to the legislative transportation committees on the cost and benefits
35 of the system.

36 (6) To the extent practicable, the department shall synchronize
37 traffic lights on state route number 161 in the vicinity of Puyallup.

1 **Sec. 219.** 2009 c 470 s 219 (uncodified) is amended to read as
2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**
4 **SUPPORT--PROGRAM S**

5	Motor Vehicle Account--State Appropriation	((\$29,153,000))
6		<u>\$28,716,000</u>
7	Motor Vehicle Account--Federal Appropriation	\$30,000
8	Multimodal Transportation Account--State	
9	Appropriation	\$973,000
10	State Route Number 520 Corridor Account--State	
11	Appropriation	\$264,000
12	TOTAL APPROPRIATION	((\$30,420,000))
13		<u>\$29,983,000</u>

14 The appropriations in this section are subject to the following
15 conditions and limitations: \$264,000 of the state route number 520
16 corridor account--state appropriation is provided solely for the costs
17 directly related to tolling the state route number 520 floating bridge.
18 This amount must be retained in unallotted status, and may only be
19 released by the office of financial management after consultation with
20 the joint transportation committee (~~following the committee's~~
21 ~~examination of toll operations costs referenced in section 204(2) of~~
22 ~~this act~~). The amount provided in this section is contingent on the
23 enactment of (1) Engrossed Substitute House Bill No. 2211 and (2)
24 either Engrossed Substitute House Bill No. 2326 or other legislation
25 authorizing bonds for the state route number 520 corridor projects. If
26 the conditions of this section are not satisfied, the amount provided
27 in this section shall lapse.

28 **Sec. 220.** 2009 c 470 s 220 (uncodified) is amended to read as
29 follows:

30 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,**
31 **AND RESEARCH--PROGRAM T**

32	Motor Vehicle Account--State Appropriation	((\$24,724,000))
33		<u>\$24,032,000</u>
34	Motor Vehicle Account--Federal Appropriation	((\$19,116,000))
35		<u>\$22,116,000</u>
36	Multimodal Transportation Account--State	
37	Appropriation	((\$696,000))

1		<u>\$1,096,000</u>
2	Multimodal Transportation Account--Federal	
3	Appropriation	\$2,809,000
4	Multimodal Transportation Account--Private/Local	
5	Appropriation	\$100,000
6	TOTAL APPROPRIATION	((\$47,445,000))
7		<u>\$50,153,000</u>

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

10 (1) \$150,000 of the motor vehicle account--federal appropriation is
11 provided solely for the costs to develop an electronic map-based
12 computer application that will enable law enforcement officers and
13 others to more easily locate collisions and other incidents in the
14 field.

15 (2) \$400,000 of the ((~~motor vehicle~~)) multimodal transportation
16 account--state appropriation is provided solely for a diesel multiple
17 unit feasibility and initial planning study. The study must evaluate
18 potential service on the Stampede Pass line from Maple Valley to Auburn
19 via Covington. The study must evaluate the potential demand for
20 service, the business model and capital needs for launching and running
21 the line, and the need for improvements in switching, signaling, and
22 tracking. The study must also consider the interconnectivity benefits
23 of, and potential for, future Amtrak Cascades stops in south King
24 county and north Pierce county. As part of its consideration, the
25 department shall conduct a thorough market analysis of the potential
26 for adding or changing stops on the Amtrak Cascades route. The
27 department shall amend the scope, schedule, and budget of the current
28 study process to accommodate the market analysis. A report on the
29 study must be submitted to the legislature by ((~~June 30~~)) September 30,
30 2010.

31 (3) ((~~\$243,000~~)) \$365,000 of the motor vehicle account--state
32 appropriation and \$81,000 of the motor vehicle account--federal
33 appropriation are provided solely for the development of a freight
34 database to help guide freight investment decisions and track project
35 effectiveness. The database must be based on truck movement tracked
36 through geographic information system technology. For the remainder of
37 the biennium, the department may expand data collection to any highways
38 that have high truck volumes. TransNow shall contribute additional

1 federal funds that are not appropriated in this act. The department
2 shall work with the freight mobility strategic investment board to
3 implement this database.

4 (4) \$150,000 of the motor vehicle account--state appropriation is
5 provided solely for a corridor study of state route number 516 from the
6 eastern border of Maple Valley to state route number 167 to determine
7 whether improvements are needed and the costs of any needed
8 improvements.

9 **Sec. 221.** 2009 c 470 s 222 (uncodified) is amended to read as
10 follows:

11 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**
12 **V**

13	Regional Mobility Grant Program Account--State	
14	Appropriation	\$54,677,000
15	Multimodal Transportation Account--State	
16	Appropriation	((\$65,795,000))
17		<u>\$65,701,000</u>
18	Multimodal Transportation Account--Federal	
19	Appropriation	\$2,582,000
20	Multimodal Transportation Account--Private/Local	
21	Appropriation	\$1,027,000
22	TOTAL APPROPRIATION	((\$124,081,000))
23		<u>\$123,987,000</u>

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

26 (1) \$25,000,000 of the multimodal transportation account--state
27 appropriation is provided solely for a grant program for special needs
28 transportation provided by transit agencies and nonprofit providers of
29 transportation.

30 (a) \$5,500,000 of the amount provided in this subsection is
31 provided solely for grants to nonprofit providers of special needs
32 transportation. Grants for nonprofit providers shall be based on need,
33 including the availability of other providers of service in the area,
34 efforts to coordinate trips among providers and riders, and the cost
35 effectiveness of trips provided.

36 (b) \$19,500,000 of the amount provided in this subsection is
37 provided solely for grants to transit agencies to transport persons

1 with special transportation needs. To receive a grant, the transit
2 agency must have a maintenance of effort for special needs
3 transportation that is no less than the previous year's maintenance of
4 effort for special needs transportation. Grants for transit agencies
5 shall be prorated based on the amount expended for demand response
6 service and route deviated service in calendar year 2007 as reported in
7 the "Summary of Public Transportation - 2007" published by the
8 department of transportation. No transit agency may receive more than
9 thirty percent of these distributions.

10 (2) Funds are provided for the rural mobility grant program as
11 follows:

12 (a) \$8,500,000 of the multimodal transportation account--state
13 appropriation is provided solely for grants for those transit systems
14 serving small cities and rural areas as identified in the "Summary of
15 Public Transportation - 2007" published by the department of
16 transportation. Noncompetitive grants must be distributed to the
17 transit systems serving small cities and rural areas in a manner
18 similar to past disparity equalization programs.

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

23 (3) \$7,000,000 of the multimodal transportation account--state
24 appropriation is provided solely for a vanpool grant program for: (a)
25 Public transit agencies to add vanpools or replace vans; and (b)
26 incentives for employers to increase employee vanpool use. The grant
27 program for public transit agencies will cover capital costs only;
28 operating costs for public transit agencies are not eligible for
29 funding under this grant program. Additional employees may not be
30 hired from the funds provided in this section for the vanpool grant
31 program, and supplanting of transit funds currently funding vanpools is
32 not allowed. The department shall encourage grant applicants and
33 recipients to leverage funds other than state funds. At least
34 \$1,600,000 of this amount must be used for vanpool grants in congested
35 corridors.

36 (4) \$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 (5) \$3,318,000 of the multimodal transportation account--state
13 appropriation and \$21,248,000 of the regional mobility grant program
14 account--state appropriation are reappropriated and provided solely for
15 the regional mobility grant projects identified on the LEAP
16 Transportation Document 2007-B, as developed April 20, 2007, or the
17 LEAP Transportation Document 2006-D, as developed March 8, 2006. The
18 department shall continue to review all projects receiving grant awards
19 under this program at least semiannually to determine whether the
20 projects are making satisfactory progress. The department shall
21 promptly close out grants when projects have been completed, and any
22 remaining funds available to the office of transit mobility must be
23 used only to fund projects on the LEAP Transportation Document 2006-D,
24 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as
25 developed April 20, 2007; or the LEAP Transportation Document 2009-B,
26 as developed April 24, 2009. It is the intent of the legislature to
27 appropriate funds through the regional mobility grant program only for
28 projects that will be completed on schedule. However, the Chuckanut
29 park and ride is recognized as a crucial investment in the
30 transportation system. For this reason, the department shall not close
31 out the grant for the Chuckanut park and ride project until Skagit
32 transit has exhausted all other pending opportunities for federal and
33 local funds. If additional funds cannot be secured, the department
34 shall consider this project a priority in the 2011-13 grant process.
35 The department shall make every effort to advance the Chuckanut park
36 and ride project within existing resources.

37 (6) \$33,429,000 of the regional mobility grant program account--
38 state appropriation is provided solely for the regional mobility grant

1 projects identified in LEAP Transportation Document 2009-B, as
2 developed April 24, 2009. The department shall review all projects
3 receiving grant awards under this program at least semiannually to
4 determine whether the projects are making satisfactory progress. Any
5 project that has been awarded funds, but does not report activity on
6 the project within one year of the grant award, must be reviewed by the
7 department to determine whether the grant should be terminated. The
8 department shall promptly close out grants when projects have been
9 completed, and any remaining funds available to the office of transit
10 mobility must be used only to fund projects identified in LEAP
11 Transportation Document 2009-B, as developed April 24, 2009. The
12 department shall provide annual status reports on December 15, 2009,
13 and December 15, 2010, to the office of financial management and the
14 transportation committees of the legislature regarding the projects
15 receiving the grants. It is the intent of the legislature to
16 appropriate funds through the regional mobility grant program only for
17 projects that will be completed on schedule.

18 (7) \$300,000 of the multimodal transportation account--state
19 appropriation is provided solely for a transportation demand management
20 program, developed by the Whatcom council of governments, to further
21 reduce drive-alone trips and maximize the use of sustainable
22 transportation choices. The community-based program must focus on all
23 trips, not only commute trips, by providing education, assistance, and
24 incentives to four target audiences: (a) Large work sites; (b)
25 employees of businesses in downtown areas; (c) school children; and (d)
26 residents of Bellingham.

27 (8) \$130,000 of the multimodal transportation account--state
28 appropriation is provided solely to the department to distribute to
29 support Engrossed Substitute House Bill No. 2072 (special needs
30 transportation).

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

35 (b) \$50,000 of the amount provided in this subsection is provided
36 solely to support the pilot project to be developed or implemented by
37 the local coordinating coalition comprised of a single county,
38 described in sections 9, 10, and 11, chapter . . . (Engrossed

1 Substitute House Bill No. 2072), Laws of 2009. The department shall
2 assist the local coordinating coalition to seek funding sufficient to
3 fully fund the pilot project from a variety of sources including, but
4 not limited to, the regional transit authority serving the county, the
5 regional transportation planning organization serving the county, and
6 other appropriate state and federal agencies and grants. Development
7 or implementation of the pilot project is contingent on securing
8 funding sufficient to fully fund the pilot project.

9 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by
10 June 30, 2009, the amount provided in this subsection (8) lapses. If
11 Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009,
12 but a commitment from other sources to fully fund the pilot project
13 described in (b) of this subsection has not been obtained by September
14 30, 2009, the amount provided in (b) of this subsection lapses.

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

17 (10) An affected urban growth area that has not previously
18 implemented a commute trip reduction program is exempt from the
19 requirements in RCW 70.94.527 if a solution to address the state
20 highway deficiency that exceeds the person hours of delay threshold has
21 been funded and is in progress during the 2009-11 fiscal biennium.

22 (11) \$2,309,000 of the multimodal transportation account--state
23 appropriation is provided solely for the tri-county connection service
24 for Island, Skagit, and Whatcom transit agencies.

25 **Sec. 222.** 2009 c 470 s 223 (uncodified) is amended to read as
26 follows:

27 **FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

28 Puget Sound Ferry Operations Account--State

29 Appropriation ((~~\$400,592,000~~))
30 \$424,667,000

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

33 (1) ((~~\$53,110,560~~)) (a) \$79,648,961 of the Puget Sound ferry
34 operations account--state appropriation is provided solely for auto
35 ferry vessel operating fuel in the 2009-11 fiscal biennium. This
36 appropriation is contingent upon the enactment of sections 716 and 701
37 of this act.

1 (b) All fuel purchased by the Washington state ferries at Harbor
2 Island for the operation of the Washington state ferries diesel powered
3 vessels must be a minimum of five percent biodiesel blend so long as
4 the purchase does not conflict with RCW 43.19.642.

5 (2) To protect the waters of Puget Sound, the department shall
6 investigate nontoxic alternatives to fuel additives and other
7 commercial products that are used to operate, maintain, and preserve
8 vessels.

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

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

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

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

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

35 (8) \$3,000,000 of the Puget Sound ferry operations account--state
36 appropriation is provided solely for commercial insurance for ferry
37 assets. The office of financial management, after consultation with
38 the transportation committees of the legislature, must present a

1 business plan for the Washington state ferry system's insurance
2 coverage to the 2010 legislature. The business plan must include a
3 cost-benefit analysis of Washington state ferries' current commercial
4 insurance purchased for ferry assets and a review of self-insurance for
5 noncatastrophic events.

6 (9) \$1,100,000 of the Puget Sound ferry operations account--state
7 appropriation is provided solely for a marketing program. The
8 department shall present a marketing program proposal to the
9 transportation committees of the legislature during the 2010
10 legislative session before implementing this program. Of this amount,
11 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of
12 Coupeville for mitigation expenses related to only one vessel operating
13 on the Port Townsend/Keystone ferry route. The moneys provided to the
14 city of Port Townsend and town of Coupeville are not contingent upon
15 the required marketing proposal.

16 (10) \$350,000 of the Puget Sound ferry operations account--state
17 appropriation is provided solely for two extra trips per day during the
18 summer of 2009 season, beyond the current schedule, on the Port
19 Townsend/Keystone route.

20 (11) When purchasing uniforms that are required by collective
21 bargaining agreements, the department shall contract with the lowest
22 cost provider.

23 (12) The legislature finds that measuring the performance of
24 Washington state ferries requires the measurement of quality,
25 timeliness, and unit cost of services delivered to customers.
26 Consequently, the department must develop a set of metrics that measure
27 that performance and report to the transportation committees of the
28 legislature and to the office of financial management on the
29 development of these measurements along with recommendations to the
30 2010 legislature on which measurements must become a part of the next
31 omnibus transportation appropriations act.

32 (13) As a priority task, the department is directed to propose a
33 comprehensive incident and accident investigation policy and
34 appropriate procedures, and to provide the proposal to the legislature
35 by November 1, 2009, using existing resources and staff expertise. In
36 addition to consulting with ferry system unions and the United States
37 coast guard, the Washington state ferries is encouraged to solicit
38 independent outside expertise on incident and accident investigation

1 best practices as they may be found in other organizations with a
2 similar concern for marine safety. It is the intent of the legislature
3 to enact the policies into law and to publish that law and procedures
4 as a manual for Washington state ferries' accident/incident
5 investigations. Until that time, the Washington state ferry system
6 must exercise particular diligence to assure that any incident or
7 accident investigations are conducted within the spirit of the
8 guidelines of this act. The proposed policy must contain, at a
9 minimum:

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

12 (b) The process for appointing an investigating officer or officers
13 and a description of the authorities and responsibilities of the
14 investigating officer or officers. The investigating officer or
15 officers must:

16 (i) Have the appropriate training and experience as determined by
17 the policy;

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

20 (iii) Have full access to all persons, records, and relevant
21 organizations that may have information about or may have contributed
22 to, directly or indirectly, the incident or accident under
23 investigation, in compliance with any affected employee's or employees'
24 respective collective bargaining agreement and state laws and rules
25 regarding public disclosure under chapter 42.56 RCW;

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

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

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

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

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

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

6 (14) The department shall investigate outsourcing the call center
7 functions planned for the ferry reservation system and report its
8 findings to the transportation committees of the senate and house of
9 representatives by December 15, 2010.

10 (15) \$150,000 of the Puget Sound ferry operations account--state
11 appropriation is provided solely for the department to hire an outside
12 consultant to help identify process changes that would improve on-time
13 performance on a route-by-route basis. The study must include looking
14 into the slowing down of vessels for fuel economy purposes and touch-
15 and-go sailings on peak runs. The department shall report its findings
16 to the transportation committees of the senate and house of
17 representatives by December 1, 2010. For the purpose of this
18 subsection, the consultant contract is deemed a revenue generation and
19 auditing activity as that term is construed in section 602(2), chapter
20 3, Laws of 2010.

21 (16) The department shall, by November 1, 2010, report to the
22 transportation committees of the legislature statistics regarding its
23 on-time arrival and departure status on a route-by-route and month-by-
24 month basis, as well as an annual route-by-route and systemwide basis,
25 weighted by the number of customers on each sailing and distinguishing
26 peak period on-time performance. The statistics must include reasons
27 for any delays over ten minutes from the scheduled time. The
28 statistics must be prominently displayed on the Washington state
29 ferries' web site. Each Washington state ferries vessel and terminal
30 must prominently display the statistics as they relate to their
31 specific route.

32 **Sec. 223.** 2009 c 470 s 224 (uncodified) is amended to read as
33 follows:

34 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**

35 Multimodal Transportation Account--State

36 Appropriation ((\$34,933,000))
37 \$39,592,000

1	<u>Multimodal Transportation Account--Federal</u>	
2	<u>Appropriation</u>	<u>\$400,000</u>
3	<u>TOTAL APPROPRIATION</u>	<u>\$39,992,000</u>

4 The appropriation in this section is subject to the following
5 conditions and limitations:

6 (1) (~~(\$29,091,000)~~) \$31,591,000 of the multimodal transportation
7 account--state appropriation is provided solely for the Amtrak service
8 contract and Talgo maintenance contract associated with providing and
9 maintaining the state-supported passenger rail service. Upon
10 completion of the rail platform project in the city of Stanwood, the
11 department shall provide daily Amtrak Cascades service to the city.

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

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

15 (4) \$2,200,000 of the multimodal transportation account--state
16 appropriation is provided solely for expenditures related to the
17 capital high-speed passenger rail grant that are not federally
18 reimbursable.

19 (5) \$400,000 of the multimodal transportation account--federal
20 appropriation is provided solely for the department to work with the
21 Whatcom council of governments to examine potential improvements to
22 international border freight and passenger rail movement and the use of
23 diesel multiple units.

24 **Sec. 224.** 2009 c 470 s 225 (uncodified) is amended to read as
25 follows:

26 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
27 **OPERATING**

28	Motor Vehicle Account--State Appropriation	(\$8,739,000)
29		<u>\$8,682,000</u>
30	Motor Vehicle Account--Federal Appropriation	\$2,567,000
31	TOTAL APPROPRIATION	(\$11,306,000)
32		<u>\$11,249,000</u>

33 **TRANSPORTATION AGENCIES--CAPITAL**

1 **Sec. 301.** 2009 c 470 s 302 (uncodified) is amended to read as
2 follows:

3 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

4 Rural Arterial Trust Account--State Appropriation . . .	((\$51,000,000))
5	<u>\$73,000,000</u>
6 Motor Vehicle Account--State Appropriation	\$1,048,000
7 County Arterial Preservation Account--State	
8 Appropriation	\$31,400,000
9 TOTAL APPROPRIATION	((\$83,448,000))
10	<u>\$105,448,000</u>

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

13 (1) \$1,048,000 of the motor vehicle account--state appropriation
14 may be used for county ferry projects as developed pursuant to RCW
15 47.56.725(4).

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

24 **Sec. 302.** 2009 c 470 s 303 (uncodified) is amended to read as
25 follows:

26 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

27 Small City Pavement and Sidewalk Account--State	
28 Appropriation	((\$5,779,000))
29	<u>\$3,927,000</u>
30 Urban Arterial Trust Account--State Appropriation . .	((\$122,400,000))
31	<u>\$123,900,000</u>
32 Transportation Improvement Account--State	
33 Appropriation	((\$85,643,000))
34	<u>\$81,643,000</u>
35 TOTAL APPROPRIATION	((\$213,822,000))
36	<u>\$209,470,000</u>

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

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

6 (2) The urban arterial trust account--state appropriation includes
7 up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW
8 47.26.420.

9 **Sec. 303.** 2009 c 470 s 306 (uncodified) is amended to read as
10 follows:

11 **FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

12	Multimodal Transportation Account--State	
13	Appropriation	((\$1,000))
14		<u>\$98,000</u>
15	Transportation Partnership Account--State	
16	Appropriation	((\$1,723,834,000))
17		<u>\$1,665,644,000</u>
18	Motor Vehicle Account--State Appropriation	((\$80,735,000))
19		<u>\$75,139,000</u>
20	Motor Vehicle Account--Federal Appropriation	((\$410,341,000))
21		<u>\$572,107,000</u>
22	Motor Vehicle Account--Private/Local	
23	Appropriation	((\$65,494,000))
24		<u>\$70,714,000</u>
25	Special Category C Account--State Appropriation	((\$24,549,000))
26		<u>\$25,221,000</u>
27	Transportation 2003 Account (Nickel Account)--State	
28	Appropriation	((\$703,708,000))
29		<u>\$713,222,000</u>
30	Freight Mobility Multimodal Account--State	
31	Appropriation	((\$4,422,000))
32		<u>\$4,574,000</u>
33	Tacoma Narrows Toll Bridge Account--State	
34	Appropriation	((\$788,000))
35		<u>\$789,000</u>
36	State Route Number 520 Corridor Account--State	
37	Appropriation	((\$106,000,000))

1 \$231,763,000
2 TOTAL APPROPRIATION ((~~\$3,119,872,000~~)
3 \$3,359,271,000

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

6 (1) Except as provided otherwise in this section, the entire
7 transportation 2003 account (nickel account) appropriation and the
8 entire transportation partnership account appropriation are provided
9 solely for the projects and activities as listed by fund, project, and
10 amount in LEAP Transportation Document ((~~2009-1~~) 2010-1 as developed
11 ((~~April-24,-2009~~) February 22, 2010, Program - Highway Improvement
12 Program (I). However, limited transfers of specific line-item project
13 appropriations may occur between projects for those amounts listed
14 subject to the conditions and limitations in section 603 of this act.

15 (2) (~~As a result of economic changes since the initial development~~
16 ~~of the improvement program budget for the 2009-11 fiscal biennium, the~~
17 ~~department has received bids on construction contracts over the last~~
18 ~~several months that are favorable with respect to current estimates of~~
19 ~~project costs. National economic forecasts indicate that inflationary~~
20 ~~pressures are likely to remain lower than previously expected for the~~
21 ~~next several years. As a result, the nominal project cost totals shown~~
22 ~~in LEAP Transportation Document 2009-1 in aggregate for the 2009-11~~
23 ~~fiscal biennium and the 2011-13 fiscal biennium are expected to exceed~~
24 ~~the likely amount necessary to deliver the projects listed within those~~
25 ~~biennia by \$63,500,000 in the 2009-11 fiscal biennium and \$52,700,000~~
26 ~~in the 2011-13 fiscal biennium. The appropriations provided in this~~
27 ~~section for the projects in those biennia are therefore \$63,500,000~~
28 ~~less in the 2009-11 fiscal biennium and \$52,700,000 less in the 2011-13~~
29 ~~fiscal biennium than the aggregate total of project costs listed. It~~
30 ~~is the intent of the legislature that the department shall deliver the~~
31 ~~projects listed in LEAP Transportation Document 2009-1 within the time,~~
32 ~~scope, and budgets identified in that document, provided that the~~
33 ~~prices of commodities used in transportation projects do not differ~~
34 ~~significantly from those assumed for the 2009-11 and 2011-13 fiscal~~
35 ~~biennia in the March 2009 forecast of the economic and revenue forecast~~
36 ~~council.~~

37 (~~3~~) ~~\$162,900,000~~) \$163,385,000 of the transportation partnership
38 account--state appropriation and ((~~\$106,000,000~~) \$231,763,000 of the

1 state route number 520 corridor account--state appropriation are
2 provided solely for the state route number 520 bridge replacement and
3 HOV project. The department shall submit an application for the
4 eastside transit and HOV project to the supplemental discretionary
5 grant program for regionally significant projects as provided in the
6 American Recovery and Reinvestment Act of 2009. (~~Eastside state route
7 number — 520 — improvements — shall — be — designed — and — constructed — to
8 accommodate — a — future — full — interchange — at — 124th — Avenue — Northeast.
9 Concurrent with the eastside transit and HOV project, the department
10 shall conduct engineering design of a full interchange at 124th Avenue
11 Northeast.~~) The amount provided in this subsection from the state
12 route number 520 corridor account--state appropriation is contingent on
13 the enactment of (a) Engrossed Substitute House Bill No. 2211 and (b)
14 either Engrossed Substitute House Bill No. 2326 or other legislation
15 authorizing bonds for the state route number 520 corridor projects. If
16 the conditions of this subsection are not satisfied, the state route
17 number 520 corridor account--state appropriation shall lapse.

18 ~~((+4))~~ (3) As required under section 305(6), chapter 518, Laws of
19 2007, the department shall report by January 2010 to the transportation
20 committees of the legislature on the findings of the King county noise
21 reduction solutions pilot project.

22 ~~((+5))~~ (4) Funding allocated for mitigation costs is provided
23 solely for the purpose of project impact mitigation, and shall not be
24 used to develop or otherwise participate in the environmental
25 assessment process.

26 ~~((+6))~~ (5) The department shall apply for surface transportation
27 program (STP) enhancement funds to be expended in lieu of or in
28 addition to state funds for eligible costs of projects in Programs I
29 and P including, but not limited to, the SR 518, SR 520, Columbia river
30 crossing, and Alaskan Way viaduct projects.

31 ~~((+7))~~ (6) The department shall, on a quarterly basis beginning
32 July 1, 2009, provide to the office of financial management and the
33 legislature reports providing the status on each active project funded
34 in part or whole by the transportation 2003 account (nickel account) or
35 the transportation partnership account. Funding provided at a
36 programmatic level for transportation partnership account and
37 transportation 2003 account (nickel account) projects relating to
38 bridge rail, guard rail, fish passage barrier removal, and roadside

1 safety projects should be reported on a programmatic basis. Projects
2 within this programmatic level funding should be completed on a
3 priority basis and scoped to be completed within the current
4 programmatic budget. (~~The department shall work with the office of
5 financial management and the transportation committees of the
6 legislature to agree on report formatting and elements. Elements must
7 include, but not be limited to, project scope, schedule, and costs.
8 For~~) Report formatting and elements must be consistent with the
9 October 2009 quarterly project report. On a representative sample of
10 new construction contracts valued at fifteen million dollars or more,
11 the department must also use an earned value method of project
12 monitoring. (~~The department shall also provide the information
13 required under this subsection on a quarterly basis via the
14 transportation executive information systems (TEIS).~~

15 ~~(8)~~) (7) The transportation 2003 account (nickel account)--state
16 appropriation includes up to (~~(\$628,000,000)~~) \$653,414,000 in proceeds
17 from the sale of bonds authorized by RCW 47.10.861.

18 ~~((9))~~) (8) The transportation partnership account--state
19 appropriation includes up to (~~(\$1,360,528,000)~~) \$1,344,830,000 in
20 proceeds from the sale of bonds authorized in RCW 47.10.873.

21 ~~((10))~~) (9) The special category C account--state appropriation
22 includes up to (~~(\$22,127,000)~~) \$25,221,000 in proceeds from the sale of
23 bonds authorized in RCW 47.10.812.

24 ~~((11))~~) (10) The motor vehicle account--state appropriation
25 includes up to (~~(\$31,500,000)~~) \$31,000,000 in proceeds from the sale of
26 bonds authorized in RCW 47.10.843.

27 (11) The state route number 520 corridor account--state
28 appropriation includes up to \$231,763,000 in proceeds from the sale of
29 bonds authorized in RCW 47.10.879.

30 (12) The department must prepare a tolling study for the Columbia
31 river crossing project. While conducting the study, the department
32 must coordinate with the Oregon department of transportation to perform
33 the following activities:

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

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

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

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

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

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

15 (g) Conduct public work sessions and open houses to provide
16 information to citizens, including users of the bridge and business and
17 freight interests, regarding implementation of tolls on the Interstate
18 5 and to solicit citizen views on the following items:

19 (i) Funding a portion of the Columbia river crossing project with
20 tolls;

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

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

25 (h) Provide a report to the governor and the legislature by January
26 2010.

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

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

35 (i) Confer with the mayors and city councils of jurisdictions in
36 the vicinity of the project regarding the implementation of high
37 occupancy toll lanes and the impacts that the implementation of these

1 high occupancy toll lanes might have on the operation of the corridor
2 and adjacent local streets;

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

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

9 (iv) Provide a report to the governor and the legislature by
10 January 2010.

11 (14) (~~(\$9,199,985)~~) \$6,488,000 of the motor vehicle account--state
12 appropriation (~~(is)~~) and \$5,000 of the motor vehicle account--federal
13 appropriation are provided solely for project 100224I, (~~(as identified~~
14 ~~in the LEAP transportation document in subsection (1) of this~~
15 ~~section)~~) US 2 high priority safety project. Expenditure of these
16 funds is for safety projects on state route number 2 between Monroe and
17 Gold Bar, which may include median rumble strips, traffic cameras, and
18 electronic message signs.

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

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

31 (17) The legislature is committed to the timely completion of R8A
32 which supports the construction of sound transit's east link.
33 Following the completion of the independent analysis of the
34 methodologies to value the reversible lanes on Interstate 90 which may
35 be used for high capacity transit as directed in section 204 of this
36 act, the department shall complete the process of negotiations with
37 sound transit. Such agreement shall be completed no later than
38 December 1, 2009.

1 (18) \$250,000 of the motor vehicle account--state appropriation is
2 provided solely for the design and construction of a right turn lane to
3 improve visibility and traffic flow on state route number 195 and
4 Cheney-Spokane Road.

5 (19) (~~(\$846,700)~~) \$730,000 of the motor vehicle account--federal
6 appropriation and (~~(\$17,280)~~) \$16,000 of the motor vehicle account--
7 state appropriation are provided solely for the Westview school noise
8 wall.

9 (20) (~~(\$1,360)~~) \$2,000 of the motor vehicle account--state
10 appropriation and (~~(\$35,786)~~) \$131,000 of the motor vehicle account--
11 federal appropriation are provided solely for interchange design and
12 planning work on US 12 at A Street and Tank Farm Road.

13 (21) (~~(\$20,011,125)~~) \$21,566,000 of the transportation partnership
14 account--state appropriation, (~~(\$2,550)~~) \$26,000 of the motor vehicle
15 account--state appropriation, (~~(\$30,003,473)~~) \$30,000,000 of the motor
16 vehicle account--private/local appropriation, and (~~(\$1,482,066)~~)
17 \$4,334,000 of the motor vehicle account--federal appropriation are
18 provided solely for the I-5/Columbia river crossing/Vancouver project.
19 The funding described in this subsection includes a (~~(\$30,003,473)~~)
20 \$30,000,000 contribution from the state of Oregon.

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

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

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

35 (23) (~~The — state — route — number — 520 — corridor — account — state~~
36 ~~appropriation includes up to \$106,000,000 in proceeds from the sale of~~
37 ~~bonds authorized in Engrossed Substitute House Bill No. 2326 or in~~
38 ~~legislation authorizing bonds for the state route number 520 corridor~~

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

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

12 ~~((25))~~ (24) Project number 330215A in the LEAP transportation
13 document described in subsection (1) of this section is expanded to
14 include safety and congestion improvements from the Key Peninsula
15 Highway to the vicinity of Purdy. The department shall consult with
16 the Washington traffic safety commission to ensure that this project
17 includes improvements at intersections and along the roadway to reduce
18 the frequency and severity of collisions related to roadway conditions
19 and traffic congestion.

20 ~~((26) - \$10,600,000))~~ (25) \$8,890,000 of the transportation
21 partnership account--state appropriation is provided solely for project
22 109040Q, the Interstate 90 Two Way Transit and HOV Improvements--Stage
23 2 and 3 project, as indicated in the LEAP transportation document
24 referenced in subsection (1) of this section. Funds shall be used
25 solely for preliminary engineering on stages 2 and 3 of this project.

26 ~~((27))~~ (26) The department shall continue to work with the local
27 partners in developing transportation solutions necessary for the
28 economic growth in the Red Mountain American Viticulture Area of Benton
29 county.

30 ~~((28))~~ (27) For highway construction projects where the
31 department considers agricultural lands of long-term commercial
32 significance, as defined in RCW 36.70A.030, in reviewing and selecting
33 sites to meet environmental mitigation requirements under the national
34 environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state
35 environmental policy act (chapter 43.21C RCW), the department shall, to
36 the greatest extent possible, consider using public land first. If
37 public lands are not available that meet the required environmental

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

4 ~~((+29+))~~ (28) Within the motor vehicle account--state appropriation
5 and motor vehicle account--federal appropriation, the department may
6 transfer funds between programs I and P, except for funds that are
7 otherwise restricted in this act.

8 ~~((+30+))~~ (29) Within the amounts provided in this section, \$200,000
9 of the transportation partnership account--state appropriation is
10 provided solely for the department to prepare a comprehensive tolling
11 study of the state route number 167 corridor to determine the
12 feasibility of administering tolls within the corridor, identified as
13 project number 316718A in the LEAP transportation document described in
14 subsection (1) of this section. The department shall report to the
15 joint transportation committee by September 30, 2010. The department
16 shall regularly report to the Washington transportation commission
17 regarding the progress of the study for the purpose of guiding the
18 commission's potential toll setting on the facility. The elements of
19 the study must include, at a minimum:

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

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

23 (c) Economic considerations for future system investments.

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

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

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

1 (c) Economic considerations for future system investments.

2 ((+32+)) (31) Within the amounts provided in this section,
3 \$28,000,000 of the transportation partnership account--state
4 appropriation is for project 600010A, as identified in the LEAP
5 transportation document in subsection (1) of this section: NSC-North
6 Spokane corridor design and right-of-way - new alignment. Expenditure
7 of these funds is for preliminary engineering and right-of-way
8 purchasing to prepare for four lanes to be built from where existing
9 construction ends at Francis Avenue for three miles to the Spokane
10 river. Additionally, any savings realized on project 600001A, as
11 identified in the LEAP transportation document in subsection (1) of
12 this section: US 395/NSC-Francis Avenue to Farwell Road - New
13 Alignment, must be applied to project 600010A.

14 ((+33+)) (32) \$400,000 of the motor vehicle account--state
15 appropriation is provided solely for the department to conduct a state
16 route number 2 route development plan that will identify essential
17 improvements needed between the port of Everett/Naval station and
18 approaching the state route number 9 interchange near the city of
19 Snohomish.

20 ((+34+)) (33) If the SR 26 - Intersection and Illumination
21 Improvements are not completed by June 30, 2009, the department shall
22 ensure that the improvements are completed as soon as practicable after
23 June 30, 2009, and shall submit monthly progress reports on the
24 improvements beginning July 1, 2009.

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

37 ((+36+)) (35) The department shall work with the department of
38 archaeology and historic preservation to ensure that the cultural

1 resources investigation is properly conducted on all mega-highway
2 projects and large ferry terminal projects. These projects must be
3 conducted with active archaeological management. Additionally, the
4 department shall establish a scientific peer review of independent
5 archaeologists that are knowledgeable about the region and its cultural
6 resources.

7 ~~((37))~~ (36) Within the amounts provided in this section,
8 \$1,500,000 of the motor vehicle account--state appropriation is
9 provided solely for necessary work along the south side of SR 532,
10 identified as project number 053255C in the LEAP transportation
11 document described in subsection (1) of this section.

12 ~~((38))~~ (37) \$10,000,000 of the transportation partnership
13 account--state appropriation is provided solely for the Spokane street
14 viaduct portion of project 809936Z, SR 99/Alaskan Way Viaduct -
15 Replacement project as indicated in the LEAP transportation document
16 referenced in subsection (1) of this section.

17 ~~((39))~~ (38) The department shall conduct a public outreach
18 process to identify and respond to community concerns regarding the
19 portion of John's Creek Road that connects state route number 3 and
20 state route number 101. The process must include representatives from
21 Mason county, the legislature, area businesses, and community members.
22 The department shall use this process to consider, develop, and design
23 a project scope so that the community's needs are met for the lowest
24 cost. The department shall provide a report on the process and
25 outcomes to the legislature by June 30, 2010.

26 ~~((40))~~ (39) The department shall apply for the competitive
27 portion of federal transit administration funds for eligible transit-
28 related costs of the state route number 520 bridge replacement and HOV
29 project and the Columbia river crossing project. The federal funds
30 described in this subsection must not include those federal transit
31 administration funds distributed by formula. The department shall
32 provide a report regarding this effort to the legislature by January 1,
33 2010.

34 (40) Any redistributed federal funds received by the department
35 must, to the greatest extent possible, be first applied to offset
36 planned expenditures of state funds, and second, to offset planned
37 expenditures of federal funds, on projects as identified in the LEAP
38 transportation documents described in this act. If the redistributed

1 federal funds cannot be used in this manner, the department must
2 consult with the joint transportation committee prior to obligating any
3 redistributed federal funds.

4 (41) \$226,000 of the motor vehicle account--federal appropriation
5 and \$9,000 of the motor vehicle account--state appropriation are
6 provided solely for the SR 16/Rosedale St NW to 96th St NW - Frontage
7 Road project (301639C).

8 (42) \$400,000 of the motor vehicle account--federal appropriation
9 and \$100,000 of the motor vehicle account--state appropriation are
10 provided solely for the SR 9/SR 204 Intersection Improvement project
11 (L2000040).

12 (43) \$2,244,000 of the motor vehicle account--federal appropriation
13 and \$122,000 of the motor vehicle account--state appropriation are
14 provided solely for the US 12/Nine Mile Hill to Woodward Canyon - Build
15 New Highway project (501210T).

16 (44) \$500,000 of the motor vehicle account--state appropriation is
17 provided solely for the US 12/SR 122/Williams St - Intersection project
18 (401212R) for safety improvements.

19 (45) \$2,600,000 of the motor vehicle account--federal appropriation
20 is provided solely for the ITS Advanced Traveler Information System
21 project in Whatcom county (100589B).

22 (46) \$900,000 of the motor vehicle account--federal appropriation
23 is provided solely for the US 97/Cameron Lake Road intersection
24 improvements project in Okanogan county (209700W).

25 (47) The department shall conduct a collision analysis corridor
26 study on state route number 167 from milepost 0 to milepost 5 and
27 report to the transportation committees of the legislature on the
28 analysis results by December 1, 2010.

29 (48) In addition to the amount provided in the LEAP Transportation
30 Document ALL PROJECTS 2010-1 for project US 97A/North of Wenatchee -
31 Wildlife Fence (209790B), \$200,000 of the motor vehicle account--
32 federal appropriation is provided solely for the Wildlife Fence project
33 (209790B), and an offsetting reduction is anticipated in the 2011-13
34 biennium.

35 **Sec. 304.** 2009 c 470 s 307 (uncodified) is amended to read as
36 follows:

1	FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P	
2	Transportation Partnership Account--State	
3	Appropriation	((\$103,077,000))
4		<u>\$75,305,000</u>
5	Motor Vehicle Account--State Appropriation	((\$88,142,000))
6		<u>\$96,884,000</u>
7	Motor Vehicle Account--Federal Appropriation	((\$524,954,000))
8		<u>\$556,705,000</u>
9	Motor Vehicle Account--Private/Local	
10	Appropriation	((\$6,417,000))
11		<u>\$18,768,000</u>
12	Transportation 2003 Account (Nickel Account)--State	
13	Appropriation	((\$7,237,000))
14		<u>\$6,328,000</u>
15	Puyallup Tribal Settlement Account--State	
16	Appropriation	\$6,500,000
17	TOTAL APPROPRIATION	((\$736,327,000))
18		<u>\$760,490,000</u>

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

21 (1) Except as provided otherwise in this section, the entire
22 transportation 2003 account (nickel account) appropriation and the
23 entire transportation partnership account appropriation are provided
24 solely for the projects and activities as listed by fund, project, and
25 amount in LEAP Transportation Document ((~~2009-1~~)) 2010-1 as developed
26 ((~~April 24, 2009~~)) February 22, 2010, Program - Highway Preservation
27 Program (P). However, limited transfers of specific line-item project
28 appropriations may occur between projects for those amounts listed
29 subject to the conditions and limitations in section 603 of this act.

30 (2) ((~~\$544,639~~)) \$542,000 of the motor vehicle account--federal
31 appropriation and ((~~\$455,361~~)) \$453,000 of the motor vehicle account--
32 state appropriation are provided solely for project 602110F, ((~~as~~
33 ~~identified in the LEAP transportation document in subsection (1) of~~
34 ~~this section~~)) SR 21/Keller ferry boat - Preservation. Funds are
35 provided solely for preservation work on the existing vessel, the
36 Martha S.

37 (3) The department shall apply for surface transportation program

1 (STP) enhancement funds to be expended in lieu of or in addition to
2 state funds for eligible costs of projects in Programs I and P.

3 (4) \$6,500,000 of the Puyallup tribal settlement account--state
4 appropriation is provided solely for (~~mitigation~~) costs associated
5 with the Murray Morgan/11th Street bridge (~~demolition. The department~~
6 ~~may negotiate with the city of Tacoma for the purpose of transferring~~
7 ~~ownership of the Murray Morgan/11th Street bridge to the city. If the~~
8 ~~city agrees to accept ownership of the bridge, the department~~)
9 project. The city of Tacoma may use the Puyallup tribal settlement
10 account appropriation and other appropriated funds for bridge
11 rehabilitation, bridge replacement, bridge demolition, and related
12 mitigation. The department's participation, including prior
13 expenditures, may not exceed \$39,953,000. (~~Funds may not be expended~~
14 ~~unless~~) The city of Tacoma (~~agrees to take~~) has taken ownership of
15 the bridge in its entirety, and (~~provides that~~) the payment of these
16 funds extinguishes any real or implied agreements regarding future
17 bridge expenditures.

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

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

1 must also use an earned value method of project monitoring. ((The
2 department shall also provide the information required under this
3 subsection on a quarterly basis via the transportation executive
4 information systems (TEIS).))

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

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

14 (i) The current backlog of asphalt and concrete pavement
15 preservation projects;

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

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

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

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

25 (b) Additionally, the department shall work with the department of
26 ecology, the county road administration board, and the transportation
27 improvement board to explore and explain the potential use of permeable
28 asphalt and concrete pavement in state highway construction as an
29 alternative method of storm water mitigation and the potential effects
30 on highway pavement replacement needs.

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

35 (9) ((~~\$1,722~~)) \$299,000 of the motor vehicle account--state
36 appropriation, ((~~\$9,608,115~~)) \$23,425,000 of the motor vehicle
37 account--federal appropriation, and ((~~\$272,141~~)) \$373,000 of the
38 transportation partnership account--state appropriation are provided

1 solely for the SR 104/Hood Canal bridge - replace east half project,
2 identified as project 310407B in the LEAP transportation document
3 described in subsection (1) of this section.

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

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

11 (12) (~~(\$1,500,000)~~) \$1,440,000 of the motor vehicle account--
12 federal appropriation (~~(is)~~) and \$60,000 of the motor vehicle account--
13 state appropriation are provided solely for the environmental impact
14 statement and preliminary planning for the replacement of the state
15 route number 9 Snohomish river bridge.

16 (13) Any redistributed federal funds received by the department
17 must, to the greatest extent possible, be first applied to offset
18 planned expenditures of state funds, and second, to offset planned
19 expenditures of federal funds, on projects as identified in the LEAP
20 transportation documents described in this act. If the redistributed
21 federal funds cannot be used in this manner, the department must
22 consult with the joint transportation committee prior to obligating any
23 redistributed federal funds.

24 (14) Within the amounts provided in this section, \$497,000 of the
25 motor vehicle account--state appropriation and \$12,503,000 of the motor
26 vehicle account--federal appropriation are provided solely for the SR
27 410/Nile Valley Landslide - Establish Interim Detour project (541002R).

28 (15) Within the amounts provided in this section, \$661,000 of the
29 motor vehicle account--state appropriation and \$4,239,000 of the motor
30 vehicle account--federal appropriation are provided solely for the SR
31 410/Nile Valley Landslide - Reconstruct Route project (541002T).

32 (16) \$2,100,000 of the motor vehicle account--federal appropriation
33 is provided solely for the SR 21/Kettle River to Malo paving project in
34 Ferry county (602117A).

35 **Sec. 305.** 2009 c 470 s 308 (uncodified) is amended to read as
36 follows:

1 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
2 **CAPITAL**
3 Motor Vehicle Account--State Appropriation ((~~\$6,394,000~~))
4 \$8,158,000
5 Motor Vehicle Account--Federal Appropriation ((~~\$9,262,000~~))
6 \$18,037,000
7 Motor Vehicle Account--Local Appropriation \$173,000
8 TOTAL APPROPRIATION ((~~\$15,656,000~~))
9 \$26,368,000

10 **Sec. 306.** 2009 c 470 s 309 (uncodified) is amended to read as
11 follows:

12 **FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES**
13 **CONSTRUCTION--PROGRAM W**

14 Puget Sound Capital Construction Account--State
15 Appropriation ((~~\$118,752,000~~))
16 \$125,715,000
17 Puget Sound Capital Construction Account--Federal
18 Appropriation ((~~\$38,306,000~~))
19 \$60,364,000
20 Puget Sound Capital Construction Account--Local
21 Appropriation ((~~\$8,492,000~~))
22 \$200,000
23 Transportation 2003 Account (Nickel Account)--State
24 Appropriation ((~~\$51,734,000~~))
25 \$52,893,000
26 Transportation Partnership Account--State
27 Appropriation ((~~\$67,234,000~~))
28 \$66,879,000
29 Multimodal Transportation Account--State
30 Appropriation ((~~\$170,000~~))
31 \$149,000
32 TOTAL APPROPRIATION ((~~\$284,688,000~~))
33 \$306,200,000

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

- 36 (1) ((~~\$118,752,000~~)) \$125,427,000 of the Puget Sound capital
37 construction account--state appropriation, ((~~\$38,306,000~~)) \$60,364,000

1 of the Puget Sound capital construction account--federal appropriation,
2 (~~(\$8,492,000)~~) \$200,000 of the Puget Sound capital construction
3 account--local appropriation, (~~(\$67,234,000)~~) \$66,879,000 of the
4 transportation partnership account--state appropriation,
5 (~~(\$51,734,000)~~) and \$52,893,000 of the transportation 2003 account
6 (nickel account)--state appropriation(~~(, and \$170,000 of the multimodal~~
7 ~~transportation account--state appropriation))~~) are provided solely for
8 ferry capital projects, project support, and administration as listed
9 in LEAP Transportation Document ALL PROJECTS (~~(2009-2)~~) 2010-1 as
10 developed (~~(April-24, 2009)~~) February 22, 2010, Program - Ferries
11 Construction Program (W). Of the total appropriation, a maximum of
12 \$10,627,000 may be used for administrative support, a maximum of
13 \$8,184,000 may be used for terminal project support, and a maximum of
14 \$4,497,000 may be used for vessel project support. \$5,851,000 of the
15 total appropriation is provided solely for the Washington state ferries
16 to develop a reservation system.

17 (2) \$51,734,000 of the transportation 2003 account (nickel
18 account)--state appropriation (~~and~~), \$63,100,000 of the
19 transportation partnership account--state appropriation, and \$8,914,000
20 of the Puget Sound capital construction account--state appropriation
21 are provided solely for the acquisition of three new Island Home class
22 ferry vessels subject to the conditions of RCW 47.56.780. The
23 department shall pursue a contract for the second and third Island Home
24 class ferry vessels with an option to purchase a fourth Island Home
25 class ferry vessel. However, if sufficient resources are available to
26 build one 144-auto vessel prior to exercising the option to build the
27 fourth Island Home class ferry vessel, procurement of the fourth Island
28 Home class ferry vessel will be postponed and the department shall
29 pursue procurement of a 144-auto vessel.

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

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

36 (c) Cost savings from the following initiatives will be included in
37 the funding of these vessels: The department's review and update of

1 the vessel life-cycle cost model as required under this section; and
2 the implementation of technology efficiencies as required under section
3 602 of this act.

4 ~~(3) ((\$2,450,000 of the Puget Sound capital construction account—~~
5 ~~state appropriation is provided solely for contingencies associated~~
6 ~~with closing out the existing contract for the technical design of the~~
7 ~~144 auto vessel and the storage and maintenance of vessel owner~~
8 ~~furnished equipment already procured. The department shall use as much~~
9 ~~of the already procured equipment as is practicable on the Island Home~~
10 ~~class ferry vessel if it is likely to be obsolete before it is used in~~
11 ~~procured 144 auto vessels.))~~ (a) \$10,950,000 of the Puget Sound capital
12 construction account--state appropriation is provided solely for the
13 following projects related to the design of a 144-vehicle vessel class:
14 (i) \$1,380,000 is provided solely for completion of the contract for
15 owner-furnished equipment; (ii) \$8,320,000 is provided solely for
16 completion of the technical design, detail design, and production
17 drawings; (iii) \$480,000 is provided solely for the storage of owner-
18 furnished equipment; (iv) a maximum of \$720,000 is for construction
19 engineering; and (v) \$50,000 is provided solely for hiring an outside
20 consultant to conduct a study on alternative designs of the 144-vehicle
21 vessel class. In completing the contract for owner-furnished
22 equipment, the department shall use as much of the already procured
23 equipment as is practicable on the Island Home class ferry vessels if
24 it is likely to be obsolete before it is used in procured 144-vehicle
25 vessels.

26 (b) The outside consultant hired to conduct the study provided in
27 (a) of this subsection must do the following as part of a study on
28 alternative designs of the 144-vehicle vessel class: (i) Review the
29 proposed interior furnishings and fittings for the long-term
30 maintenance and out-of-service vessel costs and, if appropriate,
31 propose alternative interior furnishings and fittings that will
32 decrease long-term maintenance and out-of-service vessel costs; and
33 (ii) perform a cost-benefit analysis that considers fuel economy and
34 long-term maintenance costs on an aluminum superstructure alternative.
35 The study must include a projection of out-of-service time and a life-
36 cycle cost analysis of planned out-of-service time, including the
37 impact on fleet size. The study must identify costs for any additional

1 detail design and production drawings costs related to incorporating
2 new design alternatives. The consultant must submit the study to the
3 joint transportation committee by August 1, 2010.

4 (c) For the purpose of this subsection, the consultant contract is
5 deemed a revenue generation and auditing activity as that term is
6 construed in section 602(2), chapter 3, Laws of 2010.

7 (4) \$6,300,000 of the Puget Sound capital construction account--
8 state appropriation is provided solely for emergency capital costs.

9 ~~(5) ((The Anacortes terminal may be replaced if additional federal~~
10 ~~funds are sought and received by the department. If federal funds~~
11 ~~received are not sufficient to replace the terminal, only usable,~~
12 ~~discrete phases of the project, up to the amount of federal funds~~
13 ~~received, may be constructed with the funds.))~~ \$3,000,000 of the Puget
14 Sound capital construction account--federal appropriation is provided
15 solely for completing the Anacortes terminal design up to the maximum
16 allowable construction cost phase. These funds may be spent only after
17 the following conditions have been met: (a) A value engineering
18 process is conducted on the existing design and the concept of a
19 smaller terminal building; (b) the office of financial management
20 participates in the value engineering process; (c) the office of
21 financial management concurs with the recommendations of the value
22 engineering process; and (d) the office of financial management gives
23 its approval to proceed with the design work.

24 (6) \$3,965,000 of the Puget Sound capital construction account--
25 state appropriation is provided solely for the following vessel
26 projects: Waste heat recovery pilot project; steering gear ventilation
27 pilot project; and a new propulsion system for the MV Yakima. Before
28 beginning these projects, the Washington state ferries must ensure the
29 vessels' out-of-service time does not negatively impact service to the
30 system.

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

34 (8) The department shall provide to the office of financial
35 management and the legislature quarterly reports providing the status
36 on each project listed in this section and in the project lists
37 submitted pursuant to this act and on any additional projects for which
38 the department has expended funds during the 2009-11 fiscal biennium.

1 Elements must include, but not be limited to, project scope, schedule,
2 and costs. The department shall also provide the information required
3 under this subsection via the transportation executive information
4 systems (TEIS). The quarterly report regarding the status of projects
5 identified on the list referenced in subsection (1) of this section
6 must be developed according to an earned value method of project
7 monitoring.

8 (9) The department shall review and adjust its capital program
9 staffing levels to ensure staffing is at the most efficient level
10 necessary to implement the capital program in the omnibus
11 transportation appropriations act. The Washington state ferries shall
12 report this review and adjustment to the office of financial management
13 and the house and senate transportation committees of the legislature
14 by July 2009.

15 ~~(((\$3,763,000 of the total appropriation is provided solely for
16 the Washington state ferries to develop a reservation system. The
17 department shall complete a predesign study and present the study to
18 the joint transportation committee by November 1, 2009. This analysis
19 must include an evaluation of the compatibility of the Washington state
20 ferries' electronic fare system, proposed reservation system, and the
21 implementation of smart card. The department may not implement a
22 statewide reservation system until the department is authorized to do
23 so in the 2010 supplemental omnibus transportation appropriations act.~~

24 ~~((11))~~ \$1,200,000 of the total appropriation is provided solely for
25 improving the toll booth configuration at the Port Townsend and
26 Keystone ferry terminals.

27 ~~((12) \$3,249,915))~~ (11) \$2,636,000 of the total appropriation is
28 provided solely for continued permitting and archaeological work in
29 order to determine the feasibility of relocating the Mukilteo ferry
30 terminal. In order to ensure that the cultural resources investigation
31 is properly conducted in a coordinated fashion, the department shall
32 work with the department of archaeology and historic preservation and
33 shall conduct work with active archaeological management. The
34 department shall seek additional federal funding for this project.

35 ~~((13))~~ (12) The department shall develop a proposed ferry vessel
36 maintenance, preservation, and improvement program and present it to
37 the transportation committees of the legislature by July 1, 2010. The
38 proposal must:

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

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

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

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

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

16 (iv) A review of the department's vessel maintenance, preservation,
17 and improvement program contracting process and contractual
18 requirements;

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

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

24 (vii) Coordination with required United States coast guard dry
25 dockings;

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

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

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

33 ~~((+14))~~ (13) \$247,000 of the Puget Sound capital construction
34 account-- state appropriation is provided solely for the Washington
35 state ferries to review and update its vessel life-cycle cost model and
36 report the results to the house of representatives and senate
37 transportation committees of the legislature by ~~((December 1, 2009))~~
38 March 15, 2010. This review will evaluate the impact of the planned

1 out-of-service periods scheduled for each vessel on the ability of the
 2 overall system to deliver uninterrupted service and will assess the
 3 risk of service disruption from unscheduled maintenance or longer than
 4 planned maintenance periods.

5 ~~((15))~~ (14) The department shall work with the department of
 6 archaeology and historic preservation to ensure that the cultural
 7 resources investigation is properly conducted on all large ferry
 8 terminal projects. These projects must be conducted with active
 9 archaeological management. Additionally, the department shall
 10 establish a scientific peer review of independent archaeologists that
 11 are knowledgeable about the region and its cultural resources.

12 ~~((16))~~ (15) The Puget Sound capital construction account--state
 13 appropriation includes up to ~~((118,000,000))~~ \$114,000,000 in proceeds
 14 from the sale of bonds authorized in RCW 47.10.843.

15 (16) The Puget Sound capital construction account--state
 16 appropriation reflects the reduction of three terminal positions due to
 17 decreased terminal activity and funding.

18 **Sec. 307.** 2009 c 470 s 310 (uncodified) is amended to read as
 19 follows:

20 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

21	Essential Rail Assistance Account--State	
22	Appropriation	((675,000))
23		<u>\$175,000</u>
24	Transportation Infrastructure Account--State	
25	Appropriation	((13,100,000))
26		<u>\$13,184,000</u>
27	Multimodal Transportation Account--State	
28	Appropriation	((68,530,000))
29		<u>\$103,002,000</u>
30	Multimodal Transportation Account--Federal	
31	Appropriation	((16,054,000))
32		<u>\$619,527,000</u>
33	Multimodal Transportation Account--Private/Local	
34	Appropriation	\$81,000
35	TOTAL APPROPRIATION	((98,440,000))
36		<u>\$735,969,000</u>

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

3 (1)(a) Except as provided otherwise in this section, the entire
4 appropriations in this section are provided solely for the projects and
5 activities as listed by ~~((fund 7))~~ project ~~((7))~~ and amount in LEAP
6 Transportation Document ALL PROJECTS ~~((2009-2))~~ 2010-1 as developed
7 ~~((April 24, 2009))~~ February 22, 2010, Program - Rail Capital Program
8 (Y). ~~((However, limited transfers of specific line item project
9 appropriations may occur between projects for those amounts listed
10 subject to the conditions and limitations in section 603 of this act.))~~

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

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

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

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

28 (c)(i) Within the amounts provided in this section, ~~(((\$1,712,022))~~
29 \$1,713,000 of the multimodal transportation account--state
30 appropriation and \$175,000 of the essential rail assistance account--
31 state appropriation are for statewide - emergent freight rail
32 assistance projects as follows: Port of Ephrata/Ephrata - additional
33 spur rehabilitation (BIN 722710A) ~~(((\$362,746))~~ \$363,000; Tacoma
34 Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000; CW
35 Line/Lincoln County - grade crossing rehabilitation (BIN 700610A)
36 ~~(((\$370,650))~~ \$371,000; Clark County owned railroad/Vancouver - track
37 rehabilitation (BIN 710110A) ~~(((\$366,813))~~ \$367,000; Tacoma Rail/Tacoma
38 - improved locomotive facility (BIN 711010B) ~~(((\$366,813))~~ \$367,000.

1 (ii) (~~Within the amounts provided in this section, \$500,000 of the~~
2 ~~essential rail assistance account state appropriation and \$25,000 of~~
3 ~~the multimodal transportation account state appropriation are for a~~
4 ~~statewide---emergent freight rail assistance project grant for the~~
5 ~~Tacoma Rail/Roy---new connection to BNSF and Yelm (BIN 711310A)~~
6 ~~project, provided that the grantee first executes a written instrument~~
7 ~~that imposes on the grantee the obligation to repay the grant within~~
8 ~~thirty days in the event that the grantee discontinues or significantly~~
9 ~~diminishes service along the line within a period of five years from~~
10 ~~the date that the grant is awarded.~~

11 ~~(iii))~~ Within the amounts provided in this section, ~~((~~\$337,978~~))~~
12 \$338,000 of the multimodal transportation account--state appropriation
13 is for a statewide - emergent freight rail assistance project grant for
14 the Lincoln County PDA/Creston - new rail spur (BIN 710510A) project,
15 provided that the grantee first documents to the satisfaction of the
16 department sufficient commitments from the new shipper or shippers to
17 locate in the publicly owned industrial park west of Creston to ensure
18 that the net present value of the public benefits of the project is
19 greater than the grant amount.

20 (d) Within the amounts provided in this section, ~~((~~\$8,100,000~~))~~
21 \$8,115,000 of the transportation infrastructure account--state
22 appropriation is for grants to any intergovernmental entity or local
23 rail district to which the department of transportation assigns the
24 management and oversight responsibility for the business and economic
25 development elements of existing operating leases on the Palouse River
26 and Coulee City (PCC) rail lines. \$300,000 of the transportation
27 infrastructure account--state appropriation is provided solely for a
28 fence line replacement project on the CW line. The PCC rail line
29 system is made up of the CW, P&L, and PV Hooper rail lines. Business
30 and economic development elements include such items as levels of
31 service and business operating plans, but must not include the state's
32 oversight of railroad regulatory compliance, rail infrastructure
33 condition, or real property management issues. The PCC rail system
34 must be managed in a self-sustaining manner and best efforts must be
35 used to ensure that it does not require state capital or operating
36 subsidy beyond the level of state funding expended on it to date. The
37 assignment of the stated responsibilities to an intergovernmental
38 entity or rail district must be on terms and conditions as the

1 department of transportation and the intergovernmental entity or rail
2 district mutually agree. The grant funds may be used only to refurbish
3 the rail lines. It is the intent of the legislature to make the funds
4 appropriated in this section available as grants to an
5 intergovernmental entity or local rail district for the purposes stated
6 in this section at least until June 30, 2012, and to reappropriate as
7 necessary any portion of the appropriation in this section that is not
8 used by June 30, 2011.

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

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

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

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

32 (ii) Self-sustaining economic development that creates family-wage
33 jobs;

34 (iii) Preservation of transportation corridors that would otherwise
35 be lost;

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

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

3 (vi) Mitigation of impacts of increased rail traffic on
4 communities.

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

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

36 (5) The department shall provide quarterly reports to the office of
37 financial management and the transportation committees of the
38 legislature regarding applications that the department submits for

1 federal funds(~~(7)~~) and the status of such applications(~~(7--and--the~~
2 ~~status--of--projects--identified--on--the--list--referenced--in--subsection~~
3 ~~(1)(a) of this section. The quarterly report regarding the status of~~
4 ~~projects identified on the list referenced in subsection (1)(a) of this~~
5 ~~section--must--be--developed--according--to--an--earned--value--method--of~~
6 ~~project monitoring~~)).

7 (6) The department shall, on a quarterly basis, provide to the
8 office of financial management and the legislature reports providing
9 the status on active projects identified in the LEAP transportation
10 document described in subsection (1)(a) of this section. Report
11 formatting and elements must be consistent with the October 2009
12 quarterly project report.

13 (7) The multimodal transportation account--state appropriation
14 includes up to (~~(\$20,000,000)~~) \$36,000,000 in proceeds from the sale of
15 bonds authorized in RCW 47.10.867.

16 ~~((7))~~ (8) When the balance of that portion of the miscellaneous
17 program account apportioned to the department for the grain train
18 program reaches \$1,180,000, the department shall acquire twenty-nine
19 additional grain train railcars.

20 (9) The Burlington Northern Santa Fe Skagit river bridge is an
21 integral part of the rail system. Constructed in 1916, the bridge does
22 not meet current design standards and is at risk during flood events
23 that occur on the Skagit river. The department shall work with
24 Burlington Northern Santa Fe and local jurisdictions to secure federal
25 funding for the Skagit river bridge and to develop an appropriate
26 replacement plan and schedule.

27 (10) \$590,000,000 of the multimodal transportation account--federal
28 appropriation is provided solely for high-speed rail projects awarded
29 to Washington state from the high-speed intercity passenger rail
30 program under the American recovery and reinvestment act. Funding will
31 allow for two additional round trips between Seattle and Portland, and
32 other rail improvements.

33 (11) \$1,000,000 of the multimodal transportation account--state
34 appropriation is provided solely for additional expenditures along the
35 Chelatchie Prairie railroad (LN2000025).

36 **Sec. 308.** 2009 c 470 s 311 (uncodified) is amended to read as
37 follows:

1	FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--	
2	CAPITAL	
3	Highway Infrastructure Account--State Appropriation	\$207,000
4	Highway Infrastructure Account--Federal	
5	Appropriation	\$1,602,000
6	Freight Mobility Investment Account--State	
7	Appropriation	(\$13,548,000)
8		<u>\$13,848,000</u>
9	Transportation Partnership Account--State	
10	Appropriation	\$8,863,000
11	Motor Vehicle Account--State Appropriation	(\$12,954,000)
12		<u>\$13,118,000</u>
13	Motor Vehicle Account--Federal Appropriation	(\$39,572,000)
14		<u>\$43,835,000</u>
15	Freight Mobility Multimodal Account--State	
16	Appropriation	(\$14,920,000)
17		<u>\$15,620,000</u>
18	Freight Mobility Multimodal Account--Local	
19	Appropriation	(\$3,135,000)
20		<u>\$3,258,000</u>
21	Multimodal Transportation Account--Federal	
22	Appropriation	(\$2,098,000)
23		<u>\$2,118,000</u>
24	Multimodal Transportation Account--State	
25	Appropriation	(\$28,262,000)
26		<u>\$28,605,000</u>
27	Transportation 2003 Account (Nickel Account)--State	
28	Appropriation	(\$709,000)
29		<u>\$2,709,000</u>
30	Passenger Ferry Account--State Appropriation	\$2,879,000
31	<u>Puyallup Tribal Settlement Account--State</u>	
32	<u>Appropriation</u>	<u>\$5,963,000</u>
33	TOTAL APPROPRIATION	(\$128,749,000)
34		<u>\$142,625,000</u>

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

- 37 (1) The department shall, on a quarterly basis, provide status
38 reports to the legislature on the delivery of projects as outlined in

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

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

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

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

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

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 local programs, program
23 Z capital.

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

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

1 state appropriation is contingent upon the state receiving from the
2 city of Winthrop \$500,000 in federal funds awarded to the city of
3 Winthrop by its local planning organization.

4 (9) (~~(\$18,182,113)~~) \$18,289,000 of the multimodal transportation
5 account--state appropriation, (~~(\$8,753,895)~~) \$8,810,000 of the motor
6 vehicle account--federal appropriation, and \$4,000,000 of the
7 transportation partnership account--state appropriation are provided
8 solely for the pedestrian and bicycle safety program projects and safe
9 routes to schools program projects identified in LEAP Transportation
10 Document 2009-A, pedestrian and bicycle safety program projects and
11 safe routes to schools program projects, as developed March 30, 2009,
12 LEAP Transportation Document 2007-A, pedestrian and bicycle safety
13 program projects and safe routes to schools program projects, as
14 developed April 20, 2007, and LEAP Transportation Document 2006-B,
15 pedestrian and bicycle safety program projects and safe routes to
16 schools program projects, as developed March 8, 2006. Projects must be
17 allocated funding based on order of priority. The department shall
18 review all projects receiving grant awards under this program at least
19 semiannually to determine whether the projects are making satisfactory
20 progress. Any project that has been awarded funds, but does not report
21 activity on the project within one year of the grant award must be
22 reviewed by the department to determine whether the grant should be
23 terminated. The department shall promptly close out grants when
24 projects have been completed, and identify where unused grant funds
25 remain because actual project costs were lower than estimated in the
26 grant award.

27 (10) Except as provided otherwise in this section, the entire
28 appropriations in this section are provided solely for the projects and
29 activities as listed by fund, project, and amount in LEAP
30 Transportation Document ALL PROJECTS (~~(2009-2)~~) 2010-1 as developed
31 (~~(April 24, 2009)~~) February 22, 2010, Program(~~(S)~~) - Local Program (Z).

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

1 (12) (~~(\$913,386)~~) \$913,000 of the motor vehicle account--state
2 appropriation and (~~(\$2,858,216)~~) \$2,858,000 of the motor vehicle
3 account--federal appropriation are provided solely for completion of
4 the US 101 northeast peninsula safety rest area and associated roadway
5 improvements east of Port Angeles at the Deer Park scenic view point.
6 The department must surplus any right-of-way previously purchased for
7 this project near Sequim. Approval to proceed with construction is
8 contingent on surplus of previously purchased right-of-way. \$865,000
9 of the motor vehicle account--state appropriation is to be placed into
10 unallotted status until such time as the right-of-way sale is
11 completed.

12 (13) Up to \$3,702,000 of the motor vehicle account--federal
13 appropriation and \$75,000 of the motor vehicle account--state
14 appropriation are for the SR 908 - Pavement Rehabilitation project
15 (1LP611A). The amount provided in this subsection is contingent on the
16 enactment by June 30, 2010, of either Senate Bill No. 6555 or House
17 Bill No. 2918.

18 (14) \$5,963,000 of the Puyallup tribal settlement account--state
19 appropriation is provided solely for costs associated with the Murray
20 Morgan/11th Street bridge project. The city of Tacoma may use the
21 Puyallup tribal settlement account appropriation and other appropriated
22 funds for bridge rehabilitation, bridge replacement, bridge demolition,
23 and related mitigation. The department's participation, including
24 prior expenditures, may not exceed \$39,953,000. The city of Tacoma has
25 taken ownership of the bridge in its entirety, and the payment of these
26 funds extinguishes any real or implied agreements regarding future
27 bridge expenditures.

28 (15) The department shall consider the condition of the Broadway
29 bridge in the city of Everett when prioritizing bridge projects.

30 **TRANSFERS AND DISTRIBUTIONS**

31 **Sec. 401.** 2009 c 470 s 401 (uncodified) is amended to read as
32 follows:

33 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
34 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND**

1	DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND	
2	REVENUE	
3	Highway Bond Retirement Account Appropriation	((\$742,400,000))
4		<u>\$733,338,000</u>
5	Ferry Bond Retirement Account Appropriation	\$33,771,000
6	Transportation Improvement Board Bond Retirement	
7	Account--State Appropriation	((\$22,541,000))
8		<u>\$21,541,000</u>
9	Nondebt-Limit Reimbursable Account Appropriation	((\$18,400,000))
10		<u>\$17,972,000</u>
11	Transportation Partnership Account--State	
12	Appropriation	((\$8,318,000))
13		<u>\$2,273,000</u>
14	Motor Vehicle Account--State Appropriation	((\$901,000))
15		<u>\$320,000</u>
16	Transportation 2003 Account (Nickel Account)--State	
17	Appropriation	((\$4,116,000))
18		<u>\$1,054,000</u>
19	Special Category C Account--State Appropriation	((\$148,000))
20		<u>\$45,000</u>
21	Urban Arterial Trust Account--State Appropriation	\$85,000
22	Transportation Improvement Account--State Appropriation	\$41,000
23	Multimodal Transportation Account--State Appropriation	((\$283,000))
24		<u>\$55,000</u>
25	<u>State Route Number 520 Corridor Account--State</u>	
26	<u>Appropriation</u>	<u>\$724,000</u>
27	TOTAL APPROPRIATION	((\$831,004,000))
28		<u>\$811,219,000</u>

29 **Sec. 402.** 2009 c 470 s 402 (uncodified) is amended to read as
30 follows:

31 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
32 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND**
33 **FISCAL AGENT CHARGES**

34	Transportation Partnership Account--State	
35	Appropriation	((\$523,000))
36		<u>\$392,000</u>
37	Motor Vehicle Account--State Appropriation	((\$57,000))

1		<u>\$56,000</u>
2	Transportation 2003 Account (Nickel Account)--State	
3	Appropriation	((\$259,000))
4		<u>\$182,000</u>
5	Special Category C Account--State Appropriation	((\$10,000))
6		<u>\$8,000</u>
7	Urban Arterial Trust Account--State Appropriation	\$5,000
8	Transportation Improvement Account--State Appropriation	\$3,000
9	Multimodal Transportation Account--State Appropriation	((\$18,000))
10		<u>\$10,000</u>
11	<u>State Route Number 520 Corridor Account--State</u>	
12	<u>Appropriation</u>	<u>\$125,000</u>
13	TOTAL APPROPRIATION	((\$875,000))
14		<u>\$781,000</u>

15 **Sec. 403.** 2009 c 470 s 403 (uncodified) is amended to read as
16 follows:

17 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
18 **BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

19 Motor Vehicle Account--State Appropriation:

20 For transfer to the Puget Sound Capital Construction

21	Account	((\$118,000,000))
22		<u>\$114,000,000</u>

23 The department of transportation is authorized to sell up to
24 ((~~\$118,000,000~~)) \$114,000,000 in bonds authorized by RCW 47.10.843 for
25 vessel and terminal acquisition, major and minor improvements, and long
26 lead-time materials acquisition for the Washington state ferries.

27 **Sec. 404.** 2009 c 470 s 407 (uncodified) is amended to read as
28 follows:

29 **FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS**

30 (1) Tacoma Narrows Toll Bridge Account--State

31 Appropriation: For transfer to the Motor Vehicle

32	Account--State	\$5,288,000
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33 (2) Motor Vehicle Account--State Appropriation:

34 For transfer to the Puget Sound Ferry Operations

35	Account--State	((\$17,000,000))
36		<u>\$53,000,000</u>

1 (3) Recreational Vehicle Account--State
2 Appropriation: For transfer to the Motor Vehicle
3 Account--State \$2,000,000
4 (4) License Plate Technology Account--State
5 Appropriation: For transfer to the Highway Safety
6 Account--State \$2,750,000
7 (5) Multimodal Transportation Account--State
8 Appropriation: For transfer to the Puget Sound
9 Ferry Operations Account--State \$9,000,000
10 (6) Highway Safety Account--State Appropriation:
11 For transfer to the Multimodal Transportation
12 Account--State \$18,750,000
13 (7) Department of Licensing Services Account--State
14 Appropriation: For transfer to the Motor Vehicle
15 Account--State ((~~\$2,000,000~~))
16 \$1,500,000
17 (8) Advanced Right-of-Way Account: For transfer
18 to the Motor Vehicle Account--State \$14,000,000
19 ~~(9) ((Motor Vehicle Account--State Appropriation:~~
20 ~~For transfer to the Transportation Partnership~~
21 ~~Account--State \$8,000,000))~~
22 Motor Vehicle Account--State Appropriation: For
23 transfer to the State Patrol Highway Account--State \$6,000,000
24 (10) Regional Mobility Grant Program Account--State
25 Appropriation: For transfer to the Multimodal
26 Transportation Account--State \$14,000,000
27 (11) Advanced Environmental Mitigation Revolving
28 Account--State Appropriation: For transfer to the
29 Motor Vehicle Account--State \$5,000,000

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

32 (1) The amount transferred in subsection (1) of this section
33 represents repayment of operating loans and reserve payments provided
34 to the Tacoma Narrows toll bridge account from the motor vehicle
35 account in the 2005-07 fiscal biennium. However, if Engrossed
36 Substitute Senate Bill No. 6499 is enacted by June 30, 2010, the
37 transfer in subsection (1) of this section shall not occur.

1 (2) Any cash balance in the waste tire removal account shall be
2 transferred to the motor vehicle account for the purpose of road wear
3 related maintenance on state and local public highways.

4 **COMPENSATION**

5 NEW SECTION. **Sec. 501. COMPENSATION.** The appropriations for
6 state agencies are subject to the following conditions and limitations:
7 State employee compensation adjustments will be provided in accordance
8 with funding adjustments provided in the 2010 supplemental omnibus
9 appropriations act.

10 **IMPLEMENTING PROVISIONS**

11 **Sec. 601.** 2009 c 470 s 304 (uncodified) is amended to read as
12 follows:

13 **FOR THE DEPARTMENT OF TRANSPORTATION.** As part of its budget
14 submittal (~~for the 2011-13 fiscal biennium~~), the department shall
15 provide an annual update to the report provided to the legislature in
16 2008 that:

17 (1) Compares the original project cost estimates approved in the
18 2003 and 2005 project lists to the completed cost of the project, or
19 the most recent legislatively approved budget and total project costs
20 for projects not yet completed;

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

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

25 (4) Identifies highway projects that have lost significant local or
26 regional contributions that were essential to completing the project;
27 and

28 (5) Identifies contingency amounts allocated to projects.

29 NEW SECTION. **Sec. 602.** Any redistributed federal funds received
30 by the department of transportation must, to the greatest extent
31 possible, be first applied to offset planned expenditures of state

1 funds, and second, to offset planned expenditures of federal funds, on
2 projects as identified in the LEAP transportation documents described
3 in this act. If the redistributed federal funds cannot be used in this
4 manner, the department of transportation must consult with the joint
5 transportation committee prior to obligating any redistributed federal
6 funds.

7 **Sec. 603.** 2009 c 470 s 603 (uncodified) is amended to read as
8 follows:

9 **FUND TRANSFERS.** (1) The transportation 2003 projects or
10 improvements and the 2005 transportation partnership projects or
11 improvements are listed in LEAP Transportation Document (~~(2009-1)~~)
12 2010-1 as developed (~~(April-24,-2009)~~) February 22, 2010, which
13 consists of a list of specific projects by fund source and amount over
14 a sixteen year period. Current fiscal biennium funding for each
15 project is a line item appropriation, while the outer year funding
16 allocations represent a sixteen year plan. The department is expected
17 to use the flexibility provided in this section to assist in the
18 delivery and completion of all transportation partnership account and
19 transportation 2003 (nickel) account projects on the LEAP lists
20 referenced in this act. For the 2009-11 project appropriations, unless
21 otherwise provided in this act, the director of financial management
22 may authorize a transfer of appropriation authority between projects
23 funded with transportation 2003 account (nickel account)
24 appropriations, or transportation partnership account appropriations,
25 (~~(or multimodal transportation account appropriations,)~~) in order to
26 manage project spending and efficiently deliver all projects in the
27 respective program under the following conditions and limitations:

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

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

33 (c) Each transfer between projects may only occur if the director
34 of financial management finds that any resulting change will not hinder
35 the completion of the projects as approved by the legislature. Until
36 the legislature reconvenes to consider the 2010 supplemental budget,
37 any unexpended 2007-09 appropriation balance as approved by the office

1 of financial management, in consultation with the legislative staff of
2 the house of representatives and senate transportation committees, may
3 be considered when transferring funds between projects;

4 (d) Transfers from a project may be made if the funds appropriated
5 to the project are in excess of the amount needed to complete the
6 project;

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

10 (f) Transfers may not be made while the legislature is in session;
11 and

12 (g) Transfers between projects may be made by the department of
13 transportation until the transfer amount by project exceeds two hundred
14 fifty thousand dollars, or ten percent of the project, whichever is
15 less. These transfers must be reported quarterly to the director of
16 financial management and the chairs of the house of representatives and
17 senate transportation committees.

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

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

24 (4) The office of financial management shall document approved
25 transfers and/or schedule changes in the transportation executive
26 information system (TEIS), compare changes to the legislative baseline
27 funding and schedules identified by project identification number
28 identified in the LEAP lists adopted in this act, and transmit revised
29 project lists to chairs of the transportation committees of the
30 legislature on a quarterly basis.

31 **MISCELLANEOUS 2009-11 FISCAL BIENNIUM**

32 **Sec. 701.** RCW 43.19.642 and 2009 c 470 s 716 are each amended to
33 read as follows:

34 (1) Effective June 1, 2006, for agencies complying with the ultra-
35 low sulfur diesel mandate of the United States environmental protection

1 agency for on-highway diesel fuel, agencies shall use biodiesel as an
2 additive to ultra-low sulfur diesel for lubricity, provided that the
3 use of a lubricity additive is warranted and that the use of biodiesel
4 is comparable in performance and cost with other available lubricity
5 additives. The amount of biodiesel added to the ultra-low sulfur
6 diesel fuel shall be not less than two percent.

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

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

15 (4) For the 2009-2011 fiscal biennium, the Washington state ferries
16 is required to use a minimum of five percent biodiesel B5 blend as
17 compared to total volume of all diesel purchases made by the Washington
18 state ferries for the operation of the Washington state ferries diesel-
19 powered vessels so long as the per gallon price of diesel containing a
20 five percent biodiesel blend level does not exceed the per gallon price
21 of diesel by more than five percent. If the per gallon price of diesel
22 containing a five percent biodiesel blend level exceeds the per gallon
23 price of diesel by more than five percent, the requirements of this
24 section do not apply to vessel fuel purchases by the Washington state
25 ferries.

26 (5) By December 1, 2009, the department of general administration
27 shall:

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

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

33 **Sec. 702.** RCW 47.12.080 and 1984 c 7 s 121 are each amended to
34 read as follows:

35 (1) The secretary of transportation may transfer and convey to the
36 United States, its agencies or instrumentalities, to any other state
37 agency, to any county or city or port district of this state, or to any

1 public utility company, any unused state-owned real property under the
2 jurisdiction of the department of transportation when, in the judgment
3 of the secretary of transportation and the attorney general, the
4 transfer and conveyance is consistent with public interest. Whenever
5 the secretary makes an agreement for any such transfer or conveyance,
6 and the attorney general concurs therein, the secretary shall execute
7 and deliver unto the grantee a deed of conveyance, easement, or other
8 instrument, duly acknowledged, as shall be necessary to fulfill the
9 terms of the aforesaid agreement. All moneys paid to the state of
10 Washington under any of the provisions hereof shall be deposited in the
11 motor vehicle fund.

12 (2) Through the end of the 2009-2011 fiscal biennium, the
13 department shall transfer and convey the unused, state-owned real
14 property as directed in section 215(2) of this act.

15 **Sec. 703.** RCW 46.68.320 and 2006 c 337 s 8 are each amended to
16 read as follows:

17 (1) The regional mobility grant program account is hereby created
18 in the state treasury. Moneys in the account may be spent only after
19 appropriation. Expenditures from the account may be used only for the
20 grants provided under RCW 47.66.030.

21 (2) Beginning with September 2007, by the last day of September,
22 December, March, and June of each year, the state treasurer shall
23 transfer from the multimodal transportation account to the regional
24 mobility grant program account five million dollars.

25 (3) Beginning with September 2015, by the last day of September,
26 December, March, and June of each year, the state treasurer shall
27 transfer from the multimodal transportation account to the regional
28 mobility grant program account six million two hundred fifty thousand
29 dollars.

30 (4) During the 2009-2011 fiscal biennium, the legislature may
31 transfer from the regional mobility grant program account to the
32 multimodal transportation account such amounts as reflect the excess
33 fund balance of the regional mobility grant program account.

34 **Sec. 704.** RCW 47.12.340 and 1997 c 140 s 3 are each amended to
35 read as follows:

1 The advanced environmental mitigation revolving account is created
2 in the custody of the treasurer, into which the department shall
3 deposit directly and may expend without appropriation:

4 (1) An initial appropriation included in the department of
5 transportation's 1997-99 budget, and deposits from other identified
6 sources;

7 (2) All moneys received by the department from internal and
8 external sources for the purposes of conducting advanced environmental
9 mitigation; and

10 (3) Interest gained from the management of the advanced
11 environmental mitigation revolving account.

12 (4) During the 2009-2011 fiscal biennium, the legislature may
13 transfer from the advanced environmental mitigation revolving account
14 to the motor vehicle account such amounts as reflect the excess fund
15 balance of the advanced environmental mitigation revolving account.

16 **Sec. 705.** RCW 70.95.532 and 2009 c 261 s 4 are each amended to
17 read as follows:

18 (1) All receipts from tire fees imposed under RCW 70.95.510, except
19 as provided in subsection (2) of this section, must be deposited in the
20 waste tire removal account created under RCW 70.95.521. Moneys in the
21 account may be spent only after appropriation. Expenditures from the
22 account may be used for the cleanup of unauthorized waste tire piles
23 and measures that prevent future accumulation of unauthorized waste
24 tire piles.

25 (2) On September 1st of odd-numbered years, the state treasurer
26 must transfer any cash balance in excess of one million dollars from
27 the waste tire removal account created under RCW 70.95.521 to the motor
28 vehicle account for the purpose of road wear related maintenance on
29 state and local public highways.

30 (3) During the 2009-11 fiscal biennium, the legislature may
31 transfer any cash balance in excess of one million dollars from the
32 waste tire removal account created under RCW 70.95.521 to the motor
33 vehicle account for the purpose of road wear related maintenance on
34 state and local public highways.

1

MISCELLANEOUS

2 NEW SECTION. **Sec. 801.** If any provision of this act or its
3 application to any person or circumstance is held invalid, the
4 remainder of the act or the application of the provision to other
5 persons or circumstances is not affected.

6 NEW SECTION. **Sec. 802.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 immediately.

(End of bill)

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