

ESHB 1175 - S AMD
By Senator Haugen

ADOPTED AND ENGROSSED 4/20/11

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

3 "2011-2013 FISCAL BIENNIUM

4 NEW SECTION. **Sec. 1.** (1) The transportation budget of the state
5 is hereby adopted and, subject to the provisions set forth, the several
6 amounts specified, or as much thereof as may be necessary to accomplish
7 the purposes designated, are hereby appropriated from the several
8 accounts and funds named to the designated state agencies and offices
9 for employee compensation and other expenses, for capital projects, and
10 for other specified purposes, including the payment of any final
11 judgments arising out of such activities, for the period ending June
12 30, 2013.

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

15 (a) "Fiscal year 2012" or "FY 2012" means the fiscal year ending
16 June 30, 2012.

17 (b) "Fiscal year 2013" or "FY 2013" means the fiscal year ending
18 June 30, 2013.

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

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

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

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

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

3 **2011-2013 FISCAL BIENNIUM**
4 **GENERAL GOVERNMENT AGENCIES--OPERATING**

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

7 Motor Vehicle Account--State Appropriation \$430,000

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

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

15 Grade Crossing Protective Account--State
16 Appropriation \$504,000

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

18 Motor Vehicle Account--State Appropriation \$2,216,000
19 Puget Sound Ferry Operations Account--State
20 Appropriation \$4,624,000
21 TOTAL APPROPRIATION \$6,840,000

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

24 (1) The office of financial management, in consultation with the
25 transportation committees of the legislature, shall conduct a budget
26 evaluation study for the new traffic management center proposed by the
27 department of transportation. The study must consider data resulting
28 from the plan identified in section 604 of this act. The budget
29 evaluation study team approach using value engineering techniques must
30 be utilized by the office of financial management in conducting the
31 study. The office of financial management shall select the budget
32 evaluation study team members, contract for the study, and report the
33 results to the transportation committees of the legislature and the
34 department of transportation in a timely manner following the study.

1 Options reviewed must include use of existing facilities, including the
2 Wheeler building data center in Olympia. Funds allocated for the new
3 traffic management center must be used by the office of financial
4 management through an interagency agreement with the department of
5 transportation to cover the cost of the study.

6 (2) \$4,480,000 of the Puget Sound ferry operations account--state
7 appropriation is provided solely for marine insurance. The
8 appropriation is intended to fully fund a two-year policy, and the
9 office of financial management shall increase the deductible to
10 \$10,000,000 and reduce components of the policy in order to keep the
11 total cost of the two-year policy at or below the appropriation in this
12 subsection.

13 (3) The office of financial management shall review the department
14 of transportation's predesign requirements for Washington state ferry
15 vessel and terminal projects and modify the requirements such that the
16 requirements continue to meet legal mandates without placing an undue
17 burden on the department.

18 (4) The office of financial management shall provide to the
19 transportation committees of the legislature, on a quarterly basis, a
20 listing of all demands to bargain with respect to ferry labor relations
21 and the issue that gave rise to the demand to bargain.

22 (5) \$840,000 of the motor vehicle account--state appropriation is
23 provided out of funds set aside out of statewide fuel taxes distributed
24 to counties according to RCW 46.68.120(3) solely for the office of
25 financial management to contract with the Washington state association
26 of counties to identify, evaluate, and implement performance measures
27 associated with county transportation activities. The performance
28 measures must include, at a minimum, those related to safety, system
29 preservation, mobility, environmental protection, and project
30 completion. A report on the county transportation performance
31 implementation project must be provided to the transportation
32 committees of the legislature by December 31, 2012.

33 (6) \$169,000 of the motor vehicle account--state appropriation is
34 provided solely for the office of regulatory assistance integrated
35 permitting project.

36 (7) \$40,000 of the Puget Sound ferry operations account--state
37 appropriation is provided solely for the state's share of the marine
38 salary survey.

1 (8) The office of financial management shall study the available
2 data regarding statewide transit, bicycle, and pedestrian trips and
3 recommend additional performance measures that will effectively measure
4 the state's performance in increasing transit ridership and bicycle and
5 pedestrian trips. The office of financial management shall report its
6 findings and recommendations to the transportation committees of the
7 legislature by November 15, 2011, and integrate the new performance
8 measures into the report prepared by the office of financial management
9 pursuant to RCW 47.04.280 regarding progress towards achieving
10 Washington state's transportation system policy goals.

11 NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION**
12 **COMMISSION**

13 Motor Vehicle Account--State Appropriation \$986,000

14 The appropriation in this section is subject to the following
15 conditions and limitations: The entire appropriation in this section
16 is provided solely for road maintenance purposes.

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

18 Motor Vehicle Account--State Appropriation \$1,210,000

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

21 (1) \$351,000 of the motor vehicle account--state appropriation is
22 provided solely for costs associated with the motor fuel quality
23 program.

24 (2) \$686,000 of the motor vehicle account--state appropriation is
25 provided solely to test the quality of biofuel. The department must
26 test fuel quality at the biofuel manufacturer, distributor, and
27 retailer.

28 NEW SECTION. **Sec. 106. FOR THE LEGISLATIVE EVALUATION AND**
29 **ACCOUNTABILITY PROGRAM COMMITTEE**

30 Motor Vehicle Account--State Appropriation \$513,000

31 **TRANSPORTATION AGENCIES--OPERATING**

1 NEW SECTION. **Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY**

2 **COMMISSION**

3 Highway Safety Account--State Appropriation \$3,003,000
4 Highway Safety Account--Federal Appropriation \$42,625,000
5 Highway Safety Account--Local Appropriation \$50,000
6 School Zone Safety Account--State Appropriation \$3,340,000
7 TOTAL APPROPRIATION \$49,018,000

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

10 (1) \$1,673,900 of the highway safety account--federal appropriation
11 is provided solely for the conclusion of the target zero trooper pilot
12 program, which the commission has developed and implemented in
13 collaboration with the Washington state patrol. The pilot program must
14 continue to demonstrate the effectiveness of intense, high visibility,
15 driving under the influence enforcement in Washington. The commission
16 shall continue to apply to the national highway traffic safety
17 administration for federal highway safety grants to cover the cost of
18 the pilot program.

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

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

27 (b) In order to ensure adequate time in the 2011-2013 fiscal
28 biennium to evaluate the effectiveness of the pilot projects, any
29 projects authorized by the commission must be authorized by December
30 31, 2011.

31 (c) By January 1, 2013, the commission shall provide a report to
32 the legislature regarding the use, public acceptance, outcomes, and
33 other relevant issues regarding automated traffic safety cameras
34 demonstrated by the pilot projects.

35 (3) \$460,000 of the highway safety account--state appropriation is
36 provided solely for the implementation of chapter ... (Engrossed Second
37 Substitute House Bill No. 1789), Laws of 2011 (addressing DUI

1 accountability). If chapter ... (Engrossed Second Substitute House
2 Bill No. 1789), Laws of 2011 is not enacted by June 30, 2011, the
3 amount provided in this subsection lapses.

4 (4) The commission shall conduct a review of the literature on
5 potential safety benefits realized from drivers using their headlights
6 and windshield wipers simultaneously and shall report to the
7 transportation committees of the legislature by December 1, 2011.

8 (5) \$22,000,000 of the highway safety account--federal
9 appropriation is provided solely for federal funds that may be
10 obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the
11 2011-2013 fiscal biennium.

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

Rural Arterial Trust Account--State Appropriation	\$948,000
Motor Vehicle Account--State Appropriation	\$2,161,000
County Arterial Preservation Account--State	
Appropriation	\$1,480,000
TOTAL APPROPRIATION	\$4,589,000

18 The appropriations in this section are subject to the following
19 conditions and limitations: The county road administration board shall
20 submit a report to the transportation committees of the legislature by
21 December 1, 2011, on the implementation of the recommendations that
22 resulted from the evaluation of efficiencies in the delivery of
23 transportation funding and services to local governments that was
24 required under section 204(8), chapter 247, Laws of 2010. The report
25 must include a description of how recommendations were implemented,
26 what efficiencies were achieved, and an explanation of any
27 recommendations that were not implemented.

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

Transportation Improvement Account--State	
Appropriation	\$3,707,000

31 The appropriation in this section is subject to the following
32 conditions and limitations: The transportation improvement board shall
33 submit a report to the transportation committees of the legislature by
34 December 1, 2011, on the implementation of the recommendations that
35 resulted from the evaluation of efficiencies in the delivery of
36 transportation funding and services to local governments that was

1 required under section 204(8), chapter 247, Laws of 2010. The report
2 must include a description of how recommendations were implemented,
3 what efficiencies were achieved, and an explanation of any
4 recommendations that were not implemented.

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

6 Motor Vehicle Account--State Appropriation \$2,060,000

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

9 (1) \$200,000 of the motor vehicle account--state appropriation is
10 for a study of Washington state ferries fares that recommends the most
11 appropriate fare media for use with the reservation system and the
12 implementation of demand management pricing and interoperability with
13 other payment methods. The study must include direct collaboration
14 with transportation commission members.

15 (2) \$150,000 of the motor vehicle account--state appropriation is
16 for a study of the management organization structure at the Washington
17 state ferries. The study results must make recommendations on changes
18 to the organizational structure that will result in more efficient
19 operations and a more balanced management organization structure scaled
20 to the workforce.

21 (3) \$200,000 of the motor vehicle account--state appropriation is
22 from the cities statewide fuel tax distributions under RCW 46.68.110(2)
23 for the joint transportation committee to study and make
24 recommendations on RCW 90.03.525. The study must include: (a) An
25 inventory of state highways subject to the federal clean water act (40
26 C.F.R. Parts 122 through 124) (national pollutant discharge elimination
27 system) that are within city boundaries; (b) a survey of cities that
28 impose storm water fees or charges to the department of transportation,
29 or otherwise manage storm water runoff from state highways within their
30 jurisdiction; (c) case studies from a representative cross-section of
31 cities on how the department and cities have used RCW 90.03.525; and
32 (d) recommendations on how to achieve efficiencies in the cost and
33 management of state highway storm water runoff within cities under RCW
34 90.03.525.

35 (4) \$425,000 of the motor vehicle account--state appropriation is
36 for the joint transportation committee to conduct a study to evaluate
37 the potential for financing state transportation projects using public-

1 private partnerships. The study must compare the costs, advantages,
2 and disadvantages of various forms of public-private partnerships with
3 conventional financing. Projects to be evaluated include Interstate
4 405, state route number 509, state route number 167, the Columbia River
5 crossing, and the Monroe bypass. At a minimum, the study must identify
6 the public interest in the financing and construction of transportation
7 projects, the public interest in the operation of transportation
8 projects, and the provisions in public-private partnership agreements
9 that best protect the public interest. To the extent possible, the
10 study must identify the lowest-cost and best-value model for each
11 project that best protects the public interest. In addition, the study
12 must evaluate whether public-private partnerships serve the defined
13 public interest including, but not limited to, the advantage and
14 disadvantage of risk allocation, the effects of private versus public
15 financing on the state's bonding capacity, the state's ability to
16 retain public ownership of the asset, the process that would allow for
17 the most transparency during the negotiation of terms of a public-
18 private partnership agreement, and the state's ability to oversee the
19 private entity's management of the asset. The study must identify any
20 barriers to the implementation of funding models that best protect the
21 public interest, including statutory and constitutional barriers. The
22 committee shall issue a report of its evaluation to the house of
23 representatives and senate transportation committees by December 16,
24 2011.

25 (5) \$100,000 of the motor vehicle account--state appropriation is
26 for an investigation of the use of liquid natural gas on existing
27 Washington state ferry vessels as well as the 144-car class vessels and
28 report to the legislature by December 31, 2011.

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

30 Motor Vehicle Account--State Appropriation	\$2,142,000
31 Multimodal Transportation Account--State Appropriation	\$112,000
32 TOTAL APPROPRIATION	\$2,254,000

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

35 (1) Consistent with RCW 43.135.055, 47.60.290, and 47.60.315,
36 during the 2011-2013 fiscal biennium, the legislature authorizes the
37 transportation commission to periodically review and, if necessary,

1 adjust the schedule of fares for the Washington state ferry system only
2 in amounts not greater than those sufficient to generate the amount of
3 revenue required by the biennial transportation budget. When adjusting
4 ferry fares, the commission must consider input from affected ferry
5 users by public hearing and by review with the affected ferry advisory
6 committees, in addition to the data gathered from the current ferry
7 user survey.

8 (2) Consistent with RCW 43.135.055 and 47.46.100, during the
9 2011-2013 fiscal biennium, the legislature authorizes the
10 transportation commission to periodically review and, if necessary,
11 adjust the schedule of toll charges applicable to the Tacoma Narrows
12 bridge only in amounts not greater than those sufficient to support (a)
13 any required costs for operating and maintaining the toll bridge,
14 including the cost of insurance, (b) any amount required by law to meet
15 the redemption of bonds and applicable interest payments, and (c)
16 repayment of the motor vehicle fund.

17 (3) The total appropriation provided in this section includes
18 funding to conduct a survey to gather data on users of the statewide
19 transportation system, including the state ferry system, as required
20 under chapter ... (Substitute Senate Bill No. 5128), Laws of 2011
21 (statewide transportation planning). However, if chapter ...
22 (Substitute Senate Bill No. 5128), Laws of 2011 is not enacted by June
23 30, 2011, \$169,000 of the motor vehicle account--state appropriation
24 lapses.

25 (4) Consistent with its authority in RCW 47.56.840, the
26 transportation commission shall consider the need for a citizen
27 advisory group that provides oversight on new tolled facilities.

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

30 Motor Vehicle Account--State Appropriation \$702,000

31 The appropriation in this section is subject to the following
32 conditions and limitations: The freight mobility strategic investment
33 board shall submit a report to the transportation committees of the
34 legislature by December 1, 2011, on the implementation of the
35 recommendations that resulted from the evaluation of efficiencies in
36 the delivery of transportation funding and services to local
37 governments that was required under section 204(8), chapter 247, Laws

1 of 2010. The report must include a description of how recommendations
2 were implemented, what efficiencies were achieved, and an explanation
3 of any recommendations that were not implemented.

4 NEW SECTION. **Sec. 207. FOR THE WASHINGTON STATE PATROL**

5	Vehicle Licensing Fraud Account--State Appropriation	\$100,000
6	State Patrol Highway Account--State	
7	Appropriation	\$349,812,000
8	State Patrol Highway Account--Federal	
9	Appropriation	\$10,903,000
10	State Patrol Highway Account--Private/Local	
11	Appropriation	\$3,369,000
12	TOTAL APPROPRIATION	\$364,184,000

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

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

29 (2) The Washington state patrol shall continue to collaborate with
30 the Washington traffic safety commission on the target zero trooper
31 pilot program referenced in section 201(1) of this act.

32 (3) \$370,000 of the state patrol highway account--state
33 appropriation is provided solely for costs associated with the pilot
34 program described under section 216(5) of this act. The Washington
35 state patrol may incur costs related only to the assignment of cadets
36 and necessary computer equipment and to the reimbursement of the
37 Washington state department of transportation for contract costs. The

1 appropriation in this subsection must be funded from the portion of the
2 automated traffic safety camera fines deposited into the state patrol
3 highway account; however, if the fines deposited into the state patrol
4 highway account from automated traffic safety camera infractions do not
5 reach three hundred seventy thousand dollars, the department of
6 transportation shall remit funds necessary to the Washington state
7 patrol to ensure the completion of the pilot program. The Washington
8 state patrol may not incur overtime as a result of this pilot program.
9 The Washington state patrol shall not assign troopers to operate or
10 deploy the pilot program equipment used in the roadway construction
11 zones.

12 (4) \$12,655,000 of the total appropriation is provided solely for
13 automobile fuel in the 2011-2013 fiscal biennium. The Washington state
14 patrol shall analyze their fuel consumption and submit a report to the
15 legislative transportation committees by December 31, 2011, on fuel
16 conservation methods that could be used to minimize costs and ensure
17 that the Washington state patrol is managing fuel consumption
18 effectively.

19 (5) \$7,421,000 of the total appropriation is provided solely for
20 the purchase of pursuit vehicles.

21 (6) \$6,611,000 of the total appropriation is provided solely for
22 vehicle repair and maintenance costs of vehicles used for highway
23 purposes.

24 (7) \$1,724,000 of the total appropriation is provided solely for
25 the purchase of mission vehicles used for highway purposes in the
26 commercial vehicle and traffic investigation sections of the Washington
27 state patrol.

28 (8) \$1,200,000 of the total appropriation is provided solely for
29 outfitting officers. The Washington state patrol shall prepare a cost-
30 benefit analysis of the standard trooper uniform as compared to a
31 battle dress uniform and uniforms used by other states and
32 jurisdictions. The Washington state patrol shall report the results of
33 the analysis to the transportation committees of the legislature by
34 December 1, 2011.

35 (9) The Washington state patrol shall not account for or record
36 locally provided DUI cost reimbursement payments as expenditure credits
37 to the state patrol highway account. The patrol shall report the

1 amount of expected locally provided DUI cost reimbursements to the
2 office of financial management and transportation committees of the
3 legislature by September 30th of each year.

4 (10) During the 2011-2013 fiscal biennium, the Washington state
5 patrol shall continue to perform traffic accident investigations on
6 Thurston county roads, and shall work with Thurston county to
7 transition the traffic accident investigations on Thurston county roads
8 to Thurston county by July 1, 2013.

9 (11) \$100,000 of the vehicle licensing fraud account--state
10 appropriation is provided solely to support the transportation portion
11 of the vehicle license fraud program during the 2011-2013 fiscal
12 biennium.

13 NEW SECTION. **Sec. 208. FOR THE DEPARTMENT OF LICENSING**

14	Marine Fuel Tax Refund Account--State Appropriation	\$32,000
15	Motorcycle Safety Education Account--State	
16	Appropriation	\$4,411,000
17	Wildlife Account--State Appropriation	\$859,000
18	Highway Safety Account--State Appropriation	\$149,904,000
19	Highway Safety Account--Federal Appropriation	\$2,884,000
20	Motor Vehicle Account--State Appropriation	\$78,586,000
21	Motor Vehicle Account--Private/Local Appropriation	\$1,721,000
22	Motor Vehicle Account--Federal Appropriation	\$242,000
23	Department of Licensing Services Account--State	
24	Appropriation	\$5,815,000
25	Ignition Interlock Device Revolving Account--State	
26	Appropriation	\$1,315,000
27	TOTAL APPROPRIATION	\$245,769,000

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

30 (1) \$62,000 of the motor vehicle account--state appropriation is
31 provided solely for the implementation of chapter ... (Engrossed
32 Substitute Senate Bill No. 5251), Laws of 2011 (electric vehicle fee).
33 If chapter ... (Engrossed Substitute Senate Bill No. 5251), Laws of
34 2011 is not enacted by June 30, 2011, the amount provided in this
35 subsection lapses.

36 (2) \$231,000 of the motor vehicle account--state appropriation is
37 provided solely for the implementation of chapter ... (Substitute

1 Senate Bill No. 5800), Laws of 2011 (off-road motorcycles). If chapter
2 ... (Substitute Senate Bill No. 5800), Laws of 2011 is not enacted by
3 June 30, 2011, the amount provided in this subsection lapses.

4 (3) \$193,000 of the department of licensing services account--state
5 appropriation is provided solely for a phased implementation of chapter
6 ... (Substitute House Bill No. 1046), Laws of 2011 (vehicle and vessel
7 quick titles). Funding is contingent upon revenues associated with the
8 vehicle and vessel quick title program paying all direct and indirect
9 expenditures associated with the department's implementation of this
10 subsection. If chapter ... (Substitute House Bill No. 1046), Laws of
11 2011 is not enacted by June 30, 2011, the amount provided in this
12 subsection lapses.

13 (4) The department may seek federal funds to implement a driver's
14 license and identicard biometric matching system pilot program to
15 verify the identity of applicants for, and holders of, drivers'
16 licenses and identicards if applicants are provided the opportunity to
17 opt out of participating in the program, which meets the requirement of
18 RCW 46.20.037 that such a program be voluntary. If funds are received,
19 the department shall report any benefits or problems identified during
20 the course of the pilot program to the transportation committees of the
21 legislature upon the completion of the program.

22 (5) \$1,938,000 of the highway safety account--federal appropriation
23 is for federal funds that may be received during the 2011-2013 fiscal
24 biennium. Upon receipt of the funds, the department shall provide a
25 report on the use of the funds to the transportation committees of the
26 legislature and the office of financial management.

27 (6) By December 31, 2011, the department shall submit to the office
28 of financial management and the transportation committees of the
29 legislature draft legislation that rewrites the tow truck statutes
30 (chapter 46.55 RCW) in plain language and is revenue and policy
31 neutral.

32 (7) \$128,000 of the highway safety account--state appropriation is
33 provided solely for the implementation of chapter ... (Engrossed
34 Substitute House Bill No. 1635), Laws of 2011 (driver's license exams).
35 If chapter ... (Engrossed Substitute House Bill No. 1635), Laws of 2011
36 is not enacted by June 30, 2011, the amount provided in this subsection
37 lapses.

1 (8) \$68,000 of the highway safety account--state appropriation is
2 provided solely for the implementation of chapter ... (Engrossed Second
3 Substitute House Bill No. 1789), Laws of 2011 (driving under the
4 influence). If chapter ... (Engrossed Second Substitute House Bill No.
5 1789), Laws of 2011 is not enacted by June 30, 2011, the amount
6 provided in this subsection lapses.

7 (9) \$63,000 of the highway safety account--state appropriation is
8 provided solely for the implementation of chapter ... (Substitute House
9 Bill No. 1237), Laws of 2011 (selective service system). If chapter
10 ... (Substitute House Bill No. 1237), Laws of 2011 is not enacted by
11 June 30, 2011, the amount provided in this subsection lapses.

12 (10) \$340,000 of the motor vehicle account--private/local
13 appropriation is provided solely for the implementation of chapter ...
14 (Engrossed Substitute Senate Bill No. 5457), Laws of 2011 (congestion
15 reduction charge). If chapter ... (Engrossed Substitute Senate Bill
16 No. 5457), Laws of 2011 is not enacted by June 30, 2011, the amount
17 provided in this subsection lapses.

18 (11) \$648,000 of the motor vehicle account--federal appropriation
19 is provided solely for the implementation of chapter ... (House Bill
20 No. 1229), Laws of 2011 (commercial drivers' licenses). If chapter ...
21 (House Bill No. 1229), Laws of 2011 is not enacted by June 30, 2011,
22 the amount provided in this subsection lapses.

23 (12) \$1,738,000 of the department of licensing services account--
24 state appropriation is provided solely for purchasing equipment for
25 field licensing service offices and subagent offices.

26 NEW SECTION. **Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION--**
27 **TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

28	High Occupancy Toll Lanes Operations Account--State	
29	Appropriation	\$1,295,000
30	Motor Vehicle Account--State Appropriation	\$550,000
31	Tacoma Narrows Toll Bridge Account--State	
32	Appropriation	\$23,429,000
33	State Route Number 520 Corridor Account--State	
34	Appropriation	\$27,295,000
35	State Route Number 520 Civil Penalties	
36	Account--State Appropriation	\$4,622,000
37	TOTAL APPROPRIATION	\$57,191,000

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

3 (1) The department shall make detailed quarterly expenditure
4 reports available to the transportation commission and to the public on
5 the department's web site using current department resources. The
6 reports must include a summary of toll revenue by facility on all
7 operating toll facilities and high occupancy toll lane systems, and an
8 itemized depiction of the use of that revenue.

9 (2) \$4,622,000 of the state route number 520 civil penalties
10 account--state appropriation and \$1,458,000 of the Tacoma Narrows toll
11 bridge account--state appropriation are provided solely for
12 expenditures related to the toll adjudication process. The department
13 shall report quarterly on the civil penalty process to the office of
14 financial management and the house of representatives and senate
15 transportation committees beginning September 30, 2011. The reports
16 must include a summary table for each toll facility that includes: The
17 number of notices of civil penalty issued; the number of recipients who
18 pay before the notice becomes a penalty; the number of recipients who
19 request a hearing and the number who do not respond; workload costs
20 related to hearings; the cost and effectiveness of debt collection
21 activities; and revenues generated from notices of civil penalty.

22 (3) It is the intent of the legislature that transitioning to a
23 statewide tolling operations center and preparing for all-electronic
24 tolling on certain toll facilities will have no adverse revenue or
25 expenditure impact on the Tacoma Narrows toll bridge account. Any
26 increased costs related to this transition shall not be allocated to
27 the Tacoma Narrows toll bridge account. All costs associated with the
28 toll adjudication process are anticipated to be covered by revenue
29 collected from the toll adjudication process.

30 (4) The department shall ensure that, at no cost to the Tacoma
31 Narrows toll bridge account, new electronic tolling tag readers are
32 installed on the Tacoma Narrows bridge as soon as practicable that are
33 able to read existing and new electronic tolling tags.

34 (5) \$17,786,000 of the state route number 520 corridor account--
35 state appropriation is provided solely for nonvendor costs associated
36 with tolling the state route number 520 bridge. Funds from the state
37 route number 520 corridor account--state appropriation shall not be
38 used to pay for items prohibited by Executive Order No. 1057, including

1 subscriptions to technical publications, employee educational expenses,
2 professional membership dues and fees, employee recognition and safety
3 awards, meeting meals and light refreshments, commute trip reduction
4 incentives, and employee travel.

5 NEW SECTION. **Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION--**
6 **INFORMATION TECHNOLOGY--PROGRAM C**

7	Motor Vehicle Account--State Appropriation	\$69,107,000
8	Transportation Partnership Account--State	
9	Appropriation	\$1,460,000
10	Multimodal Transportation Account--State	
11	Appropriation	\$363,000
12	Transportation 2003 Account (Nickel Account)--State	
13	Appropriation	\$1,460,000
14	TOTAL APPROPRIATION	\$72,390,000

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

17 (1) The department shall consult with the office of financial
18 management and the department of information services to: (a) Ensure
19 that the department's current and future system development is
20 consistent with the overall direction of other key state systems; and
21 (b) when possible, use or develop common statewide information systems
22 to encourage coordination and integration of information used by the
23 department and other state agencies and to avoid duplication.

24 (2) \$1,460,000 of the transportation partnership account--state
25 appropriation and \$1,460,000 of the transportation 2003 account (nickel
26 account)--state appropriation are provided solely for maintaining the
27 department's project management reporting system.

28 (3) \$210,000 of the motor vehicle account--state appropriation is
29 provided solely for the department's compliance with its national
30 pollution discharge elimination system permit.

31 (4) Beginning December 1, 2011, and on a quarterly basis
32 thereafter, the department shall report to the office of financial
33 management and the transportation committees of the legislature on the
34 status of the development and integration of the time, leave, and labor
35 distribution system identified in section 601 of this act. The first
36 report must include a detailed work plan for the development and
37 integration of the system, including timelines and budget milestones.

1 At a minimum, the ensuing reports must indicate the status of the work
2 as it compares to the work plan, any discrepancies, and proposed
3 adjustments necessary to bring the project back on schedule or budget
4 if necessary. It is the intent of the legislature that the state
5 auditor will provide advice based on the auditor's technical knowledge
6 and expertise in the implementation and acquisition of the time, leave,
7 and labor distribution system. It is further the intent of the
8 legislature that if any portion of the system is leveraged in the
9 future for the time, leave, and labor distribution of any other
10 agencies, the motor vehicle account will be reimbursed proportionally
11 for the development of the system since the funds from the motor
12 vehicle account must be used exclusively for highway purposes in
13 conformance with Article II, section 40 of the state Constitution.
14 This must be accomplished through a loan arrangement with the current
15 interest rate under the terms set by the office of the state treasurer
16 at the time the system is deployed to additional agencies. If the
17 motor vehicle account is not reimbursed for future use of the system,
18 it is the intent of the legislature that reductions will be made to
19 central service agency charges accordingly.

20 (5) \$502,000 of the motor vehicle account--state appropriation is
21 provided solely to provide support for the transportation executive
22 information system.

23 (6) If chapter ... (Substitute House Bill No. 1720), Laws of 2011
24 (department of enterprise services) is enacted, the department shall
25 work with the department of enterprise services to:

26 (a) Make enhancements to the 511 traveler information system to
27 provide a more timely and user friendly format; and

28 (b) Develop or purchase software that would allow public
29 transportation users to enter in their start and end locations using a
30 computer or mobile device to determine the public transportation
31 options available to them.

32 NEW SECTION. **Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION--**
33 **FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING**
34 Motor Vehicle Account--State Appropriation \$25,851,000

35 The appropriation in this section is subject to the following
36 conditions and limitations:

1 (1) The department shall submit a predesign proposal for a new
2 traffic management center to the office of financial management
3 consistent with the process followed by nontransportation capital
4 construction projects. The department shall not award a contract for
5 construction of a new traffic management center until the predesign
6 proposal has been submitted and the office of financial management has
7 completed a budget evaluation study that indicates a new building is
8 the recommended option for accommodating additional traffic management
9 operations.

10 (2) \$850,000 of the motor vehicle account--state appropriation is
11 provided solely for the department's compliance with its national
12 pollution discharge elimination system permit.

13 NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--**
14 **AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation	\$6,066,000
Aeronautics Account--Federal Appropriation	\$2,150,000
TOTAL APPROPRIATION	\$8,216,000

18 The appropriations in this section are subject to the following
19 conditions and limitations: \$200,000 of the aeronautics account--state
20 appropriation is a reappropriation provided solely to complete runway
21 preservation projects.

22 NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--**
23 **PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**

Motor Vehicle Account--State Appropriation	\$47,418,000
Motor Vehicle Account--Federal Appropriation	\$500,000
Multimodal Transportation Account--State 27 Appropriation	\$250,000
TOTAL APPROPRIATION	\$48,168,000

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

31 (1) The department shall provide updated information on six project
32 milestones for all active projects, funded in part or in whole with
33 2005 transportation partnership account funds or 2003 nickel account
34 funds, on a quarterly basis in the transportation executive information
35 system. The department shall also provide updated information on six

1 project milestones for projects funded with preexisting funds and that
2 are agreed to by the legislature, office of financial management, and
3 the department, on a quarterly basis.

4 (2) \$3,754,000 of the motor vehicle account--state appropriation is
5 provided solely for the department's compliance with its national
6 pollution discharge elimination system permit.

7 (3) It is the intent of the legislature that the real estate
8 services division of the department will recover the cost of its
9 efforts from future sale proceeds.

10 (4) The legislature recognizes that the Dryden pit site (WSDOT
11 Inventory Control (IC) No. 2-04-00103) is unused state-owned real
12 property under the jurisdiction of the department of transportation,
13 and that the public would benefit significantly from the complete
14 enjoyment of the natural scenic beauty and recreational opportunities
15 available at the site. Therefore, pursuant to RCW 47.12.080, the
16 legislature declares that transferring the property to the department
17 of fish and wildlife for recreational use and fish and wildlife
18 restoration efforts is consistent with the public interest in order to
19 preserve the area for the use of the public and the betterment of the
20 natural environment. The department of transportation shall work with
21 the department of fish and wildlife, and shall transfer and convey the
22 Dryden pit site to the department of fish and wildlife as is for an
23 adjusted fair market value reflecting site conditions, the proceeds of
24 which must be deposited in the motor vehicle fund. The department of
25 transportation is not responsible for any costs associated with the
26 cleanup or transfer of this property. By July 1, 2011, and annually
27 thereafter until the entire Dryden pit property has been transferred,
28 the department shall submit a status report regarding the transaction
29 to the chairs of the legislative transportation committees.

30 NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--**
31 **ECONOMIC PARTNERSHIPS--PROGRAM K**

32	Motor Vehicle Account--State Appropriation	\$622,000
33	Multimodal Transportation Account--State Appropriation	\$110,000
34	TOTAL APPROPRIATION	\$732,000

35 The appropriations in this section are subject to the following
36 conditions and limitations: The department shall conduct a study on
37 the potential to generate revenue from off-premise outdoor advertising

1 signs that are erected or maintained adjacent and visible to the
2 interstate system highways, primary system highways, or scenic system
3 highways. The study must provide an evaluation of the market for
4 outdoor advertising signs, including an evaluation of the number of
5 potential advertisers and the amount charged by other jurisdictions for
6 sign permits, and must provide a recommendation for a revised fee
7 structure that recognizes the market value for off-premise signs and
8 considers charging differential fees based on the size, type, and
9 location of the sign.

10 NEW SECTION. **Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--**
11 **HIGHWAY MAINTENANCE--PROGRAM M**

12	Motor Vehicle Account--State Appropriation	\$380,327,000
13	Motor Vehicle Account--Federal Appropriation	\$7,000,000
14	TOTAL APPROPRIATION	\$387,327,000

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

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

22 (2) \$7,000,000 of the motor vehicle account--state appropriation is
23 provided solely for third-party damages to the highway system where the
24 responsible party is known and reimbursement is anticipated. The
25 department shall request additional appropriation authority for any
26 funds received for reimbursements of third-party damages that are in
27 excess of this appropriation.

28 (3) \$7,000,000 of the motor vehicle account--federal appropriation
29 is for unanticipated federal funds that may be received during the
30 2011-2013 fiscal biennium. Upon receipt of the funds, the department
31 shall provide a report on the use of the funds to the transportation
32 committees of the legislature and the office of financial management.

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

36 (5) \$4,530,000 of the motor vehicle account--state appropriation is

1 provided solely for the department's compliance with its national
2 pollution discharge elimination system permit.

3 (6) The department shall continue to report maintenance
4 accountability process (MAP) targets and achievements on an annual
5 basis. The department shall use available funding to target and
6 deliver a minimum MAP grade of C for the activity of roadway striping.

7 (7) \$6,884,000 of the motor vehicle account--state appropriation is
8 provided solely for the high priority maintenance backlog. Addressing
9 the maintenance backlog must result in increased levels of service. If
10 chapter . . . (Engrossed Substitute Senate Bill No. 5251), Laws of 2011
11 (electric vehicle fee) is not enacted by June 30, 2011, \$500,000 of the
12 appropriation provided in this subsection lapses.

13 (8) \$317,000 of the motor vehicle account--state appropriation is
14 provided solely for maintaining a new active traffic management system
15 on Interstate 5, Interstate 90, and state route number 520. The
16 department shall track the costs associated with these systems on a
17 corridor basis and report to the transportation committees of the
18 legislature on the costs and benefits of the systems by December 1,
19 2011.

20 NEW SECTION. **Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--**
21 **TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

22	Motor Vehicle Account--State Appropriation	\$50,166,000
23	Motor Vehicle Account--Federal Appropriation	\$2,050,000
24	Motor Vehicle Account--Private/Local Appropriation	\$127,000
25	TOTAL APPROPRIATION	\$52,343,000

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

28 (1) \$6,000,000 of the motor vehicle account--state appropriation is
29 provided solely for low-cost enhancements. The department shall give
30 priority to low-cost enhancement projects that improve safety or
31 provide congestion relief. The department shall prioritize low-cost
32 enhancement projects on a statewide rather than regional basis. By
33 September 1st of each even-numbered year, the department shall provide
34 a report to the legislature listing all low-cost enhancement projects
35 prioritized on a statewide rather than regional basis completed in the
36 prior year.

1 (2) \$145,000 of the motor vehicle account--state appropriation is
2 provided solely for the department to continue a pilot tow truck
3 incentive program and to expand the program to other areas of the
4 state. The department may provide incentive payments to towing
5 companies that meet clearance goals on accidents that involve heavy
6 trucks.

7 (3) During the 2011-2013 fiscal biennium, the department shall
8 implement a pilot program that expands private transportation
9 providers' access to high occupancy vehicle lanes. Under the pilot
10 program, when the department reserves a portion of a highway based on
11 the number of passengers in a vehicle, the following vehicles must be
12 authorized to use the reserved portion of the highway if the vehicle
13 has the capacity to carry eight or more passengers, regardless of the
14 number of passengers in the vehicle: (a) Auto transportation company
15 vehicles regulated under chapter 81.68 RCW; (b) passenger charter
16 carrier vehicles regulated under chapter 81.70 RCW, except marked or
17 unmarked stretch limousines and stretch sport utility vehicles as
18 defined under department of licensing rules; (c) private nonprofit
19 transportation provider vehicles regulated under chapter 81.66 RCW; and
20 (d) private employer transportation service vehicles. For purposes of
21 this subsection, "private employer transportation service" means
22 regularly scheduled, fixed-route transportation service that is offered
23 by an employer for the benefit of its employees. By June 30, 2013, the
24 department shall report to the transportation committees of the
25 legislature on whether private transportation provider use of high
26 occupancy vehicle lanes under the pilot program reduces the speeds of
27 high occupancy vehicle lanes. Nothing in this subsection is intended
28 to authorize the conversion of public infrastructure to private, for-
29 profit purposes or to otherwise create an entitlement or other claim by
30 private users to public infrastructure. If chapter ... (Substitute
31 Senate Bill No. 5836), Laws of 2011 is enacted by June 30, 2011, this
32 subsection is null and void.

33 (4) \$9,000,000 of the motor vehicle account--state appropriation is
34 provided solely for the department's incident response program.

35 (5) The department, in consultation with the Washington state
36 patrol, must continue a pilot program for the patrol to issue
37 infractions based on information from automated traffic safety cameras
38 in roadway construction zones on state highways. The department must

1 report to the joint transportation committee by January 1, 2012, and
2 January 1, 2013, on the status of this pilot program. For the purpose
3 of this pilot program, during the 2011-2013 fiscal biennium, a roadway
4 construction zone includes areas where public employees or private
5 contractors may be present or where a driving condition exists that
6 would make it unsafe to drive at higher speeds, such as, when the
7 department is redirecting or realigning lanes on any public roadway
8 pursuant to ongoing construction. The department shall use the
9 following guidelines to administer the program:

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

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

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

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

27 (e) For purposes of the 2011-2013 fiscal biennium pilot program,
28 infractions detected through the use of automated traffic safety
29 cameras are not part of the registered owner's driving record under RCW
30 46.52.101 and 46.52.120. Additionally, infractions generated by the
31 use of automated traffic safety cameras must be processed in the same
32 manner as parking infractions for the purposes of RCW 3.50.100,
33 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the
34 fine issued under this subsection (5) for an infraction generated
35 through the use of an automated traffic safety camera is one hundred
36 thirty-seven dollars. The court shall remit thirty-two dollars of the
37 fine to the state treasurer for deposit into the state patrol highway
38 account; and

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

16 (6) The department shall track the costs associated with active
17 traffic management systems on a corridor basis and report to the
18 transportation committees of the legislature on the cost and benefits
19 of the systems by December 1, 2011.

20 NEW SECTION. **Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--**
21 **TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

22	Motor Vehicle Account--State Appropriation	\$28,430,000
23	Motor Vehicle Account--Federal Appropriation	\$30,000
24	Multimodal Transportation Account--State	
25	Appropriation	\$973,000
26	TOTAL APPROPRIATION	\$29,433,000

27 The appropriations in this section are subject to the following
28 conditions and limitations: The department shall utilize existing
29 resources and customer service staff to develop and implement new
30 policies and procedures to ensure compliance with new federal passenger
31 vessel Americans with disabilities act requirements.

32 NEW SECTION. **Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--**
33 **TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

34	Motor Vehicle Account--State Appropriation	\$23,394,000
35	Motor Vehicle Account--Federal Appropriation	\$21,885,000
36	Multimodal Transportation Account--State	

1	Appropriation	\$662,000
2	Multimodal Transportation Account--Federal	
3	Appropriation	\$3,559,000
4	Multimodal Transportation Account--Private/Local	
5	Appropriation	\$100,000
6	TOTAL APPROPRIATION\$49,600,000

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

9 (1) \$70,000 of the motor vehicle account--state appropriation is a
10 reappropriation provided solely for a corridor study of state route
11 number 516 from the eastern border of Maple Valley to state route
12 number 167 to determine whether improvements are needed and the costs
13 of any needed improvements.

14 (2) \$200,000 of the motor vehicle account--state appropriation is
15 provided solely for extending the freight database pilot project that
16 began in 2009. Global positioning system (GPS) data is intended to
17 help guide freight investment decisions and track highway project
18 effectiveness as it relates to freight traffic.

19 (3) Within available resources, the department must collaborate
20 with the affected metropolitan planning organizations, regional
21 transportation planning organizations, transit agencies, and private
22 transportation providers to develop a plan to reduce vehicle demand,
23 increase public transportation options, and reduce vehicle miles
24 traveled on corridors affected by growth at Joint Base Lewis-McChord.

25 (4) As part of their ongoing regional transportation planning, the
26 regional transportation planning organizations across the state shall
27 work together to provide a comprehensive framework for sources and uses
28 of next-stage investments in transportation needed to improve
29 structural conditions and ongoing operations and lay the groundwork for
30 the transportation systems to support the long-term economic vitality
31 of the state. This planning must include all forms of transportation
32 to reflect the state's interests, including: Highways, streets, and
33 roads; ferries; public transportation; systems for freight; and walking
34 and biking systems. The department shall support this planning by
35 providing information on potential state transportation uses and an
36 analysis of potential sources of revenue to implement investments. In
37 carrying out this planning, regional transportation planning

1 organizations must be broadly inclusive of business, civic, labor,
2 governmental, and environmental interests in regional communities
3 across the state.

4 NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--**
5 **CHARGES FROM OTHER AGENCIES--PROGRAM U**

6	Motor Vehicle Account--State Appropriation	\$85,209,000
7	Motor Vehicle Account--Federal Appropriation	\$400,000
8	Multimodal Transportation Account--State	
9	Appropriation	\$3,320,000
10	TOTAL APPROPRIATION	\$88,929,000

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--**
5 **PUBLIC TRANSPORTATION--PROGRAM V**

6 State Vehicle Parking Account--State Appropriation \$452,000
7 Regional Mobility Grant Program Account--State
8 Appropriation \$48,942,000
9 Multimodal Transportation Account--State
10 Appropriation \$41,706,000
11 Multimodal Transportation Account--Federal
12 Appropriation \$2,582,000
13 Multimodal Transportation Account--Private/Local
14 Appropriation \$1,027,000
15 Rural Mobility Grant Program Account--State
16 Appropriation \$17,000,000
17 TOTAL APPROPRIATION \$111,709,000

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

20 (1) \$25,000,000 of the multimodal transportation account--state
21 appropriation is provided solely for a grant program for special needs
22 transportation provided by transit agencies and nonprofit providers of
23 transportation.

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

30 (b) \$19,500,000 of the amount provided in this subsection is
31 provided solely for grants to transit agencies to transport persons
32 with special transportation needs. To receive a grant, the transit
33 agency must have a maintenance of effort for special needs
34 transportation that is no less than the previous year's maintenance of
35 effort for special needs transportation. Grants for transit agencies
36 must be prorated based on the amount expended for demand response
37 service and route deviated service in calendar year 2009 as reported in

1 the "Summary of Public Transportation - 2009" published by the
2 department of transportation. No transit agency may receive more than
3 thirty percent of these distributions.

4 (2) Funds are provided for the rural mobility grant program as
5 follows:

6 (a) \$8,500,000 of the rural mobility grant program account--state
7 appropriation is provided solely for grants for those transit systems
8 serving small cities and rural areas as identified in the "Summary of
9 Public Transportation - 2009" published by the department of
10 transportation. Noncompetitive grants must be distributed to the
11 transit systems serving small cities and rural areas in a manner
12 similar to past disparity equalization programs. If the funding
13 provided in this subsection (2)(a) exceeds the amount required for
14 recipient counties to reach eighty percent of the average per capita
15 sales tax, funds in excess of that amount may be used for the
16 competitive grant process established in (b) of this subsection.

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

21 (3)(a) \$6,000,000 of the multimodal transportation account--state
22 appropriation is provided solely for a vanpool grant program for: (a)
23 Public transit agencies to add vanpools or replace vans; and (b)
24 incentives for employers to increase employee vanpool use. The grant
25 program for public transit agencies will cover capital costs only;
26 operating costs for public transit agencies are not eligible for
27 funding under this grant program. Additional employees may not be
28 hired from the funds provided in this section for the vanpool grant
29 program, and supplanting of transit funds currently funding vanpools is
30 not allowed. The department shall encourage grant applicants and
31 recipients to leverage funds other than state funds.

32 (b) At least \$1,600,000 of the amount provided in this subsection
33 must be used for vanpool grants in congested corridors.

34 (c) \$520,000 of the amount provided in this subsection is provided
35 solely for the purchase of additional vans for use by vanpools serving
36 soldiers and civilian employees at Joint Base Lewis-McChord.

37 (4) \$8,942,000 of the regional mobility grant program account--
38 state appropriation is reappropriated and provided solely for the

1 regional mobility grant projects identified in LEAP Transportation
2 Document 2007-B, as developed April 20, 2007, or LEAP Transportation
3 Document 2009-B, as developed April 24, 2009. The department shall
4 continue to review all projects receiving grant awards under this
5 program at least semiannually to determine whether the projects are
6 making satisfactory progress. The department shall promptly close out
7 grants when projects have been completed, and any remaining funds must
8 be used only to fund projects identified in: LEAP Transportation
9 Document 2007-B, as developed April 20, 2007; LEAP Transportation
10 Document 2009-B, as developed April 24, 2009; or LEAP Transportation
11 Document 2011-B, as developed April 19, 2011. It is the intent of the
12 legislature to appropriate funds through the regional mobility grant
13 program only for projects that will be completed on schedule and that
14 all funds in the regional mobility grant program be used as soon as
15 practicable to advance eligible projects.

16 (5)(a) \$40,000,000 of the regional mobility grant program account--
17 state appropriation is provided solely for the regional mobility grant
18 projects identified in LEAP Transportation Document 2011-B, as
19 developed April 19, 2011. The department shall review all projects
20 receiving grant awards under this program at least semiannually to
21 determine whether the projects are making satisfactory progress. Any
22 project that has been awarded funds, but does not report activity on
23 the project within one year of the grant award, must be reviewed by the
24 department to determine whether the grant should be terminated. The
25 department shall promptly close out grants when projects have been
26 completed, and any remaining funds must be used only to fund projects
27 identified in LEAP Transportation Document 2011-B, as developed April
28 19, 2011. The department shall provide annual status reports on
29 December 15, 2011, and December 15, 2012, to the office of financial
30 management and the transportation committees of the legislature
31 regarding the projects receiving the grants. It is the intent of the
32 legislature to appropriate funds through the regional mobility grant
33 program only for projects that will be completed on schedule.

34 (b) In order to be eligible to receive a grant under (a) of this
35 subsection during the 2011-2013 fiscal biennium, a transit agency must
36 establish a process for private transportation providers to apply for
37 the use of park and ride facilities. For purposes of this subsection,
38 (i) "private transportation provider" means: An auto transportation

1 company regulated under chapter 81.68 RCW; a passenger charter carrier
2 regulated under chapter 81.70 RCW, except marked or unmarked stretch
3 limousines and stretch sport utility vehicles as defined under
4 department of licensing rules; a private nonprofit transportation
5 provider regulated under chapter 81.66 RCW; or a private employer
6 transportation service provider; and (ii) "private employer
7 transportation service" means regularly scheduled, fixed-route
8 transportation service that is offered by an employer for the benefit
9 of its employees.

10 (6) \$2,309,000 of the multimodal transportation account--state
11 appropriation is provided solely for the tri-county connection service
12 for Island, Skagit, and Whatcom transit agencies.

13 (7) \$200,000 of the multimodal transportation account--state
14 appropriation is contingent on the timely development of an annual
15 report summarizing the status of public transportation systems as
16 identified under RCW 35.58.2796.

17 (8) Funds provided for the commute trip reduction program may also
18 be used for the growth and transportation efficiency center program.

19 (9) An affected urban growth area that has not previously
20 implemented a commute trip reduction program is exempt from the
21 requirements in RCW 70.94.527 if a solution to address the state
22 highway deficiency that exceeds the person hours of delay threshold has
23 been funded and is in progress during the 2011-2013 fiscal biennium.

24 NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--**
25 **MARINE--PROGRAM X**

26 Puget Sound Ferry Operations Account--State
27 Appropriation \$467,773,000

28 The appropriation in this section is subject to the following
29 conditions and limitations:

30 (1) The office of financial management budget instructions require
31 agencies to recast enacted budgets into activities. The Washington
32 state ferries shall include a greater level of detail in its 2011-2013
33 supplemental and 2013-2015 omnibus transportation appropriations act
34 requests, as determined jointly by the office of financial management,
35 the Washington state ferries, and the transportation committees of the
36 legislature. This level of detail must include the administrative
37 functions in the operating as well as capital programs.

1 (2) When purchasing uniforms that are required by collective
2 bargaining agreements, the department shall contract with the lowest
3 cost provider.

4 (3) The legislature finds that measuring the performance of the
5 Washington state ferries requires the measurement of quality,
6 timeliness, and unit cost of services delivered to customers.
7 Consequently, the department must develop a set of metrics that measure
8 that performance and report to the transportation committees of the
9 legislature and the office of financial management on the development
10 of these measurements along with recommendations to the 2012
11 legislature on which measurements must become a part of the next
12 omnibus transportation appropriations act. If chapter ... (Substitute
13 House Bill No. 1516), Laws of 2011 (state ferry system management) is
14 enacted, the report under this subsection is not required.

15 (4) The department shall continue to identify and implement process
16 changes that will improve on-time performance on a route-by-route
17 basis. These changes must include considering the slowing down of
18 vessels for fuel economy purposes and touch-and-go sailings on peak
19 runs. The department shall report its findings to the transportation
20 committees of the legislature by December 1, 2011.

21 (5) Until a reservation system is operational on the San Juan
22 islands inner-island route, the department shall provide the same
23 priority loading benefits on the San Juan islands inner-island route to
24 home health care workers as are currently provided to patients
25 traveling for purposes of receiving medical treatment.

26 (6) The department shall request from the United States coast guard
27 variable minimum staffing levels on all of its vessels by December 31,
28 2011.

29 (7) The department shall provide fiscal year reports to the
30 transportation committees of the legislature outlining wages and
31 benefits provided to employees.

32 (8) The department shall provide support to the legislative
33 evaluation and accountability program committee's work of upgrading the
34 transportation executive information system to include more detailed
35 information for ferry projects.

36 (9) Appropriations used for labor costs may be used only for
37 obligations under applicable collective bargaining agreements, civil
38 service laws, court orders, and judgments.

1 (10) The department shall continue to provide service to Sidney,
2 British Columbia and shall explore the option of purchasing a foreign
3 built vehicle and passenger ferry vessel either with safety of life at
4 sea (SOLAS) certification or the ability to be retrofitted for SOLAS
5 certification to operate solely on the Anacortes to Sidney, British
6 Columbia route currently served by vessels of the Washington state
7 ferries fleet. The vessel should have the capability of carrying at
8 least one hundred standard vehicles and approximately four hundred to
9 five hundred passengers. Further, the department shall explore the
10 possibilities of contracting a commercial company to operate the vessel
11 exclusively on this route so long as the contractor's employees
12 assigned to the vessel are represented by the same employee
13 organizations as the Washington state ferries. The department shall
14 report back to the transportation committees of the legislature
15 regarding: The availability of a vessel; the cost of the vessel,
16 including transport to the Puget Sound region; and the need for any
17 statutory changes for the operation of the Sydney, British Columbia
18 service by a private company.

19 (11) For the 2011-2013 fiscal biennium, the department of
20 transportation may enter into a distributor controlled fuel hedging
21 program.

22 (12) The department shall target service reductions totaling
23 \$4,000,000, such that the shortening of shoulder seasons and
24 eliminations of off-peak runs on all routes are considered. Prior to
25 implementing the reductions, the department shall consult with ferry
26 employees and ferry advisory committees to determine which reductions
27 would impact the fewest number of riders. The reductions must be
28 identified and implementation must begin no later than the fall 2011
29 schedule.

30 (13) \$135,248,000 of the Puget Sound ferry operations account--
31 state appropriation is provided solely for auto ferry vessel operating
32 fuel in the 2011-2013 fiscal biennium.

33 (14) \$150,000 of the Puget Sound ferry operations account--state
34 appropriation is provided solely for the department to increase
35 recreation and tourist ridership by entering into agreements for
36 marketing and outreach strategies with local economic development
37 agencies. The department shall identify the number of tourist and
38 recreation riders on the applicable ferry routes both before and after

1 implementation of marketing and outreach strategies developed through
2 the agreements. The department shall report results of the marketing
3 and outreach strategies to the transportation committees of the
4 legislature by October 15, 2012.

5 (15) The Washington state ferries shall participate in the
6 facilities plan included in section 604 of this act and shall include
7 an investigation and identification of less costly relocation options
8 for the Seattle headquarters office. The department shall include
9 relocation options for the Washington state ferries Seattle
10 headquarters office in the facilities plan. Until September 1, 2012,
11 the department may not enter into a lease renewal for the Seattle
12 headquarters office.

13 (16) The department, office of financial management, and
14 transportation committees of the legislature shall make recommendations
15 regarding an appropriate budget structure for the Washington state
16 ferries. The recommendation may include a potential restructuring of
17 the Washington state ferries budget. The recommendation must
18 facilitate transparency in reporting and budgeting as well as provide
19 the opportunity to link revenue sources with expenditures. Findings
20 and recommendations must be reported to the office of financial
21 management and the joint transportation committee by September 1, 2011.

22 (17) Two Kwa-di-tabil class ferry vessels must be placed on the
23 Port Townsend/Coupeville (Keystone) route to provide service at the
24 same levels provided when the steel electric vessels were in service.
25 After the vessels as funded under section 308(7) of this act are in
26 service, the two most appropriate of these vessels for the Port
27 Townsend/Coupeville (Keystone) route must be placed on the route.
28 \$100,000 of the Puget Sound ferry operations account--state
29 appropriation is provided solely for the additional staffing required
30 to maintain a reservation system at this route when the second vessel
31 is in service.

32 (18) The department shall link all vessel asset condition reports
33 with its vessel life-cycle cost model in such a way that it will lend
34 itself to integration with a vessel asset management system. Each
35 quarter the department shall complete the activity of linking the asset
36 condition of one class of vessels to the life-cycle cost model,
37 beginning with the jumbo mark II class, followed by the Issaquah class,
38 the jumbo mark I class, the super class, and finally the Kwa-di-tabil

1 class. The department shall continue to regularly inspect life-cycle
2 cost model assets and link the resulting asset condition reports with
3 its vessel life-cycle cost model as the assessments are completed. The
4 department shall provide the transportation committees of the
5 legislature with progress reports of this activity as the work for each
6 class of vessels has been completed. This activity must be completed
7 with the results reported to the transportation committees of the
8 legislature by June 1, 2012. The department's 2013-2015 budget request
9 must be developed using the updated life-cycle cost model and must also
10 provide a project scope for implementing a vessel asset management
11 system.

12 (19) \$706,000 of the Puget Sound ferry operations account--state
13 appropriation is provided solely for terminal operations to implement
14 new federal passenger vessel Americans with disabilities act
15 requirements.

16 (20) \$152,000 of the Puget Sound ferry operations account--state
17 appropriation is provided solely for the department's compliance with
18 its national pollution discharge elimination system permit.

19 (21) If chapter ... (Substitute House Bill No. 2053), Laws of 2011
20 (additive transportation funding) is not enacted by June 30, 2011, the
21 \$4,000,000 in service reductions identified in subsection (12) of this
22 section must be restored and an identical amount must be reduced from
23 the amount provided for the second 144-car vessel identified in section
24 308(8) of this act.

25 NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--**
26 **RAIL--PROGRAM Y--OPERATING**

27 Multimodal Transportation Account--State

28	Appropriation	\$29,688,000
29	Multimodal Transportation Account--Federal	
30	Appropriation	\$300,000
31	TOTAL APPROPRIATION\$29,988,000

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

34 (1) \$24,091,000 of the multimodal transportation account--state
35 appropriation is provided solely for the Amtrak service contract and
36 Talgo maintenance contract associated with providing and maintaining
37 state-supported passenger rail service. The department is directed to

1 continue to pursue efforts to reduce costs, increase ridership, and
2 review fares or fare schedules. Within thirty days of each annual
3 cost/revenue reconciliation under the Amtrak service contract, the
4 department shall report annual credits to the office of financial
5 management and the legislative transportation committees. Annual
6 credits from Amtrak to the department including, but not limited to,
7 credits for increased revenue due to higher ridership, and fare or fare
8 schedule adjustments, must be used to offset corresponding amounts of
9 the multimodal transportation account--state appropriation, which must
10 be placed in reserve. Upon completion of the rail platform project in
11 the city of Stanwood, the department shall continue to provide daily
12 Amtrak Cascades service to the city.

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

14 (3) The department shall plan for a third roundtrip Cascades train
15 between Seattle and Vancouver, B.C.

16 (4) The department shall conduct a pilot program by partnering with
17 the travel industry on the Amtrak Cascades service between Vancouver,
18 British Columbia, and Seattle to test opportunities for increasing
19 ridership, maximizing farebox recovery, and stimulating private
20 investment. The pilot program must run from July 1, 2011, to June 30,
21 2012. The department shall report on the results of the pilot program
22 to the office of financial management and the legislature by September
23 30, 2012.

24 NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--**
25 **LOCAL PROGRAMS--PROGRAM Z--OPERATING**

26	Motor Vehicle Account--State Appropriation	\$8,853,000
27	Motor Vehicle Account--Federal Appropriation	\$2,567,000
28	TOTAL APPROPRIATION	\$11,420,000

29 The appropriations in this section are subject to the following
30 conditions and limitations: The department shall submit a report to
31 the transportation committees of the legislature by December 1, 2011,
32 on the implementation of the recommendations that resulted from the
33 evaluation of efficiencies in the delivery of transportation funding
34 and services to local governments that was required under section
35 204(8), chapter 247, Laws of 2010. The report must include a
36 description of how recommendations were implemented, what efficiencies

1 were achieved, and an explanation of any recommendations that were not
2 implemented.

3 **TRANSPORTATION AGENCIES--CAPITAL**

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

5 State Patrol Highway Account--State Appropriation \$6,487,000

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

8 (1) \$653,000 of the state patrol highway account--state
9 appropriation is provided solely for the following minor works
10 projects: \$200,000 for emergency infrastructure repairs; \$75,000 for
11 water and sewer upgrades; \$210,000 for emergency backup system
12 replacement; \$85,000 for chiller replacement; and \$83,000 for roof
13 replacements.

14 (2) \$3,226,000 of the state patrol highway account--state
15 appropriation is provided solely for the Shelton academy of the
16 Washington state patrol for the new waste water treatment lines, waste
17 water plants, water lines, and water systems. However, \$2,129,000 of
18 this amount is contingent on the department of corrections receiving
19 funding for its portion of the regional water project in the 2011-2013
20 omnibus capital appropriations act. If this funding is not provided by
21 June 30, 2011, \$2,129,000 of the appropriation provided in this
22 subsection lapses.

23 (3) \$421,000 of the state patrol highway account--state
24 appropriation is provided solely for the reappropriation of the Shelton
25 regional water project.

26 (4) \$2,187,000 of the total appropriation is provided solely for
27 mobile office platforms.

28 (5) It is the intent of the legislature that the omnibus operating
29 appropriations act provide funding for the portion of any applicable
30 debt service payments, resulting from financial contracts identified
31 under section 601 of this act, that are attributable to the general
32 fund as identified in the Washington state patrol's cost allocation
33 model.

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

3 (1) \$1,364,000 of the motor vehicle account--state appropriation is
4 provided solely for the Olympic region site acquisition debt service
5 payments and administrative costs associated with capital improvement
6 and preservation project and financial management.

7 (2) \$3,669,000 of the motor vehicle account--state appropriation is
8 provided solely for high priority safety projects that are directly
9 linked to employee safety, environmental risk, or minor works that
10 prevent facility deterioration.

11 (3) \$400,000 of the motor vehicle account--state appropriation is
12 provided solely for the department's compliance with its national
13 pollution discharge elimination system permit.

14 NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--**
15 **IMPROVEMENTS--PROGRAM I**

16	Multimodal Transportation Account--State	
17	Appropriation	\$1,000
18	Transportation Partnership Account--State	
19	Appropriation	\$1,991,547,000
20	Motor Vehicle Account--State Appropriation	\$86,139,000
21	Motor Vehicle Account--Federal Appropriation	\$450,691,000
22	Motor Vehicle Account--Private/Local	
23	Appropriation	\$50,485,000
24	Transportation 2003 Account (Nickel Account)--State	
25	Appropriation	\$436,005,000
26	State Route Number 520 Corridor Account--State	
27	Appropriation	\$1,019,460,000
28	TOTAL APPROPRIATION	\$4,034,328,000

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

31 (1) Except as provided otherwise in this section, the entire
32 transportation 2003 account (nickel account) appropriation and the
33 entire transportation partnership account appropriation are provided
34 solely for the projects and activities as listed by fund, project, and
35 amount in LEAP Transportation Document 2011-1 as developed April 19,
36 2011, Program - Highway Improvement Program (I). However, limited

1 transfers of specific line-item project appropriations may occur
2 between projects for those amounts listed subject to the conditions and
3 limitations in section 603 of this act.

4 (2) The department shall, on a quarterly basis beginning July 1,
5 2011, provide to the office of financial management and the legislature
6 reports providing the status on each active project funded in part or
7 whole by the transportation 2003 account (nickel account) or the
8 transportation partnership account. Funding provided at a programmatic
9 level for transportation partnership account and transportation 2003
10 account (nickel account) projects relating to bridge rail, guard rail,
11 fish passage barrier removal, and roadside safety projects must be
12 reported on a programmatic basis. Projects within this programmatic
13 level funding must be completed on a priority basis and scoped to be
14 completed within the current programmatic budget. Report formatting
15 and elements must be consistent with the October 2009 quarterly project
16 report. The department shall also provide the information required
17 under this subsection on a quarterly basis.

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

22 (4) The department shall apply for surface transportation program
23 enhancement funds to be expended in lieu of or in addition to state
24 funds for eligible costs of projects in programs I and P including, but
25 not limited to, the state route number 518, state route number 520,
26 Columbia river crossing, and Alaskan Way viaduct projects.

27 (5) The department shall apply for the competitive portion of
28 federal transit administration funds for eligible transit-related costs
29 of the state route number 520 bridge replacement and HOV project and
30 the Columbia river crossing project. The federal funds described in
31 this subsection must not include those federal transit administration
32 funds distributed by formula. The department shall provide a report
33 regarding this effort to the legislature by October 1, 2011.

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

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

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

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

22 (9) \$361,000 of the transportation partnership account--state
23 appropriation and \$1,245,000 of the transportation 2003 account (nickel
24 account)--state appropriation are provided solely for project OBI4ENV,
25 Environmental Mitigation Reserve - Nickel/TPA project, as indicated in
26 the LEAP transportation document referenced in subsection (1) of this
27 section. Funds may be used only for environmental mitigation work that
28 is required by permits that were issued for projects funded by the
29 transportation partnership account or transportation 2003 account
30 (nickel account). As part of the 2012 budget submittal, the department
31 shall provide a list of all projects and associated amounts that are
32 being charged to project OBI4ENV during the 2011-2013 fiscal biennium.

33 (10) The transportation 2003 account (nickel account)--state
34 appropriation includes up to \$361,005,000 in proceeds from the sale of
35 bonds authorized by RCW 47.10.861.

36 (11) The transportation partnership account--state appropriation
37 includes up to \$1,427,696,000 in proceeds from the sale of bonds
38 authorized in RCW 47.10.873.

1 (12) The motor vehicle account--state appropriation includes up to
2 \$66,373,000 in proceeds from the sale of bonds authorized in RCW
3 47.10.843.

4 (13) The state route number 520 corridor account--state
5 appropriation includes up to \$987,717,000 in proceeds from the sale of
6 bonds authorized in RCW 47.10.879.

7 (14) \$391,000 of the motor vehicle account--state appropriation and
8 \$4,027,000 of the motor vehicle account--federal appropriation are
9 provided solely for the US 2 High Priority Safety project (100224I).
10 Expenditure of these funds is for safety projects on state route number
11 2 between Monroe and Gold Bar, which may include median rumble strips,
12 traffic cameras, and electronic message signs.

13 (15) \$687,000 of the motor vehicle account--federal appropriation,
14 \$16,308,000 of the motor vehicle account--private/local appropriation,
15 and \$22,000 of the motor vehicle account--state appropriation are
16 provided solely for the US 2/Bickford Avenue - Intersection Safety
17 Improvements project (100210E).

18 (16) \$435,000 of the motor vehicle account--state appropriation is
19 provided solely for environmental work on the Belfair Bypass project
20 (300344C).

21 (17) \$108,000 of the motor vehicle account--federal appropriation
22 and \$3,000 of the motor vehicle account--state appropriation are
23 provided solely for the I-5/Vicinity of Joint Base Lewis-McChord -
24 Install Ramp Meters project (300596M).

25 (18) \$253,444,000 of the transportation partnership account--state
26 appropriation and \$66,034,000 of the transportation 2003 account
27 (nickel account)--state appropriation are provided solely for the I-
28 5/Tacoma HOV Improvements (Nickel/TPA) project (300504A). The use of
29 funds in this subsection to renovate any buildings is subject to the
30 requirements of section 604 of this act. The department shall report
31 to the legislature and the office of financial management on any costs
32 associated with building renovations funded in this subsection.

33 (19)(a) \$8,321,000 of the transportation partnership account--state
34 appropriation and \$31,380,000 of the motor vehicle account--federal
35 appropriation are provided solely for the I-5/Columbia River Crossing
36 project (400506A). Of this amount, \$200,000 of the transportation
37 partnership account--state appropriation is provided solely for the
38 department to work with the department of archaeology and historic

1 preservation to ensure that the cultural resources investigation is
2 properly conducted on the Columbia river crossing project. This
3 project must be conducted with active archaeological management and
4 result in one report that spans the single cultural area in Oregon and
5 Washington. Additionally, the department shall establish a scientific
6 peer review of independent archaeologists that are knowledgeable about
7 the region and its cultural resources. No funding from any account may
8 be expended until written confirmation has been received by the
9 department that the state of Oregon is providing an equal amount of
10 additional funding to the project.

11 (b) Consistent with the draft environmental impact statement and
12 the Columbia river crossing project's independent review panel report,
13 the Columbia river crossing project's financial plan must include
14 recognition of state transportation funding contributions from both
15 Washington and Oregon, federal transportation funding, and a funding
16 contribution from toll bond proceeds. Following the refinement of the
17 finance plan as recommended by the independent review panel, the
18 department may seek authorization from the legislature to collect tolls
19 on the existing Columbia river crossing or on a replacement crossing
20 over Interstate 5.

21 (20) \$107,000 of the motor vehicle account--federal appropriation
22 and \$27,000 of the motor vehicle account--state appropriation are
23 provided solely for the SR 9/SR 204 Intersection Improvement project
24 (L2000040).

25 (21) \$2,134,000 of the motor vehicle account--federal appropriation
26 and \$47,000 of the motor vehicle account--state appropriation are
27 provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -
28 Build New Highway project (501210T).

29 (22) \$294,000 of the motor vehicle account--federal appropriation
30 and \$13,000 of the motor vehicle account--state appropriation are
31 provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage
32 Road project (301639C). The frontage road must be built for driving
33 speeds of no more than thirty-five miles per hour.

34 (23) \$1,000,000 of the motor vehicle account--federal appropriation
35 is provided solely for the SR 20/Race Road to Jacob's Road safety
36 project (L2200042).

37 (24) \$24,002,000 of the transportation partnership account--state

1 appropriation is provided solely for the SR 28/ US 2 and US 97 Eastmont
2 Avenue Extension project (202800D).

3 (25) \$569,000 of the motor vehicle account--federal appropriation
4 and \$9,000 of the motor vehicle account--state appropriation are
5 provided solely for design and right-of-way work on the I-82/Red
6 Mountain Vicinity project (508208M). The department shall continue to
7 work with the local partners in developing transportation solutions
8 necessary for the economic growth in the Red Mountain American
9 viticulture area of Benton county.

10 (26) \$1,500,000 of the motor vehicle account--federal appropriation
11 is provided solely for the I-90 Comprehensive Tolling Study project
12 (100067T).

13 (27) \$9,422,000 of the motor vehicle account--federal appropriation
14 and \$193,000 of the motor vehicle account--state appropriation are
15 provided solely for the I-90/Sullivan Road to Barker Road - Additional
16 Lanes project (609049N).

17 (28) Up to \$8,000,000 in savings realized on the I-90/Snoqualmie
18 Pass East - Hyak to Keechelus Dam - Corridor project (509009B) may be
19 used for design work on the next two-mile segment of the corridor. Any
20 additional savings on this project must remain on the corridor.
21 \$590,000 of the funds appropriated for this project may be used to
22 purchase land currently owned by the state parks department. Project
23 funds may not be used to build or improve buildings until the plan
24 described in section 604 of this act is complete.

25 (29) \$932,000 of the motor vehicle account--federal appropriation
26 is provided solely for the US 97A/North of Wenatchee - Wildlife Fence
27 project (209790B).

28 (30) The department shall reconvene an expert review panel of no
29 more than three members as described under RCW 47.01.400 for the
30 purpose of updating the work that was previously completed by the panel
31 on the Alaskan Way viaduct replacement project and to ensure that an
32 appropriate and viable financial plan is created and regularly
33 reviewed. The expert review panel must be selected cooperatively by
34 the chairs of the senate and house of representatives transportation
35 committees, the secretary of transportation, and the governor. The
36 expert review panel must report findings and recommendations to the
37 transportation committees of the legislature, the governor's Alaskan

1 Way viaduct project oversight committee, and the transportation
2 commission by October 2011, and annually thereafter until the project
3 is operationally complete.

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

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

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

18 (32) Within the amounts provided in this section, \$20,000 of the
19 motor vehicle account--state appropriation and \$980,000 of the motor
20 vehicle account--federal appropriation are provided solely for the
21 department to continue work on a comprehensive tolling study of the
22 state route number 167 corridor (project 316718S). As funding allows,
23 the department shall also continue work on a comprehensive tolling
24 study of the state route number 509 corridor.

25 (33)(a) \$131,303,000 of the transportation partnership
26 account--state appropriation, \$51,410,000 of the transportation 2003
27 account (nickel account)--state appropriation, and \$10,000,000 of the
28 motor vehicle account--federal appropriation are provided solely for
29 the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This
30 project must be completed as soon as practicable as a design-build
31 project and must be constructed with a footprint that would accommodate
32 potential future express toll lanes.

33 (b) As part of the project, the department shall conduct a traffic
34 and revenue analysis and complete a financial plan to provide
35 additional information on the revenues, expenditures, and financing
36 options available for active traffic management and congestion relief
37 in the Interstate 405 and state route number 167 corridors. A report
38 must be provided to the transportation committees of the legislature

1 and the office of financial management by January 2012. However, this
2 subsection (33)(b) is null and void if chapter . . . (Engrossed House
3 Bill No. 1382), Laws of 2011 (I-405 express toll lanes) is enacted by
4 June 30, 2011.

5 (34) Funding for a signal at state route number 507 and Yew Street
6 is included in the appropriation for intersection and spot improvements
7 (0BI2002).

8 (35) \$226,809,000 of the transportation partnership account--state
9 appropriation and \$1,019,460,000 of the state route number 520 corridor
10 account--state appropriation are provided solely for the state route
11 number 520 bridge replacement and HOV program (8BI1003). When
12 developing the financial plan for the program, the department shall
13 assume that all maintenance and operation costs for the new facility
14 are to be covered by tolls collected on the toll facility, and not by
15 the motor vehicle account.

16 (36) \$650,000 of the motor vehicle account--federal appropriation
17 is provided solely for the SR 522 Improvements/61st Avenue NE and NE
18 181st Street project (L1000055).

19 (37) \$300,000 of the motor vehicle account--federal appropriation
20 is provided solely for the SR 523 Corridor study (L1000059).

21 (38) The department shall consider using the city of Mukilteo's
22 off-site mitigation program in the event any projects on state route
23 number 525 or 526 require environmental mitigation.

24 (39) Any savings on projects on the state route number 532 corridor
25 must be used within the corridor to begin work on flood prevention and
26 raising portions of the highway above flood and storm influences.

27 NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--**
28 **PRESERVATION--PROGRAM P**

29 Transportation Partnership Account--State

30	Appropriation	\$34,182,000
31	Motor Vehicle Account--State Appropriation	\$67,790,000
32	Motor Vehicle Account--Federal Appropriation	\$632,489,000
33	Motor Vehicle Account--Private/Local Appropriation	\$19,253,000
34	TOTAL APPROPRIATION	\$753,714,000

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

1 (1) Except as provided otherwise in this section, the entire
2 transportation 2003 account (nickel account) appropriation and the
3 entire transportation partnership account appropriation are provided
4 solely for the projects and activities as listed by fund, project, and
5 amount in LEAP Transportation Document 2011-1 as developed April 19,
6 2011, Program - Highway Preservation Program (P). However, limited
7 transfers of specific line-item project appropriations may occur
8 between projects for those amounts listed subject to the conditions and
9 limitations in section 603 of this act.

10 (2) The department shall, on a quarterly basis beginning July 1,
11 2011, provide to the office of financial management and the legislature
12 reports providing the status on each active project funded in part or
13 whole by the transportation 2003 account (nickel account) or the
14 transportation partnership account. Funding provided at a programmatic
15 level for transportation partnership account projects relating to
16 seismic bridges must be reported on a programmatic basis. Projects
17 within this programmatic level funding must be completed on a priority
18 basis and scoped to be completed within the current programmatic
19 budget. The department shall work with the office of financial
20 management and the transportation committees of the legislature to
21 agree on report formatting and elements. Elements must include, but
22 not be limited to, project scope, schedule, and costs. The department
23 shall also provide the information required under this subsection on a
24 quarterly basis.

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

31 (4) Any redistributed federal funds received by the department
32 must, to the greatest extent possible, be applied first to offset
33 planned expenditures of state funds, and second, to offset planned
34 expenditures of federal funds, on projects as identified in the LEAP
35 transportation documents described in this act. If the redistributed
36 federal funds cannot be used in this manner, the department must
37 consult with the joint transportation committee prior to obligating any
38 redistributed federal funds.

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

5 (6) The department shall apply for surface transportation program
6 enhancement funds to be expended in lieu of or in addition to state
7 funds for eligible costs of projects in programs I and P.

8 (7) The motor vehicle account--state appropriation includes up to
9 \$17,652,000 in proceeds from the sale of bonds authorized in RCW
10 47.10.843.

11 (8) The department must work with cities and counties to develop a
12 comparison of direct and indirect labor costs, overhead rates, and
13 other costs for high-cost bridge inspections charged by the state,
14 counties, and other entities. The comparison is due to the
15 transportation committees of the legislature on September 1, 2011.

16 (9) \$277,000 of the motor vehicle account--federal appropriation
17 and \$10,000 of the motor vehicle account--state appropriation are
18 provided solely for the environmental impact statement and preliminary
19 planning for the replacement of the state route number 9 Snohomish
20 river bridge (project L2000018).

21 (10) \$9,641,000 of the motor vehicle account--federal
22 appropriation, \$2,000,000 of the motor vehicle account--private/local
23 appropriation, and \$361,000 of the motor vehicle account--state
24 appropriation are provided solely for the SR 21/Keller Ferry - Replace
25 Boat project (602110J).

26 (11) \$3,093,000 of the motor vehicle account--federal appropriation
27 is provided solely for the I-90/Ritzville to Tokio - Paving of Outside
28 Lanes project (609041G).

29 (12) \$2,733,000 of the motor vehicle account--federal appropriation
30 and \$114,000 of the motor vehicle account--state appropriation are
31 provided solely for the SR 167/Puyallup River Bridge Replacement
32 project (316725A). This project must be completed as a design-build
33 project. The department must work with local jurisdictions and the
34 community during the environmental review process to develop
35 appropriate esthetic design elements, at no additional cost to the
36 department, and traffic management plans pertaining to this project.
37 The department must report to the transportation committees of the

1 legislature on estimated cost and/or time savings realized as a result
2 of using the design-build process.

3 (13) \$295,000 of the motor vehicle account--federal appropriation
4 and \$5,000 of the motor vehicle account--state appropriation are
5 provided solely for the SR 906/Travelers Rest - Building Renovation
6 project (090600A).

7 NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--**
8 **TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

9	Motor Vehicle Account--State Appropriation	\$6,439,000
10	Motor Vehicle Account--Federal Appropriation	\$5,600,000
11	TOTAL APPROPRIATION	\$12,039,000

12 The appropriations in this section are subject to the following
13 conditions and limitations: \$1,000,000 of the motor vehicle account--
14 state appropriation for project 000005Q is provided solely for state
15 matching funds for federally selected competitive grants or
16 congressional earmark projects. These moneys must be placed into
17 reserve status until such time as federal funds are secured that
18 require a state match.

19 NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--**
20 **WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

21	Puget Sound Capital Construction Account--State	
22	Appropriation	\$68,013,000
23	Puget Sound Capital Construction Account--Federal	
24	Appropriation	\$41,500,000
25	Transportation 2003 Account (Nickel Account)--State	
26	Appropriation	\$118,027,000
27	Transportation Partnership Account--State	
28	Appropriation	\$12,536,000
29	Multimodal Transportation Account--State	
30	Appropriation	\$43,265,000
31	TOTAL APPROPRIATION	\$283,341,000

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

34 (1) \$68,013,000 of the Puget Sound capital construction
35 account--state appropriation, \$41,500,000 of the Puget Sound capital
36 construction account--federal appropriation, \$12,536,000 of the

1 transportation partnership account--state appropriation, \$118,027,000
2 of the transportation 2003 account (nickel account)--state
3 appropriation, and \$43,265,000 of the multimodal transportation
4 account--state appropriation are provided solely for ferry projects, as
5 listed in LEAP Transportation Document 2011-2 ALL PROJECTS as developed
6 April 19, 2011, Program - Washington State Ferries Capital Program (W).

7 (2) The department shall work with the department of archaeology
8 and historic preservation to ensure that the cultural resources
9 investigation is properly conducted on all large ferry terminal
10 projects. These projects must be conducted with active archaeological
11 management.

12 (3) The multimodal transportation account--state appropriation
13 includes up to \$43,265,000 in proceeds from the sale of bonds
14 authorized in RCW 47.10.867.

15 (4) The transportation 2003 account (nickel account)--state
16 appropriation includes up to \$82,143,000 in proceeds from the sale of
17 bonds authorized in RCW 47.10.861.

18 (5) The Puget Sound capital construction account--state
19 appropriation includes up to \$52,516,000 in proceeds from the sale of
20 bonds authorized in RCW 47.10.843.

21 (6) Appropriations used for labor costs may be used only for
22 obligations under applicable collective bargaining agreements, civil
23 service laws, court orders, and judgments.

24 (7) \$20,906,000 of the transportation 2003 account (nickel
25 account)--state appropriation, \$9,711,000 of the multimodal
26 transportation account--state appropriation, and \$1,537,000 of the
27 Puget Sound capital construction account--state appropriation are
28 provided solely for the acquisition of new Kwa-di-tabil class ferry
29 vessels subject to the conditions of RCW 47.56.780.

30 (8) \$33,404,000 of the multimodal transportation account--state
31 appropriation, \$2,000,000 of the Puget Sound capital construction
32 account--state appropriation, \$11,500,000 of the transportation
33 partnership account--state appropriation, and \$81,085,000 of the
34 transportation 2003 account (nickel account)--state appropriation are
35 provided solely for the acquisition of two 144-car vessels contingent
36 upon new and sufficient resources. Of these amounts, \$123,828,000 is
37 provided solely for the first 144-car vessel. The department shall use
38 as much already procured equipment as practicable on the 144-car

1 vessel. The vendor must present to the joint transportation committee
2 and the office of financial management, by August 15, 2011, a list of
3 options that will result in significant cost savings changes in terms
4 of construction or the long-term maintenance and operations of the
5 vessel. The vendor must allow for exercising the options without a
6 penalty. If neither chapter ... (Engrossed Substitute Senate Bill No.
7 5742), Laws of 2011 nor chapter ... (House Bill No. 2083), Laws of 2011
8 is enacted by June 30, 2011, \$75,000,000 of the transportation 2003
9 account (nickel account)--state appropriation in this subsection
10 lapses.

11 (9) The department shall provide to the office of financial
12 management and the legislature quarterly reports providing the status
13 on each project listed in this section and in the project lists
14 submitted pursuant to this act and on any additional projects for which
15 the department has expended funds during the 2011-2013 fiscal biennium.
16 Elements must include, but not be limited to, project scope, schedule,
17 and costs. The department shall also provide the information required
18 under this subsection via the transportation executive information
19 system. The quarterly report regarding the status of projects
20 identified on the list referenced in subsection (1) of this section
21 must be developed according to an earned value method of project
22 monitoring.

23 (10) The department shall review and adjust its capital program
24 staffing levels to ensure staffing is at the most efficient level
25 necessary to implement the capital program in the omnibus
26 transportation appropriations act. The review must include a
27 comparison to the findings of the 2009 capital staffing levels report.
28 The Washington state ferries shall report this review and adjustment to
29 the office of financial management and the house and senate
30 transportation committees of the legislature by July 2012.

31 (11) \$3,932,000 of the total appropriation is provided solely for
32 continued permitting work on the Mukilteo ferry terminal (project
33 952515P). The department shall seek additional federal funding for
34 this project. Prior to beginning terminal improvements, the department
35 shall report to the legislature on the final environmental impact
36 statement by December 31, 2012. The report must include an overview of
37 the costs and benefits of each of the alternatives considered, as well

1 as an identification of costs and a funding plan for the preferred
2 alternative.

3 (12) The department shall conduct an analysis of the Eagle Harbor
4 slips to determine the cost benefit of replacing or repairing existing
5 structures with new structures including, but not limited to, dolphins
6 and wingwalls. A report on this analysis is due to the legislature by
7 December 31, 2011.

8 (13) The department shall review all terminal project cost
9 estimates to identify projects where similar design requirements could
10 result in reduced preliminary engineering or miscellaneous items costs.
11 The department shall report to the legislature by September 1, 2011.
12 The report must use programmatic design and include estimated cost
13 savings by reducing repetitive design costs or miscellaneous costs, or
14 both, applied to projects.

15 (14) \$2,000,000 of the Puget Sound capital construction account--
16 state appropriation is provided solely for emergency capital repair
17 costs. Funds may be spent only after approval from the office of
18 financial management.

19 (15) \$7,167,000 of the Puget Sound capital construction account--
20 state appropriation is provided solely for the reservation and
21 communications system project.

22 NEW SECTION. **Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--**
23 **RAIL--PROGRAM Y--CAPITAL**

24	Essential Rail Assistance Account--State	
25	Appropriation	\$1,000,000
26	Transportation Infrastructure Account--State	
27	Appropriation	\$5,838,000
28	Multimodal Transportation Account--State	
29	Appropriation	\$52,000,000
30	Multimodal Transportation Account--Federal	
31	Appropriation	\$366,314,000
32	Multimodal Transportation Account--Private/Local	
33	Appropriation	\$1,292,000
34	TOTAL APPROPRIATION	\$426,444,000

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

1 (1)(a) Except as provided otherwise in this section, the entire
2 appropriations in this section are provided solely for the projects and
3 activities as listed by project and amount in LEAP Transportation
4 Document 2011-2 ALL PROJECTS as developed April 19, 2011, Program -
5 Rail Capital Program (Y).

6 (b) Within the amounts provided in this section, \$2,903,000 of the
7 transportation infrastructure account--state appropriation is for low-
8 interest loans through the freight rail investment bank program for
9 specific projects listed as recipients of these loans in the LEAP
10 transportation document identified in (a) of this subsection. The
11 department shall issue freight rail investment bank program loans with
12 a repayment period of no more than ten years, and only so much interest
13 as is necessary to recoup the department's costs to administer the
14 loans.

15 (c) Within the amounts provided in this section, \$1,754,000 of the
16 multimodal transportation account--state appropriation and \$1,000,000
17 of the essential rail assistance account--state appropriation are for
18 statewide emergent freight rail assistance projects identified in the
19 LEAP transportation document identified in (a) of this subsection.

20 (2)(a) If any funds remain in the program reserves (F01001A &
21 F01000A) for the program and projects listed in subsection (1)(b) and
22 (c) of this section, the department shall issue a call for projects for
23 the freight rail investment bank (FRIB) loan program and the emergent
24 freight rail assistance program (FRAP) grants, and shall evaluate the
25 applications according to the cost-benefit methodology developed during
26 the 2008 interim using the legislative priorities specified in (c) of
27 this subsection. Unsuccessful FRAP grant applicants should be
28 encouraged to apply to the FRIB loan program, if eligible. By November
29 1, 2011, the department shall submit a prioritized list of recommended
30 projects to the office of financial management and the transportation
31 committees of the legislature.

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

1 rail project, as well as the department's best estimate of an
2 appropriate construction schedule and total project costs, to the
3 office of financial management and the transportation committees of the
4 legislature.

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

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

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

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

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

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

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

19 (3) The department is directed to expend unallocated federal rail
20 crossing funds in lieu of or in addition to state funds for eligible
21 costs of projects in program Y.

22 (4) The department shall provide quarterly reports to the office of
23 financial management and the transportation committees of the
24 legislature regarding applications that the department submits for
25 federal funds and the status of such applications.

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

32 (6) The multimodal transportation account--state appropriation
33 includes up to \$19,684,000 in proceeds from the sale of bonds
34 authorized in RCW 47.10.867.

35 (7) When the balance of that portion of the miscellaneous program
36 account apportioned to the department for the grain train program
37 reaches \$1,180,000, the department shall acquire additional grain train
38 railcars.

1 (8) \$1,087,000 of the multimodal transportation account--state
2 appropriation is provided solely as state matching funds for successful
3 grant applications to either the federal rail line relocation and
4 improvement program (project 798999D) or new federal high-speed rail
5 grants.

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

13 (10) \$339,139,000 of the multimodal transportation account--federal
14 appropriation and \$5,099,000 of the multimodal transportation account--
15 state appropriation are provided solely for expenditures related to
16 passenger high-speed rail grants. At one and one-half percent of the
17 total project funds, the multimodal transportation account--state funds
18 are provided solely for expenditures that are not federally
19 reimbursable. Funding in this subsection is the initial portion of
20 multiyear high-speed rail program grants awarded to Washington state
21 for high-speed intercity passenger rail investments. Funding will
22 allow for two additional round trips between Seattle and Portland and
23 other rail improvements.

24 (11) \$750,000 of the multimodal transportation account--state
25 appropriation is provided solely for the Port of Royal Slope
26 rehabilitation project (L1000053). Funding is contingent upon the
27 project completing the rail cost-benefit methodology process developed
28 during the 2008 interim using the legislative priorities outlined in
29 subsection (2)(c) of this section.

30 NEW SECTION. **Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--**
31 **LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

32	Highway Infrastructure Account--State Appropriation	\$207,000
33	Highway Infrastructure Account--Federal	
34	Appropriation	\$1,602,000
35	Motor Vehicle Account--State Appropriation	\$3,754,000
36	Motor Vehicle Account--Federal Appropriation	\$31,856,000
37	Freight Mobility Investment Account--State	

1	Appropriation	\$11,278,000
2	Transportation Partnership Account--State	
3	Appropriation	\$6,035,000
4	Freight Mobility Multimodal Account--State	
5	Appropriation	\$15,117,000
6	Freight Mobility Multimodal Account--Local	
7	Appropriation	\$4,752,000
8	Multimodal Transportation Account--State	
9	Appropriation	\$18,453,000
10	Passenger Ferry Account--State Appropriation	\$1,115,000
11	TOTAL APPROPRIATION	\$94,169,000

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

14 (1) The department shall, on a quarterly basis beginning July 1,
15 2011, provide to the office of financial management and the legislature
16 reports providing the status on each active project funded in part or
17 whole by the transportation 2003 account (nickel account) or the
18 transportation partnership account. Report formatting and elements
19 must be consistent with the October 2009 quarterly project report. The
20 department shall also provide the information required under this
21 subsection on a quarterly basis via the transportation executive
22 information system.

23 (2) \$1,115,000 of the passenger ferry account--state appropriation
24 is provided solely for near and long-term costs of capital improvements
25 and operating expenses that are consistent with the business plan
26 approved by the governor for passenger ferry service.

27 (3) The department shall apply for surface transportation program
28 enhancement funds to be expended in lieu of or in addition to state
29 funds for eligible costs of projects in local programs, program
30 Z--capital.

31 (4) Federal funds may be transferred from program Z to programs I
32 and P and state funds must be transferred from programs I and P to
33 program Z to replace those federal funds in a dollar-for-dollar match.
34 Fund transfers authorized under this subsection shall not affect
35 project prioritization status. Appropriations must initially be
36 allotted as appropriated in this act. The department may not transfer
37 funds as authorized under this subsection without approval of the
38 office of financial management. The department shall submit a report

1 on those projects receiving fund transfers to the office of financial
2 management and the transportation committees of the legislature by
3 December 1, 2011, and December 1, 2012.

4 (5) The city of Winthrop may utilize a design-build process for the
5 Winthrop bike path project.

6 (6) \$11,557,000 of the multimodal transportation account--state
7 appropriation, \$12,136,000 of the motor vehicle account--federal
8 appropriation, and \$5,195,000 of the transportation partnership
9 account--state appropriation are provided solely for the pedestrian and
10 bicycle safety program projects and safe routes to schools program
11 projects identified in: LEAP Transportation Document 2011-A,
12 pedestrian and bicycle safety program projects and safe routes to
13 schools program projects, as developed April 19, 2011; LEAP
14 Transportation Document 2009-A, pedestrian and bicycle safety program
15 projects and safe routes to schools program projects, as developed
16 March 30, 2009; LEAP Transportation Document 2007-A, pedestrian and
17 bicycle safety program projects and safe routes to schools program
18 projects, as developed April 20, 2007; and LEAP Transportation Document
19 2006-B, pedestrian and bicycle safety program projects and safe routes
20 to schools program projects, as developed March 8, 2006. Projects must
21 be allocated funding based on order of priority. The department shall
22 review all projects receiving grant awards under this program at least
23 semiannually to determine whether the projects are making satisfactory
24 progress. Any project that has been awarded funds, but does not report
25 activity on the project within one year of the grant award must be
26 reviewed by the department to determine whether the grant should be
27 terminated. The department shall promptly close out grants when
28 projects have been completed, and identify where unused grant funds
29 remain because actual project costs were lower than estimated in the
30 grant award.

31 (7) Except as provided otherwise in this section, the entire
32 appropriations in this section are provided solely for the projects and
33 activities as listed by project and amount in LEAP Transportation
34 Document 2011-2 ALL PROJECTS as developed April 19, 2011, Program -
35 Local Program (Z).

36 (8) For the 2011-2013 project appropriations, unless otherwise
37 provided in this act, the director of the office of financial
38 management may authorize a transfer of appropriation authority between

1 projects managed by the freight mobility strategic investment board in
2 order for the board to manage project spending and efficiently deliver
3 all projects in the respective program.

4 (9) With each department budget submittal, the department shall
5 provide an update on the status of the repayment of the twenty million
6 dollars of unobligated federal funds authority advanced by the
7 department in September 2010 to the city of Tacoma for the Murray
8 Morgan/11th Street bridge project.

9 (10) The department shall prepare a list of main street projects,
10 consistent with chapter ... (Engrossed Substitute House Bill No. 1071),
11 Laws of 2011, for approval in the 2013-2015 fiscal biennium. In order
12 to ensure that any proposed list of projects is consistent with
13 legislative intent, the department shall provide a report to the joint
14 transportation committee by December 1, 2011. The report must identify
15 the eligible segments of main streets highways, the department's
16 proposed project selection and ranking method, criteria to be
17 considered, and a plan for soliciting project proposals.

18 (11) \$267,000 of the motor vehicle account--state appropriation and
19 \$2,859,000 of the motor vehicle account--federal appropriation are
20 provided solely for completion of the US 101 northeast peninsula safety
21 rest area and associated roadway improvements east of Port Angeles at
22 the Deer Park scenic view point (3LP187A). The department must surplus
23 any right-of-way previously purchased for this project near Sequim.
24 Approval to proceed with construction is contingent on surplus of
25 previously purchased right-of-way.

26 (12) Up to \$3,650,000 of the motor vehicle account--federal
27 appropriation and \$23,000 of the motor vehicle account--state
28 appropriation are provided solely to reimburse the cities of Kirkland
29 and Redmond for pavement and bridge deck rehabilitation on state route
30 number 908 (1LP611A). These funds may not be expended unless the
31 cities sign an agreement stating that the cities agree to take
32 ownership of state route number 908 in its entirety and agree that the
33 payment of these funds represents the entire state commitment to the
34 cities for state route number 908 expenditures.

35 (13) \$225,000 of the multimodal transportation account--state
36 appropriation is provided solely for the Shell Valley emergency road
37 and bicycle/pedestrian path (L1000036).

1 (14) \$150,000 of the motor vehicle account--state appropriation is
2 provided solely for flood reduction solutions on state route number 522
3 caused by the lower McAleer and Lyon creek basins (L1000041).

4 (15) \$896,000 of the multimodal transportation account--state
5 appropriation is provided solely for realignment of Parker Road and
6 construction of secondary access off of state route number 20
7 (L2200040).

8 (16) An additional \$2,500,000 of the motor vehicle account--federal
9 appropriation is provided solely for the Strander Blvd/SW 27th St
10 Connection project (1LP902F), which amount is reflected in the LEAP
11 transportation document identified in subsection (7) of this section.
12 These funds may only be committed if needed, may not be used to
13 supplant any other committed project partnership funding, and must be
14 the last funds expended.

15 (17) \$500,000 of the motor vehicle account--federal appropriation
16 is provided solely for safety improvements at the intersection of South
17 Wapato and McDonald Road (L1000052).

18 (18) \$2,000,000 of the multimodal transportation account--state
19 appropriation is provided solely for the state route number 432 rail
20 realignment and highway improvements project (L1000056).

21 (19) \$500,000 of the multimodal transportation account--state
22 appropriation is provided solely for a multimodal corridor plan on
23 state route number 520 between Interstate 405 and Avondale Road in
24 Redmond (L1000054).

25 (20) \$100,000 of the motor vehicle account--federal appropriation
26 is provided solely for state route number 164 and Auburn Way South
27 pedestrian improvements (L1000057).

28 (21) \$115,000 of the motor vehicle account--federal appropriation
29 is provided solely for median street lighting on state route number 410
30 (L1000058).

31 (22) \$60,000 of the multimodal transportation account--state
32 appropriation is provided solely for a cross docking study for the port
33 of Douglas county (L1000060).

34 (23) \$100,000 of the motor vehicle account--federal appropriation
35 is provided solely for city of Auburn - 8th and R Street NE
36 intersection improvements (L2200043).

37 (24) \$65,000 of the multimodal transportation account--state
38 appropriation is provided solely for the Puget Sound regional council

1 to further the implementation of multimodal concurrency practice
 2 through a transit service overlay zone implemented at the local level
 3 (L1000061). This approach will improve the linkage of land use and
 4 transportation investment decisions, improve the efficiency of transit
 5 service by encouraging transit-supportive development, provide
 6 incentives for developers, and support integrated regional growth,
 7 economic development, and transportation plans. In carrying out this
 8 work, the council shall involve representatives from cities and
 9 counties, developers, transit agencies, and other interested
 10 stakeholders, and shall consult with other regional transportation
 11 planning organizations across the state. The council shall report the
 12 results of their work and recommendations to the joint transportation
 13 committee by December 2011, with a final report to the transportation
 14 committees of the legislature by January 31, 2012.

15 NEW SECTION. **Sec. 311. FEDERAL FUNDS RECEIVED FOR CAPITAL**
 16 **PROJECT EXPENDITURES**

17 To the greatest extent practicable, the department of
 18 transportation shall expend federal funds received for capital project
 19 expenditures before state funds.

20 **TRANSFERS AND DISTRIBUTIONS**

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

25	Highway Bond Retirement Account--State Appropriation . . .	\$920,560,000
26	Ferry Bond Retirement Account--State Appropriation	\$31,801,000
27	State Route Number 520 Corridor Account--State	
28	Appropriation	\$1,075,000
29	Transportation Improvement Board Bond Retirement	
30	Account--State Appropriation	\$16,544,000
31	Nondebt-Limit Reimbursable Account Appropriation	\$25,200,000
32	Transportation Partnership Account--State	
33	Appropriation	\$3,142,000
34	Motor Vehicle Account--State Appropriation	\$333,000

1	Transportation 2003 Account (Nickel Account)--State	
2	Appropriation	\$1,140,000
3	Transportation Improvement Account--State Appropriation	\$29,000
4	Multimodal Transportation Account--State	
5	Appropriation	\$138,000
6	Toll Facility Bond Retirement Account--State	
7	Appropriation	\$33,792,000
8	Toll Facility Bond Retirement Account--Federal	
9	Appropriation	\$14,649,000
10	TOTAL APPROPRIATION	\$1,048,403,000

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

13 (1) \$4,610,000 of the highway bond retirement account--state
14 appropriation is provided solely for debt service on bonds issued to
15 construct a ferry boat vessel with a carrying capacity of one hundred
16 forty-four cars. If neither chapter ... (House Bill No. 2083), Laws of
17 2011 nor chapter ... (Engrossed Substitute Senate Bill No. 5742) is
18 enacted by June 30, 2011, the amount provided in this subsection
19 lapses.

20 (2) \$165,000 of the transportation 2003 account (nickel account)--
21 state appropriation is provided solely for discounts on bonds sold to
22 construct a ferry boat vessel with a carrying capacity of one hundred
23 forty-four cars. If neither chapter ... (House Bill No. 2083), Laws of
24 2011 nor chapter ... (Engrossed Substitute Senate Bill No. 5742) is
25 enacted by June 30, 2011, the amount provided in this subsection
26 lapses.

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

30	State Route Number 520 Corridor Account--State	
31	Appropriation	\$68,000
32	Transportation Partnership Account--State	
33	Appropriation	\$608,000
34	Motor Vehicle Account--State Appropriation	\$60,000
35	Transportation 2003 Account (Nickel Account)--State	
36	Appropriation	\$219,000
37	Transportation Improvement Account--State Appropriation	\$5,000

1 **TRANSFERS**
2 Motor Vehicle Account--State Appropriation: For
3 motor vehicle fuel tax refunds and transfers \$127,984,000

4 NEW SECTION. **Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE**
5 **TRANSFERS**

6 (1) Tacoma Narrows Toll Bridge Account--State
7 Appropriation: For transfer to the Motor Vehicle
8 Account--State \$543,000

9 (2) Motor Vehicle Account--State Appropriation:
10 For transfer to the Puget Sound Ferry Operations
11 Account--State \$46,500,000

12 (3) Recreational Vehicle Account--State
13 Appropriation: For transfer to the Motor Vehicle
14 Account--State \$1,450,000

15 (4) License Plate Technology Account--State
16 Appropriation: For transfer to the Highway Safety
17 Account--State \$3,200,000

18 (5) Multimodal Transportation Account--State
19 Appropriation: For transfer to the Puget Sound
20 Ferry Operations Account--State \$43,000,000

21 (6) Highway Safety Account--State Appropriation:
22 For transfer to the Motor Vehicle Account--State \$23,000,000

23 (7) Department of Licensing Services Account--State
24 Appropriation: For transfer to the Motor Vehicle
25 Account--State \$400,000

26 (8) Advanced Right-of-Way Revolving Fund: For transfer
27 to the Motor Vehicle Account--State \$5,000,000

28 (9) State Route Number 520 Civil Penalties
29 Account--State Appropriation: For transfer to the
30 State Route Number 520 Corridor Account--State \$754,000

31 (10) Rural Mobility Grant Program Account--State
32 Appropriation: For transfer to the Multimodal
33 Transportation Account--State \$3,000,000

34 (11) Motor Vehicle Account--State Appropriation:
35 For transfer to the State Patrol Highway Account--
36 State \$14,000,000

1 (12) State Route Number 520 Corridor Account--State Appropriation:
2 For transfer to the Motor Vehicle Account--State, in an amount equal to
3 funds dispersed during the 2009-2011 fiscal biennium authorized under
4 section 805(7) of this act.

5 (13) Motor Vehicle Account--State Appropriation:
6 For transfer to the Special Category C Account--State . . . \$1,500,000

7 (14) Regional Mobility Grant Program Account--State
8 Appropriation: For transfer to the Multimodal
9 Transportation Account--State \$1,000,000

10 (15) State Patrol Highway Account--State
11 Appropriation: For transfer to the Vehicle
12 Licensing Fraud Account \$100,000

13 (16) State Route Number 520 Corridor Account--State
14 Appropriation: For transfer to the Motor Vehicle
15 Account \$2,435,000

16 (17) The transfers identified in this section are subject to the
17 following conditions and limitations:

18 (a) The amount transferred in subsection (1) of this section
19 represents repayment of operating loans and reserve payments provided
20 to the Tacoma Narrows toll bridge account from the motor vehicle
21 account in the 2005-2007 fiscal biennium.

22 (b) The transfer in subsection (9) of this section represents toll
23 revenue collected from toll violations.

24 **NEW SECTION. Sec. 408. STATUTORY APPROPRIATIONS**

25 In addition to the amounts appropriated in this act for revenue for
26 distribution, state contributions to the law enforcement officers' and
27 firefighters' retirement system, and bond retirement and interest
28 including ongoing bond registration and transfer charges, transfers,
29 interest on registered warrants, and certificates of indebtedness,
30 there is also appropriated such further amounts as may be required or
31 available for these purposes under any statutory formula or under any
32 proper bond covenant made under law.

33 **NEW SECTION. Sec. 409.** The department of transportation is
34 authorized to undertake federal advance construction projects under the
35 provisions of 23 U.S.C. Sec. 115 in order to maintain progress in
36 meeting approved highway construction and preservation objectives. The

1 legislature recognizes that the use of state funds may be required to
2 temporarily fund expenditures of the federal appropriations for the
3 highway construction and preservation programs for federal advance
4 construction projects prior to conversion to federal funding.

5 **COMPENSATION**

6 **NEW SECTION. Sec. 501. COLLECTIVE BARGAINING AGREEMENTS**

7 Provisions or terms and conditions of collective bargaining
8 agreements contained in this act are described in general terms. The
9 collective bargaining agreements or terms and conditions contained in
10 this section and sections 502 through 505 of this act may also be
11 funded by expenditures from nonappropriated accounts. If positions are
12 funded with lidded grants or dedicated fund sources with insufficient
13 revenue, additional funding from other sources is not provided.

14 **NEW SECTION. Sec. 502. COLLECTIVE BARGAINING AGREEMENTS--WSP**
15 **TROOPERS ASSOCIATION**

16 No agreement has been reached between the governor and the
17 Washington state patrol trooper's association under chapter 41.56 RCW
18 for the 2011-2013 fiscal biennium. Appropriations for the Washington
19 state patrol in this act are sufficient to fund the provisions of the
20 2009-2011 agreement.

21 **NEW SECTION. Sec. 503. COLLECTIVE BARGAINING AGREEMENTS--WSP**
22 **LIEUTENANTS ASSOCIATION**

23 No agreement has been reached between the governor and the
24 Washington state patrol lieutenant's association under chapter 41.56
25 RCW for the 2011-2013 fiscal biennium. Appropriations for the
26 Washington state patrol in this act are sufficient to fund the
27 provisions of the 2009-2011 agreement.

28 **NEW SECTION. Sec. 504. DEPARTMENT OF TRANSPORTATION MARINE**
29 **DIVISION COLLECTIVE BARGAINING AGREEMENTS--IBU, METAL TRADES, OPEIU,**
30 **MEBA-UL, MEBA-L, MM&P, FASSPA, SEIU LOCAL NO. 6**

31 (1) Agreements have been reached between the governor and the
32 following unions effective July 1, 2011: Inlandboatmen's union of the

1 pacific; Puget Sound metal trades council; office and professional
2 employees international union local No. 8; marine engineers' beneficial
3 association (unlicensed engine room employees); marine engineers'
4 beneficial association (licensed engineer officers); masters, mates,
5 and pilots; ferry agents, supervisors, and project administrators
6 association and service employees international union local No. 6 under
7 chapter 47.64 RCW for the 2011-2013 fiscal biennium.

8 (2) Funding is reduced to reflect a reduction to overtime
9 calculation, travel pay for relief employees, and reduced vacation
10 leave accruals.

11 (3) Except for office and professional employees international
12 union local No. 8, funding is reduced to reflect a three percent
13 temporary salary reduction for all employees for fiscal years 2012 and
14 2013 through June 29, 2013. Entry level rates for employees under the
15 inlandboatmen's union of the pacific and service employees
16 international union local No. 6 are not subject to the three percent
17 temporary salary reduction.

18 (4) For employees covered under the office and professional
19 employees international union local No. 8 agreement, funding is reduced
20 to reflect a three percent temporary salary reduction for all employees
21 whose monthly full-time equivalent salary is two thousand five hundred
22 dollars or more per month for fiscal years 2012 and 2013 through June
23 29, 2013. Temporary salary reduction leave is granted for employees
24 covered under the office and professional employees international union
25 local No. 8 agreement for the term of the 2011-2013 agreement.

26 (5) Effective June 30, 2013, the salary schedules effective July 1,
27 2009, through June 29, 2011, will be reinstated for all of the
28 agreements.

29 (6) Appropriations in this act reflect funding to staff vessels
30 according to United States coast guard certificates of inspection per
31 the agreement noted in subsection (1) of this section.

32 (7) Appropriations in this act do not reflect funding to fund state
33 employee health benefits for employees represented by the super
34 coalition on health benefits or employees outside of the super
35 coalition on health benefits. Acceptance of the super coalition on
36 health benefits agreement will be contingent upon sufficient funding in
37 the 2011-2013 omnibus operating appropriations act. Funding for health

1 benefits for employees outside of the super coalition on health
2 benefits will be in accordance with appropriations in the 2011-2013
3 omnibus operating appropriations act.

4 NEW SECTION. **Sec. 505. DEPARTMENT OF TRANSPORTATION MARINE**
5 **DIVISION COLLECTIVE BARGAINING AGREEMENTS--TERMS AND CONDITIONS**

6 No agreement has been reached between the governor and the masters,
7 mates, and pilots marine operations watch supervisors under chapter
8 47.64 RCW for the 2011-2013 fiscal biennium. Appropriations in this
9 act reflect funding to maintain the provisions or terms and conditions
10 of the 2009-2011 agreements for fiscal year 2012. Fiscal year 2013
11 appropriations are reduced to reflect management priorities in
12 collective bargaining.

13 **IMPLEMENTING PROVISIONS**

14 NEW SECTION. **Sec. 601. ACQUISITION OF PROPERTIES AND FACILITIES**
15 **THROUGH FINANCIAL CONTRACTS**

16 (1) The following agencies may enter into financial contracts, paid
17 from any funds of an agency, appropriated or nonappropriated, for the
18 purposes indicated and in not more than the principal amounts
19 indicated, plus financing expenses and required reserves pursuant to
20 chapter 39.94 RCW. When securing properties under this section,
21 agencies shall use the most economical financial contract option
22 available, including long-term leases, lease-purchase agreements,
23 lease-development with option to purchase agreements, or financial
24 contracts using certificates of participation. Expenditures made by an
25 agency for one of the indicated purposes before the issue date of the
26 authorized financial contract and any certificates of participation
27 therein are intended to be reimbursed from proceeds of the financial
28 contract and any certificates of participation therein to the extent
29 provided in the agency's financing plan approved by the state finance
30 committee.

31 (2) State agencies may enter into agreements with the department of
32 general administration and the state treasurer's office to develop
33 requests to the legislature for the acquisition of properties and

1 facilities through financial contracts. The agreements may include
2 charges for services rendered.

3 (a) Department of transportation: Enter into a financing contract
4 for up to \$10,824,000 plus financing expenses and required reserves
5 pursuant to chapter 39.94 RCW for the acquisition and implementation of
6 a time, leave, and labor distribution system that is integrated with
7 the state's accounting and human resource management systems.

8 (b) Department of licensing: Enter into a financing contract for
9 up to \$7,414,000 plus financing expenses and required reserves pursuant
10 to chapter 39.94 RCW for the purchase of a prorate and fuel tax system.

11 (c) Washington state patrol: (i) Enter into a financing contract
12 for up to \$8,241,000 plus financing expenses and required reserves
13 pursuant to chapter 39.94 RCW to purchase and install mobile office
14 platforms in state patrol and pursuit vehicles.

15 (ii) Enter into a financing contract for up to \$40,100,000 plus
16 financing expenses and required reserves pursuant to chapter 39.94 RCW
17 to purchase equipment and engineering services to convert to a
18 narrowband digital system.

19 NEW SECTION. **Sec. 602. MEGA-PROJECT REPORTING**

20 Mega-projects are defined as individual or groups of related
21 projects that cost \$1,000,000,000 or more. These projects include, but
22 are not limited to: Alaskan Way viaduct, SR 520, SR 167, I-405, North
23 Spokane corridor, I-5 Tacoma HOV, I-90 Snoqualmie Pass, and the
24 Columbia river crossing. The department of transportation shall track
25 mega-projects and report the financial status and schedule of these
26 projects at least once a year to the transportation committees of the
27 legislature and the office of financial management. The design of
28 mega-projects must be evaluated considering cost, capacity, safety,
29 mobility needs, and how well the design of the facility fits within its
30 urban environment.

31 NEW SECTION. **Sec. 603. FUND TRANSFERS**

32 (1) The transportation 2003 projects or improvements and the 2005
33 transportation partnership projects or improvements are listed in LEAP
34 Transportation Document 2011-1 as developed April 19, 2011, which
35 consists of a list of specific projects by fund source and amount over
36 a sixteen-year period. Current fiscal biennium funding for each

1 project is a line-item appropriation, while the outer year funding
2 allocations represent a sixteen-year plan. The department is expected
3 to use the flexibility provided in this section to assist in the
4 delivery and completion of all transportation partnership account and
5 transportation 2003 account (nickel account) projects on the LEAP
6 transportation documents referenced in this act. For the 2009-2011 and
7 2011-2013 project appropriations, unless otherwise provided in this
8 act, the director of financial management may authorize a transfer of
9 appropriation authority between projects funded with transportation
10 2003 account (nickel account) appropriations, or transportation
11 partnership account appropriations, in order to manage project spending
12 and efficiently deliver all projects in the respective program under
13 the following conditions and limitations:

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

16 (b) Transfers from a project may not be made as a result of the
17 reduction of the scope of a project or be made to support increases in
18 the scope of a project;

19 (c) Each transfer between projects may only occur if the director
20 of financial management finds that any resulting change will not hinder
21 the completion of the projects as approved by the legislature. Until
22 the legislature reconvenes to consider the 2012 supplemental
23 transportation budget, any unexpended 2009-2011 appropriation balance
24 as approved by the office of financial management, in consultation with
25 the legislative staff of the house of representatives and senate
26 transportation committees, may be considered when transferring funds
27 between projects;

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

31 (e) Transfers may not occur for projects not identified on the
32 applicable project list;

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

35 (g) Transfers between projects may be made by the department of
36 transportation until the transfer amount by project exceeds two hundred
37 fifty thousand dollars, or ten percent of the total project, whichever

1 is less. These transfers must be reported quarterly to the director of
2 financial management and the chairs of the house of representatives and
3 senate transportation committees.

4 (2) At the time the department submits a request to transfer funds
5 under this section, a copy of the request must be submitted to the
6 transportation committees of the legislature.

7 (3) The office of financial management shall work with legislative
8 staff of the house of representatives and senate transportation
9 committees to review the requested transfers in a timely manner.

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

17 NEW SECTION. **Sec. 604.** (1) The department of transportation shall
18 prepare a plan to improve the oversight of real estate procurement and
19 management practices across all departmental programs and regions,
20 including the Washington state ferries. The plan must be submitted to
21 the governor and the joint transportation committee by September 1,
22 2012. The plan must include:

23 (a) An inventory of all currently owned and leased office space,
24 tunnel and bridge operations and maintenance facilities, and traffic
25 management centers;

26 (b) A list of all facilities that will be needed for tunnel and
27 bridge operations or maintenance in the next ten years and the funding
28 source that is assumed for these facilities;

29 (c) A prioritized list of all buildings that are planned to be
30 constructed, renovated, or remodeled in the next ten years and the
31 funding source that is assumed for these facility improvements;

32 (d) A list of options for consolidating staff, equipment, and
33 operations activities to reduce costs. This list must include an
34 evaluation of the costs and benefits of owning properties as compared
35 to leasing them using a life-cycle cost analysis; and

36 (e) A process and plan for regularly evaluating needs for office

1 space, tunnel and bridge operations and maintenance facilities, and
2 traffic management.

3 (2) Except as provided otherwise in the act, until September 1,
4 2012, the department of transportation may not enter into new leases,
5 equal value exchanges, or property acquisitions for office needs
6 without first consulting with the office of financial management and
7 the joint transportation committee.

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

13 NEW SECTION. **Sec. 606. FOR THE DEPARTMENT OF TRANSPORTATION**

14 As part of its annual budget submittal, the department shall
15 provide an annual update to the legislature and the office of financial
16 management that:

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

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

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

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

28 (5) Identifies contingency amounts allocated to projects.

29 NEW SECTION. **Sec. 607. FOR THE DEPARTMENT OF TRANSPORTATION**

30 As part of its 2012 supplemental budget submittal, the department
31 shall provide a report to the legislature and the office of financial
32 management that:

33 (1) Identifies, by capital project, the amount of state funding
34 that has been reappropriated from the 2009-2011 fiscal biennium into
35 the 2011-2013 fiscal biennium; and

1 (2) Identifies, for each project, the amount of cost savings or
2 increases in funding that have been identified as compared to the 2011
3 enacted transportation budget.

4 NEW SECTION. **Sec. 608. STAFFING LEVELS**

5 (1) As the department of transportation completes delivery of the
6 projects funded by the 2003 and 2005 transportation revenue packages,
7 it is clear that the current staffing levels necessary to deliver these
8 projects are not sustainable into the future. Therefore, the
9 department is directed to quickly move forward to develop and implement
10 new business practices so that a smaller, more nimble state workforce
11 can effectively and efficiently deliver transportation improvement
12 programs as they are approved in the future, in strong partnership with
13 the private sector, while protecting the public's interests and assets.

14 (2) To this end, the department of transportation is directed to
15 reduce the size of its engineering and technical workforce to a level
16 sustained by current law revenue levels currently estimated at two
17 thousand FTEs by the end of the 2013-2015 fiscal biennium. The
18 department's current two thousand eight hundred FTE engineering and
19 technical workforce levels for highway construction will be reduced in
20 the 2011-2013 fiscal biennium, with a target of two thousand four
21 hundred FTEs by June 30, 2013, and to a level of two thousand FTEs by
22 June 30, 2015.

23 (3) In order to successfully deliver the highway construction
24 program as funded, the department of transportation may continue to
25 contract out engineering and technical services. In addition, the
26 department may continue the incentive program for retirements and
27 employee separations. The department shall report quarterly to the
28 office of financial management and the transportation committees of the
29 legislature on its progress and plans to reduce highway construction
30 workforce levels to two thousand FTEs by June 2015. This report must
31 also be posted on the department's web site.

32 NEW SECTION. **Sec. 609. VOLUNTARY RETIREMENT, SEPARATION, AND**
33 **DOWNSHIFTING INCENTIVES**

34 As a management tool to reduce costs and make more effective use of
35 resources, while improving employee productivity and morale, agencies
36 may implement a voluntary retirement, separation, and/or downshifting

1 incentive program that is cost neutral or results in cost savings over
2 a two-year period following the commencement of the program, provided
3 that such a program is approved by the director of financial
4 management.

5 Agencies participating in this authorization may offer voluntary
6 retirement, separation, and/or downshifting incentives and options
7 according to procedures and guidelines established by the office of
8 financial management, in consultation with the department of personnel
9 and the department of retirement systems. The options may include, but
10 are not limited to, financial incentives for: Voluntary separation or
11 retirement, voluntary leave-without-pay, voluntary workweek or work
12 hour reduction, voluntary downward movement, or temporary separation
13 for development purposes. An employee does not have a contractual
14 right to a financial incentive offered pursuant to this section.

15 Offers must be reviewed and monitored jointly by the department of
16 personnel and the department of retirement systems. Agencies are
17 required to submit a report by June 30, 2013, to the legislature and
18 the office of financial management on the outcome of their approved
19 incentive program. The report must include information on the details
20 of the program, including resulting service delivery changes, agency
21 efficiencies, the cost of the incentive per participant, the total cost
22 to the state, and the projected or actual net dollar savings over the
23 2011-2013 fiscal biennium.

24 NEW SECTION. **Sec. 610.** (1) The department of transportation shall
25 provide a report to the joint transportation committee by August 1,
26 2011, providing recommendations on the department's future business
27 model, staffing scenarios, and methods of program and project delivery.
28 The report must:

29 (a) Detail the sustainable staffing level by program to deliver
30 core functions of the department in the context of forecasted resources
31 as of March 2011;

32 (b) Analyze the effect new funding scenarios would have on the
33 sustainable staffing levels for core functions and recommend
34 appropriate staffing levels;

35 (c) Describe how the department's sustainable staffing levels would
36 be affected by new funding scenarios and any other actions the

1 department would need to deliver the program associated with the new
2 funding; and

3 (d) Evaluate alternative program and project delivery methods to
4 improve efficiency and effectiveness and provide recommendations on
5 legislative changes, if necessary, for their implementation.

6 (2) The department shall provide stakeholder involvement
7 opportunities in the development of the report. There must be a
8 minimum of two such meetings: One for the purpose of providing
9 contextual and background information; and a second for review and
10 comment of conclusions and recommendations. Stakeholders must include
11 labor, private engineering contractors, general business interests,
12 representatives of various transportation modes, and others groups as
13 appropriate.

14 NEW SECTION. **Sec. 611. FOR THE DEPARTMENT OF TRANSPORTATION**

15 The department is given the authority to provide up to \$3,000,000
16 in toll credits to Kitsap transit for its role in new passenger-only
17 ferry service and ferry corridor-related projects. The number of toll
18 credits provided to Kitsap transit must be equal to, but no more than,
19 the number sufficient to meet federal match requirements for grant
20 funding for passenger-only ferry service, but shall not exceed the
21 amount authorized in this section.

22 **MISCELLANEOUS 2011-2013 FISCAL BIENNIUM**

23 **Sec. 701.** RCW 47.29.170 and 2009 c 470 s 702 are each amended to
24 read as follows:

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

29 (1) Provisions that specify unsolicited proposals must meet
30 predetermined criteria;

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

33 (3) Provisions outlining that unsolicited proposals are subject to

1 a two-step process that begins with concept proposals and would only
2 advance to the second step, which are fully detailed proposals, if the
3 commission so directed;

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

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

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

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

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

20 The commission may adopt other rules as necessary to avoid
21 conflicts with existing laws, statutes, or contractual obligations of
22 the state.

23 The commission may not accept or consider any unsolicited proposals
24 before July 1, (~~2011~~) 2013.

25 NEW SECTION. **Sec. 702.** To the extent that any appropriation
26 authorizes expenditures of state funds from the motor vehicle account,
27 special category C account, Tacoma Narrows toll bridge account,
28 transportation 2003 account (nickel account), transportation
29 partnership account, transportation improvement account, Puget Sound
30 capital construction account, multimodal transportation account, state
31 route number 520 corridor account, or other transportation capital
32 project account in the state treasury for a state transportation
33 program that is specified to be funded with proceeds from the sale of
34 bonds authorized in chapter 47.10 RCW, the legislature declares that
35 any such expenditures made prior to the issue date of the applicable
36 transportation bonds for that state transportation program are intended

1 to be reimbursed from proceeds of those transportation bonds in a
2 maximum amount equal to the amount of such appropriation.

3 **Sec. 703.** RCW 46.18.060 and 2010 1st sp.s. c 7 s 94 and 2010 c 161
4 s 604 are each reenacted and amended to read as follows:

5 (1) The department must review and either approve or reject special
6 license plate applications submitted by sponsoring organizations.

7 (2) Duties of the department include, but are not limited to, the
8 following:

9 (a) Review and approve the annual financial reports submitted by
10 sponsoring organizations with active special license plate series and
11 present those annual financial reports to the (~~senate and house~~
12 ~~transportation committees~~) joint transportation committee;

13 (b) Report annually to the (~~senate and house of representatives~~
14 ~~transportation committees~~) joint transportation committee on the
15 special license plate applications that were considered by the
16 department;

17 (c) Issue approval and rejection notification letters to sponsoring
18 organizations, the department, the (~~chairs of the senate and house of~~
19 ~~representatives transportation committees~~) executive committee of the
20 joint transportation committee, and the legislative sponsors identified
21 in each application. The letters must be issued within seven days of
22 making a determination on the status of an application; and

23 (d) Review annually the number of plates sold for each special
24 license plate series created after January 1, 2003. The department may
25 submit a recommendation to discontinue a special plate series to the
26 (~~chairs of the senate and house of representatives transportation~~
27 ~~committees~~) executive committee of the joint transportation committee.

28 (3) Except as provided in RCW 46.18.245, in order to assess the
29 effects and impact of the proliferation of special license plates, the
30 legislature declares a temporary moratorium on the issuance of any
31 additional plates until July 1, (~~2011~~) 2013. During this period of
32 time, the department is prohibited from accepting, reviewing,
33 processing, or approving any applications. Additionally, a special
34 license plate may not be enacted by the legislature during the
35 moratorium, unless the proposed license plate has been approved by the
36 former special license plate review board before February 15, 2005.

1 **Sec. 704.** RCW 46.63.170 and 2010 c 161 s 1127 are each amended to
2 read as follows:

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

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

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

17 (c) During the ((2009-2011)) 2011-2013 fiscal biennium, automated
18 traffic safety cameras may be used to detect speed violations for the
19 purposes of ((section 201(2), chapter 470, Laws of 2009)) section
20 201(2) of this act if the local legislative authority first enacts an
21 ordinance authorizing the use of cameras to detect speed violations.

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

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

1 the infraction. A person receiving a notice of infraction based on
2 evidence detected by an automated traffic safety camera may respond to
3 the notice by mail.

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

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

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

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

30 (2) Infractions detected through the use of automated traffic
31 safety cameras are not part of the registered owner's driving record
32 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
33 by the use of automated traffic safety cameras under this section shall
34 be processed in the same manner as parking infractions, including for
35 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3).
36 However, the amount of the fine issued for an infraction generated
37 through the use of an automated traffic safety camera shall not exceed

1 the amount of a fine issued for other parking infractions within the
2 jurisdiction.

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

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

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

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

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

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

27 (5) For the purposes of this section, "automated traffic safety
28 camera" means a device that uses a vehicle sensor installed to work in
29 conjunction with an intersection traffic control system, a railroad
30 grade crossing control system, or a speed measuring device, and a
31 camera synchronized to automatically record one or more sequenced
32 photographs, microphotographs, or electronic images of the rear of a
33 motor vehicle at the time the vehicle fails to stop when facing a
34 steady red traffic control signal or an activated railroad grade
35 crossing control signal, or exceeds a speed limit in a school speed
36 zone as detected by a speed measuring device. During the ((2009-2011))
37 2011-2013 fiscal biennium, an automated traffic safety camera includes

1 a camera used to detect speed violations for the purposes of (~~section~~
2 ~~201(2), chapter 470, Laws of 2009~~) section 201(2) of this act.

3 (6) During the (~~2009-2011~~) 2011-2013 fiscal biennium, this
4 section does not apply to automated traffic safety cameras for the
5 purposes of (~~section 218(2), chapter 470, Laws of 2009~~) section
6 216(5) of this act.

7 **Sec. 705.** RCW 46.63.160 and 2010 c 249 s 6 are each amended to
8 read as follows:

9 (1) This section applies only to civil penalties for nonpayment of
10 tolls detected through use of photo toll systems.

11 (2) Nothing in this section prohibits a law enforcement officer
12 from issuing a notice of traffic infraction to a person in control of
13 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
14 (b), or (c).

15 (3) A notice of civil penalty may be issued by the department of
16 transportation when a toll is assessed through use of a photo toll
17 system and the toll is not paid by the toll payment due date, which is
18 eighty days from the date the vehicle uses the toll facility and incurs
19 the toll charge.

20 (4) Any registered owner or renter of a vehicle traveling upon a
21 toll facility operated under chapter 47.56 or 47.46 RCW is subject to
22 a civil penalty governed by the administrative procedures set forth in
23 this section when the vehicle incurs a toll charge and the toll is not
24 paid by the toll payment due date, which is eighty days from the date
25 the vehicle uses the toll facility and incurs the toll charge.

26 (5) Consistent with chapter 34.05 RCW, the department of
27 transportation shall develop an administrative adjudication process to
28 review appeals of civil penalties issued by the department of
29 transportation for toll nonpayment detected through the use of a photo
30 toll system under this section.

31 (6) The use of a photo toll system is subject to the following
32 requirements:

33 (a) Photo toll systems may take photographs, digital photographs,
34 microphotographs, videotapes, or other recorded images of the vehicle
35 and vehicle license plate only.

36 (b) A notice of civil penalty must include with it a certificate or
37 facsimile thereof, based upon inspection of photographs,

1 microphotographs, videotape, or other recorded images produced by a
2 photo toll system, stating the facts supporting the notice of civil
3 penalty. This certificate or facsimile is prima facie evidence of the
4 facts contained in it and is admissible in a proceeding established
5 under subsection (5) of this section. The photographs, digital
6 photographs, microphotographs, videotape, or other recorded images
7 evidencing the toll nonpayment civil penalty must be available for
8 inspection and admission into evidence in a proceeding to adjudicate
9 the liability for the civil penalty.

10 (c) Notwithstanding any other provision of law, all photographs,
11 digital photographs, microphotographs, videotape, other recorded
12 images, or other records identifying a specific instance of travel
13 prepared under this chapter are for the exclusive use of the tolling
14 agency for toll collection and enforcement purposes and are not open to
15 the public and may not be used in a court in a pending action or
16 proceeding unless the action or proceeding relates to a civil penalty
17 under this chapter. No photograph, digital photograph,
18 microphotograph, videotape, other recorded image, or other record
19 identifying a specific instance of travel may be used for any purpose
20 other than toll collection or enforcement of civil penalties under this
21 section. Records identifying a specific instance of travel by a
22 specific person or vehicle must be retained only as required to ensure
23 payment and enforcement of tolls and to comply with state records
24 retention policies.

25 (d) All locations where a photo toll system is used must be clearly
26 marked by placing signs in locations that clearly indicate to a driver
27 that he or she is entering a zone where tolls are assessed and enforced
28 by a photo toll system.

29 (e) Within existing resources, the department of transportation
30 shall conduct education and outreach efforts at least six months prior
31 to activating an all-electronic photo toll system. Methods of outreach
32 shall include a department presence at community meetings in the
33 vicinity of a toll facility, signage, and information published in
34 local media. Information provided shall include notice of when all
35 electronic photo tolling shall begin and methods of payment.
36 Additionally, the department shall provide quarterly reporting on
37 education and outreach efforts and other data related to the issuance
38 of civil penalties.

1 (7) Civil penalties for toll nonpayment detected through the use of
2 photo toll systems must be issued to the registered owner of the
3 vehicle identified by the photo toll system, but are not part of the
4 registered owner's driving record under RCW 46.52.101 and 46.52.120.

5 (8) The civil penalty for toll nonpayment detected through the use
6 of a photo toll system is forty dollars plus the photo toll and
7 associated fees.

8 (9) Except as provided otherwise in this subsection, all civil
9 penalties, including the photo toll and associated fees, collected
10 under this section must be deposited into the toll facility account of
11 the facility on which the toll was assessed. However, (~~beginning on~~
12 ~~July 1, 2011~~) through June 30, 2013, civil penalties deposited into
13 the Tacoma Narrows toll bridge account created under RCW 47.56.165 that
14 are in excess of amounts necessary to support the toll adjudication
15 process applicable to toll collection on the Tacoma Narrows bridge must
16 first be allocated toward repayment of operating loans and reserve
17 payments provided to the account from the motor vehicle account under
18 section 1005(15), chapter 518, Laws of 2007. Additionally, all civil
19 penalties, resulting from nonpayment of tolls on the state route number
20 520 corridor, shall be deposited into the state route number 520 civil
21 penalties account created under section 4, chapter 248, Laws of 2010
22 but only if chapter 248, Laws of 2010 is enacted by June 30, 2010.

23 (10) If the registered owner of the vehicle is a rental car
24 business, the department of transportation shall, before a toll bill is
25 issued, provide a written notice to the rental car business that a toll
26 bill may be issued to the rental car business if the rental car
27 business does not, within thirty days of the mailing of the written
28 notice, provide to the issuing agency by return mail:

29 (a) A statement under oath stating the name and known mailing
30 address of the individual driving or renting the vehicle when the toll
31 was assessed; or

32 (b) A statement under oath that the business is unable to determine
33 who was driving or renting the vehicle at the time the toll was
34 assessed because the vehicle was stolen at the time the toll was
35 assessed. A statement provided under this subsection must be
36 accompanied by a copy of a filed police report regarding the vehicle
37 theft; or

1 (c) In lieu of identifying the vehicle operator, the rental car
2 business may pay the applicable toll and fee.

3 Timely mailing of this statement to the issuing agency relieves a
4 rental car business of any liability under this section for the payment
5 of the toll.

6 (11) Consistent with chapter 34.05 RCW, the department of
7 transportation shall develop rules to implement this section.

8 (12) For the purposes of this section, "photo toll system" means
9 the system defined in RCW 47.56.010 and 47.46.020.

10 **Sec. 706.** RCW 43.19.642 and 2010 c 247 s 701 are each amended to
11 read as follows:

12 (1) Effective June 1, 2006, for agencies complying with the ultra-
13 low sulfur diesel mandate of the United States environmental protection
14 agency for on-highway diesel fuel, agencies shall use biodiesel as an
15 additive to ultra-low sulfur diesel for lubricity, provided that the
16 use of a lubricity additive is warranted and that the use of biodiesel
17 is comparable in performance and cost with other available lubricity
18 additives. The amount of biodiesel added to the ultra-low sulfur
19 diesel fuel shall be not less than two percent.

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

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

28 (4) For the 2009-2011 fiscal biennium, all fuel purchased by the
29 Washington state ferries at Harbor Island for the operation of the
30 Washington state ferries diesel powered vessels must be a minimum of
31 five percent biodiesel blend so long as the per gallon price of diesel
32 containing a five percent biodiesel blend level does not exceed the per
33 gallon price of diesel by more than five percent. If the per gallon
34 price of diesel containing a five percent biodiesel blend level exceeds
35 the per gallon price of diesel by more than five percent, the
36 requirements of this section do not apply to vessel fuel purchases by
37 the Washington state ferries.

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

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

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

8 (6) During the 2011-2013 fiscal biennium, this section does not
9 apply to fuel purchased by the Washington state ferries.

10 **Sec. 707.** RCW 43.19.534 and 2009 c 470 s 717 are each amended to
11 read as follows:

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

30 (2) During the 2009-2011 and 2011-2013 fiscal (~~biennium~~) biennia,
31 and in conformance with section 223(11), chapter 470, Laws of 2009 and
32 section 221(2) of this act, this section does not apply to the purchase
33 of uniforms by the Washington state ferries.

34 **Sec. 708.** RCW 47.01.380 and 2009 c 470 s 705 are each amended to
35 read as follows:

36 The department shall not commence construction on any part of the

1 state route number 520 bridge replacement and HOV project until a
2 record of decision has been reached providing reasonable assurance that
3 project impacts will be avoided, minimized, or mitigated as much as
4 practicable to protect against further adverse impacts on neighborhood
5 environmental quality as a result of repairs and improvements made to
6 the state route number 520 bridge and its connecting roadways, and that
7 any such impacts will be addressed through engineering design choices,
8 mitigation measures, or a combination of both. The requirements of
9 this section shall not apply to off-site pontoon construction
10 supporting the state route number 520 bridge replacement and HOV
11 project. The requirements of this section shall not apply during the
12 2009-2011 and 2011-2013 fiscal (~~(biennium)~~) biennia.

13 **Sec. 709.** RCW 47.56.403 and 2005 c 312 s 3 are each amended to
14 read as follows:

15 (1) The department may provide for the establishment, construction,
16 and operation of a pilot project of high occupancy toll lanes on state
17 route 167 high occupancy vehicle lanes within King county. The
18 department may issue, buy, and redeem bonds, and deposit and expend
19 them; secure and remit financial and other assistance in the
20 construction of high occupancy toll lanes, carry insurance, and handle
21 any other matters pertaining to the high occupancy toll lane pilot
22 project.

23 (2) Tolls for high occupancy toll lanes will be established as
24 follows:

25 (a) The schedule of toll charges for high occupancy toll lanes must
26 be established by the transportation commission and collected in a
27 manner determined by the commission.

28 (b) Toll charges shall not be assessed on transit buses and vanpool
29 vehicles owned or operated by any public agency.

30 (c) The department shall establish performance standards for the
31 state route 167 high occupancy toll lane pilot project. The department
32 must automatically adjust the toll charge, using dynamic tolling, to
33 ensure that toll-paying single-occupant vehicle users are only
34 permitted to enter the lane to the extent that average vehicle speeds
35 in the lane remain above forty-five miles per hour at least ninety
36 percent of the time during peak hours. The toll charge may vary in
37 amount by time of day, level of traffic congestion within the highway

1 facility, vehicle occupancy, or other criteria, as the commission may
2 deem appropriate. The commission may also vary toll charges for
3 single-occupant inherently low-emission vehicles such as those powered
4 by electric batteries, natural gas, propane, or other clean burning
5 fuels.

6 (d) The commission shall periodically review the toll charges to
7 determine if the toll charges are effectively maintaining travel time,
8 speed, and reliability on the highway facilities.

9 (3) The department shall monitor the state route 167 high occupancy
10 toll lane pilot project and shall annually report to the transportation
11 commission and the legislature on operations and findings. At a
12 minimum, the department shall provide facility use data and review the
13 impacts on:

14 (a) Freeway efficiency and safety;

15 (b) Effectiveness for transit;

16 (c) Person and vehicle movements by mode;

17 (d) Ability to finance improvements and transportation services
18 through tolls; and

19 (e) The impacts on all highway users. The department shall analyze
20 aggregate use data and conduct, as needed, separate surveys to assess
21 usage of the facility in relation to geographic, socioeconomic, and
22 demographic information within the corridor in order to ascertain
23 actual and perceived questions of equitable use of the facility.

24 (4) The department shall modify the pilot project to address
25 identified safety issues and mitigate negative impacts to high
26 occupancy vehicle lane users.

27 (5) Authorization to impose high occupancy vehicle tolls for the
28 state route 167 high occupancy toll pilot project expires if either of
29 the following two conditions apply:

30 (a) If no contracts have been let by the department to begin
31 construction of the toll facilities associated with this pilot project
32 within four years of July 24, 2005; or

33 (b) (~~Four years after toll collection begins under this section~~)
34 If high occupancy vehicle tolls are being collected on June 30, 2013.

35 (6) The department of transportation shall adopt rules that allow
36 automatic vehicle identification transponders used for electronic toll
37 collection to be compatible with other electronic payment devices or

1 transponders from the Washington state ferry system, other public
2 transportation systems, or other toll collection systems to the extent
3 that technology permits.

4 (7) The conversion of a single existing high occupancy vehicle lane
5 to a high occupancy toll lane as proposed for SR-167 must be taken as
6 the exception for this pilot project.

7 (8) A violation of the lane restrictions applicable to the high
8 occupancy toll lanes established under this section is a traffic
9 infraction.

10 (9) Procurement activity associated with this pilot project shall
11 be open and competitive in accordance with chapter 39.29 RCW.

12 **Sec. 710.** RCW 47.28.030 and 2010 c 283 s 9 and 2010 c 5 s 11 are
13 each reenacted and amended to read as follows:

14 (1)(a) A state highway shall be constructed, altered, repaired, or
15 improved, and improvements located on property acquired for
16 right-of-way purposes may be repaired or renovated pending the use of
17 such right-of-way for highway purposes, by contract or state forces.
18 The work or portions thereof may be done by state forces when the
19 estimated costs thereof are less than fifty thousand dollars and
20 effective July 1, 2005, sixty thousand dollars.

21 (b) When delay of performance of such work would jeopardize a state
22 highway or constitute a danger to the traveling public, the work may be
23 done by state forces when the estimated cost thereof is less than
24 eighty thousand dollars and effective July 1, 2005, one hundred
25 thousand dollars.

26 (c) When the department of transportation determines to do the work
27 by state forces, it shall enter a statement upon its records to that
28 effect, stating the reasons therefor.

29 (d) To enable a larger number of small businesses and veteran,
30 minority, and women contractors to effectively compete for department
31 of transportation contracts, the department may adopt rules providing
32 for bids and award of contracts for the performance of work, or
33 furnishing equipment, materials, supplies, or operating services
34 whenever any work is to be performed and the engineer's estimate
35 indicates the cost of the work would not exceed eighty thousand dollars
36 and effective July 1, 2005, one hundred thousand dollars.

37 (2) The rules adopted under this section:

1 (a) Shall provide for competitive bids to the extent that
2 competitive sources are available except when delay of performance
3 would jeopardize life or property or inconvenience the traveling
4 public; and

5 (b) Need not require the furnishing of a bid deposit nor a
6 performance bond, but if a performance bond is not required then
7 progress payments to the contractor may be required to be made based on
8 submittal of paid invoices to substantiate proof that disbursements
9 have been made to laborers, material suppliers, mechanics, and
10 subcontractors from the previous partial payment; and

11 (c) May establish prequalification standards and procedures as an
12 alternative to those set forth in RCW 47.28.070, but the
13 prequalification standards and procedures under RCW 47.28.070 shall
14 always be sufficient.

15 (3) The department of transportation shall comply with such goals
16 and rules as may be adopted by the office of minority and women's
17 business enterprises to implement chapter 39.19 RCW with respect to
18 contracts entered into under this chapter. The department may adopt
19 such rules as may be necessary to comply with the rules adopted by the
20 office of minority and women's business enterprises under chapter 39.19
21 RCW.

22 (4)(a) For the period of March 15, 2010, through June 30, (~~2011~~)
23 2013, work for less than one hundred twenty thousand dollars may be
24 performed on ferry vessels and terminals by state forces.

25 (b) The department shall hire a disinterested, third party to
26 conduct an independent analysis to identify methods of reducing out-of-
27 service times for vessel maintenance, preservation, and improvement
28 projects. The analysis must include options that consider
29 consolidating work while vessels are at shipyards by having state
30 forces perform services traditionally performed at Eagle Harbor at the
31 shipyard and decreasing the allowable time at shipyards. The analysis
32 must also compare the out-of-service vessel times of performing
33 services by state forces versus contracting out those services which in
34 turn must be used to form a recommendation as to what the threshold of
35 work performed on ferry vessels and terminals by state forces should
36 be. This analysis must be presented to the transportation committees
37 of the senate and house of representatives by December 1, 2010.

1 (c) The department shall develop a proposed ferry vessel
2 maintenance, preservation, and improvement program and present it to
3 the transportation committees of the senate and house of
4 representatives by December 1, 2010. The proposed program must:

5 (i) Improve the basis for budgeting vessel maintenance,
6 preservation, and improvement costs and for projecting those costs into
7 a sixteen-year financial plan;

8 (ii) Limit the amount of planned out-of-service time to the
9 greatest extent possible, including options associated with department
10 staff as well as commercial shipyards; and

11 (iii) Be based on the service plan in the capital plan, recognizing
12 that vessel preservation and improvement needs may vary by route.

13 (d) In developing the proposed ferry vessel maintenance,
14 preservation, and improvement program, the department shall consider
15 the following, related to reducing vessel out-of-service time:

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

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

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

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

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

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

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

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

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

1 **Sec. 711.** RCW 43.105.330 and 2006 c 76 s 2 are each amended to
2 read as follows:

3 (1) The board shall appoint a state interoperability executive
4 committee, the membership of which must include, but not be limited to,
5 representatives of the military department, the Washington state
6 patrol, the department of transportation, the department of information
7 services, the department of natural resources, city and county
8 governments, state and local fire chiefs, police chiefs, and sheriffs,
9 and state and local emergency management directors. The chair and
10 legislative members of the board will serve as nonvoting ex officio
11 members of the committee. Voting membership may not exceed fifteen
12 members.

13 (2) The chair of the board shall appoint the chair of the committee
14 from among the voting members of the committee.

15 (3) The state interoperability executive committee has the
16 following responsibilities:

17 (a) Develop policies and make recommendations to the board for
18 technical standards for state wireless radio communications systems,
19 including emergency communications systems. The standards must
20 address, among other things, the interoperability of systems, taking
21 into account both existing and future systems and technologies;

22 (b) Coordinate and manage on behalf of the board the licensing and
23 use of state-designated and state-licensed radio frequencies, including
24 the spectrum used for public safety and emergency communications, and
25 serve as the point of contact with the federal communications
26 commission on matters relating to allocation, use, and licensing of
27 radio spectrum;

28 (c) ~~((Coordinate the purchasing of all state wireless radio~~
29 ~~communications system equipment to ensure that:~~

30 ~~(i) After the transition from a radio over internet protocol~~
31 ~~network, any new trunked system shall be, at a minimum, project 25;~~

32 ~~(ii) Any new system that requires advanced digital features shall~~
33 ~~be, at a minimum, project 25; and~~

34 ~~(iii) Any new system or equipment purchases shall be, at a minimum,~~
35 ~~upgradeable to project 25;~~

36 (d)) Seek support, including possible federal or other funding,
37 for state-sponsored wireless communications systems;

1 ~~((e))~~ (d) Develop recommendations for legislation that may be
2 required to promote interoperability of state wireless communications
3 systems;

4 ~~((f))~~ (e) Foster cooperation and coordination among public safety
5 and emergency response organizations;

6 ~~((g))~~ (f) Work with wireless communications groups and
7 associations to ensure interoperability among all public safety and
8 emergency response wireless communications systems; and

9 ~~((h))~~ (g) Perform such other duties as may be assigned by the
10 board to promote interoperability of wireless communications systems.

11 (4) During the 2011-2013 fiscal biennium, the requirement that any
12 state or local entity must purchase radios or communication systems
13 that are the P25 communication standard is suspended.

14 **Sec. 712.** RCW 47.64.170 and 2010 c 283 s 11 are each amended to
15 read as follows:

16 (1) Any ferry employee organization certified as the bargaining
17 representative shall be the exclusive representative of all ferry
18 employees in the bargaining unit and shall represent all such employees
19 fairly.

20 (2) A ferry employee organization or organizations and the governor
21 may each designate any individual as its representative to engage in
22 collective bargaining negotiations.

23 (3) Negotiating sessions, including strategy meetings of the
24 employer or employee organizations, mediation, and the deliberative
25 process of arbitrators are exempt from the provisions of chapter 42.30
26 RCW. Hearings conducted by arbitrators may be open to the public by
27 mutual consent of the parties.

28 (4) Terms of any collective bargaining agreement may be enforced by
29 civil action in Thurston county superior court upon the initiative of
30 either party.

31 (5) Ferry system employees or any employee organization shall not
32 negotiate or attempt to negotiate directly with anyone other than the
33 person who has been appointed or authorized a bargaining representative
34 for the purpose of bargaining with the ferry employees or their
35 representative.

36 (6)(a) Within ten working days after the first Monday in September
37 of every odd-numbered year, the parties shall attempt to agree on an

1 interest arbitrator to be used if the parties are not successful in
2 negotiating a comprehensive collective bargaining agreement. If the
3 parties cannot agree on an arbitrator within the ten-day period, either
4 party may request a list of seven arbitrators from the federal
5 mediation and conciliation service. The parties shall select an
6 interest arbitrator using the coin toss/alternate strike method within
7 thirty calendar days of receipt of the list. Immediately upon
8 selecting an interest arbitrator, the parties shall cooperate to
9 reserve dates with the arbitrator for potential arbitration between
10 August 1st and September 15th of the following even-numbered year. The
11 parties shall also prepare a schedule of at least five negotiation
12 dates for the following year, absent an agreement to the contrary. The
13 parties shall execute a written agreement before November 1st of each
14 odd-numbered year setting forth the name of the arbitrator and the
15 dates reserved for bargaining and arbitration. This subsection (6)(a)
16 imposes minimum obligations only and is not intended to define or limit
17 a party's full, good faith bargaining obligation under other sections
18 of this chapter.

19 (b) The negotiation of a proposed collective bargaining agreement
20 by representatives of the employer and a ferry employee organization
21 shall commence on or about February 1st of every even-numbered year.

22 (c) For negotiations covering the 2009-2011 biennium and subsequent
23 biennia, the time periods specified in this section, and in RCW
24 47.64.210 and 47.64.300 through 47.64.320, must ensure conclusion of
25 all agreements on or before October 1st of the even-numbered year next
26 preceding the biennial budget period during which the agreement should
27 take effect. These time periods may only be altered by mutual
28 agreement of the parties in writing. Any such agreement and any
29 impasse procedures agreed to by the parties under RCW 47.64.200 must
30 include an agreement regarding the new time periods that will allow
31 final resolution by negotiations or arbitration by October 1st of each
32 even-numbered year.

33 (7) It is the intent of this section that the collective bargaining
34 agreement or arbitrator's award shall commence on July 1st of each odd-
35 numbered year and shall terminate on June 30th of the next odd-numbered
36 year to coincide with the ensuing biennial budget year, as defined by
37 RCW 43.88.020(7), to the extent practical. It is further the intent of
38 this section that all collective bargaining agreements be concluded by

1 October 1st of the even-numbered year before the commencement of the
2 biennial budget year during which the agreements are to be in effect.
3 After the expiration date of a collective bargaining agreement
4 negotiated under this chapter, except to the extent provided in
5 subsection (11) of this section and RCW 47.64.270(4), all of the terms
6 and conditions specified in the collective bargaining agreement remain
7 in effect until the effective date of a subsequently negotiated
8 agreement, not to exceed one year from the expiration date stated in
9 the agreement. Thereafter, the employer may unilaterally implement
10 according to law.

11 (8) The office of financial management shall conduct a salary
12 survey, for use in collective bargaining and arbitration, which must be
13 conducted through a contract with a firm nationally recognized in the
14 field of human resources management consulting.

15 (9) Except as provided in subsection (11) of this section:

16 (a) The governor shall submit a request either for funds necessary
17 to implement the collective bargaining agreements including, but not
18 limited to, the compensation and fringe benefit provisions or for
19 legislation necessary to implement the agreement, or both. Requests
20 for funds necessary to implement the collective bargaining agreements
21 shall not be submitted to the legislature by the governor unless such
22 requests:

23 (i) Have been submitted to the director of the office of financial
24 management by October 1st before the legislative session at which the
25 requests are to be considered; and

26 (ii) Have been certified by the director of the office of financial
27 management as being feasible financially for the state.

28 (b) The governor shall submit a request either for funds necessary
29 to implement the arbitration awards or for legislation necessary to
30 implement the arbitration awards, or both. Requests for funds
31 necessary to implement the arbitration awards shall not be submitted to
32 the legislature by the governor unless such requests:

33 (i) Have been submitted to the director of the office of financial
34 management by October 1st before the legislative session at which the
35 requests are to be considered; and

36 (ii) Have been certified by the director of the office of financial
37 management as being feasible financially for the state.

1 (c) The legislature shall approve or reject the submission of the
2 request for funds necessary to implement the collective bargaining
3 agreements or arbitration awards as a whole for each agreement or
4 award. The legislature shall not consider a request for funds to
5 implement a collective bargaining agreement or arbitration award unless
6 the request is transmitted to the legislature as part of the governor's
7 budget document submitted under RCW 43.88.030 and 43.88.060. If the
8 legislature rejects or fails to act on the submission, either party may
9 reopen all or part of the agreement and award or the exclusive
10 bargaining representative may seek to implement the procedures provided
11 for in RCW 47.64.210 and 47.64.300.

12 (10) If, after the compensation and fringe benefit provisions of an
13 agreement are approved by the legislature, a significant revenue
14 shortfall occurs resulting in reduced appropriations, as declared by
15 proclamation of the governor or by resolution of the legislature, both
16 parties shall immediately enter into collective bargaining for a
17 mutually agreed upon modification of the agreement.

18 (11)(a) For the collective bargaining agreements negotiated for the
19 2011-2013 fiscal biennium, the legislature may consider a request for
20 funds to implement a collective bargaining agreement even if the
21 request for funds was not received by the office of financial
22 management by October 1st and was not transmitted to the legislature as
23 part of the governor's budget document submitted under RCW 43.88.030
24 and 43.88.060.

25 (b) For the 2011-2013 fiscal biennium, a collective bargaining
26 agreement related to employee health care benefits negotiated between
27 the employer and coalition pursuant to RCW 41.80.020(3) regarding the
28 dollar amount expended on behalf of each employee must be a separate
29 agreement for which the governor may request funds necessary to
30 implement the agreement. If such an agreement is negotiated and funded
31 by the legislature, this agreement will supersede any terms and
32 conditions of an expired 2009-2011 biennial master collective
33 bargaining agreement under this chapter regarding health care benefits.

34 **Sec. 713.** RCW 47.64.270 and 2010 c 283 s 13 are each amended to
35 read as follows:

36 (1) The employer and one coalition of all the exclusive bargaining

1 representatives subject to this chapter and chapter 41.80 RCW shall
2 conduct negotiations regarding the dollar amount expended on behalf of
3 each employee for health care benefits.

4 (2) Absent a collective bargaining agreement to the contrary, the
5 department of transportation shall provide contributions to insurance
6 and health care plans for ferry system employees and dependents, as
7 determined by the state health care authority, under chapter 41.05 RCW.

8 (3) The employer and employee organizations may collectively
9 bargain for insurance plans other than health care benefits, and
10 employer contributions may exceed that of other state agencies as
11 provided in RCW 41.05.050.

12 (4) For the 2011-2013 fiscal biennium, a collective bargaining
13 agreement related to employee health care benefits negotiated between
14 the employer and coalition pursuant to RCW 41.80.020(3) regarding the
15 dollar amount expended on behalf of each employee must be a separate
16 agreement for which the governor may request funds necessary to
17 implement the agreement. If such an agreement is negotiated and funded
18 by the legislature, this agreement will supersede any terms and
19 conditions of an expired 2009-2011 biennial collective bargaining
20 agreement under this chapter regarding health care benefits.

21 **Sec. 714.** RCW 47.64.280 and 2010 c 283 s 14 are each amended to
22 read as follows:

23 (1) There is created the marine employees' commission. The
24 governor shall appoint the commission with the consent of the senate.
25 The commission shall consist of three members: One member to be
26 appointed from labor, one member from industry, and one member from the
27 public who has significant knowledge of maritime affairs. The public
28 member shall be chair of the commission. One of the original members
29 shall be appointed for a term of three years, one for a term of four
30 years, and one for a term of five years. Their successors shall be
31 appointed for terms of five years each, except that any person chosen
32 to fill a vacancy shall be appointed only for the unexpired term of the
33 member whom he or she succeeds. Commission members are eligible for
34 reappointment. Any member of the commission may be removed by the
35 governor, upon notice and hearing, for neglect of duty or malfeasance
36 in office, but for no other cause. Commission members are not eligible
37 for state retirement under chapter 41.40 RCW by virtue of their service

1 on the commission. Members of the commission shall be compensated in
2 accordance with RCW 43.03.250 and shall receive reimbursement for
3 official travel and other expenses at the same rate and on the same
4 terms as provided for the transportation commission by RCW 47.01.061.
5 The payments shall be made from the Puget Sound ferry operations
6 account.

7 (2) The commission shall: (a) Adjust all complaints, grievances,
8 and disputes between labor and management arising out of the operation
9 of the ferry system as provided in RCW 47.64.150; (b) provide for
10 impasse mediation as required in RCW 47.64.210; and (c) perform those
11 duties required in RCW 47.64.300. However, through June 30, 2013, the
12 commission's duties identified in this subsection are subject to the
13 availability of amounts appropriated for these specific purposes.

14 (3)(a) In adjudicating all complaints, grievances, and disputes,
15 the party claiming labor disputes shall, in writing, notify the
16 commission, which shall make careful inquiry into the cause thereof and
17 issue an order advising the ferry employee, or the ferry employee
18 organization representing him or her, and the department of
19 transportation, as to the decision of the commission.

20 (b) The parties are entitled to offer evidence relating to disputes
21 at all hearings conducted by the commission. The orders and awards of
22 the commission are final and binding upon any ferry employee or
23 employees or their representative affected thereby and upon the
24 department.

25 (c) The commission shall adopt rules of procedure under chapter
26 34.05 RCW.

27 (d) The commission has the authority to subpoena any ferry employee
28 or employees, or their representatives, and any member or
29 representative of the department, and any witnesses. The commission
30 may require attendance of witnesses and the production of all pertinent
31 records at any hearings held by the commission. The subpoenas of the
32 commission are enforceable by order of any superior court in the state
33 of Washington for the county within which the proceeding may be
34 pending. The commission may hire staff as necessary, appoint
35 consultants, enter into contracts, and conduct studies as reasonably
36 necessary to carry out this chapter.

1 **Sec. 715.** RCW 46.68.170 and 2009 c 470 s 701 are each amended to
2 read as follows:

3 There is hereby created in the motor vehicle fund the RV account.
4 All moneys hereafter deposited in said account shall be used by the
5 department of transportation for the construction, maintenance, and
6 operation of recreational vehicle sanitary disposal systems at safety
7 rest areas in accordance with the department's highway system plan as
8 prescribed in chapter 47.06 RCW. During the (~~2007-2009~~ and)
9 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer
10 from the RV account to the motor vehicle fund such amounts as reflect
11 the excess fund balance of the RV account to accomplish the purposes
12 identified in this section.

13 **Sec. 716.** RCW 46.68.370 and 2010 c 161 s 818 are each amended to
14 read as follows:

15 The license plate technology account is created in the state
16 treasury. All receipts collected under RCW 46.17.015 must be deposited
17 into this account. Expenditures from this account must support current
18 and future license plate technology and systems integration upgrades
19 for both the department and correctional industries. Moneys in the
20 account may be spent only after appropriation. Additionally, the
21 moneys in this account may be used to reimburse the motor vehicle
22 account for any appropriation made to implement the digital license
23 plate system. During the (~~2009-2011~~) 2011-2013 fiscal biennium, the
24 legislature may transfer from the license plate technology account to
25 the highway safety account such amounts as reflect the excess fund
26 balance of the license plate technology account.

27 **Sec. 717.** RCW 47.12.244 and 2009 c 470 s 709 are each amended to
28 read as follows:

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

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

35 (2) All moneys received by the department as rental income from

1 real properties that are not subject to federal aid reimbursement,
2 except moneys received from rental of capital facilities properties as
3 defined in chapter 47.13 RCW; and

4 (3) Any federal moneys available for acquisition of right-of-way
5 for future construction under the provisions of section 108 of Title
6 23, United States Code.

7 During the ((2007-2009-and)) 2009-2011 and 2011-2013 fiscal
8 biennia, the legislature may transfer from the advance right-of-way
9 revolving fund to the motor vehicle account amounts as reflect the
10 excess fund balance of the advance right-of-way revolving fund.

11 **Sec. 718.** RCW 46.68.060 and 2009 c 470 s 711 are each amended to
12 read as follows:

13 There is hereby created in the state treasury a fund to be known as
14 the highway safety fund to the credit of which shall be deposited all
15 moneys directed by law to be deposited therein. This fund shall be
16 used for carrying out the provisions of law relating to driver
17 licensing, driver improvement, financial responsibility, cost of
18 furnishing abstracts of driving records and maintaining such case
19 records, and to carry out the purposes set forth in RCW 43.59.010.
20 During the ((2007-2009-and)) 2009-2011 and 2011-2013 fiscal biennia,
21 the legislature may transfer from the highway safety fund to the motor
22 vehicle fund and the multimodal transportation account such amounts as
23 reflect the excess fund balance of the highway safety fund.

24 **Sec. 719.** RCW 46.68.220 and 2010 c 161 s 807 are each amended to
25 read as follows:

26 The department of licensing services account is created in the
27 motor vehicle fund. All receipts from service fees received under RCW
28 46.17.025 must be deposited into the account. Moneys in the account
29 may be spent only after appropriation. Expenditures from the account
30 may be used only for:

- 31 (1) Information and service delivery systems for the department;
- 32 (2) Reimbursement of county licensing activities; and
- 33 (3) County auditor or other agent and subagent support including,
34 but not limited to, the replacement of department-owned equipment in
35 the possession of county auditors or other agents and subagents
36 appointed by the director. During the ((2007-2009-and-2009-2011))

1 2011-2013 fiscal (~~(biennia)~~) biennium, the legislature may transfer
2 from the department of licensing services account such amounts as
3 reflect the excess fund balance of the account.

4 **Sec. 720.** RCW 47.56.876 and 2010 c 248 s 5 are each amended to
5 read as follows:

6 (1) A special account to be known as the state route number 520
7 civil penalties account is created in the state treasury. All state
8 route number 520 bridge replacement and HOV program civil penalties
9 generated from the nonpayment of tolls on the state route number 520
10 corridor must be deposited into the account, as provided under RCW
11 47.56.870(4)(b)(vii). Moneys in the account may be spent only after
12 appropriation. Expenditures from the account may be used to fund any
13 project within the state route number 520 bridge replacement and HOV
14 program, including mitigation. During the 2011-2013 fiscal biennium,
15 the legislature may transfer from the state route number 520 civil
16 penalties account to the state route number 520 corridor account such
17 amounts as reflect the excess fund balance of the state route number
18 520 civil penalties account. Funds transferred must be used solely for
19 capital expenditures for the state route number 520 bridge replacement
20 and HOV project (8BI1003).

21 (2) This section is contingent on the enactment by June 30, 2010,
22 of either chapter 249, Laws of 2010 or chapter . . . (Substitute House
23 Bill No. 2897), Laws of 2010, but if the enacted bill does not
24 designate the department as the toll penalty adjudicating agency, this
25 section is null and void.

26 **Sec. 721.** RCW 46.68.--- and 2011 c ... (SHB 1897) s 1 are each
27 amended to read as follows:

28 (1) The rural mobility grant program account is created in the
29 state treasury. Moneys in the account may be spent only after
30 appropriation. Expenditures from the account may be used only for the
31 grants provided under section 2 (~~(of this act)~~), chapter ... (SHB
32 1897), Laws of 2011.

33 (2) Beginning September 2011, 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 rural

1 mobility grant program account two million five hundred thousand
2 dollars.

3 (3) During the 2011-2013 fiscal biennium, the legislature may
4 transfer from the rural mobility grant program account to the
5 multimodal transportation account such amounts as reflect the excess
6 fund balance of the rural mobility grant program account.

7 NEW SECTION. Sec. 722. 2010 c 161 s 1126 is repealed.

8 **2009-2011 FISCAL BIENNIUM**
9 **TRANSPORTATION AGENCIES--OPERATING**

10 **Sec. 801.** 2010 c 247 s 205 (uncodified) is amended to read as
11 follows:

12 **FOR THE TRANSPORTATION COMMISSION**

13	Motor Vehicle Account--State Appropriation	(((\$2,328,000)))
14		<u>\$2,157,000</u>
15	Multimodal Transportation Account--State Appropriation . .	(((\$112,000)))
16		<u>\$111,000</u>
17	TOTAL APPROPRIATION	(((\$2,440,000)))
18		<u>\$2,268,000</u>

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

21 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
22 the transportation commission shall periodically review and, if
23 necessary, modify the schedule of fares for the Washington state ferry
24 system. The transportation commission may increase ferry fares,
25 except no fare schedule modifications may be made prior to September 1,
26 2009. For purposes of this subsection, "modify" includes increases or
27 decreases to the schedule.

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

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

8 (4) The commission may name state ferry vessels consistent with its
9 authority to name state transportation facilities under RCW 47.01.420.
10 When naming or renaming state ferry vessels, the commission shall
11 investigate selling the naming rights and shall make recommendations to
12 the legislature regarding this option.

13 (5) \$350,000 of the motor vehicle account--state appropriation is
14 provided solely for consultant support services to assist the
15 commission in updating the statewide transportation plan. The updated
16 plan must be submitted to the legislature by December 1, 2010.

17 (6) If the commission considers implementing a ferry fuel
18 surcharge, it must first submit an analysis and business plan to the
19 office of financial management and either the joint transportation
20 committee or the transportation committees of the legislature. The
21 commission may impose a ferry fuel surcharge effective July 1, 2011.
22 When implementing a ferry fuel surcharge, the commission must regard
23 ferry fuel surcharges as fare policy changes and thus, ferry fuel
24 surcharges should be included in all public procedures and processes
25 currently used for fare pricing per RCW 47.60.290.

26 (7) The commission shall work with the department of
27 transportation's economic partnerships (Program K) in conducting a best
28 practices review of nontoll, public-private partnerships. The purpose
29 of this review is to identify the policies and procedures that would be
30 appropriate for application in Washington state. The commission must
31 report its findings and recommendations, including draft legislation if
32 warranted, to the house of representatives and senate transportation
33 committees by January 2011.

34 (8) As part of its development of the statewide transportation
35 plan, the commission shall review prioritized projects, including
36 preservation and maintenance projects, from regional transportation and
37 metropolitan planning organizations to identify statewide
38 transportation needs. The review should include a brief description

1 and status of each project along with the funding required and
2 associated timeline from start to completion. The commission shall
3 submit the review, along with recommendations, to the house of
4 representatives and senate transportation committees by January 2011.

5 **Sec. 802.** 2010 c 247 s 207 (uncodified) is amended to read as
6 follows:

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

8 State Patrol Highway Account--State	
9 Appropriation	((\$227,958,000))
10	<u>\$224,558,000</u>
11 State Patrol Highway Account--Federal	
12 Appropriation	\$10,903,000
13 State Patrol Highway Account--Private/Local	
14 Appropriation	((\$867,000))
15	<u>\$939,000</u>
16 TOTAL APPROPRIATION	((\$239,728,000))
17	<u>\$236,400,000</u>

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

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

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

1 locally provided DUI cost reimbursements to the office of financial
2 management and transportation committees of the legislature by
3 September 30th of each year.

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

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

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

17 (6) \$370,000 of the state patrol highway account--state
18 appropriation is provided solely for costs associated with the pilot
19 program described under section 218(2) of this act. The Washington
20 state patrol may incur costs related only to the assignment of cadets
21 and necessary computer equipment and to the reimbursement of the
22 Washington state department of transportation for contract costs. The
23 appropriation in this subsection must be funded from the portion of the
24 automated traffic safety camera fines deposited into the state patrol
25 highway account; however, if the fines deposited into the state patrol
26 highway account from automated traffic safety camera infractions do not
27 reach three hundred seventy thousand dollars, the department of
28 transportation shall remit funds necessary to the Washington state
29 patrol to ensure the completion of the pilot program. The Washington
30 state patrol may not incur overtime as a result of this pilot program.
31 The Washington state patrol shall not assign troopers to operate or
32 deploy the pilot program equipment used in the roadway construction
33 zones.

34 (7) If, as a result of lower than average rate of attrition among
35 troopers, the Washington state patrol postpones the year 2011 training
36 for trooper cadets beyond June 30, 2011, funding provided in section
37 207, chapter 470, Laws of 2009 for the class must be used to fund the

1 salaries and benefits associated with the existing commissioned
2 Washington state patrol troopers that are funded within the field
3 operations bureau.

4 (8) \$2,832,000 of the state patrol highway account--state
5 appropriation is provided solely for the aerial traffic enforcement
6 program. The Washington state patrol shall evaluate the costs
7 associated with aerial traffic highway enforcement to determine if the
8 costs are accurately apportioned between the state patrol highway
9 account and the general fund. It is the intent of the legislature that
10 the state patrol highway account incurs costs that result only from
11 highway enforcement activities and that the general fund incurs costs
12 associated with the King Airs. The Washington state patrol shall
13 report the results of the evaluation to the legislature by June 30,
14 2010.

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

18 (10) \$3,601,000 of the state patrol highway account--state
19 appropriation is provided solely for the costs associated with a basic
20 trooper class.

21 (11) After May 1, 2011, unless specifically prohibited, the
22 Washington state patrol may transfer state patrol highway account--
23 state appropriations for the 2009-2011 fiscal biennium between
24 operating programs after approval by the director of the office of
25 financial management. However, the state patrol shall not transfer
26 state moneys that are provided solely for a specified purpose.

27 **Sec. 803.** 2010 c 247 s 208 (uncodified) is amended to read as
28 follows:

29 **FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**
30 State Patrol Highway Account--State Appropriation . . . ((~~\$1,648,000~~))
31 \$1,196,000

32 The appropriation in this section is subject to the following
33 conditions and limitations: After May 1, 2011, unless specifically
34 prohibited, the Washington state patrol may transfer state patrol
35 highway account--state appropriations for the 2009-2011 fiscal biennium
36 between operating programs after approval by the director of the office

1 of financial management. However, the state patrol shall not transfer
2 state moneys that are provided solely for a specified purpose.

3 **Sec. 804.** 2010 c 247 s 209 (uncodified) is amended to read as
4 follows:

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

6 State Patrol Highway Account--State Appropriation	((\$108,560,000))
7	<u>\$105,488,000</u>
8 State Patrol Highway Account--Private/Local	
9 Appropriation	\$2,510,000
10 TOTAL APPROPRIATION	((\$111,070,000))
11	<u>\$107,998,000</u>

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

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

22 (2) ((~~\$10,425,000~~)) \$10,676,000 of the total appropriation is
23 provided solely for automobile fuel in the 2009-11 fiscal biennium.

24 (3) \$7,421,000 of the total appropriation is provided solely for
25 the purchase of pursuit vehicles.

26 (4) \$6,611,000 of the total appropriation is provided solely for
27 vehicle repair and maintenance costs of vehicles used for highway
28 purposes.

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

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

1 Tacoma Narrows bridge and an itemized depiction of the use of that
2 revenue.

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

8 (3) (~~(\$28,000,000)~~) \$736,000 of the state route number 520 corridor
9 account--state appropriation is provided solely for the costs directly
10 related to tolling the state route number 520 floating bridge. (~~Of
11 this amount, \$8,000,000 must be retained in unallotted status, and may
12 only be released by the office of financial management after
13 consultation with the joint transportation committee.~~)

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

17 (5) (~~(\$2,130,000)~~) \$130,000 of the state route number 520 civil
18 penalties account--state appropriation and \$140,000 of the Tacoma
19 Narrows toll bridge account--state appropriation are provided solely
20 for expenditures related to the toll adjudication process. The amount
21 provided in this subsection is contingent on the enactment by June 30,
22 2010, of either Engrossed Substitute Senate Bill No. 6499 or Substitute
23 House Bill No. 2897; however, if the enacted bill does not specify the
24 department as the toll penalty adjudicating agency, the amounts
25 provided in this subsection lapse.

26 (6) The department shall review, and revise where appropriate,
27 current signage and ingress/egress locations on the state route number
28 167 high occupancy toll lanes pilot project. The department shall
29 continue to work with the Washington state patrol on educating the
30 public on the rules of the road related to crossing a double white
31 line. The department shall continue to monitor the performance of the
32 high occupancy toll lanes to ensure that driving conditions for high
33 occupancy vehicles that share these lanes are not significantly
34 changed.

35 (7) Up to \$2,435,000 of the motor vehicle account--state
36 appropriation is provided solely as an expenditure reserve in the event
37 that toll revenue collection on the state route number 520 floating
38 bridge is delayed beyond April 2, 2011. This appropriation must remain

1 in unallotted status and may be released by the office of financial
2 management only to cover shortfalls in the state route number 520
3 corridor account due to delayed toll revenue collection in order to
4 support the activities funded in subsection (3) of this section.
5 Repayment from the state route number 520 corridor account to the motor
6 vehicle account regarding this appropriation is assumed in the
7 2011-2013 biennial transportation budget.

8 **Sec. 806.** 2010 c 247 s 212 (uncodified) is amended to read as
9 follows:

10 **FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM**
11 **C**

12	Transportation Partnership Account--State	
13	Appropriation	((\$2,675,000))
14		<u>\$2,425,000</u>
15	Motor Vehicle Account--State Appropriation	((\$68,650,000))
16		<u>\$67,546,000</u>
17	Motor Vehicle Account--Federal Appropriation	\$240,000
18	Multimodal Transportation Account--State	
19	Appropriation	\$363,000
20	Transportation 2003 Account (Nickel Account)--State	
21	Appropriation	((\$2,676,000))
22		<u>\$2,426,000</u>
23	TOTAL APPROPRIATION	((\$74,604,000))
24		<u>\$73,000,000</u>

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

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

34 (2) ((~~\$1,216,000~~)) \$966,000 of the transportation partnership
35 account--state appropriation and ((~~\$1,216,000~~)) \$966,000 of the
36 transportation 2003 account (nickel account)--state appropriation are
37 provided solely for the department to develop a project management and

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

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

18 (4) \$573,000 of the motor vehicle account--state appropriation is
19 provided solely for the department to maintain the investment in the
20 electronic fare system at Washington's ferry terminals. Investment in
21 the electronic fare system must include the following: Replacement of
22 critical hardware components that are at risk of failure;
23 implementation of software to allow ORCA cards to be used for vehicles;
24 repair of the turnstiles to ensure that the turnstiles properly record
25 ORCA credit and debit card charges; and dedication of a communication
26 line for transmission of ORCA data to the clearinghouse.

27 **Sec. 807.** 2010 c 247 s 213 (uncodified) is amended to read as
28 follows:

29 **FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS**
30 **AND CONSTRUCTION--PROGRAM D--OPERATING**

31 Motor Vehicle Account--State Appropriation (~~(\$25,292,000)~~)
32 \$24,639,000

33 **Sec. 808.** 2010 c 247 s 214 (uncodified) is amended to read as
34 follows:

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

36 Aeronautics Account--State Appropriation (~~(\$5,960,000)~~)

1		<u>\$5,761,000</u>
2	Aeronautics Account--Federal Appropriation	\$2,150,000
3	TOTAL APPROPRIATION	((\$8,110,000))
4		<u>\$7,911,000</u>

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

7 (1) \$50,000 of the aeronautics account--state appropriation is a
8 reappropriation provided solely to pay any outstanding obligations of
9 the aviation planning council, which expires July 1, 2009.

10 (2) \$150,000 of the aeronautics account--state appropriation is a
11 reappropriation provided solely to complete runway preservation
12 projects.

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

20 **Sec. 809.** 2010 c 247 s 215 (uncodified) is amended to read as
21 follows:

22 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**
23 **SUPPORT--PROGRAM H**

24	Motor Vehicle Account--State Appropriation	((\$49,331,000))
25		<u>\$45,219,000</u>
26	Motor Vehicle Account--Federal Appropriation	\$500,000
27	Multimodal Transportation Account--State	
28	Appropriation	\$250,000
29	TOTAL APPROPRIATION	((\$50,081,000))
30		<u>\$45,969,000</u>

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

33 (1) The department shall develop a plan for all current and future
34 surplus property parcels based on the recommendations from the surplus
35 property legislative work group that were presented to the senate
36 transportation committee on February 26, 2009. The plan must include,
37 at a minimum, strategies for maximizing the number of parcels sold, a

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

37 (2) The legislature recognizes that the Dryden pit site (WSDOT
38 Inventory Control (IC) No. 2-04-00103) is unused state-owned real

1 property under the jurisdiction of the department of transportation,
2 and that the public would benefit significantly from the complete
3 enjoyment of the natural scenic beauty and recreational opportunities
4 available at the site. Therefore, pursuant to RCW 47.12.080, the
5 legislature declares that transferring the property to the department
6 of fish and wildlife for recreational use and fish and wildlife
7 restoration efforts is consistent with the public interest in order to
8 preserve the area for the use of the public and the betterment of the
9 natural environment. The department of transportation shall work with
10 the department of fish and wildlife, and shall transfer and convey the
11 Dryden pit site to the department of fish and wildlife as is for an
12 adjusted fair market value reflecting site conditions, the proceeds of
13 which must be deposited in the motor vehicle fund. The department of
14 transportation is not responsible for any costs associated with the
15 cleanup or transfer of this property. By July 1, 2010, and annually
16 thereafter until the entire Dryden pit property has been transferred,
17 the department shall submit a status report regarding the transaction
18 to the chairs of the legislative transportation committees.

19 (3) \$3,175,000 of the motor vehicle account--state appropriation is
20 provided solely for the department's compliance with its national
21 pollution discharge elimination system permit.

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

30 **Sec. 810.** 2010 c 247 s 216 (uncodified) is amended to read as
31 follows:

32 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**
33 **K**

34 Motor Vehicle Account--State Appropriation	(((\$673,000))
	<u>\$643,000</u>
36 Multimodal Transportation Account--State	
37 Appropriation	(((\$200,000))

1 \$90,000
2 TOTAL APPROPRIATION ((~~\$873,000~~))
3 \$733,000

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

6 (1) \$200,000 of the multimodal transportation account--state
7 appropriation is provided solely for the department to develop and
8 implement public private partnerships at high priority terminals as
9 identified in the January 12, 2009, final report on joint development
10 opportunities at Washington state ferries terminals. The department
11 shall first consider a mutually beneficial agreement at the Edmonds
12 terminal.

13 (2) \$50,000 of the motor vehicle account--state appropriation is
14 provided solely for the department to investigate the potential to
15 generate revenue from web site sponsorships and similar ventures and,
16 if feasible, pursue partnership opportunities.

17 (3) (~~\$75,000~~) \$45,000 of the motor vehicle account--state
18 appropriation is provided solely for the implementation of a pilot
19 project allowing advertisements and sponsorships on select web pages.
20 The pilot project must be organized under the partnership model
21 described in the department's web site monetizing feasibility study,
22 which was prepared under subsection (2) of this section. Once
23 operational, the pilot project must operate for at least twelve
24 consecutive months. After twelve months of continuous operation, the
25 department shall provide a report with recommendations on whether to
26 continue project operations to the office of financial management and
27 the chairs of the transportation committees. The department may end
28 the pilot project after less than twelve consecutive months of
29 operation if insufficient bids or proposals are received from potential
30 sponsors or advertisers. For the purpose of this subsection, if a
31 consultant contract is warranted, the consultant contract is deemed a
32 revenue generation activity as that term is construed in section
33 602(2), chapter 3, Laws of 2010.

34 **Sec. 811.** 2010 c 247 s 217 (uncodified) is amended to read as
35 follows:

36 **FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**
37 Motor Vehicle Account--State Appropriation ((~~\$347,645,000~~))

1		<u>\$349,778,000</u>
2	Motor Vehicle Account--Federal Appropriation	\$7,000,000
3	Motor Vehicle Account--Private/Local Appropriation	((\$5,797,000))
4		<u>\$7,997,000</u>
5	TOTAL APPROPRIATION	((\$360,442,000))
6		<u>\$364,775,000</u>

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

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

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

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

23 (4) \$7,000,000 of the motor vehicle account--federal appropriation
24 is for unanticipated federal funds that may be received during the
25 2009-11 fiscal biennium. Upon receipt of the funds, the department
26 shall provide a report on the use of the funds to the transportation
27 committees of the legislature and the office of financial management.

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

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

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

1 (6) The department may work with the department of corrections to
2 utilize corrections crews for the purposes of litter pickup on state
3 highways.

4 (7) \$650,000 of the motor vehicle account--state appropriation is
5 provided solely for increased asphalt costs.

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

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

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

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

22 (12) \$835,000 of the motor vehicle account--state appropriation is
23 provided solely for disaster-related maintenance expenditures that the
24 department has incurred since the 2010 supplemental transportation
25 budget on state route number 97A and state route number 401.

26 **Sec. 812.** 2010 c 247 s 218 (uncodified) is amended to read as
27 follows:

28 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
29 **OPERATING**

30	Motor Vehicle Account--State Appropriation	((\$51,128,000))
31		<u>\$49,764,000</u>
32	Motor Vehicle Account--Federal Appropriation	\$2,050,000
33	Motor Vehicle Account--Private/Local Appropriation	\$127,000
34	TOTAL APPROPRIATION	((\$53,305,000))
35		<u>\$51,941,000</u>

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

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

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

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

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

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

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

1 (e) For purposes of the 2009-11 fiscal biennium pilot program,
2 infractions detected through the use of automated traffic safety
3 cameras are not part of the registered owner's driving record under RCW
4 46.52.101 and 46.52.120. Additionally, infractions generated by the
5 use of automated traffic safety cameras must be processed in the same
6 manner as parking infractions for the purposes of RCW 3.50.100,
7 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the
8 fine issued under this subsection (2) for an infraction generated
9 through the use of an automated traffic safety camera is one hundred
10 thirty-seven dollars. The court shall remit thirty-two dollars of the
11 fine to the state treasurer for deposit into the state patrol highway
12 account; and

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

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

35 (4) \$173,000 of the motor vehicle account--state appropriation is
36 provided solely for the department to continue a pilot tow truck
37 incentive program and to expand the program to other areas of the
38 state. The department may provide incentive payments to towing

1 companies that meet clearance goals on accidents that involve heavy
2 trucks. The department shall report to the office of financial
3 management and the transportation committees of the legislature on the
4 effectiveness of the clearance goals and submit recommendations to
5 improve the pilot program with the department's 2010 supplemental
6 omnibus transportation appropriations act submittal. The tow truck
7 incentive program may continue to provide incentives for quick
8 clearance of traffic incidents involving large vehicles. The
9 department shall make recommendations as part of its biennial budget
10 proposal for expanding the use of the incentive program.

11 (5) \$92,000 of the motor vehicle account--state appropriation is
12 provided solely for operating a new active traffic management system on
13 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 (6) To the extent practicable, the department shall synchronize
18 traffic lights on state route number 161 in the vicinity of Puyallup.

19 (7) During the 2009-11 biennium, the department shall implement a
20 pilot program that expands private transportation providers' access to
21 high occupancy vehicle lanes. Under the pilot program, when the
22 department reserves a portion of a highway based on the number of
23 passengers in a vehicle, the following vehicles must be authorized to
24 use the reserved portion of the highway if the vehicle has the capacity
25 to carry eight or more passengers, regardless of the number of
26 passengers in the vehicle: (a) Auto transportation company vehicles
27 regulated under chapter 81.68 RCW; (b) passenger charter carrier
28 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
29 stretch limousines and stretch sport utility vehicles as defined under
30 department rules; (c) private nonprofit transportation provider
31 vehicles regulated under chapter 81.66 RCW; and (d) private employer
32 transportation service vehicles. For purposes of this subsection,
33 "private employer transportation service" means regularly scheduled,
34 fixed-route transportation service that is offered by an employer for
35 the benefit of its employees. By June 30, 2011, the department shall
36 report to the transportation committees of the legislature on whether
37 private transportation provider use of high occupancy vehicle lanes
38 under the pilot program reduces the speeds of high occupancy vehicle

lanes. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

Sec. 813. 2010 c 247 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation	((\$28,468,000))
	<u>\$27,968,000</u>
Motor Vehicle Account--Federal Appropriation	\$30,000
Multimodal Transportation Account--State	
Appropriation	\$971,000
State Route Number 520 Corridor Account--State	
Appropriation	\$264,000
TOTAL APPROPRIATION	((\$29,733,000))
	<u>\$29,233,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$264,000 of the state route number 520 corridor account--state appropriation is provided solely for the costs directly related to tolling the state route number 520 floating bridge. This amount must be retained in unallotted status, and may only be released by the office of financial management after consultation with the joint transportation committee.

Sec. 814. 2010 c 247 s 220 (uncodified) is amended to read as follows:

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

Motor Vehicle Account--State Appropriation	((\$25,955,000))
	<u>\$25,384,000</u>
Motor Vehicle Account--Federal Appropriation	\$22,002,000
Multimodal Transportation Account--State	
Appropriation	\$1,090,000
Multimodal Transportation Account--Federal	
Appropriation	\$3,287,000
Multimodal Transportation Account--Private/Local	

1	Appropriation	\$99,000
2	TOTAL APPROPRIATION	(\$52,433,000)
3		<u>\$51,862,000</u>

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

6 (1) \$150,000 of the motor vehicle account--federal appropriation is
7 provided solely for the costs to develop an electronic map-based
8 computer application that will enable law enforcement officers and
9 others to more easily locate collisions and other incidents in the
10 field.

11 (2) \$400,000 of the multimodal transportation account--state
12 appropriation is provided solely for a diesel multiple unit feasibility
13 and initial planning study. The study must evaluate potential service
14 on the Stampede Pass line from Maple Valley to Auburn via Covington.
15 The study must evaluate the potential demand for service, the business
16 model and capital needs for launching and running the line, and the
17 need for improvements in switching, signaling, and tracking. The study
18 must also consider the interconnectivity benefits of, and potential
19 for, future Amtrak Cascades stops in south King county and north Pierce
20 county. As part of its consideration, the department shall conduct a
21 thorough market analysis of the potential for adding or changing stops
22 on the Amtrak Cascades route. The department shall amend the scope,
23 schedule, and budget of the current study process to accommodate the
24 market analysis. A report on the study must be submitted to the
25 legislature by September 30, 2010.

26 (3) \$365,000 of the motor vehicle account--state appropriation and
27 \$81,000 of the motor vehicle account--federal appropriation are
28 provided solely for the development of a freight database to help guide
29 freight investment decisions and track project effectiveness. The
30 database must be based on truck movement tracked through geographic
31 information system technology. For the remainder of the biennium, the
32 department may expand data collection to any highways that have high
33 truck volumes. TransNow shall contribute additional federal funds that
34 are not appropriated in this act. The department shall work with the
35 freight mobility strategic investment board to implement this database.

36 (4) \$2,000,000 of the motor vehicle account--state appropriation is
37 provided solely for scoping unfunded state highway projects to ensure

1 that a well-vetted project list is available for future program funding
2 discussions.

3 (a) It is the intent of the legislature that the funding provided
4 in this subsection support the development of transportation solutions
5 that benefit all state residents, including addressing the impacts of
6 traffic diversion from tolled facilities. It is further the intent of
7 the legislature that the buying power of future revenue packages is
8 maximized.

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

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

16 (d) Prior to the commencement of the 2011 legislative session, the
17 department shall provide a report to the legislative transportation
18 committees and the office of financial management that includes
19 estimated costs and construction time frames.

20 (5) (~~(\$150,000)~~) \$80,000 of the motor vehicle account--state
21 appropriation is provided solely for a corridor study of state route
22 number 516 from the eastern border of Maple Valley to state route
23 number 167 to determine whether improvements are needed and the costs
24 of any needed improvements.

25 (6) \$500,000 of the multimodal transportation account--federal
26 appropriation is provided solely for continued support of the
27 International Mobility and Trade Corridor project and for the
28 department to work with the Whatcom council of governments to examine
29 potential improvements to international border freight and passenger
30 rail movement and the use of diesel multiple units.

31 (7) \$80,000 of the motor vehicle account--state appropriation is
32 provided solely to continue existing work regarding feasibility of a
33 new interchange between Rochester and Harrison Avenue on Interstate 5.

34 **Sec. 815.** 2010 c 247 s 221 (uncodified) is amended to read as
35 follows:

36 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**

1	V	
2	Regional Mobility Grant Program Account--State	
3	Appropriation	((\$65,274,000))
4		<u>\$56,332,000</u>
5	Multimodal Transportation Account--State	
6	Appropriation	((\$65,667,000))
7		<u>\$65,547,000</u>
8	Multimodal Transportation Account--Federal	
9	Appropriation	\$2,573,000
10	Multimodal Transportation Account--Private/Local	
11	Appropriation	\$1,025,000
12	TOTAL APPROPRIATION	((\$134,539,000))
13		<u>\$125,477,000</u>

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

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

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

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

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

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

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

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

25 (4) (~~(\$400,000)~~) \$280,000 of the multimodal transportation
26 account--state appropriation is provided solely for a grant for a
27 flexible carpooling pilot project program to be administered and
28 monitored by the department. Funds are appropriated for one time only.
29 The pilot project program must: Test and implement at least one
30 flexible carpooling system in a high-volume commuter area that enables
31 carpooling without prearrangement; utilize technologies that, among
32 other things, allow for transfer of ride credits between participants;
33 and be a membership system that involves prescreening to ensure safety
34 of the participants. The program must include a pilot project that
35 targets commuter traffic on the state route number 520 bridge. The
36 department shall submit to the legislature by December 2010 a report on
37 the program results and any recommendations for additional flexible
38 carpooling programs.

1 (5) \$3,318,000 of the multimodal transportation account--state
2 appropriation and (~~(\$21,248,000)~~) \$17,778,000 of the regional mobility
3 grant program account--state appropriation are reappropriated and
4 provided solely for the regional mobility grant projects identified on
5 the LEAP Transportation Document 2007-B, as developed April 20, 2007,
6 or the LEAP Transportation Document 2006-D, as developed March 8, 2006.
7 The department shall continue to review all projects receiving grant
8 awards under this program at least semiannually to determine whether
9 the projects are making satisfactory progress. The department shall
10 promptly close out grants when projects have been completed, and any
11 remaining funds available to the office of transit mobility must be
12 used only to fund projects on the LEAP Transportation Document 2006-D,
13 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as
14 developed April 20, 2007; or the LEAP Transportation Document 2009-B,
15 as developed April 24, 2009. It is the intent of the legislature to
16 appropriate funds through the regional mobility grant program only for
17 projects that will be completed on schedule. However, the Chuckanut
18 park and ride project (101100G) is recognized as a crucial investment
19 in the transportation system. For this reason, the department shall
20 not close out the grant for the Chuckanut park and ride project until
21 Skagit transit has exhausted all other pending opportunities for
22 federal and local funds. If additional funds cannot be secured, the
23 department shall consider this project a priority in the 2011-13 grant
24 process. The department shall make every effort to advance the
25 Chuckanut park and ride project within existing resources.

26 (6) (~~(\$33,429,000)~~) \$32,882,000 of the regional mobility grant
27 program account--state appropriation is provided solely for the
28 regional mobility grant projects identified in LEAP Transportation
29 Document 2009-B, as developed April 24, 2009. The department shall
30 review all projects receiving grant awards under this program at least
31 semiannually to determine whether the projects are making satisfactory
32 progress. Any project that has been awarded funds, but does not report
33 activity on the project within one year of the grant award, must be
34 reviewed by the department to determine whether the grant should be
35 terminated. The department shall promptly close out grants when
36 projects have been completed, and any remaining funds available to the
37 office of transit mobility must be used only to fund projects
38 identified in LEAP Transportation Document 2009-B, as developed April

1 24, 2009. The department shall provide annual status reports on
2 December 15, 2009, and December 15, 2010, to the office of financial
3 management and the transportation committees of the legislature
4 regarding the projects receiving the grants. It is the intent of the
5 legislature to appropriate funds through the regional mobility grant
6 program only for projects that will be completed on schedule.

7 (7) (~~(\$10,596,768)~~) \$5,671,768 of the regional mobility grant
8 program account--state appropriation must be obligated no later than
9 December 31, 2010, and is provided solely for the following recommended
10 contingency regional mobility grant projects identified in the 2009-11
11 omnibus transportation appropriations act, LEAP Transportation Document
12 2009-B, as developed April 24, 2009, as follows:

13 (a) (~~(\$4,000,000)~~) \$975,000 is provided solely for the
14 Rainier/Jackson transit priority corridor improvements;

15 (b) (~~(\$2,100,000)~~) \$200,000 is provided solely for the state route
16 number 522 west city limits to Northeast 180th stage 2A (91st Ave NE to
17 west of 96th Ave NE) project; and

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

20 (8) \$300,000 of the multimodal transportation account--state
21 appropriation is provided solely for a transportation demand management
22 program, developed by the Whatcom council of governments, to further
23 reduce drive-alone trips and maximize the use of sustainable
24 transportation choices. The community-based program must focus on all
25 trips, not only commute trips, by providing education, assistance, and
26 incentives to four target audiences: (a) Large work sites; (b)
27 employees of businesses in downtown areas; (c) school children; and (d)
28 residents of Bellingham.

29 (9) \$130,000 of the multimodal transportation account-- state
30 appropriation is provided solely to the department to distribute to
31 support Engrossed Substitute House Bill No. 2072 (special needs
32 transportation).

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

37 (b) \$50,000 of the amount provided in this subsection is provided
38 solely to support the pilot project to be developed or implemented by

1 the local coordinating coalition comprised of a single county,
2 described in sections 9, 10, and 11, chapter . . . (Engrossed
3 Substitute House Bill No. 2072), Laws of 2009. The department shall
4 assist the local coordinating coalition to seek funding sufficient to
5 fully fund the pilot project from a variety of sources including, but
6 not limited to, the regional transit authority serving the county, the
7 regional transportation planning organization serving the county, and
8 other appropriate state and federal agencies and grants. Development
9 or implementation of the pilot project is contingent on securing
10 funding sufficient to fully fund the pilot project.

11 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by
12 June 30, 2009, the amount provided in this subsection (9) lapses. If
13 Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009,
14 but a commitment from other sources to fully fund the pilot project
15 described in (b) of this subsection has not been obtained by September
16 30, 2009, the amount provided in (b) of this subsection lapses.

17 (10) Funds provided for the commute trip reduction program may also
18 be used for the growth and transportation efficiency center program.

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

24 (12) \$2,309,000 of the multimodal transportation account--state
25 appropriation is provided solely for the tri-county connection service
26 for Island, Skagit, and Whatcom transit agencies.

27 **Sec. 816.** 2010 c 247 s 222 (uncodified) is amended to read as
28 follows:

29 **FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**
30 Puget Sound Ferry Operations Account--State
31 Appropriation ((~~\$425,922,000~~))
32 \$446,961,000

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

35 (1) ((~~\$78,754,952~~)) \$97,053,000 of the Puget Sound ferry operations
36 account--state appropriation is provided solely for auto ferry vessel
37 operating fuel in the 2009-11 fiscal biennium. This appropriation is

1 contingent upon the enactment of sections 716 and 701 of this act. All
2 fuel purchased by the Washington state ferries at Harbor Island truck
3 terminal for the operation of the Washington state ferries diesel
4 powered vessels must be a minimum of five percent biodiesel blend so
5 long as the per gallon price of diesel containing a five percent
6 biodiesel blend level does not exceed the per gallon price of diesel by
7 more than five percent.

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

12 (3) If, after the department's review of fares and pricing
13 policies, the department proposes a fuel surcharge, the department must
14 evaluate other cost savings and fuel price stabilization strategies
15 that would be implemented before the imposition of a fuel surcharge.
16 The department shall report to the legislature and transportation
17 commission on its progress of implementing new fuel forecasting and
18 budgeting practices, price hedging contracts for fuel purchases, and
19 fuel conservation strategies by November 30, 2010.

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

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

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

36 (7) The office of financial management budget instructions require
37 agencies to recast enacted budgets into activities. The Washington
38 state ferries shall include a greater level of detail in its 2011-13

1 omnibus transportation appropriations act request, as determined
2 jointly by the office of financial management, the Washington state
3 ferries, and the legislative transportation committees.

4 (8) (~~(\$4,794,000)~~) \$6,116,000 of the Puget Sound ferry operations
5 account--state appropriation is provided solely for commercial
6 insurance for ferry assets. The office of financial management, after
7 consultation with the transportation committees of the legislature,
8 must present a business plan for the Washington state ferry system's
9 insurance coverage to the 2010 legislature. The business plan must
10 include a cost-benefit analysis of Washington state ferries' current
11 commercial insurance purchased for ferry assets and a review of self-
12 insurance for noncatastrophic events.

13 (9) \$1,100,000 of the Puget Sound ferry operations account--state
14 appropriation is provided solely for a marketing program. The
15 department shall present a marketing program proposal to the
16 transportation committees of the legislature during the 2010
17 legislative session before implementing this program. Of this amount,
18 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of
19 Coupeville for mitigation expenses related to only one vessel operating
20 on the Port Townsend/Keystone ferry route. The moneys provided to the
21 city of Port Townsend and town of Coupeville are not contingent upon
22 the required marketing proposal.

23 (10) \$350,000 of the Puget Sound ferry operations account--state
24 appropriation is provided solely for two extra trips per day during the
25 summer of 2009 season, beyond the current schedule, on the Port
26 Townsend/Keystone route.

27 (11) When purchasing uniforms that are required by collective
28 bargaining agreements, the department shall contract with the lowest
29 cost provider.

30 (12) The legislature finds that measuring the performance of
31 Washington state ferries requires the measurement of quality,
32 timeliness, and unit cost of services delivered to customers.
33 Consequently, the department must develop a set of metrics that measure
34 that performance and report to the transportation committees of the
35 legislature and to the office of financial management on the
36 development of these measurements along with recommendations to the
37 2010 legislature on which measurements must become a part of the next
38 omnibus transportation appropriations act.

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

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

19 (b) The process for appointing an investigating officer or officers
20 and a description of the authorities and responsibilities of the
21 investigating officer or officers. The investigating officer or
22 officers must:

23 (i) Have the appropriate training and experience as determined by
24 the policy;

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

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

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

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

37 (c) The process of working with the affected employee or employees

1 in accordance with the employee's or employees' respective collective
2 bargaining agreement and the appropriate union officials, within
3 protocols afforded to all public employees;

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

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

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

13 (14) \$7,300,000 of the Puget Sound ferry operations account--state
14 appropriation is provided solely for the purposes of travel time
15 associated with Washington state ferries employees. However, if
16 Engrossed Substitute House Bill No. 3209 (managing costs of ferry
17 system) is enacted by June 30, 2010, containing an appropriation for
18 purposes of travel time associated with Washington state ferries
19 employees, the amount provided in this subsection lapses.

20 (15) \$50,000 of the Puget Sound ferry operations account--state
21 appropriation is provided solely to implement a mechanism to report on-
22 time performance statistics.

23 (a) The department shall conduct a study to identify process
24 changes that would improve on-time performance on a route-by-route
25 basis. The study must include looking into the slowing down of vessels
26 for fuel economy purposes and touch-and-go sailings on peak runs. The
27 department shall report its findings to the transportation committees
28 of the senate and house of representatives by December 1, 2010.

29 (b) The department shall, by November 1, 2010, report to the
30 transportation committees of the legislature statistics regarding its
31 on-time arrival and departure status on a route-by-route and month-by-
32 month basis, as well as an annual route-by-route and systemwide basis,
33 weighted by the number of customers on each sailing and distinguishing
34 peak period on-time performance. The statistics must include reasons
35 for any delays over ten minutes from the scheduled time. The
36 statistics must be prominently displayed on the Washington state
37 ferries' web site. Each Washington state ferries vessel and terminal

1 must prominently display the statistics as they relate to their
2 specific route.

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

7 (17) By July 1, 2010, the department shall provide to the governor
8 and the transportation committees of the senate and house of
9 representatives a listing of all benefits that Washington state ferries
10 union employees receive that other state employees do not traditionally
11 receive. The listing must include any costs associated with these
12 benefits.

13 **Sec. 817.** 2010 c 247 s 223 (uncodified) is amended to read as
14 follows:

15 FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING	
16 Multimodal Transportation Account--State	
17 Appropriation	((\$37,371,000))
18	<u>\$29,871,000</u>
19 <u>Multimodal Transportation Account--Federal</u>	
20 <u>Appropriation</u>	<u>\$100,000</u>
21 <u>TOTAL APPROPRIATION</u>	<u>\$29,971,000</u>

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

24 (1) (~~\$31,591,000~~) \$24,091,000 of the multimodal transportation
25 account--state appropriation is provided solely for the Amtrak service
26 contract and Talgo maintenance contract associated with providing and
27 maintaining the state-supported passenger rail service. Upon
28 completion of the rail platform project in the city of Stanwood, the
29 department shall provide daily Amtrak Cascades service to the city.

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

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

33 **Sec. 818.** 2010 c 247 s 224 (uncodified) is amended to read as
34 follows:

35 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**

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

3 (1) \$1,626,000 of the state patrol highway account--state
4 appropriation is provided solely for the following minor works
5 projects: \$450,000 for Shelton training academy roofs; (~~(\$150,000 for~~
6 ~~HVAC control replacements;~~) \$168,000 for upgrades to scales; \$50,000
7 for Bellevue electrical equipment upgrades; (~~(\$90,000)~~) \$16,000 for
8 South King detachment window replacement; \$200,000 for the replacement
9 of the Naselle radio tower, generator shelter, and fence; \$200,000 for
10 unforeseen emergency repairs; and \$318,000 for the Shelton training
11 academy drive course/skid pan repair.

12 (2) (~~(\$1,500,000)~~) \$1,079,000 of the state patrol highway account--
13 state appropriation is provided solely for the Shelton academy of the
14 Washington state patrol and is contingent upon a signed agreement
15 between the city of Shelton, the department of corrections, and the
16 Washington state patrol that provides for an on-going payment to these
17 three entities, based on their percentage of the total investment in
18 the project, from all hookup fees, late comer fees, LIDS, and all other
19 initial fees collected for the new waste water treatment lines, waste
20 water plants, water lines, and water systems.

21 **Sec. 902.** 2010 c 247 s 301 (uncodified) is amended to read as
22 follows:

23 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

24 Rural Arterial Trust Account--State Appropriation . . .	((\$73,000,000))
25	<u>\$71,500,000</u>
26 Motor Vehicle Account--State Appropriation	\$1,048,000
27 County Arterial Preservation Account--State	
28 Appropriation	((\$31,400,000))
29	<u>\$30,400,000</u>
30 TOTAL APPROPRIATION	((\$105,448,000))
31	<u>\$102,948,000</u>

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

34 (1) \$1,048,000 of the motor vehicle account--state appropriation
35 may be used for county ferry projects as developed pursuant to RCW
36 47.56.725(4).

1 (2) The appropriations in this section include funding to counties
2 to assist them in efforts to recover from federally declared
3 emergencies, by providing capitalization advances and local match for
4 federal emergency funding as determined by the county road
5 administration board. The county road administration board shall
6 specifically identify any such selected projects and shall include
7 information concerning such selected projects in its next annual report
8 to the legislature.

9 (3) \$22,000,000 of the rural arterial trust account--state
10 appropriation is provided solely for additional grants for county road
11 projects as approved by the county road administration board.

12 **Sec. 903.** 2010 c 247 s 302 (uncodified) is amended to read as
13 follows:

14 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

15 Small City Pavement and Sidewalk Account--State

16 Appropriation ((~~\$3,927,000~~))
17 \$3,737,000

18 Urban Arterial Trust Account--State Appropriation ((~~\$123,900,000~~))
19 \$121,900,000

20 Transportation Improvement Account--State

21 Appropriation ((~~\$81,643,000~~))
22 \$80,643,000

23 TOTAL APPROPRIATION ((~~\$209,470,000~~))
24 \$206,280,000

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

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

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

33 **Sec. 904.** 2009 c 470 s 305 (uncodified) is amended to read as
34 follows:

35 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF**

1 **TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

2 Motor Vehicle Account--State Appropriation ((~~\$4,810,000~~))
3 \$4,623,000

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

6 (1) \$1,198,000 of the motor vehicle account--state appropriation is
7 provided solely for the Olympic region site acquisition debt service
8 payments and administrative costs associated with capital improvement
9 and preservation project and financial management.

10 (2) ((~~\$3,612,000~~)) \$3,425,000 of the motor vehicle account--state
11 appropriation is provided solely for high priority safety projects that
12 are directly linked to employee safety, environmental risk, or minor
13 works that prevent facility deterioration. This includes the
14 administrative costs associated with those projects and the
15 reconstruction of the Wandermere facility that was destroyed in the
16 2008-09 winter storms.

17 **Sec. 905.** 2010 c 247 s 303 (uncodified) is amended to read as
18 follows:

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

20 Multimodal Transportation Account--State
21 Appropriation ((~~\$98,000~~))
22 \$2,000

23 Transportation Partnership Account--State
24 Appropriation ((~~\$1,665,644,000~~))
25 \$1,325,624,000

26 Motor Vehicle Account--State Appropriation ((~~\$85,534,000~~))
27 \$66,880,000

28 Motor Vehicle Account--Federal Appropriation ((~~\$570,107,000~~))
29 \$532,458,000

30 Motor Vehicle Account--Private/Local
31 Appropriation ((~~\$70,714,000~~))
32 \$83,270,000

33 Special Category C Account--State Appropriation \$25,221,000

34 Transportation 2003 Account (Nickel Account)--State
35 Appropriation ((~~\$713,205,000~~))
36 \$590,797,000

37 Freight Mobility Multimodal Account--State

1	Appropriation	((\$4,574,000))
2		<u>\$4,575,000</u>
3	Tacoma Narrows Toll Bridge Account--State	
4	Appropriation	((\$789,000))
5		<u>\$797,000</u>
6	State Route Number 520 Corridor Account--State	
7	Appropriation	((\$231,763,000))
8		<u>\$229,838,000</u>
9	((State Route Number 520 Civil Penalties Account--State	
10	Appropriation	\$1,190,000))
11	TOTAL APPROPRIATION	((\$3,368,839,000))
12		<u>\$2,859,462,000</u>

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

15 (1) Except as provided otherwise in this section, the entire
16 transportation 2003 account (nickel account) appropriation and the
17 entire transportation partnership account appropriation are provided
18 solely for the projects and activities as listed by fund, project, and
19 amount in LEAP Transportation Document ((~~2010-1~~)) 2011-1 as developed
20 ((~~March 8, 2010~~)) April 19, 2011, Program - Highway Improvement Program
21 (I). However, limited transfers of specific line-item project
22 appropriations may occur between projects for those amounts listed
23 subject to the conditions and limitations in section 603 ((~~of this~~
24 ~~act~~)), chapter . . . (Engrossed Substitute House Bill No. 1175), Laws
25 of 2011.

26 (2) ((~~\$163,385,000~~)) \$158,094,000 of the transportation partnership
27 account--state appropriation and ((~~\$231,763,000~~)) \$229,838,000 of the
28 state route number 520 corridor account--state appropriation are
29 provided solely for the state route number 520 bridge replacement and
30 HOV project. The department shall submit an application for the
31 eastside transit and HOV project to the supplemental discretionary
32 grant program for regionally significant projects as provided in the
33 American Recovery and Reinvestment Act of 2009.

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

1 (4) Funding allocated for mitigation costs is provided solely for
2 the purpose of project impact mitigation, and shall not be used to
3 develop or otherwise participate in the environmental assessment
4 process.

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

10 (6) The department shall, on a quarterly basis beginning July 1,
11 2009, provide to the office of financial management and the legislature
12 reports providing the status on each active project funded in part or
13 whole by the transportation 2003 account (nickel account) or the
14 transportation partnership account. Funding provided at a programmatic
15 level for transportation partnership account and transportation 2003
16 account (nickel account) projects relating to bridge rail, guard rail,
17 fish passage barrier removal, and roadside safety projects should be
18 reported on a programmatic basis. Projects within this programmatic
19 level funding should be completed on a priority basis and scoped to be
20 completed within the current programmatic budget. Report formatting
21 and elements must be consistent with the October 2009 quarterly project
22 report. On a representative sample of new construction contracts
23 valued at fifteen million dollars or more, the department must also use
24 an earned value method of project monitoring.

25 (7) The transportation 2003 account (nickel account)--state
26 appropriation includes up to (~~(\$653,630,000)~~) \$567,964,000 in proceeds
27 from the sale of bonds authorized by RCW 47.10.861.

28 (8) The transportation partnership account--state appropriation
29 includes up to (~~(\$1,347,939,000)~~) \$1,261,092,000 in proceeds from the
30 sale of bonds authorized in RCW 47.10.873.

31 (9) The special category C account--state appropriation includes up
32 to (~~(\$25,221,000)~~) \$25,056,000 in proceeds from the sale of bonds
33 authorized in RCW 47.10.812.

34 (10) The motor vehicle account--state appropriation includes up to
35 (~~(\$43,000,000)~~) \$42,960,000 in proceeds from the sale of bonds
36 authorized in RCW 47.10.843.

37 (11) The state route number 520 corridor account--state

1 appropriation includes up to (~~(\$231,763,000)~~) \$229,838,000 in proceeds
2 from the sale of bonds authorized in RCW 47.10.879.

3 (12) The department must prepare a tolling study for the Columbia
4 river crossing project. While conducting the study, the department
5 must coordinate with the Oregon department of transportation to perform
6 the following activities:

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

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

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

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

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

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

26 (g) Conduct public work sessions and open houses to provide
27 information to citizens, including users of the bridge and business and
28 freight interests, regarding implementation of tolls on the Interstate
29 5 and to solicit citizen views on the following items:

30 (i) Funding a portion of the Columbia river crossing project with
31 tolls;

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

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

36 (h) Provide a report to the governor and the legislature by January
37 2010.

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

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

9 (i) Confer with the mayors and city councils of jurisdictions in
10 the vicinity of the project regarding the implementation of high
11 occupancy toll lanes and the impacts that the implementation of these
12 high occupancy toll lanes might have on the operation of the corridor
13 and adjacent local streets;

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

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

20 (iv) Provide a report to the governor and the legislature by
21 January 2010.

22 (14) (~~(\$6,488,000)~~) \$1,323,000 of the motor vehicle account--state
23 appropriation and (~~(\$5,000)~~) \$3,628,000 of the motor vehicle account--
24 federal appropriation are provided solely for project 100224I, US 2
25 high priority safety project. Expenditure of these funds is for safety
26 projects on state route number 2 between Monroe and Gold Bar, which may
27 include median rumble strips, traffic cameras, and electronic message
28 signs.

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

32 (16) The department shall conduct a public outreach process to
33 identify and respond to community concerns regarding the Belfair
34 bypass. The process must include representatives from Mason county,
35 the legislature, area businesses, and community members. The
36 department shall use this process to consider and develop design
37 alternatives that alter the project's scope so that the community's

1 needs are met within the project budget. The department shall provide
2 a report on the process and outcomes to the legislature by June 30,
3 2010.

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

12 (18) \$250,000 of the motor vehicle account--state appropriation is
13 provided solely for the design and construction of a right turn lane to
14 improve visibility and traffic flow on state route number 195 and
15 Cheney-Spokane Road (project L1000001).

16 (19) (~~(\$730,000)~~) \$724,000 of the motor vehicle account--federal
17 appropriation and (~~(\$16,000)~~) \$17,000 of the motor vehicle account--
18 state appropriation are provided solely for the Westview school noise
19 wall (project WESTV).

20 (20) (~~(\$2,000)~~) \$3,000 of the motor vehicle account--state
21 appropriation and \$131,000 of the motor vehicle account--federal
22 appropriation are provided solely for interchange design and planning
23 work on US 12 at A Street and Tank Farm Road (project PASCO).

24 (21) (~~(\$21,566,000)~~) \$13,246,000 of the transportation partnership
25 account--state appropriation, (~~(\$26,000)~~) \$27,000 of the motor vehicle
26 account--state appropriation, (~~(\$30,000,000)~~) \$40,000,000 of the motor
27 vehicle account--private/local appropriation, and (~~(\$4,334,000)~~)
28 \$9,422,000 of the motor vehicle account--federal appropriation are
29 provided solely for project 400506A, the I-5/Columbia river
30 crossing/Vancouver project. The funding described in this subsection
31 includes a (~~(\$30,000,000)~~) \$40,000,000 contribution from the state of
32 Oregon.

33 (22) It is important that the public and policymakers have accurate
34 and timely access to information related to the Alaskan Way viaduct
35 replacement project as it proceeds to, and during, the construction of
36 all aspects of the project including, but not limited to, information
37 regarding costs, schedules, contracts, project status, and neighborhood
38 impacts. Therefore, it is the intent of the legislature that the

1 state, city, and county departments of transportation establish a
2 single source of accountability for integration, coordination,
3 tracking, and information of all requisite components of the
4 replacement project, which must include, at a minimum:

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

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

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

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

24 (25) (~~(\$8,890,000)~~) \$5,831,000 of the transportation partnership
25 account--state appropriation is provided solely for project 109040Q,
26 the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3
27 project, as indicated in the LEAP transportation document referenced in
28 subsection (1) of this section.

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

32 (27) For highway construction projects where the department
33 considers agricultural lands of long-term commercial significance, as
34 defined in RCW 36.70A.030, in reviewing and selecting sites to meet
35 environmental mitigation requirements under the national environmental
36 policy act (42 U.S.C. Sec. 4321 et seq.) and the state environmental
37 policy act (chapter 43.21C RCW), the department shall, to the greatest
38 extent possible, consider using public land first. If public lands are

1 not available that meet the required environmental mitigation needs,
2 the department may use other sites while making every effort to avoid
3 any net loss of agricultural lands that have a designation of long-term
4 commercial significance.

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

9 (29) Within the amounts provided in this section, \$200,000 of the
10 transportation partnership account--state appropriation is provided
11 solely for the department to prepare a comprehensive tolling study of
12 the state route number 167 corridor to determine the feasibility of
13 administering tolls within the corridor, identified as project number
14 316718A in the LEAP transportation document described in subsection (1)
15 of this section. The department shall report to the joint
16 transportation committee by September 30, 2010. The department shall
17 regularly report to the Washington transportation commission regarding
18 the progress of the study for the purpose of guiding the commission's
19 potential toll setting on the facility. The elements of the study must
20 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 (30) Within the amounts provided in this section, \$200,000 of the
26 transportation partnership account--state appropriation is provided
27 solely for the department to prepare a comprehensive tolling study of
28 the state route number 509 corridor to determine the feasibility of
29 administering tolls within the corridor, identified as project number
30 850901F in the LEAP transportation document described in subsection (1)
31 of this section. The department shall report to the joint
32 transportation committee by September 30, 2010. The department shall
33 regularly report to the Washington transportation commission regarding
34 the progress of the study for the purpose of guiding the commission's
35 potential toll setting on the facility. The elements of the study must
36 include, at a minimum:

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

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

2 (c) Economic considerations for future system investments.

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

14 (32) \$400,000 of the motor vehicle account--state appropriation is
15 provided solely for the department to conduct a state route number 2
16 route development plan (project L2000016) that will identify essential
17 improvements needed between the port of Everett/Naval station and
18 approaching the state route number 9 interchange near the city of
19 Snohomish.

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

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

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

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

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

11 (37) \$10,000,000 of the transportation partnership account--state
12 appropriation is provided solely for the Spokane street viaduct portion
13 of project 809936Z, SR 99/Alaskan Way Viaduct - Replacement project as
14 indicated in the LEAP transportation document referenced in subsection
15 (1) of this section.

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

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

32 (40) (~~(\$5,500,000)~~) \$3,388,000 of the motor vehicle account--
33 federal appropriation (~~(is)~~) and \$1,405,000 of the motor vehicle
34 account--state appropriation are provided solely for the Alaskan Way
35 Viaduct - Automatic Shutdown project, identified as project L1000034.

36 (41) (~~(\$2,244,000)~~) \$2,937,000 of the motor vehicle account--
37 federal appropriation and (~~(\$122,000)~~) \$163,000 of the motor vehicle

1 account--state appropriation are provided solely for the US 12/Nine
2 Mile Hill to Woodward Canyon Vic -Build New Highway project, identified
3 as project 501210T.

4 (42) (~~(\$790,000)~~) \$1,116,000 of the motor vehicle account--federal
5 appropriation is provided solely for the Express Lanes System Concept
6 Study project, identified as project 800020A. As part of this project,
7 the department shall prepare a comprehensive tolling study of the
8 Interstate 5 express lanes to determine the feasibility of
9 administering tolls within the corridor. The department shall
10 regularly report to the Washington transportation commission regarding
11 the progress of the study. The elements of the study must include, at
12 a minimum:

13 (i) The potential for value pricing to generate revenues for needed
14 transportation facilities;

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

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

17 (iv) An analysis of the impacts to the regional transportation
18 system.

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

21 (~~(44)~~-\$226,000) (43) \$110,000 of the motor vehicle account--
22 federal appropriation and (~~(\$9,000)~~) \$5,000 of the motor vehicle
23 account--state appropriation are provided solely for the SR 16/Rosedale
24 Street NW Vicinity - Frontage Road project (301639C). These funds must
25 not be expended before an agreement stating that the city of Gig Harbor
26 will take ownership of the road has been signed. The frontage road
27 must be built for driving speeds of no more than thirty-five miles per
28 hour.

29 (~~(45)~~) (44) The department shall work with the Washington state
30 transportation commission, the Oregon state department of
31 transportation, and the Oregon state transportation commission to
32 analyze and review potential options for a bistate, toll setting
33 framework. As part of the analysis, the department shall undertake the
34 following actions: Review statutory provisions and the governance
35 structures of toll facilities in the United States that are located
36 within two or more states; review relevant federal law regarding
37 transportation facilities that are located within two or more states;
38 consult with the state treasurers in Washington and Oregon regarding

1 the appropriate structure for the issuance of debt for toll facilities
2 that are located within two states; report findings and recommendations
3 to the Columbia river project sponsor's council by October 1, 2010; and
4 provide a final report to the governor and the legislature by June 30,
5 2011.

6 ~~((46))~~ (45) \$750,000 of the motor vehicle account--state
7 appropriation is provided solely for improvements from Allan Road to
8 state route number 12 (501207Z).

9 ~~((47) \$500,000)~~ (46) \$455,000 of the motor vehicle account--state
10 appropriation is provided solely for a traffic signal at the
11 intersection of state route number 7 and state route number 702
12 (300738A).

13 ~~((48) \$750,000)~~ (47) \$316,000 of the motor vehicle account--state
14 appropriation is provided solely for environmental work on the Belfair
15 Bypass (project 300344C).

16 ~~((49))~~ (48) The legislature finds that state route number 522
17 corridor provides an important link between Interstates 5 and 405 and
18 will be impacted by diversion from tolling elsewhere in the region.
19 State route number 522 must be reviewed as part of the scoping work
20 conducted under section 220(4) of this act. As such, the legislature
21 intends to provide additional funding for the corridor as a priority in
22 the next revenue package. The state will work with the affected cities
23 and the federal government to secure the necessary resources to address
24 the needs of this critical corridor.

25 ~~((50) \$500,000)~~ (49) \$558,000 of the motor vehicle account--state
26 appropriation is provided solely for the US 12/SR 122/Mossyrock -
27 Intersection project (401212R) for safety improvements.

28 ~~((51))~~ (50) \$200,000 of the motor vehicle account--federal
29 appropriation is provided solely for project US 97A/North of Wenatchee
30 - Wildlife Fence (209790B), and an offsetting reduction is anticipated
31 in the 2011-13 biennium.

32 ~~((52))~~ (51) If a planned roundabout in the vicinity of state
33 route number 526 and 84th Street SW would divert commercial traffic
34 onto neighborhood streets, the department may not proceed with
35 improvements at state route number 526 and 84th Street SW until the
36 traffic impacts in the vicinity of state route number 526 and 40th
37 Avenue West are addressed.

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

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

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

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

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

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

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

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

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

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

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

16 (9) (~~(\$299,000)~~) \$581,000 of the motor vehicle account--state
17 appropriation, (~~(\$23,425,000)~~) \$25,207,000 of the motor vehicle
18 account--federal appropriation, and (~~(\$373,000)~~) \$273,000 of the
19 transportation partnership account--state appropriation are provided
20 solely for the SR 104/Hood Canal bridge - replace east half project,
21 identified as project 310407B in the LEAP transportation document
22 described in subsection (1) of this section.

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

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

30 (12) (~~(\$1,440,000)~~) \$1,160,000 of the motor vehicle account--
31 federal appropriation and (~~(\$60,000)~~) \$54,000 of the motor vehicle
32 account--state appropriation are provided solely for the environmental
33 impact statement and preliminary planning for the replacement of the
34 state route number 9 Snohomish river bridge (project L2000018).

35 (13) (~~(\$12,503,000)~~) \$13,833,000 of the motor vehicle account--
36 federal appropriation and (~~(\$497,000)~~) \$479,000 of the motor vehicle
37 account--state appropriation are provided solely for the SR 410/Nile
38 Valley Landslide - Establish Interim Detour project (541002R).

1 (14) (~~(\$4,239,000)~~) \$3,933,000 of the motor vehicle account--
2 federal appropriation and (~~(\$662,000)~~) \$615,000 of the motor vehicle
3 account--state appropriation are provided solely for the SR 410/Nile
4 Valley Landslide - Reconstruct Route project (541002T).

5 (~~(16)~~) (15) The legislature anticipates a report in September
6 2010 that will outline the department's recommendation for developing
7 a Keller Ferry replacement at the lowest cost. The legislature
8 supports the request to the federal government for federal aid for a
9 replacement vessel and intends to provide reasonable matching amounts
10 as necessary.

11 (~~(17)~~ \$2,100,000) (16) \$194,000 of the motor vehicle account--
12 federal appropriation is provided solely for the SR 21/Kettle River to
13 Malo paving project in Ferry county (602117A).

14 **Sec. 907.** 2010 c 247 s 305 (uncodified) is amended to read as
15 follows:

16 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
17 **CAPITAL**

18	Motor Vehicle Account--State Appropriation	((\$8,158,000))
19		<u>\$6,847,000</u>
20	Motor Vehicle Account--Federal Appropriation	((\$18,037,000))
21		<u>\$11,412,000</u>
22	Motor Vehicle Account--Private/Local Appropriation	((\$173,000))
23		<u>\$174,000</u>
24	TOTAL APPROPRIATION	((\$26,368,000))
25		<u>\$18,433,000</u>

26 **Sec. 908.** 2010 c 283 s 19 (uncodified) is amended to read as
27 follows:

28 **FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES**
29 **CONSTRUCTION--PROGRAM W**

30	Puget Sound Capital Construction Account--State	
31	Appropriation	((\$126,824,000))
32		<u>\$102,289,000</u>
33	Puget Sound Capital Construction Account--Federal	
34	Appropriation	((\$60,364,000))
35		<u>\$51,194,000</u>
36	Puget Sound Capital Construction Account--Local	

1	Appropriation	\$200,000
2	Transportation 2003 Account (Nickel Account)--State	
3	Appropriation	((\$51,734,000))
4		<u>\$51,735,000</u>
5	Transportation Partnership Account--State	
6	Appropriation	((\$66,879,000))
7		<u>\$102,660,000</u>
8	Multimodal Transportation Account--State	
9	Appropriation	\$149,000
10	TOTAL APPROPRIATION	((\$306,150,000))
11		<u>\$308,227,000</u>

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

14 (1) ((~~\$126,824,000~~)) \$102,289,000 of the Puget Sound capital
15 construction account--state appropriation, ((~~\$60,364,000~~)) \$51,194,000
16 of the Puget Sound capital construction account--federal appropriation,
17 \$200,000 of the Puget Sound capital construction account--local
18 appropriation, ((~~\$66,879,000~~)) \$102,660,000 of the transportation
19 partnership account--state appropriation, ((~~\$51,734,000~~)) \$51,735,000
20 of the transportation 2003 account (nickel account)--state
21 appropriation, and \$149,000 of the multimodal transportation account--
22 state appropriation are provided solely for ferry capital projects,
23 project support, and administration as listed in LEAP Transportation
24 Document 2011-2 ALL PROJECTS ((~~2010-2~~)) as developed ((~~March 8, 2010~~))
25 April 19, 2011, Program -Washington State Ferries ((~~Construction~~))
26 Capital Program (W). Of the total appropriation, a maximum of
27 \$10,627,000 may be used for administrative support, a maximum of
28 ((~~\$8,184,000~~)) \$7,635,000 may be used for terminal project support, and
29 a maximum of \$4,497,000 may be used for vessel project support. Of the
30 total appropriation, ((~~\$5,851,000~~)) \$2,016,000 is provided solely for
31 a reservation system and associated communications projects.

32 (2) ((~~\$51,734,000~~)) \$51,735,000 of the transportation 2003 account
33 (nickel account)--state appropriation, ((~~\$63,100,000~~)) \$99,891,000 of
34 the transportation partnership account--state appropriation, and
35 ((~~\$10,164,000~~)) \$10,165,000 of the Puget Sound capital construction
36 account--state appropriation are provided solely for the acquisition of
37 three new Island Home class ferry vessels subject to the conditions of
38 RCW 47.56.780. The department shall pursue a contract for the second

1 and third Island Home class ferry vessels with an option to purchase a
2 fourth Island Home class ferry vessel. However, if sufficient
3 resources are available to build one 144-auto vessel prior to
4 exercising the option to build the fourth Island Home class ferry
5 vessel, procurement of the fourth Island Home class ferry vessel will
6 be postponed and the department shall pursue procurement of a 144-auto
7 vessel.

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

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

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

19 (3)(a) \$8,450,000 of the Puget Sound capital construction account--
20 state appropriation (~~and \$2,450,000~~), \$2,000 of the Puget Sound
21 capital construction account--federal appropriation, and \$1,450,000 of
22 the transportation partnership account--state appropriation are
23 provided solely for the following projects related to the design of a
24 144-vehicle vessel class: (i) (~~(\$1,380,000)~~) \$700,000 is provided
25 solely for completion of the contract for owner-furnished equipment;
26 (ii) \$8,320,000 is provided solely for completion of the technical
27 design, detail design, and production drawings(~~(, all of which must~~
28 ~~plan for an aluminum superstructure)~~); (iii) (~~(\$480,000)~~) \$300,000 is
29 provided solely for the storage of owner-furnished equipment; and (iv)
30 a maximum of (~~(\$720,000)~~) \$582,000 is for construction engineering. In
31 completing the contract for owner-furnished equipment, the department
32 shall use as much of the already procured equipment as is practicable
33 on the Island Home class ferry vessels if it is likely to be obsolete
34 before it is used in procured 144-vehicle vessels.

35 (b) The department shall conduct a cost-benefit study on
36 alternative furnishings and fittings for the 144-vehicle vessel class.
37 The study must review the proposed interior furnishings and fittings
38 for the long-term maintenance and out-of-service vessel costs and, if

1 appropriate, propose alternative interior furnishings and fittings that
2 will decrease long-term maintenance and out-of-service vessel costs.
3 The study must include a projection of out-of-service time and a life-
4 cycle cost analysis of planned out-of-service time, including the
5 impact on fleet size. The department must submit the study to the
6 joint transportation committee by August 1, 2010.

7 ~~((c) The department shall identify costs for any additional detail
8 design and production drawings costs related to incorporating the
9 aluminum superstructure and any changes in the proposed furnishings and
10 fittings.))~~

11 (4) ~~((\$6,300,000))~~ \$2,000,000 of the Puget Sound capital
12 construction account--state appropriation is provided solely for
13 emergency capital costs.

14 (5) ~~((\$3,000,000))~~ \$1,235,000 of the ~~((Puget Sound capital
15 construction account--federal))~~ total appropriation is provided solely
16 for completing the Anacortes terminal design up to the maximum
17 allowable construction cost phase. Beyond preparing environmental
18 work, these funds may be spent only after the following conditions have
19 been met: (a) A value engineering process is conducted on the existing
20 design and the concept of a terminal building smaller than preferred
21 alternative; (b) the office of financial management participates in the
22 value engineering process; (c) the office of financial management
23 concurs with the recommendations of the value engineering process; and
24 (d) the office of financial management gives its approval to proceed
25 with the design work.

26 (6) ~~((\$3,965,000 of the Puget Sound capital construction account--
27 state appropriation is provided solely for the following vessel
28 projects: Waste heat recovery pilot project for the Issaquah; jumbo
29 Mark 1 class steering gear ventilation pilot project; and improvements
30 to the Yakima and Kaleetan propulsion controls to allow for two engine
31 operation. Before beginning these projects, the Washington state
32 ferries must ensure the vessels' out-of-service time does not
33 negatively impact service to the system.~~

34 ~~(7))~~ The department shall pursue purchasing a foreign-flagged
35 vessel for service on the Anacortes, Washington to Sidney, British
36 Columbia ferry route.

37 ~~((8))~~ (7) The department shall provide to the office of financial
38 management and the legislature quarterly reports providing the status

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

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

18 ~~((+10))~~ (9) \$1,200,000 of the total appropriation is provided
19 solely for improving the toll booth configuration at the Port Townsend
20 and Keystone ferry terminals.

21 ~~((+11))~~ (10) \$2,636,000 of the total appropriation is provided
22 solely for continued permitting work on the Mukilteo ferry terminal.
23 The department shall seek additional federal funding for this project.

24 ~~((+12))~~ (11) The department shall develop a proposed ferry vessel
25 maintenance, preservation, and improvement program and present it to
26 the transportation committees of the legislature by July 1, 2010. The
27 proposal must:

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

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

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

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

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

6 (iv) A review of the department's vessel maintenance, preservation,
7 and improvement program contracting process and contractual
8 requirements;

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

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

14 (vii) Coordination with required United States coast guard dry
15 dockings;

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

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

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

23 (~~(13)~~) (12) \$247,000 of the Puget Sound capital construction
24 account-- state appropriation is provided solely for the Washington
25 state ferries to review and update its vessel life-cycle cost model and
26 report the results to the house of representatives and senate
27 transportation committees of the legislature by December 1, 2010. This
28 review will evaluate the impact of the planned out-of-service periods
29 scheduled for each vessel on the ability of the overall system to
30 deliver uninterrupted service and will assess the risk of service
31 disruption from unscheduled maintenance or longer than planned
32 maintenance periods.

33 (~~(14)~~) (13) The department shall work with the department of
34 archaeology and historic preservation to ensure that the cultural
35 resources investigation is properly conducted on all large ferry
36 terminal projects. These projects must be conducted with active
37 archaeological management. Additionally, the department shall

1 establish a scientific peer review of independent archaeologists that
2 are knowledgeable about the region and its cultural resources.

3 ~~((15))~~ (14) The Puget Sound capital construction account--state
4 appropriation includes up to ~~((114,000,000))~~ \$91,000,000 in proceeds
5 from the sale of bonds authorized in RCW 47.10.843.

6 ~~((16))~~ (15) The Puget Sound capital construction account--state
7 appropriation reflects the reduction of three terminal positions due to
8 decreased terminal activity and funding.

9 ~~((17))~~ (16) The department shall provide data to the
10 transportation committees of the senate and house of representatives
11 for a transparent analysis of travel pay policies.

12 **Sec. 909.** 2010 c 247 s 307 (uncodified) is amended to read as
13 follows:

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

15	Essential Rail Assistance Account--State	
16	Appropriation	((333,000))
17		<u>\$334,000</u>
18	Transportation Infrastructure Account--State	
19	Appropriation	((13,184,000))
20		<u>\$12,348,000</u>
21	Multimodal Transportation Account--State	
22	Appropriation	((102,202,000))
23		<u>\$82,091,000</u>
24	Multimodal Transportation Account--Federal	
25	Appropriation	((619,527,000))
26		<u>\$48,445,000</u>
27	((Multimodal Transportation Account--Private/Local	
28	 Appropriation	\$81,000))
29	TOTAL APPROPRIATION	((735,327,000))
30		<u>\$143,218,000</u>

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

33 (1)(a) Except as provided otherwise in this section, the entire
34 appropriations in this section are provided solely for the projects and
35 activities as listed by project and amount in LEAP Transportation
36 Document 2011-2 ALL PROJECTS ~~((2010-2))~~ as developed ~~((March 8, 2010))~~
37 April 19, 2011, Program - Rail Capital Program (Y).

1 (b)(i) Within the amounts provided in this section, \$116,000 of the
2 transportation infrastructure account--state appropriation is for a
3 low-interest loan through the freight rail investment bank program to
4 the Port of Ephrata (BIN 722710A) for rehabilitation of a rail spur.

5 (ii) Within the amounts provided in this section, (~~(\$1,200,000)~~)
6 \$400,000 of the transportation infrastructure account--state
7 appropriation is for a low-interest loan through the freight rail
8 investment bank program to the Port of Everett (BIN 722810A) for a new
9 rail track to connect a cement loading facility to the mainline.

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

14 (c)(i) Within the amounts provided in this section, \$1,713,000 of
15 the multimodal transportation account--state appropriation and \$333,000
16 of the essential rail assistance account--state appropriation are for
17 statewide - emergent freight rail assistance projects as follows: Port
18 of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A)
19 \$363,000; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A)
20 \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN
21 700610A) \$371,000; Chelatchie Prairie owned railroad/Vancouver - track
22 rehabilitation (BIN 710110A) \$367,000; Tacoma Rail/Tacoma - improved
23 locomotive facility (BIN 711010B) \$525,000.

24 (ii) Within the amounts provided in this section, (~~(\$338,000)~~)
25 \$346,000 of the multimodal transportation account--state appropriation
26 is for a statewide - emergent freight rail assistance project grant for
27 the Lincoln County PDA/Creston - new rail spur (BIN (~~(710510A)~~)
28 F01001E) project, provided that the grantee first documents to the
29 satisfaction of the department sufficient commitments from the new
30 shipper or shippers to locate in the publicly owned industrial park
31 west of Creston to ensure that the net present value of the public
32 benefits of the project is greater than the grant amount.

33 (d) Within the amounts provided in this section, (~~(\$8,115,000)~~)
34 \$8,079,000 of the transportation infrastructure account--state
35 appropriation is for grants to any intergovernmental entity or local
36 rail district to which the department of transportation assigns the
37 management and oversight responsibility for the business and economic
38 development elements of existing operating leases on the Palouse River

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

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

30 (b) When the department identifies a prospective rail project that
31 may have strategic significance for the state, or at the request of a
32 proponent of a prospective rail project or a member of the legislature,
33 the department shall evaluate the prospective project according to the
34 cost benefit methodology developed during the 2008 interim using the
35 legislative priorities specified in (c) of this subsection. The
36 department shall report its cost benefit evaluation of the prospective
37 rail project, as well as the department's best estimate of an

1 appropriate construction schedule and total project costs, to the
2 office of financial management and the transportation committees of the
3 legislature.

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

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

8 (ii) Self-sustaining economic development that creates family-wage
9 jobs;

10 (iii) Preservation of transportation corridors that would otherwise
11 be lost;

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

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

16 (vi) Mitigation of impacts of increased rail traffic on
17 communities.

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

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

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

11 (5) The department shall provide quarterly reports to the office of
12 financial management and the transportation committees of the
13 legislature regarding applications that the department submits for
14 federal funds and the status of such applications.

15 (6) The department shall, on a quarterly basis, provide to the
16 office of financial management and the legislature reports providing
17 the status on active projects identified in the LEAP transportation
18 document described in subsection (1)(a) of this section. Report
19 formatting and elements must be consistent with the October 2009
20 quarterly project report.

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

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

28 (9) (~~(\$590,000,000)~~) \$22,354,000 of the multimodal transportation
29 account--federal appropriation is provided solely for high-speed rail
30 projects awarded to Washington state from the high-speed intercity
31 passenger rail program under the American recovery and reinvestment
32 act. Funding will allow for two additional round trips between Seattle
33 and Portland, and other rail improvements.

34 (10) \$2,200,000 of the multimodal transportation account--state
35 appropriation is provided solely for expenditures related to the
36 capital high-speed passenger rail grant that are not federally
37 reimbursable.

1 (11) The Burlington Northern Santa Fe Skagit river bridge is an
 2 integral part of the rail system. Constructed in 1916, the bridge does
 3 not meet current design standards and is at risk during flood events
 4 that occur on the Skagit river. The department shall work with
 5 Burlington Northern Santa Fe and local jurisdictions to secure federal
 6 funding for the Skagit river bridge and to develop an appropriate
 7 replacement plan and schedule.

8 (12) \$1,000,000 of the multimodal transportation account--state
 9 appropriation is provided solely for additional expenditures along the
 10 Chelatchie Prairie railroad (~~((LN2000025))~~) (710110A).

11 **Sec. 910.** 2010 c 247 s 308 (uncodified) is amended to read as
 12 follows:

13 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
 14 **CAPITAL**

15	(Highway Infrastructure Account--State Appropriation	\$207,000
16	Highway Infrastructure Account--Federal	
17	Appropriation	\$1,602,000))
18	Freight Mobility Investment Account--State	
19	Appropriation	((\$13,848,000))
20		<u>\$9,170,000</u>
21	Transportation Partnership Account--State	
22	Appropriation	((\$8,863,000))
23		<u>\$6,828,000</u>
24	Motor Vehicle Account--State Appropriation	((\$14,068,000))
25		<u>\$9,668,000</u>
26	Motor Vehicle Account--Federal Appropriation	((\$43,835,000))
27		<u>\$25,727,000</u>
28	Freight Mobility Multimodal Account--State	
29	Appropriation	((\$15,620,000))
30		<u>\$7,472,000</u>
31	Freight Mobility Multimodal Account--Local	
32	Appropriation	((\$3,258,000))
33		<u>\$2,980,000</u>
34	Multimodal Transportation Account--Federal	
35	Appropriation	\$2,118,000
36	Multimodal Transportation Account--State	
37	Appropriation	((\$28,855,000))

1 (7) Federal funds may be transferred from program Z to programs I
2 and P and state funds shall be transferred from programs I and P to
3 program Z to replace those federal funds in a dollar-for-dollar match.
4 Fund transfers authorized under this subsection shall not affect
5 project prioritization status. Appropriations shall initially be
6 allotted as appropriated in this act. The department may not transfer
7 funds as authorized under this subsection without approval of the
8 office of financial management. The department shall submit a report
9 on those projects receiving fund transfers to the office of financial
10 management and the transportation committees of the legislature by
11 December 1, 2009, and December 1, 2010.

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

18 (9) (~~(\$18,289,000)~~) \$13,732,000 of the multimodal transportation
19 account--state appropriation, (~~(\$8,810,000)~~) \$7,104,000 of the motor
20 vehicle account--federal appropriation, and (~~(\$4,000,000)~~) \$2,805,000
21 of the transportation partnership account--state appropriation are
22 provided solely for the pedestrian and bicycle safety program projects
23 and safe routes to schools program projects identified in LEAP
24 Transportation Document 2009-A, pedestrian and bicycle safety program
25 projects and safe routes to schools program projects, as developed
26 March 30, 2009, LEAP Transportation Document 2007-A, pedestrian and
27 bicycle safety program projects and safe routes to schools program
28 projects, as developed April 20, 2007, and LEAP Transportation Document
29 2006-B, pedestrian and bicycle safety program projects and safe routes
30 to schools program projects, as developed March 8, 2006. Projects must
31 be allocated funding based on order of priority. The department shall
32 review all projects receiving grant awards under this program at least
33 semiannually to determine whether the projects are making satisfactory
34 progress. Any project that has been awarded funds, but does not report
35 activity on the project within one year of the grant award must be
36 reviewed by the department to determine whether the grant should be
37 terminated. The department shall promptly close out grants when

1 projects have been completed, and identify where unused grant funds
2 remain because actual project costs were lower than estimated in the
3 grant award.

4 (10) Except as provided otherwise in this section, the entire
5 appropriations in this section are provided solely for the projects and
6 activities as listed by project and amount in LEAP Transportation
7 Document 2011-2 ALL PROJECTS ((2010-2)) as developed ((~~March 8, 2010~~)
8 April 19, 2011, Program - Local Program (Z).

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

15 (12) (~~(\$913,386 of the motor vehicle account--state appropriation~~
16 ~~and \$2,858,000 of the motor vehicle account--federal appropriation are~~
17 ~~provided solely for completion of the US 101 northeast peninsula safety~~
18 ~~rest area and associated roadway improvements east of Port Angeles at~~
19 ~~the Deer Park scenic view point. The department must surplus any~~
20 ~~right of way previously purchased for this project near Sequim.~~
21 ~~Approval to proceed with construction is contingent on surplus of~~
22 ~~previously purchased right of way. \$865,000 of the motor vehicle~~
23 ~~account--state appropriation is to be placed into unallotted status~~
24 ~~until such time as the right of way sale is completed.~~

25 ~~(13) \$5,894,000)~~ \$5,905,000 of the Puyallup tribal settlement
26 account--state appropriation is provided solely for costs associated
27 with the Murray Morgan/11th Street bridge project. The city of Tacoma
28 may use the Puyallup tribal settlement account appropriation and other
29 appropriated funds for bridge rehabilitation, bridge replacement,
30 bridge demolition, and bridge mitigation. The department's
31 participation, including prior expenditures, may not exceed
32 (~~(\$40,270,000)~~) \$40,281,000. The city of Tacoma has taken ownership of
33 the bridge in its entirety, and the payment of these funds extinguishes
34 any real or implied agreements regarding future bridge expenditures.

35 (~~(14)~~) (13) Up to (~~(\$3,702,000)~~) \$52,000 of the motor vehicle
36 account--federal appropriation and (~~(\$75,000)~~) \$52,000 of the motor
37 vehicle account--state appropriation are provided solely to reimburse
38 the cities of Kirkland and Redmond for pavement and bridge deck

1 rehabilitation on state route number 908 (project 1LP611A). These
2 funds may not be expended unless the cities sign an agreement stating
3 that the cities agree to take ownership of state route number 908 in
4 its entirety and agree that the payment of these funds represents the
5 entire state commitment to the cities for state route number 908
6 expenditures. The amount provided in this subsection is contingent on
7 the enactment by June 30, 2010, of Senate Bill No. 6555.

8 ~~((+15+))~~ (14) The department shall consider the condition of the
9 Broadway bridge in the city of Everett when prioritizing bridge
10 projects.

11 ~~((+16+))~~ (15) In order to make the Hood Canal bridge safe for
12 cyclists, the department must work with stakeholders to review bicycle
13 safety needs on the bridge, including consideration of accident data
14 and improvements already made to this project.

15 ~~((+17)-\$250,000)~~ (16) \$25,000 of the multimodal transportation
16 account--state appropriation is provided solely for the Shell Valley
17 emergency access road and bicycle/pedestrian path.

18 ~~((+18)-\$500,000)~~ (17) \$50,000 of the motor vehicle account--state
19 appropriation is provided solely for improvements to the 150th and
20 Murray Road intersection in the city of Lakewood.

21 ~~((+19)-\$250,000)~~ (18) \$100,000 of the motor vehicle account--state
22 appropriation is provided solely for flood reduction solutions on state
23 route number 522 caused by the lower McAleer and Lyon creek basins.

24 ~~((+20+))~~ (19) \$200,000 of the motor vehicle account--state
25 appropriation is provided solely for improvements to the intersection
26 of 39th Ave SE and state route number 96 in Snohomish county.

27 **TRANSFERS AND DISTRIBUTIONS**

28 **Sec. 1001.** 2010 c 247 s 401 (uncodified) is amended to read as
29 follows:

30 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
31 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND**
32 **DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND**
33 **REVENUE**

34 Highway Bond Retirement Account Appropriation ~~((\$733,667,000))~~
35 \$720,842,000

1 \$78,000,000

2 ~~((3))~~ (2) Recreational Vehicle Account--State

3 Appropriation: For transfer to the Motor Vehicle

4 Account--State ((~~\$2,000,000~~))

5 \$1,800,000

6 ~~((4))~~ (3) License Plate Technology Account--State

7 Appropriation: For transfer to the Highway Safety

8 Account--State \$2,750,000

9 ~~((5))~~ (4) Multimodal Transportation Account--State

10 Appropriation: For transfer to the Puget Sound

11 Ferry Operations Account--State ((~~\$9,000,000~~))

12 \$13,000,000

13 ~~((6) Highway Safety Account--State Appropriation:~~

14 ~~For transfer to the Multimodal Transportation~~

15 ~~Account--State \$18,750,000~~

16 (7)) (5) Department of Licensing Services Account--State

17 Appropriation: For transfer to the Motor Vehicle

18 Account--State \$1,300,000

19 ~~((8))~~ (6) Advanced Right-of-Way Account: For transfer

20 to the Motor Vehicle Account--State \$14,000,000

21 ~~((9) State Route Number 520 Civil Penalties~~

22 ~~Account--State Appropriation: For transfer to the~~

23 ~~State Route Number 520 Corridor Account--State \$190,000~~

24 (10)) (7) Advanced Environmental Mitigation

25 Revolving Account--State Appropriation: For transfer

26 to the Motor Vehicle Account--State \$5,000,000

27 ~~((11))~~ (8) Regional Mobility Grant Program Account--State

28 Appropriation: For transfer to the Multimodal

29 Transportation Account--State \$4,000,000

30 ~~((12))~~ (9) Motor Vehicle Account--State Appropriation:

31 For transfer to the State Patrol Highway Account--

32 State ((~~\$5,600,000~~))

33 \$4,600,000

34 ~~((13) The transfers identified in this section are subject to the~~

35 ~~following conditions and limitations:~~

36 ~~(a) The amount transferred in subsection (1) of this section~~

37 ~~represents repayment of operating loans and reserve payments provided~~

38 ~~to the Tacoma Narrows toll bridge account from the motor vehicle~~

1 ~~account in the 2005-07 fiscal biennium. However, if Engrossed~~
2 ~~Substitute Senate Bill No. 6499 is enacted by June 30, 2010, the~~
3 ~~transfer in subsection (1) of this section shall not occur.~~

4 ~~(b) Any cash balance in the waste tire removal account in excess of~~
5 ~~one million dollars must be transferred to the motor vehicle account~~
6 ~~for the purpose of road wear related maintenance on state and local~~
7 ~~public highways.~~

8 ~~(c) The transfer in subsection (9) of this section represents toll~~
9 ~~revenue collected from toll violations.)~~

10 (10) Highway Safety Account--State Appropriation:
11 For transfer to the Motor Vehicle Account--State \$19,000,000

12 **MISCELLANEOUS**

13 NEW SECTION. **Sec. 1101.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 1102.** Except for sections 703, 704, 705, 716,
18 719, and 722 of this act, this act is necessary for the immediate
19 preservation of the public peace, health, or safety, or support of the
20 state government and its existing public institutions, and takes effect
21 immediately.

22 NEW SECTION. **Sec. 1103.** Sections 703, 704, 716, and 719 of this
23 act are necessary for the immediate preservation of the public peace,
24 health, or safety, or support of the state government and its existing
25 public institutions, and take effect July 1, 2011.

26 NEW SECTION. **Sec. 1104.** Sections 705 and 722 of this act take
27 effect upon certification by the secretary of transportation that the
28 new statewide tolling operations center and photo toll system are fully
29 operational. A notice of certification must be filed with the code
30 reviser for publication in the state register. If a certificate is not
31 issued by the secretary of transportation by December 1, 2012, sections
32 705 and 722 of this act are null and void.

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ESHB 1175 - S AMD
By Senator

ADOPTED 4/20/11

1 On page 1, line 1 of the title, after "appropriations;" strike the
2 remainder of the title and insert "amending RCW 47.29.170, 46.63.170,
3 46.63.160, 43.19.642, 43.19.534, 47.01.380, 47.56.403, 43.105.330,
4 47.64.170, 47.64.270, 47.64.280, 46.68.170, 46.68.370, 47.12.244,

1 46.68.060, 46.68.220, 47.56.876, and 46.68.---; reenacting and amending
2 RCW 46.18.060 and 47.28.030; amending 2010 c 247 ss 205, 207, 208, 209,
3 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224,
4 301, 302, 303, 304, 305, 307, 308, 401, 402, and 403 (uncodified);
5 amending 2009 c 470 ss 301 and 305 (uncodified); amending 2010 c 283 s
6 19 (uncodified); amending 2010 1st sp.s. c 37 s 804 (uncodified);
7 adding a new section to 2010 c 247 (uncodified); creating new sections;
8 repealing 2010 c 161 s 1126; making appropriations and authorizing
9 expenditures for capital improvements; providing an effective date;
10 providing a contingent effective date; and declaring an emergency."

--- END ---