

1 the purposes designated, are hereby appropriated from the several
2 accounts and funds named to the designated state agencies and offices
3 for employee compensation and other expenses, for capital projects, and
4 for other specified purposes, including the payment of any final
5 judgments arising out of such activities, for the period ending June
6 30, 2013.

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

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

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

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

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

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

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

24 (g) "LEAP" means the legislative evaluation and accountability
25 program committee.

26 **2011-2013 FISCAL BIENNIUM**

27 **GENERAL GOVERNMENT AGENCIES--OPERATING**

28 NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND**
29 **HISTORIC PRESERVATION**

30 Motor Vehicle Account--State Appropriation \$402,000

31 The appropriation in this section is subject to the following
32 conditions and limitations: The entire appropriation is provided
33 solely for staffing costs to be dedicated to state transportation
34 activities. Staff hired to support transportation activities must have
35 practical experience with complex construction projects.

1 NEW SECTION. **Sec. 102. FOR THE UTILITIES AND TRANSPORTATION**
2 **COMMISSION**

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

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

5 Motor Vehicle Account--State Appropriation \$1,711,000

6 Puget Sound Ferry Operations Account--State
7 Appropriation \$104,000

8 TOTAL APPROPRIATION \$1,815,000

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

11 (1) \$169,000 of the motor vehicle account--state appropriation is
12 provided solely for the office of regulatory assistance integrated
13 permitting project.

14 (2) The office of financial management shall study the available
15 data regarding statewide transit, bicycle, and pedestrian trips and
16 recommend additional performance measures that will effectively measure
17 the state's performance in increasing transit ridership and bicycle and
18 pedestrian trips. The office of financial management shall report its
19 findings and recommendations to the transportation committees of the
20 legislature by November 15, 2011, and integrate the new performance
21 measures into the report prepared by the office of financial management
22 pursuant to RCW 47.04.280 regarding progress towards achieving
23 Washington state's transportation system policy goals.

24 (3) The office of financial management shall ensure the
25 implementation of chapter . . . (House Bill No. 1511), Laws of 2011
26 (efficiency in the ferry system) as it relates to transferring the
27 responsibilities of the marine employees' commission to the public
28 employment relations commission.

29 (4) \$840,000 of the motor vehicle account--state appropriation is
30 provided out of funds set aside out of statewide fuel taxes distributed
31 to counties according to 46.68.120(3) solely for the office of
32 financial management to contract with the Washington state association
33 of counties to identify, evaluate, and implement performance measures
34 associated with county transportation activities. The performance
35 measures must include, at a minimum, those related to safety, system
36 preservation, mobility, environmental protection, and project

1 completion. A report on the county transportation performance
2 implementation project must be provided to the transportation
3 committees of the legislature by December 31, 2012.

4 NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION**
5 **COMMISSION**

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

7 The appropriation in this section is subject to the following
8 conditions and limitations: The entire appropriation in this section
9 is provided solely for road maintenance purposes.

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

11 Motor Vehicle Account--State Appropriation \$1,425,000

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

14 (1) \$351,000 of the motor vehicle account--state appropriation is
15 provided solely for costs associated with the motor fuel quality
16 program.

17 (2) \$901,000 of the motor vehicle account--state appropriation is
18 provided solely to test the quality of biofuel. The department must
19 test fuel quality at the biofuel manufacturer, distributor, and
20 retailer.

21 NEW SECTION. **Sec. 106. FOR THE DEPARTMENT OF GENERAL**
22 **ADMINISTRATION**

23 State Patrol Highway Account--State Appropriation \$600,000

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

26 (1) \$600,000 of the state patrol highway account--state
27 appropriation is provided solely for costs associated with the
28 preengineering communication team consultant's contract and
29 reimbursement for agency management of the consultant's contract. This
30 is the maximum amount the department may expend for this purpose.

31 (2) To assist and support the Washington state patrol in its
32 efforts to convert to the narrowbanding requirements established by the
33 federal communications commission, the department must convene,
34 coordinate, and lead a preengineering communication team to work in

1 conjunction with a consultant that specializes in emergency radio
2 communications. The consultant selected must be independent of any
3 equipment vendor and have prior experience with first responder
4 agencies. In addition to the person coordinating the team, who must be
5 appointed by the department from within the department, there must be
6 six other team members. The president of the senate and the speaker of
7 the house of representatives shall each select two members, one from
8 each caucus, to be on the preengineering communication team. There
9 must also be one member from the Washington state patrol and one member
10 from the state interoperability executive committee appointed by the
11 respective agency. The members of the preengineering communication
12 team may consult with other communication specialists and work with
13 agency and legislative staff as required. The consultant must provide
14 a draft public safety radio network architecture and coverage
15 assessment by December 1, 2011, to the preengineering communication
16 team, and a final public safety radio network architecture and coverage
17 assessment by December 31, 2011, to the office of financial management,
18 the president of the senate, and the speaker of the house of
19 representatives.

20 (3) The final report must:

21 (a) Review the existing documentation and publications available
22 from the state interoperability executive committee;

23 (b) Analyze existing state agencies, cities, counties, and private
24 entities network and infrastructure inventory and detail the required
25 reprogramming and replacement status of the components;

26 (c) Document radio coverage requirements and current radio network
27 operations;

28 (d) Review existing or planned state, local, and private entities
29 communication systems for opportunities to partner with those entities
30 to mitigate coverage issues;

31 (e) Redesign the system to address coverage and performance gaps,
32 after meeting narrowbanding requirements;

33 (f) Leverage existing communication systems at the state and local
34 levels along with private entities to take advantage of existing or
35 planned infrastructure;

36 (g) Provide engineering opportunities within budget constraints to
37 ensure that the most recent technology and equipment is being used to

1 best serve state, local, and private entities strategically for future
2 communication platforms;

3 (h) Recommend communication plans and designs to be considered for
4 radio specifications, performance, and interoperability;

5 (i) Develop a migration plan and cost analysis, including
6 schedules;

7 (j) Develop a request for proposals that will encourage multiple
8 proposals;

9 (k) Identify the required elements that should be included in a
10 request for proposal to ensure that the equipment chosen can be
11 integrated with different manufacturers and different protocols for
12 flexibility and cost efficiency for future equipment purchasing while
13 considering performance and communication systems compatibility; and

14 (l) Develop a budget proposal with the elements described in this
15 subsection that provides options and considers state, local, and
16 private entities systems that are already in place, or planned to be in
17 place, for partnering opportunities.

18 NEW SECTION. **Sec. 107. FOR THE LEGISLATIVE EVALUATION AND**
19 **ACCOUNTABILITY PROGRAM COMMITTEE**

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

21 NEW SECTION. **Sec. 108. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

22 Motor Vehicle Account--State Appropriation \$505,000

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

25 (1) \$505,000 of the motor vehicle account--state appropriation is
26 provided solely to provide support for the transportation executive
27 information system.

28 (2) If chapter ... (Substitute House Bill No. 1720), Laws of 2011
29 (department of enterprise services) is enacted, the department shall
30 execute an interagency agreement with the department of transportation
31 to transfer the time, leave, and labor distribution system project
32 responsibility and the project funding arrangements that are contained
33 in this act. Upon completion of this project, the statewide financial
34 systems staff in collaboration with the state treasurer's office must
35 establish a repayment schedule to reimburse the transportation accounts

1 for the proportionate startup costs that should be borne by other state
2 agencies.

3 **TRANSPORTATION AGENCIES--OPERATING**

4 NEW SECTION. **Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY**
5 **COMMISSION**

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

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

13 (1) \$460,000 of the highway safety account--state appropriation is
14 provided solely for the implementation of chapter . . . (Substitute
15 House Bill No. 1167), Laws of 2011 (expanding provisions related to
16 driving a motor vehicle while under the influence of alcohol or drugs).
17 If chapter . . . (Substitute House Bill No. 1167), Laws of 2011 is not
18 enacted by June 30, 2011, the amount provided in this subsection
19 lapses.

20 (2) \$22,000,000 of the highway safety account--federal
21 appropriation is provided solely for federal funds that may be
22 obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the
23 2011-2013 fiscal biennium.

24 (3) \$1,673,900 of the highway safety account--federal appropriation
25 is provided solely for the conclusion of the target zero trooper pilot
26 program, which the commission has developed and implemented in
27 collaboration with the Washington state patrol. The pilot program must
28 continue to demonstrate the effectiveness of intense, high visibility,
29 driving under the influence enforcement in Washington. The commission
30 shall continue to apply to the national highway traffic safety
31 administration for federal highway safety grants to cover the cost of
32 the pilot program.

33 (4) The commission may oversee pilot projects implementing the use
34 of automated traffic safety cameras to detect speed violations within
35 cities west of the Cascade mountains that have a population over one

1 hundred ninety-five thousand. For the purposes of pilot projects in
2 this subsection, no more than one automated traffic safety camera may
3 be used to detect speed violations within any one jurisdiction.

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

6 (b) In order to ensure adequate time in the 2011-2013 fiscal
7 biennium to evaluate the effectiveness of the pilot projects, any
8 projects authorized by the commission must be authorized by December
9 31, 2011.

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

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

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

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

21 Urban Arterial Trust Account--State Appropriation	\$1,854,000
22 Transportation Improvement Account--State	
23 Appropriation	\$1,857,000
24 TOTAL APPROPRIATION	\$3,711,000

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

26 Motor Vehicle Account--State Appropriation	\$1,610,000
---	-------------

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

29 (1) \$425,000 of the motor vehicle account--state appropriation is
30 for the joint transportation committee to conduct a study to evaluate
31 the potential for financing state transportation projects using
32 innovative financing methods, including public-private partnerships.
33 The study must compare the costs, advantages, and disadvantages of
34 various forms of public-private partnerships with conventional
35 financing. Projects to be evaluated include Interstate 405, state

1 route number 509, state route number 167, and the Columbia river
2 crossing. At a minimum, the study must define the public interest for
3 each of the projects, and it must evaluate for each project the
4 possibility of retention of public ownership of the asset, the lowest
5 cost and best-value model for the project, and the process that would
6 allow for the most transparency during the negotiation of terms of any
7 public-private partnership. The study must evaluate whether public-
8 private partnerships serve the defined public interest, including the
9 advantage and disadvantage of risk allocation, the effects of private
10 versus public financing on the state's bonding capacity, the state's
11 ability to retain public ownership of the asset, and the state's
12 ability to oversee the private entity's management of the asset. In
13 addition, the study must identify the funding models that best protect
14 the defined public interest. The committee shall issue a report of its
15 evaluation to the house of representatives and senate transportation
16 committees by December 16, 2011.

17 (2) \$200,000 of the motor vehicle account--state appropriation is
18 from the cities statewide fuel tax distributions under RCW 46.68.110(2)
19 for the joint transportation committee to study and make
20 recommendations on RCW 90.03.525. The study must include: (a) An
21 inventory of state highways subject to the federal clean water act (40
22 C.F.R. Parts 122 through 124) (national pollutant discharge elimination
23 system) that are within city boundaries; (b) a survey of cities that
24 impose storm water fees or charges to the department of transportation,
25 or otherwise manage storm water runoff from state highways within their
26 jurisdiction; (c) case studies from a representative cross-section of
27 cities on how the department and cities have used RCW 90.03.525; and
28 (d) recommendations on how to achieve efficiencies in the cost and
29 management of state highway storm water runoff within cities under RCW
30 90.03.525.

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

32 Motor Vehicle Account--State Appropriation	\$1,975,000
33 Multimodal Transportation Account--State Appropriation	\$112,000
34 TOTAL APPROPRIATION	\$2,087,000

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

1 (1) Consistent with RCW 43.135.055, 47.60.290, and 47.60.315,
2 during the 2011-2013 fiscal biennium, the legislature authorizes the
3 transportation commission to periodically review and, if necessary,
4 adjust the schedule of fares for the Washington state ferry system only
5 in amounts not greater than those sufficient to generate the amount of
6 revenue required by the biennial transportation budget. When adjusting
7 ferry fares, the commission must consider input from affected ferry
8 users by public hearing and by review with the affected ferry advisory
9 committees, in addition to the data gathered from the current ferry
10 user survey.

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

20 NEW SECTION. **Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC**
21 **INVESTMENT BOARD**

22 Motor Vehicle Account--State Appropriation \$656,000

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

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

29 Vehicle Licensing Fraud Account--State Appropriation \$100,000

30 State Patrol Highway Account--State
31 Appropriation \$349,689,000

32 State Patrol Highway Account--Federal
33 Appropriation \$10,903,000

34 State Patrol Highway Account--Private/Local
35 Appropriation \$3,369,000

36 TOTAL APPROPRIATION \$364,061,000

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

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

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

23 (3) Within existing resources, the Washington state patrol shall
24 make every reasonable effort to increase the enrollment in each academy
25 class that commences during the 2011-2013 fiscal biennium to fifty-five
26 cadets.

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

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

1 (6) \$12,655,000 of the total appropriation is provided solely for
2 automobile fuel in the 2011-2013 fiscal biennium.

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

5 (8) \$6,611,000 of the total appropriation is provided solely for
6 vehicle repair and maintenance costs of vehicles used for highway
7 purposes.

8 (9) \$1,724,000 of the total appropriation is provided solely for
9 the purchase of mission vehicles used for highway purposes in the
10 commercial vehicle and traffic investigation sections of the Washington
11 state patrol.

12 (10) \$75,000 of the state patrol highway account--state
13 appropriation is provided solely for the implementation of chapter ...
14 (Engrossed Second Substitute Senate Bill No. 5000), Laws of 2011
15 (mandating a twelve-hour impound hold on motor vehicles used by persons
16 arrested for driving under the influence). If chapter ... (Engrossed
17 Second Substitute Senate Bill No. 5000), Laws of 2011 is not enacted by
18 June 30, 2011, the amount provided in this subsection lapses.

19 (11) \$1,718,000 of the state patrol highway account--state
20 appropriation is provided solely for the mobile office platform.

21 (12) The Washington state patrol is directed to request a waiver
22 from the federal communications commission by August 1, 2011, to extend
23 the time frame necessary for conversion to narrowbanding from January
24 1, 2013, to January 1, 2014. The basis for the extension is to
25 provide: Additional time for preengineering to identify existing state
26 and local infrastructure that the state can leverage to assist in
27 mitigating any communication gaps after the conversion; opportunities
28 for partnering between agencies at the state and local levels; and
29 additional refinement of the costs of the proposal.

30 (13) \$100,000 of the vehicle licensing fraud account--state
31 appropriation is provided solely to support the vehicle license fraud
32 program. Expenditures from the amount provided in this subsection may
33 not exceed \$4,167 per month.

34 (14) During the 2011-2013 fiscal biennium, the Washington state
35 patrol shall continue to perform traffic accident investigations on
36 Thurston county roads, and shall work with Thurston county to
37 transition the traffic accident investigations on Thurston county roads
38 to Thurston county by July 1, 2013.

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

2	Marine Fuel Tax Refund Account--State Appropriation	\$32,000
3	Motorcycle Safety Education Account--State	
4	Appropriation	\$4,411,000
5	Wildlife Account--State Appropriation	\$859,000
6	Highway Safety Account--State Appropriation	\$147,220,000
7	Highway Safety Account--Federal Appropriation	\$2,884,000
8	Motor Vehicle Account--State Appropriation	\$77,182,000
9	Motor Vehicle Account--Private/Local Appropriation	\$1,663,000
10	Motor Vehicle Account--Federal Appropriation	\$242,000
11	Department of Licensing Services Account--State	
12	Appropriation	\$5,851,000
13	Ignition Interlock Device Revolving Account--State	
14	Appropriation	\$1,315,000
15	TOTAL APPROPRIATION	\$241,659,000

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

18 (1) \$11,688,000 of the highway safety account--state appropriation
19 is provided solely for costs associated with: Issuing enhanced
20 drivers' licenses and identicards at the enhanced licensing services
21 offices; extended hours at those licensing services offices; cross-
22 border tourism education; and other education campaigns. This is the
23 maximum amount the department may expend for this purpose.

24 (2) \$1,315,000 of the ignition interlock device revolving account--
25 state appropriation is provided solely for the department to assist
26 indigent persons with the costs of installing, removing, and leasing
27 the device, and applicable licensing pursuant to RCW 46.68.340.

28 (3) \$1,738,000 of the department of licensing services account--
29 state appropriation is provided solely for purchasing equipment for the
30 field licensing service offices and subagent offices.

31 (4) The department shall prepare a report to the legislature on the
32 residency verification process it implemented in November 2010. The
33 process is designed to ensure that individuals who receive a Washington
34 state driver's license or identicard are Washington state residents.
35 The report must outline the verification process and outcomes for
36 driver's license and identicard applicants who do not provide a social
37 security number. The report must include (a) a list of the documents
38 that suffice to show proof of residency; (b) a description of how the

1 department verifies the documents; (c) a description of the process for
2 issuing a temporary authorization to drive; (d) the number and
3 percentage of driver's license and identicard applicants without a
4 social security number by month from November 2010 through October
5 2011; and (e) the number and percentage of applicants without a social
6 security number that are issued or denied a driver's license or
7 identicard from November 2010 through October 2011. The report must be
8 submitted to the transportation committees of the legislature by
9 November 15, 2011.

10 (5) \$282,000 of the motor vehicle account--private/local
11 appropriation is provided solely for implementation of chapter ...
12 (House Bill No. 1536), Laws of 2011 (congestion reduction charge) or
13 chapter ... (Engrossed Substitute Senate Bill No. 5457), Laws of 2011
14 (congestion reduction charge). If chapter ... (House Bill No. 1536),
15 Laws of 2011 or chapter ... (Engrossed Substitute Senate Bill No.
16 5457), Laws of 2011 is not enacted by June 30, 2011, the amount
17 provided in this subsection lapses.

18 (6) \$66,000 of the highway safety account--state appropriation is
19 provided solely for implementation of chapter ... (Substitute House
20 Bill No. 1237), Laws of 2011 (selective service registration). Funding
21 for chapter ... (Substitute House Bill No. 1237), Laws of 2011 assumes
22 a financial contribution from the selective service system. If chapter
23 ... (Substitute House Bill No. 1237), Laws of 2011 is not enacted by
24 June 30, 2011, the amount provided in this subsection lapses.

25 (7) \$253,000 of the highway safety account--state appropriation is
26 provided solely for implementation of chapter ... (Engrossed Substitute
27 House Bill No. 1635), Laws of 2011 (drivers' licenses, identicards).
28 If chapter ... (Engrossed Substitute House Bill No. 1635), Laws of 2011
29 is not enacted by June 30, 2011, the amount provided in this subsection
30 lapses.

31 (8) \$107,000 of the highway safety account--state appropriation is
32 provided solely for implementation of chapter ... (Engrossed Second
33 Substitute House Bill No. 1789), Laws of 2011 (DUI accountability). If
34 chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of
35 2011 is not enacted by June 30, 2011, the amount provided in this
36 subsection lapses.

37 (9) \$229,000 of the department of licensing services account--state
38 appropriation is provided solely for a phased implementation of chapter

1 ... (Substitute House Bill No. 1046), Laws of 2011 (vehicle and vessel
2 quick title). Funding is contingent upon revenues associated with the
3 vessel and vehicle quick title program paying all direct and indirect
4 expenditures associated with the department's implementation of chapter
5 ... (Substitute House Bill No. 1046), Laws of 2011. If chapter ...
6 (Substitute House Bill No. 1046), Laws of 2011 is not enacted by June
7 30, 2011, the amount provided in this subsection lapses.

8 (10) Funding in this section is sufficient to implement chapter ...
9 (House Bill No. 1577), Laws of 2011 (driver's license and identicard
10 applicants), or similar legislation, if enacted.

11 (11) \$647,000 of the highway safety account--state appropriation is
12 provided solely for the implementation of chapter ... (House Bill No.
13 1229), Laws of 2011 (commercial drivers). If chapter ... (House Bill
14 No. 1229), Laws of 2011 (commercial drivers) is not enacted by June 30,
15 2012, the amount provided in this subsection lapses.

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

18 High Occupancy Toll Lanes Operations Account--State

19	Appropriation	\$1,295,000
20	Motor Vehicle Account--State Appropriation	\$551,000
21	Tacoma Narrows Toll Bridge Account--State	
22	Appropriation	\$23,652,000
23	State Route Number 520 Corridor Account--State	
24	Appropriation	\$27,295,000
25	State Route Number 520 Civil Penalties	
26	Account--State Appropriation	\$4,622,000
27	TOTAL APPROPRIATION	\$57,415,000

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

30 (1) The department shall make detailed quarterly expenditure
31 reports available to the transportation commission and to the public on
32 the department's web site using current department resources. The
33 reports must include a summary of revenue generated by tolls on the
34 Tacoma Narrows bridge and state route number 520 bridge and an itemized
35 depiction of the use of that revenue.

36 (2) \$17,786,000 of the state route number 520 corridor
37 account--state appropriation is provided solely for nonvendor costs

1 associated with tolling the state route number 520 bridge. Funds from
2 the state route number 520 corridor account--state appropriation shall
3 not be used to pay for items prohibited by Executive Order 1057,
4 including subscriptions to technical publications, employee educational
5 expenses, professional membership dues and fees, employee recognition
6 and safety awards, meeting meals and light refreshments, commute trip
7 reduction incentives, and employee travel.

8 (3) The department shall report quarterly on the civil penalty
9 process to the office of financial management and the house of
10 representatives and senate transportation committees beginning
11 September 30, 2011. The reports must include a summary table for each
12 toll facility that includes: The number of notices of civil penalty
13 issued; the number of recipients who pay before the notice becomes a
14 penalty; the number of recipients who request a hearing and the number
15 who do not respond; workload costs related to hearings; the cost and
16 effectiveness of debt collection activities; and revenues generated
17 from notices of civil penalty.

18 (4) \$164,000 of the state route number 520 corridor account--state
19 appropriation and \$259,000 of the Tacoma Narrows toll bridge account--
20 state appropriation are provided solely for benchmark studies for
21 tolling operations. These studies are to determine the costs of
22 tolling operations activities so that efficiencies may be identified
23 and future costs may be reduced.

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

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

34 Transportation Partnership Account--State
35 Appropriation \$1,460,000
36 Motor Vehicle Account--State Appropriation \$67,745,000
37 Multimodal Transportation Account--State

1 Appropriation \$3,607,000
 2 Transportation 2003 Account (Nickel Account)--State
 3 Appropriation \$1,460,000
 4 TOTAL APPROPRIATION \$74,272,000

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

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

14 (2) \$210,000 of the motor vehicle account--state appropriation is
 15 provided solely to continue compliance with storm water permit
 16 requirements.

17 (3) \$502,000 of the motor vehicle account--state appropriation is
 18 provided solely to provide support for the transportation executive
 19 information system.

20 (4) If chapter ... (Substitute House Bill No. 1720), Laws of 2011
 21 (department of enterprise services) is enacted, the department shall
 22 execute an interagency agreement with the department of enterprise
 23 services to transfer the time, leave, and labor distribution system
 24 project responsibility and the funds appropriated for this project in
 25 this section.

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

29 The appropriation in this section is subject to the following
 30 conditions and limitations: \$850,000 of the motor vehicle account--
 31 state appropriation is provided solely to continue compliance with
 32 storm water permit requirements.

33 NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--**
 34 **AVIATION--PROGRAM F**
 35 Aeronautics Account--State Appropriation \$6,066,000
 36 Aeronautics Account--Federal Appropriation \$2,150,000

1 TOTAL APPROPRIATION \$8,216,000

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

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

8 Motor Vehicle Account--State Appropriation \$47,918,000

9 Motor Vehicle Account--Federal Appropriation \$500,000

10 Multimodal Transportation Account--State
11 Appropriation \$250,000

12 TOTAL APPROPRIATION \$48,668,000

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

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

23 (2) \$3,754,000 of the motor vehicle account--state appropriation is
24 provided solely to continue compliance with storm water permit
25 requirements.

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

28 Motor Vehicle Account--State Appropriation \$602,000

29 Multimodal Transportation Account--State Appropriation \$50,000

30 TOTAL APPROPRIATION \$652,000

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

33 (1) \$50,000 of the multimodal transportation account--state
34 appropriation is provided solely for the department to develop and

1 implement public-private partnerships at high priority terminals as
2 identified in the January 12, 2009, final report on joint development
3 opportunities at Washington state ferries terminals.

4 (2) \$30,000 of the motor vehicle account--state appropriation is
5 provided solely for the continuation of a pilot project allowing
6 advertisements and sponsorships on select web pages. The pilot project
7 must be organized under the partnership model described in the
8 department's web site monetizing feasibility study. Once operational,
9 the pilot project must operate for at least twelve consecutive months.
10 After twelve months of continuous operation, the department shall
11 provide a report with recommendations on whether to continue project
12 operations to the office of financial management and the chairs of the
13 transportation committees of the legislature. The department may end
14 the pilot project after less than twelve consecutive months of
15 operation if insufficient bids or proposals are received from potential
16 sponsors or advertisers. For the purpose of this subsection, if a
17 consultant contract is warranted, the consultant contract is deemed a
18 revenue generation activity as that term is construed in section
19 602(2), chapter 3, Laws of 2010.

20 (3) The department shall conduct a study on the potential to
21 generate revenue from both on-premise and off-premise outdoor
22 advertising signs that are erected or maintained adjacent and visible
23 to the interstate system highways, primary system highways, or scenic
24 system highways. The study must provide the following recommendation
25 and evaluations: An evaluation of the market for outdoor advertising
26 signs, including an evaluation of the number of potential advertisers
27 and the amount charged by other jurisdictions for sign permits; a
28 recommendation for a revised fee structure that recognizes the market
29 value for both off-premise and on-premise signs and considers charging
30 differential fees based on the size and type of sign; and an evaluation
31 of public-private partnership opportunities related to outdoor
32 advertising signs. In addition, the study must consider how outdoor
33 advertising signs can accommodate new technologies without providing
34 too much distraction for drivers.

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

37 Motor Vehicle Account--State Appropriation \$380,327,000

1 Motor Vehicle Account--Federal Appropriation \$7,000,000
2 TOTAL APPROPRIATION \$387,327,000

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

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

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

15 (3) \$7,000,000 of the motor vehicle account--federal appropriation
16 is for unanticipated federal funds that may be received during the
17 2011-2013 fiscal biennium. Upon receipt of the funds, the department
18 shall provide a report on the use of the funds to the transportation
19 committees of the legislature and the office of financial management.

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

23 (5) \$6,884,000 of the motor vehicle account--state appropriation is
24 provided solely for the high priority maintenance backlog.

25 (6) \$317,000 of the motor vehicle account--state appropriation is
26 provided solely for maintaining a new active traffic management system
27 on Interstate 5, Interstate 90, and state route number 520. The
28 department shall track the costs associated with these systems on a
29 corridor basis and report to the legislative transportation committees
30 on the cost and benefits of the system by December 1, 2011.

31 (7) \$4,530,000 of the motor vehicle account--state appropriation is
32 provided solely to continue compliance with storm water permit
33 requirements.

34 (8) \$7,000,000 of the motor vehicle account--state appropriation is
35 provided solely for third-party damages to the highway system where the
36 responsible party is known and reimbursement is anticipated.

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

3	Motor Vehicle Account--State Appropriation	\$50,166,000
4	Motor Vehicle Account--Federal Appropriation	\$2,050,000
5	Motor Vehicle Account--Private/Local Appropriation	\$127,000
6	TOTAL APPROPRIATION	\$52,343,000

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

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

18 (2) \$145,000 of the motor vehicle account--state appropriation is
19 provided solely for the department to continue a pilot tow truck
20 incentive program and to expand the program to other areas of the
21 state. The department may provide incentive payments to towing
22 companies that meet clearance goals on accidents that involve heavy
23 trucks.

24 (3) The department shall track the costs associated with active
25 traffic management systems on a corridor basis and report to the
26 legislative transportation committees on the cost and benefits of the
27 system by December 31, 2011.

28 (4) During the 2011-2013 biennium, the department shall implement
29 a pilot program that expands private transportation providers' access
30 to high occupancy vehicle lanes. Under the pilot program, when the
31 department reserves a portion of a highway based on the number of
32 passengers in a vehicle, the following vehicles must be authorized to
33 use the reserved portion of the highway if the vehicle has the capacity
34 to carry eight or more passengers, regardless of the number of
35 passengers in the vehicle: (a) Auto transportation company vehicles
36 regulated under chapter 81.68 RCW; (b) passenger charter carrier
37 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
38 stretch limousines and stretch sport utility vehicles as defined under

1 department rules; (c) private nonprofit transportation provider
 2 vehicles regulated under chapter 81.66 RCW; and (d) private employer
 3 transportation service vehicles. For purposes of this subsection,
 4 "private employer transportation service" means regularly scheduled,
 5 fixed-route transportation service that is offered by an employer for
 6 the benefit of its employees. By June 30, 2013, the department shall
 7 report to the transportation committees of the legislature on whether
 8 private transportation provider use of high occupancy vehicle lanes
 9 under the pilot program reduces the speeds of high occupancy vehicle
 10 lanes. Nothing in this subsection is intended to authorize the
 11 conversion of public infrastructure to private, for-profit purposes or
 12 to otherwise create an entitlement or other claim by private users to
 13 public infrastructure. If chapter ... (Substitute Senate Bill No.
 14 5791), Laws of 2011 is enacted by June 30, 2011, this subsection is
 15 null and void.

16 (5) \$9,000,000 of the motor vehicle account--state appropriation is
 17 provided solely for the department's incident response program.

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

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

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

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

32	Motor Vehicle Account--State Appropriation	\$23,194,000
33	Motor Vehicle Account--Federal Appropriation	\$21,885,000
34	Multimodal Transportation Account--State	
35	Appropriation	\$662,000
36	Multimodal Transportation Account--Federal	

1	Appropriation	\$3,559,000
2	Multimodal Transportation Account--Private/Local	
3	Appropriation	\$100,000
4	TOTAL APPROPRIATION	\$49,400,000

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

7 (1) \$70,000 of the motor vehicle account--state appropriation is a
8 reappropriation provided solely for a corridor study of state route
9 number 516 from the eastern border of Maple Valley to state route
10 number 167 to determine whether improvements are needed and the costs
11 of any needed improvements.

12 (2) By October 1, 2011, the department shall make recommendations
13 to the office of financial management and the transportation committees
14 of the legislature on cost savings that can be achieved through
15 consolidating reporting and planning functions within the department.

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

22 (4) \$750,000 of the multimodal transportation account--federal
23 appropriation is provided solely for the Whatcom council of governments
24 to continue their work and support of the international mobility and
25 trade corridor project.

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

28	Motor Vehicle Account--State Appropriation	\$86,121,000
29	Motor Vehicle Account--Federal Appropriation	\$400,000
30	Multimodal Transportation Account--State Appropriation . . .	\$3,320,000
31	TOTAL APPROPRIATION	\$89,841,000

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

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

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

3 (a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT
4 DIVISION OF RISK MANAGEMENT FEES \$1,506,000

5 (b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE
6 AUDITOR \$153,000

7 (c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL
8 ADMINISTRATION \$13,100,000

9 (d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF
10 PERSONNEL \$12,402,000

11 (e) FOR PAYMENT OF SELF-INSURANCE LIABILITY
12 PREMIUMS AND ADMINISTRATION \$44,163,000

13 (f) FOR ARCHIVES AND RECORDS MANAGEMENT \$541,000

14 (g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS
15 ENTERPRISES \$1,311,000

16 (h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS
17 PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT \$1,111,000

18 (i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE
19 DEPARTMENT OF INFORMATION SERVICES \$539,000

20 (j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY
21 GENERAL'S OFFICE \$9,451,000

22 (k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY
23 GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT
24 LITIGATION \$237,000

25 (l) FOR WORKER COMPENSATION CHARGES \$2,496,000

26 (m) FOR DATA CENTER RATE INCREASE \$2,759,000

27 (n) FOR OFFICE OF FINANCIAL MANAGEMENT INFORMATION
28 TECHNOLOGY SERVICES \$72,000

29 NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--**
30 **PUBLIC TRANSPORTATION--PROGRAM V**

31 Rural Mobility Grant Program Account--State
32 Appropriation \$17,000,000

33 Regional Mobility Grant Program Account--State
34 Appropriation \$48,942,000

35 Multimodal Transportation Account--State
36 Appropriation \$42,617,000

37 Multimodal Transportation Account--Federal

1	Appropriation	\$2,582,000
2	Multimodal Transportation Account--Private/Local	
3	Appropriation	\$1,027,000
4	State Vehicle Parking Account--State Appropriation	\$452,000
5	TOTAL APPROPRIATION	\$112,620,000

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

8 (1) \$25,000,000 of the multimodal transportation account--state
9 appropriation is provided solely for a grant program for special needs
10 transportation provided by transit agencies and nonprofit providers of
11 transportation.

12 (a) \$5,500,000 of the amount provided in this subsection is
13 provided solely for grants to nonprofit providers of special needs
14 transportation. Grants for nonprofit providers must be based on need,
15 including the availability of other providers of service in the area,
16 efforts to coordinate trips among providers and riders, and the cost
17 effectiveness of trips provided.

18 (b) \$19,500,000 of the amount provided in this subsection is
19 provided solely for grants to transit agencies to transport persons
20 with special transportation needs. To receive a grant, the transit
21 agency must have a maintenance of effort for special needs
22 transportation that is no less than the previous year's maintenance of
23 effort for special needs transportation. Grants for transit agencies
24 shall be prorated based on the amount expended for demand response
25 service and route deviated service in calendar year 2009 as reported in
26 the "Summary of Public Transportation - 2009" published by the
27 department of transportation. No transit agency may receive more than
28 thirty percent of these distributions.

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

31 (a) \$8,500,000 of the rural mobility grant program account--state
32 appropriation is provided solely for grants for those transit systems
33 serving small cities and rural areas as identified in the "Summary of
34 Public Transportation - 2009" published by the department of
35 transportation. Noncompetitive grants must be distributed to the
36 transit systems serving small cities and rural areas in a manner
37 similar to past disparity equalization programs. If the funding
38 provided in this subsection (2)(a) exceeds the amount required for

1 recipient counties to reach eighty percent of the average per capita
2 sales tax, funds in excess of that amount may be used for the
3 competitive grant process established in (b) of this subsection.

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

8 (3)(a) \$6,000,000 of the multimodal transportation account--state
9 appropriation is provided solely for a vanpool grant program for: (a)
10 Public transit agencies to add vanpools or replace vans; and (b)
11 incentives for employers to increase employee vanpool use. The grant
12 program for public transit agencies will cover capital costs only;
13 operating costs for public transit agencies are not eligible for
14 funding under this grant program. Additional employees may not be
15 hired from the funds provided in this section for the vanpool grant
16 program, and supplanting of transit funds currently funding vanpools is
17 not allowed. The department shall encourage grant applicants and
18 recipients to leverage funds other than state funds.

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

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

24 (4) \$120,000 of the multimodal transportation account--state
25 appropriation is a reappropriation provided solely for a grant for a
26 flexible carpooling pilot project program to be administered and
27 monitored by the department.

28 (5) \$3,470,000 of the regional mobility grant program account--
29 state appropriation is reappropriated and provided solely for the
30 regional mobility grant projects identified on the LEAP Transportation
31 Document 2007-B, as developed April 20, 2007, or the LEAP
32 Transportation Document 2006-D, as developed March 8, 2006. The
33 department shall continue to review all projects receiving grant awards
34 under this program at least semiannually to determine whether the
35 projects are making satisfactory progress.

36 (6) \$5,472,000 of the regional mobility grant program account--
37 state appropriation is a reappropriation provided solely for the
38 regional mobility grant projects identified in LEAP Transportation

1 Document 2009-B, as developed April 24, 2009. The department shall
2 review all projects receiving grant awards under this program at least
3 semiannually to determine whether the projects are making satisfactory
4 progress.

5 (7) \$40,000,000 of the regional mobility grant program
6 account--state appropriation is provided solely for the regional
7 mobility grant projects identified in LEAP Transportation Document
8 2011-B, as developed March 21, 2011, except for providing funding to
9 the Lakewood to Seattle Commuter Rail Expansion - Vehicles project by
10 moving the NW Market/45th Street Transit Priority Corridor Improvements
11 project from the funded portion of the LEAP Transportation Document
12 2011-B, as developed March 21, 2011, to the top of the unfunded portion
13 of the LEAP Transportation Document 2011-B, as developed March 21,
14 2011, and providing the funding for the NW Market/45th Street Transit
15 Priority Corridor Improvements project to the Lakewood to Seattle
16 Commuter Rail Expansion - Vehicles project. The department shall
17 review all projects receiving grant awards under this program at least
18 semiannually to determine whether the projects are making satisfactory
19 progress. Any project that has been awarded funds, but does not report
20 activity on the project within one year of the grant award, must be
21 reviewed by the department to determine whether the grant should be
22 terminated. The department shall promptly close out grants when
23 projects have been completed, and any remaining funds available must be
24 used only to fund projects identified in LEAP Transportation Document
25 2011-B, as developed March 21, 2011. The department shall provide
26 annual status reports on December 15, 2011, and December 15, 2012, to
27 the office of financial management and the transportation committees of
28 the legislature regarding the projects receiving the grants. It is the
29 intent of the legislature to appropriate funds through the regional
30 mobility grant program only for projects that will be completed on
31 schedule.

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

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

1 (10) \$2,309,000 of the multimodal transportation account--state
2 appropriation is provided solely for the tri-county connection service
3 for Island, Skagit, and Whatcom transit agencies.

4 NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--**
5 **MARINE--PROGRAM X**

6 Puget Sound Ferry Operations Account--State
7 Appropriation \$472,107,000

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

10 (1) \$135,694,000 of the Puget Sound ferry operations account--state
11 appropriation is provided solely for auto ferry vessel operating fuel
12 in the 2011-2013 fiscal biennium. All fuel purchased by the Washington
13 state ferries at the Harbor Island truck terminal for the operation of
14 the Washington state ferries diesel powered vessels must be a minimum
15 of five percent biodiesel blend so long as the per gallon price of
16 diesel containing a five percent biodiesel blend level does not exceed
17 the per gallon price of diesel by more than five percent.

18 (2) The office of financial management budget instructions require
19 agencies to recast enacted budgets into activities. The Washington
20 state ferries shall include a greater level of detail in its 2013-2015
21 omnibus transportation appropriations act request, as determined
22 jointly by the office of financial management, the Washington state
23 ferries, and the legislative transportation committees.

24 (3) \$6,000,000 of the Puget Sound ferry operations account--state
25 appropriation is provided solely for commercial insurance for ferry
26 assets.

27 (4) \$150,000 of the Puget Sound ferry operations account--state
28 appropriation is provided solely for the department to increase
29 recreation and tourist ridership on the Port Townsend-Coupeville ferry
30 route by entering into agreements for marketing and outreach strategies
31 with local economic development or tourism agencies. The department
32 shall identify the number of tourist and recreation riders on the Port
33 Townsend-Coupeville ferry route both before and after implementation of
34 marketing and outreach strategies developed through the agreements.
35 The department shall report results of the marketing and outreach
36 strategies to the transportation committees of the legislature by
37 October 15, 2012.

1 (5) The legislature finds that measuring the performance of the
2 Washington state ferries requires the measurement of quality,
3 timeliness, and unit cost of services delivered to customers.
4 Consequently, the department must develop a set of metrics that measure
5 that performance and report to the transportation committees of the
6 legislature and to the office of financial management on the
7 development of these measurements along with recommendations to the
8 2012 legislature on which measurements must become a part of the next
9 omnibus transportation appropriations act. The report required in this
10 subsection is null and void if chapter ... (Substitute House Bill No.
11 1516), Laws of 2011 (state ferry system management) is enacted.

12 (6) \$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 (7) The Washington state ferries shall participate in the
17 facilities study included in section 604 of this act and shall include
18 an investigation and identification of less costly relocation options
19 for the Seattle headquarters office. Until September 1, 2012, the
20 department may not enter into a lease renewal for the Seattle
21 headquarters office.

22 (8) The department shall continue to investigate the use of liquid
23 natural gas on existing vessels as well as the planned 144-car class
24 vessels including, but not limited to: The fuel consumption benefits
25 of liquid natural gas when compared with diesel; a review of United
26 States coast guard required regulations for storage and transport of
27 liquid natural gas; security risks and strategies to reduce risk; the
28 impact of liquid natural gas on vessel performance, including the
29 impact on speed and travel times; the impact on marine insurance costs;
30 and the capital costs associated with either retrofitting existing
31 vessels or incorporating design changes into the 144-car vessel
32 designs. A report is due to the legislature by December 31, 2011.

33 (9) Beginning in fiscal year 2012, the Washington state ferries
34 shall implement and begin using a costless collar fuel hedging and
35 purchasing plan to reduce and stabilize the cost of fuel in the ferry
36 system as recommended in the 2003 fuel hedging study by the Washington
37 state ferries. Savings from the fuel hedging and purchasing plan must

1 be used to preserve winter weekend (Friday, Saturday, and Sunday)
2 service on the Anacortes-Sidney, Interisland, and Fauntleroy-Vashon-
3 Southworth ferry routes.

4 (10) Appropriations in this section assume vessel operations
5 reductions totaling \$3,950,000. Prior to implementing the assumed
6 reductions, the department is to consult with captains and other
7 Washington state ferry employees as well as the ferry advisory
8 committees to determine reductions that impact the fewest number of
9 riders. Reductions must be identified and implementation must begin no
10 later than fall 2011.

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

13	Multimodal Transportation Account--State	
14	Appropriation	\$29,688,000
15	Multimodal Transportation Account--Federal	
16	Appropriation	\$300,000
17	TOTAL APPROPRIATION	\$29,988,000

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

20 (1) \$24,091,000 of the multimodal transportation account--state
21 appropriation is provided solely for the Amtrak service contract and
22 Talgo maintenance contract associated with providing and maintaining
23 the state-supported passenger rail service. Upon completion of the
24 rail platform project in the city of Stanwood, the department shall
25 provide daily Amtrak Cascades service to the city. The department is
26 directed to continue to pursue efforts to reduce costs, increase
27 ridership, and review fares or fare schedules. Within thirty days of
28 each annual cost/revenue reconciliation under the Amtrak service
29 contract, the department shall report annual credits to the office of
30 financial management and the legislative transportation committees.
31 Annual credits from Amtrak to the department including, but not limited
32 to, credits for increased revenue due to higher ridership, and fare or
33 fare schedule adjustments, must be used to offset corresponding amounts
34 of the multimodal transportation account--state appropriation, which
35 must be placed in reserve.

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

1 (3) The department shall begin planning for a third roundtrip
2 Cascades train between Seattle and Vancouver, B.C. by 2012.

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

5	Motor Vehicle Account--State Appropriation	\$8,865,000
6	Motor Vehicle Account--Federal Appropriation	\$2,567,000
7	TOTAL APPROPRIATION	\$11,432,000

8 **TRANSPORTATION AGENCIES--CAPITAL**

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

10	State Patrol Highway Account--State Appropriation	\$2,171,000
----	---	-------------

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

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

19 (2) \$1,097,000 of the state patrol highway account--state
20 appropriation is provided solely to connect the Washington state patrol
21 academy to the new sewer line and reclaimed water line. This funding
22 completes the infrastructure for the sewer and reclaimed water on the
23 academy property, along with the decommissioning of the eight existing
24 septic systems and drain fields.

25 (3) \$421,000 of the state patrol highway account--state
26 appropriation is provided solely for the reappropriation from the 2009-
27 2011 fiscal biennium to the 2011-2013 fiscal biennium for the Shelton
28 regional project.

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

30	Rural Arterial Trust Account--State Appropriation	\$38,917,000
31	Motor Vehicle Account--State Appropriation	\$874,000
32	County Arterial Preservation Account--State	
33	Appropriation	\$29,360,000

1 TOTAL APPROPRIATION \$69,151,000

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

4 (1) \$874,178 of the motor vehicle account--state appropriation may
5 be used for county ferry projects as developed pursuant to RCW
6 47.56.725(4).

7 (2) \$5,000,000 of the rural arterial trust account--state
8 appropriation is provided solely for additional grants for county road
9 preservation projects as approved by the county road administration
10 board. The county road administration board must work with the
11 department of transportation highways and local program to assist the
12 department in developing a program to assist counties in efforts to
13 recover from federally declared emergencies, by providing
14 capitalization advances and local match for federal emergency funding.
15 County road administration board funds may no longer be used for this
16 purpose.

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

18 Small City Pavement and Sidewalk Account--State
19 Appropriation \$1,883,000
20 Urban Arterial Trust Account--State Appropriation \$110,582,000
21 Transportation Improvement Account--State
22 Appropriation \$82,997,000
23 TOTAL APPROPRIATION \$195,462,000

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

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

29 (2) The urban arterial trust account--state appropriation includes
30 up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW
31 47.26.420.

32 **NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION--**
33 **PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

34 Motor Vehicle Account--State Appropriation \$3,146,000

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) \$1,382,000 of the motor vehicle account--state appropriation is
8 provided solely for high priority safety projects that are directly
9 linked to employee safety and environmental risk.

10 (3) \$400,000 of the motor vehicle account--state appropriation is
11 provided solely to continue compliance with storm water permit
12 requirements.

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

15	Multimodal Transportation Account--State	
16	Appropriation	\$34,703,000
17	Transportation Partnership Account--State	
18	Appropriation	\$1,990,282,000
19	Motor Vehicle Account--State Appropriation	\$51,965,000
20	Motor Vehicle Account--Federal Appropriation	\$418,788,000
21	Motor Vehicle Account--Private/Local	
22	Appropriation	\$50,485,000
23	Transportation 2003 Account (Nickel Account)--State	
24	Appropriation	\$450,705,000
25	State Route Number 520 Corridor Account--State	
26	Appropriation	\$1,019,460,000
27	Tacoma Narrows Toll Bridge Account--State	
28	Appropriation	\$5,760,000
29	TOTAL APPROPRIATION	\$4,022,148,000

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

32 (1) Except as provided otherwise in this section, the entire
33 transportation 2003 account (nickel account) appropriation and the
34 entire transportation partnership account appropriation are provided
35 solely for the projects and activities as listed by fund, project, and
36 amount in LEAP Transportation Document 2011-1 as developed March 21,
37 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) Funding allocated for mitigation costs is provided solely for
5 the purpose of project impact mitigation, and shall not be used to
6 develop or otherwise participate in the environmental assessment
7 process.

8 (3) The department shall apply for surface transportation program
9 enhancement funds to be expended in lieu of or in addition to state
10 funds for eligible costs of projects in programs I and P including, but
11 not limited to, the state route number 518, state route number 520,
12 Columbia river crossing, and Alaskan Way viaduct projects.

13 (4) The department shall, on a quarterly basis beginning July 1,
14 2011, provide to the office of financial management and the legislature
15 reports providing the status on each active project funded in part or
16 whole by the transportation 2003 account (nickel account) or the
17 transportation partnership account. Funding provided at a programmatic
18 level for transportation partnership account and transportation 2003
19 account (nickel account) projects relating to bridge rail, guard rail,
20 fish passage barrier removal, and roadside safety projects should be
21 reported on a programmatic basis. Projects within this programmatic
22 level funding should be completed on a priority basis and scoped to be
23 completed within the current programmatic budget. Report formatting
24 and elements must be consistent with the October 2009 quarterly project
25 report.

26 (5) The transportation 2003 account (nickel account)--state
27 appropriation includes up to \$403,727,000 in proceeds from the sale of
28 bonds authorized by RCW 47.10.861.

29 (6) The transportation partnership account--state appropriation
30 includes up to \$1,424,968,000 in proceeds from the sale of bonds
31 authorized in RCW 47.10.873.

32 (7) The multimodal transportation account--state appropriation
33 includes up to \$34,703,000 in proceeds from the sale of bonds
34 authorized in RCW 47.10.867.

35 (8) The motor vehicle account--state appropriation includes up to
36 \$51,965,000 in proceeds from the sale of bonds authorized in RCW
37 47.10.843.

1 (9) The state route number 520 corridor account--state
2 appropriation includes up to \$51,965,000 in proceeds from the sale of
3 bonds authorized in RCW 47.10.879.

4 (10) \$391,000 of the motor vehicle account--state appropriation and
5 \$4,027,000 of the motor vehicle account--federal appropriation are
6 provided solely for the US 2 High Priority Safety project (100224I).
7 Expenditure of these funds is for safety projects on state route number
8 2 between Monroe and Gold Bar, which may include median rumble strips,
9 traffic cameras, and electronic message signs.

10 (11) \$8,000 of the motor vehicle account--federal appropriation and
11 \$1,000 of the motor vehicle account--state appropriation are provided
12 solely for the Westview school noise wall (project WESTV).

13 (12) \$8,321,000 of the transportation partnership account--state
14 appropriation and \$16,679,000 of the motor vehicle account--federal
15 appropriation are provided solely for the I-5/Columbia River Crossing
16 project (400506A). Of this amount, \$200,000 of the transportation
17 partnership account--state appropriation is provided solely for the
18 department to work with the department of archaeology and historic
19 preservation to ensure that the cultural resources investigation is
20 properly conducted on the Columbia river crossing project. This
21 project must be conducted with active archaeological management and
22 result in one report that spans the single cultural area in Oregon and
23 Washington. Additionally, the department shall establish a scientific
24 peer review of independent archaeologists that are knowledgeable about
25 the region and its cultural resources. No funding from any account may
26 be expended until written confirmation has been received by the
27 department that the state of Oregon is providing an equal amount of
28 additional funding to the project.

29 (13) \$4,188,000 of the transportation partnership account--state
30 appropriation, \$599,000 of the motor vehicle account--federal
31 appropriation, and \$101,000 of the transportation 2003 account (nickel
32 account)--state appropriation are provided solely for project 109040Q,
33 the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3
34 project, as indicated in the LEAP transportation document referenced in
35 subsection (1) of this section.

36 (14) For highway construction projects where the department
37 considers agricultural lands of long-term commercial significance, as
38 defined in RCW 36.70A.030, in reviewing and selecting sites to meet

1 environmental mitigation requirements under the national environmental
2 policy act (42 U.S.C. Sec. 4321 et seq.) and the state environmental
3 policy act (chapter 43.21C RCW), the department shall, to the greatest
4 extent possible, consider using public land first. If public lands are
5 not available that meet the required environmental mitigation needs,
6 the department may use other sites while making every effort to avoid
7 any net loss of agricultural lands that have a designation of long-term
8 commercial significance.

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

13 (16) Within the amounts provided in this section, \$1,438,000 of the
14 transportation partnership account--state appropriation and \$20,581,000
15 of the motor vehicle account--federal appropriation are provided solely
16 for project 600010A, as identified in the LEAP transportation document
17 in subsection (1) of this section: NSC-North Spokane corridor design,
18 right-of-way, and construction - new alignment. Any savings realized
19 on project 600001A, as identified in the LEAP transportation document
20 in subsection (1) of this section: US 395/NSC-Francis Avenue to
21 Farwell Road - New Alignment, must be applied to project 600010A.

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

29 (18) With the department's 2012 supplemental budget submittal, the
30 department shall provide a report that provides:

31 (a) The amount of state funding that has been reappropriated from
32 the 2009-2011 fiscal biennium into the 2011-2013 fiscal biennium; and

33 (b) For each project, the amount of cost savings or increases in
34 state funding that have been identified as compared to the enacted
35 2011-2013 biennial transportation budget.

36 (19) The department shall apply for the competitive portion of
37 federal transit administration funds for eligible transit-related costs
38 of the state route number 520 bridge replacement and HOV project and

1 the Columbia river crossing project. The federal funds described in
2 this subsection must not include those federal transit administration
3 funds distributed by formula. The department shall provide a report
4 regarding this effort to the legislature by October 1, 2011.

5 (20) \$181,000 of the motor vehicle account--federal appropriation
6 and \$17,000 of the motor vehicle account--state appropriation are
7 provided solely for the Alaskan Way Viaduct - Automatic Shutdown
8 project (L1000034).

9 (21) \$2,134,000 of the motor vehicle account--federal appropriation
10 and \$47,000 of the motor vehicle account--state appropriation are
11 provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -
12 Build New Highway project (501210T).

13 (22) \$165,000 of the motor vehicle account--federal appropriation
14 and \$7,000 of the motor vehicle account--state appropriation are
15 provided solely for the Express Lanes System Concept Study project
16 (800020A). The department's final report on the study to the joint
17 transportation committee is due by June 30, 2011.

18 (23) \$294,000 of the motor vehicle account--federal appropriation
19 and \$13,000 of the motor vehicle account--state appropriation are
20 provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage
21 Road project (301639C). The frontage road must be built for driving
22 speeds of no more than thirty-five miles per hour.

23 (24) \$306,000 of the motor vehicle account--state appropriation is
24 provided solely for a traffic signal at the intersection of state route
25 number 7 and state route number 702 (300738A).

26 (25) \$435,000 of the motor vehicle account--state appropriation is
27 provided solely for environmental work on the Belfair Bypass project
28 (300344C).

29 (26) The legislature finds that state route number 522 corridor
30 provides an important link between Interstates 5 and 405 and will be
31 impacted by diversion from tolling elsewhere in the region. As such,
32 the legislature intends to provide additional funding for the corridor
33 as a priority in the next revenue package. The state will work with
34 the affected cities and the federal government to secure the necessary
35 resources to address the needs of this critical corridor.

36 (27) \$5,000 of the motor vehicle account--state appropriation is
37 provided solely for the US 12/SR 122/Mossyrock - Intersection project
38 (401212R) for safety improvements.

1 (28) \$932,000 of the motor vehicle account--federal appropriation
2 is provided solely for the US 97A/North of Wenatchee - Wildlife Fence
3 project (209790B).

4 (29) If a planned roundabout in the vicinity of state route number
5 526 and 84th Street SW would divert commercial traffic onto
6 neighborhood streets, the department may not proceed with improvements
7 at state route number 526 and 84th Street SW until the traffic impacts
8 in the vicinity of state route number 526 and 40th Avenue West are
9 addressed.

10 (30) \$2,244,000 of the motor vehicle account--federal appropriation
11 and \$46,000 of the motor vehicle account--state appropriation are
12 provided solely for the ITS Advanced Traveler Information System
13 project in Whatcom county (100589B).

14 (31) \$870,000 of the motor vehicle account--federal appropriation
15 and \$25,000 of the motor vehicle account--state appropriation are
16 provided solely for the US 97/Cameron Lake Road intersection
17 improvements project in Okanogan county (209700W).

18 (32) \$107,000 of the motor vehicle account--federal appropriation
19 and \$27,000 of the motor vehicle account--state appropriation are
20 provided solely for the SR 9/SR 204 Intersection Improvement project
21 (L2000040).

22 (33) \$980,000 of the motor vehicle account--federal appropriation
23 and \$20,000 of the motor vehicle account--state appropriation are
24 provided solely for the SR 167/Tolling Feasibility Study project
25 (316718S). By January 2012, the department must prepare a traffic and
26 revenue analysis and finance plan for the state route number 167
27 extension project in Pierce county. For the project, the department
28 must:

29 (a) Confer with the mayors, city councils, county officials, area
30 legislators, and port commissions of jurisdictions in the vicinity of
31 the project regarding the implementation of tolling and the impacts
32 that the implementation of tolling might have on the operation of the
33 corridor and adjacent local streets;

34 (b) Conduct public work sessions and open houses to provide
35 information to citizens regarding implementation of tolling and to
36 solicit citizen views;

37 (c) Regularly report to the Washington state transportation

1 commission regarding the progress of the study for the purpose of
2 guiding the commission's toll setting on the project; and

3 (d) Provide a report to the governor and the legislature by January
4 2012.

5 (34) \$361,000 of the transportation partnership account--state
6 appropriation and \$1,245,000 of the transportation 2003 account (nickel
7 account)--state appropriation are provided solely for project OBI4ENV,
8 Environmental Mitigation Reserve - Nickel/TPA project, as indicated in
9 the LEAP transportation document referenced in subsection (1) of this
10 section. Funds may be used only for environmental mitigation work that
11 is required by permits that were issued for projects funded by the
12 transportation partnership account or transportation 2003 account
13 (nickel account). As part of the 2012 budget submittal, the department
14 shall provide a list of all projects and associated amounts that are
15 being charged to project OBI4ENV during the 2011-2013 fiscal biennium.

16 (35)(a) Within available funds, a tolling advisory committee for
17 the state route number 520 bridge replacement and HOV program is
18 established to monitor and provide advice to the state tolling
19 authority on all matters related to the development and implementation
20 of toll operations in the corridor and the imposition of tolls
21 including, but not limited to: (i) The feasibility of providing
22 discounts; (ii) the trade-off of lower tolls versus the early
23 retirement of debt; (iii) consideration of variable or time-of-day
24 pricing; and (iv) other matters that may arise in the implementation of
25 toll operations.

26 (b) The tolling advisory committee must be comprised of seven
27 members, including two elected officials residing in legislative
28 districts on the east side of Lake Washington that are affected by the
29 state route number 520 bridge replacement and HOV program, two elected
30 officials residing in legislative districts on the west side of Lake
31 Washington that are affected by the state route number 520 bridge
32 replacement and HOV program, and three permanent residents of the
33 affected project area. The governor shall appoint the members of the
34 tolling advisory committee.

35 (c) No toll charge may be imposed or modified unless the tolling
36 advisory committee has been given at least twenty days to review and
37 comment on any proposed toll charge schedule. In setting toll charge

1 rates, the commission shall consider any recommendations of the tolling
2 advisory committee.

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

6 (37) \$422,000 of the motor vehicle account--federal appropriation
7 and \$17,000 of the motor vehicle account--state appropriation are
8 provided solely for the SR 539/SR 9 Advanced Traveler Information
9 System project (100011P).

10 (38) \$500,000 of the motor vehicle account--state appropriation is
11 provided solely for the I-90 Comprehensive Tolling Study project
12 (100067T).

13 (39) \$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 (40) \$1,756,000 of the motor vehicle account--federal appropriation
19 and \$45,000 of the motor vehicle account--state appropriation are
20 provided solely for the SR 539/Horton Road - Access Management project
21 (153900M).

22 (41) \$2,305,000 of the motor vehicle account--federal appropriation
23 and \$60,000 of the motor vehicle account--state appropriation are
24 provided solely for the SR 97/North of Riverside - Northbound Passing
25 Lane project (209700Y).

26 (42) \$372,000 of the motor vehicle account--federal appropriation
27 and \$40,000 of the motor vehicle account--state appropriation are
28 provided solely for the US 97/North of Brewster - Passing Lane project
29 (209703H).

30 (43) \$253,444,000 of the transportation partnership account--state
31 appropriation and \$66,034,000 of the transportation 2003 account
32 (nickel account)--state appropriation are provided solely for the I-
33 5/Tacoma HOV Improvements (Nickel/TPA) project (300504A). Funds may
34 not be used to renovate any buildings until a real estate procurement
35 and management plan as outlined in section 604 of this act is complete.

36 (44) \$2,000,000 of the motor vehicle account--federal appropriation
37 and \$14,000 of the motor vehicle account--state appropriation are

1 provided solely for the I-5/Vicinity of Center Drive - Interchange
2 Improvements project (300596L).

3 (45) \$108,000 of the motor vehicle account--federal appropriation
4 and \$3,000 of the motor vehicle account--state appropriation are
5 provided solely for the I-5/Vicinity of Joint Base Lewis-McChord -
6 Install Ramp Meters project (300596M).

7 (46) \$1,323,000 of the motor vehicle account--federal appropriation
8 and \$28,000 of the motor vehicle account--state appropriation are
9 provided solely for the US 12/Schouweiler Road - Study project
10 (301288B).

11 (47) \$1,572,000 of the motor vehicle account--federal appropriation
12 and \$40,000 of the motor vehicle account--state appropriation are
13 provided solely for the I-5/Lewis County Detour for Freight Mobility -
14 ITS Projects project (400012I).

15 (48) \$194,000 of the motor vehicle account--federal appropriation
16 and \$9,000 of the motor vehicle account--state appropriation are
17 provided solely for the I-82/Red Mountain Vicinity - Predesign Analysis
18 project (508208M).

19 (49) Any savings realized on project 509009B, as identified in the
20 LEAP transportation document in subsection (1) of this section: I-
21 90/Snoqualmie Pass East - Hyak to Keechelus Dam - Corridor Improvement,
22 must remain on the Hyak to Easton corridor and may be used for the next
23 phases. \$590,000 of the funds appropriated for the I-90/Snoqualmie
24 Pass East - Hyak to Keechelus Dam - Corridor Improvement project
25 (509009B) may be used to purchase land currently owned by the state
26 parks department. Funds may not be used to build or improve buildings
27 until a real estate procurement and management plan as outlined in
28 section 604 of this act is complete.

29 (50) \$9,422,000 of the motor vehicle account--federal appropriation
30 and \$193,000 of the motor vehicle account--state appropriation are
31 provided solely for the I-90/Sullivan Road to Barker Road - Additional
32 Lanes project (609049N).

33 (51) \$1,019,460,000 of the state route number 520 corridor
34 account--state appropriation, \$226,809,000 of the transportation
35 partnership account--state appropriation, and \$1,360,000 of the motor
36 vehicle account--private/local appropriation are provided solely for
37 the SR 520/Bridge Replacement and HOV project (8BI1003). Funds may not

1 be used to construct a new traffic management center until a real
2 estate procurement and management plan as outlined in section 604 of
3 this act is complete.

4 (52) The Tacoma Narrows toll bridge account--state appropriation is
5 provided solely for the deferred sales tax expense on the construction
6 of the new Tacoma Narrows bridge (L1000051).

7 (53) If the department determines that all or a portion of real
8 property or an interest in real property that was acquired through
9 condemnation within the previous ten years is no longer necessary for
10 a transportation purpose, the former owner has a right of repurchase as
11 described in this subsection. For the purposes of this subsection,
12 "former owner" means the person or entity from whom the department
13 acquired title. At least ninety days prior to the date on which the
14 property is intended to be sold by the department, the department must
15 mail notice of the planned sale to the former owner of the property at
16 the former owner's last known address or to a forwarding address if
17 that owner has provided the department with a forwarding address. If
18 the former owner of the property's last known address, or forwarding
19 address if a forwarding address has been provided, is no longer the
20 former owner of the property's address, the right of repurchase is
21 extinguished. If the former owner notifies the department within
22 thirty days of the date of the notice that the former owner intends to
23 repurchase the property, the department shall proceed with the sale of
24 the property to the former owner for fair market value and shall not
25 list the property for sale to other owners. If the former owner does
26 not provide timely written notice to the department of the intent to
27 exercise a repurchase right, or if the sale to the former owner is not
28 completed within seven months of the date of notice that the former
29 owner intends to repurchase the property, the right of repurchase is
30 extinguished.

31 NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--**
32 **PRESERVATION--PROGRAM P**

33	Transportation Partnership Account--State	
34	Appropriation	\$34,182,000
35	Motor Vehicle Account--State Appropriation	\$96,790,000
36	Motor Vehicle Account--Federal Appropriation	\$607,489,000
37	Motor Vehicle Account--Private/Local Appropriation	\$19,253,000

1 TOTAL APPROPRIATION \$757,714,000

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

4 (1) Except as provided otherwise in this section, the entire
5 transportation 2003 account (nickel account) appropriation and the
6 entire transportation partnership account appropriation are provided
7 solely for the projects and activities as listed by fund, project, and
8 amount in LEAP Transportation Document 2011-1 as developed March 21,
9 2011, Program - Highway Preservation Program (P). However, limited
10 transfers of specific line-item project appropriations may occur
11 between projects for those amounts listed subject to the conditions and
12 limitations in section 603 of this act.

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

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

31 (4) The department of transportation shall continue to implement
32 the lowest life-cycle cost planning approach to pavement management
33 throughout the state to encourage the most effective and efficient use
34 of pavement preservation funds. Emphasis must be placed on increasing
35 the number of roads addressed on time and reducing the number of roads
36 past due.

37 (5) \$28,000 of the motor vehicle account--federal appropriation is

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

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

8 (7) \$277,000 of the motor vehicle account--federal appropriation
9 and \$10,000 of the motor vehicle account--state appropriation are
10 provided solely for the environmental impact statement and preliminary
11 planning for the replacement of the state route number 9 Snohomish
12 river bridge (project L2000018).

13 (8) \$223,000 of the motor vehicle account--federal appropriation
14 and \$27,000 of the motor vehicle account--state appropriation are
15 provided solely for the SR 410/Nile Valley Landslide - Establish
16 Interim Detour project (541002R).

17 (9) \$14,119,000 of the motor vehicle account--federal appropriation
18 and \$2,204,000 of the motor vehicle account--state appropriation are
19 provided solely for the SR 410/Nile Valley Landslide - Reconstruct
20 Route project (541002T).

21 (10) \$1,907,000 of the motor vehicle account--federal appropriation
22 and \$60,000 of the motor vehicle account--state appropriation are
23 provided solely for the SR 21/Kettle River to Malo paving project in
24 Ferry county (602117A).

25 (11) With the approval of the office of financial management, funds
26 may be transferred from program P to program Z for the purposes of
27 providing capitalization advances and local match for federal emergency
28 funding. After the receipt of federal funds for the identified
29 emergencies, program Z shall transfer sufficient funds to program P to
30 replace amounts used for capitalization advances on a dollar-for-dollar
31 basis.

32 (12) \$2,733,000 of the motor vehicle account--federal appropriation
33 and \$114,000 of the motor vehicle account--state appropriation are
34 provided solely for the SR 167/Puyallup River Bridge - Bridge
35 Replacement project (316725A).

36 (13) \$9,641,000 of the motor vehicle account--federal
37 appropriation, \$2,000,000 of the motor vehicle account--private/local

1 appropriation, and \$361,000 of the motor vehicle account--state
2 appropriation are provided solely for the SR 21/Keller Ferry - Replace
3 Boat project (602110J).

4 (14) \$632,000 of the motor vehicle account--federal appropriation
5 and \$18,000 of the motor vehicle account--state appropriation are
6 provided solely for the SR 21/1.1 Miles North of Rin Con Creek Road to
7 Canada - Paving project (602118D).

8 (15) \$295,000 of the motor vehicle account--federal appropriation
9 and \$5,000 of the motor vehicle account--state appropriation are
10 provided solely for the SR 906/Travelers Rest - Building Renovation
11 project (090600A).

12 (16) The motor vehicle account--state appropriation includes up to
13 \$39,657,000 in proceeds from the sale of bonds authorized in RCW
14 47.10.843.

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

Motor Vehicle Account--State Appropriation	\$7,039,000
Motor Vehicle Account--Federal Appropriation	\$5,600,000
TOTAL APPROPRIATION	\$12,639,000

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

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

Puget Sound Capital Construction Account--State	
Appropriation	\$67,499,000
Puget Sound Capital Construction Account--Federal	
Appropriation	\$57,620,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$55,038,000
Transportation Partnership Account--State	
Appropriation	\$12,536,000

1 (4) \$1,979,000 of the Puget Sound capital construction
2 account--state appropriation is provided solely for emergency capital
3 costs (project 999910K).

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

16 (6) The department shall review and adjust its capital program
17 staffing levels to ensure staffing is at the most efficient level
18 necessary to implement the capital program in the omnibus
19 transportation appropriations act. The review must include a
20 comparison to the findings of the 2009 capital staffing levels report.
21 The Washington state ferries shall report this review and adjustment to
22 the office of financial management and the house and senate
23 transportation committees of the legislature by July 2012.

24 (7) \$3,779,000 of the total appropriation is provided solely for
25 continued permitting work on the Mukilteo ferry terminal (project
26 952515P). The department shall seek additional federal funding for
27 this project. Prior to beginning terminal improvements, the department
28 shall report to the legislature on the final environmental impact
29 statement by December 31, 2012. The report must include an overview of
30 the costs and benefits of each of the alternatives considered, as well
31 as an identification of costs and a funding plan for the preferred
32 alternative.

33 (8) The department shall work with the department of archaeology
34 and historic preservation to ensure that the cultural resources
35 investigation is properly conducted on all large ferry terminal
36 projects. These projects must be conducted with active archaeological
37 management. Additionally, the department shall establish a scientific

1 peer review of independent archaeologists that are knowledgeable about
2 the region and its cultural resources.

3 (9) 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 (10) 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 include estimated cost savings by reducing repetitive
13 design costs or miscellaneous costs, or both, applied to projects.

14 (11) The Puget Sound capital construction account--state
15 appropriation includes up to \$57,516,000 in proceeds from the sale of
16 bonds authorized in RCW 47.10.843.

17 (12) The multimodal transportation account--state appropriation
18 includes up to \$28,247,000 in proceeds from the sale of bonds
19 authorized in RCW 47.10.867.

20 (13) The Puget Sound capital construction account--state
21 appropriation reflects the reduction of three terminal positions.

22 (14) The department shall continue to provide service to Sidney,
23 British Columbia and shall explore the option of purchasing a foreign
24 built vehicle and passenger ferry vessel either with safety of life at
25 sea (SOLAS) certification or the ability to be retrofitted for SOLAS
26 certification to operate solely on the Anacortes to Sidney, British
27 Columbia route currently served by vessels of the Washington state
28 ferries fleet. The vessel should have the capability of carrying at
29 least one hundred standard vehicles and approximately four hundred to
30 five hundred passengers. Further, the department shall explore the
31 possibilities of contracting a commercial company to operate the vessel
32 exclusively on this route so long as the contractor's employees
33 assigned to the vessel are represented by the same employee
34 organizations as the Washington state ferries. The department shall
35 report back to the transportation committees of the legislature
36 regarding: The availability of a vessel; the cost of the vessel,
37 including transport to the Puget Sound region; and the need for any

1 statutory changes for the operation of the Sydney, British Columbia
2 service by a private company.

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

5	Essential Rail Assistance Account--State	
6	Appropriation	\$1,000,000
7	Transportation Infrastructure Account--State	
8	Appropriation	\$5,838,000
9	Multimodal Transportation Account--State	
10	Appropriation	\$54,037,000
11	Multimodal Transportation Account--Federal	
12	Appropriation	\$352,006,000
13	Multimodal Transportation Account--Private/Local	
14	Appropriation	\$1,292,000
15	TOTAL APPROPRIATION	\$414,173,000

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

18 (1)(a) Except as provided otherwise in this section, the entire
19 appropriations in this section are provided solely for the projects and
20 activities as listed by project and amount in LEAP Transportation
21 Document ALL PROJECTS 2011-2 as developed March 21, 2011, Program -
22 Rail Capital Program (Y).

23 (b) Within the amounts provided in this section, \$800,000 of the
24 transportation infrastructure account--state appropriation is for a
25 low-interest loan through the freight rail investment bank program to
26 the Port of Everett (BIN 722810A) for a new rail track to connect a
27 cement loading facility to the mainline. The department shall issue
28 the loan referenced in this subsection (1)(b) with a repayment period
29 of no more than ten years, and only so much interest as is necessary to
30 recoup the department's costs to administer the loan.

31 (c) Within the amounts provided in this section, \$2,103,000 of the
32 transportation infrastructure account--state appropriation is for the
33 department to provide low-interest loans through the freight rail
34 investment bank program for specific projects listed as recipients of
35 these loans in the LEAP transportation document identified in
36 subsection (1)(a) of this section.

1 (d) Within the amounts provided in this section, \$2,899,000 of the
2 transportation infrastructure account--state appropriation is for the
3 department to provide low-interest loans through the freight rail
4 investment bank program for eligible projects that applied for, but did
5 not receive, funds through the statewide emergent freight rail
6 assistance program.

7 (e) The department shall issue freight rail investment bank program
8 loans with a repayment period of no more than ten years, and only so
9 much interest as is necessary to recoup the department's costs to
10 administer the loans.

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

17 (2)(a) The department shall issue a call for projects for the
18 freight rail investment bank program and the emergent freight rail
19 assistance program, and shall evaluate the applications according to
20 the cost-benefit methodology developed during the 2008 interim using
21 the legislative priorities specified in (c) of this subsection. By
22 November 1, 2012, the department shall submit a prioritized list of
23 recommended projects to the office of financial management and the
24 transportation committees of the legislature.

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

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

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

3 (ii) Self-sustaining economic development that creates family-wage
4 jobs;

5 (iii) Preservation of transportation corridors that would otherwise
6 be lost;

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

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

11 (vi) Mitigation of impacts of increased rail traffic on
12 communities.

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

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

1 the office of financial management, and approval by the director of the
2 office of financial management. The department shall spend the federal
3 funds before the state funds, and shall consult the office of financial
4 management and the transportation committees of the legislature
5 regarding project scope changes.

6 (5) The department shall provide quarterly reports to the office of
7 financial management and the transportation committees of the
8 legislature regarding applications that the department submits for
9 federal funds and the status of such applications.

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

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

20 (8) \$297,537,000 of the multimodal transportation account--federal
21 appropriation and \$4,476,000 of the multimodal transportation account--
22 state appropriation are provided solely for expenditures related to the
23 passenger high speed rail grant. At one and one-half percent of the
24 total project funds, the multimodal state funds are provided solely for
25 expenditures that are not federally reimbursable. Funding in this
26 subsection is the initial portion of a multiyear high speed rail
27 program awarded to Washington state from the high speed intercity
28 passenger rail program under the American recovery and reinvestment
29 act. Funding will allow for two additional round trips between Seattle
30 and Portland, and other rail improvements.

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

33	Highway Infrastructure Account--State Appropriation	\$207,000
34	Highway Infrastructure Account--Federal	
35	Appropriation	\$1,602,000
36	Freight Mobility Investment Account--State	
37	Appropriation	\$11,347,000

1	Transportation Partnership Account--State	
2	Appropriation	\$6,035,000
3	Motor Vehicle Account--State Appropriation	\$3,521,000
4	Motor Vehicle Account--Federal Appropriation	\$28,541,000
5	Freight Mobility Multimodal Account--State	
6	Appropriation	\$8,648,000
7	Freight Mobility Multimodal Account--Local	
8	Appropriation	\$4,581,000
9	Multimodal Transportation Account--State	
10	Appropriation	\$14,932,000
11	Passenger Ferry Account--State Appropriation	\$1,115,000
12	TOTAL APPROPRIATION	\$80,529,000

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

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

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

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

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

1 office of financial management. The department shall submit a report
2 on those projects receiving fund transfers to the office of financial
3 management and the transportation committees of the legislature by
4 December 1, 2011, and December 1, 2012.

5 (5) The city of Winthrop may utilize a design-build process for the
6 Winthrop bike path project (202005A). Of the amount appropriated in
7 this section for this project, \$500,000 of the multimodal
8 transportation account-- state appropriation is contingent upon the
9 state receiving from the city of Winthrop \$500,000 in federal funds
10 awarded to the city of Winthrop by its local planning organization.

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

35 (7) Except as provided otherwise in this section, the entire
36 appropriations in this section are provided solely for the projects and
37 activities as listed by project and amount in LEAP Transportation

1 Document ALL PROJECTS 2011-2 as developed March 21, 2011, Program -
2 Local Program (Z).

3 (8) For the 2011-2013 project appropriations, unless otherwise
4 provided in this act, the director of financial management may
5 authorize a transfer of appropriation authority between projects
6 managed by the freight mobility strategic investment board in order for
7 the board to manage project spending and efficiently deliver all
8 projects in the respective program.

9 (9) \$267,000 of the motor vehicle account--state appropriation and
10 \$2,859,000 of the motor vehicle account--federal appropriation are
11 provided solely for completion of the US 101 northeast peninsula safety
12 rest area and associated roadway improvements east of Port Angeles at
13 the Deer Park scenic view point (project 3LP187A). The department must
14 surplus any right-of-way previously purchased for this project near
15 Sequim. Approval to proceed with construction is contingent on surplus
16 of previously purchased right-of-way.

17 (10) Up to \$3,650,000 of the motor vehicle account--federal
18 appropriation and \$23,000 of the motor vehicle account--state
19 appropriation are provided solely to reimburse the cities of Kirkland
20 and Redmond for pavement and bridge deck rehabilitation on state route
21 number 908 (project 1LP611A). These funds may not be expended unless
22 the cities sign an agreement stating that the cities agree to take
23 ownership of state route number 908 in its entirety and agree that the
24 payment of these funds represents the entire state commitment to the
25 cities for state route number 908 expenditures.

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

31 (12) The appropriations in this section include funding to counties
32 to assist them in efforts to recover from federally declared
33 emergencies, by providing capitalization advances and local match for
34 federal emergency funding as determined by the department. The
35 department must specifically identify any such selected projects and
36 shall annually notify the transportation committees of the legislature
37 of the selected projects.

1 (13) With the approval of the office of financial management, funds
2 may be transferred from program P to program Z for the purposes of
3 providing capitalization advances and local match for federal emergency
4 funding. After the receipt of federal funds for the identified
5 emergencies, program Z shall transfer sufficient funds to program P to
6 replace amounts used for capitalization advances on a dollar-for-dollar
7 basis.

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

13 (15) \$225,000 of the multimodal transportation account--state
14 appropriation is provided solely for the Shell Valley emergency road
15 and bicycle/pedestrian path (project L1000036).

16 (16) \$150,000 of the motor vehicle account--state appropriation is
17 provided solely for flood reduction solutions on state route number 522
18 caused by the lower McAleer and Lyon creek basins (project L1000041).

19 NEW SECTION. **Sec. 311. CERTIFICATES OF PARTICIPATION**

20 The following agencies may enter into financial contracts, paid
21 from appropriated funds of the agency, for the purposes indicated and
22 in not more than the principal amounts indicated, plus financing
23 expenses and required reserves pursuant to chapter 39.94 RCW.
24 Expenditures made by an agency for one of the indicated purposes before
25 the issue date of the authorized financial contract and any
26 certificates of participation therein are intended to be reimbursed
27 from proceeds of the financial contract and any certificates of
28 participation therein to the extent provided in the agency's financing
29 plan.

30 (1) Washington state patrol: Enter into a financing contract for
31 up to \$20,400,000 plus financing expenses and required reserves
32 pursuant to chapter 39.94 RCW for the Washington state patrol's
33 narrowbanding communication project to convert the state patrol's
34 existing communication system from 25 MHz to 12.5 MHz as required by
35 the federal communications commission. This authorization is subject
36 to approval by the legislature during the 2012 legislative session.
37 The funding must be used for the replacement of portable radios that

1 must be replaced, upgrading the land mobile radio infrastructure, and
2 completing the system integration and engineering required as outlined
3 in the preengineering report to the 2012 legislature. The office of
4 financial management must place any funding related to the Washington
5 state patrol's narrowbanding project in this act in unallotted status
6 until the legislature takes action and grants approval in the 2012
7 legislative session.

8 (2) Washington state patrol: Enter into a financing contract for
9 up to \$5,574,000 plus financing expenses and required reserves pursuant
10 to chapter 39.94 RCW for the Washington state patrol's mobile office
11 platform concept with in-car computer, the statewide electronic ticket
12 and online reporting application, and the digital video system. The
13 maximum financeable term will be for five years.

14 (3) Department of transportation: Enter into a financing contract
15 for up to \$10,824,000 plus financing expenses and required reserves
16 pursuant to chapter 39.94 RCW for the time, leave, and labor
17 distribution system. The project would purchase, configure, and
18 implement an off-the-shelf enterprise solution for automating time and
19 attendance reporting. The financing must include the acquisition of
20 property with the awarded vendor contract signed prior to the issuance
21 of financing. The department is required to receive from its vendor or
22 vendors explicit permission to grant a security interest in information
23 system property. It will be necessary to include in the system
24 purchase or license documents special provisions that permit the
25 department to grant the required security interest and permit
26 assignment by the certificate of participation trustee to another user
27 notwithstanding any other provision in the system purchase or license
28 documents to the contrary. The maximum financeable term will be for
29 seven years.

30 (4) Department of licensing: Enter into a financing contract for
31 up to \$7,414,000 plus financing expenses and required reserves pursuant
32 to chapter 39.94 RCW for the replacement of the prorated and fuel tax
33 systems with an off-the-shelf product that has proven industry
34 acceptance, and includes the fuel tax, the international fuel tax
35 agreement, and the international registration plan systems. The
36 department is required to receive from its vendor or vendors explicit
37 permission to grant a security interest in information system property.
38 It will be necessary to include in the system purchase or license

1 documents special provisions that permit the department to grant the
2 required security interest and permit assignment by the certificate of
3 participation trustee to another user notwithstanding any other
4 provision in the system purchase or license documents to the contrary.
5 The maximum financeable term will be for seven years.

6 **TRANSFERS AND DISTRIBUTIONS**

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

11 Toll Bond Retirement Account--State	
12 Appropriation	\$34,492,000
13 Transportation Partnership Account--State	
14 Appropriation	\$7,872,000
15 Highway Bond Retirement Account--State	
16 Appropriation	\$882,100,000
17 Ferry Bond Retirement Account--State	
18 Appropriation	\$31,801,000
19 State Route Number 520 Corridor Account--State	
20 Appropriation	\$2,018,000
21 Transportation Improvement Board Bond Retirement	
22 Account--State Appropriation	\$16,544,000
23 Nondebt-Limit Reimbursable Account Appropriation	\$24,185,000
24 Motor Vehicle Account--State Appropriation	\$726,000
25 Urban Arterial Trust Account--State Appropriation	\$29,000
26 Transportation Improvement Account--State Appropriation	\$15,000
27 Multimodal Transportation Account--State	
28 Appropriation	\$345,000
29 Transportation 2003 Account (Nickel Account)--State	
30 Appropriation	\$2,323,000
31 TOTAL APPROPRIATION	\$1,002,450,000

32 NEW SECTION. **Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT**
33 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**

1 NEW SECTION. **Sec. 406. FOR THE DEPARTMENT OF LICENSING--**

2 **TRANSFERS**

3 Motor Vehicle Account--State
4 Appropriation: For motor vehicle fuel tax
5 refunds and transfers \$127,984,000

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

7 **TRANSFERS**

8 (1) Tacoma Narrows Toll Bridge Account--State
9 Appropriation: For transfer to the Motor Vehicle
10 Account--State \$2,008,000

11 (2) Motor Vehicle Account--State Appropriation:
12 For transfer to the Puget Sound Ferry Operations
13 Account--State \$78,000,000

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

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

20 (5) Multimodal Transportation Account--State
21 Appropriation: For transfer to the Puget Sound
22 Ferry Operations Account--State \$3,000,000

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

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

28 (8) 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 (9) Regional Mobility Grant Program Account--State
32 Appropriation: For transfer to the Multimodal
33 Transportation Account--State \$1,000,000

34 (10) Motor Vehicle Account--State Appropriation:
35 For transfer to the State Patrol Highway
36 Account--State \$10,000,000

37 (11) State Route Number 520 Corridor

1 Account--State Appropriation: For transfer
2 to the Motor Vehicle Account--State \$2,435,000
3 (12) Rural Mobility Grant Program Account--State
4 Appropriation: For transfer to the Multimodal
5 Transportation Account--State \$3,000,000
6 (13) Motor Vehicle Account--State Appropriation:
7 For transfer to the Special Category C Account--State . . . \$1,500,000
8 (14) Highway Safety Account--State Appropriation:
9 For transfer to the Motor Vehicle Account--State \$30,000,000
10 (15) State Patrol Highway Account--State
11 Appropriation: For transfer to the Vehicle
12 Licensing Fraud Account--State \$100,000

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

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

20 (b) Any cash balance in the waste tire removal account in excess of
21 one million dollars must be transferred to the motor vehicle account
22 for the purpose of road wear-related maintenance on state and local
23 public highways.

24 (c) The transfer in subsection (8) of this section represents toll
25 revenue collected from toll violations.

26 (d) The amount transferred in subsection (3) of this section shall
27 not exceed the expenditures incurred from the motor vehicle account--
28 state appropriation for the recreational vehicle sanitary disposal
29 systems program.

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

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

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

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

11 **COMPENSATION**

12 NEW SECTION. **Sec. 501. COMPENSATION--REVISE PENSION CONTRIBUTION**
13 **RATES**

14	Aeronautics Account--State	(\$27,000)
15	County Arterial Preservation Account--State	(\$18,000)
16	Department of Licensing Services Account--State	(\$26,000)
17	High Occupancy Toll Lanes Operations Account--State	(\$10,000)
18	Highway Safety Account--Federal	(\$37,000)
19	Highway Safety Account--State	(\$1,400,000)
20	Motor Vehicle Account--Private/Local	(\$3,000)
21	Motor Vehicle Account--State	(\$7,023,000)
22	Motorcycle Safety Education Account--State	(\$15,000)
23	Multimodal Transportation Account--State	(\$119,000)
24	Pilotage Account--Non-Appropriation	(\$5,000)
25	Puget Sound Ferry Operations Account--State	(\$3,861,000)
26	Rural Arterial Trust Account--State	(\$12,000)
27	Tacoma Narrows Toll Bridge Account--State	(\$29,000)
28	Transportation Improvement Account--State	(\$17,000)
29	Urban Arterial Trust Account--State	(\$17,000)
30	State Wildlife Account--State	(\$12,000)
31	State Patrol Highway Account--State	(\$1,392,000)

32 Appropriations are adjusted to reflect savings resulting from
33 changes to pension plans under chapter ... (House Bill No. 2021), Laws
34 of 2011. The office of financial management shall update agency

1 appropriations schedules to reflect the changes to funding levels in
2 this section as identified by agency and fund in LEAP transportation
3 document GL2-2011, as developed on March 23, 2011. From the applicable
4 accounts, the office of financial management shall adjust allotments to
5 the respective agencies and programs by an amount that conforms with
6 funding adjustments enacted in the 2011-2013 omnibus operating
7 appropriations act. Any allotment reductions under this section must
8 be placed in reserve status and remain unexpended.

9 NEW SECTION. **Sec. 502. SALARY ADJUSTMENT**

10	Aeronautics Account--State	(\$44,000)
11	County Arterial Preservation Account--State	(\$32,000)
12	Department of Licensing Services Account--State	(\$44,000)
13	High Occupancy Toll Lanes Operations Account--State	(\$16,000)
14	Highway Safety Account--Federal	(\$72,000)
15	Highway Safety Account--State	(\$2,387,000)
16	Motor Vehicle Account--Private/Local	(\$4,000)
17	Motor Vehicle Account--State	(\$11,972,000)
18	Motorcycle Safety Education Account--State	(\$27,000)
19	Multimodal Transportation Account--State	(\$204,000)
20	Pilotage Account--Non-Appropriation	(\$8,000)
21	Puget Sound Ferry Operations Account--State	(\$452,000)
22	Rural Arterial Trust Account--State	(\$20,000)
23	Tacoma Narrows Toll Bridge Account--State	(\$50,000)
24	Transportation Improvement Account--State	(\$28,000)
25	Urban Arterial Trust Account--State	(\$28,000)
26	State Wildlife Account--State	(\$20,000)
27	State Patrol Highway Account--State	(\$2,554,000)

28 The appropriation in this section must be expended solely for the
29 purposes designated in this section and is subject to the following
30 conditions and limitations:

31 (1) The appropriation in this section is provided solely for a
32 three percent salary reduction effective July 1, 2011, through June 30,
33 2013, for all employees of the executive, legislative, and judicial
34 branches, including employees in the Washington management service and
35 employees exempt from merit system rules, except for:

36 (a) Elected officials whose salaries are set by the commission on
37 salaries for elected officials;

- 1 (b) Student employees at state institutions of higher education;
- 2 (c) Faculty employees at state institutions of higher education,
3 provided that appropriations to higher education institutions are
4 reduced in an amount reflecting a three percent reduction in faculty
5 salary expenditures;
- 6 (d) Certificated employees of the state school for the blind and
7 the center for childhood deafness and hearing loss;
- 8 (e) Commissioned officers of the Washington state patrol
9 represented by the state patrol troopers' association and the
10 Washington state patrol lieutenants' association;
- 11 (f) Represented ferry workers of the Washington state department of
12 transportation, provided that other reductions are included in section
13 504 of this act;
- 14 (g) Employees whose salary is less than \$2,500 per month; and
- 15 (h) Employees as specified in subsection (3) of this section.
- 16 (2) For employees subject to the three percent reduction in salary
17 under subsection (1) of this section, employees will receive temporary
18 salary reduction leave of up to 5.2 hours per month. The director of
19 personnel shall adopt rules governing the accrual and use of temporary
20 salary reduction leave.
- 21 (3) The appropriation also reflects a three percent cost saving in
22 expenditures as specified in section 505 of this act.
- 23 (4) The department of retirement systems shall include any forgone
24 salary or lost work hours under subsections (1) and (3) of this section
25 in the final average compensation of employees affected for purposes of
26 calculating retirement benefits, as specified in executive request
27 legislation, chapter . . . (House Bill No. . . .), Laws of 2011 and
28 chapter . . . (Senate Bill No. . . .), Laws of 2011.
- 29 (5) The appropriation from dedicated funds and accounts must be
30 made in the amounts specified and from the dedicated funds and accounts
31 specified in LEAP Transportation Document GLK-2011, as developed on
32 March 23, 2011, which is incorporated by reference. The office of
33 financial management shall allocate the moneys appropriated in this
34 section in the amounts specified and to the state agencies specified in
35 LEAP Transportation Document GLK-2011, as developed on March 23, 2011,
36 and adjust appropriation schedules accordingly.

1 NEW SECTION. **Sec. 503. COLLECTIVE BARGAINING AGREEMENTS**

2 Provisions or terms and conditions of collective bargaining
3 agreements contained in this act are described in general terms. The
4 collective bargaining agreements or terms and conditions contained in
5 sections 501, 502, and 503 through 510 of this act may also be funded
6 by expenditures from nonappropriated accounts. If positions are funded
7 with lidded grants or dedicated fund sources with insufficient revenue,
8 additional funding from other sources is not provided.

9 NEW SECTION. **Sec. 504. DEPARTMENT OF TRANSPORTATION MARINE**
10 **DIVISION COLLECTIVE BARGAINING AGREEMENTS--IBU, METAL TRADES, OPEIU,**
11 **MEBA-UL MEBA-L, MM&P-WS, MM&P**

12 (1) Agreements have been reached between the governor and the
13 following unions effective July 1, 2011: Inlandboatmen's union of the
14 pacific; Puget Sound metal trades council; office and professional
15 employees international union local no. 8; marine engineers' beneficial
16 association (unlicensed engine room employees); marine engineers'
17 beneficial association (licensed engineer officers); master, mates, and
18 pilots marine operations watch supervisors; and master, mates, and
19 pilots, under chapter 47.64 RCW for the 2011-2013 fiscal biennium
20 subject to union internal processes and procedures.

21 (2) Funding is reduced to reflect a reduction to overtime
22 calculation, travel pay for relief employees, and reduced vacation
23 leave accruals.

24 (3) Except for office and professional employees international
25 union local no. 8, funding is reduced to reflect a three percent
26 temporary salary reduction for all employees for fiscal years 2012 and
27 2013 through June 29, 2013. Entry level rates for employees under the
28 inlandboatmen's union of the pacific are not subject to the three
29 percent temporary salary reduction.

30 (4) For employees covered under the office and professional
31 employees international union local no. 8 agreement, funding is reduced
32 to reflect a three percent temporary salary reduction for all employees
33 making \$2,500 or more per month for fiscal years 2012 and 2013 through
34 June 29, 2013. Temporary salary reduction leave is granted for
35 employees covered under the office and professional employees
36 international union local no. 8 agreement for the term of the 2011-2013
37 agreement.

1 (5) Effective June 30, 2013, the salary schedules effective July 1,
2 2009, through June 29, 2011, will be reinstated for all of the
3 agreements.

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

7 NEW SECTION. **Sec. 505. GENERAL GOVERNMENT COLLECTIVE BARGAINING**
8 **AGREEMENTS**

9 Agreements have been reached between the governor and the
10 Washington federation of state employees and the international
11 federation of professional and technical engineers local 17 under
12 chapter 41.80 RCW for the 2011-2013 fiscal biennium subject to union
13 internal processes/procedures. Funding is reduced to reflect a three
14 percent temporary salary reduction for all employees making \$2,500 or
15 more per month covered under the agreements for fiscal years 2012 and
16 2013 through June 29, 2013. Effective June 30, 2013, the salary
17 schedules effective July 1, 2009, through June 30, 2011, will be
18 reinstated. Temporary salary reduction leave is granted for the term
19 of the 2011-2013 agreement.

20 NEW SECTION. **Sec. 506. COLLECTIVE BARGAINING AGREEMENT--WSP**
21 **TROOPERS ASSOCIATION**

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

27 NEW SECTION. **Sec. 507. COLLECTIVE BARGAINING AGREEMENTS--WSP**
28 **LIEUTENANTS ASSOCIATION**

29 No agreement has been reached between the governor and the
30 Washington state patrol lieutenant's association under chapter 41.56
31 RCW for the 2011-2013 fiscal biennium. Appropriations for the
32 Washington state patrol in this act are sufficient to fund the
33 provisions of the 2009-2011 agreement.

34 NEW SECTION. **Sec. 508. COMPENSATION--NONREPRESENTED EMPLOYEES--**

1 **INSURANCE BENEFITS**

2 Appropriations in this act for state agencies are sufficient to
3 fund nonrepresented state employee health benefits for state agencies
4 and are subject to the following conditions and limitations:

5 (1)(a) The monthly employer funding rate for insurance benefit
6 premiums, public employees' benefits board administration, and the
7 uniform medical plan shall not exceed \$850 per eligible employee for
8 fiscal year 2012. For fiscal year 2013, the monthly employer funding
9 rate shall not exceed \$850 per eligible employee.

10 (b) In order to achieve the level of funding provided for health
11 benefits, the public employees' benefits board shall require any or all
12 of the following: Employee premium copayments; increases in point-of-
13 service cost sharing; the implementation of managed competition; or
14 make other changes to benefits consistent with RCW 41.05.065.

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

22 (2) The health care authority, subject to the approval of the
23 public employees' benefits board, shall provide subsidies for health
24 benefit premiums to eligible retired or disabled public employees and
25 school district employees who are eligible for medicare, pursuant to
26 RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be
27 \$150.00 per month.

28 **NEW SECTION. Sec. 509. COMPENSATION--REPRESENTED EMPLOYEES**
29 **OUTSIDE SUPER COALITION--INSURANCE BENEFITS**

30 Appropriations in this act for state agencies are sufficient to
31 fund health benefits for represented state employees outside the super
32 coalition on health benefits and are subject to the following
33 conditions and limitations:

34 (1)(a) The monthly employer funding rate for insurance benefit
35 premiums, public employees' benefits board administration, and the
36 uniform medical plan shall not exceed \$850 per eligible employee for

1 fiscal year 2012. For fiscal year 2013, the monthly employer funding
2 rate shall not exceed \$850 per eligible employee.

3 (b) In order to achieve the level of funding provided for health
4 benefits, the public employees' benefits board shall require any or all
5 of the following: Employee premium copayments; increases in point-of-
6 service cost sharing; the implementation of managed competition; or
7 make other changes to benefits consistent with RCW 41.05.065.

8 (c) The health care authority shall deposit any moneys received on
9 behalf of the uniform medical plan as a result of rebates on
10 prescription drugs, audits of hospitals, subrogation payments, or any
11 other moneys recovered as a result of prior uniform medical plan claims
12 payments, into the public employees' and retirees' insurance account to
13 be used for insurance benefits. Such receipts shall not be used for
14 administrative expenditures.

15 (2) The health care authority, subject to the approval of the
16 public employees' benefits board, shall provide subsidies for health
17 benefit premiums to eligible retired or disabled public employees and
18 school district employees who are eligible for medicare, pursuant to
19 RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be
20 \$150.00 per month.

21 NEW SECTION. **Sec. 510. COMPENSATION--REPRESENTED EMPLOYEES--**
22 **SUPER COALITION--INSURANCE BENEFITS**

23 The collective bargaining agreement negotiated with the super
24 coalition under chapter 41.80 RCW includes employer premiums at eighty-
25 five percent of the total weighted average of the projected health care
26 premiums across all plans and tiers. Appropriations in this act for
27 state agencies are sufficient to fund state employees health benefits
28 for employees represented by the super coalition on health benefits and
29 are subject to the following conditions and limitations:

30 (1)(a) The monthly employer funding rate for insurance benefit
31 premiums, public employees' benefits board administration, and the
32 uniform medical plan shall not exceed \$850 per eligible employee for
33 fiscal year 2012. For fiscal year 2013, the monthly employer funding
34 rate shall not exceed \$850 per eligible employee.

35 (b) In order to achieve the level of funding provided for health
36 benefits, the public employees' benefits board shall require any or all

1 of the following: Employee premium copayments; increases in point-of-
2 service cost sharing; the implementation of managed competition; or
3 make other changes to benefits consistent with RCW 41.05.065.

4 (c) The health care authority shall deposit any moneys received on
5 behalf of the uniform medical plan as a result of rebates on
6 prescription drugs, audits of hospitals, subrogation payments, or any
7 other moneys recovered as a result of prior uniform medical plan claims
8 payments, into the public employees' and retirees' insurance account to
9 be used for insurance benefits. Such receipts shall not be used for
10 administrative expenditures.

11 (2) The health care authority, subject to the approval of the
12 public employees' benefits board, shall provide subsidies for health
13 benefit premiums to eligible retired or disabled public employees and
14 school district employees who are eligible for medicare, pursuant to
15 RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be
16 \$150.00 per month.

17 NEW SECTION. **Sec. 511. DEPARTMENT OF TRANSPORTATION MARINE**
18 **DIVISION COLLECTIVE BARGAINING AGREEMENTS--TERMS AND CONDITIONS**

19 No agreements have been reached between the governor and service
20 employees international union local no. 6 and the ferry agents,
21 supervisors, and project administrators association under chapter 47.64
22 RCW for the 2011-2013 fiscal biennium. Appropriations in this act
23 reflect funding to maintain the provisions or terms and conditions of
24 the 2009-2011 agreements for fiscal year 2012. Fiscal year 2013
25 appropriations are reduced to reflect management priorities in
26 collective bargaining.

27 **IMPLEMENTING PROVISIONS**

28 NEW SECTION. **Sec. 601. STAFFING LEVELS**

29 (1) As the department of transportation completes delivery of the
30 projects funded by the 2003 and 2005 transportation revenue packages,
31 it is clear that the current staffing levels necessary to deliver these
32 projects are not sustainable into the future. Therefore, the
33 department is directed to quickly move forward to develop and implement
34 new business practices so that a smaller, more nimble state workforce

1 can effectively and efficiently deliver transportation improvement
2 programs as they are approved in the future, in strong partnership with
3 the private sector, while protecting the public's interests and assets.

4 (2) To this end, the department of transportation is directed to
5 reduce the size of its engineering and technical workforce to a level
6 sustained by current law revenue levels currently estimated at two
7 thousand FTEs by the end of the 2013-2015 fiscal biennium. The
8 department's current two thousand eight hundred FTE engineering and
9 technical workforce levels for highway construction will be reduced in
10 the 2011-2013 fiscal biennium, with a target of two thousand four
11 hundred FTEs by June 30, 2013, and to a level of two thousand FTEs by
12 June 30, 2015.

13 (3) In order to successfully deliver the highway construction
14 program as funded, the department of transportation may continue to
15 contract out engineering and technical services. In addition, the
16 department may continue the incentive program for retirements and
17 employee separations. The department shall report quarterly to the
18 office of financial management and the transportation committees of the
19 legislature on its progress and plans to reduce highway construction
20 workforce levels to two thousand FTEs by June 2015. This report must
21 also be posted on the department's web site.

22 NEW SECTION. **Sec. 602. VOLUNTARY RETIREMENT, SEPARATION, AND**
23 **DOWNSHIFTING INCENTIVES**

24 As a management tool to reduce costs and make more effective use of
25 resources, while improving employee productivity and morale, agencies
26 may implement a voluntary retirement, separation, and/or downshifting
27 incentive program that is cost neutral or results in cost savings over
28 a two-year period following the commencement of the program, provided
29 that such a program is approved by the director of financial
30 management.

31 Agencies participating in this authorization may offer voluntary
32 retirement, separation, and/or downshifting incentives and options
33 according to procedures and guidelines established by the office of
34 financial management, in consultation with the department of personnel
35 and the department of retirement systems. The options may include, but
36 are not limited to, financial incentives for: Voluntary separation or
37 retirement, voluntary leave-without-pay, voluntary workweek or work

1 hour reduction, voluntary downward movement, or temporary separation
2 for development purposes. An employee does not have a contractual
3 right to a financial incentive offered pursuant to this section.

4 Offers must be reviewed and monitored jointly by the department of
5 personnel and the department of retirement systems. Agencies are
6 required to submit a report by June 30, 2013, to the legislature and
7 the office of financial management on the outcome of their approved
8 incentive program. The report must include information on the details
9 of the program, including resulting service delivery changes, agency
10 efficiencies, the cost of the incentive per participant, the total cost
11 to the state, and the projected or actual net dollar savings over the
12 2011-2013 fiscal biennium.

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

14 (1) The transportation 2003 projects or improvements and the 2005
15 transportation partnership projects or improvements are listed in LEAP
16 Transportation Document 2011-1 as developed March 21, 2011, which
17 consists of a list of specific projects by fund source and amount over
18 a sixteen year period. Current fiscal biennium funding for each
19 project is a line item appropriation, while the outer year funding
20 allocations represent a sixteen year plan. The department is expected
21 to use the flexibility provided in this section to assist in the
22 delivery and completion of all transportation partnership account and
23 transportation 2003 (nickel) account projects on the LEAP lists
24 referenced in this act. For the 2011-2013 project appropriations,
25 unless otherwise provided in this act, the director of financial
26 management may authorize a transfer of appropriation authority between
27 projects funded with transportation 2003 account (nickel account)
28 appropriations or transportation partnership account appropriations in
29 order to manage project spending and efficiently deliver all projects
30 in the respective program under the following conditions and
31 limitations:

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

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

1 (c) Each transfer between projects may only occur if the director
2 of financial management finds that any resulting change will not hinder
3 the completion of the projects as approved by the legislature. Until
4 the legislature reconvenes to consider the 2012 supplemental budget,
5 any unexpended 2009-2011 appropriation balance as approved by the
6 office of financial management, in consultation with the legislative
7 staff of the house of representatives and senate transportation
8 committees, may be considered when transferring funds between projects;

9 (d) Transfers from a project may be made if the funds appropriated
10 to the project are in excess of the amount needed to complete the
11 project;

12 (e) Transfers may not occur to projects not identified on the
13 applicable project list;

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

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

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

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

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

35 **NEW SECTION. Sec. 604. FACILITIES PLANNING**

36 (1) The department of transportation shall prepare a plan to
37 improve the oversight of real estate procurement and management

1 practices across all departmental programs and regions. The plan must
2 be submitted to the governor and the joint transportation committee by
3 September 1, 2012. The plan must include:

4 (a) An inventory of all currently owned and leased office space,
5 tunnel and bridge operations and maintenance facilities, and traffic
6 management centers;

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

10 (c) A list of all buildings that are planned to be renovated or
11 remodeled in the next ten years and the funding source that is assumed
12 for these facility improvements;

13 (d) A list of options for consolidating staff, equipment, and
14 operations activities to reduce costs. This list must include an
15 evaluation of the costs and benefits of owning properties as compared
16 to leasing them; and

17 (e) A process and plan for regularly evaluating needs for office
18 space, tunnel and bridge operations and maintenance facilities, and
19 traffic management.

20 (2) Until September 1, 2012, the department may not enter into new
21 leases or acquire property for office needs without first consulting
22 with the office of financial management and the joint transportation
23 committee.

24 **NEW SECTION. Sec. 605. FOR THE DEPARTMENT OF TRANSPORTATION**

25 As part of its budget submittal, the department shall provide an
26 annual update to the report provided to the legislature and office of
27 financial management in 2008 that:

28 (1) Compares the original project cost estimates approved in the
29 2003 and 2005 project lists to the completed cost of the project, or
30 the most recent legislatively approved budget and total project costs
31 for projects not yet completed;

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

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

36 (4) Identifies highway projects that have lost significant local or

1 regional contributions that were essential to completing the project;
2 and

3 (5) Identifies contingency amounts allocated to projects.

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

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

12 **MISCELLANEOUS 2011-2013 FISCAL BIENNIUM**

13 **Sec. 701.** RCW 46.68.170 and 2009 c 470 s 701 are each amended to
14 read as follows:

15 There is hereby created in the motor vehicle fund the RV account.
16 All moneys hereafter deposited in said account shall be used by the
17 department of transportation for the construction, maintenance, and
18 operation of recreational vehicle sanitary disposal systems at safety
19 rest areas in accordance with the department's highway system plan as
20 prescribed in chapter 47.06 RCW. During the ((2007-2009—and))
21 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer
22 from the RV account to the motor vehicle fund such amounts as reflect
23 the excess fund balance of the RV account to accomplish the purposes
24 identified in this section.

25 **Sec. 702.** RCW 47.29.170 and 2009 c 470 s 702 are each amended to
26 read as follows:

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

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

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

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

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

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

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

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

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

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

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

28 NEW SECTION. Sec. 703. To the extent that any appropriation
29 authorizes expenditures of state funds from the motor vehicle account,
30 special category C account, Tacoma Narrows toll bridge account,
31 transportation 2003 account (nickel account), transportation
32 partnership account, transportation improvement account, Puget Sound
33 capital construction account, multimodal transportation account, state
34 route number 520 corridor account, or other transportation capital
35 project account in the state treasury for a state transportation
36 program that is specified to be funded with proceeds from the sale of
37 bonds authorized in chapter 47.10 RCW, the legislature declares that

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

5 **Sec. 704.** RCW 46.68.370 and 2010 c 161 s 818 are each amended to
6 read as follows:

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

19 **Sec. 705.** RCW 47.01.380 and 2009 c 470 s 705 are each amended to
20 read as follows:

21 The department shall not commence construction on any part of the
22 state route number 520 bridge replacement and HOV project until a
23 record of decision has been reached providing reasonable assurance that
24 project impacts will be avoided, minimized, or mitigated as much as
25 practicable to protect against further adverse impacts on neighborhood
26 environmental quality as a result of repairs and improvements made to
27 the state route number 520 bridge and its connecting roadways, and that
28 any such impacts will be addressed through engineering design choices,
29 mitigation measures, or a combination of both. The requirements of
30 this section shall not apply to off-site pontoon construction
31 supporting the state route number 520 bridge replacement and HOV
32 project. The requirements of this section shall not apply during the
33 2009-2011 and 2011-2013 fiscal (~~biennium~~) biennia.

34 **Sec. 706.** RCW 47.56.876 and 2010 c 248 s 5 are each amended to
35 read as follows:

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

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

21 **Sec. 707.** RCW 46.18.060 and 2010 1st sp.s. c 7 s 94 and 2010 c 161
22 s 604 are each reenacted and amended to read as follows:

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

25 (2) Duties of the department include but are not limited to the
26 following:

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

31 (b) Report annually to the senate and house of representatives
32 transportation committees on the special license plate applications
33 that were considered by the department;

34 (c) Issue approval and rejection notification letters to sponsoring
35 organizations, the chairs of the senate and house of representatives
36 transportation committees, and the legislative sponsors identified in

1 each application. The letters must be issued within seven days of
2 making a determination on the status of an application; and

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

8 (3) Except as provided in RCW 46.18.245, in order to assess the
9 effects and impact of the proliferation of special license plates, the
10 legislature declares a temporary moratorium on the issuance of any
11 additional plates until July 1, (~~(2011)~~) 2013. During this period of
12 time, the department is prohibited from accepting, reviewing,
13 processing, or approving any applications. Additionally, a special
14 license plate may not be enacted by the legislature during the
15 moratorium, unless the proposed license plate has been approved by the
16 board before February 15, 2005.

17 **Sec. 708.** RCW 46.68.060 and 2009 c 470 s 711 are each amended to
18 read as follows:

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

30 **Sec. 709.** RCW 46.68.--- and 2011 c ... (SHB 1897) s 1 are each
31 amended to read as follows:

32 (1) The rural mobility grant program account is created in the
33 state treasury. Moneys in the account may be spent only after
34 appropriation. Expenditures from the account may be used only for the
35 grants provided under section 2 (~~(of this act)~~), chapter ... (SHB
36 1897), Laws of 2011.

1 (2) Beginning September 2011, by the last day of September,
2 December, March, and June of each year, the state treasurer shall
3 transfer from the multimodal transportation account to the rural
4 mobility grant program account two million five hundred thousand
5 dollars.

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

10 **Sec. 710.** RCW 46.68.220 and 2010 c 161 s 807 are each amended to
11 read as follows:

12 The department of licensing services account is created in the
13 motor vehicle fund. All receipts from service fees received under RCW
14 46.17.025 must be deposited into the account. Moneys in the account
15 may be spent only after appropriation. Expenditures from the account
16 may be used only for:

- 17 (1) Information and service delivery systems for the department;
- 18 (2) Reimbursement of county licensing activities; and
- 19 (3) County auditor or other agent and subagent support including,
20 but not limited to, the replacement of department-owned equipment in
21 the possession of county auditors or other agents and subagents
22 appointed by the director. During the ((2007-2009 and 2009-2011))
23 2011-2013 fiscal ((~~biennia~~)) biennium, the legislature may transfer
24 from the department of licensing services account such amounts as
25 reflect the excess fund balance of the account.

26 **Sec. 711.** RCW 43.19.642 and 2010 c 247 s 701 are each amended to
27 read as follows:

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

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

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

9 (4) For the 2009-2011 and 2011-2013 fiscal (~~(biennium)~~) biennia,
10 all fuel purchased by the Washington state ferries at the Harbor Island
11 truck terminal for the operation of the Washington state ferries diesel
12 powered vessels must be a minimum of five percent biodiesel blend so
13 long as the per gallon price of diesel containing a five percent
14 biodiesel blend level does not exceed the per gallon price of diesel by
15 more than five percent. If the per gallon price of diesel containing
16 a five percent biodiesel blend level exceeds the per gallon price of
17 diesel by more than five percent, the requirements of this section do
18 not apply to vessel fuel purchases by the Washington state ferries.

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

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

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

26 **Sec. 712.** RCW 47.06B.900 and 2009 c 515 s 17 are each amended to
27 read as follows:

28 The agency council on coordinated transportation is terminated on
29 June 30, (~~(2011, as provided in RCW 47.06B.901)~~) 2013.

30 **Sec. 713.** RCW 47.06B.901 and 2009 c 515 s 18 are each amended to
31 read as follows:

32 The following acts or parts of acts, as now existing or hereafter
33 amended, are each repealed, effective June 30, (~~(2012)~~) 2014:

34 (1) RCW 47.06B.010 and 2009 c 515 s 3, 2007 c 421 s 1, 1999 c 385
35 s 1, & 1998 c 173 s 1;

36 (2) RCW 47.06B.012 and 1999 c 385 s 2;

- 1 (3) RCW 47.06B.020 and 2009 c 515 s 4, 2007 c 421 s 2, & 1998 c 173
- 2 s 2;
- 3 (4) RCW 47.06B.030 and (~~(2009 c 515 s 5,)~~) 2007 c 421 s 3, 1999 c
- 4 385 s 5, & 1998 c 173 s 3;
- 5 (5) RCW 47.06B.040 and 2007 c 421 s 4 & 1999 c 385 s 6;
- 6 (6) RCW 47.06B.050 and 2009 c 515 s 8 & 2007 c 421 s 6;
- 7 (7) RCW 47.06B.060;
- 8 (~~(8) ((Section 2 of this act;~~
- 9 ~~(9) Section 6 of this act;~~
- 10 ~~(10) Section 7 of this act;~~
- 11 ~~(11))~~) RCW 47.06B.070;
- 12 (~~(12))~~) (9) RCW 47.06B.075; and
- 13 (~~(13))~~) (10) RCW 47.06B.080.

14 **Sec. 714.** RCW 47.56.403 and 2005 c 312 s 3 are each amended to
15 read as follows:

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

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

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

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

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

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

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

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

15 (a) Freeway efficiency and safety;

16 (b) Effectiveness for transit;

17 (c) Person and vehicle movements by mode;

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

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

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

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

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

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

36 (6) The department of transportation shall adopt rules that allow
37 automatic vehicle identification transponders used for electronic toll
38 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. 715.** RCW 47.64.170 and 2010 c 283 s 11 are each amended to
13 read as follows:

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

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

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

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

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

34 (6)(a) Within ten working days after the first Monday in September
35 of every odd-numbered year, the parties shall attempt to agree on an
36 interest arbitrator to be used if the parties are not successful in
37 negotiating a comprehensive collective bargaining agreement. If the

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

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

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

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

1 After the expiration date of a collective bargaining agreement
2 negotiated under this chapter, all of the terms and conditions
3 specified in the collective bargaining agreement remain in effect until
4 the effective date of a subsequently negotiated agreement, not to
5 exceed one year from the expiration date stated in the agreement.
6 Thereafter, the employer may unilaterally implement according to law.

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

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

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

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

23 (b) The governor shall submit a request either for funds necessary
24 to implement the arbitration awards or for legislation necessary to
25 implement the arbitration awards, or both. Requests for funds
26 necessary to implement the arbitration awards shall not be submitted to
27 the legislature by the governor unless such requests:

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

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

33 (c) The legislature shall approve or reject the submission of the
34 request for funds necessary to implement the collective bargaining
35 agreements or arbitration awards as a whole for each agreement or
36 award. Except as provided in subsection (11) of this section, the
37 legislature shall not consider a request for funds to implement a
38 collective bargaining agreement or arbitration award unless the request

1 is transmitted to the legislature as part of the governor's budget
2 document submitted under RCW 43.88.030 and 43.88.060. If the
3 legislature rejects or fails to act on the submission, either party may
4 reopen all or part of the agreement and award or the exclusive
5 bargaining representative may seek to implement the procedures provided
6 for in RCW 47.64.210 and 47.64.300.

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

13 (11) For the collective bargaining agreements negotiated for the
14 2011-2013 fiscal biennium, the legislature may consider a request for
15 funds to implement a collective bargaining agreement even if the
16 request for funds is not transmitted to the legislature as part of the
17 governor's budget document submitted under RCW 43.88.030 and 43.88.060.

18 **Sec. 716.** RCW 47.64.270 and 2010 c 283 s 13 are each amended to
19 read as follows:

20 (1) The employer and one coalition of all the exclusive bargaining
21 representatives subject to this chapter and chapter 41.80 RCW shall
22 conduct negotiations regarding the dollar amount expended on behalf of
23 each employee for health care benefits.

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

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

32 (4) For the 2011-2013 fiscal biennium, a collective bargaining
33 agreement related to employee health care benefits negotiated between
34 the employer and coalition pursuant to RCW 41.80.020(3) regarding the
35 dollar amount expended on behalf of each employee must be a separate
36 agreement for which the governor may request funds necessary to
37 implement the agreement. If such an agreement is negotiated and funded

1 by the legislature, this agreement supersedes any terms and conditions
2 of an expired 2009-2011 biennial collective bargaining agreement under
3 this chapter regarding health care benefits.

4 **Sec. 717.** RCW 46.63.170 and 2010 c 161 s 1127 are each amended to
5 read as follows:

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

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

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

20 (c) During the ((2009-2011)) 2011-2013 fiscal biennium, automated
21 traffic safety cameras may be used to detect speed violations for the
22 purposes of ((section 201(2), chapter 470, Laws of 2009)) section
23 201(4) of this act if the local legislative authority first enacts an
24 ordinance authorizing the use of cameras to detect speed violations.

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

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

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

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

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

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

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

34 (2) Infractions detected through the use of automated traffic
35 safety cameras are not part of the registered owner's driving record
36 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
37 by the use of automated traffic safety cameras under this section shall
38 be processed in the same manner as parking infractions, including for

1 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3).
2 However, the amount of the fine issued for an infraction generated
3 through the use of an automated traffic safety camera shall not exceed
4 the amount of a fine issued for other parking infractions within the
5 jurisdiction.

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

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

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

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

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

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

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

1 zone as detected by a speed measuring device. During the ((2009-2011))
2 2011-2013 fiscal biennium, an automated traffic safety camera includes
3 a camera used to detect speed violations for the purposes of ((~~section~~
4 ~~201(2), chapter 470, Laws of 2009.~~

5 ~~(6) During the 2009-2011 fiscal biennium, this section does not~~
6 ~~apply to automated traffic safety cameras for the purposes of section~~
7 ~~218(2), chapter 470, Laws of 2009)) section 201(4) of this act.~~

8 **Sec. 718.** RCW 47.28.030 and 2010 c 283 s 9 and 2010 c 5 s 11 are
9 each reenacted and amended to read as follows:

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

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

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

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

33 (2) The rules adopted under this section:

34 (a) Shall provide for competitive bids to the extent that
35 competitive sources are available except when delay of performance
36 would jeopardize life or property or inconvenience the traveling
37 public; and

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

7 (c) May establish prequalification standards and procedures as an
8 alternative to those set forth in RCW 47.28.070, but the
9 prequalification standards and procedures under RCW 47.28.070 shall
10 always be sufficient.

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

18 (4)(a) For the period of March 15, 2010, through June 30, 2011, and
19 during the 2011-2013 fiscal biennium, work for less than one hundred
20 twenty thousand dollars may be performed on ferry vessels and terminals
21 by state forces.

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

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

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

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

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

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

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

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

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

20 (iv) A review of the department's vessel maintenance, preservation,
21 and improvement program contracting process and contractual
22 requirements;

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

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

28 (vii) Coordination with required United States coast guard dry
29 dockings;

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

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

35 **Sec. 719.** RCW 47.60.355 and 2010 c 283 s 3 are each amended to
36 read as follows:

1 (1) Terminal and vessel preservation funding requests shall only be
2 for assets in the life-cycle cost model.

3 (2) Except for the 2011-2013 fiscal biennium, terminal and vessel
4 preservation funding requests that exceed five million dollars per
5 project must be accompanied by a predesign study. The predesign study
6 must include all elements required by the office of financial
7 management.

8 **Sec. 720.** RCW 47.12.244 and 2009 c 470 s 709 are each amended to
9 read as follows:

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

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

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

20 (3) Any federal moneys available for acquisition of right-of-way
21 for future construction under the provisions of section 108 of Title
22 23, United States Code.

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

27 **Sec. 721.** RCW 43.105.330 and 2006 c 76 s 2 are each amended to
28 read as follows:

29 (1) The board shall appoint a state interoperability executive
30 committee, the membership of which must include, but not be limited to,
31 representatives of the military department, the Washington state
32 patrol, the department of transportation, the department of information
33 services, the department of natural resources, city and county
34 governments, state and local fire chiefs, police chiefs, and sheriffs,
35 and state and local emergency management directors. The chair and

1 legislative members of the board will serve as nonvoting ex officio
2 members of the committee. Voting membership may not exceed fifteen
3 members.

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

6 (3) The state interoperability executive committee has the
7 following responsibilities:

8 (a) Develop policies and make recommendations to the board for
9 technical standards for state wireless radio communications systems,
10 including emergency communications systems. The standards must
11 address, among other things, the interoperability of systems, taking
12 into account both existing and future systems and technologies;

13 (b) Coordinate and manage on behalf of the board the licensing and
14 use of state-designated and state-licensed radio frequencies, including
15 the spectrum used for public safety and emergency communications, and
16 serve as the point of contact with the federal communications
17 commission on matters relating to allocation, use, and licensing of
18 radio spectrum;

19 ~~((Coordinate the purchasing of all state wireless radio
20 communications system equipment to ensure that:~~

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

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

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

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

29 ~~((e))~~ (d) Develop recommendations for legislation that may be
30 required to promote interoperability of state wireless communications
31 systems;

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

34 ~~((g))~~ (f) Work with wireless communications groups and
35 associations to ensure interoperability among all public safety and
36 emergency response wireless communications systems; and

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

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

4 **2009-2011 FISCAL BIENNIUM**

5 **GENERAL GOVERNMENT AGENCIES--OPERATING**

6 **Sec. 801.** 2010 c 247 s 104 (uncodified) is amended to read as
7 follows:

8 **FOR THE MARINE EMPLOYEES COMMISSION**

9 Puget Sound Ferry Operations Account--State

10	Appropriation	((\$440,000))
11		<u>\$470,000</u>

12 **TRANSPORTATION AGENCIES--OPERATING**

13 **Sec. 901.** 2010 c 247 s 204 (uncodified) is amended to read as
14 follows:

15 **FOR THE JOINT TRANSPORTATION COMMITTEE**

16	Motor Vehicle Account--State Appropriation	\$2,163,000
17	Multimodal Transportation Account--State Appropriation . .	((\$400,000))
18		<u>\$350,000</u>
19	TOTAL APPROPRIATION	((\$2,563,000))
20		<u>\$2,513,000</u>

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

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

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

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

29 (4) The joint transportation committee shall perform a review of
30 the fuel tax refunds for nonhighway or off-road use of gasoline and
31 diesel fuels as listed in RCW 46.09.170, 46.10.150, and 79A.25.070.
32 The review must: Provide an overview of the off-road programs; analyze
33 historical funding and expenditures from the respective treasury
34 accounts; outline and provide process documentation on how the funds
35 are distributed to the treasury accounts; and document future
36 identified off-road, snowmobile, and marine funding needs. A report on
37 the joint transportation committee review must be presented to the

1 house of representatives and senate transportation committees by
2 December 31, 2010.

3 (5)(a) \$350,000 of the multimodal transportation account--state
4 appropriation is for the joint transportation committee to conduct a
5 study to establish a statewide blueprint for public transportation that
6 will serve to guide state investments in public transportation. At a
7 minimum, the study should include an assessment of unmet operating and
8 capital needs of public transportation agencies, the state role in
9 funding those unmet needs, and the priorities for state investments.
10 The report should include efficiency and accountability measures that
11 inform future state investment in public transportation to maximize
12 mobility, social, economic, and environmental benefits provided to the
13 state.

14 (b) The statewide blueprint for public transportation should serve
15 to guide state investments to support public transportation and address
16 unmet needs to improve service, access to public transportation, and
17 connectivity between public transportation providers across
18 jurisdictional boundaries. The blueprint must be consistent with the
19 state's transportation system policy goals provided in RCW 47.04.280
20 and the statewide transportation plan provided in RCW 47.01.071(4).

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

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

26 (ii) One member from each of the two largest caucuses of the house
27 of representatives;

28 (iii) One representative of the department of transportation's
29 public transportation division;

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

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

34 (vi) Two representatives from regional transportation planning
35 organizations, one representing eastern Washington and one representing
36 western Washington;

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

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

3 (ix) Two representatives of organizations that address primarily
4 environmental issues;

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

7 (xi) Other individuals deemed appropriate.

8 Nonlegislative members of the advisory panel must seek
9 reimbursement for travel and other membership expenses through their
10 respective agencies or organizations. The committee may make
11 exceptions and approve certain expenses for good cause on a case-by-
12 case basis.

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

16 (6) The joint transportation committee shall work with the
17 department of licensing, the office of the code reviser, staff to the
18 legislative transportation committees, and other stakeholders to
19 evaluate the implementation of Senate Bill No. 6379. At a minimum, the
20 evaluation must identify the unintended impacts of Senate Bill No. 6379
21 on policy and revenue collection, if any. The joint transportation
22 committee shall issue its evaluation, including corrective draft
23 legislation if needed, by December 1, 2010.

24 (7) \$125,000 of the motor vehicle account--state appropriation is
25 for the joint transportation committee to evaluate the preparation of
26 state-level transportation plans. The evaluation must include a review
27 of federal planning requirements, the Washington transportation plan
28 and statewide modal plan requirements, and transportation plan
29 requirements for regional and local entities. The evaluation must make
30 recommendations concerning the appropriate responsibilities for
31 preparation of plans, methods to develop plans more efficiently, and
32 the utility of the state-level planning documents. The committee shall
33 issue a report of its evaluation, including draft legislation if
34 required, to the house of representatives and senate transportation
35 committees by December 15, 2010.

36 (8)(a) \$200,000 of the motor vehicle account--state appropriation
37 is for the joint transportation committee to evaluate funding
38 assistance and services provided by the county road administration

1 board, transportation improvement board, freight mobility strategic
2 investment board, and the department of transportation's highway and
3 local programs division. In 2010, the governor recommended
4 consolidating small transportation agencies as part of an overall
5 effort to streamline state government, provide economies of scale, and
6 improve customer service. The evaluation may include recommendations
7 on consolidating the agencies within the department of transportation,
8 within another existing agency, or within a newly created agency. The
9 study may also make recommendations on restructuring grant programs to
10 generate efficiencies or other more efficient ways to distribute
11 associated revenues.

12 (b) The joint transportation committee shall form a policy work
13 group to oversee the evaluation. The work group must consist of
14 legislators appointed by the joint transportation committee and a
15 member of the governor's staff appointed by the governor.

16 (c) Any evaluation recommendations must be accompanied by a
17 detailed implementation plan. The plan must include details on the
18 recommended governance structure, accounts and program structure, and
19 transition process and associated costs. The plan must include a
20 proposed organization chart and proposed legislation to enact the
21 recommended changes. A preliminary evaluation must be made to the
22 joint transportation committee by November 15, 2010, and a final
23 evaluation is due on December 15, 2010.

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

26 (a) A comparison of medical, time-loss, vocational and disability
27 benefits available to injured workers, and costs payable by the state
28 of Washington and employees, under the federal Jones act and
29 Washington's industrial insurance act. The report must include
30 information regarding the experience of the Alaska marine highway
31 system; and

32 (b) A comparison of the processing time of grievances and hearings
33 at the personnel relations employment commission and the marine
34 employee commission. The review must also investigate whether the
35 necessary expertise exists at the personnel relations employment
36 commission to administer the grievances and hearings currently
37 administered by the marine employee commission.

1 ~~((10)(a) \$50,000 of the multimodal transportation account state~~
2 ~~appropriation is for the joint transportation committee to conduct an~~
3 ~~analysis of the storm water permit requirements issued by the~~
4 ~~department of ecology in February 2009 to determine the costs and~~
5 ~~benefits of alternative options for the department of transportation to~~
6 ~~meet the requirements. However, if the committee does not include the~~
7 ~~analysis as part of its 2009-11 fiscal biennium work plan by April 15,~~
8 ~~2010, the amount provided in this subsection lapses. The analysis must~~
9 ~~include, at a minimum, an analysis of the following:~~

10 ~~(i) The department of transportation performing the functions of~~
11 ~~the permit in house;~~

12 ~~(ii) The functions of the permit being consolidated within the~~
13 ~~department of ecology or otherwise centralizing efforts for all state~~
14 ~~agencies; and~~

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

17 ~~(b) The committee shall provide a report to the legislature by~~
18 ~~December 2010.)~~

19 **Sec. 902.** 2010 c 247 s 205 (uncodified) is amended to read as
20 follows:

21 **FOR THE TRANSPORTATION COMMISSION**

22	Motor Vehicle Account--State Appropriation	(\$2,328,000)
23		<u>\$2,157,000</u>
24	Multimodal Transportation Account--State Appropriation . .	(\$112,000)
25		<u>\$111,000</u>
26	TOTAL APPROPRIATION	(\$2,440,000)
27		<u>\$2,268,000</u>

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

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

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

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

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

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

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

32 (7) The commission shall work with the department of
33 transportation's economic partnerships (Program K) in conducting a best
34 practices review of nontoll, public-private partnerships. The purpose
35 of this review is to identify the policies and procedures that would be
36 appropriate for application in Washington state. The commission must
37 report its findings and recommendations, including draft legislation if

1 warranted, to the house of representatives and senate transportation
2 committees by January 2011.

3 (8) As part of its development of the statewide transportation
4 plan, the commission shall review prioritized projects, including
5 preservation and maintenance projects, from regional transportation and
6 metropolitan planning organizations to identify statewide
7 transportation needs. The review should include a brief description
8 and status of each project along with the funding required and
9 associated timeline from start to completion. The commission shall
10 submit the review, along with recommendations, to the house of
11 representatives and senate transportation committees by January 2011.

12 **Sec. 903.** 2010 c 247 s 207 (uncodified) is amended to read as
13 follows:

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

15	State Patrol Highway Account--State	
16	Appropriation	((\$227,958,000))
17		<u>\$224,558,000</u>
18	State Patrol Highway Account--Federal	
19	Appropriation	\$10,903,000
20	State Patrol Highway Account--Private/Local	
21	Appropriation	((\$867,000))
22		<u>\$939,000</u>
23	TOTAL APPROPRIATION	((\$239,728,000))
24		<u>\$236,400,000</u>

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

27 (1) Washington state patrol officers engaged in off-duty uniformed
28 employment providing traffic control services to the department of
29 transportation or other state agencies may use state patrol vehicles
30 for the purpose of that employment, subject to guidelines adopted by
31 the chief of the Washington state patrol. The Washington state patrol
32 shall be reimbursed for the use of the vehicle at the prevailing state
33 employee rate for mileage and hours of usage, subject to guidelines
34 developed by the chief of the Washington state patrol, and Cessna
35 pilots funded from the state patrol highway account who are certified
36 to fly the King Airs may pilot those aircraft for general fund purposes
37 with the general fund reimbursing the state patrol highway account an

1 hourly rate to cover the costs incurred during the flights since the
2 aviation section will no longer be part of the Washington state patrol
3 cost allocation system as of July 1, 2009.

4 (2) The patrol shall not account for or record locally provided DUI
5 cost reimbursement payments as expenditure credits to the state patrol
6 highway account. The patrol shall report the amount of expected
7 locally provided DUI cost reimbursements to the office of financial
8 management and transportation committees of the legislature by
9 September 30th of each year.

10 (3) During the 2009-11 fiscal biennium, the Washington state patrol
11 shall continue to perform traffic accident investigations on Thurston
12 county roads, and shall work with the county to transition the traffic
13 accident investigations on Thurston county roads to the county by July
14 1, 2011.

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

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

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

1 deploy the pilot program equipment used in the roadway construction
2 zones.

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

10 (8) \$2,832,000 of the state patrol highway account--state
11 appropriation is provided solely for the aerial traffic enforcement
12 program. The Washington state patrol shall evaluate the costs
13 associated with aerial traffic highway enforcement to determine if the
14 costs are accurately apportioned between the state patrol highway
15 account and the general fund. It is the intent of the legislature that
16 the state patrol highway account incurs costs that result only from
17 highway enforcement activities and that the general fund incurs costs
18 associated with the King Airs. The Washington state patrol shall
19 report the results of the evaluation to the legislature by June 30,
20 2010.

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

24 (10) \$3,601,000 of the state patrol highway account--state
25 appropriation is provided solely for the costs associated with a basic
26 trooper class.

27 (11) The appropriations to the Washington state patrol must be
28 expended for the programs and in the amounts specified in this act.
29 However, after May 1, 2011, unless specifically prohibited, the state
30 patrol may transfer state patrol highway account--state appropriations
31 for the 2009-2011 fiscal biennium between operating programs after
32 approval by the director of the office of financial management.
33 However, the state patrol shall not transfer state moneys that are
34 provided solely for a specified purpose.

35 **Sec. 904.** 2010 c 247 s 208 (uncodified) is amended to read as
36 follows:

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

2 State Patrol Highway Account--State Appropriation . . . ((~~\$1,648,000~~))
3 \$1,196,000

4 The appropriation in this section is subject to the following
5 conditions and limitations: The appropriations to the Washington state
6 patrol must be expended for the programs and in the amounts specified
7 in this act. However, after May 1, 2011, unless specifically
8 prohibited, the state patrol may transfer state patrol highway
9 account--state appropriations for the 2009-2011 fiscal biennium between
10 operating programs after approval by the director of the office of
11 financial management. However, the state patrol shall not transfer
12 state moneys that are provided solely for a specified purpose.
13

14 **Sec. 905.** 2010 c 247 s 209 (uncodified) is amended to read as
15 follows:

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

17 State Patrol Highway Account--State Appropriation . . . ((~~\$108,560,000~~))
18 \$105,488,000

19 State Patrol Highway Account--Private/Local
20 Appropriation \$2,510,000
21 TOTAL APPROPRIATION ((~~\$111,070,000~~))
22 \$107,998,000

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

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

33 (2) ((~~\$10,425,000~~)) \$10,676,000 of the total appropriation is
34 provided solely for automobile fuel in the 2009-11 fiscal biennium.

35 (3) \$7,421,000 of the total appropriation is provided solely for
36 the purchase of pursuit vehicles.

37 (4) \$6,611,000 of the total appropriation is provided solely for

1 vehicle repair and maintenance costs of vehicles used for highway
2 purposes.

3 (5) \$1,724,000 of the total appropriation is provided solely for
4 the purchase of mission vehicles used for highway purposes in the
5 commercial vehicle and traffic investigation sections of the Washington
6 state patrol.

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

11 (7) (~~(\$345,000 of the state patrol highway account state~~
12 ~~appropriation is provided solely for the implementation of Engrossed~~
13 ~~Substitute House Bill No. 1445 (domestic partners/Washington state~~
14 ~~patrol retirement system). If Engrossed Substitute House Bill No. 1445~~
15 ~~is not enacted by June 30, 2009, the amount provided in this subsection~~
16 ~~shall lapse~~)) The appropriations to the Washington state patrol must be
17 expended for the programs and in the amounts specified in this act.
18 However, after May 1, 2011, unless specifically prohibited, the state
19 patrol may transfer state patrol highway account--state appropriations
20 for the 2009-2011 fiscal biennium between operating programs after
21 approval by the director of the office of financial management.
22 However, the state patrol shall not transfer state moneys that are
23 provided solely for a specified purpose.

24 **Sec. 906.** 2010 c 247 s 211 (uncodified) is amended to read as
25 follows:

26 **FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND**
27 **MAINTENANCE--PROGRAM B**

28	High Occupancy Toll Lanes Operations Account--State	
29	Appropriation	(((\$2,852,000))
30		<u>\$2,732,000</u>
31	Motor Vehicle Account--State Appropriation	(((\$575,000))
32		<u>\$2,945,000</u>
33	Tacoma Narrows Toll Bridge Account--State	
34	Appropriation	\$26,543,000
35	State Route Number 520 Corridor Account--State	
36	Appropriation	(((\$28,000,000))
37		<u>\$1,236,000</u>

1	State Route Number 520 Civil Penalties	
2	Account--State Appropriation((\$2,130,000))
3		<u>\$130,000</u>
4	TOTAL APPROPRIATION((\$60,100,000))
5		<u>\$33,586,000</u>

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

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

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

19 (3) (~~(\$28,000,000)~~) \$1,236,000 of the state route number 520
20 corridor account--state appropriation is provided solely for the costs
21 directly related to tolling the state route number 520 floating bridge.
22 (~~(Of this amount, \$8,000,000 must be retained in unallotted status, and~~
23 ~~may only be released by the office of financial management after~~
24 ~~consultation with the joint transportation committee.)~~)

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

28 (5) (~~(\$2,130,000)~~) \$130,000 of the state route number 520 civil
29 penalties account--state appropriation and \$140,000 of the Tacoma
30 Narrows toll bridge account--state appropriation are provided solely
31 for expenditures related to the toll adjudication process. The amount
32 provided in this subsection is contingent on the enactment by June 30,
33 2010, of either Engrossed Substitute Senate Bill No. 6499 or Substitute
34 House Bill No. 2897; however, if the enacted bill does not specify the
35 department as the toll penalty adjudicating agency, the amounts
36 provided in this subsection lapse.

37 (6) The department shall review, and revise where appropriate,
38 current signage and ingress/egress locations on the state route number

1 167 high occupancy toll lanes pilot project. The department shall
2 continue to work with the Washington state patrol on educating the
3 public on the rules of the road related to crossing a double white
4 line. The department shall continue to monitor the performance of the
5 high occupancy toll lanes to ensure that driving conditions for high
6 occupancy vehicles that share these lanes are not significantly
7 changed.

8 (7) \$2,435,000 of the motor vehicle account--state appropriation is
9 provided solely to provide a reserve for state route number 520 tolling
10 operations. This appropriation must be held in unallotted status until
11 the office of financial management deems that revenues applicable to
12 the state route number 520 tolling operations are not sufficient to
13 cover the expenditures. Repayment of any expenditures must occur in
14 the 2011-2013 fiscal biennium.

15 **Sec. 907.** 2010 c 247 s 212 (uncodified) is amended to read as
16 follows:

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

19	Transportation Partnership Account--State	
20	Appropriation	((\$2,675,000))
21		<u>\$2,425,000</u>
22	Motor Vehicle Account--State Appropriation	((\$68,650,000))
23		<u>\$67,546,000</u>
24	Motor Vehicle Account--Federal Appropriation	\$240,000
25	Multimodal Transportation Account--State	
26	Appropriation	\$363,000
27	Transportation 2003 Account (Nickel Account)--State	
28	Appropriation	((\$2,676,000))
29		<u>\$2,426,000</u>
30	TOTAL APPROPRIATION	((\$74,604,000))
31		<u>\$73,000,000</u>

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

34 (1) The department shall consult with the office of financial
35 management and the department of information services to: (a) Ensure
36 that the department's current and future system development is
37 consistent with the overall direction of other key state systems; and

1 (b) when possible, use or develop common statewide information systems
2 to encourage coordination and integration of information used by the
3 department and other state agencies and to avoid duplication.

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

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

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

33 **Sec. 908.** 2010 c 247 s 213 (uncodified) is amended to read as
34 follows:

35 **FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS**
36 **AND CONSTRUCTION--PROGRAM D--OPERATING**

37 Motor Vehicle Account--State Appropriation (~~(\$25,292,000)~~)

1 \$24,639,000

2 **Sec. 909.** 2010 c 247 s 214 (uncodified) is amended to read as
3 follows:

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

Aeronautics Account--State Appropriation	((\$5,960,000))
	<u>\$5,761,000</u>
Aeronautics Account--Federal Appropriation	\$2,150,000
TOTAL APPROPRIATION	((\$8,110,000))
	<u>\$7,911,000</u>

9

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

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

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

18 (3) Within the amounts provided in this section, the department
19 shall develop guidelines setting forth consultation procedures and a
20 process to assist counties and cities to identify land uses that may be
21 incompatible with airports and aircraft operations, and to encourage
22 and facilitate the adoption and implementation of comprehensive plan
23 policies and development regulations consistent with RCW 36.70.547 and
24 36.70A.510.

25 **Sec. 910.** 2010 c 247 s 215 (uncodified) is amended to read as
26 follows:

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

Motor Vehicle Account--State Appropriation	((\$49,331,000))
	<u>\$45,219,000</u>
Motor Vehicle Account--Federal Appropriation	\$500,000
Multimodal Transportation Account--State Appropriation	\$250,000
TOTAL APPROPRIATION	((\$50,081,000))
	<u>\$45,969,000</u>

35

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

3 (1) The department shall develop a plan for all current and future
4 surplus property parcels based on the recommendations from the surplus
5 property legislative work group that were presented to the senate
6 transportation committee on February 26, 2009. The plan must include,
7 at a minimum, strategies for maximizing the number of parcels sold, a
8 schedule that optimizes proceeds, a recommended cash discount, a plan
9 to report to the joint transportation committee, a recommendation for
10 regional incentives, and a recommendation for equivalent value
11 exchanges. This plan must accompany the department's 2010 supplemental
12 budget request. If the department determines that all or a portion of
13 real property or an interest in real property that was acquired through
14 condemnation within the previous ten years is no longer necessary for
15 a transportation purpose, the former owner has a right of repurchase as
16 described in this subsection. For the purposes of this subsection,
17 "former owner" means the person or entity from whom the department
18 acquired title. At least ninety days prior to the date on which the
19 property is intended to be sold by the department, the department must
20 mail notice of the planned sale to the former owner of the property at
21 the former owner's last known address or to a forwarding address if
22 that owner has provided the department with a forwarding address. If
23 the former owner of the property's last known address, or forwarding
24 address if a forwarding address has been provided, is no longer the
25 former owner of the property's address, the right of repurchase is
26 extinguished. If the former owner notifies the department within
27 thirty days of the date of the notice that the former owner intends to
28 repurchase the property, the department shall proceed with the sale of
29 the property to the former owner for fair market value and shall not
30 list the property for sale to other owners. If the former owner does
31 not provide timely written notice to the department of the intent to
32 exercise a repurchase right, or if the sale to the former owner is not
33 completed within seven months of the date of notice that the former
34 owner intends to repurchase the property, the right of repurchase is
35 extinguished. By December 1, 2010, the department shall report to the
36 legislative transportation committees on the individuals and entities
37 eligible to receive surplus property provided in RCW 47.12.063 to
38 determine the frequency with which the department transfers property to

1 those individuals and entities and the implications to the department.
2 It is the intent of the legislature that the list of individuals and
3 entities eligible to receive surplus property be periodically evaluated
4 to determine whether the list is appropriate and provides utility to
5 the department.

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

26 (3) \$3,175,000 of the motor vehicle account--state appropriation is
27 provided solely for the department's compliance with its national
28 pollution discharge elimination system permit.

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

1 consultant contract is warranted, the consultant contract is deemed a
2 revenue generation activity as that term is construed in section
3 602(2), chapter 3, Laws of 2010.

4 **Sec. 912.** 2010 c 247 s 217 (uncodified) is amended to read as
5 follows:

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

7 Motor Vehicle Account--State Appropriation	((\$347,645,000))
8	<u>\$350,229,000</u>
9 Motor Vehicle Account--Federal Appropriation	\$7,000,000
10 Motor Vehicle Account--Private/Local Appropriation	((\$5,797,000))
11	<u>\$7,997,000</u>
12 TOTAL APPROPRIATION	((\$360,442,000))
13	<u>\$365,226,000</u>

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

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

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

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

30 (4) \$7,000,000 of the motor vehicle account--federal appropriation
31 is for unanticipated federal funds that may be received during the
32 2009-11 fiscal biennium. Upon receipt of the funds, the department
33 shall provide a report on the use of the funds to the transportation
34 committees of the legislature and the office of financial management.

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

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

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

10 (6) The department may work with the department of corrections to
11 utilize corrections crews for the purposes of litter pickup on state
12 highways.

13 (7) \$650,000 of the motor vehicle account--state appropriation is
14 provided solely for increased asphalt costs.

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

19 (9) \$750,000 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 (10) \$317,000 of the motor vehicle account--state appropriation is
23 provided solely for maintaining a new active traffic management system
24 on Interstate 5, Interstate 90, and SR 520. The department shall track
25 the costs associated with these systems on a corridor basis and report
26 to the legislative transportation committees on the cost and benefits
27 of the system.

28 (11) \$286,000 of the motor vehicle account--state appropriation is
29 provided solely for storm water assessment fees charged by local
30 governments.

31 (12) \$1,286,000 of the motor vehicle account--state appropriation
32 is provided solely for maintenance work resulting from major disasters,
33 including: \$104,000 for US 97/Blewett Pass Flood Damage; \$347,000 for
34 SR 11 Chuckanut Drive Landslide; \$295,000 for US 97A Chelan County
35 Flood Damage; and \$540,000 for SR 401 Landslide.

36 **Sec. 913.** 2010 c 247 s 218 (uncodified) is amended to read as
37 follows:

1 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
2 **OPERATING**

3	Motor Vehicle Account--State Appropriation	((<u>\$51,128,000</u>))
4		<u>\$49,764,000</u>
5	Motor Vehicle Account--Federal Appropriation	\$2,050,000
6	Motor Vehicle Account--Private/Local Appropriation	\$127,000
7	TOTAL APPROPRIATION	((<u>\$53,305,000</u>))
8		<u>\$51,941,000</u>

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

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

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

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

35 (b) The department shall plainly mark the locations where the
36 automated traffic safety cameras are used by placing signs on locations
37 that clearly indicate to a driver that he or she is entering a roadway

1 construction zone where traffic laws are enforced by an automated
2 traffic safety camera;

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

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

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

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

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

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

22 (5) \$92,000 of the motor vehicle account--state appropriation is
23 provided solely for operating a new active traffic management system on
24 Interstate 5, Interstate 90, and SR 520. The department shall track
25 the costs associated with these systems on a corridor basis and report
26 to the legislative transportation committees on the cost and benefits
27 of the system.

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

30 (7) During the 2009-11 biennium, the department shall implement a
31 pilot program that expands private transportation providers' access to
32 high occupancy vehicle lanes. Under the pilot program, when the
33 department reserves a portion of a highway based on the number of
34 passengers in a vehicle, the following vehicles must be authorized to
35 use the reserved portion of the highway if the vehicle has the capacity
36 to carry eight or more passengers, regardless of the number of
37 passengers in the vehicle: (a) Auto transportation company vehicles
38 regulated under chapter 81.68 RCW; (b) passenger charter carrier

1 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
 2 stretch limousines and stretch sport utility vehicles as defined under
 3 department rules; (c) private nonprofit transportation provider
 4 vehicles regulated under chapter 81.66 RCW; and (d) private employer
 5 transportation service vehicles. For purposes of this subsection,
 6 "private employer transportation service" means regularly scheduled,
 7 fixed-route transportation service that is offered by an employer for
 8 the benefit of its employees. By June 30, 2011, the department shall
 9 report to the transportation committees of the legislature on whether
 10 private transportation provider use of high occupancy vehicle lanes
 11 under the pilot program reduces the speeds of high occupancy vehicle
 12 lanes. Nothing in this subsection is intended to authorize the
 13 conversion of public infrastructure to private, for-profit purposes or
 14 to otherwise create an entitlement or other claim by private users to
 15 public infrastructure.

16 **Sec. 914.** 2010 c 247 s 219 (uncodified) is amended to read as
 17 follows:

18 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**
 19 **SUPPORT--PROGRAM S**

20	Motor Vehicle Account--State Appropriation	((\$28,468,000))
21		<u>\$27,968,000</u>
22	Motor Vehicle Account--Federal Appropriation	\$30,000
23	Multimodal Transportation Account--State	
24	Appropriation	\$971,000
25	State Route Number 520 Corridor Account--State	
26	Appropriation	\$264,000
27	TOTAL APPROPRIATION	((\$29,733,000))
28		<u>\$29,233,000</u>

29 The appropriations in this section are subject to the following
 30 conditions and limitations: \$264,000 of the state route number 520
 31 corridor account--state appropriation is provided solely for the costs
 32 directly related to tolling the state route number 520 floating bridge.
 33 This amount must be retained in unallotted status, and may only be
 34 released by the office of financial management after consultation with
 35 the joint transportation committee.

1 **Sec. 915.** 2010 c 247 s 220 (uncodified) is amended to read as
2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,**
4 **AND RESEARCH--PROGRAM T**

5	Motor Vehicle Account--State Appropriation	((\$25,955,000))
6		<u>\$25,384,000</u>
7	Motor Vehicle Account--Federal Appropriation	\$22,002,000
8	Multimodal Transportation Account--State	
9	Appropriation	\$1,090,000
10	Multimodal Transportation Account--Federal	
11	Appropriation	\$3,287,000
12	Multimodal Transportation Account--Private/Local	
13	Appropriation	\$99,000
14	TOTAL APPROPRIATION	((\$52,433,000))
15		<u>\$51,862,000</u>

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

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

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

1 (3) \$365,000 of the motor vehicle account--state appropriation and
2 \$81,000 of the motor vehicle account--federal appropriation are
3 provided solely for the development of a freight database to help guide
4 freight investment decisions and track project effectiveness. The
5 database must be based on truck movement tracked through geographic
6 information system technology. For the remainder of the biennium, the
7 department may expand data collection to any highways that have high
8 truck volumes. TransNow shall contribute additional federal funds that
9 are not appropriated in this act. The department shall work with the
10 freight mobility strategic investment board to implement this database.

11 (4) \$2,000,000 of the motor vehicle account--state appropriation is
12 provided solely for scoping unfunded state highway projects to ensure
13 that a well-vetted project list is available for future program funding
14 discussions.

15 (a) It is the intent of the legislature that the funding provided
16 in this subsection support the development of transportation solutions
17 that benefit all state residents, including addressing the impacts of
18 traffic diversion from tolled facilities. It is further the intent of
19 the legislature that the buying power of future revenue packages is
20 maximized.

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

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

28 (d) Prior to the commencement of the 2011 legislative session, the
29 department shall provide a report to the legislative transportation
30 committees and the office of financial management that includes
31 estimated costs and construction time frames.

32 (5) (~~(\$150,000)~~) \$80,000 of the motor vehicle account--state
33 appropriation is provided solely for a corridor study of state route
34 number 516 from the eastern border of Maple Valley to state route
35 number 167 to determine whether improvements are needed and the costs
36 of any needed improvements.

37 (6) \$500,000 of the multimodal transportation account--federal
38 appropriation is provided solely for continued support of the

1 International Mobility and Trade Corridor project and for the
2 department to work with the Whatcom council of governments to examine
3 potential improvements to international border freight and passenger
4 rail movement and the use of diesel multiple units.

5 (7) \$80,000 of the motor vehicle account--state appropriation is
6 provided solely to continue existing work regarding feasibility of a
7 new interchange between Rochester and Harrison Avenue on Interstate 5.

8 **Sec. 916.** 2010 c 247 s 221 (uncodified) is amended to read as
9 follows:

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

12	Regional Mobility Grant Program Account--State	
13	Appropriation	((\$65,274,000))
14		<u>\$56,332,000</u>
15	Multimodal Transportation Account--State	
16	Appropriation	((\$65,667,000))
17		<u>\$65,547,000</u>
18	Multimodal Transportation Account--Federal	
19	Appropriation	\$2,573,000
20	Multimodal Transportation Account--Private/Local	
21	Appropriation	\$1,025,000
22	TOTAL APPROPRIATION	((\$134,539,000))
23		<u>\$125,477,000</u>

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

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

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

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

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

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

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

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

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

36 (4) (~~(\$400,000)~~) \$280,000 of the multimodal transportation
37 account--state appropriation is provided solely for a grant for a
38 flexible carpooling pilot project program to be administered and

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

12 (5) \$3,318,000 of the multimodal transportation account--state
13 appropriation and (~~(\$21,248,000)~~) \$17,778,000 of the regional mobility
14 grant program account--state appropriation are reappropriated and
15 provided solely for the regional mobility grant projects identified on
16 the LEAP Transportation Document 2007-B, as developed April 20, 2007,
17 or the LEAP Transportation Document 2006-D, as developed March 8, 2006.
18 The department shall continue to review all projects receiving grant
19 awards under this program at least semiannually to determine whether
20 the projects are making satisfactory progress. The department shall
21 promptly close out grants when projects have been completed, and any
22 remaining funds available to the office of transit mobility must be
23 used only to fund projects on the LEAP Transportation Document 2006-D,
24 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as
25 developed April 20, 2007; or the LEAP Transportation Document 2009-B,
26 as developed April 24, 2009. It is the intent of the legislature to
27 appropriate funds through the regional mobility grant program only for
28 projects that will be completed on schedule. However, the Chuckanut
29 park and ride project (101100G) is recognized as a crucial investment
30 in the transportation system. For this reason, the department shall
31 not close out the grant for the Chuckanut park and ride project until
32 Skagit transit has exhausted all other pending opportunities for
33 federal and local funds. If additional funds cannot be secured, the
34 department shall consider this project a priority in the 2011-13 grant
35 process. The department shall make every effort to advance the
36 Chuckanut park and ride project within existing resources.

37 (6) (~~(\$33,429,000)~~) \$32,882,000 of the regional mobility grant
38 program account--state appropriation is provided solely for the

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

18 (7) (~~(\$10,596,768)~~) \$5,671,768 of the regional mobility grant
19 program account--state appropriation must be obligated no later than
20 December 31, 2010, and is provided solely for the following recommended
21 contingency regional mobility grant projects identified in the 2009-11
22 omnibus transportation appropriations act, LEAP Transportation Document
23 2009-B, as developed April 24, 2009, as follows:

24 (a) (~~(\$4,000,000)~~) \$975,000 is provided solely for the
25 Rainier/Jackson transit priority corridor improvements;

26 (b) (~~(\$2,100,000)~~) \$200,000 is provided solely for the state route
27 number 522 west city limits to Northeast 180th stage 2A (91st Ave NE to
28 west of 96th Ave NE) project; and

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

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

1 employees of businesses in downtown areas; (c) school children; and (d)
2 residents of Bellingham.

3 (9) \$130,000 of the multimodal transportation account--state
4 appropriation is provided solely to the department to distribute to
5 support Engrossed Substitute House Bill No. 2072 (special needs
6 transportation).

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

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

23 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by
24 June 30, 2009, the amount provided in this subsection (9) lapses. If
25 Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009,
26 but a commitment from other sources to fully fund the pilot project
27 described in (b) of this subsection has not been obtained by September
28 30, 2009, the amount provided in (b) of this subsection lapses.

29 (10) Funds provided for the commute trip reduction program may also
30 be used for the growth and transportation efficiency center program.

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

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

1 state ferry route that runs between Anacortes, Washington and Sidney,
2 British Columbia, if the cost for landing/license fee, taxes, and
3 additional amounts charged for docking are in excess of \$280,000 CDN.
4 The surcharge must be limited to recovering amounts above \$280,000 CDN.

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

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

15 (8) (~~(\$4,794,000)~~) \$6,115,595 of the Puget Sound ferry operations
16 account--state appropriation is provided solely for commercial
17 insurance for ferry assets. The office of financial management, after
18 consultation with the transportation committees of the legislature,
19 must present a business plan for the Washington state ferry system's
20 insurance coverage to the 2010 legislature. The business plan must
21 include a cost-benefit analysis of Washington state ferries' current
22 commercial insurance purchased for ferry assets and a review of self-
23 insurance for noncatastrophic events.

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

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

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

4 (12) The legislature finds that measuring the performance of
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 to the office of financial management on the
10 development of these measurements along with recommendations to the
11 2010 legislature on which measurements must become a part of the next
12 omnibus transportation appropriations act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (18) The appropriations in this section assume savings associated
25 with the memorandum of understanding reached between the governor and
26 the following unions: Inlandboatmen's union of the pacific; Puget
27 Sound metal trades council; office and professional employees
28 international union local no. 8; marine engineers' beneficial
29 association (unlicensed engine room employees); marine engineers'
30 beneficial association (licensed engineer officers); masters, mates,
31 and pilots marine operations watch supervisors; and masters, mates, and
32 pilots, under chapter 47.64 RCW for the 2009-2011 fiscal biennium.

33 **Sec. 918.** 2010 c 247 s 223 (uncodified) is amended to read as
34 follows:

35 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**
36 **Multimodal Transportation Account--State**
37 **Appropriation ((\$37,371,000))**

\$29,871,000

Multimodal Transportation Account--Federal

Appropriation \$100,000

TOTAL APPROPRIATION \$29,971,000

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

(1) (((\$31,591,000)) \$24,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.

(2) Amtrak Cascade runs may not be eliminated.

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

Sec. 919. 2010 c 247 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z-- OPERATING

Motor Vehicle Account--State Appropriation ((\$8,621,000)) \$8,618,000

Motor Vehicle Account--Federal Appropriation \$2,545,000

TOTAL APPROPRIATION ((\$11,166,000)) \$11,163,000

NEW SECTION. Sec. 920. A new section is added to 2010 c 247 (uncodified) to read as follows:

The appropriations to the department of transportation in chapter 247, Laws of 2010 and this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2011, unless specifically prohibited, the department may transfer state appropriations for the 2009-2011 fiscal biennium among operating programs after approval by the director of the office of financial management. However, the department shall not transfer state moneys that are provided solely for a specific purpose. The department shall not transfer funds, and the director of the office of financial management shall not approve the transfer unless the transfer is

1 consistent with the objective of conserving, to the maximum extent
2 possible, the expenditure of state funds and not federal funds. The
3 director of the office of financial management shall notify the
4 appropriate transportation committees of the legislature prior to
5 approving any allotment modifications or transfers under this section.
6 The written notification must include a narrative explanation and
7 justification of the changes, along with expenditures and allotments by
8 program and appropriation, both before and after any allotment
9 modifications or transfers.

10 **TRANSPORTATION AGENCIES--CAPITAL**

11 **Sec. 1001.** 2009 c 470 s 301 (uncodified) is amended to read as
12 follows:

13 **FOR THE WASHINGTON STATE PATROL**

14 State Patrol Highway Account--State Appropriation . . . ((~~\$3,126,000~~))
15 \$2,481,000

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

18 (1) \$1,626,000 of the state patrol highway account--state
19 appropriation is provided solely for the following minor works
20 projects: \$450,000 for Shelton training academy roofs; ((~~\$150,000 for~~
21 ~~HVAC control replacements;~~)) \$168,000 for upgrades to scales; \$50,000
22 for Bellevue electrical equipment upgrades; ((~~\$90,000~~)) \$16,000 for
23 South King detachment window replacement; \$200,000 for the replacement
24 of the Naselle radio tower, generator shelter, and fence; \$200,000 for
25 unforeseen emergency repairs; and \$318,000 for the Shelton training
26 academy drive course/skid pan repair.

27 (2) ((~~\$1,500,000~~)) \$1,079,000 of the state patrol highway account--
28 state appropriation is provided solely for the Shelton academy of the
29 Washington state patrol and is contingent upon a signed agreement
30 between the city of Shelton, the department of corrections, and the
31 Washington state patrol that provides for an on-going payment to these
32 three entities, based on their percentage of the total investment in
33 the project, from all hookup fees, late comer fees, LIDS, and all other
34 initial fees collected for the new waste water treatment lines, waste
35 water plants, water lines, and water systems.

1 emergencies, by providing capitalization advances and local match for
2 federal emergency funding as determined by the county road
3 administration board. The county road administration board shall
4 specifically identify any such selected projects and shall include
5 information concerning such selected projects in its next annual report
6 to the legislature.

7 (3) \$22,000,000 of the rural arterial trust account--state
8 appropriation is provided solely for additional grants for county road
9 projects as approved by the county road administration board.

10 **Sec. 1004.** 2010 c 247 s 302 (uncodified) is amended to read as
11 follows:

12 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

13	Small City Pavement and Sidewalk Account--State	
14	Appropriation	((\$3,927,000))
15		<u>\$3,737,000</u>
16	Urban Arterial Trust Account--State Appropriation . .	((\$123,900,000))
17		<u>\$121,900,000</u>
18	Transportation Improvement Account--State	
19	Appropriation	((\$81,643,000))
20		<u>\$80,643,000</u>
21	TOTAL APPROPRIATION	((\$209,470,000))
22		<u>\$206,280,000</u>

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

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

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

31 **Sec. 1005.** 2010 c 247 s 303 (uncodified) is amended to read as
32 follows:

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

34	Multimodal Transportation Account--State	
35	Appropriation	((\$98,000))
36		<u>\$2,000</u>

1	Transportation Partnership Account--State	
2	Appropriation	((\$1,665,644,000))
3		<u>\$1,326,290,000</u>
4	Motor Vehicle Account--State Appropriation	((\$85,534,000))
5		<u>\$66,876,000</u>
6	Motor Vehicle Account--Federal Appropriation	((\$570,107,000))
7		<u>\$532,458,000</u>
8	Motor Vehicle Account--Private/Local	
9	Appropriation	((\$70,714,000))
10		<u>\$83,270,000</u>
11	Special Category C Account--State Appropriation	\$25,221,000
12	Transportation 2003 Account (Nickel Account)--State	
13	Appropriation	((\$713,205,000))
14		<u>\$590,797,000</u>
15	Freight Mobility Multimodal Account--State	
16	Appropriation	((\$4,574,000))
17		<u>\$4,575,000</u>
18	Tacoma Narrows Toll Bridge Account--State	
19	Appropriation	((\$789,000))
20		<u>\$797,000</u>
21	State Route Number 520 Corridor Account--State	
22	Appropriation	((\$231,763,000))
23		<u>\$229,838,000</u>
24	((State Route Number 520 Civil Penalties Account--State	
25	 Appropriation	\$1,190,000))
26	TOTAL APPROPRIATION	((\$3,368,839,000))
27		<u>\$2,860,124,000</u>

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

30 (1) Except as provided otherwise in this section, the entire
31 transportation 2003 account (nickel account) appropriation and the
32 entire transportation partnership account appropriation are provided
33 solely for the projects and activities as listed by fund, project, and
34 amount in LEAP Transportation Document ((~~2010-1~~)) 2011-1 as developed
35 March ((~~8, 2010~~)) 21, 2011, Program - Highway Improvement Program (I).
36 However, limited transfers of specific line-item project appropriations
37 may occur between projects for those amounts listed subject to the
38 conditions and limitations in section 603 of this act.

1 (2) (~~(\$163,385,000)~~) \$158,094,000 of the transportation partnership
2 account--state appropriation and (~~(\$231,763,000)~~) \$229,838,000 of the
3 state route number 520 corridor account--state appropriation are
4 provided solely for the state route number 520 bridge replacement and
5 HOV project. The department shall submit an application for the
6 eastside transit and HOV project to the supplemental discretionary
7 grant program for regionally significant projects as provided in the
8 American Recovery and Reinvestment Act of 2009. (3) As required under
9 section 305(6), chapter 518, Laws of 2007, the department shall report
10 by January 2010 to the transportation committees of the legislature on
11 the findings of the King county noise reduction solutions pilot
12 project.

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

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

22 (6) The department shall, on a quarterly basis beginning July 1,
23 2009, provide to the office of financial management and the legislature
24 reports providing the status on each active project funded in part or
25 whole by the transportation 2003 account (nickel account) or the
26 transportation partnership account. Funding provided at a programmatic
27 level for transportation partnership account and transportation 2003
28 account (nickel account) projects relating to bridge rail, guard rail,
29 fish passage barrier removal, and roadside safety projects should be
30 reported on a programmatic basis. Projects within this programmatic
31 level funding should be completed on a priority basis and scoped to be
32 completed within the current programmatic budget. Report formatting
33 and elements must be consistent with the October 2009 quarterly project
34 report. On a representative sample of new construction contracts
35 valued at fifteen million dollars or more, the department must also use
36 an earned value method of project monitoring.

37 (7) The transportation 2003 account (nickel account)--state

1 appropriation includes up to (~~(\$653,630,000)~~) \$567,964,000 in proceeds
2 from the sale of bonds authorized by RCW 47.10.861.

3 (8) The transportation partnership account--state appropriation
4 includes up to (~~(\$1,347,939,000)~~) \$1,261,092,000 in proceeds from the
5 sale of bonds authorized in RCW 47.10.873.

6 (9) The special category C account--state appropriation includes up
7 to (~~(\$25,221,000)~~) \$25,056,000 in proceeds from the sale of bonds
8 authorized in RCW 47.10.812.

9 (10) The motor vehicle account--state appropriation includes up to
10 (~~(\$43,000,000)~~) \$42,960,000 in proceeds from the sale of bonds
11 authorized in RCW 47.10.843.

12 (11) The state route number 520 corridor account--state
13 appropriation includes up to (~~(\$231,763,000)~~) \$229,838,000 in proceeds
14 from the sale of bonds authorized in RCW 47.10.879.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (14) (~~(\$6,488,000)~~) \$1,323,000 of the motor vehicle account--state
35 appropriation and (~~(\$5,000)~~) \$3,628,000 of the motor vehicle account--
36 federal appropriation are provided solely for project 100224I, US 2
37 high priority safety project. Expenditure of these funds is for safety

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

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

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

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

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

28 (19) (~~(\$730,000)~~) \$724,000 of the motor vehicle account--federal
29 appropriation and (~~(\$16,000)~~) \$17,000 of the motor vehicle account--
30 state appropriation are provided solely for the Westview school noise
31 wall (project WESTV).

32 (20) (~~(\$2,000)~~) \$3,000 of the motor vehicle account--state
33 appropriation and \$131,000 of the motor vehicle account--federal
34 appropriation are provided solely for interchange design and planning
35 work on US 12 at A Street and Tank Farm Road (project PASC0).

36 (21) (~~(\$21,566,000)~~) \$13,246,000 of the transportation partnership
37 account--state appropriation, (~~(\$26,000)~~) \$27,000 of the motor vehicle
38 account--state appropriation, (~~(\$30,000,000)~~) \$40,000,000 of the motor

1 vehicle account--private/local appropriation, and (~~(\$4,334,000)~~)
2 \$9,422,000 of the motor vehicle account--federal appropriation are
3 provided solely for project 400506A, the I-5/Columbia river
4 crossing/Vancouver project. The funding described in this subsection
5 includes a (~~(\$30,000,000)~~) \$40,000,000 contribution from the state of
6 Oregon.

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

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

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

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

28 (24) Project number 330215A in the LEAP transportation document
29 described in subsection (1) of this section is expanded to include
30 safety and congestion improvements from the Key Peninsula Highway to
31 the vicinity of Purdy. The department shall consult with the
32 Washington traffic safety commission to ensure that this project
33 includes improvements at intersections and along the roadway to reduce
34 the frequency and severity of collisions related to roadway conditions
35 and traffic congestion.

36 (25) (~~(\$8,890,000)~~) \$5,831,000 of the transportation partnership
37 account--state appropriation is provided solely for project 109040Q,

1 the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3
2 project, as indicated in the LEAP transportation document referenced in
3 subsection (1) of this section.

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

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

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

22 (29) Within the amounts provided in this section, \$200,000 of the
23 transportation partnership account--state appropriation is provided
24 solely for the department to prepare a comprehensive tolling study of
25 the state route number 167 corridor to determine the feasibility of
26 administering tolls within the corridor, identified as project number
27 316718A in the LEAP transportation document described in subsection (1)
28 of this section. The department shall report to the joint
29 transportation committee by September 30, 2010. The department shall
30 regularly report to the Washington transportation commission regarding
31 the progress of the study for the purpose of guiding the commission's
32 potential toll setting on the facility. The elements of the study must
33 include, at a minimum:

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

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

37 (c) Economic considerations for future system investments.

1 (30) Within the amounts provided in this section, \$200,000 of the
2 transportation partnership account--state appropriation is provided
3 solely for the department to prepare a comprehensive tolling study of
4 the state route number 509 corridor to determine the feasibility of
5 administering tolls within the corridor, identified as project number
6 850901F in the LEAP transportation document described in subsection (1)
7 of this section. The department shall report to the joint
8 transportation committee by September 30, 2010. The department shall
9 regularly report to the Washington transportation commission regarding
10 the progress of the study for the purpose of guiding the commission's
11 potential toll setting on the facility. The elements of the study must
12 include, at a minimum:

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

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

16 (c) Economic considerations for future system investments.

17 (31) Within the amounts provided in this section, (~~(\$28,000,000)~~
18 \$44,429,000 of the transportation partnership account--state
19 appropriation is for project 600010A, as identified in the LEAP
20 transportation document in subsection (1) of this section: NSC-North
21 Spokane corridor design and right-of-way - new alignment. Expenditure
22 of these funds is for preliminary engineering and right-of-way
23 purchasing to prepare for four lanes to be built from where existing
24 construction ends at Francis Avenue for three miles to the Spokane
25 river. Additionally, any savings realized on project 600001A, as
26 identified in the LEAP transportation document in subsection (1) of
27 this section: US 395/NSC-Francis Avenue to Farwell Road - New
28 Alignment, must be applied to project 600010A.

29 (32) \$400,000 of the motor vehicle account--state appropriation is
30 provided solely for the department to conduct a state route number 2
31 route development plan (project L2000016) that will identify essential
32 improvements needed between the port of Everett/Naval station and
33 approaching the state route number 9 interchange near the city of
34 Snohomish.

35 (33) If the SR 26 - Intersection and Illumination Improvements are
36 not completed by June 30, 2009, the department shall ensure that the
37 improvements are completed as soon as practicable after June 30, 2009,

1 and shall submit monthly progress reports on the improvements beginning
2 July 1, 2009.

3 (34) \$200,000 of the transportation partnership account--state
4 appropriation, identified on project number 400506A in the LEAP
5 transportation document described in subsection (1) of this section, is
6 provided solely for the department to work with the department of
7 archaeology and historic preservation to ensure that the cultural
8 resources investigation is properly conducted on the Columbia river
9 crossing project. This project must be conducted with active
10 archaeological management and result in one report that spans the
11 single cultural area in Oregon and Washington. Additionally, the
12 department shall establish a scientific peer review of independent
13 archaeologists that are knowledgeable about the region and its cultural
14 resources.

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

22 (36) Within the amounts provided in this section, \$1,500,000 of the
23 motor vehicle account--state appropriation is provided solely for
24 necessary work along the south side of SR 532, identified as project
25 number 053255C in the LEAP transportation document described in
26 subsection (1) of this section.

27 (37) \$10,000,000 of the transportation partnership account--state
28 appropriation is provided solely for the Spokane street viaduct portion
29 of project 809936Z, SR 99/Alaskan Way Viaduct - Replacement project as
30 indicated in the LEAP transportation document referenced in subsection
31 (1) of this section.

32 (38) The department shall conduct a public outreach process to
33 identify and respond to community concerns regarding the portion of
34 John's Creek Road that connects state route number 3 and state route
35 number 101. The process must include representatives from Mason
36 county, the legislature, area businesses, and community members. The
37 department shall use this process to consider, develop, and design a

1 project scope so that the community's needs are met for the lowest
2 cost. The department shall provide a report on the process and
3 outcomes to the legislature by June 30, 2010.

4 (39) The department shall apply for the competitive portion of
5 federal transit administration funds for eligible transit-related costs
6 of the state route number 520 bridge replacement and HOV project and
7 the Columbia river crossing project. The federal funds described in
8 this subsection must not include those federal transit administration
9 funds distributed by formula. The department shall provide a report
10 regarding this effort to the legislature by January 1, 2010.

11 (40) (~~(\$5,500,000)~~) \$3,388,000 of the motor vehicle account--
12 federal appropriation is provided solely for the Alaskan Way Viaduct -
13 Automatic Shutdown project, identified as project L1000034.

14 (41) (~~(\$2,244,000)~~) \$2,937,000 of the motor vehicle account--
15 federal appropriation and (~~(\$122,000)~~) \$163,000 of the motor vehicle
16 account--state appropriation are provided solely for the US 12/Nine
17 Mile Hill to Woodward Canyon Vic - Build New Highway project,
18 identified as project 501210T.

19 (42) (~~(\$790,000)~~) \$1,116,000 of the motor vehicle account--federal
20 appropriation is provided solely for the Express Lanes System Concept
21 Study project, identified as project 800020A. As part of this project,
22 the department shall prepare a comprehensive tolling study of the
23 Interstate 5 express lanes to determine the feasibility of
24 administering tolls within the corridor. The department shall
25 regularly report to the Washington transportation commission regarding
26 the progress of the study. The elements of the study must include, at
27 a minimum:

28 (i) The potential for value pricing to generate revenues for needed
29 transportation facilities;

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

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

32 (iv) An analysis of the impacts to the regional transportation
33 system.

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

36 (~~(44) - \$226,000~~) (43) \$110,000 of the motor vehicle account--
37 federal appropriation and (~~(\$9,000)~~) \$5,000 of the motor vehicle
38 account--state appropriation are provided solely for the SR 16/Rosedale

1 Street NW Vicinity - Frontage Road project (301639C). These funds must
2 not be expended before an agreement stating that the city of Gig Harbor
3 will take ownership of the road has been signed. The frontage road
4 must be built for driving speeds of no more than thirty-five miles per
5 hour.

6 ~~((45))~~ (44) The department shall work with the Washington state
7 transportation commission, the Oregon state department of
8 transportation, and the Oregon state transportation commission to
9 analyze and review potential options for a bistate, toll setting
10 framework. As part of the analysis, the department shall undertake the
11 following actions: Review statutory provisions and the governance
12 structures of toll facilities in the United States that are located
13 within two or more states; review relevant federal law regarding
14 transportation facilities that are located within two or more states;
15 consult with the state treasurers in Washington and Oregon regarding
16 the appropriate structure for the issuance of debt for toll facilities
17 that are located within two states; report findings and recommendations
18 to the Columbia river project sponsor's council by October 1, 2010; and
19 provide a final report to the governor and the legislature by June 30,
20 2011.

21 ~~((46))~~ (45) \$750,000 of the motor vehicle account--state
22 appropriation is provided solely for improvements from Allan Road to
23 state route number 12 (501207Z).

24 ~~((47) \$500,000)~~ (46) \$455,000 of the motor vehicle account--state
25 appropriation is provided solely for a traffic signal at the
26 intersection of state route number 7 and state route number 702
27 (300738A).

28 ~~((48) \$750,000)~~ (47) \$316,000 of the motor vehicle account--state
29 appropriation is provided solely for environmental work on the Belfair
30 Bypass (project 300344C).

31 ~~((49))~~ (48) The legislature finds that state route number 522
32 corridor provides an important link between Interstates 5 and 405 and
33 will be impacted by diversion from tolling elsewhere in the region.
34 State route number 522 must be reviewed as part of the scoping work
35 conducted under section 220(4) of this act. As such, the legislature
36 intends to provide additional funding for the corridor as a priority in
37 the next revenue package. The state will work with the affected cities

1 and the federal government to secure the necessary resources to address
2 the needs of this critical corridor.

3 ~~((50) \$500,000)~~ (49) \$558,000 of the motor vehicle account--state
4 appropriation is provided solely for the US 12/SR 122/Mossyrock -
5 Intersection project (401212R) for safety improvements.

6 ~~((51) \$200,000)~~ (50) \$527,000 of the motor vehicle account--
7 federal appropriation is provided solely for project US 97A/North of
8 Wenatchee - Wildlife Fence (209790B), and an offsetting reduction is
9 anticipated in the 2011-13 biennium.

10 ~~((52))~~ (51) If a planned roundabout in the vicinity of state
11 route number 526 and 84th Street SW would divert commercial traffic
12 onto neighborhood streets, the department may not proceed with
13 improvements at state route number 526 and 84th Street SW until the
14 traffic impacts in the vicinity of state route number 526 and 40th
15 Avenue West are addressed.

16 ~~((53))~~ (52) The department shall conduct a collision analysis
17 corridor study on state route number 167 from milepost 0 to milepost 5
18 and report to the transportation committees of the legislature on the
19 analysis results by December 1, 2010.

20 ~~((54) \$2,600,000)~~ (53) \$357,000 of the motor vehicle account--
21 federal appropriation is provided solely for the ITS Advanced Traveler
22 Information System project in Whatcom county (100589B).

23 ~~((55) \$900,000)~~ (54) \$94,000 of the motor vehicle account--
24 federal appropriation is provided solely for the US 97/Cameron Lake
25 Road intersection improvements project in Okanogan county (209700W).

26 ~~((56) \$400,000)~~ (55) \$294,000 of the motor vehicle account--
27 federal appropriation and ~~((100,000))~~ \$74,000 of the motor vehicle
28 account--state appropriation are provided solely for the SR 9/SR 204
29 Intersection Improvement project (L2000040).

30 ~~((57))~~ (56) The legislature finds that the state route number 12
31 widening from state route number 124 to Walla Walla is an important
32 east-west corridor in the southeast region of the state. Widening the
33 highway to four lanes will increase safety and improve freight
34 mobility. Therefore, the legislature intends for the department to use
35 up to two million dollars in future redistributed federal obligation
36 authority that may be received by the department for right-of-way
37 purchase for the US 12/Nine Mile Hill to Woodward Canyon Vicinity -
38 Phase 7-A project (501210T).

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

4 (4) \$6,636,000 of the Puyallup tribal settlement account--state
5 appropriation is provided solely for costs associated with the Murray
6 Morgan/11th Street bridge project. The city of Tacoma may use the
7 Puyallup tribal settlement account appropriation and other appropriated
8 funds for bridge rehabilitation, bridge replacement, bridge demolition,
9 and related mitigation. The department's participation, including
10 prior expenditures, may not exceed (~~(\$40,270,000)~~) \$40,281,000. The
11 city of Tacoma has taken ownership of the bridge in its entirety, and
12 the payment of these funds extinguishes any real or implied agreements
13 regarding future bridge expenditures.

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

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

37 (7) The department of transportation shall continue to implement
38 the lowest life cycle cost planning approach to pavement management

1 throughout the state to encourage the most effective and efficient use
2 of pavement preservation funds. Emphasis should be placed on
3 increasing the number of roads addressed on time and reducing the
4 number of roads past due.

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

8 (i) The current backlog of asphalt and concrete pavement
9 preservation projects;

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

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

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

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

19 (b) Additionally, the department shall work with the department of
20 ecology, the county road administration board, and the transportation
21 improvement board to explore and explain the potential use of permeable
22 asphalt and concrete pavement in state highway construction as an
23 alternative method of storm water mitigation and the potential effects
24 on highway pavement replacement needs.

25 (c) The department shall submit the report to the office of
26 financial management and the transportation committees of the
27 legislature by September 1, 2010, in order to inform the development of
28 the 2011-13 omnibus transportation appropriations act.

29 (9) (~~(\$299,000)~~) \$581,000 of the motor vehicle account--state
30 appropriation, (~~(\$23,425,000)~~) \$25,207,000 of the motor vehicle
31 account--federal appropriation, and (~~(\$373,000)~~) \$273,000 of the
32 transportation partnership account--state appropriation are provided
33 solely for the SR 104/Hood Canal bridge - replace east half project,
34 identified as project 310407B in the LEAP transportation document
35 described in subsection (1) of this section.

36 (10) Within the motor vehicle account--state appropriation and
37 motor vehicle account--federal appropriation, the department may

1 transfer funds between programs I and P, except for funds that are
2 otherwise restricted in this act.

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

6 (12) (~~(\$1,440,000)~~) \$1,160,000 of the motor vehicle account--
7 federal appropriation and (~~(\$60,000)~~) \$54,000 of the motor vehicle
8 account--state appropriation are provided solely for the environmental
9 impact statement and preliminary planning for the replacement of the
10 state route number 9 Snohomish river bridge (project L2000018).

11 (13) (~~(\$12,503,000)~~) \$13,833,000 of the motor vehicle account--
12 federal appropriation and (~~(\$497,000)~~) \$479,000 of the motor vehicle
13 account--state appropriation are provided solely for the SR 410/Nile
14 Valley Landslide - Establish Interim Detour project (541002R).

15 (14) (~~(\$4,239,000)~~) \$3,933,000 of the motor vehicle account--
16 federal appropriation and (~~(\$662,000)~~) \$615,000 of the motor vehicle
17 account--state appropriation are provided solely for the SR 410/Nile
18 Valley Landslide - Reconstruct Route project (541002T).

19 (~~(+16)~~) (15) The legislature anticipates a report in September
20 2010 that will outline the department's recommendation for developing
21 a Keller Ferry replacement at the lowest cost. The legislature
22 supports the request to the federal government for federal aid for a
23 replacement vessel and intends to provide reasonable matching amounts
24 as necessary.

25 (~~(+17)~~ \$2,100,000) (16) \$194,000 of the motor vehicle account--
26 federal appropriation is provided solely for the SR 21/Kettle River to
27 Malo paving project in Ferry county (602117A).

28 **Sec. 1007.** 2010 c 247 s 305 (uncodified) is amended to read as
29 follows:

30 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
31 **CAPITAL**

32	Motor Vehicle Account--State Appropriation	((\$8,158,000))
33		<u>\$6,847,000</u>
34	Motor Vehicle Account--Federal Appropriation	((\$18,037,000))
35		<u>\$11,412,000</u>
36	Motor Vehicle Account--Private/Local Appropriation	((\$173,000))
37		<u>\$174,000</u>

1	TOTAL APPROPRIATION((\$26,368,000))
2		<u>\$18,433,000</u>
3	Sec. 1008. 2010 c 283 s 19 (uncodified) is amended to read as	
4	follows:	
5	FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES	
6	CONSTRUCTION--PROGRAM W	
7	Puget Sound Capital Construction Account--State	
8	Appropriation((\$126,824,000))
9		<u>\$106,589,000</u>
10	Puget Sound Capital Construction Account--Federal	
11	Appropriation((\$60,364,000))
12		<u>\$51,194,000</u>
13	Puget Sound Capital Construction Account--Local	
14	Appropriation	\$200,000
15	Transportation 2003 Account (Nickel Account)--State	
16	Appropriation((\$51,734,000))
17		<u>\$51,735,000</u>
18	Transportation Partnership Account--State	
19	Appropriation((\$66,879,000))
20		<u>\$102,660,000</u>
21	Multimodal Transportation Account--State	
22	Appropriation	\$149,000
23	TOTAL APPROPRIATION((\$306,150,000))
24		<u>\$312,527,000</u>

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

27 (1) (~~(\$126,824,000)~~) \$106,589,000 of the Puget Sound capital
28 construction account--state appropriation, (~~(\$60,364,000)~~) \$51,194,000
29 of the Puget Sound capital construction account--federal appropriation,
30 \$200,000 of the Puget Sound capital construction account--local
31 appropriation, (~~(\$66,879,000)~~) \$102,660,000 of the transportation
32 partnership account--state appropriation, (~~(\$51,734,000)~~) \$51,735,000
33 of the transportation 2003 account (nickel account)--state
34 appropriation, and \$149,000 of the multimodal transportation account--
35 state appropriation are provided solely for ferry capital projects,
36 project support, and administration as listed in LEAP Transportation
37 Document ALL PROJECTS (~~(2010-2)~~) 2011-2 as developed March (~~(8, 2010)~~)

1 21, 2011, Program - Ferries Construction Program (W). Of the total
2 appropriation, a maximum of \$10,627,000 may be used for administrative
3 support, a maximum of (~~(\$8,184,000)~~) \$7,635,000 may be used for
4 terminal project support, and a maximum of \$4,497,000 may be used for
5 vessel project support. Of the total appropriation, (~~(\$5,851,000)~~)
6 \$2,016,000 is provided solely for a reservation system and associated
7 communications projects.

8 (2) (~~(\$51,734,000)~~) \$51,735,000 of the transportation 2003 account
9 (nickel account)--state appropriation, (~~(\$63,100,000)~~) \$99,891,000 of
10 the transportation partnership account--state appropriation, and
11 (~~(\$10,164,000)~~) \$10,165,000 of the Puget Sound capital construction
12 account--state appropriation are provided solely for the acquisition of
13 three new Island Home class ferry vessels subject to the conditions of
14 RCW 47.56.780. The department shall pursue a contract for the second
15 and third Island Home class ferry vessels with an option to purchase a
16 fourth Island Home class ferry vessel. However, if sufficient
17 resources are available to build one 144-auto vessel prior to
18 exercising the option to build the fourth Island Home class ferry
19 vessel, procurement of the fourth Island Home class ferry vessel will
20 be postponed and the department shall pursue procurement of a 144-auto
21 vessel.

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

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

28 (c) Cost savings from the following initiatives will be included in
29 the funding of these vessels: The department's review and update of
30 the vessel life-cycle cost model as required under this section; and
31 the implementation of technology efficiencies as required under section
32 602 of this act.

33 (3)(a) \$8,450,000 of the Puget Sound capital construction account--
34 state appropriation and (~~(\$2,450,000)~~) \$1,450,000 of the transportation
35 partnership account--state appropriation are provided solely for the
36 following projects related to the design of a 144-vehicle vessel class:
37 (i) \$1,380,000 is provided solely for completion of the contract for
38 owner-furnished equipment; (ii) (~~(\$8,320,000)~~) \$7,320,000 is provided

1 solely for completion of the technical design, detail design, and
2 production drawings, all of which must plan for an aluminum
3 superstructure; (iii) \$480,000 is provided solely for the storage of
4 owner-furnished equipment; and (iv) a maximum of \$720,000 is for
5 construction engineering. In completing the contract for owner-
6 furnished equipment, the department shall use as much of the already
7 procured equipment as is practicable on the Island Home class ferry
8 vessels if it is likely to be obsolete before it is used in procured
9 144-vehicle vessels.

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

20 (c) The department shall identify costs for any additional detail
21 design and production drawings costs related to incorporating the
22 aluminum superstructure and any changes in the proposed furnishings and
23 fittings.

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

26 (5) (~~(\$3,000,000)~~) \$273,000 of the Puget Sound capital construction
27 account--federal appropriation is provided solely for completing the
28 Anacortes terminal design up to the maximum allowable construction cost
29 phase. Beyond preparing environmental work, these funds may be spent
30 only after the following conditions have been met: (a) A value
31 engineering process is conducted on the existing design and the concept
32 of a terminal building smaller than preferred alternative; (b) the
33 office of financial management participates in the value engineering
34 process; (c) the office of financial management concurs with the
35 recommendations of the value engineering process; and (d) the office of
36 financial management gives its approval to proceed with the design
37 work.

1 (6) (~~(\$3,965,000)~~) \$2,189,000 of the Puget Sound capital
2 construction account--state appropriation is provided solely for the
3 following vessel projects: Waste heat recovery pilot project for the
4 Issaquah; jumbo Mark 1 class steering gear ventilation pilot project;
5 and improvements to the Yakima and Kaleetan propulsion controls to
6 allow for two engine operation. Before beginning these projects, the
7 Washington state ferries must ensure the vessels' out-of-service time
8 does not negatively impact service to the system.

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

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

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

31 (10) \$1,200,000 of the total appropriation is provided solely for
32 improving the toll booth configuration at the Port Townsend and
33 Keystone ferry terminals.

34 (11) \$2,636,000 of the total appropriation is provided solely for
35 continued permitting work on the Mukilteo ferry terminal. The
36 department shall seek additional federal funding for this project.

37 (12) The department shall develop a proposed ferry vessel

1 maintenance, preservation, and improvement program and present it to
2 the transportation committees of the legislature by July 1, 2010. The
3 proposal must:

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

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

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

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

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

19 (iv) A review of the department's vessel maintenance, preservation,
20 and improvement program contracting process and contractual
21 requirements;

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

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

27 (vii) Coordination with required United States coast guard dry
28 dockings;

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

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

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

36 (13) \$247,000 of the Puget Sound capital construction account--
37 state appropriation is provided solely for the Washington state ferries
38 to review and update its vessel life-cycle cost model and report the

1 results to the house of representatives and senate transportation
2 committees of the legislature by December 1, 2010. This review will
3 evaluate the impact of the planned out-of-service periods scheduled for
4 each vessel on the ability of the overall system to deliver
5 uninterrupted service and will assess the risk of service disruption
6 from unscheduled maintenance or longer than planned maintenance
7 periods.

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

15 (15) The Puget Sound capital construction account--state
16 appropriation includes up to (~~(\$114,000,000)~~) \$90,679,000 in proceeds
17 from the sale of bonds authorized in RCW 47.10.843.

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

21 (17) The department shall provide data to the transportation
22 committees of the senate and house of representatives for a transparent
23 analysis of travel pay policies.

24 **Sec. 1009.** 2010 c 247 s 307 (uncodified) is amended to read as
25 follows:

26	FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL	
27	Essential Rail Assistance Account--State	
28	Appropriation	((\$333,000))
29		<u>\$334,000</u>
30	Transportation Infrastructure Account--State	
31	Appropriation	((\$13,184,000))
32		<u>\$12,348,000</u>
33	Multimodal Transportation Account--State	
34	Appropriation	((\$102,202,000))
35		<u>\$84,733,000</u>
36	Multimodal Transportation Account--Federal	
37	Appropriation	((\$619,527,000))

1		<u>\$48,445,000</u>
2	(Multimodal Transportation Account - Private/Local	
3	Appropriation	\$81,000))
4	TOTAL APPROPRIATION	((\$735,327,000))
5		<u>\$145,860,000</u>

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

8 (1)(a) Except as provided otherwise in this section, the entire
9 appropriations in this section are provided solely for the projects and
10 activities as listed by project and amount in LEAP Transportation
11 Document ALL PROJECTS ((~~2010-2~~)) 2011-2 as developed March ((~~8, 2010~~))
12 21, 2011, Program - Rail Capital Program (Y).

13 (b)(i) Within the amounts provided in this section, \$116,000 of the
14 transportation infrastructure account--state appropriation is for a
15 low-interest loan through the freight rail investment bank program to
16 the Port of Ephrata (BIN 722710A) for rehabilitation of a rail spur.

17 (ii) Within the amounts provided in this section, ((~~\$1,200,000~~))
18 \$400,000 of the transportation infrastructure account--state
19 appropriation is for a low-interest loan through the freight rail
20 investment bank program to the Port of Everett (BIN 722810A) for a new
21 rail track to connect a cement loading facility to the mainline.

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

26 (c)(i) Within the amounts provided in this section, \$1,713,000 of
27 the multimodal transportation account--state appropriation and \$333,000
28 of the essential rail assistance account--state appropriation are for
29 statewide - emergent freight rail assistance projects as follows: Port
30 of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A)
31 \$363,000; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A)
32 \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN
33 700610A) \$371,000; Chelatchie Prairie owned railroad/Vancouver - track
34 rehabilitation (BIN 710110A) \$367,000; Tacoma Rail/Tacoma - improved
35 locomotive facility (BIN 711010B) \$525,000.

36 (ii) Within the amounts provided in this section, ((~~\$338,000~~))
37 \$346,000 of the multimodal transportation account--state appropriation
38 is for a statewide - emergent freight rail assistance project grant for

1 the Lincoln County PDA/Creston - new rail spur (BIN ((~~710510A~~))
2 F01001E) project, provided that the grantee first documents to the
3 satisfaction of the department sufficient commitments from the new
4 shipper or shippers to locate in the publicly owned industrial park
5 west of Creston to ensure that the net present value of the public
6 benefits of the project is greater than the grant amount.

7 (d) Within the amounts provided in this section, (~~(\$8,115,000)~~)
8 \$8,079,000 of the transportation infrastructure account--state
9 appropriation is for grants to any intergovernmental entity or local
10 rail district to which the department of transportation assigns the
11 management and oversight responsibility for the business and economic
12 development elements of existing operating leases on the Palouse River
13 and Coulee City (PCC) rail lines. \$300,000 of the transportation
14 infrastructure account--state appropriation is provided solely for the
15 fence line replacement project on the CW line. The PCC rail line
16 system is made up of the CW, P&L, and PV Hooper rail lines. Business
17 and economic development elements include such items as levels of
18 service and business operating plans, but must not include the state's
19 oversight of railroad regulatory compliance, rail infrastructure
20 condition, or real property management issues. The PCC rail system
21 must be managed in a self-sustaining manner and best efforts must be
22 used to ensure that it does not require state capital or operating
23 subsidy beyond the level of state funding expended on it to date. The
24 assignment of the stated responsibilities to an intergovernmental
25 entity or rail district must be on terms and conditions as the
26 department of transportation and the intergovernmental entity or rail
27 district mutually agree. The grant funds may be used only to refurbish
28 the rail lines. It is the intent of the legislature to make the funds
29 appropriated in this section available as grants to an
30 intergovernmental entity or local rail district for the purposes stated
31 in this section at least until June 30, 2012, and to reappropriate as
32 necessary any portion of the appropriation in this section that is not
33 used by June 30, 2011.

34 (2)(a) The department shall issue a call for projects for the
35 freight rail investment bank program and the emergent freight rail
36 assistance program, and shall evaluate the applications according to
37 the cost benefit methodology developed during the 2008 interim using
38 the legislative priorities specified in (c) of this subsection. By

1 November 1, 2010, the department shall submit a prioritized list of
2 recommended projects to the office of financial management and the
3 transportation committees of the legislature.

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

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

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

19 (ii) Self-sustaining economic development that creates family-wage
20 jobs;

21 (iii) Preservation of transportation corridors that would otherwise
22 be lost;

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

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

27 (vi) Mitigation of impacts of increased rail traffic on
28 communities.

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

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

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

22 (5) 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 (6) 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 (7) The multimodal transportation account--state appropriation
33 includes up to \$48,000,000 in proceeds from the sale of bonds
34 authorized in RCW 47.10.867.

35 (8) 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 twenty-nine additional
38 grain train railcars.

1 (9) (~~(\$590,000,000)~~) \$22,354,000 of the multimodal transportation
2 account--federal appropriation is provided solely for high-speed rail
3 projects awarded to Washington state from the high-speed intercity
4 passenger rail program under the American recovery and reinvestment
5 act. Funding will allow for two additional round trips between Seattle
6 and Portland, and other rail improvements.

7 (10) (~~(\$2,200,000)~~) \$1,856,000 of the multimodal transportation
8 account--state appropriation is provided solely for expenditures
9 related to the capital high-speed passenger rail grant that are not
10 federally reimbursable.

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

18 (12) \$1,000,000 of the multimodal transportation account--state
19 appropriation is provided solely for additional expenditures along the
20 Chelatchie Prairie railroad (~~(LN2000025)~~) (710110A).

21 (13) \$984,000 of the multimodal transportation account--state
22 appropriation is provided solely for the department for expenditures
23 associated with the Port of Quincy project (BIN F01170A). The
24 department shall seek federal or other reimbursement for these funds
25 and shall include this project in the quarterly reports described in
26 subsection (6) of this section.

27 **Sec. 1010.** 2010 c 247 s 308 (uncodified) is amended to read as
28 follows:

29 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
30 **CAPITAL**

31	(Highway Infrastructure Account--State Appropriation	\$207,000
32	Highway Infrastructure Account--Federal	
33	Appropriation	\$1,602,000)
34	Freight Mobility Investment Account--State	
35	Appropriation	(\$13,848,000)
36		<u>\$9,170,000</u>
37	Transportation Partnership Account--State	

1	Appropriation	((\$8,863,000))
2		<u>\$6,828,000</u>
3	Motor Vehicle Account--State Appropriation	((\$14,068,000))
4		<u>\$9,901,000</u>
5	Motor Vehicle Account--Federal Appropriation	((\$43,835,000))
6		<u>\$25,727,000</u>
7	Freight Mobility Multimodal Account--State	
8	Appropriation	((\$15,620,000))
9		<u>\$7,472,000</u>
10	Freight Mobility Multimodal Account--Local	
11	Appropriation	((\$3,258,000))
12		<u>\$3,058,000</u>
13	Multimodal Transportation Account--Federal	
14	Appropriation	\$2,118,000
15	Multimodal Transportation Account--State	
16	Appropriation	((\$28,855,000))
17		<u>\$20,923,000</u>
18	Transportation 2003 Account (Nickel Account)--State	
19	Appropriation	\$2,709,000
20	Passenger Ferry Account--State Appropriation	((\$2,879,000))
21		<u>\$1,764,000</u>
22	Puyallup Tribal Settlement Account--State	
23	Appropriation	((\$5,895,000))
24		<u>\$5,905,000</u>
25	TOTAL APPROPRIATION	((\$143,757,000))
26		<u>\$95,575,000</u>

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

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

1 (2) (~~(\$2,729,000)~~) \$1,614,000 of the passenger ferry account--state
2 appropriation is provided solely for near and long-term costs of
3 capital improvements in a business plan approved by the governor for
4 passenger ferry service.

5 (3) \$150,000 of the passenger ferry account--state appropriation is
6 provided solely for the Port of Kingston for a one-time operating
7 subsidy needed to retain a federal grant.

8 (4) \$3,000,000 of the motor vehicle account--federal appropriation
9 is provided solely for the Coal Creek parkway project (L1000025).

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

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

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

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

34 (9) (~~(\$18,289,000)~~) \$13,733,000 of the multimodal transportation
35 account--state appropriation, (~~(\$8,810,000)~~) \$7,104,000 of the motor
36 vehicle account--federal appropriation, and (~~(\$4,000,000)~~) \$2,805,000
37 of the transportation partnership account--state appropriation are
38 provided solely for the pedestrian and bicycle safety program projects

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

19 (10) Except as provided otherwise in this section, the entire
20 appropriations in this section are provided solely for the projects and
21 activities as listed by project and amount in LEAP Transportation
22 Document ALL PROJECTS ((2010-2)) 2011-2 as developed March ((8, 2010))
23 21, 2011, Program - Local Program (Z).

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

30 (~~(\$913,386 of the motor vehicle account—state appropriation~~
31 ~~and \$2,858,000 of the motor vehicle account—federal appropriation are~~
32 ~~provided solely for completion of the US 101 northeast peninsula safety~~
33 ~~rest area and associated roadway improvements east of Port Angeles at~~
34 ~~the Deer Park scenic view point. The department must surplus any~~
35 ~~right of way previously purchased for this project near Sequim.~~
36 ~~Approval to proceed with construction is contingent on surplus of~~
37 ~~previously purchased right of way. \$865,000 of the motor vehicle~~

1 ~~account--state appropriation is to be placed into unallotted status~~
2 ~~until such time as the right of way sale is completed.~~

3 ~~(13) \$5,894,000~~) \$5,905,000 of the Puyallup tribal settlement
4 account--state appropriation is provided solely for costs associated
5 with the Murray Morgan/11th Street bridge project. The city of Tacoma
6 may use the Puyallup tribal settlement account appropriation and other
7 appropriated funds for bridge rehabilitation, bridge replacement,
8 bridge demolition, and bridge mitigation. The department's
9 participation, including prior expenditures, may not exceed
10 ~~((\$40,270,000))~~ \$40,281,000. The city of Tacoma has taken ownership of
11 the bridge in its entirety, and the payment of these funds extinguishes
12 any real or implied agreements regarding future bridge expenditures.

13 ~~((14))~~ (13) Up to ~~(((\$3,702,000))~~ \$52,000 of the motor vehicle
14 account--federal appropriation and ~~(((\$75,000))~~ \$52,000 of the motor
15 vehicle account--state appropriation are provided solely to reimburse
16 the cities of Kirkland and Redmond for pavement and bridge deck
17 rehabilitation on state route number 908 (project 1LP611A). These
18 funds may not be expended unless the cities sign an agreement stating
19 that the cities agree to take ownership of state route number 908 in
20 its entirety and agree that the payment of these funds represents the
21 entire state commitment to the cities for state route number 908
22 expenditures. The amount provided in this subsection is contingent on
23 the enactment by June 30, 2010, of Senate Bill No. 6555.

24 ~~((15))~~ (14) The department shall consider the condition of the
25 Broadway bridge in the city of Everett when prioritizing bridge
26 projects.

27 ~~((16))~~ (15) In order to make the Hood Canal bridge safe for
28 cyclists, the department must work with stakeholders to review bicycle
29 safety needs on the bridge, including consideration of accident data
30 and improvements already made to this project.

31 ~~((17) \$250,000)~~ (16) \$25,000 of the multimodal transportation
32 account--state appropriation is provided solely for the Shell Valley
33 emergency access road and bicycle/pedestrian path.

34 ~~((18) \$500,000)~~ (17) \$50,000 of the motor vehicle account--state
35 appropriation is provided solely for improvements to the 150th and
36 Murray Road intersection in the city of Lakewood.

37 ~~((19) \$250,000)~~ (18) \$100,000 of the motor vehicle account--state

1 appropriation is provided solely for flood reduction solutions on state
2 route number 522 caused by the lower McAleer and Lyon creek basins.

3 ~~((+20))~~ (19) \$200,000 of the motor vehicle account--state
4 appropriation is provided solely for improvements to the intersection
5 of 39th Ave SE and state route number 96 in Snohomish county.

6 **TRANSFERS AND DISTRIBUTIONS**

7 **Sec. 1101.** 2010 c 247 s 401 (uncodified) is amended to read as
8 follows:

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

13	Highway Bond Retirement Account Appropriation	((\$733,667,000))
14		<u>\$720,842,000</u>
15	Ferry Bond Retirement Account Appropriation	((\$33,771,000))
16		<u>\$33,770,000</u>
17	State Route Number 520 Corridor Account--State	
18	Appropriation	((\$600,000))
19		<u>\$682,000</u>
20	Transportation Improvement Board Bond Retirement	
21	Account--State Appropriation	((\$22,962,000))
22		<u>\$21,084,000</u>
23	Nondebt-Limit Reimbursable Account Appropriation	((\$18,451,000))
24		<u>\$16,849,000</u>
25	Transportation Partnership Account--State	
26	Appropriation	((\$4,722,000))
27		<u>\$6,818,000</u>
28	Motor Vehicle Account--State Appropriation	((\$901,000))
29		<u>\$672,000</u>
30	Transportation 2003 Account (Nickel Account)--State	
31	Appropriation	((\$4,116,000))
32		<u>\$3,116,000</u>
33	Special Category C Account--State Appropriation	((\$148,000))
34		<u>\$136,000</u>
35	Urban Arterial Trust Account--State Appropriation	\$85,000

1 Transportation Improvement Account--State Appropriation \$41,000
 2 Multimodal Transportation Account--State
 3 Appropriation ((~~\$283,000~~))
 4 \$164,000
 5 TOTAL APPROPRIATION ((~~\$831,004,000~~))
 6 \$804,259,000
 7

8 **Sec. 1102.** 2010 c 247 s 402 (uncodified) is amended to read as
 9 follows:

10 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
 11 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND**
 12 **FISCAL AGENT CHARGES**

13 State Route Number 520 Corridor Account--State
 14 Appropriation ((~~\$40,000~~))
 15 \$110,000
 16 Transportation Partnership Account--State
 17 Appropriation ((~~\$787,000~~))
 18 \$537,000
 19 Motor Vehicle Account--State Appropriation ((~~\$122,000~~))
 20 \$62,000
 21 Transportation 2003 Account (Nickel Account)--State
 22 Appropriation ((~~\$364,000~~))
 23 \$264,000
 24 Special Category C Account--State Appropriation ((~~\$15,000~~))
 25 \$12,000
 26 Urban Arterial Trust Account--State Appropriation \$5,000
 27 Transportation Improvement Account--State Appropriation \$3,000
 28 Multimodal Transportation Account--State
 29 Appropriation ((~~\$34,000~~))
 30 \$40,000
 31 TOTAL APPROPRIATION ((~~\$1,370,000~~))
 32 \$1,033,000

33 **Sec. 1103.** 2010 c 247 s 403 (uncodified) is amended to read as
 34 follows:

35 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**

1 **BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

2 Motor Vehicle Account--State Appropriation:
3 For transfer to the Puget Sound
4 Capital Construction Account ((~~\$114,000,000~~))
5 \$76,179,000

6 The department of transportation is authorized to sell up to
7 ((~~\$114,000,000~~)) \$76,179,000 in bonds authorized by RCW 47.10.843 for
8 vessel and terminal acquisition, major and minor improvements, and long
9 lead-time materials acquisition for the Washington state ferries.

10 **Sec. 1104.** 2010 c 247 s 404 (uncodified) is amended to read as
11 follows:

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

13 Motor Vehicle Account Appropriation for
14 motor vehicle fuel tax distributions to cities
15 and counties ((~~\$478,753,000~~))
16 \$471,101,000

17 **Sec. 1105.** 2010 c 247 s 405 (uncodified) is amended to read as
18 follows:

19 **FOR THE STATE TREASURER--TRANSFERS**

20 Motor Vehicle Account--State
21 Appropriation: For motor vehicle fuel tax
22 refunds and statutory transfers ((~~\$1,247,260,000~~))
23 \$1,227,760,000

24 **Sec. 1106.** 2010 c 247 s 406 (uncodified) is amended to read as
25 follows:

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

27 Motor Vehicle Account--State
28 Appropriation: For motor vehicle fuel tax
29 refunds and transfers ((~~\$120,688,000~~))
30 \$115,110,000

31 **Sec. 1107.** 2010 1st sp.s. c 37 s 804 (uncodified) is amended to
32 read as follows:

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

34 (1) ((~~Tacoma Narrows Toll Bridge Account~~--State

1 NEW SECTION. **Sec. 1203.** Sections 704, 707, 710, and 717 of this
2 act are necessary for the immediate preservation of the public peace,
3 health, or safety, or support of the state government and its existing
4 public institutions, and take effect July 1, 2011.

(End of bill)

INDEX	PAGE #
CERTIFICATES OF PARTICIPATION	56
COLLECTIVE BARGAINING AGREEMENT	
WSP LIEUTENANTS ASSOCIATION	66
WSP TROOPERS ASSOCIATION	66
COLLECTIVE BARGAINING AGREEMENTS	65
COMPENSATION	
NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS	66
REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS	67
REPRESENTED EMPLOYEES--SUPER COALITION--INSURANCE BENEFITS . . .	68
REVISE PENSION CONTRIBUTION RATES	62
COUNTY ROAD ADMINISTRATION BOARD	8, 31, 134
DEPARTMENT OF AGRICULTURE	4
DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION	2
DEPARTMENT OF ENTERPRISE SERVICES	6
DEPARTMENT OF GENERAL ADMINISTRATION	4
DEPARTMENT OF LICENSING	13
TRANSFERS	60, 169
DEPARTMENT OF TRANSPORTATION	73, 74
DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS	
IBU, METAL TRADES, OPEIU, MEBA-UL MEBA-L, MM&P-WS, MM&P	65
TERMS AND CONDITIONS	69
DEPARTMENT OF TRANSPORTATION	
AVIATION--PROGRAM F	17, 110
CHARGES FROM OTHER AGENCIES--PROGRAM U	23
ECONOMIC PARTNERSHIPS--PROGRAM K	18, 113
FACILITIES--PROGRAM D--OPERATING	17, 109
HIGHWAY MAINTENANCE--PROGRAM M	19, 114
IMPROVEMENTS--PROGRAM I	33, 135
INFORMATION TECHNOLOGY--PROGRAM C	16, 108
LOCAL PROGRAMS--PROGRAM Z--CAPITAL	52, 162
LOCAL PROGRAMS--PROGRAM Z--OPERATING	31, 132
MARINE--PROGRAM X	28, 127
PRESERVATION--PROGRAM P	148
PRESERVATION--PROGRAM P	42
PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL	32, 134
PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H	18, 110

PUBLIC TRANSPORTATION--PROGRAM V	24, 122
RAIL--PROGRAM Y--OPERATING	30, 131
RAIL--PROGRAM Y--CAPITAL	49, 157
TOLL OPERATIONS AND MAINTENANCE--PROGRAM B	15, 106
TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL	45, 151
TRAFFIC OPERATIONS--PROGRAM Q--OPERATING	21, 116
TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S	22, 119
TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T	22, 120
WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W	45
FACILITIES PLANNING	72
FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD	10
FUND TRANSFERS	71
GENERAL GOVERNMENT COLLECTIVE BARGAINING	66
JOINT TRANSPORTATION COMMITTEE	8, 95
LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE	6
MARINE EMPLOYEES COMMISSION	95
OFFICE OF FINANCIAL MANAGEMENT	3
SALARY ADJUSTMENT	63
STAFFING LEVELS	69
STATE PARKS AND RECREATION COMMISSION	4
STATE TREASURER	
ADMINISTRATIVE TRANSFERS	60, 169
BOND RETIREMENT AND INTEREST	58, 59, 167, 168
STATE REVENUES FOR DISTRIBUTION	59, 169
TRANSFERS	59, 169
STATUTORY APPROPRIATIONS	61
TRANSPORTATION COMMISSION	9, 100
TRANSPORTATION IMPROVEMENT BOARD	8, 32, 135
UTILITIES AND TRANSPORTATION COMMISSION	3
VOLUNTARY RETIREMENT, SEPARATION, AND DOWNSHIFTING INCENTIVES	70
WASHINGTON STATE PATROL	10, 31, 133
FIELD OPERATIONS BUREAU	102
TECHNICAL SERVICES BUREAU	105
WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU	105
WASHINGTON TRAFFIC SAFETY COMMISSION	7

--- END ---