

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 6381**

61st Legislature  
2010 Regular Session

Passed by the Senate March 9, 2010  
YEAS 37 NAYS 11

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**President of the Senate**

Passed by the House March 8, 2010  
YEAS 78 NAYS 19

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6381** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**



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 \$413,000

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 Account--State  
30 Appropriation . . . . . (~~(\$705,000)~~)  
31 \$702,000

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 . . . . .	(( <del>\$3,389,000</del> ))
3		<u>\$3,526,000</u>
4	Puget Sound Ferry Operations Account--State	
5	Appropriation . . . . .	(( <del>\$100,000</del> ))
6		<u>\$98,000</u>
7	TOTAL APPROPRIATION . . . . .	(( <del>\$3,489,000</del> ))
8		<u>\$3,624,000</u>

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

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

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

19 (3) \$150,000 of the motor vehicle account--state appropriation is  
20 provided solely for the office of financial management to contract with  
21 the Washington state association of counties for a pilot program to  
22 develop and implement a streamlined process for programmatic hydraulic  
23 project approvals for multiple, recurring local transportation and  
24 public works projects. The pilot program must include the following:  
25 (a) Describing, defining, and documenting classes of local  
26 transportation and public works projects appropriate for programmatic  
27 hydraulic project approvals permits; (b) developing technical  
28 permitting requirements and conditions; (c) administratively adopting  
29 and implementing programmatic hydraulic project approvals statewide;  
30 and (d) piloting, reviewing, updating, and training throughout all  
31 Washington counties. For the purpose of this subsection, the contract  
32 with the Washington state association of counties is deemed a revenue  
33 generation and auditing activity as that term is construed in section  
34 602(2), chapter 3, Laws of 2010.

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

1 **FOR THE MARINE EMPLOYEES COMMISSION**

2 Puget Sound Ferry Operations Account--State  
3 Appropriation . . . . . ((~~\$446,000~~))  
4 \$440,000

5 **Sec. 105.** 2009 c 470 s 105 (uncodified) is amended to read as  
6 follows:

7 **FOR THE STATE PARKS AND RECREATION COMMISSION**

8 Motor Vehicle Account--State Appropriation . . . . . ((~~\$986,000~~))  
9 \$985,000

10 The appropriation in this section is subject to the following  
11 conditions and limitations: The entire appropriation in this section  
12 is provided solely for road maintenance purposes.

13 **Sec. 106.** 2009 c 470 s 106 (uncodified) is amended to read as  
14 follows:

15 **FOR THE DEPARTMENT OF AGRICULTURE**

16 Motor Vehicle Account--State Appropriation . . . . . ((~~\$1,507,000~~))  
17 \$1,493,000

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

- 20 (1) \$351,000 of the motor vehicle account--state appropriation is  
21 provided solely for costs associated with the motor fuel quality  
22 program.  
23 (2) \$1,004,000 of the motor vehicle account--state appropriation is  
24 provided solely to test the quality of biofuel. The department must  
25 test fuel quality at the biofuel manufacturer, distributor, and  
26 retailer.

27 **Sec. 107.** 2009 c 470 s 107 (uncodified) is amended to read as  
28 follows:

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

30 Motor Vehicle Account--State Appropriation . . . . . ((~~\$502,000~~))  
31 \$491,000

32 **Sec. 108.** 2009 c 470 s 108 (uncodified) is amended to read as  
33 follows:

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

2 Multimodal Transportation Account--State Appropriation . . . . \$50,000

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

8 (a) Costs assigned to capital accounts to determine whether they  
9 are capital costs that meet the statutory requirements for preservation  
10 and improvement activities and whether they are within the scope of  
11 legislative appropriations;

12 (b) Implementation of the life-cycle cost model required under RCW  
13 47.60.345 to determine if it was developed as required and is  
14 maintained and updated when asset inspections are made; and

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

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

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

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

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

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

7 (d) Identification of whether there are customer service,  
8 administrative, and revenue collection benefits resulting from credit  
9 card usage; and

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

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

14 (4)(a) As part of its 2009-11 fiscal biennium work plan, the entire  
15 appropriation in this section is for the joint legislative audit and  
16 review committee to conduct an analysis of the storm water permit  
17 requirements issued by the department of ecology in February 2009 to  
18 determine the costs and benefits of alternative options for the  
19 department of transportation to meet the requirements. However, if the  
20 committee does not include the analysis as part of its 2009-11 fiscal  
21 biennium work plan by April 15, 2010, the amount provided in this  
22 section lapses. The analysis must include, at a minimum, an analysis  
23 of the following:

24 (i) The department of transportation performing the functions of  
25 the permit in house;

26 (ii) The functions of the permit being consolidated within the  
27 department of ecology or otherwise centralizing efforts for all state  
28 agencies; and

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

31 (b) The entire appropriation is for a consultant contract to assist  
32 the committee with its analysis. For the purpose of this subsection,  
33 the consultant contract is deemed an auditing activity as that term is  
34 construed in section 602(2), chapter 3, Laws of 2010.

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





1 (a) The commission shall comply with RCW 46.63.170 in administering  
2 the projects.

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

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

10 (3) \$18,000,000 of the highway safety account--federal  
11 appropriation is for federal funds that may be received during the  
12 2009-11 fiscal biennium. Upon receipt of the funds, the commission  
13 shall provide a report on the use of the funds to the transportation  
14 committees of the legislature and the office of financial management.

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

17 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

18 Rural Arterial Trust Account--State Appropriation . . . . .	(( <del>\$920,000</del> ))
	<u>\$896,000</u>
20 Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$2,129,000</del> ))
	<u>\$2,084,000</u>
22 County Arterial Preservation Account--State	
23 Appropriation . . . . .	(( <del>\$1,423,000</del> ))
	<u>\$1,396,000</u>
25 TOTAL APPROPRIATION . . . . .	(( <del>\$4,472,000</del> ))
	<u>\$4,376,000</u>

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

29 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

30 Urban Arterial Trust Account--State Appropriation . . . . .	(( <del>\$1,824,000</del> ))
	<u>\$1,793,000</u>
32 Transportation Improvement Account--State	
33 Appropriation . . . . .	(( <del>\$1,827,000</del> ))
	<u>\$1,796,000</u>
35 TOTAL APPROPRIATION . . . . .	(( <del>\$3,651,000</del> ))
	<u>\$3,589,000</u>

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

3 **FOR THE JOINT TRANSPORTATION COMMITTEE**

4 Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$1,901,000</del> ))
5	<u>\$2,163,000</u>
6 <u>Multimodal Transportation Account--State Appropriation . . . . .</u>	<u>\$400,000</u>
7 <u>TOTAL APPROPRIATION . . . . .</u>	<u>\$2,563,000</u>

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

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

20       (2) \$200,000 of the motor vehicle account--state appropriation is  
21 for the joint transportation committee to convene an independent expert  
22 review panel to review the assumptions for toll operations costs used  
23 by the department to model financial plans for tolled facilities. The  
24 joint transportation committee shall work with staff from the senate  
25 and the house of representatives transportation committees to identify  
26 the scope of the review and to assure that the work performed meets the  
27 needs of the house of representatives and the senate. The joint  
28 transportation committee shall provide a report to the house of  
29 representatives and senate transportation committees by September 1,  
30 2009.

31       (3) \$300,000 of the motor vehicle account--state appropriation is  
32 for an independent analysis of methodologies to value the reversible  
33 lanes on Interstate 90 to be used for high capacity transit pursuant to  
34 sound transit proposition 1 approved by voters in November 2008. The  
35 independent analysis shall be conducted by sound transit and the  
36 department of transportation, using consultant resources deemed  
37 appropriate by the secretary of the department, the chief executive  
38 officer of sound transit, and the cochairs of the joint transportation

1 committee. It shall be conducted in consultation with the federal  
2 transit and federal highway administrations and account for applicable  
3 federal laws, regulations, and practices. It shall also account for  
4 the 1976 Interstate 90 memorandum of agreement and subsequent 2004  
5 amendment and the 1978 federal secretary of transportation's  
6 environmental decision on Interstate 90. The department and sound  
7 transit must provide periodic reports to the joint transportation  
8 committee, the sound transit board of directors, and the governor, and  
9 report final recommendations by November 1, 2009.

10 (4) The joint transportation committee shall perform a review of  
11 the fuel tax refunds for nonhighway or off-road use of gasoline and  
12 diesel fuels as listed in RCW 46.09.170, 46.10.150, and 79A.25.070.  
13 The review must: Provide an overview of the off-road programs; analyze  
14 historical funding and expenditures from the respective treasury  
15 accounts; outline and provide process documentation on how the funds  
16 are distributed to the treasury accounts; and document future  
17 identified off-road, snowmobile, and marine funding needs. A report on  
18 the joint transportation committee review must be presented to the  
19 house of representatives and senate transportation committees by  
20 December 31, 2010.

21 (5)(a) \$350,000 of the multimodal transportation account--state  
22 appropriation is for the joint transportation committee to conduct a  
23 study to establish a statewide blueprint for public transportation that  
24 will serve to guide state investments in public transportation. At a  
25 minimum, the study should include an assessment of unmet operating and  
26 capital needs of public transportation agencies, the state role in  
27 funding those unmet needs, and the priorities for state investments.  
28 The report should include efficiency and accountability measures that  
29 inform future state investment in public transportation to maximize  
30 mobility, social, economic, and environmental benefits provided to the  
31 state.

32 (b) The statewide blueprint for public transportation should serve  
33 to guide state investments to support public transportation and address  
34 unmet needs to improve service, access to public transportation, and  
35 connectivity between public transportation providers across  
36 jurisdictional boundaries. The blueprint must be consistent with the  
37 state's transportation system policy goals provided in RCW 47.04.280  
38 and the statewide transportation plan provided in RCW 47.01.071(4).

1 (c) To provide input to the study, the joint transportation  
2 committee shall convene a public transit advisory panel. The cochairs  
3 of the committee shall appoint and convene the advisory panel to be  
4 comprised of members as provided in this subsection:

5 (i) One member from each of the two largest caucuses of the senate;

6 (ii) One member from each of the two largest caucuses of the house  
7 of representatives;

8 (iii) One representative of the department of transportation's  
9 public transportation division;

10 (iv) Two representatives of users of public transportation systems,  
11 one of which must represent persons with special needs;

12 (v) Three representatives from transit agencies from a list  
13 recommended by the Washington state transit association;

14 (vi) Two representatives from regional transportation planning  
15 organizations, one representing eastern Washington and one representing  
16 western Washington;

17 (vii) Three representatives of employers at or owners of major work  
18 sites in Washington;

19 (viii) The chief executive officer, or the chief executive  
20 officer's designee, of a regional transit authority;

21 (ix) Two representatives of organizations that address primarily  
22 environmental issues;

23 (x) One member of a collective bargaining organization that  
24 primarily represents the interests of transit agency employees; and

25 (xi) Other individuals deemed appropriate.

26 Nonlegislative members of the advisory panel must seek  
27 reimbursement for travel and other membership expenses through their  
28 respective agencies or organizations. The committee may make  
29 exceptions and approve certain expenses for good cause on a case-by-  
30 case basis.

31 (d) The joint transportation committee shall submit a report on the  
32 study to the standing transportation committees of the legislature by  
33 December 15, 2010.

34 (6) The joint transportation committee shall work with the  
35 department of licensing, the office of the code reviser, staff to the  
36 legislative transportation committees, and other stakeholders to  
37 evaluate the implementation of Senate Bill No. 6379. At a minimum, the  
38 evaluation must identify the unintended impacts of Senate Bill No. 6379

1 on policy and revenue collection, if any. The joint transportation  
2 committee shall issue its evaluation, including corrective draft  
3 legislation if needed, by December 1, 2010.

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

16 (8)(a) \$200,000 of the motor vehicle account--state appropriation  
17 is for the joint transportation committee to evaluate funding  
18 assistance and services provided by the county road administration  
19 board, transportation improvement board, freight mobility strategic  
20 investment board, and the department of transportation's highway and  
21 local programs division. In 2010, the governor recommended  
22 consolidating small transportation agencies as part of an overall  
23 effort to streamline state government, provide economies of scale, and  
24 improve customer service. The evaluation may include recommendations  
25 on consolidating the agencies within the department of transportation,  
26 within another existing agency, or within a newly created agency. The  
27 study may also make recommendations on restructuring grant programs to  
28 generate efficiencies or other more efficient ways to distribute  
29 associated revenues.

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

34 (c) Any evaluation recommendations must be accompanied by a  
35 detailed implementation plan. The plan must include details on the  
36 recommended governance structure, accounts and program structure, and  
37 transition process and associated costs. The plan must include a  
38 proposed organization chart and proposed legislation to enact the

1 recommended changes. A preliminary evaluation must be made to the  
2 joint transportation committee by November 15, 2010, and a final  
3 evaluation is due on December 15, 2010.

4 (9) The joint transportation committee shall conduct the following  
5 studies by December 15, 2010:

6 (a) A comparison of medical, time-loss, vocational and disability  
7 benefits available to injured workers, and costs payable by the state  
8 of Washington and employees, under the federal Jones act and  
9 Washington's industrial insurance act. The report must include  
10 information regarding the experience of the Alaska marine highway  
11 system; and

12 (b) A comparison of the processing time of grievances and hearings  
13 at the personnel relations employment commission and the marine  
14 employee commission. The review must also investigate whether the  
15 necessary expertise exists at the personnel relations employment  
16 commission to administer the grievances and hearings currently  
17 administered by the marine employee commission.

18 (10)(a) \$50,000 of the multimodal transportation account--state  
19 appropriation is for the joint transportation committee to conduct an  
20 analysis of the storm water permit requirements issued by the  
21 department of ecology in February 2009 to determine the costs and  
22 benefits of alternative options for the department of transportation to  
23 meet the requirements. However, if the committee does not include the  
24 analysis as part of its 2009-11 fiscal biennium work plan by April 15,  
25 2010, the amount provided in this subsection lapses. The analysis must  
26 include, at a minimum, an analysis of the following:

27 (i) The department of transportation performing the functions of  
28 the permit in house;

29 (ii) The functions of the permit being consolidated within the  
30 department of ecology or otherwise centralizing efforts for all state  
31 agencies; and

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

34 (b) The committee shall provide a report to the legislature by  
35 December 2010.

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

1 **FOR THE TRANSPORTATION COMMISSION**

2	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$2,237,000</del> ))
3		<u>\$2,328,000</u>
4	Multimodal Transportation Account--State Appropriation . . . .	\$112,000
5	TOTAL APPROPRIATION . . . . .	(( <del>\$2,349,000</del> ))
6		<u>\$2,440,000</u>

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

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

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

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

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

36 (5) \$350,000 of the motor vehicle account--state appropriation is  
37 provided solely for consultant support services to assist the



1 commission in updating the statewide transportation plan. The updated  
2 plan must be submitted to the legislature by December 1, 2010.

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

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

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

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

31 **FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

32 Motor Vehicle Account--State Appropriation . . . . . ((\$695,000))  
33 \$688,000

34 The appropriation in this section is subject to the following  
35 conditions and limitations: The freight mobility strategic investment  
36 board shall, on a quarterly basis, provide status reports to the office

1 of financial management and the transportation committees of the  
2 legislature on the delivery of projects funded by this act.

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

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

6 State Patrol Highway Account--State	
7 Appropriation . . . . .	(( <del>\$228,024,000</del> ))
8	<u>\$227,958,000</u>
9 State Patrol Highway Account--Federal	
10 Appropriation . . . . .	(( <del>\$10,602,000</del> ))
11	<u>\$10,903,000</u>
12 State Patrol Highway Account--Private/Local	
13 Appropriation . . . . .	(( <del>\$859,000</del> ))
14	<u>\$867,000</u>
15 TOTAL APPROPRIATION . . . . .	(( <del>\$239,485,000</del> ))
16	<u>\$239,728,000</u>

17 The appropriations in this section are subject to the following  
18 conditions and limitations:

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

33 (2) The patrol shall not account for or record locally provided DUI  
34 cost reimbursement payments as expenditure credits to the state patrol  
35 highway account. The patrol shall report the amount of expected  
36 locally provided DUI cost reimbursements to the office of financial

1 management and transportation committees of the legislature by  
2 September 30th of each year.

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

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

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

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

19 ~~(7) The Washington state patrol shall assign necessary personnel  
20 and equipment to implement and operate the pilot program described  
21 under section 218(2) of this act using the portion of the automated  
22 traffic safety camera fines deposited into the state patrol highway  
23 account, but not to exceed \$370,000. If the fines deposited into the  
24 state patrol highway account from automated traffic safety camera  
25 infractions do not reach \$370,000, the department of transportation  
26 shall remit funds necessary to the Washington state patrol to ensure  
27 the completion of the pilot program.))~~ \$370,000 of the state patrol  
28 highway account--state appropriation is provided solely for costs  
29 associated with the pilot program described under section 218(2) of  
30 this act. The Washington state patrol may incur costs related only to  
31 the assignment of cadets and necessary computer equipment and to the  
32 reimbursement of the Washington state department of transportation for  
33 contract costs. The appropriation in this subsection must be funded  
34 from the portion of the automated traffic safety camera fines deposited  
35 into the state patrol highway account; however, if the fines deposited  
36 into the state patrol highway account from automated traffic safety  
37 camera infractions do not reach three hundred seventy thousand dollars,  
38 the department of transportation shall remit funds necessary to the

1 Washington state patrol to ensure the completion of the pilot program.  
2 The Washington state patrol may not incur overtime as a result of this  
3 pilot program. The Washington state patrol shall not assign troopers  
4 to operate or deploy the pilot program equipment used in the roadway  
5 construction zones.

6 (7) If, as a result of lower than average rate of attrition among  
7 troopers, the Washington state patrol postpones the year 2011 training  
8 for trooper cadets beyond June 30, 2011, funding provided in section  
9 207, chapter 470, Laws of 2009 for the class must be used to fund the  
10 salaries and benefits associated with the existing commissioned  
11 Washington state patrol troopers that are funded within the field  
12 operations bureau.

13 (8) \$2,832,000 of the state patrol highway account--state  
14 appropriation is provided solely for the aerial traffic enforcement  
15 program. The Washington state patrol shall evaluate the costs  
16 associated with aerial traffic highway enforcement to determine if the  
17 costs are accurately apportioned between the state patrol highway  
18 account and the general fund. It is the intent of the legislature that  
19 the state patrol highway account incurs costs that result only from  
20 highway enforcement activities and that the general fund incurs costs  
21 associated with the King Airls. The Washington state patrol shall  
22 report the results of the evaluation to the legislature by June 30,  
23 2010.

24 (9) For the remainder of the 2009-11 fiscal biennium, the  
25 Washington state patrol shall continue to work with Island county on  
26 traffic accident investigations.

27 (10) \$3,601,000 of the state patrol highway account--state  
28 appropriation is provided solely for the costs associated with a basic  
29 trooper class.

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

32 **FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**  
33 State Patrol Highway Account--State Appropriation . . . ((~~\$1,557,000~~))  
34 \$1,648,000

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

1 **FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**

2 State Patrol Highway Account--State Appropriation . . . ((\$105,680,000))  
3 \$108,560,000  
4 State Patrol Highway Account--Private/Local  
5 Appropriation . . . . . ((\$2,008,000))  
6 \$2,510,000  
7 TOTAL APPROPRIATION . . . . . ((\$107,688,000))  
8 \$111,070,000

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

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

19 (2) ((\$8,673,000)) \$10,425,000 of the total appropriation is  
20 provided solely for automobile fuel in the 2009-11 fiscal biennium.

21 (3) \$7,421,000 of the total appropriation is provided solely for  
22 the purchase of pursuit vehicles.

23 (4) ((\$6,328,000)) \$6,611,000 of the total appropriation is  
24 provided solely for vehicle repair and maintenance costs of vehicles  
25 used for highway purposes.

26 (5) ((\$384,000)) \$1,724,000 of the total appropriation is provided  
27 solely for the purchase of mission vehicles used for highway purposes  
28 in the commercial vehicle and traffic investigation sections of the  
29 Washington state patrol.

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

34 (7) \$345,000 of the state patrol highway account--state  
35 appropriation is provided solely for the implementation of Engrossed  
36 Substitute House Bill No. 1445 (domestic partners/Washington state  
37 patrol retirement system). If Engrossed Substitute House Bill No. 1445

1 is not enacted by June 30, 2009, the amount provided in this subsection  
2 shall lapse.

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

5 **FOR THE DEPARTMENT OF LICENSING**

6	Marine Fuel Tax Refund Account--State Appropriation . . . . .	\$32,000
7	Motorcycle Safety Education Account--State	
8	Appropriation . . . . .	<del>(\$4,373,000)</del>
9		<u>\$4,356,000</u>
10	Wildlife Account--State Appropriation . . . . .	<del>(\$837,000)</del>
11		<u>\$821,000</u>
12	Highway Safety Account--State Appropriation . . . . .	<del>(\$145,085,000)</del>
13		<u>\$143,660,000</u>
14	Highway Safety Account--Federal Appropriation . . . . .	<del>(\$8,000)</del>
15		<u>\$944,000</u>
16	Motor Vehicle Account--State Appropriation . . . . .	<del>(\$78,805,000)</del>
17		<u>\$77,898,000</u>
18	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$1,372,000
19	Motor Vehicle Account--Federal Appropriation . . . . .	\$242,000
20	Department of Licensing Services Account--State	
21	Appropriation . . . . .	<del>(\$3,867,000)</del>
22		<u>\$4,705,000</u>
23	Washington State Patrol Highway Account--State	
24	Appropriation . . . . .	<del>(\$738,000)</del>
25		<u>\$737,000</u>
26	Ignition Interlock Device Revolving Account--State	
27	Appropriation . . . . .	<del>(\$2,490,000)</del>
28		<u>\$1,315,000</u>
29	TOTAL APPROPRIATION . . . . .	<del>(\$237,849,000)</del>
30		<u>\$236,082,000</u>

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

33 (1)(a) By November 1, 2009, the department of licensing, working  
34 with the department of revenue, shall analyze and plan for the transfer  
35 by July 1, 2010, of the administration of fuel taxes imposed under  
36 chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law  
37 from the department of licensing to the department of revenue. By

1 November 1, 2009, the departments shall report findings and  
2 recommendations to the governor and the transportation and fiscal  
3 committees of the legislature.

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

6 (i) Outreach to and solicitation of comment from parties affected  
7 by the fuel taxes, including taxpayers, industry associations, state  
8 and federal agencies, and Indian tribes, and from the transportation  
9 and fiscal committees of the legislature; and

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

- 12 (A) Taxpayer reporting and payment processes;
- 13 (B) The international fuel tax agreement;
- 14 (C) Proportional registration under the provisions of the  
15 international registration plan and chapter 46.87 RCW;
- 16 (D) Computer systems;
- 17 (E) Best management practices and efficiencies;
- 18 (F) Costs; and
- 19 (G) Personnel matters( (+

20 ~~(iii) Development of recommended actions to accomplish the~~  
21 ~~transfer; and~~

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

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

27 (2) \$55,845,000 of the highway safety account--state appropriation  
28 is provided solely for the driver examining program. In order to  
29 reduce costs and make the most efficient use of existing resources, the  
30 department may consolidate licensing service offices by closing the  
31 vehicle services counter at the highways licensing building in Olympia  
32 and up to twenty-five licensing service offices.

33 (a) When closing offices, the department may redistribute staff  
34 from consolidated offices to neighboring offices and local community  
35 supercenters.

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

1 (i) Extended daily and weekend hours in regional supercenter  
2 offices;

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

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

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

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

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

19 (3) \$11,688,000 of the highway safety account--state appropriation  
20 is provided solely for costs associated with: Issuing enhanced  
21 drivers' licenses and identicards at the enhanced licensing services  
22 offices; extended hours at those licensing services offices; cross-  
23 border tourism education; and other education campaigns. This is the  
24 maximum amount the department may expend for this purpose.

25 (4) (~~(\$2,490,000)~~) \$1,315,000 of the ignition interlock device  
26 revolving account--state appropriation is provided solely for the  
27 department to assist indigent persons with the costs of installing,  
28 removing, and leasing the device, and applicable licensing pursuant to  
29 RCW 46.68.340.

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

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



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

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

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

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

27 (a) The department shall develop a set of metrics that measure that  
28 performance and report to the transportation committees of the house of  
29 representatives and the senate and to the office of financial  
30 management on the development of these measurements along with  
31 recommendations to the 2010 legislature on which measurements must  
32 become a part of the next omnibus transportation appropriations act;

33 (b) The department shall study the process in place at the  
34 licensing services office and present to the 2010 legislature  
35 recommendations for process changes to improve efficiencies for both  
36 the department and the customer; and

37 (c) The department shall, on a quarterly basis, report to the  
38 transportation committees of the legislature the following monthly data

1 by licensing service office locations: (i) Lease costs; (ii) salary  
2 and benefit costs; (iii) other costs; (iv) actual FTEs; (v) number of  
3 transactions completed, by type of transaction; and (vi) office hours.

4 (11) \$25,000 of the motor vehicle account--state appropriation is  
5 provided solely for the department to provide to at least five hundred  
6 limousine chauffeurs an overview of the laws and rules governing  
7 limousine carriers.

8 (12) \$938,000 of the highway safety account--federal appropriation  
9 is for federal funds that may be received during the 2009-11 fiscal  
10 biennium. Upon receipt of the funds, the department shall provide a  
11 report on the use of the funds to the transportation committees of the  
12 legislature and the office of financial management.

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

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

18 **FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND**  
19 **MAINTENANCE--PROGRAM B**

20	High Occupancy Toll Lanes Operations Account--State	
21	Appropriation . . . . .	(( <del>\$2,867,000</del> ))
22		<u>\$2,852,000</u>
23	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$585,000</del> ))
24		<u>\$575,000</u>
25	Tacoma Narrows Toll Bridge Account--State	
26	Appropriation . . . . .	(( <del>\$27,358,000</del> ))
27		<u>\$26,543,000</u>
28	State Route Number 520 Corridor Account--State	
29	Appropriation . . . . .	(( <del>\$58,088,000</del> ))
30		<u>\$28,000,000</u>
31	<u>State Route Number 520 Civil Penalties</u>	
32	<u>Account--State Appropriation . . . . .</u>	<u>\$2,130,000</u>
33	TOTAL APPROPRIATION . . . . .	(( <del>\$88,898,000</del> ))
34		<u>\$60,100,000</u>

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

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

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

12 (3) (~~(\$58,088,000)~~) \$28,000,000 of the state route number 520  
13 corridor account--state appropriation is provided solely for the costs  
14 directly related to tolling the state route number 520 floating bridge.  
15 Of this amount, (~~(\$175,000 is for the immediate costs necessary to~~  
16 ~~pursue a request for proposal to implement variable, open road tolling~~  
17 ~~on the state route number 520 floating bridge. The request for~~  
18 ~~proposal must include tolling infrastructure and signage, customer~~  
19 ~~service centers, collection and billing procedures, and, to the extent~~  
20 ~~practicable, the maintenance and dispensing of transponders by the~~  
21 ~~vendor. The remaining \$57,913,000)) \$8,000,000 must be retained in  
22 unallotted status, and may only be released by the office of financial  
23 management after consultation with the joint transportation committee  
24 (~~following the committee's examination of toll operations costs~~  
25 ~~referenced in section 204(2) of this act. The amount provided in this~~  
26 ~~subsection is contingent on the enactment of (a) Engrossed Substitute~~  
27 ~~House Bill No. 2211 and (b) either Engrossed Substitute House Bill No.~~  
28 ~~2326 or other legislation authorizing bonds for the state route number~~  
29 ~~520 corridor projects. If the conditions of this subsection are not~~  
30 ~~satisfied, the amount provided in this subsection shall lapse)).~~~~

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

34 (5) \$2,130,000 of the state route number 520 civil penalties  
35 account--state appropriation and \$140,000 of the Tacoma Narrows toll  
36 bridge account--state appropriation are provided solely for  
37 expenditures related to the toll adjudication process. The amount  
38 provided in this subsection is contingent on the enactment by June 30,

1 2010, of either Engrossed Substitute Senate Bill No. 6499 or Substitute  
2 House Bill No. 2897; however, if the enacted bill does not specify the  
3 department as the toll penalty adjudicating agency, the amounts  
4 provided in this subsection lapse.

5 (6) The department shall review, and revise where appropriate,  
6 current signage and ingress/egress locations on the state route number  
7 167 high occupancy toll lanes pilot project. The department shall  
8 continue to work with the Washington state patrol on educating the  
9 public on the rules of the road related to crossing a double white  
10 line. The department shall continue to monitor the performance of the  
11 high occupancy toll lanes to ensure that driving conditions for high  
12 occupancy vehicles that share these lanes are not significantly  
13 changed.

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

16 **FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM**  
17 **C**

18	Transportation Partnership Account--State	
19	Appropriation . . . . .	\$2,675,000
20	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$67,811,000</del> ))
21		<u>\$68,650,000</u>
22	Motor Vehicle Account--Federal Appropriation . . . . .	\$240,000
23	Multimodal Transportation Account--State	
24	Appropriation . . . . .	\$363,000
25	Transportation 2003 Account (Nickel Account)--State	
26	Appropriation . . . . .	\$2,676,000
27	TOTAL APPROPRIATION . . . . .	(( <del>\$73,765,000</del> ))
28		<u>\$74,604,000</u>

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

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

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

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

21 (4) \$573,000 of the motor vehicle account--state appropriation is  
22 provided solely for the department to maintain the investment in the  
23 electronic fare system at Washington's ferry terminals. Investment in  
24 the electronic fare system must include the following: Replacement of  
25 critical hardware components that are at risk of failure;  
26 implementation of software to allow ORCA cards to be used for vehicles;  
27 repair of the turnstiles to ensure that the turnstiles properly record  
28 ORCA credit and debit card charges; and dedication of a communication  
29 line for transmission of ORCA data to the clearinghouse.

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 \$25,292,000



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. If the department determines that all or a portion of  
11 real property or an interest in real property that was acquired through  
12 condemnation within the previous ten years is no longer necessary for  
13 a transportation purpose, the former owner has a right of repurchase as  
14 described in this subsection. For the purposes of this subsection,  
15 "former owner" means the person or entity from whom the department  
16 acquired title. At least ninety days prior to the date on which the  
17 property is intended to be sold by the department, the department must  
18 mail notice of the planned sale to the former owner of the property at  
19 the former owner's last known address or to a forwarding address if  
20 that owner has provided the department with a forwarding address. If  
21 the former owner of the property's last known address, or forwarding  
22 address if a forwarding address has been provided, is no longer the  
23 former owner of the property's address, the right of repurchase is  
24 extinguished. If the former owner notifies the department within  
25 thirty days of the date of the notice that the former owner intends to  
26 repurchase the property, the department shall proceed with the sale of  
27 the property to the former owner for fair market value and shall not  
28 list the property for sale to other owners. If the former owner does  
29 not provide timely written notice to the department of the intent to  
30 exercise a repurchase right, or if the sale to the former owner is not  
31 completed within seven months of the date of notice that the former  
32 owner intends to repurchase the property, the right of repurchase is  
33 extinguished. By December 1, 2010, the department shall report to the  
34 legislative transportation committees on the individuals and entities  
35 eligible to receive surplus property provided in RCW 47.12.063 to  
36 determine the frequency with which the department transfers property to  
37 those individuals and entities and the implications to the department.  
38 It is the intent of the legislature that the list of individuals and

1 entities eligible to receive surplus property be periodically evaluated  
2 to determine whether the list is appropriate and provides utility to  
3 the department.

4 ~~((+3))~~ (2) The legislature recognizes that the Dryden pit site  
5 (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned  
6 real property under the jurisdiction of the department of  
7 transportation, and that the public would benefit significantly from  
8 the complete enjoyment of the natural scenic beauty and recreational  
9 opportunities available at the site. Therefore, pursuant to RCW  
10 47.12.080, the legislature declares that transferring the property to  
11 the department of fish and wildlife for recreational use and fish and  
12 wildlife restoration efforts is consistent with the public interest in  
13 order to preserve the area for the use of the public and the betterment  
14 of the natural environment. The department of transportation shall ~~((~~  
15 ~~as soon as is practicable,~~) work with the department of fish and  
16 wildlife, and shall transfer and convey the Dryden pit site to the  
17 department of fish and wildlife as is for ~~((adequate consideration in~~  
18 ~~the amount of no less than \$600,000))~~ an adjusted fair market value  
19 reflecting site conditions, the proceeds of which must be deposited in  
20 the motor vehicle fund. ~~((By July 1, 2009))~~ The department of  
21 transportation is not responsible for any costs associated with the  
22 cleanup or transfer of this property. By July 1, 2010, and annually  
23 thereafter until the entire Dryden pit property has been transferred,  
24 the department shall submit a status report regarding the transaction  
25 to the chairs of the legislative transportation committees.

26 ~~((+5) \$750,000))~~ (3) \$3,175,000 of the motor vehicle account--state  
27 appropriation is provided solely for the department's compliance with  
28 its national pollution discharge elimination system permit. The  
29 department's work may include the completion of system development,  
30 reporting, and planning to meet deadlines in the current biennium. The  
31 appropriation provided in this subsection is contingent on either the  
32 joint legislative audit and review committee or the joint  
33 transportation committee including the analysis identified in sections  
34 108(4) and 204 of this act in its respective 2009-11 fiscal biennium  
35 work plan by April 15, 2010.

36 ~~((+6))~~ (4) The department shall provide updated information on six  
37 project milestones for all active projects, funded in part or in whole  
38 with 2005 transportation partnership account funds or 2003 nickel



1 account funds, on a quarterly basis in the transportation executive  
2 information system (TEIS). The department shall also provide updated  
3 information on six project milestones for projects, funded with  
4 preexisting funds and that are agreed to by the legislature, office of  
5 financial management, and the department, on a quarterly basis in TEIS.

6 (5) It is the intent of the legislature that the real estate  
7 services division of the department will recover the cost of its  
8 efforts from future sale proceeds. By January 31, 2011, the department  
9 must report to the office of financial management and the legislative  
10 transportation committees on the status of surplus property. The  
11 report must include: (a) The department's plan for continued disposal  
12 of surplus property; (b) a detail of changes from the previous report;  
13 and (c) a current list of surplus property by region that includes the  
14 acquisition date and price of the property, the status of the surplus  
15 property, and estimated value of the property. Except as provided  
16 otherwise in this subsection, by June 30, 2010, the department must  
17 finalize all pending equal value exchange activity for the construction  
18 or improvement of facilities, after which time the department may not  
19 pursue any other equal value exchanges for the construction or  
20 improvement of facilities. However, the northwest region may pursue an  
21 equal value exchange to replace the Mount Baker headquarters office.  
22 The exchange may include an exchange for the old Puget Sound energy  
23 site, the old Arco site, or any combination of the two.

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

26 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**  
27 **K**

28 Motor Vehicle Account--State Appropriation . . . . .	(( \$615,000 ))
	<u>\$673,000</u>
30 Multimodal Transportation Account--State Appropriation . . . . .	\$200,000
31 TOTAL APPROPRIATION . . . . .	(( \$815,000 ))
	<u>\$873,000</u>

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

35 (1) \$200,000 of the multimodal transportation account--state  
36 appropriation is provided solely for the department to develop and  
37 implement public private partnerships at high priority terminals as

1 identified in the January 12, 2009, final report on joint development  
2 opportunities at Washington state ferries terminals. The department  
3 shall first consider a mutually beneficial agreement at the Edmonds  
4 terminal.

5 (2) \$50,000 of the motor vehicle account--state appropriation is  
6 provided solely for the department to investigate the potential to  
7 generate revenue from web site sponsorships and similar ventures and,  
8 if feasible, pursue partnership opportunities.

9 (3) \$75,000 of the motor vehicle account--state appropriation is  
10 provided solely for the implementation of a pilot project allowing  
11 advertisements and sponsorships on select web pages. The pilot project  
12 must be organized under the partnership model described in the  
13 department's web site monetizing feasibility study, which was prepared  
14 under subsection (2) of this section. Once operational, the pilot  
15 project must operate for at least twelve consecutive months. After  
16 twelve months of continuous operation, the department shall provide a  
17 report with recommendations on whether to continue project operations  
18 to the office of financial management and the chairs of the  
19 transportation committees. The department may end the pilot project  
20 after less than twelve consecutive months of operation if insufficient  
21 bids or proposals are received from potential sponsors or advertisers.  
22 For the purpose of this subsection, if a consultant contract is  
23 warranted, the consultant contract is deemed a revenue generation  
24 activity as that term is construed in section 602(2), chapter 3, Laws  
25 of 2010.

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

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

29 Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$347,637,000</del> ))
	<u>\$347,645,000</u>
31 Motor Vehicle Account--Federal Appropriation . . . . .	(( <del>\$2,000,000</del> ))
	<u>\$7,000,000</u>
33 Motor Vehicle Account--Private/Local Appropriation . . . . .	\$5,797,000
34 ( <del>Water Pollution Account--State Appropriation . . . . .</del> )	<del>\$12,500,000</del> )
35 TOTAL APPROPRIATION . . . . .	(( <del>\$367,934,000</del> ))
	<u>\$360,442,000</u>

36

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

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

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

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

17 (4) (~~(\$2,000,000)~~) \$7,000,000 of the motor vehicle account--federal  
18 appropriation is for unanticipated federal funds that may be received  
19 during the 2009-11 fiscal biennium. Upon receipt of the funds, the  
20 department shall provide a report on the use of the funds to the  
21 transportation committees of the legislature and the office of  
22 financial management.

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

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

28 (b) The department is reimbursed from the narrows bridge lights  
29 organization within three months from the date any maintenance work is  
30 performed. If the narrows bridge lights organization is unable to  
31 reimburse the department for any future costs incurred, the lights must  
32 be removed at the expense of the narrows bridge lights organization  
33 subject to the terms of the contract.

34 (6) The department may work with the department of corrections to  
35 utilize corrections crews for the purposes of litter pickup on state  
36 highways.

37 (7) \$650,000 of the motor vehicle account--state appropriation is

1 provided solely for increased asphalt costs. (~~If Senate Bill No. 5976~~  
2 ~~is not enacted by June 30, 2009, the amount provided in this subsection~~  
3 ~~shall lapse.~~)

4 (8) \$16,800,000 of the motor vehicle account--state appropriation  
5 is provided solely for the high priority maintenance backlog.  
6 Addressing the maintenance backlog must result in increased levels of  
7 service.

8 ~~((+10))~~ (9) \$750,000 of the motor vehicle account--state  
9 appropriation is provided solely for the department's compliance with  
10 its national pollution discharge elimination system permit.

11 (10) \$317,000 of the motor vehicle account--state appropriation is  
12 provided solely for maintaining a new active traffic management system  
13 on Interstate 5, Interstate 90, and SR 520. The department shall track  
14 the costs associated with these systems on a corridor basis and report  
15 to the legislative transportation committees on the cost and benefits  
16 of the system.

17 (11) \$286,000 of the motor vehicle account--state appropriation is  
18 provided solely for storm water assessment fees charged by local  
19 governments.

20 **Sec. 218.** 2009 c 470 s 218 (uncodified) is amended to read as  
21 follows:

22 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**  
23 **OPERATING**

24	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$51,526,000</del> ))
25		<u>\$51,128,000</u>
26	Motor Vehicle Account--Federal Appropriation . . . . .	\$2,050,000
27	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$127,000
28	TOTAL APPROPRIATION . . . . .	(( <del>\$53,703,000</del> ))
29		<u>\$53,305,000</u>

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

32 (1) \$2,400,000 of the motor vehicle account--state appropriation is  
33 provided solely for low-cost enhancements. The department shall give  
34 priority to low-cost enhancement projects that improve safety or  
35 provide congestion relief. The department shall prioritize low-cost  
36 enhancement projects on a statewide rather than regional basis. By  
37 September 1st of each even-numbered year, the department shall provide

1 a report to the legislature listing all low-cost enhancement projects  
2 prioritized on a statewide rather than regional basis completed in the  
3 prior year.

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

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

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

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

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

32 (e) For purposes of the 2009-11 fiscal biennium pilot program,  
33 infractions detected through the use of automated traffic safety  
34 cameras are not part of the registered owner's driving record under RCW  
35 46.52.101 and 46.52.120. Additionally, infractions generated by the  
36 use of automated traffic safety cameras must be processed in the same  
37 manner as parking infractions for the purposes of RCW 3.50.100,  
38 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the

1 fine issued under this subsection (2) for an infraction generated  
2 through the use of an automated traffic safety camera is one hundred  
3 thirty-seven dollars. The court shall remit thirty-two dollars of the  
4 fine to the state treasurer for deposit into the state patrol highway  
5 account; and

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

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

28 (4) \$173,000 of the motor vehicle account--state appropriation is  
29 provided solely for the department to continue a pilot tow truck  
30 incentive program and to expand the program to other areas of the  
31 state. The department may provide incentive payments to towing  
32 companies that meet clearance goals on accidents that involve heavy  
33 trucks. The department shall report to the office of financial  
34 management and the transportation committees of the legislature on the  
35 effectiveness of the clearance goals and submit recommendations to  
36 improve the pilot program with the department's 2010 supplemental  
37 omnibus transportation appropriations act submittal. The tow truck  
38 incentive program may continue to provide incentives for quick

1 clearance of traffic incidents involving large vehicles. The  
2 department shall make recommendations as part of its biennial budget  
3 proposal for expanding the use of the incentive program.

4 (5) \$92,000 of the motor vehicle account--state appropriation is  
5 provided solely for operating a new active traffic management system on  
6 Interstate 5, Interstate 90, and SR 520. The department shall track  
7 the costs associated with these systems on a corridor basis and report  
8 to the legislative transportation committees on the cost and benefits  
9 of the system.

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

12 (7) During the 2009-11 biennium, the department shall implement a  
13 pilot program that expands private transportation providers' access to  
14 high occupancy vehicle lanes. Under the pilot program, when the  
15 department reserves a portion of a highway based on the number of  
16 passengers in a vehicle, the following vehicles must be authorized to  
17 use the reserved portion of the highway if the vehicle has the capacity  
18 to carry eight or more passengers, regardless of the number of  
19 passengers in the vehicle: (a) Auto transportation company vehicles  
20 regulated under chapter 81.68 RCW; (b) passenger charter carrier  
21 vehicles regulated under chapter 81.70 RCW, except marked or unmarked  
22 stretch limousines and stretch sport utility vehicles as defined under  
23 department rules; (c) private nonprofit transportation provider  
24 vehicles regulated under chapter 81.66 RCW; and (d) private employer  
25 transportation service vehicles. For purposes of this subsection,  
26 "private employer transportation service" means regularly scheduled,  
27 fixed-route transportation service that is offered by an employer for  
28 the benefit of its employees. By June 30, 2011, the department shall  
29 report to the transportation committees of the legislature on whether  
30 private transportation provider use of high occupancy vehicle lanes  
31 under the pilot program reduces the speeds of high occupancy vehicle  
32 lanes. Nothing in this subsection is intended to authorize the  
33 conversion of public infrastructure to private, for-profit purposes or  
34 to otherwise create an entitlement or other claim by private users to  
35 public infrastructure.

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

1	<b>FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND</b>	
2	<b>SUPPORT--PROGRAM S</b>	
3	Motor Vehicle Account--State Appropriation . . . . .	(((\$29,153,000))
4		<u>\$28,468,000</u>
5	Motor Vehicle Account--Federal Appropriation . . . . .	\$30,000
6	Multimodal Transportation Account--State	
7	Appropriation . . . . .	(((\$973,000))
8		<u>\$971,000</u>
9	State Route Number 520 Corridor Account--State	
10	Appropriation . . . . .	\$264,000
11	TOTAL APPROPRIATION . . . . .	(((\$30,420,000))
12		<u>\$29,733,000</u>

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

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

29	<b>FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,</b>	
30	<b>AND RESEARCH--PROGRAM T</b>	
31	Motor Vehicle Account--State Appropriation . . . . .	(((\$24,724,000))
32		<u>\$25,955,000</u>
33	Motor Vehicle Account--Federal Appropriation . . . . .	(((\$19,116,000))
34		<u>\$22,002,000</u>
35	Multimodal Transportation Account--State	
36	Appropriation . . . . .	(((\$696,000))
37		<u>\$1,090,000</u>



1 Multimodal Transportation Account--Federal  
 2 Appropriation . . . . . ((~~\$2,809,000~~))  
 3 \$3,287,000  
 4 Multimodal Transportation Account--Private/Local  
 5 Appropriation . . . . . ((~~\$100,000~~))  
 6 \$99,000  
 7 TOTAL APPROPRIATION . . . . . ((~~\$47,445,000~~))  
 8 \$52,433,000

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

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

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

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

1 that have high truck volumes. TransNow shall contribute additional  
2 federal funds that are not appropriated in this act. The department  
3 shall work with the freight mobility strategic investment board to  
4 implement this database.

5 (4) \$2,000,000 of the motor vehicle account--state appropriation is  
6 provided solely for scoping unfunded state highway projects to ensure  
7 that a well-vetted project list is available for future program funding  
8 discussions.

9 (a) It is the intent of the legislature that the funding provided  
10 in this subsection support the development of transportation solutions  
11 that benefit all state residents, including addressing the impacts of  
12 traffic diversion from tolled facilities. It is further the intent of  
13 the legislature that the buying power of future revenue packages is  
14 maximized.

15 (b) Scoping work must be consistent with achieving transportation  
16 system policy goals as stated in RCW 47.04.280.

17 (c) The department shall provide cost-effective design solutions  
18 that achieve the desired functional outcomes. This may be achieved by  
19 providing one or more design alternatives for legislative  
20 consideration, based on a reasonable range of assumptions about traffic  
21 volume and speeds.

22 (d) Prior to the commencement of the 2011 legislative session, the  
23 department shall provide a report to the legislative transportation  
24 committees and the office of financial management that includes  
25 estimated costs and construction time frames.

26 (5) \$150,000 of the motor vehicle account--state appropriation is  
27 provided solely for a corridor study of state route number 516 from the  
28 eastern border of Maple Valley to state route number 167 to determine  
29 whether improvements are needed and the costs of any needed  
30 improvements.

31 (6) \$500,000 of the multimodal transportation account--federal  
32 appropriation is provided solely for continued support of the  
33 International Mobility and Trade Corridor project and for the  
34 department to work with the Whatcom council of governments to examine  
35 potential improvements to international border freight and passenger  
36 rail movement and the use of diesel multiple units.

37 (7) \$80,000 of the motor vehicle account--state appropriation is

1 provided solely to continue existing work regarding feasibility of a  
2 new interchange between Rochester and Harrison Avenue on Interstate 5.

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

5 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**  
6 **V**

7	Regional Mobility Grant Program Account--State	
8	Appropriation . . . . .	(( <del>\$54,677,000</del> ))
9		<u>\$65,274,000</u>
10	Multimodal Transportation Account--State	
11	Appropriation . . . . .	(( <del>\$65,795,000</del> ))
12		<u>\$65,667,000</u>
13	Multimodal Transportation Account--Federal	
14	Appropriation . . . . .	(( <del>\$2,582,000</del> ))
15		<u>\$2,573,000</u>
16	Multimodal Transportation Account--Private/Local	
17	Appropriation . . . . .	(( <del>\$1,027,000</del> ))
18		<u>\$1,025,000</u>
19	TOTAL APPROPRIATION . . . . .	(( <del>\$124,081,000</del> ))
20		<u>\$134,539,000</u>

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

23 (1) \$25,000,000 of the multimodal transportation account--state  
24 appropriation is provided solely for a grant program for special needs  
25 transportation provided by transit agencies and nonprofit providers of  
26 transportation.

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

33 (b) \$19,500,000 of the amount provided in this subsection is  
34 provided solely for grants to transit agencies to transport persons  
35 with special transportation needs. To receive a grant, the transit  
36 agency must have a maintenance of effort for special needs  
37 transportation that is no less than the previous year's maintenance of

1 effort for special needs transportation. Grants for transit agencies  
2 shall be prorated based on the amount expended for demand response  
3 service and route deviated service in calendar year 2007 as reported in  
4 the "Summary of Public Transportation - 2007" published by the  
5 department of transportation. No transit agency may receive more than  
6 thirty percent of these distributions.

7 (2) Funds are provided for the rural mobility grant program as  
8 follows:

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

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

20 (3) \$7,000,000 of the multimodal transportation account--state  
21 appropriation is provided solely for a vanpool grant program for: (a)  
22 Public transit agencies to add vanpools or replace vans; and (b)  
23 incentives for employers to increase employee vanpool use. The grant  
24 program for public transit agencies will cover capital costs only;  
25 operating costs for public transit agencies are not eligible for  
26 funding under this grant program. Additional employees may not be  
27 hired from the funds provided in this section for the vanpool grant  
28 program, and supplanting of transit funds currently funding vanpools is  
29 not allowed. The department shall encourage grant applicants and  
30 recipients to leverage funds other than state funds. At least  
31 \$1,600,000 of this amount must be used for vanpool grants in congested  
32 corridors.

33 (4) \$400,000 of the multimodal transportation account--state  
34 appropriation is provided solely for a grant for a flexible carpooling  
35 pilot project program to be administered and monitored by the  
36 department. Funds are appropriated for one time only. The pilot  
37 project program must: Test and implement at least one flexible  
38 carpooling system in a high-volume commuter area that enables

1 carpooling without prearrangement; utilize technologies that, among  
2 other things, allow for transfer of ride credits between participants;  
3 and be a membership system that involves prescreening to ensure safety  
4 of the participants. The program must include a pilot project that  
5 targets commuter traffic on the state route number 520 bridge. The  
6 department shall submit to the legislature by December 2010 a report on  
7 the program results and any recommendations for additional flexible  
8 carpooling programs.

9 (5) \$3,318,000 of the multimodal transportation account--state  
10 appropriation and \$21,248,000 of the regional mobility grant program  
11 account--state appropriation are reappropriated and provided solely for  
12 the regional mobility grant projects identified on the LEAP  
13 Transportation Document 2007-B, as developed April 20, 2007, or the  
14 LEAP Transportation Document 2006-D, as developed March 8, 2006. The  
15 department shall continue to review all projects receiving grant awards  
16 under this program at least semiannually to determine whether the  
17 projects are making satisfactory progress. The department shall  
18 promptly close out grants when projects have been completed, and any  
19 remaining funds available to the office of transit mobility must be  
20 used only to fund projects on the LEAP Transportation Document 2006-D,  
21 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as  
22 developed April 20, 2007; or the LEAP Transportation Document 2009-B,  
23 as developed April 24, 2009. It is the intent of the legislature to  
24 appropriate funds through the regional mobility grant program only for  
25 projects that will be completed on schedule. However, the Chuckanut  
26 park and ride project (101100G) is recognized as a crucial investment  
27 in the transportation system. For this reason, the department shall  
28 not close out the grant for the Chuckanut park and ride project until  
29 Skagit transit has exhausted all other pending opportunities for  
30 federal and local funds. If additional funds cannot be secured, the  
31 department shall consider this project a priority in the 2011-13 grant  
32 process. The department shall make every effort to advance the  
33 Chuckanut park and ride project within existing resources.

34 (6) \$33,429,000 of the regional mobility grant program account--  
35 state appropriation is provided solely for the regional mobility grant  
36 projects identified in LEAP Transportation Document 2009-B, as  
37 developed April 24, 2009. The department shall review all projects  
38 receiving grant awards under this program at least semiannually to

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

15 (7) \$10,596,768 of the regional mobility grant program account--  
16 state appropriation must be obligated no later than December 31, 2010,  
17 and is provided solely for the following recommended contingency  
18 regional mobility grant projects identified in the 2009-11 omnibus  
19 transportation appropriations act, LEAP Transportation Document 2009-B,  
20 as developed April 24, 2009, as follows:

21 (a) \$4,000,000 is provided solely for the Rainier/Jackson transit  
22 priority corridor improvements;

23 (b) \$2,100,000 is provided solely for the state route number 522  
24 west city limits to Northeast 180th stage 2A (91st Ave NE to west of  
25 96th Ave NE) project; and

26 (c) \$4,496,768 is provided solely for the sound transit express bus  
27 expansion - Snohomish to King county project.

28 (8) \$300,000 of the multimodal transportation account--state  
29 appropriation is provided solely for a transportation demand management  
30 program, developed by the Whatcom council of governments, to further  
31 reduce drive-alone trips and maximize the use of sustainable  
32 transportation choices. The community-based program must focus on all  
33 trips, not only commute trips, by providing education, assistance, and  
34 incentives to four target audiences: (a) Large work sites; (b)  
35 employees of businesses in downtown areas; (c) school children; and (d)  
36 residents of Bellingham.

37 ~~((+8))~~ (9) \$130,000 of the multimodal transportation account--

1 state appropriation is provided solely to the department to distribute  
2 to support Engrossed Substitute House Bill No. 2072 (special needs  
3 transportation).

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

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

20 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by  
21 June 30, 2009, the amount provided in this subsection (~~((+8+))~~) (9)  
22 lapses. If Engrossed Substitute House Bill No. 2072 is enacted by June  
23 30, 2009, but a commitment from other sources to fully fund the pilot  
24 project described in (b) of this subsection has not been obtained by  
25 September 30, 2009, the amount provided in (b) of this subsection  
26 lapses.

27 (~~((+9+))~~) (10) Funds provided for the commute trip reduction program  
28 may also be used for the growth and transportation efficiency center  
29 program.

30 (~~((+10+))~~) (11) An affected urban growth area that has not previously  
31 implemented a commute trip reduction program is exempt from the  
32 requirements in RCW 70.94.527 if a solution to address the state  
33 highway deficiency that exceeds the person hours of delay threshold has  
34 been funded and is in progress during the 2009-11 fiscal biennium.

35 (~~((+11+))~~) (12) \$2,309,000 of the multimodal transportation account--  
36 state appropriation is provided solely for the tri-county connection  
37 service for Island, Skagit, and Whatcom transit agencies.

1       (13) During the 2009-11 biennium, the department shall implement a  
2 pilot project that expands opportunities for private transportation  
3 providers' use of high occupancy vehicle lanes, transit-only lanes, and  
4 certain park and ride facilities. Nothing in this subsection is  
5 intended to authorize the conversion of public infrastructure to  
6 private, for-profit purposes or to otherwise create an entitlement or  
7 other claim by private users to public infrastructure. The pilot  
8 project must establish that to receive grant funding from a program  
9 administered by the public transportation office of the department  
10 during the 2009-11 biennium, the local jurisdiction in which the  
11 applicant is located must be able to show that it has in place an  
12 application process for the reasonable use by private transportation  
13 providers of high occupancy vehicle lanes, transit-only lanes, and  
14 certain park and ride facilities that are regulated by the local  
15 jurisdiction. If a private transportation provider clearly  
16 demonstrates that the local jurisdiction failed to consider an  
17 application in good faith, the department may not award the  
18 jurisdiction any grant funding. Reasonable use exists if the private  
19 transportation provider has applied for the use of: (a) High occupancy  
20 vehicle or transit-only lanes, and such use will not interfere with the  
21 safety of public transportation operations and not reduce the speed of  
22 the lanes more than five percent during peak hours; and (b) a park and  
23 ride lot (i) during peak hours at a lot that is below ninety percent  
24 capacity during peak hours or (ii) during off-peak hours only. A  
25 transit agency may require that a private transportation provider enter  
26 into an agreement for use of the park and ride lot, and may include  
27 provisions to recover actual costs for the use of the lot and its  
28 related facilities. For purposes of this subsection: A "private  
29 transportation provider" means an auto transportation company regulated  
30 under chapter 81.68 RCW; a passenger charter carrier regulated under  
31 chapter 81.70 RCW; a private nonprofit transportation provider  
32 regulated under chapter 81.66 RCW; or a private employer transportation  
33 service provider; and "private employer transportation service" means  
34 regularly scheduled, fixed-route transportation service that is offered  
35 by an employer for the benefit of its employees.

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



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

2 Puget Sound Ferry Operations Account--State

3 Appropriation . . . . . ((~~\$400,592,000~~))

4 \$425,922,000

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

7 (1) (~~(\$53,110,560)~~) \$78,754,952 of the Puget Sound ferry operations  
8 account--state appropriation is provided solely for auto ferry vessel  
9 operating fuel in the 2009-11 fiscal biennium. This appropriation is  
10 contingent upon the enactment of sections 716 and 701 of this act. All  
11 fuel purchased by the Washington state ferries at Harbor Island truck  
12 terminal for the operation of the Washington state ferries diesel  
13 powered vessels must be a minimum of five percent biodiesel blend so  
14 long as the per gallon price of diesel containing a five percent  
15 biodiesel blend level does not exceed the per gallon price of diesel by  
16 more than five percent.

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

21 (3) If, after the department's review of fares and pricing  
22 policies, the department proposes a fuel surcharge, the department must  
23 evaluate other cost savings and fuel price stabilization strategies  
24 that would be implemented before the imposition of a fuel surcharge.  
25 The department shall report to the legislature and transportation  
26 commission on its progress of implementing new fuel forecasting and  
27 budgeting practices, price hedging contracts for fuel purchases, and  
28 fuel conservation strategies by November 30, 2010.

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

34 (5) The department shall continue to provide service to Sidney,  
35 British Columbia. The department may place a Sidney terminal departure  
36 surcharge on fares for out of state residents riding the Washington  
37 state ferry route that runs between Anacortes, Washington and Sidney,

1 British Columbia, if the cost for landing/license fee, taxes, and  
2 additional amounts charged for docking are in excess of \$280,000 CDN.  
3 The surcharge must be limited to recovering amounts above \$280,000 CDN.

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

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

14 (8) (~~(\$3,000,000)~~) \$4,794,000 of the Puget Sound ferry operations  
15 account--state appropriation is provided solely for commercial  
16 insurance for ferry assets. The office of financial management, after  
17 consultation with the transportation committees of the legislature,  
18 must present a business plan for the Washington state ferry system's  
19 insurance coverage to the 2010 legislature. The business plan must  
20 include a cost-benefit analysis of Washington state ferries' current  
21 commercial insurance purchased for ferry assets and a review of self-  
22 insurance for noncatastrophic events.

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

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

37 (11) When purchasing uniforms that are required by collective

1 bargaining agreements, the department shall contract with the lowest  
2 cost provider.

3 (12) The legislature finds that measuring the performance of  
4 Washington state ferries requires the measurement of quality,  
5 timeliness, and unit cost of services delivered to customers.  
6 Consequently, the department must develop a set of metrics that measure  
7 that performance and report to the transportation committees of the  
8 legislature and to the office of financial management on the  
9 development of these measurements along with recommendations to the  
10 2010 legislature on which measurements must become a part of the next  
11 omnibus transportation appropriations act.

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

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

30 (b) The process for appointing an investigating officer or officers  
31 and a description of the authorities and responsibilities of the  
32 investigating officer or officers. The investigating officer or  
33 officers must:

34 (i) Have the appropriate training and experience as determined by  
35 the policy;

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

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

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

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

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

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

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

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

24 (14) \$7,300,000 of the Puget Sound ferry operations account--state  
25 appropriation is provided solely for the purposes of travel time  
26 associated with Washington state ferries employees. However, if  
27 Engrossed Substitute House Bill No. 3209 (managing costs of ferry  
28 system) is enacted by June 30, 2010, containing an appropriation for  
29 purposes of travel time associated with Washington state ferries  
30 employees, the amount provided in this subsection lapses.

31 (15) \$50,000 of the Puget Sound ferry operations account--state  
32 appropriation is provided solely to implement a mechanism to report on-  
33 time performance statistics.

34 (a) The department shall conduct a study to identify process  
35 changes that would improve on-time performance on a route-by-route  
36 basis. The study must include looking into the slowing down of vessels  
37 for fuel economy purposes and touch-and-go sailings on peak runs. The

1 department shall report its findings to the transportation committees  
2 of the senate and house of representatives by December 1, 2010.

3 (b) The department shall, by November 1, 2010, report to the  
4 transportation committees of the legislature statistics regarding its  
5 on-time arrival and departure status on a route-by-route and month-by-  
6 month basis, as well as an annual route-by-route and systemwide basis,  
7 weighted by the number of customers on each sailing and distinguishing  
8 peak period on-time performance. The statistics must include reasons  
9 for any delays over ten minutes from the scheduled time. The  
10 statistics must be prominently displayed on the Washington state  
11 ferries' web site. Each Washington state ferries vessel and terminal  
12 must prominently display the statistics as they relate to their  
13 specific route.

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

18 (17) By July 1, 2010, the department shall provide to the governor  
19 and the transportation committees of the senate and house of  
20 representatives a listing of all benefits that Washington state ferries  
21 union employees receive that other state employees do not traditionally  
22 receive. The listing must include any costs associated with these  
23 benefits.

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

26 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**  
27 Multimodal Transportation Account--State  
28 Appropriation . . . . . ((\$34,933,000))  
29 \$37,371,000

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

32 (1) ((\$29,091,000)) \$31,591,000 of the multimodal transportation  
33 account--state appropriation is provided solely for the Amtrak service  
34 contract and Talgo maintenance contract associated with providing and  
35 maintaining the state-supported passenger rail service. Upon  
36 completion of the rail platform project in the city of Stanwood, the  
37 department shall provide daily Amtrak Cascades service to the city.

- 1 (2) Amtrak Cascade runs may not be eliminated.
- 2 (3) The department shall begin planning for a third roundtrip
- 3 Cascades train between Seattle and Vancouver, B.C. by 2010.

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

6 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**  
 7 **OPERATING**

8	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$8,739,000</del> ))
9		<u>\$8,621,000</u>
10	Motor Vehicle Account--Federal Appropriation . . . . .	(( <del>\$2,567,000</del> ))
11		<u>\$2,545,000</u>
12	TOTAL APPROPRIATION . . . . .	(( <del>\$11,306,000</del> ))
13		<u>\$11,166,000</u>

14 **TRANSPORTATION AGENCIES--CAPITAL**

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

17 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

18	Rural Arterial Trust Account--State Appropriation . . .	(( <del>\$51,000,000</del> ))
19		<u>\$73,000,000</u>
20	Motor Vehicle Account--State Appropriation . . . . .	\$1,048,000
21	County Arterial Preservation Account--State	
22	Appropriation . . . . .	\$31,400,000
23	TOTAL APPROPRIATION . . . . .	(( <del>\$83,448,000</del> ))
24		<u>\$105,448,000</u>

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

27 (1) \$1,048,000 of the motor vehicle account--state appropriation  
 28 may be used for county ferry projects as developed pursuant to RCW  
 29 47.56.725(4).

30 (2) The appropriations in this section include funding to counties  
 31 to assist them in efforts to recover from federally declared  
 32 emergencies, by providing capitalization advances and local match for  
 33 federal emergency funding as determined by the county road  
 34 administration board. The county road administration board shall

1 specifically identify any such selected projects and shall include  
2 information concerning such selected projects in its next annual report  
3 to the legislature.

4 (3) \$22,000,000 of the rural arterial trust account--state  
5 appropriation is provided solely for additional grants for county road  
6 projects as approved by the county road administration board.

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

9 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

10	Small City Pavement and Sidewalk Account--State	
11	Appropriation . . . . .	(( <del>\$5,779,000</del> ))
12		<u>\$3,927,000</u>
13	Urban Arterial Trust Account--State Appropriation . .	(( <del>\$122,400,000</del> ))
14		<u>\$123,900,000</u>
15	Transportation Improvement Account--State	
16	Appropriation . . . . .	(( <del>\$85,643,000</del> ))
17		<u>\$81,643,000</u>
18	TOTAL APPROPRIATION . . . . .	(( <del>\$213,822,000</del> ))
19		<u>\$209,470,000</u>

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

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

25 (2) The urban arterial trust account--state appropriation includes  
26 up to ((~~\$15,000,000~~)) \$7,143,000 in proceeds from the sale of bonds  
27 authorized in RCW 47.26.420.

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

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

31	Multimodal Transportation Account--State	
32	Appropriation . . . . .	(( <del>\$1,000</del> ))
33		<u>\$98,000</u>
34	Transportation Partnership Account--State	
35	Appropriation . . . . .	(( <del>\$1,723,834,000</del> ))
36		<u>\$1,665,644,000</u>

1	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$80,735,000</del> ))
2		<u>\$85,534,000</u>
3	Motor Vehicle Account--Federal Appropriation . . . . .	(( <del>\$410,341,000</del> ))
4		<u>\$570,107,000</u>
5	Motor Vehicle Account--Private/Local	
6	Appropriation . . . . .	(( <del>\$65,494,000</del> ))
7		<u>\$70,714,000</u>
8	Special Category C Account--State Appropriation . . . . .	(( <del>\$24,549,000</del> ))
9		<u>\$25,221,000</u>
10	Transportation 2003 Account (Nickel Account)--State	
11	Appropriation . . . . .	(( <del>\$703,708,000</del> ))
12		<u>\$713,205,000</u>
13	Freight Mobility Multimodal Account--State	
14	Appropriation . . . . .	(( <del>\$4,422,000</del> ))
15		<u>\$4,574,000</u>
16	Tacoma Narrows Toll Bridge Account--State	
17	Appropriation . . . . .	(( <del>\$788,000</del> ))
18		<u>\$789,000</u>
19	State Route Number 520 Corridor Account--State	
20	Appropriation . . . . .	(( <del>\$106,000,000</del> ))
21		<u>\$231,763,000</u>
22	<u>State Route Number 520 Civil Penalties Account--State</u>	
23	<u>Appropriation . . . . .</u>	<u>\$1,190,000</u>
24	TOTAL APPROPRIATION . . . . .	(( <del>\$3,119,872,000</del> ))
25		<u>\$3,368,839,000</u>

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

28       (1) Except as provided otherwise in this section, the entire  
29 transportation 2003 account (nickel account) appropriation and the  
30 entire transportation partnership account appropriation are provided  
31 solely for the projects and activities as listed by fund, project, and  
32 amount in LEAP Transportation Document ((~~2009-1~~)) 2010-1 as developed  
33 ((~~April 24, 2009~~)) March 8, 2010, Program - Highway Improvement Program  
34 (I). However, limited transfers of specific line-item project  
35 appropriations may occur between projects for those amounts listed  
36 subject to the conditions and limitations in section 603 of this act.

37       (2) ((~~As a result of economic changes since the initial development~~  
38 ~~of the improvement program budget for the 2009-11 fiscal biennium, the~~



1 department has received bids on construction contracts over the last  
2 several months that are favorable with respect to current estimates of  
3 project costs. National economic forecasts indicate that inflationary  
4 pressures are likely to remain lower than previously expected for the  
5 next several years. As a result, the nominal project cost totals shown  
6 in LEAP Transportation Document 2009-1 in aggregate for the 2009-11  
7 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed  
8 the likely amount necessary to deliver the projects listed within those  
9 biennia by \$63,500,000 in the 2009-11 fiscal biennium and \$52,700,000  
10 in the 2011-13 fiscal biennium. The appropriations provided in this  
11 section for the projects in those biennia are therefore \$63,500,000  
12 less in the 2009-11 fiscal biennium and \$52,700,000 less in the 2011-13  
13 fiscal biennium than the aggregate total of project costs listed. It  
14 is the intent of the legislature that the department shall deliver the  
15 projects listed in LEAP Transportation Document 2009-1 within the time,  
16 scope, and budgets identified in that document, provided that the  
17 prices of commodities used in transportation projects do not differ  
18 significantly from those assumed for the 2009-11 and 2011-13 fiscal  
19 biennia in the March 2009 forecast of the economic and revenue forecast  
20 council.

21 ~~(3) \$162,900,000))~~ \$163,385,000 of the transportation partnership  
22 account--state appropriation and ~~(((\$106,000,000))~~ \$231,763,000 of the  
23 state route number 520 corridor account--state appropriation are  
24 provided solely for the state route number 520 bridge replacement and  
25 HOV project. The department shall submit an application for the  
26 eastside transit and HOV project to the supplemental discretionary  
27 grant program for regionally significant projects as provided in the  
28 American Recovery and Reinvestment Act of 2009. ~~((Eastside state route  
29 number 520 improvements shall be designed and constructed to  
30 accommodate a future full interchange at 124th Avenue Northeast.  
31 Concurrent with the eastside transit and HOV project, the department  
32 shall conduct engineering design of a full interchange at 124th Avenue  
33 Northeast. The amount provided in this subsection from the state route  
34 number 520 corridor account--state appropriation is contingent on the  
35 enactment of (a) Engrossed Substitute House Bill No. 2211 and (b)  
36 either Engrossed Substitute House Bill No. 2326 or other legislation  
37 authorizing bonds for the state route number 520 corridor projects. If~~

1 ~~the conditions of this subsection are not satisfied, the state route~~  
2 ~~number 520 corridor account state appropriation shall lapse.~~

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

7 ~~((5))~~ (4) Funding allocated for mitigation costs is provided  
8 solely for the purpose of project impact mitigation, and shall not be  
9 used to develop or otherwise participate in the environmental  
10 assessment process.

11 ~~((6))~~ (5) The department shall apply for surface transportation  
12 program (STP) enhancement funds to be expended in lieu of or in  
13 addition to state funds for eligible costs of projects in Programs I  
14 and P including, but not limited to, the SR 518, SR 520, Columbia river  
15 crossing, and Alaskan Way viaduct projects.

16 ~~((7))~~ (6) The department shall, on a quarterly basis beginning  
17 July 1, 2009, provide to the office of financial management and the  
18 legislature reports providing the status on each active project funded  
19 in part or whole by the transportation 2003 account (nickel account) or  
20 the transportation partnership account. Funding provided at a  
21 programmatic level for transportation partnership account and  
22 transportation 2003 account (nickel account) projects relating to  
23 bridge rail, guard rail, fish passage barrier removal, and roadside  
24 safety projects should be reported on a programmatic basis. Projects  
25 within this programmatic level funding should be completed on a  
26 priority basis and scoped to be completed within the current  
27 programmatic budget. ~~((The department shall work with the office of~~  
28 ~~financial management and the transportation committees of the~~  
29 ~~legislature to agree on report formatting and elements. Elements must~~  
30 ~~include, but not be limited to, project scope, schedule, and costs.~~  
31 ~~For))~~ Report formatting and elements must be consistent with the  
32 October 2009 quarterly project report. On a representative sample of  
33 new construction contracts valued at fifteen million dollars or more,  
34 the department must also use an earned value method of project  
35 monitoring. ~~((The department shall also provide the information~~  
36 ~~required under this subsection on a quarterly basis via the~~  
37 ~~transportation executive information systems (TEIS).~~

1       ~~(8)~~) (7) The transportation 2003 account (nickel account)--state  
2 appropriation includes up to (~~(\$628,000,000)~~) \$653,630,000 in proceeds  
3 from the sale of bonds authorized by RCW 47.10.861.

4       ~~((9))~~ (8) The transportation partnership account--state  
5 appropriation includes up to (~~(\$1,360,528,000)~~) \$1,347,939,000 in  
6 proceeds from the sale of bonds authorized in RCW 47.10.873.

7       ~~((10))~~ (9) The special category C account--state appropriation  
8 includes up to (~~(\$22,127,000)~~) \$25,221,000 in proceeds from the sale of  
9 bonds authorized in RCW 47.10.812.

10       ~~((11))~~ (10) The motor vehicle account--state appropriation  
11 includes up to (~~(\$31,500,000)~~) \$43,000,000 in proceeds from the sale of  
12 bonds authorized in RCW 47.10.843.

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

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

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

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

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

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

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

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

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

5 (i) Funding a portion of the Columbia river crossing project with  
6 tolls;

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

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

11 (h) Provide a report to the governor and the legislature by January  
12 2010.

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

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

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

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

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

32 (iv) Provide a report to the governor and the legislature by  
33 January 2010.

34 (14)((~~-\$9,199,985~~)) \$6,488,000 of the motor vehicle account--state  
35 appropriation ((~~is~~)) and \$5,000 of the motor vehicle account--federal  
36 appropriation are provided solely for project 100224I, ((as identified  
37 in the LEAP transportation document in subsection (1) of this  
38 section\*)) US 2 high priority safety project. Expenditure of these

1 funds is for safety projects on state route number 2 between Monroe and  
2 Gold Bar, which may include median rumble strips, traffic cameras, and  
3 electronic message signs.

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

7 (16) The department shall conduct a public outreach process to  
8 identify and respond to community concerns regarding the Belfair  
9 bypass. The process must include representatives from Mason county,  
10 the legislature, area businesses, and community members. The  
11 department shall use this process to consider and develop design  
12 alternatives that alter the project's scope so that the community's  
13 needs are met within the project budget. The department shall provide  
14 a report on the process and outcomes to the legislature by June 30,  
15 2010.

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

24 (18) \$250,000 of the motor vehicle account--state appropriation is  
25 provided solely for the design and construction of a right turn lane to  
26 improve visibility and traffic flow on state route number 195 and  
27 Cheney-Spokane Road (project L1000001).

28 (19) (~~(\$846,700)~~) \$730,000 of the motor vehicle account--federal  
29 appropriation and (~~(\$17,280)~~) \$16,000 of the motor vehicle account--  
30 state appropriation are provided solely for the Westview school noise  
31 wall (project WESTV).

32 (20) (~~(\$1,360)~~) \$2,000 of the motor vehicle account--state  
33 appropriation and (~~(\$35,786)~~) \$131,000 of the motor vehicle account--  
34 federal appropriation are provided solely for interchange design and  
35 planning work on US 12 at A Street and Tank Farm Road (project PASCO).

36 (21) (~~(\$20,011,125)~~) \$21,566,000 of the transportation partnership  
37 account--state appropriation, (~~(\$2,550)~~) \$26,000 of the motor vehicle  
38 account--state appropriation, (~~(\$30,003,473)~~) \$30,000,000 of the motor

1 vehicle account--private/local appropriation, and ((~~\$1,482,066~~))  
2 \$4,334,000 of the motor vehicle account--federal appropriation are  
3 provided solely for project 400506A, the I-5/Columbia river  
4 crossing/Vancouver project. The funding described in this subsection  
5 includes a ((~~\$30,003,473~~)) \$30,000,000 contribution from the state of  
6 Oregon.

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

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

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

21 ~~(23) ((The state route number 520 corridor account state~~  
22 ~~appropriation includes up to \$106,000,000 in proceeds from the sale of~~  
23 ~~bonds authorized in Engrossed Substitute House Bill No. 2326 or in~~  
24 ~~legislation authorizing bonds for the state route number 520 corridor~~  
25 ~~projects. If Engrossed Substitute House Bill No. 2326, or legislation~~  
26 ~~authorizing bonds for the state route number 520 corridor projects, is~~  
27 ~~not enacted by June 30, 2009, the amount provided in this subsection~~  
28 ~~shall lapse.~~

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

36 ~~((25))~~ (24) Project number 330215A in the LEAP transportation  
37 document described in subsection (1) of this section is expanded to  
38 include safety and congestion improvements from the Key Peninsula

1 Highway to the vicinity of Purdy. The department shall consult with  
2 the Washington traffic safety commission to ensure that this project  
3 includes improvements at intersections and along the roadway to reduce  
4 the frequency and severity of collisions related to roadway conditions  
5 and traffic congestion.

6 ~~((+26))~~ ~~(\$10,600,000))~~ (25) \$8,890,000 of the transportation  
7 partnership account--state appropriation is provided solely for project  
8 109040Q, the Interstate 90 Two Way Transit and HOV Improvements--Stage  
9 2 and 3 project, as indicated in the LEAP transportation document  
10 referenced in subsection (1) of this section. ~~((Funds shall be used  
11 solely for preliminary engineering on stages 2 and 3 of this project.~~

12 ~~(+27))~~ (26) The department shall continue to work with the local  
13 partners in developing transportation solutions necessary for the  
14 economic growth in the Red Mountain American Viticulture Area of Benton  
15 county.

16 ~~((+28))~~ (27) For highway construction projects where the  
17 department considers agricultural lands of long-term commercial  
18 significance, as defined in RCW 36.70A.030, in reviewing and selecting  
19 sites to meet environmental mitigation requirements under the national  
20 environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state  
21 environmental policy act (chapter 43.21C RCW), the department shall, to  
22 the greatest extent possible, consider using public land first. If  
23 public lands are not available that meet the required environmental  
24 mitigation needs, the department may use other sites while making every  
25 effort to avoid any net loss of agricultural lands that have a  
26 designation of long-term commercial significance.

27 ~~((+29))~~ (28) Within the motor vehicle account--state appropriation  
28 and motor vehicle account--federal appropriation, the department may  
29 transfer funds between programs I and P, except for funds that are  
30 otherwise restricted in this act.

31 ~~((+30))~~ (29) Within the amounts provided in this section, \$200,000  
32 of the transportation partnership account--state appropriation is  
33 provided solely for the department to prepare a comprehensive tolling  
34 study of the state route number 167 corridor to determine the  
35 feasibility of administering tolls within the corridor, identified as  
36 project number 316718A in the LEAP transportation document described in  
37 subsection (1) of this section. The department shall report to the  
38 joint transportation committee by September 30, 2010. The department

1 shall regularly report to the Washington transportation commission  
2 regarding the progress of the study for the purpose of guiding the  
3 commission's potential toll setting on the facility. The elements of  
4 the study must include, at a minimum:

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

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

8 (c) Economic considerations for future system investments.

9 ~~((+31+))~~ (30) Within the amounts provided in this section, \$200,000  
10 of the transportation partnership account--state appropriation is  
11 provided solely for the department to prepare a comprehensive tolling  
12 study of the state route number 509 corridor to determine the  
13 feasibility of administering tolls within the corridor, identified as  
14 project number 850901F in the LEAP transportation document described in  
15 subsection (1) of this section. The department shall report to the  
16 joint transportation committee by September 30, 2010. The department  
17 shall regularly report to the Washington transportation commission  
18 regarding the progress of the study for the purpose of guiding the  
19 commission's potential toll setting on the facility. The elements of  
20 the study must include, at a minimum:

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

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

24 (c) Economic considerations for future system investments.

25 ~~((+32+))~~ (31) Within the amounts provided in this section,  
26 \$28,000,000 of the transportation partnership account--state  
27 appropriation is for project 600010A, as identified in the LEAP  
28 transportation document in subsection (1) of this section: NSC-North  
29 Spokane corridor design and right-of-way - new alignment. Expenditure  
30 of these funds is for preliminary engineering and right-of-way  
31 purchasing to prepare for four lanes to be built from where existing  
32 construction ends at Francis Avenue for three miles to the Spokane  
33 river. Additionally, any savings realized on project 600001A, as  
34 identified in the LEAP transportation document in subsection (1) of  
35 this section: US 395/NSC-Francis Avenue to Farwell Road - New  
36 Alignment, must be applied to project 600010A.

37 ~~((+33+))~~ (32) \$400,000 of the motor vehicle account--state  
38 appropriation is provided solely for the department to conduct a state



1 route number 2 route development plan (project L2000016) that will  
2 identify essential improvements needed between the port of  
3 Everett/Naval station and approaching the state route number 9  
4 interchange near the city of Snohomish.

5 ~~((+34))~~ (33) If the SR 26 - Intersection and Illumination  
6 Improvements are not completed by June 30, 2009, the department shall  
7 ensure that the improvements are completed as soon as practicable after  
8 June 30, 2009, and shall submit monthly progress reports on the  
9 improvements beginning July 1, 2009.

10 ~~((+35))~~ (34) \$200,000 of the transportation partnership account--  
11 state appropriation, identified on project number 400506A in the LEAP  
12 transportation document described in subsection (1) of this section, is  
13 provided solely for the department to work with the department of  
14 archaeology and historic preservation to ensure that the cultural  
15 resources investigation is properly conducted on the Columbia river  
16 crossing project. This project must be conducted with active  
17 archaeological management and result in one report that spans the  
18 single cultural area in Oregon and Washington. Additionally, the  
19 department shall establish a scientific peer review of independent  
20 archaeologists that are knowledgeable about the region and its cultural  
21 resources.

22 ~~((+36))~~ (35) The department shall work with the department of  
23 archaeology and historic preservation to ensure that the cultural  
24 resources investigation is properly conducted on all mega-highway  
25 projects and large ferry terminal projects. These projects must be  
26 conducted with active archaeological management. Additionally, the  
27 department shall establish a scientific peer review of independent  
28 archaeologists that are knowledgeable about the region and its cultural  
29 resources.

30 ~~((+37))~~ (36) Within the amounts provided in this section,  
31 \$1,500,000 of the motor vehicle account--state appropriation is  
32 provided solely for necessary work along the south side of SR 532,  
33 identified as project number 053255C in the LEAP transportation  
34 document described in subsection (1) of this section.

35 ~~((+38))~~ (37) \$10,000,000 of the transportation partnership  
36 account--state appropriation is provided solely for the Spokane street  
37 viaduct portion of project 809936Z, SR 99/Alaskan Way Viaduct -

1 Replacement project as indicated in the LEAP transportation document  
2 referenced in subsection (1) of this section.

3 ~~((+39))~~ (38) The department shall conduct a public outreach  
4 process to identify and respond to community concerns regarding the  
5 portion of John's Creek Road that connects state route number 3 and  
6 state route number 101. The process must include representatives from  
7 Mason county, the legislature, area businesses, and community members.  
8 The department shall use this process to consider, develop, and design  
9 a project scope so that the community's needs are met for the lowest  
10 cost. The department shall provide a report on the process and  
11 outcomes to the legislature by June 30, 2010.

12 ~~((+40))~~ (39) The department shall apply for the competitive  
13 portion of federal transit administration funds for eligible transit-  
14 related costs of the state route number 520 bridge replacement and HOV  
15 project and the Columbia river crossing project. The federal funds  
16 described in this subsection must not include those federal transit  
17 administration funds distributed by formula. The department shall  
18 provide a report regarding this effort to the legislature by January 1,  
19 2010.

20 (40) \$5,500,000 of the motor vehicle account--federal appropriation  
21 is provided solely for the Alaskan Way Viaduct - Automatic Shutdown  
22 project, identified as project L1000034.

23 (41) \$2,244,000 of the motor vehicle account--federal appropriation  
24 and \$122,000 of the motor vehicle account--state appropriation are  
25 provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -  
26 Build New Highway project, identified as project 501210T.

27 (42) \$790,000 of the motor vehicle account--federal appropriation  
28 is provided solely for the Express Lanes System Concept Study project,  
29 identified as project 800020A. As part of this project, the department  
30 shall prepare a comprehensive tolling study of the Interstate 5 express  
31 lanes to determine the feasibility of administering tolls within the  
32 corridor. The department shall regularly report to the Washington  
33 transportation commission regarding the progress of the study. The  
34 elements of the study must include, at a minimum:

35 (i) The potential for value pricing to generate revenues for needed  
36 transportation facilities;

37 (ii) Maximizing the efficient operation of the corridor;

38 (iii) Economic considerations for future system investments; and

1 (iv) An analysis of the impacts to the regional transportation  
2 system.

3 (b) The department shall submit a final report on the study to the  
4 joint transportation committee by June 30, 2011.

5 (43) Any redistributed federal funds received by the department  
6 must, to the greatest extent possible, be first applied to offset  
7 planned expenditures of state funds, and second to offset planned  
8 expenditures of federal funds, on projects as identified in the LEAP  
9 transportation documents described in this act. If the redistributed  
10 federal funds cannot be used in this manner, the department must  
11 consult with the joint transportation committee prior to obligating any  
12 redistributed federal funds.

13 (44) \$226,000 of the motor vehicle account--federal appropriation  
14 and \$9,000 of the motor vehicle account--state appropriation are  
15 provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage  
16 Road project (301639C). These funds must not be expended before an  
17 agreement stating that the city of Gig Harbor will take ownership of  
18 the road has been signed. The frontage road must be built for driving  
19 speeds of no more than thirty-five miles per hour.

20 (45) The department shall work with the Washington state  
21 transportation commission, the Oregon state department of  
22 transportation, and the Oregon state transportation commission to  
23 analyze and review potential options for a bistate, toll setting  
24 framework. As part of the analysis, the department shall undertake the  
25 following actions: Review statutory provisions and the governance  
26 structures of toll facilities in the United States that are located  
27 within two or more states; review relevant federal law regarding  
28 transportation facilities that are located within two or more states;  
29 consult with the state treasurers in Washington and Oregon regarding  
30 the appropriate structure for the issuance of debt for toll facilities  
31 that are located within two states; report findings and recommendations  
32 to the Columbia river project sponsor's council by October 1, 2010; and  
33 provide a final report to the governor and the legislature by June 30,  
34 2011.

35 (46) \$750,000 of the motor vehicle account--state appropriation is  
36 provided solely for improvements from Allan Road to state route number  
37 12 (501207Z).

1 (47) \$500,000 of the motor vehicle account--state appropriation is  
2 provided solely for a traffic signal at the intersection of state route  
3 number 7 and state route number 702 (300738A).

4 (48) \$750,000 of the motor vehicle account--state appropriation is  
5 provided solely for environmental work on the Belfair Bypass (project  
6 300344C).

7 (49) The legislature finds that state route number 522 corridor  
8 provides an important link between Interstates 5 and 405 and will be  
9 impacted by diversion from tolling elsewhere in the region. State  
10 route number 522 must be reviewed as part of the scoping work conducted  
11 under section 220(4) of this act. As such, the legislature intends to  
12 provide additional funding for the corridor as a priority in the next  
13 revenue package. The state will work with the affected cities and the  
14 federal government to secure the necessary resources to address the  
15 needs of this critical corridor.

16 (50) \$500,000 of the motor vehicle account--state appropriation is  
17 provided solely for the US 12/SR 122/Mossyrock - Intersection project  
18 (401212R) for safety improvements.

19 (51) \$200,000 of the motor vehicle account--federal appropriation  
20 is provided solely for project US 97A/North of Wenatchee - Wildlife  
21 Fence (209790B), and an offsetting reduction is anticipated in the  
22 2011-13 biennium.

23 (52) If a planned roundabout in the vicinity of state route number  
24 526 and 84th Street SW would divert commercial traffic onto  
25 neighborhood streets, the department may not proceed with improvements  
26 at state route number 526 and 84th Street SW until the traffic impacts  
27 in the vicinity of state route number 526 and 40th Avenue West are  
28 addressed.

29 (53) The department shall conduct a collision analysis corridor  
30 study on state route number 167 from milepost 0 to milepost 5 and  
31 report to the transportation committees of the legislature on the  
32 analysis results by December 1, 2010.

33 (54) \$2,600,000 of the motor vehicle account--federal appropriation  
34 is provided solely for the ITS Advanced Traveler Information System  
35 project in Whatcom county (100589B).

36 (55) \$900,000 of the motor vehicle account--federal appropriation  
37 is provided solely for the US 97/Cameron Lake Road intersection  
38 improvements project in Okanogan county (209700W).

1       (56) \$400,000 of the motor vehicle account--federal appropriation  
 2 and \$100,000 of the motor vehicle account--state appropriation are  
 3 provided solely for the SR 9/SR 204 Intersection Improvement project  
 4 (L2000040).

5       (57) The legislature finds that the state route number 12 widening  
 6 from state route number 124 to Walla Walla is an important east-west  
 7 corridor in the southeast region of the state. Widening the highway to  
 8 four lanes will increase safety and improve freight mobility.  
 9 Therefore, the legislature intends for the department to use up to two  
 10 million dollars in future redistributed federal obligation authority  
 11 that may be received by the department for right-of-way purchase for  
 12 the US 12/Nine Mile Hill to Woodward Canyon Vicinity - Phase 7-A  
 13 project (501210T).

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

16 **FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

17	Transportation Partnership Account--State	
18	Appropriation . . . . .	(((\$103,077,000))
19		<u>\$75,305,000</u>
20	Motor Vehicle Account--State Appropriation . . . . .	(((\$88,142,000))
21		<u>\$96,884,000</u>
22	Motor Vehicle Account--Federal Appropriation . . . . .	(((\$524,954,000))
23		<u>\$556,705,000</u>
24	Motor Vehicle Account--Private/Local Appropriation . . . . .	(((\$6,417,000))
25		<u>\$18,768,000</u>
26	Transportation 2003 Account (Nickel Account)--State	
27	Appropriation . . . . .	(((\$7,237,000))
28		<u>\$6,328,000</u>
29	Puyallup Tribal Settlement Account--State	
30	Appropriation . . . . .	(((\$6,500,000))
31		<u>\$6,636,000</u>
32	TOTAL APPROPRIATION . . . . .	(((\$736,327,000))
33		<u>\$760,626,000</u>

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

36       (1) Except as provided otherwise in this section, the entire  
 37 transportation 2003 account (nickel account) appropriation and the

1 entire transportation partnership account appropriation are provided  
2 solely for the projects and activities as listed by fund, project, and  
3 amount in LEAP Transportation Document (~~(2009-1)~~) 2010-1 as developed  
4 (~~(April 24, 2009)~~) March 8, 2010, Program - Highway Preservation  
5 Program (P). However, limited transfers of specific line-item project  
6 appropriations may occur between projects for those amounts listed  
7 subject to the conditions and limitations in section 603 of this act.

8 (2) (~~(\$544,639)~~) \$542,000 of the motor vehicle account--federal  
9 appropriation and (~~(\$455,361)~~) \$453,000 of the motor vehicle account--  
10 state appropriation are provided solely for project 602110F, (~~as~~  
11 ~~identified in the LEAP transportation document in subsection (1) of~~  
12 ~~this section~~)) SR 21/Keller ferry boat - Preservation. Funds are  
13 provided solely for preservation work on the existing vessel, the  
14 Martha S.

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

18 (4) (~~(\$6,500,000)~~) \$6,636,000 of the Puyallup tribal settlement  
19 account--state appropriation is provided solely for (~~(mitigation)~~)  
20 costs associated with the Murray Morgan/11th Street bridge  
21 (~~(demolition. The department may negotiate with the city of Tacoma for~~  
22 ~~the purpose of transferring ownership of the Murray Morgan/11th Street~~  
23 ~~bridge to the city. If the city agrees to accept ownership of the~~  
24 ~~bridge, the department)~~) project. The city of Tacoma may use the  
25 Puyallup tribal settlement account appropriation and other appropriated  
26 funds for bridge rehabilitation, bridge replacement, bridge demolition,  
27 and related mitigation. The department's participation, including  
28 prior expenditures, may not exceed (~~(\$39,953,000)~~) \$40,270,000.  
29 (~~(Funds may not be expended unless)~~) The city of Tacoma (~~(agrees to~~  
30 ~~take)~~) has taken ownership of the bridge in its entirety, and  
31 (~~(provides that)~~) the payment of these funds extinguishes any real or  
32 implied agreements regarding future bridge expenditures.

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

1 (6) The department shall, on a quarterly basis beginning July 1,  
2 2009, provide to the office of financial management and the legislature  
3 reports providing the status on each active project funded in part or  
4 whole by the transportation 2003 account (nickel account) or the  
5 transportation partnership account. Funding provided at a programmatic  
6 level for transportation partnership account projects relating to  
7 seismic bridges should be reported on a programmatic basis. Projects  
8 within this programmatic level funding should be completed on a  
9 priority basis and scoped to be completed within the current  
10 programmatic budget. The department shall work with the office of  
11 financial management and the transportation committees of the  
12 legislature to agree on report formatting and elements. Elements must  
13 include, but not be limited to, project scope, schedule, and costs.  
14 For new construction contracts valued at fifteen million dollars or  
15 more, the department must also use an earned value method of project  
16 monitoring. The department shall also provide the information required  
17 under this subsection on a quarterly basis via the transportation  
18 executive information systems (TEIS).

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

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

28 (i) The current backlog of asphalt and concrete pavement  
29 preservation projects;

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

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

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

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

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

7 (c) The department shall submit the report to the office of  
8 financial management and the transportation committees of the  
9 legislature by (~~December~~) September 1, 2010, in order to inform the  
10 development of the 2011-13 omnibus transportation appropriations act.

11 (9) (~~(\$1,722)~~) \$299,000 of the motor vehicle account--state  
12 appropriation, (~~(\$9,608,115)~~) \$23,425,000 of the motor vehicle  
13 account--federal appropriation, and (~~(\$272,141)~~) \$373,000 of the  
14 transportation partnership account--state appropriation are provided  
15 solely for the SR 104/Hood Canal bridge - replace east half project,  
16 identified as project 310407B in the LEAP transportation document  
17 described in subsection (1) of this section.

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

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

25 (12) (~~(\$1,500,000)~~) \$1,440,000 of the motor vehicle account--  
26 federal appropriation (~~(is)~~) and \$60,000 of the motor vehicle account--  
27 state appropriation are provided solely for the environmental impact  
28 statement and preliminary planning for the replacement of the state  
29 route number 9 Snohomish river bridge (project L2000018).

30 (13) \$12,503,000 of the motor vehicle account--federal  
31 appropriation and \$497,000 of the motor vehicle account--state  
32 appropriation are provided solely for the SR 410/Nile Valley Landslide  
33 - Establish Interim Detour project (541002R).

34 (14) \$4,239,000 of the motor vehicle account--federal appropriation  
35 and \$662,000 of the motor vehicle account--state appropriation are  
36 provided solely for the SR 410/Nile Valley Landslide - Reconstruct  
37 Route project (541002T).



1       (15) Any redistributed federal funds received by the department  
2 must, to the greatest extent possible, be first applied to offset  
3 planned expenditures of state funds, and second, to offset planned  
4 expenditures of federal funds, on projects as identified in the LEAP  
5 transportation documents described in this act. If the redistributed  
6 federal funds cannot be used in this manner, the department must  
7 consult with the joint transportation committee prior to obligating any  
8 redistributed federal funds.

9       (16) The legislature anticipates a report in September 2010 that  
10 will outline the department's recommendation for developing a Keller  
11 Ferry replacement at the lowest cost. The legislature supports the  
12 request to the federal government for federal aid for a replacement  
13 vessel and intends to provide reasonable matching amounts as necessary.

14       (17) \$2,100,000 of the motor vehicle account--federal appropriation  
15 is provided solely for the SR 21/Kettle River to Malo paving project in  
16 Ferry county (602117A).

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

19 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**  
20 **CAPITAL**

21	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$6,394,000</del> ))
22		<u>\$8,158,000</u>
23	Motor Vehicle Account--Federal Appropriation . . . . .	(( <del>\$9,262,000</del> ))
24		<u>\$18,037,000</u>
25	<u>Motor Vehicle Account--Private/Local Appropriation . . . . .</u>	<u>\$173,000</u>
26	TOTAL APPROPRIATION . . . . .	(( <del>\$15,656,000</del> ))
27		<u>\$26,368,000</u>

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

30 **FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES**  
31 **CONSTRUCTION--PROGRAM W**

32	Puget Sound Capital Construction Account--State	
33	Appropriation . . . . .	(( <del>\$118,752,000</del> ))
34		<u>\$126,824,000</u>
35	Puget Sound Capital Construction Account--Federal	
36	Appropriation . . . . .	(( <del>\$38,306,000</del> ))

1		<u>\$60,364,000</u>
2	Puget Sound Capital Construction Account--Local	
3	Appropriation . . . . .	(( <del>\$8,492,000</del> ))
4		<u>\$200,000</u>
5	Transportation 2003 Account (Nickel Account)--State	
6	Appropriation . . . . .	\$51,734,000
7	Transportation Partnership Account--State	
8	Appropriation . . . . .	(( <del>\$67,234,000</del> ))
9		<u>\$66,879,000</u>
10	Multimodal Transportation Account--State	
11	Appropriation . . . . .	(( <del>\$170,000</del> ))
12		<u>\$149,000</u>
13	TOTAL APPROPRIATION . . . . .	(( <del>\$284,688,000</del> ))
14		<u>\$306,150,000</u>

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

17       (1) ((~~\$118,752,000~~)) \$126,824,000 of the Puget Sound capital  
18 construction account--state appropriation, ((~~\$38,306,000~~)) \$60,364,000  
19 of the Puget Sound capital construction account--federal appropriation,  
20 ((~~\$8,492,000~~)) \$200,000 of the Puget Sound capital construction  
21 account--local appropriation, ((~~\$67,234,000~~)) \$66,879,000 of the  
22 transportation partnership account--state appropriation, \$51,734,000 of  
23 the transportation 2003 account (nickel account)--state appropriation,  
24 and ((~~\$170,000~~)) \$149,000 of the multimodal transportation account--  
25 state appropriation are provided solely for ferry capital projects,  
26 project support, and administration as listed in LEAP Transportation  
27 Document ALL PROJECTS ((~~2009-2~~)) 2010-2 as developed ((~~April 24, 2009~~))  
28 March 8, 2010, Program - Ferries Construction Program (W). Of the  
29 total appropriation, a maximum of \$10,627,000 may be used for  
30 administrative support, a maximum of \$8,184,000 may be used for  
31 terminal project support, and a maximum of \$4,497,000 may be used for  
32 vessel project support. Of the total appropriation, \$5,851,000 is  
33 provided solely for a reservation system and associated communications  
34 projects.

35       (2) \$51,734,000 of the transportation 2003 account (nickel  
36 account)--state appropriation ((~~and~~)) \$63,100,000 of the  
37 transportation partnership account--state appropriation, and  
38 \$10,164,000 of the Puget Sound capital construction account--state

1 appropriation are provided solely for the acquisition of three new  
2 Island Home class ferry vessels subject to the conditions of RCW  
3 47.56.780. The department shall pursue a contract for the second and  
4 third Island Home class ferry vessels with an option to purchase a  
5 fourth Island Home class ferry vessel. However, if sufficient  
6 resources are available to build one 144-auto vessel prior to  
7 exercising the option to build the fourth Island Home class ferry  
8 vessel, procurement of the fourth Island Home class ferry vessel will  
9 be postponed and the department shall pursue procurement of a 144-auto  
10 vessel.

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

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

17 (c) Cost savings from the following initiatives will be included in  
18 the funding of these vessels: The department's review and update of  
19 the vessel life-cycle cost model as required under this section; and  
20 the implementation of technology efficiencies as required under section  
21 602 of this act.

22 (3) (~~(\$2,450,000 of the Puget Sound capital construction account--~~  
23 ~~state appropriation is provided solely for contingencies associated~~  
24 ~~with closing out the existing contract for the technical design of the~~  
25 ~~144-auto vessel and the storage and maintenance of vessel owner-~~  
26 ~~furnished equipment already procured. The department shall use as much~~  
27 ~~of the already procured equipment as is practicable on the Island Home~~  
28 ~~class ferry vessel if it is likely to be obsolete before it is used in~~  
29 ~~procured 144-auto vessels.)) (a) \$8,450,000 of the Puget Sound capital  
30 construction account--state appropriation and \$2,450,000 of the  
31 transportation partnership account--state appropriation are provided  
32 solely for the following projects related to the design of a 144-  
33 vehicle vessel class: (i) \$1,380,000 is provided solely for completion  
34 of the contract for owner-furnished equipment; (ii) \$8,320,000 is  
35 provided solely for completion of the technical design, detail design,  
36 and production drawings, all of which must plan for an aluminum  
37 superstructure; (iii) \$480,000 is provided solely for the storage of  
38 owner-furnished equipment; and (iv) a maximum of \$720,000 is for~~

1 construction engineering. In completing the contract for owner-  
2 furnished equipment, the department shall use as much of the already  
3 procured equipment as is practicable on the Island Home class ferry  
4 vessels if it is likely to be obsolete before it is used in procured  
5 144-vehicle vessels.

6 (b) The department shall conduct a cost-benefit study on  
7 alternative furnishings and fittings for the 144-vehicle vessel class.  
8 The study must review the proposed interior furnishings and fittings  
9 for the long-term maintenance and out-of-service vessel costs and, if  
10 appropriate, propose alternative interior furnishings and fittings that  
11 will decrease long-term maintenance and out-of-service vessel costs.  
12 The study must include a projection of out-of-service time and a life-  
13 cycle cost analysis of planned out-of-service time, including the  
14 impact on fleet size. The department must submit the study to the  
15 joint transportation committee by August 1, 2010.

16 (c) The department shall identify costs for any additional detail  
17 design and production drawings costs related to incorporating the  
18 aluminum superstructure and any changes in the proposed furnishings and  
19 fittings.

20 (4) \$6,300,000 of the Puget Sound capital construction account--  
21 state appropriation is provided solely for emergency capital costs.

22 ~~(5) ((The Anacortes terminal may be replaced if additional federal~~  
23 ~~funds are sought and received by the department. If federal funds~~  
24 ~~received are not sufficient to replace the terminal, only usable,~~  
25 ~~discrete phases of the project, up to the amount of federal funds~~  
26 ~~received, may be constructed with the funds.))~~ \$3,000,000 of the Puget  
27 Sound capital construction account--federal appropriation is provided  
28 solely for completing the Anacortes terminal design up to the maximum  
29 allowable construction cost phase. Beyond preparing environmental  
30 work, these funds may be spent only after the following conditions have  
31 been met: (a) A value engineering process is conducted on the existing  
32 design and the concept of a terminal building smaller than preferred  
33 alternative; (b) the office of financial management participates in the  
34 value engineering process; (c) the office of financial management  
35 concurs with the recommendations of the value engineering process; and  
36 (d) the office of financial management gives its approval to proceed  
37 with the design work.

1 (6) \$3,965,000 of the Puget Sound capital construction account--  
2 state appropriation is provided solely for the following vessel  
3 projects: Waste heat recovery pilot project for the Issaquah; jumbo  
4 Mark 1 class steering gear ventilation pilot project; and ((a new  
5 propulsion system for the MV Yakima)) improvements to the Yakima and  
6 Kaleetan propulsion controls to allow for two engine operation. Before  
7 beginning these projects, the Washington state ferries must ensure the  
8 vessels' out-of-service time does not negatively impact service to the  
9 system.

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

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

25 (9) The department shall review and adjust its capital program  
26 staffing levels to ensure staffing is at the most efficient level  
27 necessary to implement the capital program in the omnibus  
28 transportation appropriations act. The Washington state ferries shall  
29 report this review and adjustment to the office of financial management  
30 and the house and senate transportation committees of the legislature  
31 by July 2009.

32 ~~(10) ((\$3,763,000 of the total appropriation is provided solely for~~  
33 ~~the Washington state ferries to develop a reservation system. The~~  
34 ~~department shall complete a predesign study and present the study to~~  
35 ~~the joint transportation committee by November 1, 2009. This analysis~~  
36 ~~must include an evaluation of the compatibility of the Washington state~~  
37 ~~ferries' electronic fare system, proposed reservation system, and the~~

1 ~~implementation of smart card. The department may not implement a~~  
2 ~~statewide reservation system until the department is authorized to do~~  
3 ~~so in the 2010 supplemental omnibus transportation appropriations act.~~

4 ~~(11))~~ \$1,200,000 of the total appropriation is provided solely for  
5 improving the toll booth configuration at the Port Townsend and  
6 Keystone ferry terminals.

7 ~~((12) \$3,249,915))~~ (11) \$2,636,000 of the total appropriation is  
8 provided solely for continued permitting ~~((and archaeological work in~~  
9 ~~order to determine the feasibility of relocating))~~ work on the Mukilteo  
10 ferry terminal. ~~((In order to ensure that the cultural resources~~  
11 ~~investigation is properly conducted in a coordinated fashion, the~~  
12 ~~department shall work with the department of archaeology and historic~~  
13 ~~preservation and shall conduct work with active archaeological~~  
14 ~~management.))~~ The department shall seek additional federal funding for  
15 this project.

16 ~~((13))~~ (12) The department shall develop a proposed ferry vessel  
17 maintenance, preservation, and improvement program and present it to  
18 the transportation committees of the legislature by July 1, 2010. The  
19 proposal must:

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

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

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

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

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

35 (iv) A review of the department's vessel maintenance, preservation,  
36 and improvement program contracting process and contractual  
37 requirements;

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

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

6 (vii) Coordination with required United States coast guard dry  
7 dockings;

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

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

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

15 ~~((+14))~~ (13) \$247,000 of the Puget Sound capital construction  
16 account--state appropriation is provided solely for the Washington  
17 state ferries to review and update its vessel life-cycle cost model and  
18 report the results to the house of representatives and senate  
19 transportation committees of the legislature by ~~((December 1, 2009))~~  
20 March 15, 2010. This review will evaluate the impact of the planned  
21 out-of-service periods scheduled for each vessel on the ability of the  
22 overall system to deliver uninterrupted service and will assess the  
23 risk of service disruption from unscheduled maintenance or longer than  
24 planned maintenance periods.

25 ~~((+15))~~ (14) The department shall work with the department of  
26 archaeology and historic preservation to ensure that the cultural  
27 resources investigation is properly conducted on all large ferry  
28 terminal projects. These projects must be conducted with active  
29 archaeological management. Additionally, the department shall  
30 establish a scientific peer review of independent archaeologists that  
31 are knowledgeable about the region and its cultural resources.

32 ~~((+16))~~ (15) The Puget Sound capital construction account--state  
33 appropriation includes up to ~~(((\$118,000,000))~~ \$114,000,000 in proceeds  
34 from the sale of bonds authorized in RCW 47.10.843.

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





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

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

9 (c)(i) Within the amounts provided in this section, (~~(\$1,712,022)~~)  
10 \$1,713,000 of the multimodal transportation account--state  
11 appropriation and (~~(\$175,000)~~) \$333,000 of the essential rail  
12 assistance account--state appropriation are for statewide - emergent  
13 freight rail assistance projects as follows: Port of Ephrata/Ephrata -  
14 additional spur rehabilitation (BIN 722710A) (~~(\$362,746)~~) \$363,000;  
15 Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000;  
16 CW Line/Lincoln County - grade crossing rehabilitation (BIN 700610A)  
17 (~~(\$370,650)~~) \$371,000; (~~Clark County~~) Chelatchie Prairie owned  
18 railroad/Vancouver - track rehabilitation (BIN 710110A) (~~(\$366,813)~~)  
19 \$367,000; Tacoma Rail/Tacoma - improved locomotive facility (BIN  
20 711010B) (~~(\$366,813)~~) \$525,000.

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

31 (iii)) Within the amounts provided in this section, (~~(\$337,978)~~)  
32 \$338,000 of the multimodal transportation account--state appropriation  
33 is for a statewide - emergent freight rail assistance project grant for  
34 the Lincoln County PDA/Creston - new rail spur (BIN 710510A) project,  
35 provided that the grantee first documents to the satisfaction of the  
36 department sufficient commitments from the new shipper or shippers to  
37 locate in the publicly owned industrial park west of Creston to ensure

1 that the net present value of the public benefits of the project is  
2 greater than the grant amount.

3 (d) Within the amounts provided in this section, (~~(\$8,100,000)~~)  
4 \$8,115,000 of the transportation infrastructure account--state  
5 appropriation is for grants to any intergovernmental entity or local  
6 rail district to which the department of transportation assigns the  
7 management and oversight responsibility for the business and economic  
8 development elements of existing operating leases on the Palouse River  
9 and Coulee City (PCC) rail lines. \$300,000 of the transportation  
10 infrastructure account--state appropriation is provided solely for the  
11 fence line replacement project on the CW line. The PCC rail line  
12 system is made up of the CW, P&L, and PV Hooper rail lines. Business  
13 and economic development elements include such items as levels of  
14 service and business operating plans, but must not include the state's  
15 oversight of railroad regulatory compliance, rail infrastructure  
16 condition, or real property management issues. The PCC rail system  
17 must be managed in a self-sustaining manner and best efforts must be  
18 used to ensure that it does not require state capital or operating  
19 subsidy beyond the level of state funding expended on it to date. The  
20 assignment of the stated responsibilities to an intergovernmental  
21 entity or rail district must be on terms and conditions as the  
22 department of transportation and the intergovernmental entity or rail  
23 district mutually agree. The grant funds may be used only to refurbish  
24 the rail lines. It is the intent of the legislature to make the funds  
25 appropriated in this section available as grants to an  
26 intergovernmental entity or local rail district for the purposes stated  
27 in this section at least until June 30, 2012, and to reappropriate as  
28 necessary any portion of the appropriation in this section that is not  
29 used by June 30, 2011.

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

1 (b) When the department identifies a prospective rail project that  
2 may have strategic significance for the state, or at the request of a  
3 proponent of a prospective rail project or a member of the legislature,  
4 the department shall evaluate the prospective project according to the  
5 cost benefit methodology developed during the 2008 interim using the  
6 legislative priorities specified in (c) of this subsection. The  
7 department shall report its cost benefit evaluation of the prospective  
8 rail project, as well as the department's best estimate of an  
9 appropriate construction schedule and total project costs, to the  
10 office of financial management and the transportation committees of the  
11 legislature.

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

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

16 (ii) Self-sustaining economic development that creates family-wage  
17 jobs;

18 (iii) Preservation of transportation corridors that would otherwise  
19 be lost;

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

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

24 (vi) Mitigation of impacts of increased rail traffic on  
25 communities.

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

29 (4) At the earliest possible date, the department shall apply, and  
30 assist ports and local jurisdictions in applying, for any federal  
31 funding that may be available for any projects that may qualify for  
32 such federal funding. State projects must be (a) currently identified  
33 on the project list referenced in subsection (1)(a) of this section or  
34 (b) projects for which no state match is required to complete the  
35 project. Local or port projects must not require additional state  
36 funding in order to complete the project, with the exception of (c)  
37 state funds currently appropriated for such project if currently  
38 identified on the project list referenced in subsection (1)(a) of this

1 section or (d) potential grants awarded in the competitive grant  
2 process for the essential rail assistance program. If the department  
3 receives any federal funding, the department is authorized to obligate  
4 and spend the federal funds in accordance with federal law. To the  
5 extent permissible by federal law, federal funds may be used (e) in  
6 addition to state funds appropriated for projects currently identified  
7 on the project list referenced in subsection (1)(a) of this section in  
8 order to advance funding from future biennia for such project(s) or (f)  
9 in lieu of state funds; however, the state funds must be redirected  
10 within the rail capital program to advance funding for other projects  
11 currently identified on the project list referenced in subsection  
12 (1)(a) of this section. State funds may be redirected only upon  
13 consultation with the transportation committees of the legislature and  
14 the office of financial management, and approval by the director of the  
15 office of financial management. The department shall spend the federal  
16 funds before the state funds, and shall consult the office of financial  
17 management and the transportation committees of the legislature  
18 regarding project scope changes.

19 (5) The department shall provide quarterly reports to the office of  
20 financial management and the transportation committees of the  
21 legislature regarding applications that the department submits for  
22 federal funds((7)) and the status of such applications((, and the  
23 ~~status of projects identified on the list referenced in subsection~~  
24 ~~(1)(a) of this section. The quarterly report regarding the status of~~  
25 ~~projects identified on the list referenced in subsection (1)(a) of this~~  
26 ~~section must be developed according to an earned value method of~~  
27 ~~project monitoring)).~~

28 (6) The department shall, on a quarterly basis, provide to the  
29 office of financial management and the legislature reports providing  
30 the status on active projects identified in the LEAP transportation  
31 document described in subsection (1)(a) of this section. Report  
32 formatting and elements must be consistent with the October 2009  
33 quarterly project report.

34 (7) The multimodal transportation account--state appropriation  
35 includes up to ((\$20,000,000)) \$48,000,000 in proceeds from the sale of  
36 bonds authorized in RCW 47.10.867.

37 ((+7)) (8) When the balance of that portion of the miscellaneous

1 program account apportioned to the department for the grain train  
2 program reaches \$1,180,000, the department shall acquire twenty-nine  
3 additional grain train railcars.

4 (9) \$590,000,000 of the multimodal transportation account--federal  
5 appropriation is provided solely for high-speed rail projects awarded  
6 to Washington state from the high-speed intercity passenger rail  
7 program under the American recovery and reinvestment act. Funding will  
8 allow for two additional round trips between Seattle and Portland, and  
9 other rail improvements.

10 (10) \$2,200,000 of the multimodal transportation account--state  
11 appropriation is provided solely for expenditures related to the  
12 capital high-speed passenger rail grant that are not federally  
13 reimbursable.

14 (11) The Burlington Northern Santa Fe Skagit river bridge is an  
15 integral part of the rail system. Constructed in 1916, the bridge does  
16 not meet current design standards and is at risk during flood events  
17 that occur on the Skagit river. The department shall work with  
18 Burlington Northern Santa Fe and local jurisdictions to secure federal  
19 funding for the Skagit river bridge and to develop an appropriate  
20 replacement plan and schedule.

21 (12) \$1,000,000 of the multimodal transportation account--state  
22 appropriation is provided solely for additional expenditures along the  
23 Chelatchie Prairie railroad (LN2000025).

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

26	<b>FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--</b>	
27	<b>CAPITAL</b>	
28	Highway Infrastructure Account--State Appropriation . . . . .	\$207,000
29	Highway Infrastructure Account--Federal	
30	Appropriation . . . . .	\$1,602,000
31	Freight Mobility Investment Account--State	
32	Appropriation . . . . .	(( \$13,548,000 ))
33		<u>\$13,848,000</u>
34	Transportation Partnership Account--State	
35	Appropriation . . . . .	\$8,863,000
36	Motor Vehicle Account--State Appropriation . . . . .	(( \$12,954,000 ))
37		<u>\$14,068,000</u>

1	Motor Vehicle Account--Federal Appropriation . . . . .	(( <del>\$39,572,000</del> ))
2		<u>\$43,835,000</u>
3	Freight Mobility Multimodal Account--State	
4	Appropriation . . . . .	(( <del>\$14,920,000</del> ))
5		<u>\$15,620,000</u>
6	Freight Mobility Multimodal Account--Local	
7	Appropriation . . . . .	(( <del>\$3,135,000</del> ))
8		<u>\$3,258,000</u>
9	Multimodal Transportation Account--Federal	
10	Appropriation . . . . .	(( <del>\$2,098,000</del> ))
11		<u>\$2,118,000</u>
12	Multimodal Transportation Account--State	
13	Appropriation . . . . .	(( <del>\$28,262,000</del> ))
14		<u>\$28,855,000</u>
15	Transportation 2003 Account (Nickel Account)--State	
16	Appropriation . . . . .	(( <del>\$709,000</del> ))
17		<u>\$2,709,000</u>
18	Passenger Ferry Account--State Appropriation . . . . .	\$2,879,000
19	<u>Puyallup Tribal Settlement Account--State</u>	
20	<u>Appropriation . . . . .</u>	<u>\$5,895,000</u>
21	TOTAL APPROPRIATION . . . . .	(( <del>\$128,749,000</del> ))
22		<u>\$143,757,000</u>

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

25       (1) The department shall, on a quarterly basis, provide status  
26 reports to the legislature on the delivery of projects as outlined in  
27 the project lists incorporated in this section. For projects funded by  
28 new revenue in the 2003 and 2005 transportation packages, reporting  
29 elements shall include, but not be limited to, project scope, schedule,  
30 and costs. Other projects may be reported on a programmatic basis.  
31 The department shall also provide the information required under this  
32 subsection on a quarterly basis via the transportation executive  
33 information system (TEIS).

34       (2) \$2,729,000 of the passenger ferry account--state appropriation  
35 is provided solely for near and long-term costs of capital improvements  
36 in a business plan approved by the governor for passenger ferry  
37 service.

1 (3) \$150,000 of the passenger ferry account--state appropriation is  
2 provided solely for the Port of Kingston for a one-time operating  
3 subsidy needed to retain a federal grant.

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

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

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

13 (7) Federal funds may be transferred from program Z to programs I  
14 and P and state funds shall be transferred from programs I and P to  
15 program Z to replace those federal funds in a dollar-for-dollar match.  
16 Fund transfers authorized under this subsection shall not affect  
17 project prioritization status. Appropriations shall initially be  
18 allotted as appropriated in this act. The department may not transfer  
19 funds as authorized under this subsection without approval of the  
20 office of financial management. The department shall submit a report  
21 on those projects receiving fund transfers to the office of financial  
22 management and the transportation committees of the legislature by  
23 December 1, 2009, and December 1, 2010.

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

30 (9) (~~(\$18,182,113)~~) \$18,289,000 of the multimodal transportation  
31 account--state appropriation, (~~(\$8,753,895)~~) \$8,810,000 of the motor  
32 vehicle account--federal appropriation, and \$4,000,000 of the  
33 transportation partnership account--state appropriation are provided  
34 solely for the pedestrian and bicycle safety program projects and safe  
35 routes to schools program projects identified in LEAP Transportation  
36 Document 2009-A, pedestrian and bicycle safety program projects and  
37 safe routes to schools program projects, as developed March 30, 2009,  
38 LEAP Transportation Document 2007-A, pedestrian and bicycle safety

1 program projects and safe routes to schools program projects, as  
2 developed April 20, 2007, and LEAP Transportation Document 2006-B,  
3 pedestrian and bicycle safety program projects and safe routes to  
4 schools program projects, as developed March 8, 2006. Projects must be  
5 allocated funding based on order of priority. The department shall  
6 review all projects receiving grant awards under this program at least  
7 semiannually to determine whether the projects are making satisfactory  
8 progress. Any project that has been awarded funds, but does not report  
9 activity on the project within one year of the grant award must be  
10 reviewed by the department to determine whether the grant should be  
11 terminated. The department shall promptly close out grants when  
12 projects have been completed, and identify where unused grant funds  
13 remain because actual project costs were lower than estimated in the  
14 grant award.

15 (10) Except as provided otherwise in this section, the entire  
16 appropriations in this section are provided solely for the projects and  
17 activities as listed by ((fund 7)) project((7)) and amount in LEAP  
18 Transportation Document ALL PROJECTS ((2009-2)) 2010-2 as developed  
19 ((April 24, 2009)) March 8, 2010, Program((s)) - Local Program (Z).

20 (11) For the 2009-11 project appropriations, unless otherwise  
21 provided in this act, the director of financial management may  
22 authorize a transfer of appropriation authority between projects  
23 managed by the freight mobility strategic investment board in order for  
24 the board to manage project spending and efficiently deliver all  
25 projects in the respective program.

26 (12) \$913,386 of the motor vehicle account--state appropriation and  
27 ((\$2,858,216)) \$2,858,000 of the motor vehicle account--federal  
28 appropriation are provided solely for completion of the US 101  
29 northeast peninsula safety rest area and associated roadway  
30 improvements east of Port Angeles at the Deer Park scenic view point.  
31 The department must surplus any right-of-way previously purchased for  
32 this project near Sequim. Approval to proceed with construction is  
33 contingent on surplus of previously purchased right-of-way. \$865,000  
34 of the motor vehicle account--state appropriation is to be placed into  
35 unallotted status until such time as the right-of-way sale is  
36 completed.

37 (13) \$5,894,000 of the Puyallup tribal settlement account--state  
38 appropriation is provided solely for costs associated with the Murray



1 Morgan/11th Street bridge project. The city of Tacoma may use the  
2 Puyallup tribal settlement account appropriation and other appropriated  
3 funds for bridge rehabilitation, bridge replacement, bridge demolition,  
4 and bridge mitigation. The department's participation, including prior  
5 expenditures, may not exceed \$40,270,000. The city of Tacoma has taken  
6 ownership of the bridge in its entirety, and the payment of these funds  
7 extinguishes any real or implied agreements regarding future bridge  
8 expenditures.

9 (14) Up to \$3,702,000 of the motor vehicle account--federal  
10 appropriation and \$75,000 of the motor vehicle account--state  
11 appropriation are provided solely to reimburse the cities of Kirkland  
12 and Redmond for pavement and bridge deck rehabilitation on state route  
13 number 908 (project 1LP611A). These funds may not be expended unless  
14 the cities sign an agreement stating that the cities agree to take  
15 ownership of state route number 908 in its entirety and agree that the  
16 payment of these funds represents the entire state commitment to the  
17 cities for state route number 908 expenditures. The amount provided in  
18 this subsection is contingent on the enactment by June 30, 2010, of  
19 Senate Bill No. 6555.

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

22 (16) In order to make the Hood Canal bridge safe for cyclists, the  
23 department must work with stakeholders to review bicycle safety needs  
24 on the bridge, including consideration of accident data and  
25 improvements already made to this project.

26 (17) \$250,000 of the multimodal transportation account--state  
27 appropriation is provided solely for the Shell Valley emergency access  
28 road and bicycle/pedestrian path.

29 (18) \$500,000 of the motor vehicle account--state appropriation is  
30 provided solely for improvements to the 150th and Murray Road  
31 intersection in the city of Lakewood.

32 (19) \$250,000 of the motor vehicle account--state appropriation is  
33 provided solely for flood reduction solutions on state route number 522  
34 caused by the lower McAleer and Lyon creek basins.

35 (20) \$200,000 of the motor vehicle account--state appropriation is  
36 provided solely for improvements to the intersection of 39th Ave SE and  
37 state route number 96 in Snohomish county.

1 TRANSFERS AND DISTRIBUTIONS

2 Sec. 401. 2009 c 470 s 401 (uncodified) is amended to read as  
3 follows:

4 FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING  
5 BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND  
6 DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND  
7 REVENUE

8	Highway Bond Retirement Account Appropriation . . . . .	(( <del>\$742,400,000</del> ))
9		<u>\$733,667,000</u>
10	Ferry Bond Retirement Account Appropriation . . . . .	\$33,771,000
11	<u>State Route Number 520 Corridor Account--State</u>	
12	<u>Appropriation . . . . .</u>	<u>\$600,000</u>
13	Transportation Improvement Board Bond Retirement	
14	Account--State Appropriation . . . . .	(( <del>\$22,541,000</del> ))
15		<u>\$22,962,000</u>
16	Nondebt-Limit Reimbursable Account Appropriation . . . . .	(( <del>\$18,400,000</del> ))
17		<u>\$18,451,000</u>
18	Transportation Partnership Account--State	
19	Appropriation . . . . .	(( <del>\$8,318,000</del> ))
20		<u>\$4,722,000</u>
21	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$901,000</del> ))
22		<u>\$732,000</u>
23	Transportation 2003 Account (Nickel Account)--State	
24	Appropriation . . . . .	(( <del>\$4,116,000</del> ))
25		<u>\$2,182,000</u>
26	Special Category C Account--State Appropriation . . . . .	(( <del>\$148,000</del> ))
27		<u>\$94,000</u>
28	Urban Arterial Trust Account--State Appropriation . . . . .	\$85,000
29	Transportation Improvement Account--State Appropriation . . . . .	\$41,000
30	Multimodal Transportation Account--State	
31	Appropriation . . . . .	(( <del>\$283,000</del> ))
32		<u>\$204,000</u>
33	TOTAL APPROPRIATION . . . . .	(( <del>\$831,004,000</del> ))
34		<u>\$817,511,000</u>

35 Sec. 402. 2009 c 470 s 402 (uncodified) is amended to read as  
36 follows:

37 FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING



1 **FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

2 Motor Vehicle Account Appropriation for  
3 motor vehicle fuel tax distributions to cities  
4 and counties . . . . . ((~~\$488,843,000~~))  
5 \$478,753,000

6 **Sec. 405.** 2009 c 470 s 405 (uncodified) is amended to read as  
7 follows:

8 **FOR THE STATE TREASURER--TRANSFERS**

9 Motor Vehicle Account--State  
10 Appropriation: For motor vehicle fuel tax  
11 refunds and statutory transfers . . . . . ((~~\$1,310,279,000~~))  
12 \$1,247,260,000

13 **Sec. 406.** 2009 c 470 s 406 (uncodified) is amended to read as  
14 follows:

15 **FOR THE DEPARTMENT OF LICENSING--TRANSFERS**

16 Motor Vehicle Account--State  
17 Appropriation: For motor vehicle fuel tax  
18 refunds and transfers . . . . . ((~~\$129,178,000~~))  
19 \$120,688,000

20 **Sec. 407.** 2009 c 470 s 407 (uncodified) is amended to read as  
21 follows:

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

23 (1) Tacoma Narrows Toll Bridge Account--State  
24 Appropriation: For transfer to the Motor Vehicle  
25 Account--State . . . . . \$5,288,000

26 (2) Motor Vehicle Account--State Appropriation:  
27 For transfer to the Puget Sound Ferry Operations  
28 Account--State . . . . . ((~~\$17,000,000~~))  
29 \$54,000,000

30 (3) Recreational Vehicle Account--State  
31 Appropriation: For transfer to the Motor Vehicle  
32 Account--State . . . . . \$2,000,000

33 (4) License Plate Technology Account--State  
34 Appropriation: For transfer to the Highway Safety  
35 Account--State . . . . . \$2,750,000

1 (5) Multimodal Transportation Account--State  
2 Appropriation: For transfer to the Puget Sound  
3 Ferry Operations Account--State . . . . . \$9,000,000  
4 (6) Highway Safety Account--State Appropriation:  
5 For transfer to the Multimodal Transportation  
6 Account--State . . . . . \$18,750,000  
7 (7) Department of Licensing Services Account--State  
8 Appropriation: For transfer to the Motor Vehicle  
9 Account--State . . . . . (((\$2,000,000))  
10 \$1,300,000  
11 (8) Advanced Right-of-Way Account: For transfer  
12 to the Motor Vehicle Account--State . . . . . \$14,000,000  
13 (9) (~~Motor Vehicle Account--State Appropriation:~~  
14 ~~For transfer to the Transportation Partnership~~  
15 ~~Account--State . . . . . \$8,000,000))~~  
16 (10) State Route Number 520 Civil Penalties  
17 Account--State Appropriation: For transfer to the  
18 State Route Number 520 Corridor Account--State . . . . . \$190,000  
19 (11) Advanced Environmental Mitigation Revolving  
20 Account--State Appropriation: For transfer to the  
21 Motor Vehicle Account--State . . . . . \$5,000,000  
22 (12) Regional Mobility Grant Program Account--State  
23 Appropriation: For transfer to the Multimodal  
24 Transportation Account--State . . . . . \$4,000,000  
25 (13) Motor Vehicle Account--State Appropriation:  
26 For transfer to the State Patrol Highway Account--State . . \$4,000,000  
27 (14) The transfers identified in this section are subject to the  
28 following conditions and limitations:  
29 (a) The amount transferred in subsection (1) of this section  
30 represents repayment of operating loans and reserve payments provided  
31 to the Tacoma Narrows toll bridge account from the motor vehicle  
32 account in the 2005-07 fiscal biennium. However, if Engrossed  
33 Substitute Senate Bill No. 6499 is enacted by June 30, 2010, the  
34 transfer in subsection (1) of this section shall not occur.  
35 (b) Any cash balance in the waste tire removal account in excess of  
36 one million dollars must be transferred to the motor vehicle account  
37 for the purpose of road wear-related maintenance on state and local  
38 public highways.

1 (c) The transfer in subsection (10) of this section represents toll  
2 revenue collected from toll violations.

3 **COMPENSATION**

4 **Sec. 501.** 2009 c 470 s 501 (uncodified) is amended to read as  
5 follows:

6 **FOR THE OFFICE OF FINANCIAL MANAGEMENT-- REVISED PENSION CONTRIBUTION**  
7 **RATES**

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

27 ~~Appropriations are adjusted to reflect changes to appropriations to~~  
28 ~~reflect savings resulting from pension funding. The office of~~  
29 ~~financial management shall update agency appropriations schedules to~~  
30 ~~reflect the changes to funding levels in this section as identified by~~  
31 ~~agency and fund in LEAP transportation document Z9R-2009. From the~~  
32 ~~applicable accounts, the office of financial management shall adjust~~  
33 ~~allotments to the respective agencies by an amount that conforms with~~  
34 ~~funding adjustments enacted in the 2009-11 omnibus operating~~  
35 ~~appropriations act. Any allotment reductions under this section shall~~

1 ~~be placed in reserve status and remain unexpended.))~~ Appropriations in  
2 this act include agency appropriations to reflect increased employer  
3 contribution rates in the public employees' retirement system as a  
4 result of the provisions in chapter 430, Laws of 2009 (calculating  
5 compensation for public retirement purpose).

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

8	Aeronautics Account--State . . . . .	\$3,000
9	State Patrol Highway Account--State . . . . .	\$618,000
10	Motorcycle Safety Education Account--State . . . . .	\$2,000
11	High Occupancy Toll Lanes Operations Account--State . . . . .	\$2,000
12	Rural Arterial Trust Account--State . . . . .	\$2,000
13	Wildlife Account--State . . . . .	\$2,000
14	Highway Safety Account--State . . . . .	\$261,000
15	Highway Safety Account--Federal . . . . .	\$6,000
16	Motor Vehicle Account--State . . . . .	\$1,076,000
17	Puget Sound Ferry Operations Account--State . . . . .	\$527,000
18	Urban Arterial Trust Account--State . . . . .	\$2,000
19	Transportation Improvement Account--State . . . . .	\$2,000
20	County Arterial Preservation Account--State . . . . .	\$2,000
21	Department of Licensing Services Account--State . . . . .	\$3,000
22	Multimodal Transportation Account--State . . . . .	\$13,000
23	Tacoma Narrows Toll Bridge Account--State . . . . .	\$3,000

24 Appropriations are adjusted to reflect changes to appropriations to  
25 reflect changes in the employer cost of providing health benefit  
26 coverage. The office of financial management shall update agency  
27 appropriations schedules to reflect the changes in funding levels in  
28 this section as identified by agency and fund in LEAP transportation  
29 document GLB-2010. From the applicable accounts, the office of  
30 financial management shall adjust allotments to the respective agencies  
31 by an amount that conforms with funding adjustments enacted in the 2010  
32 supplemental omnibus operating appropriations act. Any allotment  
33 reductions under this section must be placed in reserve status and  
34 remain unexpended.

35 **Sec. 503.** 2009 c 470 s 503 (uncodified) is amended to read as  
36 follows:

1 **COMPENSATION--INSURANCE BENEFITS.** Appropriations for state agencies  
2 in this act are sufficient for nonrepresented and represented state  
3 employee health benefits for state agencies, and are subject to the  
4 following conditions and limitations:

5 (1)(a) Unless otherwise provided in the 2010 supplemental omnibus  
6 operating appropriations act, the monthly employer funding rate for  
7 insurance benefit premiums, public employees' benefits board  
8 administration, and the uniform medical plan, shall not exceed \$745 per  
9 eligible employee for fiscal year 2010. For fiscal year 2011, the  
10 monthly employer funding rate shall not exceed (~~(\$768)~~) \$795 per  
11 eligible employee.

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

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

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

32 (2) Unless otherwise provided in the 2010 supplemental omnibus  
33 operating appropriations act, the health care authority, subject to the  
34 approval of the public employees' benefits board, shall provide  
35 subsidies for health benefit premiums to eligible retired or disabled  
36 public employees and school district employees who are eligible for  
37 medicare, pursuant to RCW 41.05.085. From January 1, 2010, through



1 December 31, 2010, the subsidy shall be \$182.89. Beginning January 1,  
2 2011, the subsidy shall be \$182.89 per month.

3 **IMPLEMENTING PROVISIONS**

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

6 **FOR THE DEPARTMENT OF TRANSPORTATION.** As part of its budget  
7 submittal (~~for the 2011-13 fiscal biennium~~), the department shall  
8 provide an annual update to the report provided to the legislature and  
9 the office of financial management in 2008 that:

10 (1) Compares the original project cost estimates approved in the  
11 2003 and 2005 project lists to the completed cost of the project, or  
12 the most recent legislatively approved budget and total project costs  
13 for projects not yet completed;

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

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

18 (4) Identifies highway projects that have lost significant local or  
19 regional contributions that were essential to completing the project;  
20 and

21 (5) Identifies contingency amounts allocated to projects.

22 NEW SECTION. **Sec. 602.** Any redistributed federal funds received  
23 by the department of transportation must, to the greatest extent  
24 possible, be first applied to offset planned expenditures of state  
25 funds, and second, to offset planned expenditures of federal funds, on  
26 projects as identified in the LEAP transportation documents described  
27 in this act. If the redistributed federal funds cannot be used in this  
28 manner, the department of transportation must consult with the joint  
29 transportation committee prior to obligating any redistributed federal  
30 funds.

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

33 **FUND TRANSFERS.** (1) The transportation 2003 projects or

1 improvements and the 2005 transportation partnership projects or  
2 improvements are listed in LEAP Transportation Document ((2009-1))  
3 2010-1 as developed ((April 24, 2009)) March 8, 2010, which consists of  
4 a list of specific projects by fund source and amount over a sixteen  
5 year period. Current fiscal biennium funding for each project is a  
6 line item appropriation, while the outer year funding allocations  
7 represent a sixteen year plan. The department is expected to use the  
8 flexibility provided in this section to assist in the delivery and  
9 completion of all transportation partnership account and transportation  
10 2003 (nickel) account projects on the LEAP lists referenced in this  
11 act. For the 2009-11 project appropriations, unless otherwise provided  
12 in this act, the director of financial management may authorize a  
13 transfer of appropriation authority between projects funded with  
14 transportation 2003 account (nickel account) appropriations((7)) or  
15 transportation partnership account appropriations, ((~~or multimodal~~  
16 ~~transportation account appropriations,~~)) in order to manage project  
17 spending and efficiently deliver all projects in the respective program  
18 under the following conditions and limitations:

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

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

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

32 (d) Transfers from a project may be made if the funds appropriated  
33 to the project are in excess of the amount needed to complete the  
34 project;

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

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

3 (g) Transfers between projects may be made by the department of  
4 transportation until the transfer amount by project exceeds two hundred  
5 fifty thousand dollars, or ten percent of the project, whichever is  
6 less. These transfers must be reported quarterly to the director of  
7 financial management and the chairs of the house of representatives and  
8 senate transportation committees.

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

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

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

22 **MISCELLANEOUS 2009-11 FISCAL BIENNIUM**

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

25 (1) Effective June 1, 2006, for agencies complying with the ultra-  
26 low sulfur diesel mandate of the United States environmental protection  
27 agency for on-highway diesel fuel, agencies shall use biodiesel as an  
28 additive to ultra-low sulfur diesel for lubricity, provided that the  
29 use of a lubricity additive is warranted and that the use of biodiesel  
30 is comparable in performance and cost with other available lubricity  
31 additives. The amount of biodiesel added to the ultra-low sulfur  
32 diesel fuel shall be not less than two percent.

33 (2) Effective June 1, 2009, state agencies are required to use a  
34 minimum of twenty percent biodiesel as compared to total volume of all

1 diesel purchases made by the agencies for the operation of the  
2 agencies' diesel-powered vessels, vehicles, and construction equipment.

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

7 (4) For the 2009-2011 fiscal biennium, (~~the Washington state~~  
8 ~~ferries is required to use a minimum of five percent biodiesel as~~  
9 ~~compared to total volume of all diesel purchases made by the Washington~~  
10 ~~state ferries for the operation of the Washington state ferries diesel-~~  
11 ~~powered vessels)) all fuel purchased by the Washington state ferries at  
12 Harbor Island for the operation of the Washington state ferries diesel  
13 powered vessels must be a minimum of five percent biodiesel blend so  
14 long as the per gallon price of diesel containing a five percent  
15 biodiesel blend level does not exceed the per gallon price of diesel by  
16 more than five percent. If the per gallon price of diesel containing  
17 a five percent biodiesel blend level exceeds the per gallon price of  
18 diesel by more than five percent, the requirements of this section do  
19 not apply to vessel fuel purchases by the Washington state ferries.~~

20 (5) By December 1, 2009, the department of general administration  
21 shall:

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

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

27 **Sec. 702.** RCW 46.68.320 and 2006 c 337 s 8 are each amended to  
28 read as follows:

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

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

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

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

10 **Sec. 703.** RCW 47.12.340 and 1997 c 140 s 3 are each amended to  
11 read as follows:

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

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

18 (2) All moneys received by the department from internal and  
19 external sources for the purposes of conducting advanced environmental  
20 mitigation; and

21 (3) Interest gained from the management of the advanced  
22 environmental mitigation revolving account.

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

27 **Sec. 704.** RCW 70.95.532 and 2009 c 261 s 4 are each amended to  
28 read as follows:

29 (1) All receipts from tire fees imposed under RCW 70.95.510, except  
30 as provided in subsection (2) of this section, must be deposited in the  
31 waste tire removal account created under RCW 70.95.521. Moneys in the  
32 account may be spent only after appropriation. Expenditures from the  
33 account may be used for the cleanup of unauthorized waste tire piles  
34 and measures that prevent future accumulation of unauthorized waste  
35 tire piles.

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

6 (3) During the 2009-2011 fiscal biennium, the legislature may  
7 transfer any cash balance in excess of one million dollars from the  
8 waste tire removal account to the motor vehicle account for the purpose  
9 of road wear-related maintenance on state and local public highways.

10 NEW SECTION. Sec. 705. 2009 c 470 s 502 is repealed.

11 **MISCELLANEOUS**

12 NEW SECTION. Sec. 801. If any provision of this act or its  
13 application to any person or circumstance is held invalid, the  
14 remainder of the act or the application of the provision to other  
15 persons or circumstances is not affected.

16 NEW SECTION. Sec. 802. This act is necessary for the immediate  
17 preservation of the public peace, health, or safety, or support of the  
18 state government and its existing public institutions, and takes effect  
19 immediately.

(End of bill)

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