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**SUBSTITUTE HOUSE BILL 1175**

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**State of Washington****62nd Legislature****2011 Regular Session****By** House Transportation (originally sponsored by Representatives Clibborn, Armstrong, Lias, and Billig; by request of Governor Gregoire)

READ FIRST TIME 03/24/11.

1        AN ACT Relating to transportation funding and appropriations;  
2 amending RCW 46.68.170, 47.29.170, 46.68.370, 47.01.380, 47.56.876,  
3 46.68.060, 46.68.---, 46.68.220, 43.19.642, 47.06B.900, 47.06B.901,  
4 47.56.403, 47.64.170, 47.64.270, 46.63.170, 47.60.355, and 47.12.244;  
5 reenacting and amending RCW 46.18.060 and 47.28.030; amending 2010 c  
6 247 ss 104, 204, 205, 207, 208, 209, 211, 212, 213, 214, 215, 216, 217,  
7 218, 219, 220, 221, 222, 223, 224, 301, 302, 303, 304, 305, 307, 308,  
8 401, 402, 403, 404, 405, and 406 (uncodified); amending 2009 c 470 ss  
9 301 and 305 (uncodified); amending 2010 c 283 s 19 (uncodified);  
10 amending 2010 c 1st sp.s. c 37 s 804 (uncodified); adding a new section  
11 to 2010 c 247 (uncodified); creating new sections; making  
12 appropriations and authorizing expenditures for capital improvements;  
13 providing an effective date; and declaring an emergency.

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

15    **2011-2013 FISCAL BIENNIUM**

16        NEW SECTION.    **Sec. 1.** (1) The transportation budget of the state  
17 is hereby adopted and, subject to the provisions set forth, the several  
18 amounts specified, or as much thereof as may be necessary to accomplish

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
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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, for each project the study must evaluate  
3 whether public-private partnerships are in the public interest,  
4 including the advantage and disadvantage of risk allocation and the  
5 effects of private versus public financing on the state's bonding  
6 capacity, and the study must identify the funding models that are most  
7 advantageous to the state. The committee shall issue a report of its  
8 evaluation to the house of representatives and senate transportation  
9 committees by December 16, 2011.

10 (2) \$200,000 of the motor vehicle account--state appropriation is  
11 from the cities statewide fuel tax distributions under RCW 46.68.110(2)  
12 for the joint transportation committee to study and make  
13 recommendations on RCW 90.03.525. The study must include: (a) An  
14 inventory of state highways subject to the federal clean water act (40  
15 C.F.R. Parts 122 through 124) (national pollutant discharge elimination  
16 system) that are within city boundaries; (b) a survey of cities that  
17 impose storm water fees or charges to the department of transportation,  
18 or otherwise manage storm water runoff from state highways within their  
19 jurisdiction; (c) case studies from a representative cross-section of  
20 cities on how the department and cities have used RCW 90.03.525; and  
21 (d) recommendations on how to achieve efficiencies in the cost and  
22 management of state highway storm water runoff within cities under RCW  
23 90.03.525.

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

25 Motor Vehicle Account--State Appropriation . . . . .	\$1,975,000
26 Multimodal Transportation Account--State Appropriation . . . . .	\$112,000
27 TOTAL APPROPRIATION . . . . .	\$2,087,000

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

30 (1) In accordance with the actions taken by the legislature in  
31 chapter ... (Substitute Senate Bill No. 5700), Laws of 2011, and  
32 pursuant to RCW 43.135.055 and 47.60.315, during the 2011-2013 fiscal  
33 biennium, the transportation commission is authorized to review and, if  
34 necessary, modify the schedule of fares for the Washington state ferry  
35 system, as required under RCW 47.60.315. For purposes of this  
36 subsection, "modify" includes increases or decreases to the schedule.

1 The transportation commission shall not implement a fuel surcharge in  
2 the 2011-2013 fiscal biennium.

3 (2) In accordance with the actions taken by the legislature in  
4 chapter ... (Substitute Senate Bill No. 5700), Laws of 2011, and  
5 pursuant to RCW 43.135.055 and 47.46.100, during the 2011-2013 fiscal  
6 biennium, the transportation commission is authorized to review and, if  
7 necessary, modify the schedule of toll charges applicable to the Tacoma  
8 Narrows bridge, taking into consideration the recommendations of the  
9 citizen advisory committee created under RCW 47.46.091, as required  
10 under RCW 47.46.100. For purposes of this subsection, "modify"  
11 includes increases or decreases to the schedule.

12 NEW SECTION. **Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC**  
13 **INVESTMENT BOARD**

14 Motor Vehicle Account--State Appropriation . . . . . \$656,000

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

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

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

22 State Patrol Highway Account--State  
23 Appropriation . . . . . \$349,689,000

24 State Patrol Highway Account--Federal  
25 Appropriation . . . . . \$10,903,000

26 State Patrol Highway Account--Private/Local  
27 Appropriation . . . . . \$3,369,000

28 TOTAL APPROPRIATION . . . . . \$364,061,000

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

31 (1) Washington state patrol officers engaged in off-duty uniformed  
32 employment providing traffic control services to the department of  
33 transportation or other state agencies may use state patrol vehicles  
34 for the purpose of that employment, subject to guidelines adopted by  
35 the chief of the Washington state patrol. The Washington state patrol  
36 must be reimbursed for the use of the vehicle at the prevailing state

1 employee rate for mileage and hours of usage, subject to guidelines  
2 developed by the chief of the Washington state patrol, and Cessna  
3 pilots funded from the state patrol highway account who are certified  
4 to fly the King Airs may pilot those aircraft for general fund purposes  
5 with the general fund reimbursing the state patrol highway account an  
6 hourly rate to cover the costs incurred during the flights since the  
7 aviation section is no longer a part of the Washington state patrol  
8 cost allocation system as of July 1, 2009.

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

15 (3) 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 2011-2013 fiscal biennium to fifty-five  
18 cadets.

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

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

31 (6) \$12,655,000 of the total appropriation is provided solely for  
32 automobile fuel in the 2011-2013 fiscal biennium.

33 (7) \$7,421,000 of the total appropriation is provided solely for  
34 the purchase of pursuit vehicles.

35 (8) \$6,611,000 of the total appropriation is provided solely for  
36 vehicle repair and maintenance costs of vehicles used for highway  
37 purposes.

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

5 (10) \$75,000 of the state patrol highway account--state  
6 appropriation is provided solely for the implementation of chapter ...  
7 (Engrossed Second Substitute Senate Bill No. 5000), Laws of 2011  
8 (mandating a twelve-hour impound hold on motor vehicles used by persons  
9 arrested for driving under the influence). If chapter ... (Engrossed  
10 Second Substitute Senate Bill No. 5000), Laws of 2011 is not enacted by  
11 June 30, 2011, the amount provided in this subsection lapses.

12 (11) \$1,718,000 of the state patrol highway account--state  
13 appropriation is provided solely for the mobile office platform.

14 (12) The Washington state patrol is directed to request a waiver  
15 from the federal communications commission by August 1, 2011, to extend  
16 the time frame necessary for conversion to narrowbanding from January  
17 1, 2013, to January 1, 2014. The basis for the extension is to  
18 provide: Additional time for preengineering to identify existing state  
19 and local infrastructure that the state can leverage to assist in  
20 mitigating any communication gaps after the conversion; opportunities  
21 for partnering between agencies at the state and local levels; and  
22 additional refinement of the costs of the proposal.

23 (13) \$100,000 of the vehicle licensing fraud account--state  
24 appropriation is provided solely to support the vehicle license fraud  
25 program. Expenditures from the amount provided in this subsection may  
26 not exceed \$4,167 per month.

27 (14) During the 2011-2013 fiscal biennium, the Washington state  
28 patrol shall continue to perform traffic accident investigations on  
29 Thurston county roads, and shall work with Thurston county to  
30 transition the traffic accident investigations on Thurston county roads  
31 to Thurston county by July 1, 2013.

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

33 Marine Fuel Tax Refund Account--State Appropriation . . . . .	\$32,000
34 Motorcycle Safety Education Account--State	
35 Appropriation . . . . .	\$4,411,000
36 Wildlife Account--State Appropriation . . . . .	\$859,000
37 Highway Safety Account--State Appropriation . . . . .	\$147,220,000

1	Highway Safety Account--Federal Appropriation . . . . .	\$2,884,000
2	Motor Vehicle Account--State Appropriation . . . . .	\$77,182,000
3	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$1,663,000
4	Motor Vehicle Account--Federal Appropriation . . . . .	\$242,000
5	Department of Licensing Services Account--State	
6	Appropriation . . . . .	\$5,851,000
7	Ignition Interlock Device Revolving Account--State	
8	Appropriation . . . . .	\$1,315,000
9	TOTAL APPROPRIATION . . . . .	\$241,659,000

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

12       (1) \$11,688,000 of the highway safety account--state appropriation  
13 is provided solely for costs associated with: Issuing enhanced  
14 drivers' licenses and identicards at the enhanced licensing services  
15 offices; extended hours at those licensing services offices; cross-  
16 border tourism education; and other education campaigns. This is the  
17 maximum amount the department may expend for this purpose.

18       (2) \$1,315,000 of the ignition interlock device revolving account--  
19 state appropriation is provided solely for the department to assist  
20 indigent persons with the costs of installing, removing, and leasing  
21 the device, and applicable licensing pursuant to RCW 46.68.340.

22       (3) \$1,738,000 of the department of licensing services account--  
23 state appropriation is provided solely for purchasing equipment for the  
24 field licensing service offices and subagent offices.

25       (4) The department shall prepare a report to the legislature on the  
26 residency verification process it implemented in November 2010. The  
27 process is designed to ensure that individuals who receive a Washington  
28 state driver's license or identicard are Washington state residents.  
29 The report must outline the verification process and outcomes for  
30 driver's license and identicard applicants who do not provide a social  
31 security number. The report must include (a) a list of the documents  
32 that suffice to show proof of residency; (b) a description of how the  
33 department verifies the documents; (c) a description of the process for  
34 issuing a temporary authorization to drive; (d) the number and  
35 percentage of driver's license and identicard applicants without a  
36 social security number by month from November 2010 through October  
37 2011; and (e) the number and percentage of applicants without a social  
38 security number that are issued or denied a driver's license or

1 identicard from November 2010 through October 2011. The report must be  
2 submitted to the transportation committees of the legislature by  
3 November 15, 2011.

4 (5) \$282,000 of the motor vehicle account--private/local  
5 appropriation is provided solely for implementation of chapter ...  
6 (House Bill No. 1536), Laws of 2011 (congestion reduction charge) or  
7 chapter ... (Engrossed Substitute Senate Bill No. 5457), Laws of 2011  
8 (congestion reduction charge). If chapter ... (House Bill No. 1536),  
9 Laws of 2011 or chapter ... (Engrossed Substitute Senate Bill No.  
10 5457), Laws of 2011 is not enacted by June 30, 2011, the amount  
11 provided in this subsection lapses.

12 (6) \$66,000 of the highway safety account--state appropriation is  
13 provided solely for implementation of chapter ... (Substitute House  
14 Bill No. 1237), Laws of 2011 (selective service registration). Funding  
15 for chapter ... (Substitute House Bill No. 1237), Laws of 2011 assumes  
16 a financial contribution from the selective service system. If chapter  
17 ... (Substitute House Bill No. 1237), Laws of 2011 is not enacted by  
18 June 30, 2011, the amount provided in this subsection lapses.

19 (7) \$253,000 of the highway safety account--state appropriation is  
20 provided solely for implementation of chapter ... (Engrossed Substitute  
21 House Bill No. 1635), Laws of 2011 (drivers' licenses, identicards).  
22 If chapter ... (Engrossed Substitute House Bill No. 1635), Laws of 2011  
23 is not enacted by June 30, 2011, the amount provided in this subsection  
24 lapses.

25 (8) \$107,000 of the highway safety account--state appropriation is  
26 provided solely for implementation of chapter ... (Engrossed Second  
27 Substitute House Bill No. 1789), Laws of 2011 (DUI accountability). If  
28 chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of  
29 2011 is not enacted by June 30, 2011, the amount provided in this  
30 subsection lapses.

31 (9) \$229,000 of the department of licensing services account--state  
32 appropriation is provided solely for a phased implementation of chapter  
33 ... (Substitute House Bill No. 1046), Laws of 2011 (vehicle and vessel  
34 quick title). Funding is contingent upon revenues associated with the  
35 vessel and vehicle quick title program paying all direct and indirect  
36 expenditures associated with the department's implementation of chapter  
37 ... (Substitute House Bill No. 1046), Laws of 2011. If chapter ...

1 (Substitute House Bill No. 1046), Laws of 2011 is not enacted by June  
2 30, 2011, the amount provided in this subsection lapses.

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

6 (11) \$647,000 of the highway safety account--state appropriation is  
7 provided solely for the implementation of chapter ... (House Bill No.  
8 1229), Laws of 2011 (commercial drivers). If chapter ... (House Bill  
9 No. 1229), Laws of 2011 (commercial drivers) is not enacted by June 30,  
10 2012, the amount provided in this subsection lapses.

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

13	High Occupancy Toll Lanes Operations Account--State	
14	Appropriation . . . . .	\$1,295,000
15	Motor Vehicle Account--State Appropriation . . . . .	\$551,000
16	Tacoma Narrows Toll Bridge Account--State	
17	Appropriation . . . . .	\$23,652,000
18	State Route Number 520 Corridor Account--State	
19	Appropriation . . . . .	\$27,295,000
20	State Route Number 520 Civil Penalties	
21	Account--State Appropriation . . . . .	\$4,622,000
22	TOTAL APPROPRIATION . . . . .	\$57,415,000

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

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

31 (2) \$17,786,000 of the state route number 520 corridor  
32 account--state appropriation is provided solely for nonvendor costs  
33 associated with tolling the state route number 520 bridge. Funds from  
34 the state route number 520 corridor account--state appropriation shall  
35 not be used to pay for items prohibited by Executive Order 1057,  
36 including subscriptions to technical publications, employee educational

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

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

14 (4) \$164,000 of the state route number 520 corridor account--state  
15 appropriation and \$259,000 of the Tacoma Narrows toll bridge account--  
16 state appropriation are provided solely for benchmark studies for  
17 tolling operations. These studies are to determine the costs of  
18 tolling operations activities so that efficiencies may be identified  
19 and future costs may be reduced.

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

22 Transportation Partnership Account--State

23 Appropriation . . . . .	\$1,460,000
24 Motor Vehicle Account--State Appropriation . . . . .	\$67,745,000
25 Multimodal Transportation Account--State	
26 Appropriation . . . . .	\$3,607,000
27 Transportation 2003 Account (Nickel Account)--State	
28 Appropriation . . . . .	\$1,460,000
29 TOTAL APPROPRIATION . . . . .	\$74,272,000

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

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



1 to encourage coordination and integration of information used by the  
2 department and other state agencies and to avoid duplication.

3 (2) \$210,000 of the motor vehicle account--state appropriation is  
4 provided solely to continue compliance with storm water permit  
5 requirements.

6 (3) \$502,000 of the motor vehicle account--state appropriation is  
7 provided solely to provide support for the transportation executive  
8 information system.

9 (4) If chapter ... (Substitute House Bill No. 1720), Laws of 2011  
10 (department of enterprise services) is enacted, the department shall  
11 execute an interagency agreement with the department of enterprise  
12 services to transfer the time, leave, and labor distribution system  
13 project responsibility and the funds appropriated for this project in  
14 this section.

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

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

22 NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--**  
23 **AVIATION--PROGRAM F**  
24 Aeronautics Account--State Appropriation . . . . . \$6,066,000  
25 Aeronautics Account--Federal Appropriation . . . . . \$2,150,000  
26 TOTAL APPROPRIATION . . . . . \$8,216,000

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

31 NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--**  
32 **PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**  
33 Motor Vehicle Account--State Appropriation . . . . . \$47,918,000  
34 Motor Vehicle Account--Federal Appropriation . . . . . \$500,000  
35 Multimodal Transportation Account--State

1	Appropriation . . . . .	\$250,000
2	TOTAL APPROPRIATION . . . . .	\$48,668,000

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

5 (1) The department shall provide updated information on six project  
6 milestones for all active projects, funded in part or in whole with  
7 2005 transportation partnership account funds or 2003 nickel account  
8 funds, on a quarterly basis in the transportation executive information  
9 system. The department shall also provide updated information on six  
10 project milestones for projects, funded with preexisting funds and that  
11 are agreed to by the legislature, office of financial management, and  
12 the department, on a quarterly basis.

13 (2) \$3,754,000 of the motor vehicle account--state appropriation is  
14 provided solely to continue compliance with storm water permit  
15 requirements.

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

18	Motor Vehicle Account--State Appropriation . . . . .	\$602,000
19	Multimodal Transportation Account--State Appropriation . . . . .	\$50,000
20	TOTAL APPROPRIATION . . . . .	\$652,000

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

23 (1) \$50,000 of the multimodal transportation account--state  
24 appropriation is provided solely for the department to develop and  
25 implement public-private partnerships at high priority terminals as  
26 identified in the January 12, 2009, final report on joint development  
27 opportunities at Washington state ferries terminals.

28 (2) \$30,000 of the motor vehicle account--state appropriation is  
29 provided solely for the continuation of a pilot project allowing  
30 advertisements and sponsorships on select web pages. The pilot project  
31 must be organized under the partnership model described in the  
32 department's web site monetizing feasibility study. Once operational,  
33 the pilot project must operate for at least twelve consecutive months.  
34 After twelve months of continuous operation, the department shall  
35 provide a report with recommendations on whether to continue project  
36 operations to the office of financial management and the chairs of the  
37 transportation committees of the legislature. The department may end

1 the pilot project after less than twelve consecutive months of  
2 operation if insufficient bids or proposals are received from potential  
3 sponsors or advertisers. For the purpose of this subsection, if a  
4 consultant contract is warranted, the consultant contract is deemed a  
5 revenue generation activity as that term is construed in section  
6 602(2), chapter 3, Laws of 2010.

7 (3) The department shall conduct a study on the potential to  
8 generate revenue from both on-premise and off-premise outdoor  
9 advertising signs that are erected or maintained adjacent and visible  
10 to the interstate system highways, primary system highways, or scenic  
11 system highways. The study must provide the following recommendation  
12 and evaluations: An evaluation of the market for outdoor advertising  
13 signs, including an evaluation of the number of potential advertisers  
14 and the amount charged by other jurisdictions for sign permits; a  
15 recommendation for a revised fee structure that recognizes the market  
16 value for both off-premise and on-premise signs and considers charging  
17 differential fees based on the size and type of sign; and an evaluation  
18 of public-private partnership opportunities related to outdoor  
19 advertising signs. In addition, the study must consider how outdoor  
20 advertising signs can accommodate new technologies without providing  
21 too much distraction for drivers.

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

24	Motor Vehicle Account--State Appropriation . . . . .	\$380,327,000
25	Motor Vehicle Account--Federal Appropriation . . . . .	\$7,000,000
26	TOTAL APPROPRIATION . . . . .	\$387,327,000

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

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

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

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

3 (3) \$7,000,000 of the motor vehicle account--federal appropriation  
4 is for unanticipated federal funds that may be received during the  
5 2011-2013 fiscal biennium. Upon receipt of the funds, the department  
6 shall provide a report on the use of the funds to the transportation  
7 committees of the legislature and the office of financial management.

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

11 (5) \$6,884,000 of the motor vehicle account--state appropriation is  
12 provided solely for the high priority maintenance backlog.

13 (6) \$317,000 of the motor vehicle account--state appropriation is  
14 provided solely for maintaining a new active traffic management system  
15 on Interstate 5, Interstate 90, and state route number 520. The  
16 department shall track the costs associated with these systems on a  
17 corridor basis and report to the legislative transportation committees  
18 on the cost and benefits of the system by December 1, 2011.

19 (7) \$4,530,000 of the motor vehicle account--state appropriation is  
20 provided solely to continue compliance with storm water permit  
21 requirements.

22 (8) \$7,000,000 of the motor vehicle account--state appropriation is  
23 provided solely for third-party damages to the highway system where the  
24 responsible party is known and reimbursement is anticipated.

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

27	Motor Vehicle Account--State Appropriation . . . . .	\$50,166,000
28	Motor Vehicle Account--Federal Appropriation . . . . .	\$2,050,000
29	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$127,000
30	TOTAL APPROPRIATION . . . . .	\$52,343,000

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

33 (1) \$6,000,000 of the motor vehicle account--state appropriation is  
34 provided solely for low-cost enhancements. The department shall give  
35 priority to low-cost enhancement projects that improve safety or  
36 provide congestion relief. The department shall prioritize low-cost  
37 enhancement projects on a statewide rather than regional basis. By

1 September 1st of each even-numbered year, the department shall provide  
2 a report to the legislature listing all low-cost enhancement projects  
3 prioritized on a statewide rather than regional basis completed in the  
4 prior year.

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

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

15 (4) During the 2011-2013 biennium, the department shall implement  
16 a pilot program that expands private transportation providers' access  
17 to high occupancy vehicle lanes. Under the pilot program, when the  
18 department reserves a portion of a highway based on the number of  
19 passengers in a vehicle, the following vehicles must be authorized to  
20 use the reserved portion of the highway if the vehicle has the capacity  
21 to carry eight or more passengers, regardless of the number of  
22 passengers in the vehicle: (a) Auto transportation company vehicles  
23 regulated under chapter 81.68 RCW; (b) passenger charter carrier  
24 vehicles regulated under chapter 81.70 RCW, except marked or unmarked  
25 stretch limousines and stretch sport utility vehicles as defined under  
26 department rules; (c) private nonprofit transportation provider  
27 vehicles regulated under chapter 81.66 RCW; and (d) private employer  
28 transportation service vehicles. For purposes of this subsection,  
29 "private employer transportation service" means regularly scheduled,  
30 fixed-route transportation service that is offered by an employer for  
31 the benefit of its employees. By June 30, 2013, the department shall  
32 report to the transportation committees of the legislature on whether  
33 private transportation provider use of high occupancy vehicle lanes  
34 under the pilot program reduces the speeds of high occupancy vehicle  
35 lanes. Nothing in this subsection is intended to authorize the  
36 conversion of public infrastructure to private, for-profit purposes or  
37 to otherwise create an entitlement or other claim by private users to

1 public infrastructure. If chapter ... (Substitute Senate Bill No.  
2 5791), Laws of 2011 is enacted by June 30, 2011, this subsection is  
3 null and void.

4 (5) \$9,000,000 of the motor vehicle account--state appropriation is  
5 provided solely for the department's incident response program.

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

8	Motor Vehicle Account--State Appropriation . . . . .	\$28,430,000
9	Motor Vehicle Account--Federal Appropriation . . . . .	\$30,000
10	Multimodal Transportation Account--State	
11	Appropriation . . . . .	\$973,000
12	TOTAL APPROPRIATION . . . . .	\$29,433,000

13 The appropriations in this section are subject to the following  
14 conditions and limitations: The department shall utilize existing  
15 resources and customer service staff to develop and implement new  
16 policies and procedures to ensure compliance with new federal passenger  
17 vessel Americans with disabilities act requirements.

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

20	Motor Vehicle Account--State Appropriation . . . . .	\$23,194,000
21	Motor Vehicle Account--Federal Appropriation . . . . .	\$21,885,000
22	Multimodal Transportation Account--State	
23	Appropriation . . . . .	\$662,000
24	Multimodal Transportation Account--Federal	
25	Appropriation . . . . .	\$3,559,000
26	Multimodal Transportation Account--Private/Local	
27	Appropriation . . . . .	\$100,000
28	TOTAL APPROPRIATION . . . . .	\$49,400,000

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

31 (1) \$70,000 of the motor vehicle account--state appropriation is a  
32 reappropriation provided solely for a corridor study of state route  
33 number 516 from the eastern border of Maple Valley to state route  
34 number 167 to determine whether improvements are needed and the costs  
35 of any needed improvements.

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

5 (3) Within available resources, the department must collaborate  
6 with the affected metropolitan planning organizations, regional  
7 transportation planning organizations, and transit agencies to develop  
8 a plan to reduce vehicle demand, increase public transportation  
9 options, and reduce vehicle miles traveled on corridors affected by  
10 growth at Joint Base Lewis-McChord.

11 (4) \$750,000 of the multimodal transportation account--federal  
12 appropriation is provided solely for the Whatcom council of governments  
13 to continue their work and support of the international mobility and  
14 trade corridor project.

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

17 Motor Vehicle Account--State Appropriation . . . . .	\$86,121,000
18 Motor Vehicle Account--Federal Appropriation . . . . .	\$400,000
19 Multimodal Transportation Account--State Appropriation . . .	\$3,320,000
20 TOTAL APPROPRIATION . . . . .	\$89,841,000

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

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

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

29 (a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT  
30 DIVISION OF RISK MANAGEMENT FEES . . . . . \$1,506,000

31 (b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE  
32 AUDITOR . . . . . \$153,000

33 (c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL  
34 ADMINISTRATION . . . . . \$13,100,000

35 (d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF  
36 PERSONNEL . . . . . \$12,402,000

37 (e) FOR PAYMENT OF SELF-INSURANCE LIABILITY

1	PREMIUMS AND ADMINISTRATION . . . . .	\$44,163,000
2	(f) FOR ARCHIVES AND RECORDS MANAGEMENT . . . . .	\$541,000
3	(g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS	
4	ENTERPRISES . . . . .	\$1,311,000
5	(h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS	
6	PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT . . . . .	\$1,111,000
7	(i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE	
8	DEPARTMENT OF INFORMATION SERVICES . . . . .	\$539,000
9	(j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY	
10	GENERAL'S OFFICE . . . . .	\$9,451,000
11	(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY	
12	GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT	
13	LITIGATION . . . . .	\$237,000
14	(l) FOR WORKER COMPENSATION CHARGES . . . . .	\$2,496,000
15	(m) FOR DATA CENTER RATE INCREASE . . . . .	\$2,759,000
16	(n) FOR OFFICE OF FINANCIAL MANAGEMENT INFORMATION	
17	TECHNOLOGY SERVICES . . . . .	\$72,000

18       NEW SECTION.   **Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--**  
19 **PUBLIC TRANSPORTATION--PROGRAM V**

20	Rural Mobility Grant Program Account--State	
21	Appropriation . . . . .	\$17,000,000
22	Regional Mobility Grant Program Account--State	
23	Appropriation . . . . .	\$48,942,000
24	Multimodal Transportation Account--State	
25	Appropriation . . . . .	\$42,617,000
26	Multimodal Transportation Account--Federal	
27	Appropriation . . . . .	\$2,582,000
28	Multimodal Transportation Account--Private/Local	
29	Appropriation . . . . .	\$1,027,000
30	State Vehicle Parking Account--State Appropriation . . . . .	\$452,000
31	TOTAL APPROPRIATION . . . . .	\$112,620,000

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

34       (1) \$25,000,000 of the multimodal transportation account--state  
35 appropriation is provided solely for a grant program for special needs  
36 transportation provided by transit agencies and nonprofit providers of  
37 transportation.



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

7 (b) \$19,500,000 of the amount provided in this subsection is  
8 provided solely for grants to transit agencies to transport persons  
9 with special transportation needs. To receive a grant, the transit  
10 agency must have a maintenance of effort for special needs  
11 transportation that is no less than the previous year's maintenance of  
12 effort for special needs transportation. Grants for transit agencies  
13 shall be prorated based on the amount expended for demand response  
14 service and route deviated service in calendar year 2009 as reported in  
15 the "Summary of Public Transportation - 2009" published by the  
16 department of transportation. No transit agency may receive more than  
17 thirty percent of these distributions.

18 (2) Funds are provided for the rural mobility grant program as  
19 follows:

20 (a) \$8,500,000 of the rural mobility grant program account--state  
21 appropriation is provided solely for grants for those transit systems  
22 serving small cities and rural areas as identified in the "Summary of  
23 Public Transportation - 2009" published by the department of  
24 transportation. Noncompetitive grants must be distributed to the  
25 transit systems serving small cities and rural areas in a manner  
26 similar to past disparity equalization programs. If the funding  
27 provided in this subsection (2)(a) exceeds the amount required for  
28 recipient counties to reach eighty percent of the average per capita  
29 sales tax, funds in excess of that amount may be used for the  
30 competitive grant process established in (b) of this subsection.

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

35 (3)(a) \$6,000,000 of the multimodal transportation account--state  
36 appropriation is provided solely for a vanpool grant program for: (a)  
37 Public transit agencies to add vanpools or replace vans; and (b)  
38 incentives for employers to increase employee vanpool use. The grant

1 program for public transit agencies will cover capital costs only;  
2 operating costs for public transit agencies are not eligible for  
3 funding under this grant program. Additional employees may not be  
4 hired from the funds provided in this section for the vanpool grant  
5 program, and supplanting of transit funds currently funding vanpools is  
6 not allowed. The department shall encourage grant applicants and  
7 recipients to leverage funds other than state funds.

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

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

13 (4) \$120,000 of the multimodal transportation account--state  
14 appropriation is a reappropriation provided solely for a grant for a  
15 flexible carpooling pilot project program to be administered and  
16 monitored by the department.

17 (5) \$3,470,000 of the regional mobility grant program account--  
18 state appropriation is reappropriated and provided solely for the  
19 regional mobility grant projects identified on the LEAP Transportation  
20 Document 2007-B, as developed April 20, 2007, or the LEAP  
21 Transportation Document 2006-D, as developed March 8, 2006. The  
22 department shall continue to review all projects receiving grant awards  
23 under this program at least semiannually to determine whether the  
24 projects are making satisfactory progress.

25 (6) \$5,472,000 of the regional mobility grant program account--  
26 state appropriation is a reappropriation provided solely for the  
27 regional mobility grant projects identified in LEAP Transportation  
28 Document 2009-B, as developed April 24, 2009. The department shall  
29 review all projects receiving grant awards under this program at least  
30 semiannually to determine whether the projects are making satisfactory  
31 progress.

32 (7) \$40,000,000 of the regional mobility grant program  
33 account--state appropriation is provided solely for the regional  
34 mobility grant projects identified in LEAP Transportation Document  
35 2011-B, as developed March 21, 2011, except for providing funding to  
36 the Lakewood to Seattle Commuter Rail Expansion - Vehicles project by  
37 moving the NW Market/45th Street Transit Priority Corridor Improvements  
38 project from the funded portion of the LEAP Transportation Document

1 2011-B, as developed March 21, 2011, to the top of the unfunded portion  
2 of the LEAP Transportation Document 2011-B, as developed March 21,  
3 2011, and providing the funding for the NW Market/45th Street Transit  
4 Priority Corridor Improvements project to the Lakewood to Seattle  
5 Commuter Rail Expansion - Vehicles project. The department shall  
6 review all projects receiving grant awards under this program at least  
7 semiannually to determine whether the projects are making satisfactory  
8 progress. Any project that has been awarded funds, but does not report  
9 activity on the project within one year of the grant award, must be  
10 reviewed by the department to determine whether the grant should be  
11 terminated. The department shall promptly close out grants when  
12 projects have been completed, and any remaining funds available must be  
13 used only to fund projects identified in LEAP Transportation Document  
14 2011-B, as developed March 21, 2011. The department shall provide  
15 annual status reports on December 15, 2011, and December 15, 2012, to  
16 the office of financial management and the transportation committees of  
17 the legislature regarding the projects receiving the grants. It is the  
18 intent of the legislature to appropriate funds through the regional  
19 mobility grant program only for projects that will be completed on  
20 schedule.

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

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

28 (10) \$2,309,000 of the multimodal transportation account--state  
29 appropriation is provided solely for the tri-county connection service  
30 for Island, Skagit, and Whatcom transit agencies.

31 NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--**  
32 **MARINE--PROGRAM X**

33 Puget Sound Ferry Operations Account--State  
34 Appropriation . . . . . \$472,107,000

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

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

9 (2) 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 2013-2015  
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 (3) \$6,000,000 of the Puget Sound ferry operations account--state  
16 appropriation is provided solely for commercial insurance for ferry  
17 assets.

18 (4) \$150,000 of the Puget Sound ferry operations account--state  
19 appropriation is provided solely for the department to increase  
20 recreation and tourist ridership on the Port Townsend-Coupeville ferry  
21 route by entering into agreements for marketing and outreach strategies  
22 with local economic development or tourism agencies. The department  
23 shall identify the number of tourist and recreation riders on the Port  
24 Townsend-Coupeville ferry route both before and after implementation of  
25 marketing and outreach strategies developed through the agreements.  
26 The department shall report results of the marketing and outreach  
27 strategies to the transportation committees of the legislature by  
28 October 15, 2012.

29 (5) The legislature finds that measuring the performance of the  
30 Washington state ferries requires the measurement of quality,  
31 timeliness, and unit cost of services delivered to customers.  
32 Consequently, the department must develop a set of metrics that measure  
33 that performance and report to the transportation committees of the  
34 legislature and to the office of financial management on the  
35 development of these measurements along with recommendations to the  
36 2012 legislature on which measurements must become a part of the next  
37 omnibus transportation appropriations act. The report required in this

1 subsection is null and void if chapter ... (Substitute House Bill No.  
2 1516), Laws of 2011 (state ferry system management) is enacted.

3 (6) \$706,000 of the Puget Sound ferry operations account--state  
4 appropriation is provided solely for terminal operations to implement  
5 new federal passenger vessel Americans with disabilities act  
6 requirements.

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

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

24 (9) Beginning in fiscal year 2012, the Washington state ferries  
25 shall implement and begin using a costless collar fuel hedging and  
26 purchasing plan to reduce and stabilize the cost of fuel in the ferry  
27 system as recommended in the 2003 fuel hedging study by the Washington  
28 state ferries. Savings from the fuel hedging and purchasing plan must  
29 be used to preserve winter weekend (Friday, Saturday, and Sunday)  
30 service on the Anacortes-Sidney, Interisland, and Fauntleroy-Vashon-  
31 Southworth ferry routes.

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

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

3 Multimodal Transportation Account--State  
4        Appropriation . . . . . \$29,688,000  
5 Multimodal Transportation Account--Federal  
6        Appropriation . . . . . \$300,000  
7            TOTAL APPROPRIATION . . . . . \$29,988,000

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

10        (1) \$24,091,000 of the multimodal transportation account--state  
11 appropriation is provided solely for the Amtrak service contract and  
12 Talgo maintenance contract associated with providing and maintaining  
13 the state-supported passenger rail service. Upon completion of the  
14 rail platform project in the city of Stanwood, the department shall  
15 provide daily Amtrak Cascades service to the city. The department is  
16 directed to continue to pursue efforts to reduce costs, increase  
17 ridership, and review fares or fare schedules. Within thirty days of  
18 each annual cost/revenue reconciliation under the Amtrak service  
19 contract, the department shall report annual credits to the office of  
20 financial management and the legislative transportation committees.  
21 Annual credits from Amtrak to the department including, but not limited  
22 to, credits for increased revenue due to higher ridership, and fare or  
23 fare schedule adjustments, must be used to offset corresponding amounts  
24 of the multimodal transportation account--state appropriation, which  
25 must be placed in reserve.

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

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

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

31 Motor Vehicle Account--State Appropriation . . . . . \$8,865,000  
32 Motor Vehicle Account--Federal Appropriation . . . . . \$2,567,000  
33            TOTAL APPROPRIATION . . . . . \$11,432,000

34                            **TRANSPORTATION AGENCIES--CAPITAL**

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

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

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

5            (1) \$653,000 of the state patrol highway account--state  
6 appropriation is provided solely for the following minor works  
7 projects: \$200,000 for emergency infrastructure repairs; \$75,000 for  
8 water and sewer upgrades and repairs; \$210,000 for emergency backup  
9 system replacement; \$85,000 for chiller replacement; and \$83,000 for  
10 roof replacements.

11            (2) \$1,097,000 of the state patrol highway account--state  
12 appropriation is provided solely to connect the Washington state patrol  
13 academy to the new sewer line and reclaimed water line. This funding  
14 completes the infrastructure for the sewer and reclaimed water on the  
15 academy property, along with the decommissioning of the eight existing  
16 septic systems and drain fields.

17            (3) \$421,000 of the state patrol highway account--state  
18 appropriation is provided solely for the reappropriation from the 2009-  
19 2011 fiscal biennium to the 2011-2013 fiscal biennium for the Shelton  
20 regional project.

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

22 Rural Arterial Trust Account--State Appropriation . . . . . \$38,917,000

23 Motor Vehicle Account--State Appropriation . . . . . \$874,000

24 County Arterial Preservation Account--State  
25 Appropriation . . . . . \$29,360,000

26            TOTAL APPROPRIATION . . . . . \$69,151,000

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

29            (1) \$874,178 of the motor vehicle account--state appropriation may  
30 be used for county ferry projects as developed pursuant to RCW  
31 47.56.725(4).

32            (2) \$5,000,000 of the rural arterial trust account--state  
33 appropriation is provided solely for additional grants for county road  
34 preservation projects as approved by the county road administration  
35 board. The county road administration board must work with the  
36 department of transportation highways and local program to assist the  
37 department in developing a program to assist counties in efforts to

1 recover from federally declared emergencies, by providing  
2 capitalization advances and local match for federal emergency funding.  
3 County road administration board funds may no longer be used for this  
4 purpose.

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

6 Small City Pavement and Sidewalk Account--State  
7 Appropriation . . . . . \$1,883,000  
8 Urban Arterial Trust Account--State Appropriation . . . . \$110,582,000  
9 Transportation Improvement Account--State  
10 Appropriation . . . . . \$82,997,000  
11 TOTAL APPROPRIATION . . . . . \$195,462,000

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

- 14 (1) The transportation improvement account--state appropriation  
15 includes up to \$7,143,000 in proceeds from the sale of bonds authorized  
16 in RCW 47.26.500.  
17 (2) The urban arterial trust account--state appropriation includes  
18 up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW  
19 47.26.420.

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

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

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

- 25 (1) \$1,364,000 of the motor vehicle account--state appropriation is  
26 provided solely for the Olympic region site acquisition debt service  
27 payments and administrative costs associated with capital improvement  
28 and preservation project and financial management.  
29 (2) \$1,382,000 of the motor vehicle account--state appropriation is  
30 provided solely for high priority safety projects that are directly  
31 linked to employee safety and environmental risk.  
32 (3) \$400,000 of the motor vehicle account--state appropriation is  
33 provided solely to continue compliance with storm water permit  
34 requirements.



1        NEW SECTION.    **Sec. 305.    FOR THE DEPARTMENT OF TRANSPORTATION--**  
2 **IMPROVEMENTS--PROGRAM I**

3	Multimodal Transportation Account--State	
4	Appropriation . . . . .	\$34,703,000
5	Transportation Partnership Account--State	
6	Appropriation . . . . .	\$1,990,282,000
7	Motor Vehicle Account--State Appropriation . . . . .	\$51,965,000
8	Motor Vehicle Account--Federal Appropriation . . . . .	\$418,788,000
9	Motor Vehicle Account--Private/Local	
10	Appropriation . . . . .	\$50,485,000
11	Transportation 2003 Account (Nickel Account)--State	
12	Appropriation . . . . .	\$450,705,000
13	State Route Number 520 Corridor Account--State	
14	Appropriation . . . . .	\$1,019,460,000
15	Tacoma Narrows Toll Bridge Account--State	
16	Appropriation . . . . .	\$5,760,000
17	TOTAL APPROPRIATION . . . . .	\$4,022,148,000

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

20        (1) Except as provided otherwise in this section, the entire  
21 transportation 2003 account (nickel account) appropriation and the  
22 entire transportation partnership account appropriation are provided  
23 solely for the projects and activities as listed by fund, project, and  
24 amount in LEAP Transportation Document 2011-1 as developed March 21,  
25 2011, Program - Highway Improvement Program (I). However, limited  
26 transfers of specific line-item project appropriations may occur  
27 between projects for those amounts listed subject to the conditions and  
28 limitations in section 603 of this act.

29        (2) Funding allocated for mitigation costs is provided solely for  
30 the purpose of project impact mitigation, and shall not be used to  
31 develop or otherwise participate in the environmental assessment  
32 process.

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

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

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

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

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

23 (8) The motor vehicle account--state appropriation includes up to  
24 \$51,965,000 in proceeds from the sale of bonds authorized in RCW  
25 47.10.843.

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

29 (10) \$391,000 of the motor vehicle account--state appropriation and  
30 \$4,027,000 of the motor vehicle account--federal appropriation are  
31 provided solely for the US 2 High Priority Safety project (100224I).  
32 Expenditure of these funds is for safety projects on state route number  
33 2 between Monroe and Gold Bar, which may include median rumble strips,  
34 traffic cameras, and electronic message signs.

35 (11) \$8,000 of the motor vehicle account--federal appropriation and  
36 \$1,000 of the motor vehicle account--state appropriation are provided  
37 solely for the Westview school noise wall (project WESTV).

1 (12) \$8,321,000 of the transportation partnership account--state  
2 appropriation and \$16,679,000 of the motor vehicle account--federal  
3 appropriation are provided solely for the I-5/Columbia River Crossing  
4 project (400506A). Of this amount, \$200,000 of the transportation  
5 partnership account--state appropriation is provided solely for the  
6 department to work with the department of archaeology and historic  
7 preservation to ensure that the cultural resources investigation is  
8 properly conducted on the Columbia river crossing project. This  
9 project must be conducted with active archaeological management and  
10 result in one report that spans the single cultural area in Oregon and  
11 Washington. Additionally, the department shall establish a scientific  
12 peer review of independent archaeologists that are knowledgeable about  
13 the region and its cultural resources. No funding from any account may  
14 be expended until written confirmation has been received by the  
15 department that the state of Oregon is providing an equal amount of  
16 additional funding to the project.

17 (13) \$4,188,000 of the transportation partnership account--state  
18 appropriation, \$599,000 of the motor vehicle account--federal  
19 appropriation, and \$101,000 of the transportation 2003 account (nickel  
20 account)--state appropriation are provided solely for project 109040Q,  
21 the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3  
22 project, as indicated in the LEAP transportation document referenced in  
23 subsection (1) of this section.

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

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

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

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

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

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

21 (b) For each project, the amount of cost savings or increases in  
22 state funding that have been identified as compared to the enacted  
23 2011-2013 biennial transportation budget.

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

31 (20) \$181,000 of the motor vehicle account--federal appropriation  
32 and \$17,000 of the motor vehicle account--state appropriation are  
33 provided solely for the Alaskan Way Viaduct - Automatic Shutdown  
34 project (L1000034).

35 (21) \$2,134,000 of the motor vehicle account--federal appropriation  
36 and \$47,000 of the motor vehicle account--state appropriation are  
37 provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -  
38 Build New Highway project (501210T).

1 (22) \$165,000 of the motor vehicle account--federal appropriation  
2 and \$7,000 of the motor vehicle account--state appropriation are  
3 provided solely for the Express Lanes System Concept Study project  
4 (800020A). The department's final report on the study to the joint  
5 transportation committee is due by June 30, 2011.

6 (23) \$294,000 of the motor vehicle account--federal appropriation  
7 and \$13,000 of the motor vehicle account--state appropriation are  
8 provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage  
9 Road project (301639C). The frontage road must be built for driving  
10 speeds of no more than thirty-five miles per hour.

11 (24) \$306,000 of the motor vehicle account--state appropriation is  
12 provided solely for a traffic signal at the intersection of state route  
13 number 7 and state route number 702 (300738A).

14 (25) \$435,000 of the motor vehicle account--state appropriation is  
15 provided solely for environmental work on the Belfair Bypass project  
16 (300344C).

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

24 (27) \$5,000 of the motor vehicle account--state appropriation is  
25 provided solely for the US 12/SR 122/Mossyrock - Intersection project  
26 (401212R) for safety improvements.

27 (28) \$932,000 of the motor vehicle account--federal appropriation  
28 is provided solely for the US 97A/North of Wenatchee - Wildlife Fence  
29 project (209790B).

30 (29) If a planned roundabout in the vicinity of state route number  
31 526 and 84th Street SW would divert commercial traffic onto  
32 neighborhood streets, the department may not proceed with improvements  
33 at state route number 526 and 84th Street SW until the traffic impacts  
34 in the vicinity of state route number 526 and 40th Avenue West are  
35 addressed.

36 (30) \$2,244,000 of the motor vehicle account--federal appropriation  
37 and \$46,000 of the motor vehicle account--state appropriation are

1 provided solely for the ITS Advanced Traveler Information System  
2 project in Whatcom county (100589B).

3 (31) \$870,000 of the motor vehicle account--federal appropriation  
4 and \$25,000 of the motor vehicle account--state appropriation are  
5 provided solely for the US 97/Cameron Lake Road intersection  
6 improvements project in Okanogan county (209700W).

7 (32) \$107,000 of the motor vehicle account--federal appropriation  
8 and \$27,000 of the motor vehicle account--state appropriation are  
9 provided solely for the SR 9/SR 204 Intersection Improvement project  
10 (L2000040).

11 (33) \$980,000 of the motor vehicle account--federal appropriation  
12 and \$20,000 of the motor vehicle account--state appropriation are  
13 provided solely for the SR 167/Tolling Feasibility Study project  
14 (316718S). By January 2012, the department must prepare a traffic and  
15 revenue analysis and finance plan for the state route number 167  
16 extension project in Pierce county. For the project, the department  
17 must:

18 (a) Confer with the mayors, city councils, county officials, area  
19 legislators, and port commissions of jurisdictions in the vicinity of  
20 the project regarding the implementation of tolling and the impacts  
21 that the implementation of tolling might have on the operation of the  
22 corridor and adjacent local streets;

23 (b) Conduct public work sessions and open houses to provide  
24 information to citizens regarding implementation of tolling and to  
25 solicit citizen views;

26 (c) Regularly report to the Washington state transportation  
27 commission regarding the progress of the study for the purpose of  
28 guiding the commission's toll setting on the project; and

29 (d) Provide a report to the governor and the legislature by January  
30 2012.

31 (34) \$361,000 of the transportation partnership account--state  
32 appropriation and \$1,245,000 of the transportation 2003 account (nickel  
33 account)--state appropriation are provided solely for project 0BI4ENV,  
34 Environmental Mitigation Reserve - Nickel/TPA project, as indicated in  
35 the LEAP transportation document referenced in subsection (1) of this  
36 section. Funds may be used only for environmental mitigation work that  
37 is required by permits that were issued for projects funded by the  
38 transportation partnership account or transportation 2003 account

1 (nickel account). As part of the 2012 budget submittal, the department  
2 shall provide a list of all projects and associated amounts that are  
3 being charged to project OBI4ENV during the 2011-2013 fiscal biennium.

4 (35)(a) Within available funds, a tolling advisory committee for  
5 the state route number 520 bridge replacement and HOV program is  
6 established to monitor and provide advice to the state tolling  
7 authority on all matters related to the development and implementation  
8 of toll operations in the corridor and the imposition of tolls  
9 including, but not limited to: (i) The feasibility of providing  
10 discounts; (ii) the trade-off of lower tolls versus the early  
11 retirement of debt; (iii) consideration of variable or time-of-day  
12 pricing; and (iv) other matters that may arise in the implementation of  
13 toll operations.

14 (b) The tolling advisory committee must be comprised of seven  
15 members, including two elected officials residing in legislative  
16 districts on the east side of Lake Washington that are affected by the  
17 state route number 520 bridge replacement and HOV program, two elected  
18 officials residing in legislative districts on the west side of Lake  
19 Washington that are affected by the state route number 520 bridge  
20 replacement and HOV program, and three permanent residents of the  
21 affected project area. The governor shall appoint the members of the  
22 tolling advisory committee.

23 (c) No toll charge may be imposed or modified unless the tolling  
24 advisory committee has been given at least twenty days to review and  
25 comment on any proposed toll charge schedule. In setting toll charge  
26 rates, the commission shall consider any recommendations of the tolling  
27 advisory committee.

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

31 (37) \$422,000 of the motor vehicle account--federal appropriation  
32 and \$17,000 of the motor vehicle account--state appropriation are  
33 provided solely for the SR 539/SR 9 Advanced Traveler Information  
34 System project (100011P).

35 (38) \$500,000 of the motor vehicle account--state appropriation is  
36 provided solely for the I-90 Comprehensive Tolling Study project  
37 (100067T).

1 (39) \$687,000 of the motor vehicle account--federal appropriation,  
2 \$16,308,000 of the motor vehicle account--private/local appropriation,  
3 and \$22,000 of the motor vehicle account--state appropriation are  
4 provided solely for the US 2/Bickford Avenue - Intersection Safety  
5 Improvements project (100210E).

6 (40) \$1,756,000 of the motor vehicle account--federal appropriation  
7 and \$45,000 of the motor vehicle account--state appropriation are  
8 provided solely for the SR 539/Horton Road - Access Management project  
9 (153900M).

10 (41) \$2,305,000 of the motor vehicle account--federal appropriation  
11 and \$60,000 of the motor vehicle account--state appropriation are  
12 provided solely for the SR 97/North of Riverside - Northbound Passing  
13 Lane project (209700Y).

14 (42) \$372,000 of the motor vehicle account--federal appropriation  
15 and \$40,000 of the motor vehicle account--state appropriation are  
16 provided solely for the US 97/North of Brewster - Passing Lane project  
17 (209703H).

18 (43) \$253,444,000 of the transportation partnership account--state  
19 appropriation and \$66,034,000 of the transportation 2003 account  
20 (nickel account)--state appropriation are provided solely for the I-  
21 5/Tacoma HOV Improvements (Nickel/TPA) project (300504A). Funds may  
22 not be used to renovate any buildings until a real estate procurement  
23 and management plan as outlined in section 604 of this act is complete.

24 (44) \$2,000,000 of the motor vehicle account--federal appropriation  
25 and \$14,000 of the motor vehicle account--state appropriation are  
26 provided solely for the I-5/Vicinity of Center Drive - Interchange  
27 Improvements project (300596L).

28 (45) \$108,000 of the motor vehicle account--federal appropriation  
29 and \$3,000 of the motor vehicle account--state appropriation are  
30 provided solely for the I-5/Vicinity of Joint Base Lewis-McChord -  
31 Install Ramp Meters project (300596M).

32 (46) \$1,323,000 of the motor vehicle account--federal appropriation  
33 and \$28,000 of the motor vehicle account--state appropriation are  
34 provided solely for the US 12/Schouweiler Road - Study project  
35 (301288B).

36 (47) \$1,572,000 of the motor vehicle account--federal appropriation  
37 and \$40,000 of the motor vehicle account--state appropriation are



1 provided solely for the I-5/Lewis County Detour for Freight Mobility -  
2 ITS Projects project (400012I).

3 (48) \$194,000 of the motor vehicle account--federal appropriation  
4 and \$9,000 of the motor vehicle account--state appropriation are  
5 provided solely for the I-82/Red Mountain Vicinity - Predesign Analysis  
6 project (508208M).

7 (49) Any savings realized on project 509009B, as identified in the  
8 LEAP transportation document in subsection (1) of this section: I-  
9 90/Snoqualmie Pass East - Hyak to Keechelus Dam - Corridor Improvement,  
10 must remain on the Hyak to Easton corridor and may be used for the next  
11 phases. \$590,000 of the funds appropriated for the I-90/Snoqualmie  
12 Pass East - Hyak to Keechelus Dam - Corridor Improvement project  
13 (509009B) may be used to purchase land currently owned by the state  
14 parks department. Funds may not be used to build or improve buildings  
15 until a real estate procurement and management plan as outlined in  
16 section 604 of this act is complete.

17 (50) \$9,422,000 of the motor vehicle account--federal appropriation  
18 and \$193,000 of the motor vehicle account--state appropriation are  
19 provided solely for the I-90/Sullivan Road to Barker Road - Additional  
20 Lanes project (609049N).

21 (51) \$1,019,460,000 of the state route number 520 corridor  
22 account--state appropriation, \$226,809,000 of the transportation  
23 partnership account--state appropriation, and \$1,360,000 of the motor  
24 vehicle account--private/local appropriation are provided solely for  
25 the SR 520/Bridge Replacement and HOV project (8BI1003). Funds may not  
26 be used to construct a new traffic management center until a real  
27 estate procurement and management plan as outlined in section 604 of  
28 this act is complete.

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

32 (53) If the department determines that all or a portion of real  
33 property or an interest in real property that was acquired through  
34 condemnation within the previous ten years is no longer necessary for  
35 a transportation purpose, the former owner has a right of repurchase as  
36 described in this subsection. For the purposes of this subsection,  
37 "former owner" means the person or entity from whom the department  
38 acquired title. At least ninety days prior to the date on which the

1 property is intended to be sold by the department, the department must  
 2 mail notice of the planned sale to the former owner of the property at  
 3 the former owner's last known address or to a forwarding address if  
 4 that owner has provided the department with a forwarding address. If  
 5 the former owner of the property's last known address, or forwarding  
 6 address if a forwarding address has been provided, is no longer the  
 7 former owner of the property's address, the right of repurchase is  
 8 extinguished. If the former owner notifies the department within  
 9 thirty days of the date of the notice that the former owner intends to  
 10 repurchase the property, the department shall proceed with the sale of  
 11 the property to the former owner for fair market value and shall not  
 12 list the property for sale to other owners. If the former owner does  
 13 not provide timely written notice to the department of the intent to  
 14 exercise a repurchase right, or if the sale to the former owner is not  
 15 completed within seven months of the date of notice that the former  
 16 owner intends to repurchase the property, the right of repurchase is  
 17 extinguished.

18 NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--**  
 19 **PRESERVATION--PROGRAM P**

20 Transportation Partnership Account--State

21	Appropriation . . . . .	\$34,182,000
22	Motor Vehicle Account--State Appropriation . . . . .	\$96,790,000
23	Motor Vehicle Account--Federal Appropriation . . . . .	\$607,489,000
24	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$19,253,000
25	TOTAL APPROPRIATION . . . . .	\$757,714,000

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

28 (1) Except as provided otherwise in this section, the entire  
 29 transportation 2003 account (nickel account) appropriation and the  
 30 entire transportation partnership account appropriation are provided  
 31 solely for the projects and activities as listed by fund, project, and  
 32 amount in LEAP Transportation Document 2011-1 as developed March 21,  
 33 2011, Program - Highway Preservation Program (P). However, limited  
 34 transfers of specific line-item project appropriations may occur  
 35 between projects for those amounts listed subject to the conditions and  
 36 limitations in section 603 of this act.

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

4 (3) The department shall, on a quarterly basis beginning July 1,  
5 2011, provide to the office of financial management and the legislature  
6 reports providing the status on each active project funded in part or  
7 whole by the transportation 2003 account (nickel account) or the  
8 transportation partnership account. Funding provided at a programmatic  
9 level for transportation partnership account projects relating to  
10 seismic bridges must be reported on a programmatic basis. Projects  
11 within this programmatic level funding must be completed on a priority  
12 basis and scoped to be completed within the current programmatic  
13 budget. The department shall work with the office of financial  
14 management and the transportation committees of the legislature to  
15 agree on report formatting and elements. Elements must include, but  
16 not be limited to, project scope, schedule, and costs. The department  
17 shall also provide the information required under this subsection on a  
18 quarterly basis.

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

25 (5) \$28,000 of the motor vehicle account--federal appropriation is  
26 provided solely for the SR 104/Hood Canal bridge - replace east half  
27 project, identified as project 310407B in the LEAP transportation  
28 document described in subsection (1) of this section.

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

33 (7) \$277,000 of the motor vehicle account--federal appropriation  
34 and \$10,000 of the motor vehicle account--state appropriation are  
35 provided solely for the environmental impact statement and preliminary  
36 planning for the replacement of the state route number 9 Snohomish  
37 river bridge (project L2000018).

1 (8) \$223,000 of the motor vehicle account--federal appropriation  
2 and \$27,000 of the motor vehicle account--state appropriation are  
3 provided solely for the SR 410/Nile Valley Landslide - Establish  
4 Interim Detour project (541002R).

5 (9) \$14,119,000 of the motor vehicle account--federal appropriation  
6 and \$2,204,000 of the motor vehicle account--state appropriation are  
7 provided solely for the SR 410/Nile Valley Landslide - Reconstruct  
8 Route project (541002T).

9 (10) \$1,907,000 of the motor vehicle account--federal appropriation  
10 and \$60,000 of the motor vehicle account--state appropriation are  
11 provided solely for the SR 21/Kettle River to Malo paving project in  
12 Ferry county (602117A).

13 (11) With the approval of the office of financial management, funds  
14 may be transferred from program P to program Z for the purposes of  
15 providing capitalization advances and local match for federal emergency  
16 funding. After the receipt of federal funds for the identified  
17 emergencies, program Z shall transfer sufficient funds to program P to  
18 replace amounts used for capitalization advances on a dollar-for-dollar  
19 basis.

20 (12) \$2,733,000 of the motor vehicle account--federal appropriation  
21 and \$114,000 of the motor vehicle account--state appropriation are  
22 provided solely for the SR 167/Puyallup River Bridge - Bridge  
23 Replacement project (316725A).

24 (13) \$9,641,000 of the motor vehicle account--federal  
25 appropriation, \$2,000,000 of the motor vehicle account--private/local  
26 appropriation, and \$361,000 of the motor vehicle account--state  
27 appropriation are provided solely for the SR 21/Keller Ferry - Replace  
28 Boat project (602110J).

29 (14) \$632,000 of the motor vehicle account--federal appropriation  
30 and \$18,000 of the motor vehicle account--state appropriation are  
31 provided solely for the SR 21/1.1 Miles North of Rin Con Creek Road to  
32 Canada - Paving project (602118D).

33 (15) \$295,000 of the motor vehicle account--federal appropriation  
34 and \$5,000 of the motor vehicle account--state appropriation are  
35 provided solely for the SR 906/Travelers Rest - Building Renovation  
36 project (090600A).

37 (16) The motor vehicle account--state appropriation includes up to

1 \$39,657,000 in proceeds from the sale of bonds authorized in RCW  
2 47.10.843.

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

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

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

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

17	Puget Sound Capital Construction Account--State	
18	Appropriation . . . . .	\$67,499,000
19	Puget Sound Capital Construction Account--Federal	
20	Appropriation . . . . .	\$57,620,000
21	Transportation 2003 Account (Nickel Account)--State	
22	Appropriation . . . . .	\$55,038,000
23	Transportation Partnership Account--State	
24	Appropriation . . . . .	\$12,536,000
25	Multimodal Transportation Account--State	
26	Appropriation . . . . .	\$43,265,000
27	TOTAL APPROPRIATION . . . . .	\$235,958,000

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

30 (1) \$68,516,000 of the Puget Sound capital construction account--  
31 state appropriation, \$57,620,000 of the Puget Sound capital  
32 construction account--federal appropriation, \$12,536,000 of the  
33 transportation partnership account--state appropriation, \$55,083,000 of  
34 the transportation 2003 account (nickel account)--state appropriation,  
35 and \$43,265,000 of the multimodal transportation account--state  
36 appropriation are provided solely for ferry capital projects, project

1 support, and administration as listed in LEAP Transportation Document  
2 ALL PROJECTS 2011-2 as developed March 21, 2011, Program - Ferries  
3 Construction Program (W). Of the total appropriation, a maximum of  
4 \$10,214,000 may be used for administrative support (projects 998901J  
5 and 998951A), a maximum of \$6,421,000 may be used for terminal project  
6 support (project L000007), and a maximum of \$3,707,000 may be used for  
7 vessel project support (project L2000006). Of the total appropriation,  
8 \$7,167,000 is provided solely for a reservation system and associated  
9 communications projects (L200041 and L2000042).

10 (2) \$9,711,000 of the multimodal transportation account--state  
11 appropriation, \$20,906,000 of the transportation 2003 account (nickel  
12 account)--state appropriation, and \$1,537,000 of the Puget Sound  
13 capital construction account--state appropriation are provided solely  
14 for the construction of the third Kwa-da-Tabil 64-car class vessel that  
15 is to be delivered during the 2011-2013 fiscal biennium (project  
16 944470A).

17 (3) \$33,404,000 of the multimodal transportation account--state  
18 appropriation, \$18,069,000 of the transportation 2003 account (nickel  
19 account)--state appropriation, \$2,000,000 of the Puget Sound capital  
20 construction account--state appropriation, and \$11,500,000 of the  
21 transportation partnership account--state appropriation are provided  
22 solely for the acquisition of one 144-car vessel in fiscal year 2013,  
23 assuming new and sufficient resources are available (project L1000031).  
24 The department shall use as much already procured equipment as is  
25 practicable on the 144-car vessel.

26 (4) \$1,979,000 of the Puget Sound capital construction  
27 account--state appropriation is provided solely for emergency capital  
28 costs (project 999910K).

29 (5) The department shall provide to the office of financial  
30 management and the legislature quarterly reports providing the status  
31 on each project listed in this section and in the project lists  
32 submitted pursuant to this act and on any additional projects for which  
33 the department has expended funds during the 2011-2013 fiscal biennium.  
34 Elements must include, but not be limited to, project scope, schedule,  
35 and costs. The department shall also provide the information required  
36 under this subsection via the transportation executive information  
37 system. The quarterly report regarding the status of projects

1 identified on the list referenced in subsection (1) of this section  
2 must be developed according to an earned value method of project  
3 monitoring.

4 (6) The department shall review and adjust its capital program  
5 staffing levels to ensure staffing is at the most efficient level  
6 necessary to implement the capital program in the omnibus  
7 transportation appropriations act. The review must include a  
8 comparison to the findings of the 2009 capital staffing levels report.  
9 The Washington state ferries shall report this review and adjustment to  
10 the office of financial management and the house and senate  
11 transportation committees of the legislature by July 2012.

12 (7) \$3,779,000 of the total appropriation is provided solely for  
13 continued permitting work on the Mukilteo ferry terminal (project  
14 952515P). The department shall seek additional federal funding for  
15 this project. Prior to beginning terminal improvements, the department  
16 shall report to the legislature on the final environmental impact  
17 statement by December 31, 2012. The report must include an overview of  
18 the costs and benefits of each of the alternatives considered, as well  
19 as an identification of costs and a funding plan for the preferred  
20 alternative.

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

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

33 (10) The department shall review all terminal project cost  
34 estimates to identify projects where similar design requirements could  
35 result in reduced preliminary engineering or miscellaneous items costs.  
36 The department shall report to the legislature by September 1, 2011.  
37 The report must include estimated cost savings by reducing repetitive  
38 design costs or miscellaneous costs, or both, applied to projects.

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

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

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

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

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

29	Essential Rail Assistance Account--State	
30	Appropriation . . . . .	\$1,000,000
31	Transportation Infrastructure Account--State	
32	Appropriation . . . . .	\$5,838,000
33	Multimodal Transportation Account--State	
34	Appropriation . . . . .	\$54,037,000
35	Multimodal Transportation Account--Federal	
36	Appropriation . . . . .	\$352,006,000
37	Multimodal Transportation Account--Private/Local	



1       Appropriation . . . . . \$1,292,000  
2       TOTAL APPROPRIATION . . . . . \$414,173,000

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

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

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

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

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

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

34       (f) Within the amounts provided in this section, \$1,754,000 of the  
35 multimodal transportation account--state appropriation and \$1,000,000  
36 of the essential rail assistance account--state appropriation are for  
37 statewide emergent freight rail assistance projects identified in the

1 LEAP transportation document identified in subsection (1)(a) of this  
2 section.

3 (2)(a) The department shall issue a call for projects for the  
4 freight rail investment bank program and the emergent freight rail  
5 assistance program, and shall evaluate the applications according to  
6 the cost-benefit methodology developed during the 2008 interim using  
7 the legislative priorities specified in (c) of this subsection. By  
8 November 1, 2012, the department shall submit a prioritized list of  
9 recommended projects to the office of financial management and the  
10 transportation committees of the legislature.

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

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

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

26 (ii) Self-sustaining economic development that creates family-wage  
27 jobs;

28 (iii) Preservation of transportation corridors that would otherwise  
29 be lost;

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

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

34 (vi) Mitigation of impacts of increased rail traffic on  
35 communities.

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

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

29 (5) The department shall provide quarterly reports to the office of  
30 financial management and the transportation committees of the  
31 legislature regarding applications that the department submits for  
32 federal funds and the status of such applications.

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

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

5 (8) \$297,537,000 of the multimodal transportation account--federal  
6 appropriation and \$4,476,000 of the multimodal transportation account--  
7 state appropriation are provided solely for expenditures related to the  
8 passenger high speed rail grant. At one and one-half percent of the  
9 total project funds, the multimodal state funds are provided solely for  
10 expenditures that are not federally reimbursable. Funding in this  
11 subsection is the initial portion of a multiyear high speed rail  
12 program awarded to Washington state from the high speed intercity  
13 passenger rail program under the American recovery and reinvestment  
14 act. Funding will allow for two additional round trips between Seattle  
15 and Portland, and other rail improvements.

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

18	Highway Infrastructure Account--State Appropriation . . . . .	\$207,000
19	Highway Infrastructure Account--Federal	
20	Appropriation . . . . .	\$1,602,000
21	Freight Mobility Investment Account--State	
22	Appropriation . . . . .	\$11,347,000
23	Transportation Partnership Account--State	
24	Appropriation . . . . .	\$6,035,000
25	Motor Vehicle Account--State Appropriation . . . . .	\$3,521,000
26	Motor Vehicle Account--Federal Appropriation . . . . .	\$28,541,000
27	Freight Mobility Multimodal Account--State	
28	Appropriation . . . . .	\$8,648,000
29	Freight Mobility Multimodal Account--Local	
30	Appropriation . . . . .	\$4,581,000
31	Multimodal Transportation Account--State	
32	Appropriation . . . . .	\$14,932,000
33	Passenger Ferry Account--State Appropriation . . . . .	\$1,115,000
34	TOTAL APPROPRIATION . . . . .	\$80,529,000

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

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

10 (2) \$1,115,000 of the passenger ferry account--state appropriation  
11 is provided solely for near and long-term costs of capital improvements  
12 and operating expenses that are consistent with the business plan  
13 approved by the governor for passenger ferry service.

14 (3) The department shall apply for surface transportation program  
15 enhancement funds to be expended in lieu of or in addition to state  
16 funds for eligible costs of projects in local programs, program Z  
17 capital.

18 (4) Federal funds may be transferred from program Z to programs I  
19 and P and state funds must be transferred from programs I and P to  
20 program Z to replace those federal funds in a dollar-for-dollar match.  
21 Fund transfers authorized under this subsection shall not affect  
22 project prioritization status. Appropriations must initially be  
23 allotted as appropriated in this act. The department may not transfer  
24 funds as authorized under this subsection without approval of the  
25 office of financial management. The department shall submit a report  
26 on those projects receiving fund transfers to the office of financial  
27 management and the transportation committees of the legislature by  
28 December 1, 2011, and December 1, 2012.

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

35 (6) \$11,557,000 of the multimodal transportation account--state  
36 appropriation, \$12,136,000 of the motor vehicle account--federal  
37 appropriation, and \$5,195,000 of the transportation partnership  
38 account--state appropriation are provided solely for the pedestrian and

1 bicycle safety program projects and safe routes to schools program  
2 projects identified in LEAP Transportation Document 2011-A, pedestrian  
3 and bicycle safety program projects and safe routes to schools program  
4 projects, as developed March 21, 2011, LEAP Transportation Document  
5 2009-A, pedestrian and bicycle safety program projects and safe routes  
6 to school projects, as developed March 30, 2009, LEAP Transportation  
7 Document 2007-A, pedestrian and bicycle safety program projects and  
8 safe routes to schools program projects, as developed April 20, 2007,  
9 and LEAP Transportation Document 2006-B, pedestrian and bicycle safety  
10 program projects and safe routes to schools program projects, as  
11 developed March 8, 2006. Projects must be allocated funding based on  
12 order of priority. The department shall review all projects receiving  
13 grant awards under this program at least semiannually to determine  
14 whether the projects are making satisfactory progress. Any project  
15 that has been awarded funds, but does not report activity on the  
16 project within one year of the grant award must be reviewed by the  
17 department to determine whether the grant should be terminated. The  
18 department shall promptly close out grants when projects have been  
19 completed, and identify where unused grant funds remain because actual  
20 project costs were lower than estimated in the grant award.

21 (7) Except as provided otherwise in this section, the entire  
22 appropriations in this section are provided solely for the projects and  
23 activities as listed by project and amount in LEAP Transportation  
24 Document ALL PROJECTS 2011-2 as developed March 21, 2011, Program -  
25 Local Program (Z).

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

32 (9) \$267,000 of the motor vehicle account--state appropriation and  
33 \$2,859,000 of the motor vehicle account--federal appropriation are  
34 provided solely for completion of the US 101 northeast peninsula safety  
35 rest area and associated roadway improvements east of Port Angeles at  
36 the Deer Park scenic view point (project 3LP187A). The department must  
37 surplus any right-of-way previously purchased for this project near

1 Sequim. Approval to proceed with construction is contingent on surplus  
2 of previously purchased right-of-way.

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

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

17 (12) The appropriations in this section include funding to counties  
18 to assist them in efforts to recover from federally declared  
19 emergencies, by providing capitalization advances and local match for  
20 federal emergency funding as determined by the department. The  
21 department must specifically identify any such selected projects and  
22 shall annually notify the transportation committees of the legislature  
23 of the selected projects.

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

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

36 (15) \$225,000 of the multimodal transportation account--state  
37 appropriation is provided solely for the Shell Valley emergency road  
38 and bicycle/pedestrian path (project L1000036).

1 (16) \$150,000 of the motor vehicle account--state appropriation is  
2 provided solely for flood reduction solutions on state route number 522  
3 caused by the lower McAleer and Lyon creek basins (project L1000041).

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

5 The following agencies may enter into financial contracts, paid  
6 from appropriated funds of the agency, for the purposes indicated and  
7 in not more than the principal amounts indicated, plus financing  
8 expenses and required reserves pursuant to chapter 39.94 RCW.  
9 Expenditures made by an agency for one of the indicated purposes before  
10 the issue date of the authorized financial contract and any  
11 certificates of participation therein are intended to be reimbursed  
12 from proceeds of the financial contract and any certificates of  
13 participation therein to the extent provided in the agency's financing  
14 plan.

15 (1) Washington state patrol: Enter into a financing contract for  
16 up to \$20,400,000 plus financing expenses and required reserves  
17 pursuant to chapter 39.94 RCW for the Washington state patrol's  
18 narrowbanding communication project to convert the state patrol's  
19 existing communication system from 25 MHz to 12.5 MHz as required by  
20 the federal communications commission. This authorization is subject  
21 to approval by the legislature during the 2012 legislative session.  
22 The funding must be used for the replacement of portable radios that  
23 must be replaced, upgrading the land mobile radio infrastructure, and  
24 completing the system integration and engineering required as outlined  
25 in the preengineering report to the 2012 legislature. The office of  
26 financial management must place any funding related to the Washington  
27 state patrol's narrowbanding project in this act in unallotted status  
28 until the legislature takes action and grants approval in the 2012  
29 legislative session.

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

36 (3) Department of transportation: Enter into a financing contract  
37 for up to \$10,824,000 plus financing expenses and required reserves



1 pursuant to chapter 39.94 RCW for the time, leave, and labor  
2 distribution system. The project would purchase, configure, and  
3 implement an off-the-shelf enterprise solution for automating time and  
4 attendance reporting. The financing must include the acquisition of  
5 property with the awarded vendor contract signed prior to the issuance  
6 of financing. The department is required to receive from its vendor or  
7 vendors explicit permission to grant a security interest in information  
8 system property. It will be necessary to include in the system  
9 purchase or license documents special provisions that permit the  
10 department to grant the required security interest and permit  
11 assignment by the certificate of participation trustee to another user  
12 notwithstanding any other provision in the system purchase or license  
13 documents to the contrary. The maximum financeable term will be for  
14 seven years.

15 (4) Department of licensing: Enter into a financing contract for  
16 up to \$7,414,000 plus financing expenses and required reserves pursuant  
17 to chapter 39.94 RCW for the replacement of the prorated and fuel tax  
18 systems with an off-the-shelf product that has proven industry  
19 acceptance, and includes the fuel tax, the international fuel tax  
20 agreement, and the international registration plan systems. The  
21 department is required to receive from its vendor or vendors explicit  
22 permission to grant a security interest in information system property.  
23 It will be necessary to include in the system purchase or license  
24 documents special provisions that permit the department to grant the  
25 required security interest and permit assignment by the certificate of  
26 participation trustee to another user notwithstanding any other  
27 provision in the system purchase or license documents to the contrary.  
28 The maximum financeable term will be for seven years.

29 **TRANSFERS AND DISTRIBUTIONS**

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

34 Toll Bond Retirement Account--State  
35 Appropriation . . . . . \$34,492,000

1	Transportation Partnership Account--State	
2	Appropriation . . . . .	\$7,872,000
3	Highway Bond Retirement Account--State	
4	Appropriation . . . . .	\$882,100,000
5	Ferry Bond Retirement Account--State	
6	Appropriation . . . . .	\$31,801,000
7	State Route Number 520 Corridor Account--State	
8	Appropriation . . . . .	\$2,018,000
9	Transportation Improvement Board Bond Retirement	
10	Account--State Appropriation . . . . .	\$16,544,000
11	Nondebt-Limit Reimbursable Account Appropriation . . . . .	\$24,185,000
12	Motor Vehicle Account--State Appropriation . . . . .	\$726,000
13	Urban Arterial Trust Account--State Appropriation . . . . .	\$29,000
14	Transportation Improvement Account--State Appropriation . . . . .	\$15,000
15	Multimodal Transportation Account--State	
16	Appropriation . . . . .	\$345,000
17	Transportation 2003 Account (Nickel Account)--State	
18	Appropriation . . . . .	\$2,323,000
19	TOTAL APPROPRIATION . . . . .	\$1,002,450,000

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

23	State Route Number 520 Corridor Account--State	
24	Appropriation . . . . .	\$322,000
25	Transportation Partnership Account--State	
26	Appropriation . . . . .	\$1,325,000
27	Motor Vehicle Account--State Appropriation . . . . .	\$125,000
28	Transportation 2003 Account (Nickel Account)--State	
29	Appropriation . . . . .	\$391,000
30	Urban Arterial Trust Account--State Appropriation . . . . .	\$3,000
31	Transportation Improvement Account--State Appropriation . . . . .	\$2,000
32	Multimodal Transportation Account--State	
33	Appropriation . . . . .	\$59,000
34	TOTAL APPROPRIATION . . . . .	\$2,227,000

35       NEW SECTION.   **Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT**

1 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**  
2 **MVFT BONDS AND TRANSFERS**

3 Motor Vehicle Account--State Appropriation:  
4 For transfer to the Puget Sound Capital Construction  
5 Account . . . . . \$72,016,000

6 The department of transportation is authorized to sell up to  
7 \$72,016,000 in bonds authorized by RCW 47.10.843 for vessel and  
8 terminal acquisition, major and minor improvements, and long lead-time  
9 materials acquisition for the Washington state ferries. Of the  
10 authorized amounts, \$14,500,000 is provided solely for expenditures  
11 made during the fiscal biennium ending June 30, 2011.

12 NEW SECTION. **Sec. 404. FOR THE STATE TREASURER--STATE REVENUES**  
13 **FOR DISTRIBUTION**

14 Motor Vehicle Account--State Appropriation for  
15 motor vehicle fuel tax distributions to cities  
16 and counties . . . . . \$478,155,000

17 NEW SECTION. **Sec. 405. FOR THE STATE TREASURER--TRANSFERS**

18 Motor Vehicle Account--State  
19 Appropriation: For motor vehicle fuel tax  
20 refunds and statutory transfers . . . . . \$1,246,357,000

21 NEW SECTION. **Sec. 406. FOR THE DEPARTMENT OF LICENSING--**  
22 **TRANSFERS**

23 Motor Vehicle Account--State  
24 Appropriation: For motor vehicle fuel tax  
25 refunds and transfers . . . . . \$127,984,000

26 NEW SECTION. **Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE**  
27 **TRANSFERS**

28 (1) Tacoma Narrows Toll Bridge Account--State  
29 Appropriation: For transfer to the Motor Vehicle  
30 Account--State . . . . . \$2,008,000

31 (2) Motor Vehicle Account--State Appropriation:  
32 For transfer to the Puget Sound Ferry Operations  
33 Account--State . . . . . \$78,000,000

34 (3) Recreational Vehicle Account--State

1 Appropriation: For transfer to the Motor Vehicle  
 2 Account--State . . . . . \$1,450,000  
 3 (4) License Plate Technology Account--State  
 4 Appropriation: For transfer to the Highway Safety  
 5 Account--State . . . . . \$3,200,000  
 6 (5) Multimodal Transportation Account--State  
 7 Appropriation: For transfer to the Puget Sound  
 8 Ferry Operations Account--State . . . . . \$3,000,000  
 9 (6) Department of Licensing Services Account--State  
 10 Appropriation: For transfer to the Motor Vehicle  
 11 Account--State . . . . . \$400,000  
 12 (7) Advanced Right-of-Way Account: For transfer  
 13 to the Motor Vehicle Account--State . . . . . \$5,000,000  
 14 (8) State Route Number 520 Civil Penalties  
 15 Account--State Appropriation: For transfer to the  
 16 State Route Number 520 Corridor Account--State . . . . . \$754,000  
 17 (9) Regional Mobility Grant Program Account--State  
 18 Appropriation: For transfer to the Multimodal  
 19 Transportation Account--State . . . . . \$1,000,000  
 20 (10) Motor Vehicle Account--State Appropriation:  
 21 For transfer to the State Patrol Highway  
 22 Account--State . . . . . \$10,000,000  
 23 (11) State Route Number 520 Corridor  
 24 Account--State Appropriation: For transfer  
 25 to the Motor Vehicle Account--State . . . . . \$2,435,000  
 26 (12) Rural Mobility Grant Program Account--State  
 27 Appropriation: For transfer to the Multimodal  
 28 Transportation Account--State . . . . . \$3,000,000  
 29 (13) Motor Vehicle Account--State Appropriation:  
 30 For transfer to the Special Category C Account--State . . . . \$1,500,000  
 31 (14) Highway Safety Account--State Appropriation:  
 32 For transfer to the Motor Vehicle Account--State . . . . . \$30,000,000  
 33 (15) State Patrol Highway Account--State  
 34 Appropriation: For transfer to the Vehicle  
 35 Licensing Fraud Account--State . . . . . \$100,000  
 36 (16) The transfers identified in this section are subject to the  
 37 following conditions and limitations:

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

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

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

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

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

17 In addition to the amounts appropriated in this act for revenue for  
18 distribution, state contributions to the law enforcement officers' and  
19 firefighters' retirement system, and bond retirement and interest  
20 including ongoing bond registration and transfer charges, transfers,  
21 interest on registered warrants, and certificates of indebtedness,  
22 there is also appropriated such further amounts as may be required or  
23 available for these purposes under any statutory formula or under any  
24 proper bond covenant made under law.

25 **NEW SECTION. Sec. 409.** The department of transportation is  
26 authorized to undertake federal advance construction projects under the  
27 provisions of 23 U.S.C. Sec. 115 in order to maintain progress in  
28 meeting approved highway construction and preservation objectives. The  
29 legislature recognizes that the use of state funds may be required to  
30 temporarily fund expenditures of the federal appropriations for the  
31 highway construction and preservation programs for federal advance  
32 construction projects prior to conversion to federal funding.

33 **COMPENSATION**

1            NEW SECTION.    **Sec. 501.    COMPENSATION--REVISE PENSION CONTRIBUTION**

2    **RATES**

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

21            Appropriations are adjusted to reflect savings resulting from  
22 changes to pension plans under chapter ... (House Bill No. 2021), Laws  
23 of 2011. The office of financial management shall update agency  
24 appropriations schedules to reflect the changes to funding levels in  
25 this section as identified by agency and fund in LEAP transportation  
26 document GL2-2011, as developed on March 23, 2011. From the applicable  
27 accounts, the office of financial management shall adjust allotments to  
28 the respective agencies and programs by an amount that conforms with  
29 funding adjustments enacted in the 2011-2013 omnibus operating  
30 appropriations act. Any allotment reductions under this section must  
31 be placed in reserve status and remain unexpended.

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

33	Aeronautics Account--State . . . . .	(\$44,000)
34	County Arterial Preservation Account--State . . . . .	(\$32,000)
35	Department of Licensing Services Account--State . . . . .	(\$44,000)
36	High Occupancy Toll Lanes Operations Account--State . . . . .	(\$16,000)
37	Highway Safety Account--Federal . . . . .	(\$72,000)

1	Highway Safety Account--State . . . . .	(\$2,387,000)
2	Motor Vehicle Account--Private/Local . . . . .	(\$4,000)
3	Motor Vehicle Account--State . . . . .	(\$11,972,000)
4	Motorcycle Safety Education Account--State . . . . .	(\$27,000)
5	Multimodal Transportation Account--State . . . . .	(\$204,000)
6	Pilotage Account--Non-Appropriation . . . . .	(\$8,000)
7	Puget Sound Ferry Operations Account--State . . . . .	(\$452,000)
8	Rural Arterial Trust Account--State . . . . .	(\$20,000)
9	Tacoma Narrows Toll Bridge Account--State . . . . .	(\$50,000)
10	Transportation Improvement Account--State . . . . .	(\$28,000)
11	Urban Arterial Trust Account--State . . . . .	(\$28,000)
12	State Wildlife Account--State . . . . .	(\$20,000)
13	State Patrol Highway Account--State . . . . .	(\$2,554,000)

14       The appropriation in this section must be expended solely for the  
15 purposes designated in this section and is subject to the following  
16 conditions and limitations:

17       (1) The appropriation in this section is provided solely for a  
18 three percent salary reduction effective July 1, 2011, through June 30,  
19 2013, for all employees of the executive, legislative, and judicial  
20 branches, including employees in the Washington management service and  
21 employees exempt from merit system rules, except for:

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

24       (b) Student employees at state institutions of higher education;

25       (c) Faculty employees at state institutions of higher education,  
26 provided that appropriations to higher education institutions are  
27 reduced in an amount reflecting a three percent reduction in faculty  
28 salary expenditures;

29       (d) Certificated employees of the state school for the blind and  
30 the center for childhood deafness and hearing loss;

31       (e) Commissioned officers of the Washington state patrol  
32 represented by the state patrol troopers' association and the  
33 Washington state patrol lieutenants' association;

34       (f) Represented ferry workers of the Washington state department of  
35 transportation, provided that other reductions are included in section  
36 504 of this act;

37       (g) Employees whose salary is less than \$2,500 per month; and

38       (h) Employees as specified in subsection (3) of this section.

1 (2) For employees subject to the three percent reduction in salary  
2 under subsection (1) of this section, employees will receive temporary  
3 salary reduction leave of up to 5.2 hours per month. The director of  
4 personnel shall adopt rules governing the accrual and use of temporary  
5 salary reduction leave.

6 (3) The appropriation also reflects a three percent cost saving in  
7 expenditures as specified in section 505 of this act.

8 (4) The department of retirement systems shall include any forgone  
9 salary or lost work hours under subsections (1) and (3) of this section  
10 in the final average compensation of employees affected for purposes of  
11 calculating retirement benefits, as specified in executive request  
12 legislation, chapter . . . (House Bill No. . . .), Laws of 2011 and  
13 chapter . . . (Senate Bill No. . . .), Laws of 2011.

14 (5) The appropriation from dedicated funds and accounts must be  
15 made in the amounts specified and from the dedicated funds and accounts  
16 specified in LEAP Transportation Document GLK-2011, as developed on  
17 March 23, 2011, which is incorporated by reference. The office of  
18 financial management shall allocate the moneys appropriated in this  
19 section in the amounts specified and to the state agencies specified in  
20 LEAP Transportation Document GLK-2011, as developed on March 23, 2011,  
21 and adjust appropriation schedules accordingly.

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

23 Provisions or terms and conditions of collective bargaining  
24 agreements contained in this act are described in general terms. The  
25 collective bargaining agreements or terms and conditions contained in  
26 sections 501, 502, and 503 through 510 of this act may also be funded  
27 by expenditures from nonappropriated accounts. If positions are funded  
28 with lidded grants or dedicated fund sources with insufficient revenue,  
29 additional funding from other sources is not provided.

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

33 (1) Agreements have been reached between the governor and the  
34 following unions effective July 1, 2011: Inlandboatmen's union of the  
35 pacific; Puget Sound metal trades council; office and professional  
36 employees international union local no. 8; marine engineers' beneficial



1 association (unlicensed engine room employees); marine engineers'  
2 beneficial association (licensed engineer officers); master, mates, and  
3 pilots marine operations watch supervisors; and master, mates, and  
4 pilots, under chapter 47.64 RCW for the 2011-2013 fiscal biennium  
5 subject to union internal processes and procedures.

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

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

15 (4) For employees covered under the office and professional  
16 employees international union local no. 8 agreement, funding is reduced  
17 to reflect a three percent temporary salary reduction for all employees  
18 making \$2,500 or more per month for fiscal years 2012 and 2013 through  
19 June 29, 2013. Temporary salary reduction leave is granted for  
20 employees covered under the office and professional employees  
21 international union local no. 8 agreement for the term of the 2011-2013  
22 agreement.

23 (5) Effective June 30, 2013, the salary schedules effective July 1,  
24 2009, through June 29, 2011, will be reinstated for all of the  
25 agreements.

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

29 NEW SECTION. **Sec. 505. GENERAL GOVERNMENT COLLECTIVE BARGAINING**  
30 **AGREEMENTS**

31 Agreements have been reached between the governor and the  
32 Washington federation of state employees and the international  
33 federation of professional and technical engineers local 17 under  
34 chapter 41.80 RCW for the 2011-2013 fiscal biennium subject to union  
35 internal processes/procedures. Funding is reduced to reflect a three  
36 percent temporary salary reduction for all employees making \$2,500 or  
37 more per month covered under the agreements for fiscal years 2012 and

1 2013 through June 29, 2013. Effective June 30, 2013, the salary  
2 schedules effective July 1, 2009, through June 30, 2011, will be  
3 reinstated. Temporary salary reduction leave is granted for the term  
4 of the 2011-2013 agreement.

5 NEW SECTION. **Sec. 506. COLLECTIVE BARGAINING AGREEMENT--WSP**  
6 **TROOPERS ASSOCIATION**

7 No agreement has been reached between the governor and the  
8 Washington state patrol trooper's association under chapter 41.56 RCW  
9 for the 2011-2013 fiscal biennium. Appropriations for the Washington  
10 state patrol in this act are sufficient to fund the provisions of the  
11 2009-2011 agreement.

12 NEW SECTION. **Sec. 507. COLLECTIVE BARGAINING AGREEMENTS--WSP**  
13 **LIEUTENANTS ASSOCIATION**

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

19 NEW SECTION. **Sec. 508. COMPENSATION--NONREPRESENTED EMPLOYEES--**  
20 **INSURANCE BENEFITS**

21 Appropriations in this act for state agencies are sufficient to  
22 fund nonrepresented state employee health benefits for state agencies  
23 and are subject to the following conditions and limitations:

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

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

34 (c) The health care authority shall deposit any moneys received on  
35 behalf of the uniform medical plan as a result of rebates on

1 prescription drugs, audits of hospitals, subrogation payments, or any  
2 other moneys recovered as a result of prior uniform medical plan claims  
3 payments, into the public employees' and retirees' insurance account to  
4 be used for insurance benefits. Such receipts shall not be used for  
5 administrative expenditures.

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

12 NEW SECTION. **Sec. 509. COMPENSATION--REPRESENTED EMPLOYEES**  
13 **OUTSIDE SUPER COALITION--INSURANCE BENEFITS**

14 Appropriations in this act for state agencies are sufficient to  
15 fund health benefits for represented state employees outside the super  
16 coalition on health benefits and are subject to the following  
17 conditions and limitations:

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

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

28 (c) The health care authority shall deposit any moneys received on  
29 behalf of the uniform medical plan as a result of rebates on  
30 prescription drugs, audits of hospitals, subrogation payments, or any  
31 other moneys recovered as a result of prior uniform medical plan claims  
32 payments, into the public employees' and retirees' insurance account to  
33 be used for insurance benefits. Such receipts shall not be used for  
34 administrative expenditures.

35 (2) The health care authority, subject to the approval of the  
36 public employees' benefits board, shall provide subsidies for health  
37 benefit premiums to eligible retired or disabled public employees and

1 school district employees who are eligible for medicare, pursuant to  
2 RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be  
3 \$150.00 per month.

4 NEW SECTION. **Sec. 510. COMPENSATION--REPRESENTED EMPLOYEES--**  
5 **SUPER COALITION--INSURANCE BENEFITS**

6 The collective bargaining agreement negotiated with the super  
7 coalition under chapter 41.80 RCW includes employer premiums at eighty-  
8 five percent of the total weighted average of the projected health care  
9 premiums across all plans and tiers. Appropriations in this act for  
10 state agencies are sufficient to fund state employees health benefits  
11 for employees represented by the super coalition on health benefits and  
12 are subject to the following conditions and limitations:

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

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

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

30 (2) The health care authority, subject to the approval of the  
31 public employees' benefits board, shall provide subsidies for health  
32 benefit premiums to eligible retired or disabled public employees and  
33 school district employees who are eligible for medicare, pursuant to  
34 RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be  
35 \$150.00 per month.

36 NEW SECTION. **Sec. 511. DEPARTMENT OF TRANSPORTATION MARINE**

1 **DIVISION COLLECTIVE BARGAINING AGREEMENTS--TERMS AND CONDITIONS**

2 No agreements have been reached between the governor and service  
3 employees international union local no. 6 and the ferry agents,  
4 supervisors, and project administrators association under chapter 47.64  
5 RCW for the 2011-2013 fiscal biennium. Appropriations in this act  
6 reflect funding to maintain the provisions or terms and conditions of  
7 the 2009-2011 agreements for fiscal year 2012. Fiscal year 2013  
8 appropriations are reduced to reflect management priorities in  
9 collective bargaining.

10 **IMPLEMENTING PROVISIONS**

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

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

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

30 (3) In order to successfully deliver the highway construction  
31 program as funded, the department of transportation may continue to  
32 contract out engineering and technical services. In addition, the  
33 department may continue the incentive program for retirements and  
34 employee separations. The department shall report quarterly to the  
35 office of financial management and the transportation committees of the

1 legislature on its progress and plans to reduce highway construction  
2 workforce levels to two thousand FTEs by June 2015. This report must  
3 also be posted on the department's web site.

4 NEW SECTION. **Sec. 602. VOLUNTARY RETIREMENT, SEPARATION, AND**  
5 **DOWNSHIFTING INCENTIVES**

6 As a management tool to reduce costs and make more effective use of  
7 resources, while improving employee productivity and morale, agencies  
8 may implement a voluntary retirement, separation, and/or downshifting  
9 incentive program that is cost neutral or results in cost savings over  
10 a two-year period following the commencement of the program, provided  
11 that such a program is approved by the director of financial  
12 management.

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

23 Offers must be reviewed and monitored jointly by the department of  
24 personnel and the department of retirement systems. Agencies are  
25 required to submit a report by June 30, 2013, to the legislature and  
26 the office of financial management on the outcome of their approved  
27 incentive program. The report must include information on the details  
28 of the program, including resulting service delivery changes, agency  
29 efficiencies, the cost of the incentive per participant, the total cost  
30 to the state, and the projected or actual net dollar savings over the  
31 2011-2013 fiscal biennium.

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

33 (1) The transportation 2003 projects or improvements and the 2005  
34 transportation partnership projects or improvements are listed in LEAP  
35 Transportation Document 2011-1 as developed March 21, 2011, which  
36 consists of a list of specific projects by fund source and amount over

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

22 (5) Identifies contingency amounts allocated to projects.

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

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

31 **MISCELLANEOUS 2011-2013 FISCAL BIENNIUM**

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

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

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

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

17           (1) Provisions that specify unsolicited proposals must meet  
18 predetermined criteria;

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

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

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

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

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

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

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

4 The commission may adopt other rules as necessary to avoid  
5 conflicts with existing laws, statutes, or contractual obligations of  
6 the state.

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

9 NEW SECTION. **Sec. 703.** To the extent that any appropriation  
10 authorizes expenditures of state funds from the motor vehicle account,  
11 special category C account, Tacoma Narrows toll bridge account,  
12 transportation 2003 account (nickel account), transportation  
13 partnership account, transportation improvement account, Puget Sound  
14 capital construction account, multimodal transportation account, state  
15 route number 520 corridor account, or other transportation capital  
16 project account in the state treasury for a state transportation  
17 program that is specified to be funded with proceeds from the sale of  
18 bonds authorized in chapter 47.10 RCW, the legislature declares that  
19 any such expenditures made prior to the issue date of the applicable  
20 transportation bonds for that state transportation program are intended  
21 to be reimbursed from proceeds of those transportation bonds in a  
22 maximum amount equal to the amount of such appropriation.

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

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

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

3           The department shall not commence construction on any part of the  
4 state route number 520 bridge replacement and HOV project until a  
5 record of decision has been reached providing reasonable assurance that  
6 project impacts will be avoided, minimized, or mitigated as much as  
7 practicable to protect against further adverse impacts on neighborhood  
8 environmental quality as a result of repairs and improvements made to  
9 the state route number 520 bridge and its connecting roadways, and that  
10 any such impacts will be addressed through engineering design choices,  
11 mitigation measures, or a combination of both. The requirements of  
12 this section shall not apply to off-site pontoon construction  
13 supporting the state route number 520 bridge replacement and HOV  
14 project. The requirements of this section shall not apply during the  
15 2009-2011 and 2011-2013 fiscal (~~(biennium)~~) biennia.

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

18           (1) A special account to be known as the state route number 520  
19 civil penalties account is created in the state treasury. All state  
20 route number 520 bridge replacement and HOV program civil penalties  
21 generated from the nonpayment of tolls on the state route number 520  
22 corridor must be deposited into the account, as provided under RCW  
23 47.56.870(4)(b)(vii). Moneys in the account may be spent only after  
24 appropriation. Expenditures from the account may be used to fund any  
25 project within the state route number 520 bridge replacement and HOV  
26 program, including mitigation. During the 2011-2013 fiscal biennium,  
27 the legislature may transfer from the state route number 520 civil  
28 penalties account to the state route number 520 corridor account such  
29 amounts as reflect the excess fund balance of the state route number  
30 520 civil penalties account. Funds transferred must be used solely for  
31 capital expenditures for the state route number 520 bridge replacement  
32 and HOV project (8BI1003).

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

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

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

5       (2) Duties of the department include but are not limited to the  
6 following:

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

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

14       (c) Issue approval and rejection notification letters to sponsoring  
15 organizations, the chairs of the senate and house of representatives  
16 transportation committees, and the legislative sponsors identified in  
17 each application. The letters must be issued within seven days of  
18 making a determination on the status of an application; and

19       (d) Review annually the number of plates sold for each special  
20 license plate series created after January 1, 2003. The department may  
21 submit a recommendation to discontinue a special plate series to the  
22 chairs of the senate and house of representatives transportation  
23 committees.

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

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

35       There is hereby created in the state treasury a fund to be known as  
36 the highway safety fund to the credit of which shall be deposited all  
37 moneys directed by law to be deposited therein. This fund shall be

1 used for carrying out the provisions of law relating to driver  
2 licensing, driver improvement, financial responsibility, cost of  
3 furnishing abstracts of driving records and maintaining such case  
4 records, and to carry out the purposes set forth in RCW 43.59.010.  
5 During the ((2007-2009 and)) 2009-2011 and 2011-2013 fiscal biennia,  
6 the legislature may transfer from the highway safety fund to the motor  
7 vehicle fund and the multimodal transportation account such amounts as  
8 reflect the excess fund balance of the highway safety fund.

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

11 (1) The rural mobility grant program account is created in the  
12 state treasury. Moneys in the account may be spent only after  
13 appropriation. Expenditures from the account may be used only for the  
14 grants provided under section 2 ((of this act)), chapter ... (SHB  
15 1897), Laws of 2011.

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

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

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

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

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

1 appointed by the director. During the ((2007-2009 and 2009-2011))  
2 2011-2013 fiscal ((biennia)) biennium, the legislature may transfer  
3 from the department of licensing services account such amounts as  
4 reflect the excess fund balance of the account.

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

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

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

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

23 (4) For the 2009-2011 and 2011-2013 fiscal ((biennium)) biennia,  
24 all fuel purchased by the Washington state ferries at the Harbor Island  
25 truck terminal for the operation of the Washington state ferries diesel  
26 powered vessels must be a minimum of five percent biodiesel blend so  
27 long as the per gallon price of diesel containing a five percent  
28 biodiesel blend level does not exceed the per gallon price of diesel by  
29 more than five percent. If the per gallon price of diesel containing  
30 a five percent biodiesel blend level exceeds the per gallon price of  
31 diesel by more than five percent, the requirements of this section do  
32 not apply to vessel fuel purchases by the Washington state ferries.

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

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

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

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

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

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

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

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

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

15       (3) RCW 47.06B.020 and 2009 c 515 s 4, 2007 c 421 s 2, & 1998 c 173  
16 s 2;

17       (4) RCW 47.06B.030 and (~~(2009 c 515 s 5,)~~) 2007 c 421 s 3, 1999 c  
18 385 s 5, & 1998 c 173 s 3;

19       (5) RCW 47.06B.040 and 2007 c 421 s 4 & 1999 c 385 s 6;

20       (6) RCW 47.06B.050 and 2009 c 515 s 8 & 2007 c 421 s 6;

21       (7) RCW 47.06B.060;

22       ~~(8) ((Section 2 of this act;~~

23 ~~(9) Section 6 of this act;~~

24 ~~(10) Section 7 of this act;~~

25 ~~(11))~~) RCW 47.06B.070;

26       ~~((12))~~) (9) RCW 47.06B.075; and

27       ~~((13))~~) (10) RCW 47.06B.080.

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

30       (1) The department may provide for the establishment, construction,  
31 and operation of a pilot project of high occupancy toll lanes on state  
32 route 167 high occupancy vehicle lanes within King county. The  
33 department may issue, buy, and redeem bonds, and deposit and expend  
34 them; secure and remit financial and other assistance in the



1 construction of high occupancy toll lanes, carry insurance, and handle  
2 any other matters pertaining to the high occupancy toll lane pilot  
3 project.

4 (2) Tolls for high occupancy toll lanes will be established as  
5 follows:

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

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

11 (c) The department shall establish performance standards for the  
12 state route 167 high occupancy toll lane pilot project. The department  
13 must automatically adjust the toll charge, using dynamic tolling, to  
14 ensure that toll-paying single-occupant vehicle users are only  
15 permitted to enter the lane to the extent that average vehicle speeds  
16 in the lane remain above forty-five miles per hour at least ninety  
17 percent of the time during peak hours. The toll charge may vary in  
18 amount by time of day, level of traffic congestion within the highway  
19 facility, vehicle occupancy, or other criteria, as the commission may  
20 deem appropriate. The commission may also vary toll charges for  
21 single-occupant inherently low-emission vehicles such as those powered  
22 by electric batteries, natural gas, propane, or other clean burning  
23 fuels.

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

27 (3) The department shall monitor the state route 167 high occupancy  
28 toll lane pilot project and shall annually report to the transportation  
29 commission and the legislature on operations and findings. At a  
30 minimum, the department shall provide facility use data and review the  
31 impacts on:

32 (a) Freeway efficiency and safety;

33 (b) Effectiveness for transit;

34 (c) Person and vehicle movements by mode;

35 (d) Ability to finance improvements and transportation services  
36 through tolls; and

37 (e) The impacts on all highway users. The department shall analyze  
38 aggregate use data and conduct, as needed, separate surveys to assess

1 usage of the facility in relation to geographic, socioeconomic, and  
2 demographic information within the corridor in order to ascertain  
3 actual and perceived questions of equitable use of the facility.

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

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

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

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

15 (6) The department of transportation shall adopt rules that allow  
16 automatic vehicle identification transponders used for electronic toll  
17 collection to be compatible with other electronic payment devices or  
18 transponders from the Washington state ferry system, other public  
19 transportation systems, or other toll collection systems to the extent  
20 that technology permits.

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

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

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

29 **Sec. 715.** RCW 47.64.170 and 2010 c 283 s 11 are each amended to  
30 read as follows:

31 (1) Any ferry employee organization certified as the bargaining  
32 representative shall be the exclusive representative of all ferry  
33 employees in the bargaining unit and shall represent all such employees  
34 fairly.

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

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

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

9 (5) Ferry system employees or any employee organization shall not  
10 negotiate or attempt to negotiate directly with anyone other than the  
11 person who has been appointed or authorized a bargaining representative  
12 for the purpose of bargaining with the ferry employees or their  
13 representative.

14 (6)(a) Within ten working days after the first Monday in September  
15 of every odd-numbered year, the parties shall attempt to agree on an  
16 interest arbitrator to be used if the parties are not successful in  
17 negotiating a comprehensive collective bargaining agreement. If the  
18 parties cannot agree on an arbitrator within the ten-day period, either  
19 party may request a list of seven arbitrators from the federal  
20 mediation and conciliation service. The parties shall select an  
21 interest arbitrator using the coin toss/alternate strike method within  
22 thirty calendar days of receipt of the list. Immediately upon  
23 selecting an interest arbitrator, the parties shall cooperate to  
24 reserve dates with the arbitrator for potential arbitration between  
25 August 1st and September 15th of the following even-numbered year. The  
26 parties shall also prepare a schedule of at least five negotiation  
27 dates for the following year, absent an agreement to the contrary. The  
28 parties shall execute a written agreement before November 1st of each  
29 odd-numbered year setting forth the name of the arbitrator and the  
30 dates reserved for bargaining and arbitration. This subsection (6)(a)  
31 imposes minimum obligations only and is not intended to define or limit  
32 a party's full, good faith bargaining obligation under other sections  
33 of this chapter.

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

37 (c) For negotiations covering the 2009-2011 biennium and subsequent  
38 biennia, the time periods specified in this section, and in RCW

1 47.64.210 and 47.64.300 through 47.64.320, must ensure conclusion of  
2 all agreements on or before October 1st of the even-numbered year next  
3 preceding the biennial budget period during which the agreement should  
4 take effect. These time periods may only be altered by mutual  
5 agreement of the parties in writing. Any such agreement and any  
6 impasse procedures agreed to by the parties under RCW 47.64.200 must  
7 include an agreement regarding the new time periods that will allow  
8 final resolution by negotiations or arbitration by October 1st of each  
9 even-numbered year.

10 (7) It is the intent of this section that the collective bargaining  
11 agreement or arbitrator's award shall commence on July 1st of each odd-  
12 numbered year and shall terminate on June 30th of the next odd-numbered  
13 year to coincide with the ensuing biennial budget year, as defined by  
14 RCW 43.88.020(7), to the extent practical. It is further the intent of  
15 this section that all collective bargaining agreements be concluded by  
16 October 1st of the even-numbered year before the commencement of the  
17 biennial budget year during which the agreements are to be in effect.  
18 After the expiration date of a collective bargaining agreement  
19 negotiated under this chapter, all of the terms and conditions  
20 specified in the collective bargaining agreement remain in effect until  
21 the effective date of a subsequently negotiated agreement, not to  
22 exceed one year from the expiration date stated in the agreement.  
23 Thereafter, the employer may unilaterally implement according to law.

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

28 (9)(a) The governor shall submit a request either for funds  
29 necessary to implement the collective bargaining agreements including,  
30 but not limited to, the compensation and fringe benefit provisions or  
31 for legislation necessary to implement the agreement, or both.  
32 Requests for funds necessary to implement the collective bargaining  
33 agreements shall not be submitted to the legislature by the governor  
34 unless such requests:

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

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

3 (b) The governor shall submit a request either for funds necessary  
4 to implement the arbitration awards or for legislation necessary to  
5 implement the arbitration awards, or both. Requests for funds  
6 necessary to implement the arbitration awards shall not be submitted to  
7 the legislature by the governor unless such requests:

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

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

13 (c) The legislature shall approve or reject the submission of the  
14 request for funds necessary to implement the collective bargaining  
15 agreements or arbitration awards as a whole for each agreement or  
16 award. Except as provided in subsection (11) of this section, the  
17 legislature shall not consider a request for funds to implement a  
18 collective bargaining agreement or arbitration award unless the request  
19 is transmitted to the legislature as part of the governor's budget  
20 document submitted under RCW 43.88.030 and 43.88.060. If the  
21 legislature rejects or fails to act on the submission, either party may  
22 reopen all or part of the agreement and award or the exclusive  
23 bargaining representative may seek to implement the procedures provided  
24 for in RCW 47.64.210 and 47.64.300.

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

31 (11) For the collective bargaining agreements negotiated for the  
32 2011-2013 fiscal biennium, the legislature may consider a request for  
33 funds to implement a collective bargaining agreement even if the  
34 request for funds is not transmitted to the legislature as part of the  
35 governor's budget document submitted under RCW 43.88.030 and 43.88.060.

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

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

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

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

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

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

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

26 (a) The appropriate local legislative authority must first enact an  
27 ordinance allowing for their use to detect one or more of the  
28 following: Stoplight, railroad crossing, or school speed zone  
29 violations. At a minimum, the local ordinance must contain the  
30 restrictions described in this section and provisions for public notice  
31 and signage. Cities and counties using automated traffic safety  
32 cameras before July 24, 2005, are subject to the restrictions described  
33 in this section, but are not required to enact an authorizing  
34 ordinance.

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

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

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

10 (e) A notice of infraction must be mailed to the registered owner  
11 of the vehicle within fourteen days of the violation, or to the renter  
12 of a vehicle within fourteen days of establishing the renter's name and  
13 address under subsection (3)(a) of this section. The law enforcement  
14 officer issuing the notice of infraction shall include with it a  
15 certificate or facsimile thereof, based upon inspection of photographs,  
16 microphotographs, or electronic images produced by an automated traffic  
17 safety camera, stating the facts supporting the notice of infraction.  
18 This certificate or facsimile is prima facie evidence of the facts  
19 contained in it and is admissible in a proceeding charging a violation  
20 under this chapter. The photographs, microphotographs, or electronic  
21 images evidencing the violation must be available for inspection and  
22 admission into evidence in a proceeding to adjudicate the liability for  
23 the infraction. A person receiving a notice of infraction based on  
24 evidence detected by an automated traffic safety camera may respond to  
25 the notice by mail.

26 (f) The registered owner of a vehicle is responsible for an  
27 infraction under RCW 46.63.030(1)(e) unless the registered owner  
28 overcomes the presumption in RCW 46.63.075, or, in the case of a rental  
29 car business, satisfies the conditions under subsection (3) of this  
30 section. If appropriate under the circumstances, a renter identified  
31 under subsection (3)(a) of this section is responsible for an  
32 infraction.

33 (g) Notwithstanding any other provision of law, all photographs,  
34 microphotographs, or electronic images prepared under this section are  
35 for the exclusive use of law enforcement in the discharge of duties  
36 under this section and are not open to the public and may not be used  
37 in a court in a pending action or proceeding unless the action or  
38 proceeding relates to a violation under this section. No photograph,

1 microphotograph, or electronic image may be used for any purpose other  
2 than enforcement of violations under this section nor retained longer  
3 than necessary to enforce this section.

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

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

14 (2) Infractions detected through the use of automated traffic  
15 safety cameras are not part of the registered owner's driving record  
16 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated  
17 by the use of automated traffic safety cameras under this section shall  
18 be processed in the same manner as parking infractions, including for  
19 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3).  
20 However, the amount of the fine issued for an infraction generated  
21 through the use of an automated traffic safety camera shall not exceed  
22 the amount of a fine issued for other parking infractions within the  
23 jurisdiction.

24 (3) If the registered owner of the vehicle is a rental car  
25 business, the law enforcement agency shall, before a notice of  
26 infraction being issued under this section, provide a written notice to  
27 the rental car business that a notice of infraction may be issued to  
28 the rental car business if the rental car business does not, within  
29 eighteen days of receiving the written notice, provide to the issuing  
30 agency by return mail:

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

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



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

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

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

10 (5) For the purposes of this section, "automated traffic safety  
11 camera" means a device that uses a vehicle sensor installed to work in  
12 conjunction with an intersection traffic control system, a railroad  
13 grade crossing control system, or a speed measuring device, and a  
14 camera synchronized to automatically record one or more sequenced  
15 photographs, microphotographs, or electronic images of the rear of a  
16 motor vehicle at the time the vehicle fails to stop when facing a  
17 steady red traffic control signal or an activated railroad grade  
18 crossing control signal, or exceeds a speed limit in a school speed  
19 zone as detected by a speed measuring device. During the ((2009-2011))  
20 2011-2013 fiscal biennium, an automated traffic safety camera includes  
21 a camera used to detect speed violations for the purposes of ((section  
22 201(2), chapter 470, Laws of 2009).

23 ~~(6) During the 2009-2011 fiscal biennium, this section does not~~  
24 ~~apply to automated traffic safety cameras for the purposes of section~~  
25 ~~218(2), chapter 470, Laws of 2009)) section 201(4) of this act.~~

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

28 (1)(a) A state highway shall be constructed, altered, repaired, or  
29 improved, and improvements located on property acquired for  
30 right-of-way purposes may be repaired or renovated pending the use of  
31 such right-of-way for highway purposes, by contract or state forces.  
32 The work or portions thereof may be done by state forces when the  
33 estimated costs thereof are less than fifty thousand dollars and  
34 effective July 1, 2005, sixty thousand dollars.

35 (b) When delay of performance of such work would jeopardize a state  
36 highway or constitute a danger to the traveling public, the work may be

1 done by state forces when the estimated cost thereof is less than  
2 eighty thousand dollars and effective July 1, 2005, one hundred  
3 thousand dollars.

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

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

15 (2) The rules adopted under this section:

16 (a) Shall provide for competitive bids to the extent that  
17 competitive sources are available except when delay of performance  
18 would jeopardize life or property or inconvenience the traveling  
19 public; and

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

26 (c) May establish prequalification standards and procedures as an  
27 alternative to those set forth in RCW 47.28.070, but the  
28 prequalification standards and procedures under RCW 47.28.070 shall  
29 always be sufficient.

30 (3) The department of transportation shall comply with such goals  
31 and rules as may be adopted by the office of minority and women's  
32 business enterprises to implement chapter 39.19 RCW with respect to  
33 contracts entered into under this chapter. The department may adopt  
34 such rules as may be necessary to comply with the rules adopted by the  
35 office of minority and women's business enterprises under chapter 39.19  
36 RCW.

37 (4)(a) For the period of March 15, 2010, through June 30, 2011, and

1 during the 2011-2013 fiscal biennium, work for less than one hundred  
2 twenty thousand dollars may be performed on ferry vessels and terminals  
3 by state forces.

4 (b) The department shall hire a disinterested, third party to  
5 conduct an independent analysis to identify methods of reducing out-of-  
6 service times for vessel maintenance, preservation, and improvement  
7 projects. The analysis must include options that consider  
8 consolidating work while vessels are at shipyards by having state  
9 forces perform services traditionally performed at Eagle Harbor at the  
10 shipyard and decreasing the allowable time at shipyards. The analysis  
11 must also compare the out-of-service vessel times of performing  
12 services by state forces versus contracting out those services which in  
13 turn must be used to form a recommendation as to what the threshold of  
14 work performed on ferry vessels and terminals by state forces should  
15 be. This analysis must be presented to the transportation committees  
16 of the senate and house of representatives by December 1, 2010.

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

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

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

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

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

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

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

37 (iii) The costs compared to benefits of staff performing

1 preservation or maintenance work, or both, while the vessel is  
2 underway, tied up between sailings, or not deployed;

3 (iv) A review of the department's vessel maintenance, preservation,  
4 and improvement program contracting process and contractual  
5 requirements;

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

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

11 (vii) Coordination with required United States coast guard dry  
12 dockings;

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

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

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

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

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

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

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

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

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

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

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

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

11 **2009-2011 FISCAL BIENNIUM**

12 **GENERAL GOVERNMENT AGENCIES--OPERATING**

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

15 **FOR THE MARINE EMPLOYEES COMMISSION**

16 Puget Sound Ferry Operations Account--State

17	Appropriation . . . . .	(((\$440,000))
18		<u>\$470,000</u>

19 **TRANSPORTATION AGENCIES--OPERATING**

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

22 **FOR THE JOINT TRANSPORTATION COMMITTEE**

23 Motor Vehicle Account--State Appropriation . . . . . \$2,163,000

24 Multimodal Transportation Account--State Appropriation . . (((\$400,000))  
25 \$350,000

26	TOTAL APPROPRIATION . . . . .	(((\$2,563,000))
27		<u>\$2,513,000</u>

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

30 (1) \$236,000 of the motor vehicle account--state appropriation is  
31 a reappropriation from the 2007-09 fiscal biennium for a comprehensive  
32 analysis of mid-term and long-term transportation funding mechanisms

1 and methods. Elements of the study will include existing data and  
2 trends, policy objectives, performance and evaluation criteria,  
3 incremental transition strategies, and possibly, scaled testing.  
4 Baseline data and methods assessment must be concluded by December 31,  
5 2009. Performance criteria must be developed by June 30, 2010, and  
6 recommended planning level alternative funding strategies must be  
7 completed by December 31, 2010.

8 (2) \$200,000 of the motor vehicle account--state appropriation is  
9 for the joint transportation committee to convene an independent expert  
10 review panel to review the assumptions for toll operations costs used  
11 by the department to model financial plans for tolled facilities. The  
12 joint transportation committee shall work with staff from the senate  
13 and the house of representatives transportation committees to identify  
14 the scope of the review and to assure that the work performed meets the  
15 needs of the house of representatives and the senate. The joint  
16 transportation committee shall provide a report to the house of  
17 representatives and senate transportation committees by September 1,  
18 2009.

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

36 (4) The joint transportation committee shall perform a review of  
37 the fuel tax refunds for nonhighway or off-road use of gasoline and  
38 diesel fuels as listed in RCW 46.09.170, 46.10.150, and 79A.25.070.

1 The review must: Provide an overview of the off-road programs; analyze  
2 historical funding and expenditures from the respective treasury  
3 accounts; outline and provide process documentation on how the funds  
4 are distributed to the treasury accounts; and document future  
5 identified off-road, snowmobile, and marine funding needs. A report on  
6 the joint transportation committee review must be presented to the  
7 house of representatives and senate transportation committees by  
8 December 31, 2010.

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

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

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

- 31 (i) One member from each of the two largest caucuses of the senate;
- 32 (ii) One member from each of the two largest caucuses of the house  
33 of representatives;
- 34 (iii) One representative of the department of transportation's  
35 public transportation division;
- 36 (iv) Two representatives of users of public transportation systems,  
37 one of which must represent persons with special needs;

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

3 (vi) Two representatives from regional transportation planning  
4 organizations, one representing eastern Washington and one representing  
5 western Washington;

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

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

10 (ix) Two representatives of organizations that address primarily  
11 environmental issues;

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

14 (xi) Other individuals deemed appropriate.

15 Nonlegislative members of the advisory panel must seek  
16 reimbursement for travel and other membership expenses through their  
17 respective agencies or organizations. The committee may make  
18 exceptions and approve certain expenses for good cause on a case-by-  
19 case basis.

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

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

31 (7) \$125,000 of the motor vehicle account--state appropriation is  
32 for the joint transportation committee to evaluate the preparation of  
33 state-level transportation plans. The evaluation must include a review  
34 of federal planning requirements, the Washington transportation plan  
35 and statewide modal plan requirements, and transportation plan  
36 requirements for regional and local entities. The evaluation must make  
37 recommendations concerning the appropriate responsibilities for  
38 preparation of plans, methods to develop plans more efficiently, and



1 the utility of the state-level planning documents. The committee shall  
2 issue a report of its evaluation, including draft legislation if  
3 required, to the house of representatives and senate transportation  
4 committees by December 15, 2010.

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

19 (b) The joint transportation committee shall form a policy work  
20 group to oversee the evaluation. The work group must consist of  
21 legislators appointed by the joint transportation committee and a  
22 member of the governor's staff appointed by the governor.

23 (c) Any evaluation recommendations must be accompanied by a  
24 detailed implementation plan. The plan must include details on the  
25 recommended governance structure, accounts and program structure, and  
26 transition process and associated costs. The plan must include a  
27 proposed organization chart and proposed legislation to enact the  
28 recommended changes. A preliminary evaluation must be made to the  
29 joint transportation committee by November 15, 2010, and a final  
30 evaluation is due on December 15, 2010.

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

33 (a) A comparison of medical, time-loss, vocational and disability  
34 benefits available to injured workers, and costs payable by the state  
35 of Washington and employees, under the federal Jones act and  
36 Washington's industrial insurance act. The report must include  
37 information regarding the experience of the Alaska marine highway  
38 system; and

1 (b) A comparison of the processing time of grievances and hearings  
2 at the personnel relations employment commission and the marine  
3 employee commission. The review must also investigate whether the  
4 necessary expertise exists at the personnel relations employment  
5 commission to administer the grievances and hearings currently  
6 administered by the marine employee commission.

7 ~~((10)(a) \$50,000 of the multimodal transportation account--state  
8 appropriation is for the joint transportation committee to conduct an  
9 analysis of the storm water permit requirements issued by the  
10 department of ecology in February 2009 to determine the costs and  
11 benefits of alternative options for the department of transportation to  
12 meet the requirements. However, if the committee does not include the  
13 analysis as part of its 2009-11 fiscal biennium work plan by April 15,  
14 2010, the amount provided in this subsection lapses. The analysis must  
15 include, at a minimum, an analysis of the following:~~

16 ~~(i) The department of transportation performing the functions of  
17 the permit in house;~~

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

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

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

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

27 **FOR THE TRANSPORTATION COMMISSION**

28 Motor Vehicle Account--State Appropriation . . . . .	(((\$2,328,000))
	<u>\$2,157,000</u>
30 Multimodal Transportation Account--State Appropriation . .	(((\$112,000))
	<u>\$111,000</u>
32 TOTAL APPROPRIATION . . . . .	(((\$2,440,000))
	<u>\$2,268,000</u>

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

36 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,  
37 the transportation commission shall periodically review and, if

1 necessary, modify the schedule of fares for the Washington state ferry  
2 system. The transportation commission may increase ferry fares,  
3 except no fare schedule modifications may be made prior to September 1,  
4 2009. For purposes of this subsection, "modify" includes increases or  
5 decreases to the schedule.

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

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

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

24 (5) \$350,000 of the motor vehicle account--state appropriation is  
25 provided solely for consultant support services to assist the  
26 commission in updating the statewide transportation plan. The updated  
27 plan must be submitted to the legislature by December 1, 2010.

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

37 (7) The commission shall work with the department of  
38 transportation's economic partnerships (Program K) in conducting a best

1 practices review of nontoll, public-private partnerships. The purpose  
2 of this review is to identify the policies and procedures that would be  
3 appropriate for application in Washington state. The commission must  
4 report its findings and recommendations, including draft legislation if  
5 warranted, to the house of representatives and senate transportation  
6 committees by January 2011.

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

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

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

19 State Patrol Highway Account--State	
20 Appropriation . . . . .	(( <del>\$227,958,000</del> ))
21	<u>\$224,558,000</u>
22 State Patrol Highway Account--Federal	
23 Appropriation . . . . .	.\$10,903,000
24 State Patrol Highway Account--Private/Local	
25 Appropriation . . . . .	(( <del>\$867,000</del> ))
26	<u>\$939,000</u>
27 TOTAL APPROPRIATION . . . . .	(( <del>\$239,728,000</del> ))
28	<u>\$236,400,000</u>

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

31 (1) Washington state patrol officers engaged in off-duty uniformed  
32 employment providing traffic control services to the department of  
33 transportation or other state agencies may use state patrol vehicles  
34 for the purpose of that employment, subject to guidelines adopted by  
35 the chief of the Washington state patrol. The Washington state patrol  
36 shall be reimbursed for the use of the vehicle at the prevailing state  
37 employee rate for mileage and hours of usage, subject to guidelines

1 developed by the chief of the Washington state patrol, and Cessna  
2 pilots funded from the state patrol highway account who are certified  
3 to fly the King Airs may pilot those aircraft for general fund purposes  
4 with the general fund reimbursing the state patrol highway account an  
5 hourly rate to cover the costs incurred during the flights since the  
6 aviation section will no longer be part of the Washington state patrol  
7 cost allocation system as of July 1, 2009.

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

14 (3) During the 2009-11 fiscal biennium, the Washington state patrol  
15 shall continue to perform traffic accident investigations on Thurston  
16 county roads, and shall work with the county to transition the traffic  
17 accident investigations on Thurston county roads to the county by July  
18 1, 2011.

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

23 (5) The Washington state patrol shall collaborate with the  
24 Washington traffic safety commission to develop and implement the  
25 target zero trooper pilot program referenced in section 201 of this  
26 act.

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

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

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

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

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

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

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



1 (4) \$6,611,000 of the total appropriation is provided solely for  
2 vehicle repair and maintenance costs of vehicles used for highway  
3 purposes.

4 (5) \$1,724,000 of the total appropriation is provided solely for  
5 the purchase of mission vehicles used for highway purposes in the  
6 commercial vehicle and traffic investigation sections of the Washington  
7 state patrol.

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

12 (7) (~~(\$345,000 of the state patrol highway account state~~  
13 ~~appropriation is provided solely for the implementation of Engrossed~~  
14 ~~Substitute House Bill No. 1445 (domestic partners/Washington state~~  
15 ~~patrol retirement system). If Engrossed Substitute House Bill No. 1445~~  
16 ~~is not enacted by June 30, 2009, the amount provided in this subsection~~  
17 ~~shall lapse)) The appropriations to the Washington state patrol must be  
18 expended for the programs and in the amounts specified in this act.  
19 However, after May 1, 2011, unless specifically prohibited, the state  
20 patrol may transfer state patrol highway account--state appropriations  
21 for the 2009-2011 fiscal biennium between operating programs after  
22 approval by the director of the office of financial management.  
23 However, the state patrol shall not transfer state moneys that are  
24 provided solely for a specified purpose.~~

25 **Sec. 906.** 2010 c 247 s 211 (uncodified) is amended to read as  
26 follows:

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

29	High Occupancy Toll Lanes Operations Account--State	
30	Appropriation . . . . .	(((\$2,852,000))
31		<u>\$2,732,000</u>
32	Motor Vehicle Account--State Appropriation . . . . .	(((\$575,000))
33		<u>\$2,945,000</u>
34	Tacoma Narrows Toll Bridge Account--State	
35	Appropriation . . . . .	.\$26,543,000
36	State Route Number 520 Corridor Account--State	
37	Appropriation . . . . .	(((\$28,000,000))



1		<u>\$1,236,000</u>
2	State Route Number 520 Civil Penalties	
3	Account--State Appropriation . . . . .	(( <del>\$2,130,000</del> ))
4		<u>\$130,000</u>
5	TOTAL APPROPRIATION . . . . .	(( <del>\$60,100,000</del> ))
6		<u>\$33,586,000</u>

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

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

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

20       (3) (~~(\$28,000,000)~~) \$1,236,000 of the state route number 520  
21 corridor account--state appropriation is provided solely for the costs  
22 directly related to tolling the state route number 520 floating bridge.  
23 (~~(Of this amount, \$8,000,000 must be retained in unallotted status, and~~  
24 ~~may only be released by the office of financial management after~~  
25 ~~consultation with the joint transportation committee.))~~)

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

29       (5) (~~(\$2,130,000)~~) \$130,000 of the state route number 520 civil  
30 penalties account--state appropriation and \$140,000 of the Tacoma  
31 Narrows toll bridge account--state appropriation are provided solely  
32 for expenditures related to the toll adjudication process. The amount  
33 provided in this subsection is contingent on the enactment by June 30,  
34 2010, of either Engrossed Substitute Senate Bill No. 6499 or Substitute  
35 House Bill No. 2897; however, if the enacted bill does not specify the  
36 department as the toll penalty adjudicating agency, the amounts  
37 provided in this subsection lapse.

1 (6) The department shall review, and revise where appropriate,  
2 current signage and ingress/egress locations on the state route number  
3 167 high occupancy toll lanes pilot project. The department shall  
4 continue to work with the Washington state patrol on educating the  
5 public on the rules of the road related to crossing a double white  
6 line. The department shall continue to monitor the performance of the  
7 high occupancy toll lanes to ensure that driving conditions for high  
8 occupancy vehicles that share these lanes are not significantly  
9 changed.

10 (7) \$2,435,000 of the motor vehicle account--state appropriation is  
11 provided solely to provide a reserve for state route number 520 tolling  
12 operations. This appropriation must be held in unallotted status until  
13 the office of financial management deems that revenues applicable to  
14 the state route number 520 tolling operations are not sufficient to  
15 cover the expenditures. Repayment of any expenditures must occur in  
16 the 2011-2013 fiscal biennium.

17 **Sec. 907.** 2010 c 247 s 212 (uncodified) is amended to read as  
18 follows:

19 **FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM**  
20 **C**

21	Transportation Partnership Account--State	
22	Appropriation . . . . .	(( <del>\$2,675,000</del> ))
23		<u>\$2,425,000</u>
24	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$68,650,000</del> ))
25		<u>\$67,546,000</u>
26	Motor Vehicle Account--Federal Appropriation . . . . .	\$240,000
27	Multimodal Transportation Account--State	
28	Appropriation . . . . .	\$363,000
29	Transportation 2003 Account (Nickel Account)--State	
30	Appropriation . . . . .	(( <del>\$2,676,000</del> ))
31		<u>\$2,426,000</u>
32	TOTAL APPROPRIATION . . . . .	(( <del>\$74,604,000</del> ))
33		<u>\$73,000,000</u>

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

36 (1) The department shall consult with the office of financial  
37 management and the department of information services to: (a) Ensure

1 that the department's current and future system development is  
2 consistent with the overall direction of other key state systems; and  
3 (b) when possible, use or develop common statewide information systems  
4 to encourage coordination and integration of information used by the  
5 department and other state agencies and to avoid duplication.

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

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

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

35 **Sec. 908.** 2010 c 247 s 213 (uncodified) is amended to read as  
36 follows:

1 **FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS**  
2 **AND CONSTRUCTION--PROGRAM D--OPERATING**

3 Motor Vehicle Account--State Appropriation . . . . . ((~~\$25,292,000~~))  
4 \$24,639,000

5 **Sec. 909.** 2010 c 247 s 214 (uncodified) is amended to read as  
6 follows:

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

8 Aeronautics Account--State Appropriation . . . . . ((~~\$5,960,000~~))  
9 \$5,761,000

10 Aeronautics Account--Federal Appropriation . . . . . \$2,150,000

11 TOTAL APPROPRIATION . . . . . ((~~\$8,110,000~~))  
12 \$7,911,000

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

15 (1) \$50,000 of the aeronautics account--state appropriation is a  
16 reappropriation provided solely to pay any outstanding obligations of  
17 the aviation planning council, which expires July 1, 2009.

18 (2) \$150,000 of the aeronautics account--state appropriation is a  
19 reappropriation provided solely to complete runway preservation  
20 projects.

21 (3) Within the amounts provided in this section, the department  
22 shall develop guidelines setting forth consultation procedures and a  
23 process to assist counties and cities to identify land uses that may be  
24 incompatible with airports and aircraft operations, and to encourage  
25 and facilitate the adoption and implementation of comprehensive plan  
26 policies and development regulations consistent with RCW 36.70.547 and  
27 36.70A.510.

28 **Sec. 910.** 2010 c 247 s 215 (uncodified) is amended to read as  
29 follows:

30 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**  
31 **SUPPORT--PROGRAM H**

32 Motor Vehicle Account--State Appropriation . . . . . ((~~\$49,331,000~~))  
33 \$45,219,000

34 Motor Vehicle Account--Federal Appropriation . . . . . \$500,000

35 Multimodal Transportation Account--State  
36 Appropriation . . . . . \$250,000

1 TOTAL APPROPRIATION . . . . . ((~~\$50,081,000~~))  
2 \$45,969,000

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

5 (1) The department shall develop a plan for all current and future  
6 surplus property parcels based on the recommendations from the surplus  
7 property legislative work group that were presented to the senate  
8 transportation committee on February 26, 2009. The plan must include,  
9 at a minimum, strategies for maximizing the number of parcels sold, a  
10 schedule that optimizes proceeds, a recommended cash discount, a plan  
11 to report to the joint transportation committee, a recommendation for  
12 regional incentives, and a recommendation for equivalent value  
13 exchanges. This plan must accompany the department's 2010 supplemental  
14 budget request. If the department determines that all or a portion of  
15 real property or an interest in real property that was acquired through  
16 condemnation within the previous ten years is no longer necessary for  
17 a transportation purpose, the former owner has a right of repurchase as  
18 described in this subsection. For the purposes of this subsection,  
19 "former owner" means the person or entity from whom the department  
20 acquired title. At least ninety days prior to the date on which the  
21 property is intended to be sold by the department, the department must  
22 mail notice of the planned sale to the former owner of the property at  
23 the former owner's last known address or to a forwarding address if  
24 that owner has provided the department with a forwarding address. If  
25 the former owner of the property's last known address, or forwarding  
26 address if a forwarding address has been provided, is no longer the  
27 former owner of the property's address, the right of repurchase is  
28 extinguished. If the former owner notifies the department within  
29 thirty days of the date of the notice that the former owner intends to  
30 repurchase the property, the department shall proceed with the sale of  
31 the property to the former owner for fair market value and shall not  
32 list the property for sale to other owners. If the former owner does  
33 not provide timely written notice to the department of the intent to  
34 exercise a repurchase right, or if the sale to the former owner is not  
35 completed within seven months of the date of notice that the former  
36 owner intends to repurchase the property, the right of repurchase is  
37 extinguished. By December 1, 2010, the department shall report to the

1 legislative transportation committees on the individuals and entities  
2 eligible to receive surplus property provided in RCW 47.12.063 to  
3 determine the frequency with which the department transfers property to  
4 those individuals and entities and the implications to the department.  
5 It is the intent of the legislature that the list of individuals and  
6 entities eligible to receive surplus property be periodically evaluated  
7 to determine whether the list is appropriate and provides utility to  
8 the department.

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

29 (3) \$3,175,000 of the motor vehicle account--state appropriation is  
30 provided solely for the department's compliance with its national  
31 pollution discharge elimination system permit.

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

1 and that are agreed to by the legislature, office of financial  
2 management, and the department, on a quarterly basis in TEIS.

3 **Sec. 911.** 2010 c 247 s 216 (uncodified) is amended to read as  
4 follows:

5 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**  
6 **K**

7	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$673,000</del> ))
8		<u>\$643,000</u>
9	Multimodal Transportation Account--State	
10	Appropriation . . . . .	(( <del>\$200,000</del> ))
11		<u>\$150,000</u>
12	TOTAL APPROPRIATION . . . . .	(( <del>\$873,000</del> ))
13		<u>\$793,000</u>

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

16 (1) ((~~\$200,000~~)) \$150,000 of the multimodal transportation  
17 account--state appropriation is provided solely for the department to  
18 develop and implement public private partnerships at high priority  
19 terminals as identified in the January 12, 2009, final report on joint  
20 development opportunities at Washington state ferries terminals. The  
21 department shall first consider a mutually beneficial agreement at the  
22 Edmonds terminal.

23 (2) \$50,000 of the motor vehicle account--state appropriation is  
24 provided solely for the department to investigate the potential to  
25 generate revenue from web site sponsorships and similar ventures and,  
26 if feasible, pursue partnership opportunities.

27 (3) ((~~\$75,000~~)) \$45,000 of the motor vehicle account--state  
28 appropriation is provided solely for the implementation of a pilot  
29 project allowing advertisements and sponsorships on select web pages.  
30 The pilot project must be organized under the partnership model  
31 described in the department's web site monetizing feasibility study,  
32 which was prepared under subsection (2) of this section. Once  
33 operational, the pilot project must operate for at least twelve  
34 consecutive months. After twelve months of continuous operation, the  
35 department shall provide a report with recommendations on whether to  
36 continue project operations to the office of financial management and  
37 the chairs of the transportation committees. The department may end

1 the pilot project after less than twelve consecutive months of  
2 operation if insufficient bids or proposals are received from potential  
3 sponsors or advertisers. For the purpose of this subsection, if a  
4 consultant contract is warranted, the consultant contract is deemed a  
5 revenue generation activity as that term is construed in section  
6 602(2), chapter 3, Laws of 2010.

7 **Sec. 912.** 2010 c 247 s 217 (uncodified) is amended to read as  
8 follows:

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

10 Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$347,645,000</del> ))
	<u>\$350,229,000</u>
12 Motor Vehicle Account--Federal Appropriation . . . . .	\$7,000,000
13 Motor Vehicle Account--Private/Local Appropriation . . . . .	(( <del>\$5,797,000</del> ))
14	<u>\$7,997,000</u>
15 TOTAL APPROPRIATION . . . . .	(( <del>\$360,442,000</del> ))
16	<u>\$365,226,000</u>

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

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

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

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

33 (4) \$7,000,000 of the motor vehicle account--federal appropriation  
34 is for unanticipated federal funds that may be received during the  
35 2009-11 fiscal biennium. Upon receipt of the funds, the department



1 shall provide a report on the use of the funds to the transportation  
2 committees of the legislature and the office of financial management.

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

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

8 (b) The department is reimbursed from the narrows bridge lights  
9 organization within three months from the date any maintenance work is  
10 performed. If the narrows bridge lights organization is unable to  
11 reimburse the department for any future costs incurred, the lights must  
12 be removed at the expense of the narrows bridge lights organization  
13 subject to the terms of the contract.

14 (6) The department may work with the department of corrections to  
15 utilize corrections crews for the purposes of litter pickup on state  
16 highways.

17 (7) \$650,000 of the motor vehicle account--state appropriation is  
18 provided solely for increased asphalt costs.

19 (8) \$16,800,000 of the motor vehicle account--state appropriation  
20 is provided solely for the high priority maintenance backlog.  
21 Addressing the maintenance backlog must result in increased levels of  
22 service.

23 (9) \$750,000 of the motor vehicle account--state appropriation is  
24 provided solely for the department's compliance with its national  
25 pollution discharge elimination system permit.

26 (10) \$317,000 of the motor vehicle account--state appropriation is  
27 provided solely for maintaining a new active traffic management system  
28 on Interstate 5, Interstate 90, and SR 520. The department shall track  
29 the costs associated with these systems on a corridor basis and report  
30 to the legislative transportation committees on the cost and benefits  
31 of the system.

32 (11) \$286,000 of the motor vehicle account--state appropriation is  
33 provided solely for storm water assessment fees charged by local  
34 governments.

35 (12) \$1,286,000 of the motor vehicle account--state appropriation  
36 is provided solely for maintenance work resulting from major disasters,  
37 including: \$104,000 for US 97/Blewett Pass Flood Damage; \$347,000 for

1 SR 11 Chuckanut Drive Landslide; \$295,000 for US 97A Chelan County  
2 Flood Damage; and \$540,000 for SR 401 Landslide.

3 **Sec. 913.** 2010 c 247 s 218 (uncodified) is amended to read as  
4 follows:

5 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**  
6 **OPERATING**

7 Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$51,128,000</del> ))
8	<u>\$49,764,000</u>
9 Motor Vehicle Account--Federal Appropriation . . . . .	\$2,050,000
10 Motor Vehicle Account--Private/Local Appropriation . . . . .	\$127,000
11 TOTAL APPROPRIATION . . . . .	(( <del>\$53,305,000</del> ))
12	<u>\$51,941,000</u>

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

15 (1) \$2,400,000 of the motor vehicle account--state appropriation is  
16 provided solely for low-cost enhancements. The department shall give  
17 priority to low-cost enhancement projects that improve safety or  
18 provide congestion relief. The department shall prioritize low-cost  
19 enhancement projects on a statewide rather than regional basis. By  
20 September 1st of each even-numbered year, the department shall provide  
21 a report to the legislature listing all low-cost enhancement projects  
22 prioritized on a statewide rather than regional basis completed in the  
23 prior year.

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

35 (a) Automated traffic safety cameras may only take pictures of the  
36 vehicle and vehicle license plate and only while an infraction is

1 occurring. The picture must not reveal the face of the driver or of  
2 passengers in the vehicle;

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

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

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

16 (e) For purposes of the 2009-11 fiscal biennium pilot program,  
17 infractions detected through the use of automated traffic safety  
18 cameras are not part of the registered owner's driving record under RCW  
19 46.52.101 and 46.52.120. Additionally, infractions generated by the  
20 use of automated traffic safety cameras must be processed in the same  
21 manner as parking infractions for the purposes of RCW 3.50.100,  
22 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the  
23 fine issued under this subsection (2) for an infraction generated  
24 through the use of an automated traffic safety camera is one hundred  
25 thirty-seven dollars. The court shall remit thirty-two dollars of the  
26 fine to the state treasurer for deposit into the state patrol highway  
27 account; and

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

1 agency relieves a rental car business of any liability under this  
2 section for the notice of infraction. A declaration form suitable for  
3 this purpose must be included with each automated traffic infraction  
4 notice issued, along with instructions for its completion and use.

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

12 (4) \$173,000 of the motor vehicle account--state appropriation is  
13 provided solely for the department to continue a pilot tow truck  
14 incentive program and to expand the program to other areas of the  
15 state. The department may provide incentive payments to towing  
16 companies that meet clearance goals on accidents that involve heavy  
17 trucks. The department shall report to the office of financial  
18 management and the transportation committees of the legislature on the  
19 effectiveness of the clearance goals and submit recommendations to  
20 improve the pilot program with the department's 2010 supplemental  
21 omnibus transportation appropriations act submittal. The tow truck  
22 incentive program may continue to provide incentives for quick  
23 clearance of traffic incidents involving large vehicles. The  
24 department shall make recommendations as part of its biennial budget  
25 proposal for expanding the use of the incentive program.

26 (5) \$92,000 of the motor vehicle account--state appropriation is  
27 provided solely for operating a new active traffic management system on  
28 Interstate 5, Interstate 90, and SR 520. The department shall track  
29 the costs associated with these systems on a corridor basis and report  
30 to the legislative transportation committees on the cost and benefits  
31 of the system.

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

34 (7) During the 2009-11 biennium, the department shall implement a  
35 pilot program that expands private transportation providers' access to  
36 high occupancy vehicle lanes. Under the pilot program, when the  
37 department reserves a portion of a highway based on the number of  
38 passengers in a vehicle, the following vehicles must be authorized to

1 use the reserved portion of the highway if the vehicle has the capacity  
 2 to carry eight or more passengers, regardless of the number of  
 3 passengers in the vehicle: (a) Auto transportation company vehicles  
 4 regulated under chapter 81.68 RCW; (b) passenger charter carrier  
 5 vehicles regulated under chapter 81.70 RCW, except marked or unmarked  
 6 stretch limousines and stretch sport utility vehicles as defined under  
 7 department rules; (c) private nonprofit transportation provider  
 8 vehicles regulated under chapter 81.66 RCW; and (d) private employer  
 9 transportation service vehicles. For purposes of this subsection,  
 10 "private employer transportation service" means regularly scheduled,  
 11 fixed-route transportation service that is offered by an employer for  
 12 the benefit of its employees. By June 30, 2011, the department shall  
 13 report to the transportation committees of the legislature on whether  
 14 private transportation provider use of high occupancy vehicle lanes  
 15 under the pilot program reduces the speeds of high occupancy vehicle  
 16 lanes. Nothing in this subsection is intended to authorize the  
 17 conversion of public infrastructure to private, for-profit purposes or  
 18 to otherwise create an entitlement or other claim by private users to  
 19 public infrastructure.

20 **Sec. 914.** 2010 c 247 s 219 (uncodified) is amended to read as  
 21 follows:

22 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**  
 23 **SUPPORT--PROGRAM S**

24	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$28,468,000</del> ))
25		<u>\$27,968,000</u>
26	Motor Vehicle Account--Federal Appropriation . . . . .	\$30,000
27	Multimodal Transportation Account--State	
28	Appropriation . . . . .	\$971,000
29	State Route Number 520 Corridor Account--State	
30	Appropriation . . . . .	\$264,000
31	TOTAL APPROPRIATION . . . . .	(( <del>\$29,733,000</del> ))
32		<u>\$29,233,000</u>

33 The appropriations in this section are subject to the following  
 34 conditions and limitations: \$264,000 of the state route number 520  
 35 corridor account--state appropriation is provided solely for the costs  
 36 directly related to tolling the state route number 520 floating bridge.

1 This amount must be retained in unallotted status, and may only be  
2 released by the office of financial management after consultation with  
3 the joint transportation committee.

4 **Sec. 915.** 2010 c 247 s 220 (uncodified) is amended to read as  
5 follows:

6 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,**  
7 **AND RESEARCH--PROGRAM T**

8	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$25,955,000</del> ))
9		<u>\$25,384,000</u>
10	Motor Vehicle Account--Federal Appropriation . . . . .	\$22,002,000
11	Multimodal Transportation Account--State	
12	Appropriation . . . . .	\$1,090,000
13	Multimodal Transportation Account--Federal	
14	Appropriation . . . . .	\$3,287,000
15	Multimodal Transportation Account--Private/Local	
16	Appropriation . . . . .	\$99,000
17	TOTAL APPROPRIATION . . . . .	(( <del>\$52,433,000</del> ))
18		<u>\$51,862,000</u>

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

21 (1) \$150,000 of the motor vehicle account--federal appropriation is  
22 provided solely for the costs to develop an electronic map-based  
23 computer application that will enable law enforcement officers and  
24 others to more easily locate collisions and other incidents in the  
25 field.

26 (2) \$400,000 of the multimodal transportation account--state  
27 appropriation is provided solely for a diesel multiple unit feasibility  
28 and initial planning study. The study must evaluate potential service  
29 on the Stampede Pass line from Maple Valley to Auburn via Covington.  
30 The study must evaluate the potential demand for service, the business  
31 model and capital needs for launching and running the line, and the  
32 need for improvements in switching, signaling, and tracking. The study  
33 must also consider the interconnectivity benefits of, and potential  
34 for, future Amtrak Cascades stops in south King county and north Pierce  
35 county. As part of its consideration, the department shall conduct a  
36 thorough market analysis of the potential for adding or changing stops  
37 on the Amtrak Cascades route. The department shall amend the scope,

1 schedule, and budget of the current study process to accommodate the  
2 market analysis. A report on the study must be submitted to the  
3 legislature by September 30, 2010.

4 (3) \$365,000 of the motor vehicle account--state appropriation and  
5 \$81,000 of the motor vehicle account--federal appropriation are  
6 provided solely for the development of a freight database to help guide  
7 freight investment decisions and track project effectiveness. The  
8 database must be based on truck movement tracked through geographic  
9 information system technology. For the remainder of the biennium, the  
10 department may expand data collection to any highways that have high  
11 truck volumes. TransNow shall contribute additional federal funds that  
12 are not appropriated in this act. The department shall work with the  
13 freight mobility strategic investment board to implement this database.

14 (4) \$2,000,000 of the motor vehicle account--state appropriation is  
15 provided solely for scoping unfunded state highway projects to ensure  
16 that a well-vetted project list is available for future program funding  
17 discussions.

18 (a) It is the intent of the legislature that the funding provided  
19 in this subsection support the development of transportation solutions  
20 that benefit all state residents, including addressing the impacts of  
21 traffic diversion from tolled facilities. It is further the intent of  
22 the legislature that the buying power of future revenue packages is  
23 maximized.

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

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

31 (d) Prior to the commencement of the 2011 legislative session, the  
32 department shall provide a report to the legislative transportation  
33 committees and the office of financial management that includes  
34 estimated costs and construction time frames.

35 (5) (~~(\$150,000)~~) \$80,000 of the motor vehicle account--state  
36 appropriation is provided solely for a corridor study of state route  
37 number 516 from the eastern border of Maple Valley to state route

1 number 167 to determine whether improvements are needed and the costs  
2 of any needed improvements.

3 (6) \$500,000 of the multimodal transportation account--federal  
4 appropriation is provided solely for continued support of the  
5 International Mobility and Trade Corridor project and for the  
6 department to work with the Whatcom council of governments to examine  
7 potential improvements to international border freight and passenger  
8 rail movement and the use of diesel multiple units.

9 (7) \$80,000 of the motor vehicle account--state appropriation is  
10 provided solely to continue existing work regarding feasibility of a  
11 new interchange between Rochester and Harrison Avenue on Interstate 5.

12 **Sec. 916.** 2010 c 247 s 221 (uncodified) is amended to read as  
13 follows:

14 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**  
15 **V**

16	Regional Mobility Grant Program Account--State	
17	Appropriation . . . . .	(( <del>\$65,274,000</del> ))
18		<u>\$56,332,000</u>
19	Multimodal Transportation Account--State	
20	Appropriation . . . . .	(( <del>\$65,667,000</del> ))
21		<u>\$65,547,000</u>
22	Multimodal Transportation Account--Federal	
23	Appropriation . . . . .	\$2,573,000
24	Multimodal Transportation Account--Private/Local	
25	Appropriation . . . . .	\$1,025,000
26	TOTAL APPROPRIATION . . . . .	(( <del>\$134,539,000</del> ))
27		<u>\$125,477,000</u>

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

30 (1) \$25,000,000 of the multimodal transportation account--state  
31 appropriation is provided solely for a grant program for special needs  
32 transportation provided by transit agencies and nonprofit providers of  
33 transportation.

34 (a) \$5,500,000 of the amount provided in this subsection is  
35 provided solely for grants to nonprofit providers of special needs  
36 transportation. Grants for nonprofit providers shall be based on need,



1 including the availability of other providers of service in the area,  
2 efforts to coordinate trips among providers and riders, and the cost  
3 effectiveness of trips provided.

4 (b) \$19,500,000 of the amount provided in this subsection is  
5 provided solely for grants to transit agencies to transport persons  
6 with special transportation needs. To receive a grant, the transit  
7 agency must have a maintenance of effort for special needs  
8 transportation that is no less than the previous year's maintenance of  
9 effort for special needs transportation. Grants for transit agencies  
10 shall be prorated based on the amount expended for demand response  
11 service and route deviated service in calendar year 2007 as reported in  
12 the "Summary of Public Transportation - 2007" published by the  
13 department of transportation. No transit agency may receive more than  
14 thirty percent of these distributions.

15 (2) Funds are provided for the rural mobility grant program as  
16 follows:

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

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

28 (3) \$7,000,000 of the multimodal transportation account--state  
29 appropriation is provided solely for a vanpool grant program for: (a)  
30 Public transit agencies to add vanpools or replace vans; and (b)  
31 incentives for employers to increase employee vanpool use. The grant  
32 program for public transit agencies will cover capital costs only;  
33 operating costs for public transit agencies are not eligible for  
34 funding under this grant program. Additional employees may not be  
35 hired from the funds provided in this section for the vanpool grant  
36 program, and supplanting of transit funds currently funding vanpools is  
37 not allowed. The department shall encourage grant applicants and

1 recipients to leverage funds other than state funds. At least  
2 \$1,600,000 of this amount must be used for vanpool grants in congested  
3 corridors.

4 (4) (~~(\$400,000)~~) \$280,000 of the multimodal transportation  
5 account--state appropriation is provided solely for a grant for a  
6 flexible carpooling pilot project program to be administered and  
7 monitored by the department. Funds are appropriated for one time only.  
8 The pilot project program must: Test and implement at least one  
9 flexible carpooling system in a high-volume commuter area that enables  
10 carpooling without prearrangement; utilize technologies that, among  
11 other things, allow for transfer of ride credits between participants;  
12 and be a membership system that involves prescreening to ensure safety  
13 of the participants. The program must include a pilot project that  
14 targets commuter traffic on the state route number 520 bridge. The  
15 department shall submit to the legislature by December 2010 a report on  
16 the program results and any recommendations for additional flexible  
17 carpooling programs.

18 (5) \$3,318,000 of the multimodal transportation account--state  
19 appropriation and (~~(\$21,248,000)~~) \$17,778,000 of the regional mobility  
20 grant program account--state appropriation are reappropriated and  
21 provided solely for the regional mobility grant projects identified on  
22 the LEAP Transportation Document 2007-B, as developed April 20, 2007,  
23 or the LEAP Transportation Document 2006-D, as developed March 8, 2006.  
24 The department shall continue to review all projects receiving grant  
25 awards under this program at least semiannually to determine whether  
26 the projects are making satisfactory progress. The department shall  
27 promptly close out grants when projects have been completed, and any  
28 remaining funds available to the office of transit mobility must be  
29 used only to fund projects on the LEAP Transportation Document 2006-D,  
30 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as  
31 developed April 20, 2007; or the LEAP Transportation Document 2009-B,  
32 as developed April 24, 2009. It is the intent of the legislature to  
33 appropriate funds through the regional mobility grant program only for  
34 projects that will be completed on schedule. However, the Chuckanut  
35 park and ride project (101100G) is recognized as a crucial investment  
36 in the transportation system. For this reason, the department shall  
37 not close out the grant for the Chuckanut park and ride project until  
38 Skagit transit has exhausted all other pending opportunities for

1 federal and local funds. If additional funds cannot be secured, the  
2 department shall consider this project a priority in the 2011-13 grant  
3 process. The department shall make every effort to advance the  
4 Chuckanut park and ride project within existing resources.

5 (6) (~~(\$33,429,000)~~) \$32,882,000 of the regional mobility grant  
6 program account--state appropriation is provided solely for the  
7 regional mobility grant projects identified in LEAP Transportation  
8 Document 2009-B, as developed April 24, 2009. The department shall  
9 review all projects receiving grant awards under this program at least  
10 semiannually to determine whether the projects are making satisfactory  
11 progress. Any project that has been awarded funds, but does not report  
12 activity on the project within one year of the grant award, must be  
13 reviewed by the department to determine whether the grant should be  
14 terminated. The department shall promptly close out grants when  
15 projects have been completed, and any remaining funds available to the  
16 office of transit mobility must be used only to fund projects  
17 identified in LEAP Transportation Document 2009-B, as developed April  
18 24, 2009. The department shall provide annual status reports on  
19 December 15, 2009, and December 15, 2010, to the office of financial  
20 management and the transportation committees of the legislature  
21 regarding the projects receiving the grants. It is the intent of the  
22 legislature to appropriate funds through the regional mobility grant  
23 program only for projects that will be completed on schedule.

24 (7) (~~(\$10,596,768)~~) \$5,671,768 of the regional mobility grant  
25 program account--state appropriation must be obligated no later than  
26 December 31, 2010, and is provided solely for the following recommended  
27 contingency regional mobility grant projects identified in the 2009-11  
28 omnibus transportation appropriations act, LEAP Transportation Document  
29 2009-B, as developed April 24, 2009, as follows:

30 (a) (~~(\$4,000,000)~~) \$975,000 is provided solely for the  
31 Rainier/Jackson transit priority corridor improvements;

32 (b) (~~(\$2,100,000)~~) \$200,000 is provided solely for the state route  
33 number 522 west city limits to Northeast 180th stage 2A (91st Ave NE to  
34 west of 96th Ave NE) project; and

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

37 (8) \$300,000 of the multimodal transportation account--state  
38 appropriation is provided solely for a transportation demand management

1 program, developed by the Whatcom council of governments, to further  
2 reduce drive-alone trips and maximize the use of sustainable  
3 transportation choices. The community-based program must focus on all  
4 trips, not only commute trips, by providing education, assistance, and  
5 incentives to four target audiences: (a) Large work sites; (b)  
6 employees of businesses in downtown areas; (c) school children; and (d)  
7 residents of Bellingham.

8 (9) \$130,000 of the multimodal transportation account--state  
9 appropriation is provided solely to the department to distribute to  
10 support Engrossed Substitute House Bill No. 2072 (special needs  
11 transportation).

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

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

28 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by  
29 June 30, 2009, the amount provided in this subsection (9) lapses. If  
30 Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009,  
31 but a commitment from other sources to fully fund the pilot project  
32 described in (b) of this subsection has not been obtained by September  
33 30, 2009, the amount provided in (b) of this subsection lapses.

34 (10) Funds provided for the commute trip reduction program may also  
35 be used for the growth and transportation efficiency center program.

36 (11) An affected urban growth area that has not previously  
37 implemented a commute trip reduction program is exempt from the

1 requirements in RCW 70.94.527 if a solution to address the state  
2 highway deficiency that exceeds the person hours of delay threshold has  
3 been funded and is in progress during the 2009-11 fiscal biennium.

4 (12) \$2,309,000 of the multimodal transportation account--state  
5 appropriation is provided solely for the tri-county connection service  
6 for Island, Skagit, and Whatcom transit agencies.

7 **Sec. 917.** 2010 c 247 s 222 (uncodified) is amended to read as  
8 follows:

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

10	Puget Sound Ferry Operations Account--State	
11	Appropriation . . . . .	(( <del>\$425,922,000</del> ))
12		<u>\$446,961,000</u>

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

15 (1) ((~~\$78,754,952~~)) \$97,053,555 of the Puget Sound ferry operations  
16 account--state appropriation is provided solely for auto ferry vessel  
17 operating fuel in the 2009-11 fiscal biennium. This appropriation is  
18 contingent upon the enactment of sections 716 and 701 of this act. All  
19 fuel purchased by the Washington state ferries at Harbor Island truck  
20 terminal for the operation of the Washington state ferries diesel  
21 powered vessels must be a minimum of five percent biodiesel blend so  
22 long as the per gallon price of diesel containing a five percent  
23 biodiesel blend level does not exceed the per gallon price of diesel by  
24 more than five percent.

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

29 (3) If, after the department's review of fares and pricing  
30 policies, the department proposes a fuel surcharge, the department must  
31 evaluate other cost savings and fuel price stabilization strategies  
32 that would be implemented before the imposition of a fuel surcharge.  
33 The department shall report to the legislature and transportation  
34 commission on its progress of implementing new fuel forecasting and  
35 budgeting practices, price hedging contracts for fuel purchases, and  
36 fuel conservation strategies by November 30, 2010.

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

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

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

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

23 (8) (~~(\$4,794,000)~~) \$6,115,595 of the Puget Sound ferry operations  
24 account--state appropriation is provided solely for commercial  
25 insurance for ferry assets. The office of financial management, after  
26 consultation with the transportation committees of the legislature,  
27 must present a business plan for the Washington state ferry system's  
28 insurance coverage to the 2010 legislature. The business plan must  
29 include a cost-benefit analysis of Washington state ferries' current  
30 commercial insurance purchased for ferry assets and a review of self-  
31 insurance for noncatastrophic events.

32 (9) \$1,100,000 of the Puget Sound ferry operations account--state  
33 appropriation is provided solely for a marketing program. The  
34 department shall present a marketing program proposal to the  
35 transportation committees of the legislature during the 2010  
36 legislative session before implementing this program. Of this amount,  
37 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of  
38 Coupeville for mitigation expenses related to only one vessel operating

1 on the Port Townsend/Keystone ferry route. The moneys provided to the  
2 city of Port Townsend and town of Coupeville are not contingent upon  
3 the required marketing proposal.

4 (10) \$350,000 of the Puget Sound ferry operations account--state  
5 appropriation is provided solely for two extra trips per day during the  
6 summer of 2009 season, beyond the current schedule, on the Port  
7 Townsend/Keystone route.

8 (11) When purchasing uniforms that are required by collective  
9 bargaining agreements, the department shall contract with the lowest  
10 cost provider.

11 (12) The legislature finds that measuring the performance of  
12 Washington state ferries requires the measurement of quality,  
13 timeliness, and unit cost of services delivered to customers.  
14 Consequently, the department must develop a set of metrics that measure  
15 that performance and report to the transportation committees of the  
16 legislature and to the office of financial management on the  
17 development of these measurements along with recommendations to the  
18 2010 legislature on which measurements must become a part of the next  
19 omnibus transportation appropriations act.

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

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

1 (b) The process for appointing an investigating officer or officers  
2 and a description of the authorities and responsibilities of the  
3 investigating officer or officers. The investigating officer or  
4 officers must:

5 (i) Have the appropriate training and experience as determined by  
6 the policy;

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

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

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

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

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

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

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

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

32 (14) \$7,300,000 of the Puget Sound ferry operations account--state  
33 appropriation is provided solely for the purposes of travel time  
34 associated with Washington state ferries employees. However, if  
35 Engrossed Substitute House Bill No. 3209 (managing costs of ferry  
36 system) is enacted by June 30, 2010, containing an appropriation for  
37 purposes of travel time associated with Washington state ferries  
38 employees, the amount provided in this subsection lapses.



1 (15) \$50,000 of the Puget Sound ferry operations account--state  
2 appropriation is provided solely to implement a mechanism to report on-  
3 time performance statistics.

4 (a) The department shall conduct a study to identify process  
5 changes that would improve on-time performance on a route-by-route  
6 basis. The study must include looking into the slowing down of vessels  
7 for fuel economy purposes and touch-and-go sailings on peak runs. The  
8 department shall report its findings to the transportation committees  
9 of the senate and house of representatives by December 1, 2010.

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

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

25 (17) By July 1, 2010, the department shall provide to the governor  
26 and the transportation committees of the senate and house of  
27 representatives a listing of all benefits that Washington state ferries  
28 union employees receive that other state employees do not traditionally  
29 receive. The listing must include any costs associated with these  
30 benefits.

31 (18) The appropriations in this section assume savings associated  
32 with the memorandum of understanding reached between the governor and  
33 the following unions: Inlandboatmen's union of the pacific; Puget  
34 Sound metal trades council; office and professional employees  
35 international union local no. 8; marine engineers' beneficial  
36 association (unlicensed engine room employees); marine engineers'  
37 beneficial association (licensed engineer officers); masters, mates,

1 and pilots marine operations watch supervisors; and masters, mates, and  
2 pilots, under chapter 47.64 RCW for the 2009-2011 fiscal biennium.

3 **Sec. 918.** 2010 c 247 s 223 (uncodified) is amended to read as  
4 follows:

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

6 Multimodal Transportation Account--State

7 Appropriation . . . . . ((~~\$37,371,000~~))

8 \$29,871,000

9 Multimodal Transportation Account--Federal

10 Appropriation . . . . . \$100,000

11 TOTAL APPROPRIATION . . . . . \$29,971,000

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

14 (1) ((~~\$31,591,000~~)) \$24,091,000 of the multimodal transportation  
15 account--state appropriation is provided solely for the Amtrak service  
16 contract and Talgo maintenance contract associated with providing and  
17 maintaining the state-supported passenger rail service. Upon  
18 completion of the rail platform project in the city of Stanwood, the  
19 department shall provide daily Amtrak Cascades service to the city.

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

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

23 **Sec. 919.** 2010 c 247 s 224 (uncodified) is amended to read as  
24 follows:

25 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**

26 **OPERATING**

27 Motor Vehicle Account--State Appropriation . . . . . ((~~\$8,621,000~~))

28 \$8,618,000

29 Motor Vehicle Account--Federal Appropriation . . . . . \$2,545,000

30 TOTAL APPROPRIATION . . . . . ((~~\$11,166,000~~))

31 \$11,163,000

32 NEW SECTION. **Sec. 920.** A new section is added to 2010 c 247  
33 (uncodified) to read as follows:

34 The appropriations to the department of transportation in chapter  
35 247, Laws of 2010 and this act must be expended for the programs and in

1 the amounts specified in this act. However, after May 1, 2011, unless  
2 specifically prohibited, the department may transfer state  
3 appropriations for the 2009-2011 fiscal biennium among operating  
4 programs after approval by the director of the office of financial  
5 management. However, the department shall not transfer state moneys  
6 that are provided solely for a specific purpose. The department shall  
7 not transfer funds, and the director of the office of financial  
8 management shall not approve the transfer unless the transfer is  
9 consistent with the objective of conserving, to the maximum extent  
10 possible, the expenditure of state funds and not federal funds. The  
11 director of the office of financial management shall notify the  
12 appropriate transportation committees of the legislature prior to  
13 approving any allotment modifications or transfers under this section.  
14 The written notification must include a narrative explanation and  
15 justification of the changes, along with expenditures and allotments by  
16 program and appropriation, both before and after any allotment  
17 modifications or transfers.

18 **TRANSPORTATION AGENCIES--CAPITAL**

19 **Sec. 1001.** 2009 c 470 s 301 (uncodified) is amended to read as  
20 follows:

21 **FOR THE WASHINGTON STATE PATROL**

22 State Patrol Highway Account--State Appropriation . . . ((~~\$3,126,000~~))  
23 \$2,481,000

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

26 (1) \$1,626,000 of the state patrol highway account--state  
27 appropriation is provided solely for the following minor works  
28 projects: \$450,000 for Shelton training academy roofs; ((~~\$150,000 for~~  
29 ~~HVAC control replacements~~);) \$168,000 for upgrades to scales; \$50,000  
30 for Bellevue electrical equipment upgrades; ((~~\$90,000~~)) \$16,000 for  
31 South King detachment window replacement; \$200,000 for the replacement  
32 of the Naselle radio tower, generator shelter, and fence; \$200,000 for  
33 unforeseen emergency repairs; and \$318,000 for the Shelton training  
34 academy drive course/skid pan repair.

1 (2) (~~(\$1,500,000)~~) \$1,079,000 of the state patrol highway account--  
2 state appropriation is provided solely for the Shelton academy of the  
3 Washington state patrol and is contingent upon a signed agreement  
4 between the city of Shelton, the department of corrections, and the  
5 Washington state patrol that provides for an on-going payment to these  
6 three entities, based on their percentage of the total investment in  
7 the project, from all hookup fees, late comer fees, LIDS, and all other  
8 initial fees collected for the new waste water treatment lines, waste  
9 water plants, water lines, and water systems.

10 **Sec. 1002.** 2009 c 470 s 305 (uncodified) is amended to read as  
11 follows:

12 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF**  
13 **TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

14 Motor Vehicle Account--State Appropriation . . . . . (~~(\$4,810,000)~~)  
15 \$4,623,000

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

18 (1) \$1,198,000 of the motor vehicle account--state appropriation is  
19 provided solely for the Olympic region site acquisition debt service  
20 payments and administrative costs associated with capital improvement  
21 and preservation project and financial management.

22 (2) (~~(\$3,612,000)~~) \$3,425,000 of the motor vehicle account--state  
23 appropriation is provided solely for high priority safety projects that  
24 are directly linked to employee safety, environmental risk, or minor  
25 works that prevent facility deterioration. This includes the  
26 administrative costs associated with those projects and the  
27 reconstruction of the Wandermere facility that was destroyed in the  
28 2008-09 winter storms.

29 **Sec. 1003.** 2010 c 247 s 301 (uncodified) is amended to read as  
30 follows:

31 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

32 Rural Arterial Trust Account--State Appropriation . . . (~~(\$73,000,000)~~)  
33 \$70,000,000

34 Motor Vehicle Account--State Appropriation . . . . . \$1,048,000

35 County Arterial Preservation Account--State  
36 Appropriation . . . . . (~~(\$31,400,000)~~)

1 \$30,400,000  
 2 TOTAL APPROPRIATION . . . . . ((~~\$105,448,000~~))  
 3 \$101,448,000

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

6 (1) \$1,048,000 of the motor vehicle account--state appropriation  
 7 may be used for county ferry projects as developed pursuant to RCW  
 8 47.56.725(4).

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

17 (3) \$22,000,000 of the rural arterial trust account--state  
 18 appropriation is provided solely for additional grants for county road  
 19 projects as approved by the county road administration board.

20 **Sec. 1004.** 2010 c 247 s 302 (uncodified) is amended to read as  
 21 follows:

22 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**  
 23 Small City Pavement and Sidewalk Account--State  
 24 Appropriation . . . . . ((~~\$3,927,000~~))  
 25 \$3,737,000  
 26 Urban Arterial Trust Account--State Appropriation . . . . . ((~~\$123,900,000~~))  
 27 \$121,900,000  
 28 Transportation Improvement Account--State  
 29 Appropriation . . . . . ((~~\$81,643,000~~))  
 30 \$80,643,000  
 31 TOTAL APPROPRIATION . . . . . ((~~\$209,470,000~~))  
 32 \$206,280,000

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

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



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

3 (1) Except as provided otherwise in this section, the entire  
4 transportation 2003 account (nickel account) appropriation and the  
5 entire transportation partnership account appropriation are provided  
6 solely for the projects and activities as listed by fund, project, and  
7 amount in LEAP Transportation Document ((2010-1)) 2011-1 as developed  
8 March ((8, 2010)) 21, 2011, Program - Highway Improvement Program (I).  
9 However, limited transfers of specific line-item project appropriations  
10 may occur between projects for those amounts listed subject to the  
11 conditions and limitations in section 603 of this act.

12 (2) ((~~\$163,385,000~~)) \$158,094,000 of the transportation partnership  
13 account--state appropriation and ((~~\$231,763,000~~)) \$229,838,000 of the  
14 state route number 520 corridor account--state appropriation are  
15 provided solely for the state route number 520 bridge replacement and  
16 HOV project. The department shall submit an application for the  
17 eastside transit and HOV project to the supplemental discretionary  
18 grant program for regionally significant projects as provided in the  
19 American Recovery and Reinvestment Act of 2009. (3) As required under  
20 section 305(6), chapter 518, Laws of 2007, the department shall report  
21 by January 2010 to the transportation committees of the legislature on  
22 the findings of the King county noise reduction solutions pilot  
23 project.

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

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

33 (6) The department shall, on a quarterly basis beginning July 1,  
34 2009, provide to the office of financial management and the legislature  
35 reports providing the status on each active project funded in part or  
36 whole by the transportation 2003 account (nickel account) or the  
37 transportation partnership account. Funding provided at a programmatic  
38 level for transportation partnership account and transportation 2003

1 account (nickel account) projects relating to bridge rail, guard rail,  
2 fish passage barrier removal, and roadside safety projects should be  
3 reported on a programmatic basis. Projects within this programmatic  
4 level funding should be completed on a priority basis and scoped to be  
5 completed within the current programmatic budget. Report formatting  
6 and elements must be consistent with the October 2009 quarterly project  
7 report. On a representative sample of new construction contracts  
8 valued at fifteen million dollars or more, the department must also use  
9 an earned value method of project monitoring.

10 (7) The transportation 2003 account (nickel account)--state  
11 appropriation includes up to (~~(\$653,630,000)~~) \$567,964,000 in proceeds  
12 from the sale of bonds authorized by RCW 47.10.861.

13 (8) The transportation partnership account--state appropriation  
14 includes up to (~~(\$1,347,939,000)~~) \$1,261,092,000 in proceeds from the  
15 sale of bonds authorized in RCW 47.10.873.

16 (9) The special category C account--state appropriation includes up  
17 to (~~(\$25,221,000)~~) \$25,056,000 in proceeds from the sale of bonds  
18 authorized in RCW 47.10.812.

19 (10) The motor vehicle account--state appropriation includes up to  
20 (~~(\$43,000,000)~~) \$42,960,000 in proceeds from the sale of bonds  
21 authorized in RCW 47.10.843.

22 (11) The state route number 520 corridor account--state  
23 appropriation includes up to (~~(\$231,763,000)~~) \$229,838,000 in proceeds  
24 from the sale of bonds authorized in RCW 47.10.879.

25 (12) The department must prepare a tolling study for the Columbia  
26 river crossing project. While conducting the study, the department  
27 must coordinate with the Oregon department of transportation to perform  
28 the following activities:

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

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

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

37 (d) Confer with the project sponsor's council, as well as local and  
38 regional governing bodies adjacent to the Interstate 5 Columbia river



1 crossing corridor and the Interstate 205 corridor regarding the  
2 implementation of tolls, the impacts that the implementation of tolls  
3 might have on the operation of the corridors, the diversion of traffic  
4 to local streets, and potential mitigation measures;

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

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

10 (g) Conduct public work sessions and open houses to provide  
11 information to citizens, including users of the bridge and business and  
12 freight interests, regarding implementation of tolls on the Interstate  
13 5 and to solicit citizen views on the following items:

14 (i) Funding a portion of the Columbia river crossing project with  
15 tolls;

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

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

20 (h) Provide a report to the governor and the legislature by January  
21 2010.

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

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

30 (i) Confer with the mayors and city councils of jurisdictions in  
31 the vicinity of the project regarding the implementation of high  
32 occupancy toll lanes and the impacts that the implementation of these  
33 high occupancy toll lanes might have on the operation of the corridor  
34 and adjacent local streets;

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

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

4 (iv) Provide a report to the governor and the legislature by  
5 January 2010.

6 (14) (~~(\$6,488,000)~~) \$1,323,000 of the motor vehicle account--state  
7 appropriation and (~~(\$5,000)~~) \$3,628,000 of the motor vehicle account--  
8 federal appropriation are provided solely for project 100224I, US 2  
9 high priority safety project. Expenditure of these funds is for safety  
10 projects on state route number 2 between Monroe and Gold Bar, which may  
11 include median rumble strips, traffic cameras, and electronic message  
12 signs.

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

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

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

33 (18) \$250,000 of the motor vehicle account--state appropriation is  
34 provided solely for the design and construction of a right turn lane to  
35 improve visibility and traffic flow on state route number 195 and  
36 Cheney-Spokane Road (project L1000001).

37 (19) (~~(\$730,000)~~) \$724,000 of the motor vehicle account--federal

1 appropriation and (~~(\$16,000)~~) \$17,000 of the motor vehicle account--  
2 state appropriation are provided solely for the Westview school noise  
3 wall (project WESTV).

4 (20) (~~(\$2,000)~~) \$3,000 of the motor vehicle account--state  
5 appropriation and \$131,000 of the motor vehicle account--federal  
6 appropriation are provided solely for interchange design and planning  
7 work on US 12 at A Street and Tank Farm Road (project PASCO).

8 (21) (~~(\$21,566,000)~~) \$13,246,000 of the transportation partnership  
9 account--state appropriation, (~~(\$26,000)~~) \$27,000 of the motor vehicle  
10 account--state appropriation, (~~(\$30,000,000)~~) \$40,000,000 of the motor  
11 vehicle account--private/local appropriation, and (~~(\$4,334,000)~~)  
12 \$9,422,000 of the motor vehicle account--federal appropriation are  
13 provided solely for project 400506A, the I-5/Columbia river  
14 crossing/Vancouver project. The funding described in this subsection  
15 includes a (~~(\$30,000,000)~~) \$40,000,000 contribution from the state of  
16 Oregon.

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

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

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

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

1 (24) Project number 330215A in the LEAP transportation document  
2 described in subsection (1) of this section is expanded to include  
3 safety and congestion improvements from the Key Peninsula Highway to  
4 the vicinity of Purdy. The department shall consult with the  
5 Washington traffic safety commission to ensure that this project  
6 includes improvements at intersections and along the roadway to reduce  
7 the frequency and severity of collisions related to roadway conditions  
8 and traffic congestion.

9 (25) (~~(\$8,890,000)~~) \$5,831,000 of the transportation partnership  
10 account--state appropriation is provided solely for project 109040Q,  
11 the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3  
12 project, as indicated in the LEAP transportation document referenced in  
13 subsection (1) of this section.

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

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

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

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

1 transportation committee by September 30, 2010. The department shall  
2 regularly report to the Washington transportation commission regarding  
3 the progress of the study for the purpose of guiding the commission's  
4 potential toll setting on the facility. The elements of the study must  
5 include, at a minimum:

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

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

9 (c) Economic considerations for future system investments.

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

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

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

25 (c) Economic considerations for future system investments.

26 (31) Within the amounts provided in this section, (~~(\$28,000,000)~~)  
27 \$44,429,000 of the transportation partnership account--state  
28 appropriation is for project 600010A, as identified in the LEAP  
29 transportation document in subsection (1) of this section: NSC-North  
30 Spokane corridor design and right-of-way - new alignment. Expenditure  
31 of these funds is for preliminary engineering and right-of-way  
32 purchasing to prepare for four lanes to be built from where existing  
33 construction ends at Francis Avenue for three miles to the Spokane  
34 river. Additionally, any savings realized on project 600001A, as  
35 identified in the LEAP transportation document in subsection (1) of  
36 this section: US 395/NSC-Francis Avenue to Farwell Road - New  
37 Alignment, must be applied to project 600010A.

1 (32) \$400,000 of the motor vehicle account--state appropriation is  
2 provided solely for the department to conduct a state route number 2  
3 route development plan (project L2000016) that will identify essential  
4 improvements needed between the port of Everett/Naval station and  
5 approaching the state route number 9 interchange near the city of  
6 Snohomish.

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

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

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

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

36 (37) \$10,000,000 of the transportation partnership account--state  
37 appropriation is provided solely for the Spokane street viaduct portion

1 of project 809936Z, SR 99/Alaskan Way Viaduct - Replacement project as  
2 indicated in the LEAP transportation document referenced in subsection  
3 (1) of this section.

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

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

20 (40) (~~(\$5,500,000)~~) \$3,388,000 of the motor vehicle account--  
21 federal appropriation is provided solely for the Alaskan Way Viaduct -  
22 Automatic Shutdown project, identified as project L1000034.

23 (41) (~~(\$2,244,000)~~) \$2,937,000 of the motor vehicle account--  
24 federal appropriation and (~~(\$122,000)~~) \$163,000 of the motor vehicle  
25 account--state appropriation are provided solely for the US 12/Nine  
26 Mile Hill to Woodward Canyon Vic - Build New Highway project,  
27 identified as project 501210T.

28 (42) (~~(\$790,000)~~) \$1,116,000 of the motor vehicle account--federal  
29 appropriation is provided solely for the Express Lanes System Concept  
30 Study project, identified as project 800020A. As part of this project,  
31 the department shall prepare a comprehensive tolling study of the  
32 Interstate 5 express lanes to determine the feasibility of  
33 administering tolls within the corridor. The department shall  
34 regularly report to the Washington transportation commission regarding  
35 the progress of the study. The elements of the study must include, at  
36 a minimum:

37 (i) The potential for value pricing to generate revenues for needed  
38 transportation facilities;

1 (ii) Maximizing the efficient operation of the corridor;  
2 (iii) Economic considerations for future system investments; and  
3 (iv) An analysis of the impacts to the regional transportation  
4 system.

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

7 (~~(44)~~ ~~\$226,000~~) (43) \$110,000 of the motor vehicle account--  
8 federal appropriation and (~~(\$9,000)~~) \$5,000 of the motor vehicle  
9 account--state appropriation are provided solely for the SR 16/Rosedale  
10 Street NW Vicinity - Frontage Road project (301639C). These funds must  
11 not be expended before an agreement stating that the city of Gig Harbor  
12 will take ownership of the road has been signed. The frontage road  
13 must be built for driving speeds of no more than thirty-five miles per  
14 hour.

15 (~~(45)~~) (44) The department shall work with the Washington state  
16 transportation commission, the Oregon state department of  
17 transportation, and the Oregon state transportation commission to  
18 analyze and review potential options for a bistate, toll setting  
19 framework. As part of the analysis, the department shall undertake the  
20 following actions: Review statutory provisions and the governance  
21 structures of toll facilities in the United States that are located  
22 within two or more states; review relevant federal law regarding  
23 transportation facilities that are located within two or more states;  
24 consult with the state treasurers in Washington and Oregon regarding  
25 the appropriate structure for the issuance of debt for toll facilities  
26 that are located within two states; report findings and recommendations  
27 to the Columbia river project sponsor's council by October 1, 2010; and  
28 provide a final report to the governor and the legislature by June 30,  
29 2011.

30 (~~(46)~~) (45) \$750,000 of the motor vehicle account--state  
31 appropriation is provided solely for improvements from Allan Road to  
32 state route number 12 (501207Z).

33 (~~(47)~~ ~~\$500,000~~) (46) \$455,000 of the motor vehicle account--state  
34 appropriation is provided solely for a traffic signal at the  
35 intersection of state route number 7 and state route number 702  
36 (300738A).

37 (~~(48)~~ ~~\$750,000~~) (47) \$316,000 of the motor vehicle account--state



1 appropriation is provided solely for environmental work on the Belfair  
2 Bypass (project 300344C).

3 ~~((+49+))~~ (48) The legislature finds that state route number 522  
4 corridor provides an important link between Interstates 5 and 405 and  
5 will be impacted by diversion from tolling elsewhere in the region.  
6 State route number 522 must be reviewed as part of the scoping work  
7 conducted under section 220(4) of this act. As such, the legislature  
8 intends to provide additional funding for the corridor as a priority in  
9 the next revenue package. The state will work with the affected cities  
10 and the federal government to secure the necessary resources to address  
11 the needs of this critical corridor.

12 ~~((+50) \$500,000)~~ (49) \$558,000 of the motor vehicle account--state  
13 appropriation is provided solely for the US 12/SR 122/Mossyrock -  
14 Intersection project (401212R) for safety improvements.

15 ~~((+51) \$200,000)~~ (50) \$527,000 of the motor vehicle account--  
16 federal appropriation is provided solely for project US 97A/North of  
17 Wenatchee - Wildlife Fence (209790B), and an offsetting reduction is  
18 anticipated in the 2011-13 biennium.

19 ~~((+52+))~~ (51) If a planned roundabout in the vicinity of state  
20 route number 526 and 84th Street SW would divert commercial traffic  
21 onto neighborhood streets, the department may not proceed with  
22 improvements at state route number 526 and 84th Street SW until the  
23 traffic impacts in the vicinity of state route number 526 and 40th  
24 Avenue West are addressed.

25 ~~((+53+))~~ (52) The department shall conduct a collision analysis  
26 corridor study on state route number 167 from milepost 0 to milepost 5  
27 and report to the transportation committees of the legislature on the  
28 analysis results by December 1, 2010.

29 ~~((+54) \$2,600,000)~~ (53) \$357,000 of the motor vehicle account--  
30 federal appropriation is provided solely for the ITS Advanced Traveler  
31 Information System project in Whatcom county (100589B).

32 ~~((+55) \$900,000)~~ (54) \$94,000 of the motor vehicle account--  
33 federal appropriation is provided solely for the US 97/Cameron Lake  
34 Road intersection improvements project in Okanogan county (209700W).

35 ~~((+56) \$400,000)~~ (55) \$294,000 of the motor vehicle account--  
36 federal appropriation and ~~((+56) \$100,000)~~ \$74,000 of the motor vehicle  
37 account--state appropriation are provided solely for the SR 9/SR 204  
38 Intersection Improvement project (L2000040).

1 ((+57)) (56) The legislature finds that the state route number 12  
2 widening from state route number 124 to Walla Walla is an important  
3 east-west corridor in the southeast region of the state. Widening the  
4 highway to four lanes will increase safety and improve freight  
5 mobility. Therefore, the legislature intends for the department to use  
6 up to two million dollars in future redistributed federal obligation  
7 authority that may be received by the department for right-of-way  
8 purchase for the US 12/Nine Mile Hill to Woodward Canyon Vicinity -  
9 Phase 7-A project (501210T).

10 **Sec. 1006.** 2010 c 247 s 304 (uncodified) is amended to read as  
11 follows:

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

13 Transportation Partnership Account--State	
14 Appropriation . . . . .	(( <del>\$75,305,000</del> ))
	<u>\$67,381,000</u>
16 Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$96,884,000</del> ))
17	<u>\$92,733,000</u>
18 Motor Vehicle Account--Federal Appropriation . . . . .	(( <del>\$556,705,000</del> ))
19	<u>\$528,158,000</u>
20 Motor Vehicle Account--Private/Local	
21 Appropriation . . . . .	(( <del>\$18,768,000</del> ))
22	<u>\$19,675,000</u>
23 Transportation 2003 Account (Nickel Account)--State	
24 Appropriation . . . . .	(( <del>\$6,328,000</del> ))
25	<u>\$6,148,000</u>
26 Puyallup Tribal Settlement Account--State	
27 Appropriation . . . . .	(( <del>\$6,636,000</del> ))
28	<u>\$6,647,000</u>
29 TOTAL APPROPRIATION . . . . .	(( <del>\$760,626,000</del> ))
30	<u>\$720,742,000</u>

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

33 (1) Except as provided otherwise in this section, the entire  
34 transportation 2003 account (nickel account) appropriation and the  
35 entire transportation partnership account appropriation are provided  
36 solely for the projects and activities as listed by fund, project, and  
37 amount in LEAP Transportation Document ((2010-1)) 2011-1 as developed

1 March (~~8, 2010~~) 21, 2011, Program - Highway Preservation Program (P).  
2 However, limited transfers of specific line-item project appropriations  
3 may occur between projects for those amounts listed subject to the  
4 conditions and limitations in section 603 of this act.

5 (2) (~~(\$542,000)~~) \$546,000 of the motor vehicle account--federal  
6 appropriation and (~~(\$453,000)~~) \$188,000 of the motor vehicle account--  
7 state appropriation are provided solely for project 602110F, SR  
8 21/Keller ferry boat - Preservation. Funds are provided solely for  
9 preservation work on the existing vessel, the Martha S.

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

13 (4) \$6,636,000 of the Puyallup tribal settlement account--state  
14 appropriation is provided solely for costs associated with the Murray  
15 Morgan/11th Street bridge project. The city of Tacoma may use the  
16 Puyallup tribal settlement account appropriation and other appropriated  
17 funds for bridge rehabilitation, bridge replacement, bridge demolition,  
18 and related mitigation. The department's participation, including  
19 prior expenditures, may not exceed (~~(\$40,270,000)~~) \$40,281,000. The  
20 city of Tacoma has taken ownership of the bridge in its entirety, and  
21 the payment of these funds extinguishes any real or implied agreements  
22 regarding future bridge expenditures.

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

28 (6) The department shall, on a quarterly basis beginning July 1,  
29 2009, provide to the office of financial management and the legislature  
30 reports providing the status on each active project funded in part or  
31 whole by the transportation 2003 account (nickel account) or the  
32 transportation partnership account. Funding provided at a programmatic  
33 level for transportation partnership account projects relating to  
34 seismic bridges should be reported on a programmatic basis. Projects  
35 within this programmatic level funding should be completed on a  
36 priority basis and scoped to be completed within the current  
37 programmatic budget. The department shall work with the office of  
38 financial management and the transportation committees of the

1 legislature to agree on report formatting and elements. Elements must  
2 include, but not be limited to, project scope, schedule, and costs.  
3 For new construction contracts valued at fifteen million dollars or  
4 more, the department must also use an earned value method of project  
5 monitoring. The department shall also provide the information required  
6 under this subsection on a quarterly basis via the transportation  
7 executive information systems (TEIS).

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

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

17 (i) The current backlog of asphalt and concrete pavement  
18 preservation projects;

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

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

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

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

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

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

1 (9) (~~(\$299,000)~~) \$581,000 of the motor vehicle account--state  
2 appropriation, (~~(\$23,425,000)~~) \$25,207,000 of the motor vehicle  
3 account--federal appropriation, and (~~(\$373,000)~~) \$273,000 of the  
4 transportation partnership account--state appropriation are provided  
5 solely for the SR 104/Hood Canal bridge - replace east half project,  
6 identified as project 310407B in the LEAP transportation document  
7 described in subsection (1) of this section.

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

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

15 (12) (~~(\$1,440,000)~~) \$1,160,000 of the motor vehicle account--  
16 federal appropriation and (~~(\$60,000)~~) \$54,000 of the motor vehicle  
17 account--state appropriation are provided solely for the environmental  
18 impact statement and preliminary planning for the replacement of the  
19 state route number 9 Snohomish river bridge (project L2000018).

20 (13) (~~(\$12,503,000)~~) \$13,833,000 of the motor vehicle account--  
21 federal appropriation and (~~(\$497,000)~~) \$479,000 of the motor vehicle  
22 account--state appropriation are provided solely for the SR 410/Nile  
23 Valley Landslide - Establish Interim Detour project (541002R).

24 (14) (~~(\$4,239,000)~~) \$3,933,000 of the motor vehicle account--  
25 federal appropriation and (~~(\$662,000)~~) \$615,000 of the motor vehicle  
26 account--state appropriation are provided solely for the SR 410/Nile  
27 Valley Landslide - Reconstruct Route project (541002T).

28 (~~(+16)~~) (15) The legislature anticipates a report in September  
29 2010 that will outline the department's recommendation for developing  
30 a Keller Ferry replacement at the lowest cost. The legislature  
31 supports the request to the federal government for federal aid for a  
32 replacement vessel and intends to provide reasonable matching amounts  
33 as necessary.

34 (~~(+17)~~ ~~\$2,100,000~~) (16) \$194,000 of the motor vehicle account--  
35 federal appropriation is provided solely for the SR 21/Kettle River to  
36 Malo paving project in Ferry county (602117A).

1       **Sec. 1007.** 2010 c 247 s 305 (uncodified) is amended to read as  
2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**  
4 **CAPITAL**

5	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$8,158,000</del> ))
6		<u>\$6,847,000</u>
7	Motor Vehicle Account--Federal Appropriation . . . . .	(( <del>\$18,037,000</del> ))
8		<u>\$11,412,000</u>
9	Motor Vehicle Account--Private/Local Appropriation . . . . .	(( <del>\$173,000</del> ))
10		<u>\$174,000</u>
11	TOTAL APPROPRIATION . . . . .	(( <del>\$26,368,000</del> ))
12		<u>\$18,433,000</u>

13       **Sec. 1008.** 2010 c 283 s 19 (uncodified) is amended to read as  
14 follows:

15 **FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES**  
16 **CONSTRUCTION--PROGRAM W**

17	Puget Sound Capital Construction Account--State	
18	Appropriation . . . . .	(( <del>\$126,824,000</del> ))
19		<u>\$106,589,000</u>
20	Puget Sound Capital Construction Account--Federal	
21	Appropriation . . . . .	(( <del>\$60,364,000</del> ))
22		<u>\$51,194,000</u>
23	Puget Sound Capital Construction Account--Local	
24	Appropriation . . . . .	\$200,000
25	Transportation 2003 Account (Nickel Account)--State	
26	Appropriation . . . . .	(( <del>\$51,734,000</del> ))
27		<u>\$51,735,000</u>
28	Transportation Partnership Account--State	
29	Appropriation . . . . .	(( <del>\$66,879,000</del> ))
30		<u>\$102,660,000</u>
31	Multimodal Transportation Account--State	
32	Appropriation . . . . .	\$149,000
33	TOTAL APPROPRIATION . . . . .	(( <del>\$306,150,000</del> ))
34		<u>\$312,527,000</u>

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

1 (1) (~~(\$126,824,000)~~) \$106,589,000 of the Puget Sound capital  
2 construction account--state appropriation, (~~(\$60,364,000)~~) \$51,194,000  
3 of the Puget Sound capital construction account--federal appropriation,  
4 \$200,000 of the Puget Sound capital construction account--local  
5 appropriation, (~~(\$66,879,000)~~) \$102,660,000 of the transportation  
6 partnership account--state appropriation, (~~(\$51,734,000)~~) \$51,735,000  
7 of the transportation 2003 account (nickel account)--state  
8 appropriation, and \$149,000 of the multimodal transportation account--  
9 state appropriation are provided solely for ferry capital projects,  
10 project support, and administration as listed in LEAP Transportation  
11 Document ALL PROJECTS (~~(2010-2)~~) 2011-2 as developed March (~~(8, 2010)~~)  
12 21, 2011, Program - Ferries Construction Program (W). Of the total  
13 appropriation, a maximum of \$10,627,000 may be used for administrative  
14 support, a maximum of (~~(\$8,184,000)~~) \$7,635,000 may be used for  
15 terminal project support, and a maximum of \$4,497,000 may be used for  
16 vessel project support. Of the total appropriation, (~~(\$5,851,000)~~)  
17 \$2,016,000 is provided solely for a reservation system and associated  
18 communications projects.

19 (2) (~~(\$51,734,000)~~) \$51,735,000 of the transportation 2003 account  
20 (nickel account)--state appropriation, (~~(\$63,100,000)~~) \$99,891,000 of  
21 the transportation partnership account--state appropriation, and  
22 (~~(\$10,164,000)~~) \$10,165,000 of the Puget Sound capital construction  
23 account--state appropriation are provided solely for the acquisition of  
24 three new Island Home class ferry vessels subject to the conditions of  
25 RCW 47.56.780. The department shall pursue a contract for the second  
26 and third Island Home class ferry vessels with an option to purchase a  
27 fourth Island Home class ferry vessel. However, if sufficient  
28 resources are available to build one 144-auto vessel prior to  
29 exercising the option to build the fourth Island Home class ferry  
30 vessel, procurement of the fourth Island Home class ferry vessel will  
31 be postponed and the department shall pursue procurement of a 144-auto  
32 vessel.

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

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

1 (c) Cost savings from the following initiatives will be included in  
2 the funding of these vessels: The department's review and update of  
3 the vessel life-cycle cost model as required under this section; and  
4 the implementation of technology efficiencies as required under section  
5 602 of this act.

6 (3)(a) \$8,450,000 of the Puget Sound capital construction account--  
7 state appropriation and (~~(\$2,450,000)~~) \$1,450,000 of the transportation  
8 partnership account--state appropriation are provided solely for the  
9 following projects related to the design of a 144-vehicle vessel class:  
10 (i) \$1,380,000 is provided solely for completion of the contract for  
11 owner-furnished equipment; (ii) (~~(\$8,320,000)~~) \$7,320,000 is provided  
12 solely for completion of the technical design, detail design, and  
13 production drawings, all of which must plan for an aluminum  
14 superstructure; (iii) \$480,000 is provided solely for the storage of  
15 owner-furnished equipment; and (iv) a maximum of \$720,000 is for  
16 construction engineering. In completing the contract for owner-  
17 furnished equipment, the department shall use as much of the already  
18 procured equipment as is practicable on the Island Home class ferry  
19 vessels if it is likely to be obsolete before it is used in procured  
20 144-vehicle vessels.

21 (b) The department shall conduct a cost-benefit study on  
22 alternative furnishings and fittings for the 144-vehicle vessel class.  
23 The study must review the proposed interior furnishings and fittings  
24 for the long-term maintenance and out-of-service vessel costs and, if  
25 appropriate, propose alternative interior furnishings and fittings that  
26 will decrease long-term maintenance and out-of-service vessel costs.  
27 The study must include a projection of out-of-service time and a life-  
28 cycle cost analysis of planned out-of-service time, including the  
29 impact on fleet size. The department must submit the study to the  
30 joint transportation committee by August 1, 2010.

31 (c) The department shall identify costs for any additional detail  
32 design and production drawings costs related to incorporating the  
33 aluminum superstructure and any changes in the proposed furnishings and  
34 fittings.

35 (4) \$6,300,000 of the Puget Sound capital construction account--  
36 state appropriation is provided solely for emergency capital costs.

37 (5) (~~(\$3,000,000)~~) \$273,000 of the Puget Sound capital construction  
38 account--federal appropriation is provided solely for completing the



1 Anacortes terminal design up to the maximum allowable construction cost  
2 phase. Beyond preparing environmental work, these funds may be spent  
3 only after the following conditions have been met: (a) A value  
4 engineering process is conducted on the existing design and the concept  
5 of a terminal building smaller than preferred alternative; (b) the  
6 office of financial management participates in the value engineering  
7 process; (c) the office of financial management concurs with the  
8 recommendations of the value engineering process; and (d) the office of  
9 financial management gives its approval to proceed with the design  
10 work.

11 (6) (~~(\$3,965,000)~~) \$2,189,000 of the Puget Sound capital  
12 construction account--state appropriation is provided solely for the  
13 following vessel projects: Waste heat recovery pilot project for the  
14 Issaquah; jumbo Mark 1 class steering gear ventilation pilot project;  
15 and improvements to the Yakima and Kaleetan propulsion controls to  
16 allow for two engine operation. Before beginning these projects, the  
17 Washington state ferries must ensure the vessels' out-of-service time  
18 does not negatively impact service to the system.

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

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

34 (9) The department shall review and adjust its capital program  
35 staffing levels to ensure staffing is at the most efficient level  
36 necessary to implement the capital program in the omnibus  
37 transportation appropriations act. The Washington state ferries shall

1 report this review and adjustment to the office of financial management  
2 and the house and senate transportation committees of the legislature  
3 by July 2009.

4 (10) \$1,200,000 of the total appropriation is provided solely for  
5 improving the toll booth configuration at the Port Townsend and  
6 Keystone ferry terminals.

7 (11) \$2,636,000 of the total appropriation is provided solely for  
8 continued permitting work on the Mukilteo ferry terminal. The  
9 department shall seek additional federal funding for this project.

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

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

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

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

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

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

29 (iv) A review of the department's vessel maintenance, preservation,  
30 and improvement program contracting process and contractual  
31 requirements;

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

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

37 (vii) Coordination with required United States coast guard dry  
38 dockings;

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

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

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

8 (13) \$247,000 of the Puget Sound capital construction account--  
9 state appropriation is provided solely for the Washington state ferries  
10 to review and update its vessel life-cycle cost model and report the  
11 results to the house of representatives and senate transportation  
12 committees of the legislature by December 1, 2010. This review will  
13 evaluate the impact of the planned out-of-service periods scheduled for  
14 each vessel on the ability of the overall system to deliver  
15 uninterrupted service and will assess the risk of service disruption  
16 from unscheduled maintenance or longer than planned maintenance  
17 periods.

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

25 (15) The Puget Sound capital construction account--state  
26 appropriation includes up to (~~(\$114,000,000)~~) \$90,679,000 in proceeds  
27 from the sale of bonds authorized in RCW 47.10.843.

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

31 (17) The department shall provide data to the transportation  
32 committees of the senate and house of representatives for a transparent  
33 analysis of travel pay policies.

34 **Sec. 1009.** 2010 c 247 s 307 (uncodified) is amended to read as  
35 follows:

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

37 Essential Rail Assistance Account--State

1	Appropriation . . . . .	(( <del>\$333,000</del> ))
2		<u>\$334,000</u>
3	Transportation Infrastructure Account--State	
4	Appropriation . . . . .	(( <del>\$13,184,000</del> ))
5		<u>\$12,348,000</u>
6	Multimodal Transportation Account--State	
7	Appropriation . . . . .	(( <del>\$102,202,000</del> ))
8		<u>\$84,733,000</u>
9	Multimodal Transportation Account--Federal	
10	Appropriation . . . . .	(( <del>\$619,527,000</del> ))
11		<u>\$48,445,000</u>
12	<del>((Multimodal Transportation Account--Private/Local</del>	
13	<del>Appropriation . . . . .</del>	<del>(\$81,000))</del>
14	TOTAL APPROPRIATION . . . . .	(( <del>\$735,327,000</del> ))
15		<u>\$145,860,000</u>

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 ((~~2010-2~~)) 2011-2 as developed March ((~~8, 2010~~))  
22 21, 2011, Program - Rail Capital Program (Y).

23 (b)(i) Within the amounts provided in this section, \$116,000 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 Ephrata (BIN 722710A) for rehabilitation of a rail spur.

27 (ii) Within the amounts provided in this section, ((~~\$1,200,000~~))  
28 \$400,000 of the transportation infrastructure account--state  
29 appropriation is for a low-interest loan through the freight rail  
30 investment bank program to the Port of Everett (BIN 722810A) for a new  
31 rail track to connect a cement loading facility to the mainline.

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

36 (c)(i) Within the amounts provided in this section, \$1,713,000 of  
37 the multimodal transportation account--state appropriation and \$333,000  
38 of the essential rail assistance account--state appropriation are for

1 statewide - emergent freight rail assistance projects as follows: Port  
2 of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A)  
3 \$363,000; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A)  
4 \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN  
5 700610A) \$371,000; Chelatchie Prairie owned railroad/Vancouver - track  
6 rehabilitation (BIN 710110A) \$367,000; Tacoma Rail/Tacoma - improved  
7 locomotive facility (BIN 711010B) \$525,000.

8 (ii) Within the amounts provided in this section, (~~(\$338,000)~~)  
9 \$346,000 of the multimodal transportation account--state appropriation  
10 is for a statewide - emergent freight rail assistance project grant for  
11 the Lincoln County PDA/Creston - new rail spur (BIN (~~(710510A)~~)  
12 F01001E) project, provided that the grantee first documents to the  
13 satisfaction of the department sufficient commitments from the new  
14 shipper or shippers to locate in the publicly owned industrial park  
15 west of Creston to ensure that the net present value of the public  
16 benefits of the project is greater than the grant amount.

17 (d) Within the amounts provided in this section, (~~(\$8,115,000)~~)  
18 \$8,079,000 of the transportation infrastructure account--state  
19 appropriation is for grants to any intergovernmental entity or local  
20 rail district to which the department of transportation assigns the  
21 management and oversight responsibility for the business and economic  
22 development elements of existing operating leases on the Palouse River  
23 and Coulee City (PCC) rail lines. \$300,000 of the transportation  
24 infrastructure account--state appropriation is provided solely for the  
25 fence line replacement project on the CW line. The PCC rail line  
26 system is made up of the CW, P&L, and PV Hooper rail lines. Business  
27 and economic development elements include such items as levels of  
28 service and business operating plans, but must not include the state's  
29 oversight of railroad regulatory compliance, rail infrastructure  
30 condition, or real property management issues. The PCC rail system  
31 must be managed in a self-sustaining manner and best efforts must be  
32 used to ensure that it does not require state capital or operating  
33 subsidy beyond the level of state funding expended on it to date. The  
34 assignment of the stated responsibilities to an intergovernmental  
35 entity or rail district must be on terms and conditions as the  
36 department of transportation and the intergovernmental entity or rail  
37 district mutually agree. The grant funds may be used only to refurbish  
38 the rail lines. It is the intent of the legislature to make the funds

1 appropriated in this section available as grants to an  
2 intergovernmental entity or local rail district for the purposes stated  
3 in this section at least until June 30, 2012, and to reappropriate as  
4 necessary any portion of the appropriation in this section that is not  
5 used by June 30, 2011.

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

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

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

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

29 (ii) Self-sustaining economic development that creates family-wage  
30 jobs;

31 (iii) Preservation of transportation corridors that would otherwise  
32 be lost;

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

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

37 (vi) Mitigation of impacts of increased rail traffic on  
38 communities.

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

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

32 (5) The department shall provide quarterly reports to the office of  
33 financial management and the transportation committees of the  
34 legislature regarding applications that the department submits for  
35 federal funds and the status of such applications.

36 (6) The department shall, on a quarterly basis, provide to the  
37 office of financial management and the legislature reports providing  
38 the status on active projects identified in the LEAP transportation

1 document described in subsection (1)(a) of this section. Report  
2 formatting and elements must be consistent with the October 2009  
3 quarterly project report.

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

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

11 (9) (~~(\$590,000,000)~~) \$22,354,000 of the multimodal transportation  
12 account--federal appropriation is provided solely for high-speed rail  
13 projects awarded to Washington state from the high-speed intercity  
14 passenger rail program under the American recovery and reinvestment  
15 act. Funding will allow for two additional round trips between Seattle  
16 and Portland, and other rail improvements.

17 (10) (~~(\$2,200,000)~~) \$1,856,000 of the multimodal transportation  
18 account--state appropriation is provided solely for expenditures  
19 related to the capital high-speed passenger rail grant that are not  
20 federally reimbursable.

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

28 (12) \$1,000,000 of the multimodal transportation account--state  
29 appropriation is provided solely for additional expenditures along the  
30 Chelatchie Prairie railroad (~~(LN2000025)~~) (710110A).

31 (13) \$984,000 of the multimodal transportation account--state  
32 appropriation is provided solely for the department for expenditures  
33 associated with the Port of Quincy project (BIN F01170A). The  
34 department shall seek federal or other reimbursement for these funds  
35 and shall include this project in the quarterly reports described in  
36 subsection (6) of this section.



1       **Sec. 1010.** 2010 c 247 s 308 (uncodified) is amended to read as  
2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**  
4 **CAPITAL**

5	<del>((Highway Infrastructure Account--State Appropriation . . . . .</del>	<del>\$207,000</del>
6	<del>Highway Infrastructure Account--Federal</del>	
7	<del>Appropriation . . . . .</del>	<del>\$1,602,000))</del>
8	Freight Mobility Investment Account--State	
9	Appropriation . . . . .	(( <del>\$13,848,000</del> ))
10		<u>\$9,170,000</u>
11	Transportation Partnership Account--State	
12	Appropriation . . . . .	(( <del>\$8,863,000</del> ))
13		<u>\$6,828,000</u>
14	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$14,068,000</del> ))
15		<u>\$9,901,000</u>
16	Motor Vehicle Account--Federal Appropriation . . . . .	(( <del>\$43,835,000</del> ))
17		<u>\$25,727,000</u>
18	Freight Mobility Multimodal Account--State	
19	Appropriation . . . . .	(( <del>\$15,620,000</del> ))
20		<u>\$7,472,000</u>
21	Freight Mobility Multimodal Account--Local	
22	Appropriation . . . . .	(( <del>\$3,258,000</del> ))
23		<u>\$3,058,000</u>
24	Multimodal Transportation Account--Federal	
25	Appropriation . . . . .	\$2,118,000
26	Multimodal Transportation Account--State	
27	Appropriation . . . . .	(( <del>\$28,855,000</del> ))
28		<u>\$20,923,000</u>
29	Transportation 2003 Account (Nickel Account)--State	
30	Appropriation . . . . .	\$2,709,000
31	Passenger Ferry Account--State Appropriation . . . . .	(( <del>\$2,879,000</del> ))
32		<u>\$1,764,000</u>
33	Puyallup Tribal Settlement Account--State	
34	Appropriation . . . . .	(( <del>\$5,895,000</del> ))
35		<u>\$5,905,000</u>
36	TOTAL APPROPRIATION . . . . .	(( <del>\$143,757,000</del> ))
37		<u>\$95,575,000</u>

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

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

12 (2) (~~(\$2,729,000)~~) \$1,614,000 of the passenger ferry account--state  
13 appropriation is provided solely for near and long-term costs of  
14 capital improvements in a business plan approved by the governor for  
15 passenger ferry service.

16 (3) \$150,000 of the passenger ferry account--state appropriation is  
17 provided solely for the Port of Kingston for a one-time operating  
18 subsidy needed to retain a federal grant.

19 (4) \$3,000,000 of the motor vehicle account--federal appropriation  
20 is provided solely for the Coal Creek parkway project (L1000025).

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

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

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

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

7 (9) (~~(\$18,289,000)~~) \$13,733,000 of the multimodal transportation  
8 account--state appropriation, (~~(\$8,810,000)~~) \$7,104,000 of the motor  
9 vehicle account--federal appropriation, and (~~(\$4,000,000)~~) \$2,805,000  
10 of the transportation partnership account--state appropriation are  
11 provided solely for the pedestrian and bicycle safety program projects  
12 and safe routes to schools program projects identified in LEAP  
13 Transportation Document 2009-A, pedestrian and bicycle safety program  
14 projects and safe routes to schools program projects, as developed  
15 March 30, 2009, LEAP Transportation Document 2007-A, pedestrian and  
16 bicycle safety program projects and safe routes to schools program  
17 projects, as developed April 20, 2007, and LEAP Transportation Document  
18 2006-B, pedestrian and bicycle safety program projects and safe routes  
19 to schools program projects, as developed March 8, 2006. Projects must  
20 be allocated funding based on order of priority. The department shall  
21 review all projects receiving grant awards under this program at least  
22 semiannually to determine whether the projects are making satisfactory  
23 progress. Any project that has been awarded funds, but does not report  
24 activity on the project within one year of the grant award must be  
25 reviewed by the department to determine whether the grant should be  
26 terminated. The department shall promptly close out grants when  
27 projects have been completed, and identify where unused grant funds  
28 remain because actual project costs were lower than estimated in the  
29 grant award.

30 (10) Except as provided otherwise in this section, the entire  
31 appropriations in this section are provided solely for the projects and  
32 activities as listed by project and amount in LEAP Transportation  
33 Document ALL PROJECTS (~~(2010-2)~~) 2011-2 as developed March (~~(8, 2010)~~)  
34 21, 2011, Program - Local Program (Z).

35 (11) For the 2009-11 project appropriations, unless otherwise  
36 provided in this act, the director of financial management may  
37 authorize a transfer of appropriation authority between projects

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

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

14 ~~(13) \$5,894,000))~~ \$5,905,000 of the Puyallup tribal settlement  
15 account--state appropriation is provided solely for costs associated  
16 with the Murray Morgan/11th Street bridge project. The city of Tacoma  
17 may use the Puyallup tribal settlement account appropriation and other  
18 appropriated funds for bridge rehabilitation, bridge replacement,  
19 bridge demolition, and bridge mitigation. The department's  
20 participation, including prior expenditures, may not exceed  
21 ~~(((\$40,270,000))~~ \$40,281,000. The city of Tacoma has taken ownership of  
22 the bridge in its entirety, and the payment of these funds extinguishes  
23 any real or implied agreements regarding future bridge expenditures.

24 ~~((+14))~~ (13) Up to ~~(((\$3,702,000))~~ \$52,000 of the motor vehicle  
25 account--federal appropriation and ~~(((\$75,000))~~ \$52,000 of the motor  
26 vehicle account--state appropriation are provided solely to reimburse  
27 the cities of Kirkland and Redmond for pavement and bridge deck  
28 rehabilitation on state route number 908 (project 1LP611A). These  
29 funds may not be expended unless the cities sign an agreement stating  
30 that the cities agree to take ownership of state route number 908 in  
31 its entirety and agree that the payment of these funds represents the  
32 entire state commitment to the cities for state route number 908  
33 expenditures. The amount provided in this subsection is contingent on  
34 the enactment by June 30, 2010, of Senate Bill No. 6555.

35 ~~((+15))~~ (14) The department shall consider the condition of the  
36 Broadway bridge in the city of Everett when prioritizing bridge  
37 projects.

1        ~~((+16+))~~ (15) In order to make the Hood Canal bridge safe for  
2 cyclists, the department must work with stakeholders to review bicycle  
3 safety needs on the bridge, including consideration of accident data  
4 and improvements already made to this project.

5        ~~((+17) -\$250,000)~~ (16) \$25,000 of the multimodal transportation  
6 account--state appropriation is provided solely for the Shell Valley  
7 emergency access road and bicycle/pedestrian path.

8        ~~((+18) -\$500,000)~~ (17) \$50,000 of the motor vehicle account--state  
9 appropriation is provided solely for improvements to the 150th and  
10 Murray Road intersection in the city of Lakewood.

11        ~~((+19) -\$250,000)~~ (18) \$100,000 of the motor vehicle account--state  
12 appropriation is provided solely for flood reduction solutions on state  
13 route number 522 caused by the lower McAleer and Lyon creek basins.

14        ~~((+20+))~~ (19) \$200,000 of the motor vehicle account--state  
15 appropriation is provided solely for improvements to the intersection  
16 of 39th Ave SE and state route number 96 in Snohomish county.

17                                    **TRANSFERS AND DISTRIBUTIONS**

18        **Sec. 1101.** 2010 c 247 s 401 (uncodified) is amended to read as  
19 follows:

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

24 Highway Bond Retirement Account Appropriation . . . . .	<del>(((\$733,667,000))</del>
	<u>\$720,842,000</u>
26 Ferry Bond Retirement Account Appropriation . . . . .	<del>(((\$33,771,000))</del>
	<u>\$33,770,000</u>
28 State Route Number 520 Corridor Account--State	
29     Appropriation . . . . .	<del>(((\$600,000))</del>
	<u>\$682,000</u>
31 Transportation Improvement Board Bond Retirement	
32     Account--State Appropriation . . . . .	<del>(((\$22,962,000))</del>
	<u>\$21,084,000</u>
34 Nondebt-Limit Reimbursable Account Appropriation . . . . .	<del>(((\$18,451,000))</del>
	<u>\$16,849,000</u>

1	Transportation Partnership Account--State	
2	Appropriation . . . . .	(( <del>\$4,722,000</del> ))
3		<u>\$6,818,000</u>
4	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$901,000</del> ))
5		<u>\$672,000</u>
6	Transportation 2003 Account (Nickel Account)--State	
7	Appropriation . . . . .	(( <del>\$4,116,000</del> ))
8		<u>\$3,116,000</u>
9	Special Category C Account--State Appropriation . . . . .	(( <del>\$148,000</del> ))
10		<u>\$136,000</u>
11	Urban Arterial Trust Account--State Appropriation . . . . .	\$85,000
12	Transportation Improvement Account--State Appropriation . . . . .	\$41,000
13	Multimodal Transportation Account--State	
14	Appropriation . . . . .	(( <del>\$283,000</del> ))
15		<u>\$164,000</u>
16	TOTAL APPROPRIATION . . . . .	(( <del>\$831,004,000</del> ))
17		<u>\$804,259,000</u>
18		

19       **Sec. 1102.** 2010 c 247 s 402 (uncodified) is amended to read as  
20 follows:

21 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**  
22 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND**  
23 **FISCAL AGENT CHARGES**

24	State Route Number 520 Corridor Account--State	
25	Appropriation . . . . .	(( <del>\$40,000</del> ))
26		<u>\$110,000</u>
27	Transportation Partnership Account--State	
28	Appropriation . . . . .	(( <del>\$787,000</del> ))
29		<u>\$537,000</u>
30	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$122,000</del> ))
31		<u>\$62,000</u>
32	Transportation 2003 Account (Nickel Account)--State	
33	Appropriation . . . . .	(( <del>\$364,000</del> ))
34		<u>\$264,000</u>
35	Special Category C Account--State Appropriation . . . . .	(( <del>\$15,000</del> ))
36		<u>\$12,000</u>
37	Urban Arterial Trust Account--State Appropriation . . . . .	\$5,000

1 Transportation Improvement Account--State Appropriation . . . . \$3,000  
 2 Multimodal Transportation Account--State  
 3 Appropriation . . . . . ((~~\$34,000~~))  
 4 \$40,000  
 5 TOTAL APPROPRIATION . . . . . ((~~\$1,370,000~~))  
 6 \$1,033,000

7 **Sec. 1103.** 2010 c 247 s 403 (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 MVFT BONDS AND TRANSFERS**

11 Motor Vehicle Account--State Appropriation:  
 12 For transfer to the Puget Sound  
 13 Capital Construction Account . . . . . ((~~\$114,000,000~~))  
 14 \$76,179,000

15 The department of transportation is authorized to sell up to  
 16 ((~~\$114,000,000~~)) \$76,179,000 in bonds authorized by RCW 47.10.843 for  
 17 vessel and terminal acquisition, major and minor improvements, and long  
 18 lead-time materials acquisition for the Washington state ferries.

19 **Sec. 1104.** 2010 c 247 s 404 (uncodified) is amended to read as  
 20 follows:

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

22 Motor Vehicle Account Appropriation for  
 23 motor vehicle fuel tax distributions to cities  
 24 and counties . . . . . ((~~\$478,753,000~~))  
 25 \$471,101,000

26 **Sec. 1105.** 2010 c 247 s 405 (uncodified) is amended to read as  
 27 follows:

28 **FOR THE STATE TREASURER--TRANSFERS**

29 Motor Vehicle Account--State  
 30 Appropriation: For motor vehicle fuel tax  
 31 refunds and statutory transfers . . . . . ((~~\$1,247,260,000~~))  
 32 \$1,227,760,000

33 **Sec. 1106.** 2010 c 247 s 406 (uncodified) is amended to read as  
 34 follows:

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

2 Motor Vehicle Account--State

3 Appropriation: For motor vehicle fuel tax

4 refunds and transfers . . . . . ((~~\$120,688,000~~))  
5 \$115,110,000

6 **Sec. 1107.** 2010 1st sp.s. c 37 s 804 (uncodified) is amended to  
7 read as follows:

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

9 (1) (~~Tacoma Narrows Toll Bridge Account--State~~

10 ~~Appropriation: For transfer to the Motor Vehicle~~

11 ~~Account--State . . . . . \$5,288,000~~

12 (+2)) Motor Vehicle Account--State Appropriation:

13 For transfer to the Puget Sound Ferry Operations

14 Account--State . . . . . ((~~\$54,100,000~~))  
15 \$78,000,000

16 ((+3)) (2) Recreational Vehicle Account--State

17 Appropriation: For transfer to the Motor Vehicle

18 Account--State . . . . . ((~~\$2,000,000~~))  
19 \$1,800,000

20 ((+4)) (3) License Plate Technology Account--State

21 Appropriation: For transfer to the Highway Safety

22 Account--State . . . . . \$2,750,000

23 ((+5)) (4) Multimodal Transportation Account--State

24 Appropriation: For transfer to the Puget Sound

25 Ferry Operations Account--State . . . . . ((~~\$9,000,000~~))  
26 \$10,000,000

27 ((+6) ~~Highway Safety Account--State Appropriation:~~

28 ~~For transfer to the Multimodal Transportation~~

29 ~~Account--State . . . . . \$18,750,000~~

30 (+7)) (5) Department of Licensing Services Account--State

31 Appropriation: For transfer to the Motor Vehicle

32 Account--State . . . . . \$1,300,000

33 ((+8)) (6) Advanced Right-of-Way Account: For transfer

34 to the Motor Vehicle Account--State . . . . . \$14,000,000

35 ((+9) ~~State Route Number 520 Civil Penalties~~

36 ~~Account--State Appropriation: For transfer to the~~

37 ~~State Route Number 520 Corridor Account--State . . . . . \$190,000~~





1        NEW SECTION.    **Sec. 1201.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 1202.**    Except for sections 704, 707, 709, 710,  
6 and 717 of this act, this act is necessary for the immediate  
7 preservation of the public peace, health, or safety, or support of the  
8 state government and its existing public institutions, and takes effect  
9 immediately.

10       NEW SECTION.    **Sec. 1203.**    Sections 704, 707, 710, and 717 of this  
11 act are necessary for the immediate preservation of the public peace,  
12 health, or safety, or support of the state government and its existing  
13 public institutions, and take effect July 1, 2011.

(End of bill)

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