

SENATE BILL 5175

State of Washington 62nd Legislature 2011 Regular Session

By Senators Haugen, King, White, and Shin; by request of Governor Gregoire

Read first time 01/17/11. Referred to Committee on Transportation.

1 AN ACT Relating to transportation funding and appropriations;
2 amending 2010 c 247 ss 103, 104, 205, 209, 210, 211, 212, 213, 214,
3 215, 216, 218, 219, 220, 221, 222, 301, 302, 303, 304, 305, 307, 308,
4 401, 402, 403, 404, 405, and 406 (uncodified); amending 2009 c 470 s
5 305 (uncodified); amending 2010 c 283 s 19 (uncodified); amending 2010
6 1st sp.s. c 37 s 804 (uncodified); creating a new section; making
7 appropriations and authorizing expenditures for capital improvements;
8 and declaring an emergency.

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

10 2009-11 FISCAL BIENNIUM

11 GENERAL GOVERNMENT AGENCIES--OPERATING

12 **Sec. 101.** 2010 c 247 s 103 (uncodified) is amended to read as
13 follows:

14 **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

15	Motor Vehicle Account--State Appropriation	\$3,526,000
16	Puget Sound Ferry Operations Account--State	
17	Appropriation	\$98,000

1 TOTAL APPROPRIATION \$3,624,000

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

4 (1) \$1,699,000 of the motor vehicle account--state appropriation is
5 (~~provided solely~~) for the office of regulatory assistance integrated
6 permitting project.

7 (2) \$1,004,000 of the motor vehicle account--state appropriation is
8 (~~provided solely~~) for the continued maintenance and support of the
9 transportation executive information system. Of the amount provided in
10 this subsection, \$502,000 is for two existing FTEs at the department of
11 transportation to maintain and support the system.

12 (3) \$150,000 of the motor vehicle account--state appropriation is
13 provided solely for the office of financial management to contract with
14 the Washington state association of counties for a pilot program to
15 develop and implement a streamlined process for programmatic hydraulic
16 project approvals for multiple, recurring local transportation and
17 public works projects. The pilot program must include the following:

- 18 (a) Describing, defining, and documenting classes of local
- 19 transportation and public works projects appropriate for programmatic
- 20 hydraulic project approvals permits; (b) developing technical
- 21 permitting requirements and conditions; (c) administratively adopting
- 22 and implementing programmatic hydraulic project approvals statewide;
- 23 and (d) piloting, reviewing, updating, and training throughout all
- 24 Washington counties. For the purpose of this subsection, the contract
- 25 with the Washington state association of counties is deemed a revenue
- 26 generation and auditing activity as that term is construed in section
- 27 602(2), chapter 3, Laws of 2010.

28 **Sec. 102.** 2010 c 247 s 104 (uncodified) is amended to read as
29 follows:

30 **FOR THE MARINE EMPLOYEES COMMISSION**

31 Puget Sound Ferry Operations Account--State

32 Appropriation	(\$440,000)
33	<u>\$470,000</u>

34 **TRANSPORTATION AGENCIES--OPERATING**

1 **Sec. 201.** 2010 c 247 s 205 (uncodified) is amended to read as
2 follows:

3 **FOR THE TRANSPORTATION COMMISSION**

4	Motor Vehicle Account--State Appropriation	((\$2,328,000))
5		<u>\$2,167,000</u>
6	Multimodal Transportation Account--State Appropriation . .	((\$112,000))
7		<u>\$111,000</u>
8	TOTAL APPROPRIATION	((\$2,440,000))
9		<u>\$2,278,000</u>

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

12 (1) 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 fares for the Washington state ferry
15 system. The transportation commission may increase ferry fares,
16 except no fare schedule modifications may be made prior to September 1,
17 2009. For purposes of this subsection, "modify" includes increases or
18 decreases to the schedule.

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

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

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

37 (5) \$350,000 of the motor vehicle account--state appropriation is

1 ((~~provided solely~~)) for consultant support services to assist the
2 commission in updating the statewide transportation plan. The updated
3 plan must be submitted to the legislature by December 1, 2010.

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

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

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

30 (9) Pursuant to RCW 43.135.055, the legislature approves the action
31 taken by the transportation commission on November 15, 2010, to modify
32 the schedule of fares for the Washington state ferry system. During
33 the remainder of the 2011 fiscal year, the transportation commission
34 shall review and, if necessary, modify the schedule of fares for the
35 Washington state ferry system.

36 (10) Pursuant to RCW 43.135.055, during the 2011 fiscal year, the
37 transportation commission shall periodically review and, if necessary,

1 modify a schedule of toll charges applicable to the state route number
2 167 high occupancy toll lane pilot project, as required under RCW
3 47.56.403.

4 (11) Pursuant to RCW 43.135.055, the legislature approves the
5 action taken by the transportation commission on January 25, 2011, to
6 modify the schedule of toll charges applicable to the Tacoma Narrows
7 bridge, taking into consideration the recommendations of the citizen
8 advisory committee created under RCW 47.46.091. During the remainder
9 of the 2011 fiscal year, the transportation commission shall review
10 and, if necessary, modify the schedule of fares for the Tacoma Narrows
11 bridge.

12 (12) Pursuant to RCW 43.135.055, the legislature approves the
13 action taken by the transportation commission on January 5, 2011, to
14 modify the schedule of toll charges applicable to state route number
15 520 bridge. During the remainder of the 2011 fiscal year, the
16 transportation commission shall review and, if necessary, modify the
17 schedule of fares for the state route number 520 bridge.

18 (13) For purposes of subsections (9) through (12) of this section,
19 "modify" includes increases to the schedule of fares or tolls.

20 **Sec. 202.** 2010 c 247 s 209 (uncodified) is amended to read as
21 follows:

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

23 State Patrol Highway Account--State Appropriation	(\$108,560,000)
24	<u>\$108,316,000</u>
25 State Patrol Highway Account--Private/Local	
26 Appropriation	\$2,510,000
27 TOTAL APPROPRIATION	(\$111,070,000)
28	<u>\$110,826,000</u>

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

31 (1) The Washington state patrol shall work with the risk management
32 division in the office of financial management in compiling the
33 Washington state patrol's data for establishing the agency's risk
34 management insurance premiums to the tort claims account. The office
35 of financial management and the Washington state patrol shall submit a
36 report to the legislative transportation committees by December 31st of

1 each year on the number of claims, estimated claims to be paid, method
2 of calculation, and the adjustment in the premium.

3 (2) (~~(\$10,425,000)~~) \$10,181,000 of the total appropriation is
4 (~~provided solely~~) for automobile fuel in the 2009-11 fiscal biennium.

5 (3) \$7,421,000 of the total appropriation is (~~provided solely~~)
6 for the purchase of pursuit vehicles.

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

10 (5) \$1,724,000 of the total appropriation is (~~provided solely~~)
11 for the purchase of mission vehicles used for highway purposes in the
12 commercial vehicle and traffic investigation sections of the Washington
13 state patrol.

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

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

24 **Sec. 203.** 2010 c 247 s 210 (uncodified) is amended to read as
25 follows:

26 **FOR THE DEPARTMENT OF LICENSING**

27	Marine Fuel Tax Refund Account--State Appropriation	\$32,000
28	Motorcycle Safety Education Account--State	
29	Appropriation	\$4,356,000
30	Wildlife Account--State Appropriation	\$821,000
31	Highway Safety Account--State Appropriation	\$143,660,000
32	Highway Safety Account--Federal Appropriation	\$944,000
33	Motor Vehicle Account--State Appropriation	\$77,898,000
34	Motor Vehicle Account--Private/Local Appropriation	\$1,372,000
35	Motor Vehicle Account--Federal Appropriation	\$242,000
36	Department of Licensing Services Account--State	
37	Appropriation	\$4,705,000

1	Washington State Patrol Highway Account--State	
2	Appropriation	\$737,000
3	Ignition Interlock Device Revolving Account--State	
4	Appropriation	\$1,315,000
5	TOTAL APPROPRIATION	\$236,082,000

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

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

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

18 (i) Outreach to and solicitation of comment from parties affected
19 by the fuel taxes, including taxpayers, industry associations, state
20 and federal agencies, and Indian tribes, and from the transportation
21 and fiscal committees of the legislature; and

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

- 24 (A) Taxpayer reporting and payment processes;
- 25 (B) The international fuel tax agreement;
- 26 (C) Proportional registration under the provisions of the
27 international registration plan and chapter 46.87 RCW;
- 28 (D) Computer systems;
- 29 (E) Best management practices and efficiencies;
- 30 (F) Costs; and
- 31 (G) Personnel matters.

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

1 (a) When closing offices, the department may redistribute staff
2 from consolidated offices to neighboring offices and local community
3 supercenters.

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

7 (i) Extended daily and weekend hours in regional supercenter
8 offices;

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

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

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

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

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

25 (3) \$11,688,000 of the highway safety account--state appropriation
26 is (~~provided solely~~) for costs associated with: Issuing enhanced
27 drivers' licenses and identicards at the enhanced licensing services
28 offices; extended hours at those licensing services offices; cross-
29 border tourism education; and other education campaigns. This is the
30 maximum amount the department may expend for this purpose.

31 (4) \$1,315,000 of the ignition interlock device revolving account--
32 state appropriation is provided solely for the department to assist
33 indigent persons with the costs of installing, removing, and leasing
34 the device, and applicable licensing pursuant to RCW 46.68.340.

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

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

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

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

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

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

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

37 (b) The department shall study the process in place at the

1 licensing services office and present to the 2010 legislature
2 recommendations for process changes to improve efficiencies for both
3 the department and the customer; and

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

9 (11) \$25,000 of the motor vehicle account--state appropriation is
10 (~~provided solely~~) for the department to provide to at least five
11 hundred limousine chauffeurs an overview of the laws and rules
12 governing limousine carriers.

13 (12) \$938,000 of the highway safety account--federal appropriation
14 is for federal funds that may be received during the 2009-11 fiscal
15 biennium. Upon receipt of the funds, the department shall provide a
16 report on the use of the funds to the transportation committees of the
17 legislature and the office of financial management.

18 (13) \$869,000 of the department of licensing services account--
19 state appropriation is (~~provided solely~~) for purchasing equipment for
20 the field licensing service offices and subagent offices.

21 **Sec. 204.** 2010 c 247 s 211 (uncodified) is amended to read as
22 follows:

23 **FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--**
24 **PROGRAM B**

25	High Occupancy Toll Lanes Operations Account--State	
26	Appropriation	((\$2,852,000))
27		<u>\$2,727,000</u>
28	Motor Vehicle Account--State Appropriation	((\$575,000))
29		<u>\$510,000</u>
30	Tacoma Narrows Toll Bridge Account--State	
31	Appropriation	\$26,543,000
32	State Route Number 520 Corridor Account--State	
33	Appropriation	\$28,000,000
34	State Route Number 520 Civil Penalties	
35	Account--State Appropriation	\$2,130,000
36	TOTAL APPROPRIATION	((\$60,100,000))
37		<u>\$59,910,000</u>

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

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

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

14 (3) \$28,000,000 of the state route number 520 corridor account--
15 state appropriation is provided solely for the costs directly related
16 to tolling the state route number 520 floating bridge. (~~Of this
17 amount, \$8,000,000 must be retained in unallotted status, and may only
18 be released by the office of financial management after consultation
19 with the joint transportation committee.~~)

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

23 (5) \$2,130,000 of the state route number 520 civil penalties
24 account--state appropriation and \$140,000 of the Tacoma Narrows toll
25 bridge account--state appropriation are provided solely for
26 expenditures related to the toll adjudication process. The amount
27 provided in this subsection is contingent on the enactment by June 30,
28 2010, of either Engrossed Substitute Senate Bill No. 6499 or Substitute
29 House Bill No. 2897; however, if the enacted bill does not specify the
30 department as the toll penalty adjudicating agency, the amounts
31 provided in this subsection lapse.

32 (6) The department shall review, and revise where appropriate,
33 current signage and ingress/egress locations on the state route number
34 167 high occupancy toll lanes pilot project. The department shall
35 continue to work with the Washington state patrol on educating the
36 public on the rules of the road related to crossing a double white
37 line. The department shall continue to monitor the performance of the

1 high occupancy toll lanes to ensure that driving conditions for high
2 occupancy vehicles that share these lanes are not significantly
3 changed.

4 **Sec. 205.** 2010 c 247 s 212 (uncodified) is amended to read as
5 follows:

6 **FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM**
7 **C**

8	Transportation Partnership Account--State	
9	Appropriation	\$2,675,000
10	Motor Vehicle Account--State Appropriation	(\$68,650,000)
11		<u>\$67,550,000</u>
12	Motor Vehicle Account--Federal Appropriation	\$240,000
13	Multimodal Transportation Account--State	
14	Appropriation	\$363,000
15	Transportation 2003 Account (Nickel Account)--State	
16	Appropriation	\$2,676,000
17	TOTAL APPROPRIATION	(\$74,604,000)
18		<u>\$73,504,000</u>

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

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

28 (2) \$1,216,000 of the transportation partnership account--state
29 appropriation and \$1,216,000 of the transportation 2003 account (nickel
30 account)--state appropriation are provided solely for the department to
31 develop a project management and reporting system which is a collection
32 of integrated tools for capital construction project managers to use to
33 perform all the necessary tasks associated with project management.
34 The department shall integrate commercial off-the-shelf software with
35 existing department systems and enhanced approaches to data management
36 to provide web-based access for multi-level reporting and improved
37 business work flows and reporting. On a quarterly basis, the

1 department shall report to the office of financial management and the
2 transportation committees of the legislature on the status of the
3 development and integration of the system. At a minimum, the reports
4 shall indicate the status of the work as it compares to the work plan,
5 any discrepancies, and proposed adjustments necessary to bring the
6 project back on schedule or budget if necessary.

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

11 (4) \$573,000 of the motor vehicle account--state appropriation is
12 provided solely for the department to maintain the investment in the
13 electronic fare system at Washington's ferry terminals. Investment in
14 the electronic fare system must include the following: Replacement of
15 critical hardware components that are at risk of failure;
16 implementation of software to allow ORCA cards to be used for vehicles;
17 repair of the turnstiles to ensure that the turnstiles properly record
18 ORCA credit and debit card charges; and dedication of a communication
19 line for transmission of ORCA data to the clearinghouse.

20 **Sec. 206.** 2010 c 247 s 213 (uncodified) is amended to read as
21 follows:

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

24 Motor Vehicle Account--State Appropriation	((\$25,292,000))
25	<u>\$24,642,000</u>

26 **Sec. 207.** 2010 c 247 s 214 (uncodified) is amended to read as
27 follows:

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

29 Aeronautics Account--State Appropriation	((\$5,960,000))
30	<u>\$5,760,000</u>
31 Aeronautics Account--Federal Appropriation	\$2,150,000
32 TOTAL APPROPRIATION	((\$8,110,000))
33	<u>\$7,910,000</u>

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

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

4 (2) \$150,000 of the aeronautics account--state appropriation is a
5 reappropriation provided solely to complete runway preservation
6 projects.

7 (3) Within the amounts provided in this section, the department
8 shall develop guidelines setting forth consultation procedures and a
9 process to assist counties and cities to identify land uses that may be
10 incompatible with airports and aircraft operations, and to encourage
11 and facilitate the adoption and implementation of comprehensive plan
12 policies and development regulations consistent with RCW 36.70.547 and
13 36.70A.510.

14 **Sec. 208.** 2010 c 247 s 215 (uncodified) is amended to read as
15 follows:

16 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**
17 **SUPPORT--PROGRAM H**

18	Motor Vehicle Account--State Appropriation	((\$49,331,000))
19		<u>\$45,230,000</u>
20	Motor Vehicle Account--Federal Appropriation	\$500,000
21	Multimodal Transportation Account--State	
22	Appropriation	\$250,000
23	TOTAL APPROPRIATION	((\$50,081,000))
24		<u>\$45,980,000</u>

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

27 (1) The department shall develop a plan for all current and future
28 surplus property parcels based on the recommendations from the surplus
29 property legislative work group that were presented to the senate
30 transportation committee on February 26, 2009. The plan must include,
31 at a minimum, strategies for maximizing the number of parcels sold, a
32 schedule that optimizes proceeds, a recommended cash discount, a plan
33 to report to the joint transportation committee, a recommendation for
34 regional incentives, and a recommendation for equivalent value
35 exchanges. This plan must accompany the department's 2010 supplemental
36 budget request. If the department determines that all or a portion of

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

32 (2) The legislature recognizes that the Dryden pit site (WSDOT
33 Inventory Control (IC) No. 2-04-00103) is unused state-owned real
34 property under the jurisdiction of the department of transportation,
35 and that the public would benefit significantly from the complete
36 enjoyment of the natural scenic beauty and recreational opportunities
37 available at the site. Therefore, pursuant to RCW 47.12.080, the
38 legislature declares that transferring the property to the department

1 of fish and wildlife for recreational use and fish and wildlife
2 restoration efforts is consistent with the public interest in order to
3 preserve the area for the use of the public and the betterment of the
4 natural environment. The department of transportation shall work with
5 the department of fish and wildlife, and shall transfer and convey the
6 Dryden pit site to the department of fish and wildlife as is for an
7 adjusted fair market value reflecting site conditions, the proceeds of
8 which must be deposited in the motor vehicle fund. The department of
9 transportation is not responsible for any costs associated with the
10 cleanup or transfer of this property. By July 1, 2010, and annually
11 thereafter until the entire Dryden pit property has been transferred,
12 the department shall submit a status report regarding the transaction
13 to the chairs of the legislative transportation committees.

14 ((+5+)) (3) \$750,000 of the motor vehicle account--state
15 appropriation is provided solely for the department's compliance with
16 its national pollution discharge elimination system permit.

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

25 **Sec. 209.** 2010 c 247 s 216 (uncodified) is amended to read as
26 follows:

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

29 Motor Vehicle Account--State Appropriation	(((\$673,000))
	<u>\$643,000</u>
31 Multimodal Transportation Account--State	
32 Appropriation	(((\$200,000))
	<u>\$150,000</u>
34 TOTAL APPROPRIATION	(((\$873,000))
	<u>\$793,000</u>

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

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

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

12 (3) (~~(\$75,000)~~) \$45,000 of the motor vehicle account--state
13 appropriation is provided solely for the implementation of a pilot
14 project allowing advertisements and sponsorships on select web pages.
15 The pilot project must be organized under the partnership model
16 described in the department's web site monetizing feasibility study,
17 which was prepared under subsection (2) of this section. Once
18 operational, the pilot project must operate for at least twelve
19 consecutive months. After twelve months of continuous operation, the
20 department shall provide a report with recommendations on whether to
21 continue project operations to the office of financial management and
22 the chairs of the transportation committees. The department may end
23 the pilot project after less than twelve consecutive months of
24 operation if insufficient bids or proposals are received from potential
25 sponsors or advertisers. For the purpose of this subsection, if a
26 consultant contract is warranted, the consultant contract is deemed a
27 revenue generation activity as that term is construed in section
28 602(2), chapter 3, Laws of 2010.

29 **Sec. 210.** 2010 c 247 s 218 (uncodified) is amended to read as
30 follows:

31 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
32 **OPERATING**

33 Motor Vehicle Account--State Appropriation	((\$51,128,000))
	<u>\$49,728,000</u>
35 Motor Vehicle Account--Federal Appropriation	\$2,050,000
36 Motor Vehicle Account--Private/Local Appropriation	\$127,000
37 TOTAL APPROPRIATION	((\$53,305,000))

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

(1) \$2,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

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

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

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

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

(d) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under

1 penalty of perjury, stating that the vehicle involved was, at the time,
2 stolen or in the care, custody, or control of some person other than
3 the registered owner, or any other extenuating circumstances;

4 (e) For purposes of the 2009-11 fiscal biennium pilot program,
5 infractions detected through the use of automated traffic safety
6 cameras are not part of the registered owner's driving record under RCW
7 46.52.101 and 46.52.120. Additionally, infractions generated by the
8 use of automated traffic safety cameras must be processed in the same
9 manner as parking infractions for the purposes of RCW 3.50.100,
10 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the
11 fine issued under this subsection (2) for an infraction generated
12 through the use of an automated traffic safety camera is one hundred
13 thirty-seven dollars. The court shall remit thirty-two dollars of the
14 fine to the state treasurer for deposit into the state patrol highway
15 account; and

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

31 (3) The department shall implement a pilot project to evaluate the
32 benefits of using electronic traffic flagging devices. Electronic
33 traffic flagging devices must be tested by the department at multiple
34 sites and reviewed for efficiency and safety. The department shall
35 report to the transportation committees of the legislature on the best
36 use and practices involving electronic traffic flagging devices,
37 including recommendations for future use, by June 30, 2010.

1 (4) \$173,000 of the motor vehicle account--state appropriation is
2 provided solely for the department to continue a pilot tow truck
3 incentive program and to expand the program to other areas of the
4 state. The department may provide incentive payments to towing
5 companies that meet clearance goals on accidents that involve heavy
6 trucks. The department shall report to the office of financial
7 management and the transportation committees of the legislature on the
8 effectiveness of the clearance goals and submit recommendations to
9 improve the pilot program with the department's 2010 supplemental
10 omnibus transportation appropriations act submittal. The tow truck
11 incentive program may continue to provide incentives for quick
12 clearance of traffic incidents involving large vehicles. The
13 department shall make recommendations as part of its biennial budget
14 proposal for expanding the use of the incentive program.

15 (5) \$92,000 of the motor vehicle account--state appropriation is
16 (~~provided solely~~) for operating a new active traffic management
17 system on Interstate 5, Interstate 90, and SR 520. The department
18 shall track the costs associated with these systems on a corridor basis
19 and report to the legislative transportation committees on the cost and
20 benefits of the system.

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

23 (7) During the 2009-11 biennium, the department shall implement a
24 pilot program that expands private transportation providers' access to
25 high occupancy vehicle lanes. Under the pilot program, when the
26 department reserves a portion of a highway based on the number of
27 passengers in a vehicle, the following vehicles must be authorized to
28 use the reserved portion of the highway if the vehicle has the capacity
29 to carry eight or more passengers, regardless of the number of
30 passengers in the vehicle: (a) Auto transportation company vehicles
31 regulated under chapter 81.68 RCW; (b) passenger charter carrier
32 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
33 stretch limousines and stretch sport utility vehicles as defined under
34 department rules; (c) private nonprofit transportation provider
35 vehicles regulated under chapter 81.66 RCW; and (d) private employer
36 transportation service vehicles. For purposes of this subsection,
37 "private employer transportation service" means regularly scheduled,
38 fixed-route transportation service that is offered by an employer for

1 the benefit of its employees. By June 30, 2011, the department shall
2 report to the transportation committees of the legislature on whether
3 private transportation provider use of high occupancy vehicle lanes
4 under the pilot program reduces the speeds of high occupancy vehicle
5 lanes. Nothing in this subsection is intended to authorize the
6 conversion of public infrastructure to private, for-profit purposes or
7 to otherwise create an entitlement or other claim by private users to
8 public infrastructure.

9 **Sec. 211.** 2010 c 247 s 219 (uncodified) is amended to read as
10 follows:

11 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**
12 **SUPPORT--PROGRAM S**

13	Motor Vehicle Account--State Appropriation	((\$28,468,000))
14		<u>\$27,968,000</u>
15	Motor Vehicle Account--Federal Appropriation	\$30,000
16	Multimodal Transportation Account--State	
17	Appropriation	\$971,000
18	State Route Number 520 Corridor Account--State	
19	Appropriation	\$264,000
20	TOTAL APPROPRIATION	((\$29,733,000))
21		<u>\$29,233,000</u>

22 The appropriations in this section are subject to the following
23 conditions and limitations: \$264,000 of the state route number 520
24 corridor account--state appropriation is provided solely for the costs
25 directly related to tolling the state route number 520 floating bridge.
26 This amount must be retained in unallotted status, and may only be
27 released by the office of financial management after consultation with
28 the joint transportation committee.

29 **Sec. 212.** 2010 c 247 s 220 (uncodified) is amended to read as
30 follows:

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

33	Motor Vehicle Account--State Appropriation	((\$25,955,000))
34		<u>\$25,385,000</u>
35	Motor Vehicle Account--Federal Appropriation	\$22,002,000
36	Multimodal Transportation Account--State	

1	Appropriation	\$1,090,000
2	Multimodal Transportation Account--Federal	
3	Appropriation	\$3,287,000
4	Multimodal Transportation Account--Private/Local	
5	Appropriation	\$99,000
6	TOTAL APPROPRIATION	((\$52,433,000))
7		<u>\$51,863,000</u>

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

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

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

30 (3) \$365,000 of the motor vehicle account--state appropriation and
31 \$81,000 of the motor vehicle account--federal appropriation are
32 provided solely for the development of a freight database to help guide
33 freight investment decisions and track project effectiveness. The
34 database must be based on truck movement tracked through geographic
35 information system technology. For the remainder of the biennium, the
36 department may expand data collection to any highways that have high
37 truck volumes. TransNow shall contribute additional federal funds that

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

3 (4) \$2,000,000 of the motor vehicle account--state appropriation is
4 provided solely for scoping unfunded state highway projects to ensure
5 that a well-vetted project list is available for future program funding
6 discussions.

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

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

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

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

24 (5) (~~(\$150,000)~~) \$80,000 of the motor vehicle account--state
25 appropriation is provided solely for a corridor study of state route
26 number 516 from the eastern border of Maple Valley to state route
27 number 167 to determine whether improvements are needed and the costs
28 of any needed improvements.

29 (6) \$500,000 of the multimodal transportation account--federal
30 appropriation is provided solely for continued support of the
31 International Mobility and Trade Corridor project and for the
32 department to work with the Whatcom council of governments to examine
33 potential improvements to international border freight and passenger
34 rail movement and the use of diesel multiple units.

35 (7) \$80,000 of the motor vehicle account--state appropriation is
36 provided solely to continue existing work regarding feasibility of a
37 new interchange between Rochester and Harrison Avenue on Interstate 5.

1 **Sec. 213.** 2010 c 247 s 221 (uncodified) is amended to read as
2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**
4 **V**

5	Regional Mobility Grant Program Account--State	
6	Appropriation	((\$65,274,000))
7		<u>\$56,332,000</u>
8	Multimodal Transportation Account--State	
9	Appropriation	((\$65,667,000))
10		<u>\$65,547,000</u>
11	Multimodal Transportation Account--Federal	
12	Appropriation	\$2,573,000
13	Multimodal Transportation Account--Private/Local	
14	Appropriation	\$1,025,000
15	TOTAL APPROPRIATION	((\$134,539,000))
16		<u>\$125,477,000</u>

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

19 (1) \$25,000,000 of the multimodal transportation account--state
20 appropriation is provided solely for a grant program for special needs
21 transportation provided by transit agencies and nonprofit providers of
22 transportation.

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

29 (b) \$19,500,000 of the amount provided in this subsection is
30 provided solely for grants to transit agencies to transport persons
31 with special transportation needs. To receive a grant, the transit
32 agency must have a maintenance of effort for special needs
33 transportation that is no less than the previous year's maintenance of
34 effort for special needs transportation. Grants for transit agencies
35 shall be prorated based on the amount expended for demand response
36 service and route deviated service in calendar year 2007 as reported in
37 the "Summary of Public Transportation - 2007" published by the

1 department of transportation. No transit agency may receive more than
2 thirty percent of these distributions.

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

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

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

16 (3) \$7,000,000 of the multimodal transportation account--state
17 appropriation is provided solely for a vanpool grant program for: (a)
18 Public transit agencies to add vanpools or replace vans; and (b)
19 incentives for employers to increase employee vanpool use. The grant
20 program for public transit agencies will cover capital costs only;
21 operating costs for public transit agencies are not eligible for
22 funding under this grant program. Additional employees may not be
23 hired from the funds provided in this section for the vanpool grant
24 program, and supplanting of transit funds currently funding vanpools is
25 not allowed. The department shall encourage grant applicants and
26 recipients to leverage funds other than state funds. At least
27 \$1,600,000 of this amount must be used for vanpool grants in congested
28 corridors.

29 (4) (~~(\$400,000)~~) \$280,000 of the multimodal transportation
30 account--state appropriation is provided solely for a grant for a
31 flexible carpooling pilot project program to be administered and
32 monitored by the department. Funds are appropriated for one time only.
33 The pilot project program must: Test and implement at least one
34 flexible carpooling system in a high-volume commuter area that enables
35 carpooling without prearrangement; utilize technologies that, among
36 other things, allow for transfer of ride credits between participants;
37 and be a membership system that involves prescreening to ensure safety
38 of the participants. The program must include a pilot project that

1 targets commuter traffic on the state route number 520 bridge. The
2 department shall submit to the legislature by December 2010 a report on
3 the program results and any recommendations for additional flexible
4 carpooling programs.

5 (5) \$3,318,000 of the multimodal transportation account--state
6 appropriation and (~~(\$21,248,000)~~) \$17,778,000 of the regional mobility
7 grant program account--state appropriation are reappropriated and
8 provided solely for the regional mobility grant projects identified on
9 the LEAP Transportation Document 2007-B, as developed April 20, 2007,
10 or the LEAP Transportation Document 2006-D, as developed March 8, 2006.
11 The department shall continue to review all projects receiving grant
12 awards under this program at least semiannually to determine whether
13 the projects are making satisfactory progress. The department shall
14 promptly close out grants when projects have been completed, and any
15 remaining funds available to the office of transit mobility must be
16 used only to fund projects on the LEAP Transportation Document 2006-D,
17 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as
18 developed April 20, 2007; or the LEAP Transportation Document 2009-B,
19 as developed April 24, 2009. It is the intent of the legislature to
20 appropriate funds through the regional mobility grant program only for
21 projects that will be completed on schedule. However, the Chuckanut
22 park and ride project (101100G) is recognized as a crucial investment
23 in the transportation system. For this reason, the department shall
24 not close out the grant for the Chuckanut park and ride project until
25 Skagit transit has exhausted all other pending opportunities for
26 federal and local funds. If additional funds cannot be secured, the
27 department shall consider this project a priority in the 2011-13 grant
28 process. The department shall make every effort to advance the
29 Chuckanut park and ride project within existing resources.

30 (6) (~~(\$33,429,000)~~) \$32,882,000 of the regional mobility grant
31 program account--state appropriation is provided solely for the
32 regional mobility grant projects identified in LEAP Transportation
33 Document 2009-B, as developed April 24, 2009. The department shall
34 review all projects receiving grant awards under this program at least
35 semiannually to determine whether the projects are making satisfactory
36 progress. Any project that has been awarded funds, but does not report
37 activity on the project within one year of the grant award, must be
38 reviewed by the department to determine whether the grant should be

1 terminated. The department shall promptly close out grants when
2 projects have been completed, and any remaining funds available to the
3 office of transit mobility must be used only to fund projects
4 identified in LEAP Transportation Document 2009-B, as developed April
5 24, 2009. The department shall provide annual status reports on
6 December 15, 2009, and December 15, 2010, to the office of financial
7 management and the transportation committees of the legislature
8 regarding the projects receiving the grants. It is the intent of the
9 legislature to appropriate funds through the regional mobility grant
10 program only for projects that will be completed on schedule.

11 (7) (~~(\$10,596,768)~~) \$5,671,768 of the regional mobility grant
12 program account--state appropriation must be obligated no later than
13 December 31, 2010, and is provided solely for the following recommended
14 contingency regional mobility grant projects identified in the 2009-11
15 omnibus transportation appropriations act, LEAP Transportation Document
16 2009-B, as developed April 24, 2009, as follows:

17 (a) (~~(\$4,000,000)~~) \$975,000 is provided solely for the
18 Rainier/Jackson transit priority corridor improvements;

19 (b) (~~(\$2,100,000)~~) \$200,000 is provided solely for the state route
20 number 522 west city limits to Northeast 180th stage 2A (91st Ave NE to
21 west of 96th Ave NE) project; and

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

24 (8) \$300,000 of the multimodal transportation account--state
25 appropriation is provided solely for a transportation demand management
26 program, developed by the Whatcom council of governments, to further
27 reduce drive-alone trips and maximize the use of sustainable
28 transportation choices. The community-based program must focus on all
29 trips, not only commute trips, by providing education, assistance, and
30 incentives to four target audiences: (a) Large work sites; (b)
31 employees of businesses in downtown areas; (c) school children; and (d)
32 residents of Bellingham.

33 (9) \$130,000 of the multimodal transportation account-- state
34 appropriation is provided solely to the department to distribute to
35 support Engrossed Substitute House Bill No. 2072 (special needs
36 transportation).

37 (a) \$80,000 of the amount provided in this subsection is provided

1 solely for implementation of the work group related to federal
2 requirements in section 1, chapter . . . (Engrossed Substitute House
3 Bill No. 2072), Laws of 2009.

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

16 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by
17 June 30, 2009, the amount provided in this subsection (9) lapses. If
18 Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009,
19 but a commitment from other sources to fully fund the pilot project
20 described in (b) of this subsection has not been obtained by September
21 30, 2009, the amount provided in (b) of this subsection lapses.

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

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

29 (12) \$2,309,000 of the multimodal transportation account--state
30 appropriation is provided solely for the tri-county connection service
31 for Island, Skagit, and Whatcom transit agencies.

32 **Sec. 214.** 2010 c 247 s 222 (uncodified) is amended to read as
33 follows:

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

35 Puget Sound Ferry Operations Account--State

36 Appropriation ((~~\$425,922,000~~))

37 \$438,873,000

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

3 (1) (~~(\$78,754,952)~~) \$88,452,952 of the Puget Sound ferry operations
4 account--state appropriation is provided solely for auto ferry vessel
5 operating fuel in the 2009-11 fiscal biennium. This appropriation is
6 contingent upon the enactment of sections 716 and 701 of this act. All
7 fuel purchased by the Washington state ferries at Harbor Island truck
8 terminal for the operation of the Washington state ferries diesel
9 powered vessels must be a minimum of five percent biodiesel blend so
10 long as the per gallon price of diesel containing a five percent
11 biodiesel blend level does not exceed the per gallon price of diesel by
12 more than five percent.

13 (2) To protect the waters of Puget Sound, the department shall
14 investigate nontoxic alternatives to fuel additives and other
15 commercial products that are used to operate, maintain, and preserve
16 vessels.

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

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

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

37 (6) The department shall analyze operational solutions to enhance

1 service on the Bremerton to Seattle ferry run. The Washington state
2 ferries shall report its analysis to the transportation committees of
3 the legislature by December 1, 2009.

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

10 (8) (~~(\$4,794,000)~~) \$6,116,000 of the Puget Sound ferry operations
11 account--state appropriation is provided solely for commercial
12 insurance for ferry assets. The office of financial management, after
13 consultation with the transportation committees of the legislature,
14 must present a business plan for the Washington state ferry system's
15 insurance coverage to the 2010 legislature. The business plan must
16 include a cost-benefit analysis of Washington state ferries' current
17 commercial insurance purchased for ferry assets and a review of self-
18 insurance for noncatastrophic events.

19 (9) \$1,100,000 of the Puget Sound ferry operations account--state
20 appropriation is provided solely for a marketing program. The
21 department shall present a marketing program proposal to the
22 transportation committees of the legislature during the 2010
23 legislative session before implementing this program. Of this amount,
24 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of
25 Coupeville for mitigation expenses related to only one vessel operating
26 on the Port Townsend/Keystone ferry route. The moneys provided to the
27 city of Port Townsend and town of Coupeville are not contingent upon
28 the required marketing proposal.

29 (10) \$350,000 of the Puget Sound ferry operations account--state
30 appropriation is provided solely for two extra trips per day during the
31 summer of 2009 season, beyond the current schedule, on the Port
32 Townsend/Keystone route.

33 (11) When purchasing uniforms that are required by collective
34 bargaining agreements, the department shall contract with the lowest
35 cost provider.

36 (12) The legislature finds that measuring the performance of
37 Washington state ferries requires the measurement of quality,
38 timeliness, and unit cost of services delivered to customers.

1 Consequently, the department must develop a set of metrics that measure
2 that performance and report to the transportation committees of the
3 legislature and to the office of financial management on the
4 development of these measurements along with recommendations to the
5 2010 legislature on which measurements must become a part of the next
6 omnibus transportation appropriations act.

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

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

25 (b) The process for appointing an investigating officer or officers
26 and a description of the authorities and responsibilities of the
27 investigating officer or officers. The investigating officer or
28 officers must:

29 (i) Have the appropriate training and experience as determined by
30 the policy;

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

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

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

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

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

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

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

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

18 (14) \$7,300,000 of the Puget Sound ferry operations account--state
19 appropriation is provided solely for the purposes of travel time
20 associated with Washington state ferries employees. However, if
21 Engrossed Substitute House Bill No. 3209 (managing costs of ferry
22 system) is enacted by June 30, 2010, containing an appropriation for
23 purposes of travel time associated with Washington state ferries
24 employees, the amount provided in this subsection lapses.

25 (15) \$50,000 of the Puget Sound ferry operations account--state
26 appropriation is provided solely to implement a mechanism to report on-
27 time performance statistics.

28 (a) The department shall conduct a study to identify process
29 changes that would improve on-time performance on a route-by-route
30 basis. The study must include looking into the slowing down of vessels
31 for fuel economy purposes and touch-and-go sailings on peak runs. The
32 department shall report its findings to the transportation committees
33 of the senate and house of representatives by December 1, 2010.

34 (b) The department shall, by November 1, 2010, report to the
35 transportation committees of the legislature statistics regarding its
36 on-time arrival and departure status on a route-by-route and month-by-
37 month basis, as well as an annual route-by-route and systemwide basis,
38 weighted by the number of customers on each sailing and distinguishing

1 peak period on-time performance. The statistics must include reasons
2 for any delays over ten minutes from the scheduled time. The
3 statistics must be prominently displayed on the Washington state
4 ferries' web site. Each Washington state ferries vessel and terminal
5 must prominently display the statistics as they relate to their
6 specific route.

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

11 (17) By July 1, 2010, the department shall provide to the governor
12 and the transportation committees of the senate and house of
13 representatives a listing of all benefits that Washington state ferries
14 union employees receive that other state employees do not traditionally
15 receive. The listing must include any costs associated with these
16 benefits.

17 NEW SECTION. **Sec. 215.** The appropriations to the department of
18 transportation in chapter 247, Laws of 2010 and this act must be
19 expended for the programs and in the amounts specified in this act.
20 However, after May 1, 2011, unless specifically prohibited, the
21 department may transfer state appropriations for the 2009-2011 fiscal
22 biennium among operating programs after approval by the director of the
23 office of financial management. However, the department shall not
24 transfer state moneys that are provided solely for a specific purpose.
25 The department shall not transfer funds, and the director of the office
26 of financial management shall not approve the transfer unless the
27 transfer is consistent with the objective of conserving, to the maximum
28 extent possible, the expenditure of state funds and not federal funds.
29 The director of the office of financial management shall notify the
30 appropriate transportation committees of the legislature prior to
31 approving any allotment modifications or transfers under this section.
32 The written notification must include a narrative explanation and
33 justification of the changes, along with expenditures and allotments by
34 program and appropriation, both before and after any allotment
35 modifications or transfers.

TRANSPORTATION AGENCIES--CAPITAL

Sec. 301. 2010 c 247 s 301 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation . . . (~~(\$73,000,000)~~)
\$54,400,000
Motor Vehicle Account--State Appropriation \$1,048,000
County Arterial Preservation Account--State
Appropriation (~~(\$31,400,000)~~)
\$30,400,000
TOTAL APPROPRIATION (~~(\$105,448,000)~~)
\$85,848,000

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

- (1) \$1,048,000 of the motor vehicle account--state appropriation may be used for county ferry projects as developed pursuant to RCW 47.56.725(4).
- (2) The appropriations in this section include funding to counties to assist them in efforts to recover from federally declared emergencies, by providing capitalization advances and local match for federal emergency funding as determined by the county road administration board. The county road administration board shall specifically identify any such selected projects and shall include information concerning such selected projects in its next annual report to the legislature.
- (3) \$22,000,000 of the rural arterial trust account--state appropriation is provided solely for additional grants for county road projects as approved by the county road administration board.

Sec. 302. 2010 c 247 s 302 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account--State
Appropriation \$3,927,000
Urban Arterial Trust Account--State Appropriation \$123,900,000
Transportation Improvement Account--State
Appropriation \$81,643,000
TOTAL APPROPRIATION \$209,470,000

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

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

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

9 **Sec. 303.** 2009 c 470 s 305 (uncodified) is amended to read as
10 follows:

11 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF**
12 **TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

13 Motor Vehicle Account--State
14 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. 304.** 2010 c 247 s 303 (uncodified) is amended to read as
30 follows:

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

32 Multimodal Transportation Account--State
33 Appropriation (~~(\$98,000)~~)
34 \$2,000

35 Transportation Partnership Account--State
36 Appropriation (~~(\$1,665,644,000)~~)

1		<u>\$1,392,107,000</u>
2	Motor Vehicle Account--State Appropriation	((\$85,534,000))
3		<u>\$72,029,000</u>
4	Motor Vehicle Account--Federal Appropriation	((\$570,107,000))
5		<u>\$562,571,000</u>
6	Motor Vehicle Account--Private/Local	
7	Appropriation	((\$70,714,000))
8		<u>\$83,810,000</u>
9	Special Category C Account--State Appropriation	\$25,221,000
10	Transportation 2003 Account (Nickel Account)--State	
11	Appropriation	((\$713,205,000))
12		<u>\$614,857,000</u>
13	Freight Mobility Multimodal Account--State	
14	Appropriation	((\$4,574,000))
15		<u>\$4,575,000</u>
16	Tacoma Narrows Toll Bridge Account--State	
17	Appropriation	((\$789,000))
18		<u>\$797,000</u>
19	State Route Number 520 Corridor Account--State	
20	Appropriation	\$231,763,000
21	((State Route Number 520 Civil Penalties Account--State	
22	 Appropriation	\$1,190,000))
23	TOTAL APPROPRIATION	((\$3,368,839,000))
24		<u>\$2,987,732,000</u>

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

27 (1) Except as provided otherwise in this section, the entire
28 transportation 2003 account (nickel account) appropriation and the
29 entire transportation partnership account appropriation are provided
30 solely for the projects and activities as listed by fund, project, and
31 amount in ~~((LEAP Transportation Document 2010-1 as developed March 8,~~
32 ~~2010)) TEIS Document 11GOV001 as developed December 5, 2010, Program -
33 Highway Improvement Program (I). However, limited transfers of
34 specific line-item project appropriations may occur between projects
35 for those amounts listed subject to the conditions and limitations in
36 section 603 of this act.~~

37 (2) ~~((~~\$163,385,000~~))~~ \$163,391,000 of the transportation partnership
38 account--state appropriation ~~((and))~~, \$231,763,000 of the state route

1 number 520 corridor account--state appropriation, and \$152,000 of the
2 motor vehicle account--federal appropriation are provided solely for
3 the state route number 520 bridge replacement and HOV project. The
4 department shall submit an application for the eastside transit and HOV
5 project to the supplemental discretionary grant program for regionally
6 significant projects as provided in the American Recovery and
7 Reinvestment Act of 2009.

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

12 (4) Funding allocated for mitigation costs is provided solely for
13 the purpose of project impact mitigation, and shall not be used to
14 develop or otherwise participate in the environmental assessment
15 process.

16 (5) The department shall apply for surface transportation program
17 (STP) enhancement funds to be expended in lieu of or in addition to
18 state funds for eligible costs of projects in Programs I and P
19 including, but not limited to, the SR 518, SR 520, Columbia river
20 crossing, and Alaskan Way viaduct projects.

21 (6) The department shall, on a quarterly basis beginning July 1,
22 2009, provide to the office of financial management and the legislature
23 reports providing the status on each active project funded in part or
24 whole by the transportation 2003 account (nickel account) or the
25 transportation partnership account. Funding provided at a programmatic
26 level for transportation partnership account and transportation 2003
27 account (nickel account) projects relating to bridge rail, guard rail,
28 fish passage barrier removal, and roadside safety projects should be
29 reported on a programmatic basis. Projects within this programmatic
30 level funding should be completed on a priority basis and scoped to be
31 completed within the current programmatic budget. Report formatting
32 and elements must be consistent with the October 2009 quarterly project
33 report. On a representative sample of new construction contracts
34 valued at fifteen million dollars or more, the department must also use
35 an earned value method of project monitoring.

36 (7) The transportation 2003 account (nickel account)--state
37 appropriation includes up to (~~(\$653,630,000)~~) \$567,630,000 in proceeds
38 from the sale of bonds authorized by RCW 47.10.861.

1 (8) The transportation partnership account--state appropriation
2 includes up to (~~(\$1,347,939,000)~~) \$1,261,092,000 in proceeds from the
3 sale of bonds authorized in RCW 47.10.873.

4 (9) The special category C account--state appropriation includes up
5 to \$25,221,000 in proceeds from the sale of bonds authorized in RCW
6 47.10.812.

7 (10) The motor vehicle account--state appropriation includes up to
8 \$43,000,000 in proceeds from the sale of bonds authorized in RCW
9 47.10.843.

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

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

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

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

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

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

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

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

36 (g) Conduct public work sessions and open houses to provide
37 information to citizens, including users of the bridge and business and

1 freight interests, regarding implementation of tolls on the Interstate
2 5 and to solicit citizen views on the following items:

3 (i) Funding a portion of the Columbia river crossing project with
4 tolls;

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

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

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

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

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

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

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

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

30 (iv) Provide a report to the governor and the legislature by
31 January 2010.

32 (14) (~~(\$6,488,000)~~) \$1,323,000 of the motor vehicle account--state
33 appropriation (~~(and \$5,000)~~), \$3,628,000 of the motor vehicle account--
34 federal appropriation, and \$8,000 of the motor vehicle account--
35 private/local are provided solely for project 100224I, US 2 high
36 priority safety project. Expenditure of these funds is for safety
37 projects on state route number 2 between Monroe and Gold Bar, which may

1 include median rumble strips, traffic cameras, and electronic message
2 signs.

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

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

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

23 (18) \$250,000 of the motor vehicle account--state appropriation is
24 provided solely for the design and construction of a right turn lane to
25 improve visibility and traffic flow on state route number 195 and
26 Cheney-Spokane Road (project L1000001).

27 (19) (~~(\$730,000)~~) \$724,000 of the motor vehicle account--federal
28 appropriation and (~~(\$16,000)~~) \$17,000 of the motor vehicle account--
29 state appropriation are provided solely for the Westview school noise
30 wall (project WESTV).

31 (20) (~~(\$2,000)~~) \$3,000 of the motor vehicle account--state
32 appropriation and \$131,000 of the motor vehicle account--federal
33 appropriation are provided solely for interchange design and planning
34 work on US 12 at A Street and Tank Farm Road (project PASCO).

35 (21) (~~(\$21,566,000)~~) \$20,684,000 of the transportation partnership
36 account--state appropriation, (~~(\$26,000)~~) \$27,000 of the motor vehicle
37 account--state appropriation, (~~(\$30,000,000)~~) \$40,000,000 of the motor
38 vehicle account--private/local appropriation, and (~~(\$4,334,000)~~)

1 \$15,860,000 of the motor vehicle account--federal appropriation are
2 provided solely for project 400506A, the I-5/Columbia river
3 crossing/Vancouver project. The funding described in this subsection
4 includes a (~~(\$30,000,000)~~) \$40,000,000 contribution from the state of
5 Oregon.

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

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

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

20 (23) The department shall evaluate a potential deep bore culvert
21 for the state route number 305/Bjorgen creek fish barrier project
22 identified as project 330514A in (~~(LEAP Transportation Document ALL~~
23 ~~PROJECTS 2009-2, as developed April 24, 2009)~~) TEIS Document 11GOV001,
24 as developed December 5, 2010. The department shall evaluate whether
25 a deep bore culvert will be a less costly alternative than a
26 traditional culvert since a traditional culvert would require extensive
27 road detours during construction.

28 (24) Project number 330215A in the (~~(LEAP transportation)~~) TEIS
29 document described in subsection (1) of this section is expanded to
30 include safety and congestion improvements from the Key Peninsula
31 Highway to the vicinity of Purdy. The department shall consult with
32 the Washington traffic safety commission to ensure that this project
33 includes improvements at intersections and along the roadway to reduce
34 the frequency and severity of collisions related to roadway conditions
35 and traffic congestion.

36 (25) (~~(\$8,890,000)~~) \$5,831,000 of the transportation partnership
37 account--state appropriation is provided solely for project 109040Q,

1 the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3
2 project, as indicated in the ((LEAP-transportation)) TEIS document
3 referenced in subsection (1) of this section.

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

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

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

22 (29) Within the amounts provided in this section, \$200,000 of the
23 transportation partnership account--state appropriation is provided
24 solely for the department to prepare a comprehensive tolling study of
25 the state route number 167 corridor to determine the feasibility of
26 administering tolls within the corridor, identified as project number
27 316718A in the ((LEAP-transportation)) TEIS document described in
28 subsection (1) of this section. The department shall report to the
29 joint transportation committee by September 30, 2010. The department
30 shall regularly report to the Washington transportation commission
31 regarding the progress of the study for the purpose of guiding the
32 commission's potential toll setting on the facility. The elements of
33 the study must include, at a minimum:

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

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

37 (c) Economic considerations for future system investments.

1 (30) Within the amounts provided in this section, \$200,000 of the
2 transportation partnership account--state appropriation is provided
3 solely for the department to prepare a comprehensive tolling study of
4 the state route number 509 corridor to determine the feasibility of
5 administering tolls within the corridor, identified as project number
6 850901F in the (~~LEAP-transportation~~) TEIS document described in
7 subsection (1) of this section. The department shall report to the
8 joint transportation committee by September 30, 2010. The department
9 shall regularly report to the Washington transportation commission
10 regarding the progress of the study for the purpose of guiding the
11 commission's potential toll setting on the facility. The elements of
12 the study must include, at a minimum:

- 13 (a) The potential for value pricing to generate revenues for needed
- 14 transportation facilities within the corridor;
- 15 (b) Maximizing the efficient operation of the corridor; and
- 16 (c) Economic considerations for future system investments.

17 (31) Within the amounts provided in this section, \$28,000,000 of
18 the transportation partnership account--state appropriation is for
19 project (~~600010A~~) 6BI1001, as identified in the (~~LEAP~~) TEIS
20 transportation document in subsection (1) of this section: (~~NSC-North~~
21 ~~Spokane corridor design and right-of-way--new alignment~~) US395/North
22 Spokane corridor. Expenditure of these funds is for preliminary
23 engineering and right-of-way purchasing to prepare for four lanes to be
24 built from where existing construction ends at Francis Avenue for three
25 miles to the Spokane river and the possible design and construction of
26 additional sections using savings realized on the corridor.
27 (~~Additionally, any savings realized on project 60001A, as identified~~
28 ~~in the LEAP transportation document in subsection (1) of this section:~~
29 ~~US 395/NSC Francis Avenue to Farwell Road--New Alignment, must be~~
30 ~~applied to project 600010A.~~)

31 (32) \$400,000 of the motor vehicle account--state appropriation is
32 provided solely for the department to conduct a state route number 2
33 route development plan (project L2000016) that will identify essential
34 improvements needed between the port of Everett/Naval station and
35 approaching the state route number 9 interchange near the city of
36 Snohomish.

37 (33) If the SR 26 - Intersection and Illumination Improvements are
38 not completed by June 30, 2009, the department shall ensure that the

1 improvements are completed as soon as practicable after June 30, 2009,
2 and shall submit monthly progress reports on the improvements beginning
3 July 1, 2009.

4 (34) \$200,000 of the transportation partnership account--state
5 appropriation, identified on project number 400506A in the ((LEAP
6 ~~transportation~~)) TEIS document described in subsection (1) of this
7 section, is provided solely for the department to work with the
8 department of archaeology and historic preservation to ensure that the
9 cultural resources investigation is properly conducted on the Columbia
10 river crossing project. This project must be conducted with active
11 archaeological management and result in one report that spans the
12 single cultural area in Oregon and Washington. Additionally, the
13 department shall establish a scientific peer review of independent
14 archaeologists that are knowledgeable about the region and its cultural
15 resources.

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

23 (36) Within the amounts provided in this section, \$1,500,000 of the
24 motor vehicle account--state appropriation is provided solely for
25 necessary work along the south side of SR 532, identified as project
26 number 053255C in the ((LEAP ~~transportation~~)) TEIS document described
27 in subsection (1) of this section.

28 (37) \$10,000,000 of the transportation partnership account--state
29 appropriation is provided solely for the Spokane street viaduct portion
30 of project 809936Z, SR 99/Alaskan Way Viaduct - Replacement project as
31 indicated in the ((LEAP ~~transportation~~)) TEIS document referenced in
32 subsection (1) of this section.

33 (38) The department shall conduct a public outreach process to
34 identify and respond to community concerns regarding the portion of
35 John's Creek Road that connects state route number 3 and state route
36 number 101. The process must include representatives from Mason
37 county, the legislature, area businesses, and community members. The
38 department shall use this process to consider, develop, and design a

1 project scope so that the community's needs are met for the lowest
2 cost. The department shall provide a report on the process and
3 outcomes to the legislature by June 30, 2010.

4 (39) The department shall apply for the competitive portion of
5 federal transit administration funds for eligible transit-related costs
6 of the state route number 520 bridge replacement and HOV project and
7 the Columbia river crossing project. The federal funds described in
8 this subsection must not include those federal transit administration
9 funds distributed by formula. The department shall provide a report
10 regarding this effort to the legislature by January 1, 2010.

11 (40) \$5,500,000 of the motor vehicle account--federal appropriation
12 is provided solely for the Alaskan Way Viaduct - Automatic Shutdown
13 project, identified as project L1000034.

14 (41) (~~(\$2,244,000)~~) \$2,937,000 of the motor vehicle account--
15 federal appropriation and (~~(\$122,000)~~) \$163,000 of the motor vehicle
16 account--state appropriation are provided solely for the US 12/Nine
17 Mile Hill to Woodward Canyon Vic -Build New Highway project, identified
18 as project 501210T.

19 (42)(a) (~~(\$790,000)~~) \$1,116,000 of the motor vehicle account--
20 federal appropriation and \$45,000 of the motor vehicle account--state
21 appropriation is provided solely for the Express Lanes System Concept
22 Study project, identified as project 800020A. As part of this project,
23 the department shall prepare a comprehensive tolling study of the
24 Interstate 5 express lanes to determine the feasibility of
25 administering tolls within the corridor. The department shall
26 regularly report to the Washington transportation commission regarding
27 the progress of the study. The elements of the study must include, at
28 a minimum:

29 (i) The potential for value pricing to generate revenues for needed
30 transportation facilities;

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

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

33 (iv) An analysis of the impacts to the regional transportation
34 system.

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

37 (~~(44) \$226,000~~) (43) \$206,000 of the motor vehicle account--
38 federal appropriation and \$9,000 of the motor vehicle account--state

1 appropriation are provided solely for the SR 16/Rosedale Street NW
2 Vicinity - Frontage Road project (301639C). These funds must not be
3 expended before an agreement stating that the city of Gig Harbor will
4 take ownership of the road has been signed. The frontage road must be
5 built for driving speeds of no more than thirty-five miles per hour.

6 ~~((45))~~ (44) The department shall work with the Washington state
7 transportation commission, the Oregon state department of
8 transportation, and the Oregon state transportation commission to
9 analyze and review potential options for a bistate, toll setting
10 framework. As part of the analysis, the department shall undertake the
11 following actions: Review statutory provisions and the governance
12 structures of toll facilities in the United States that are located
13 within two or more states; review relevant federal law regarding
14 transportation facilities that are located within two or more states;
15 consult with the state treasurers in Washington and Oregon regarding
16 the appropriate structure for the issuance of debt for toll facilities
17 that are located within two states; report findings and recommendations
18 to the Columbia river project sponsor's council by October 1, 2010; and
19 provide a final report to the governor and the legislature by June 30,
20 2011.

21 ~~((46))~~ (45) \$750,000 of the motor vehicle account--state
22 appropriation is provided solely for improvements from Allan Road to
23 state route number 12 (501207Z).

24 ~~((47-\$500,000))~~ (46) \$337,000 of the motor vehicle account--state
25 appropriation is provided solely for a traffic signal at the
26 intersection of state route number 7 and state route number 702
27 (300738A).

28 ~~((48-\$750,000))~~ (47) \$316,000 of the motor vehicle account--state
29 appropriation is provided solely for environmental work on the Belfair
30 Bypass (project 300344C).

31 ~~((49))~~ (48) The legislature finds that state route number 522
32 corridor provides an important link between Interstates 5 and 405 and
33 will be impacted by diversion from tolling elsewhere in the region.
34 State route number 522 must be reviewed as part of the scoping work
35 conducted under section 220(4) of this act. As such, the legislature
36 intends to provide additional funding for the corridor as a priority in
37 the next revenue package. The state will work with the affected cities

1 and the federal government to secure the necessary resources to address
2 the needs of this critical corridor.

3 ~~((+50) \$500,000))~~ (49) \$561,000 of the motor vehicle account--state
4 appropriation is provided solely for the US 12/SR 122/Mossyrock -
5 Intersection project (401212R) for safety improvements.

6 ~~((+51) \$200,000))~~ (50) \$526,000 of the motor vehicle account--
7 federal appropriation, \$928,000 of the motor vehicle account--state
8 appropriation, and \$225,000 of the motor vehicle account--private/local
9 appropriation is provided solely for project US 97A/North of Wenatchee
10 - Wildlife Fence (209790B), and an offsetting reduction is anticipated
11 in the 2011-13 biennium.

12 ~~((+52))~~ (51) If a planned roundabout in the vicinity of state
13 route number 526 and 84th Street SW would divert commercial traffic
14 onto neighborhood streets, the department may not proceed with
15 improvements at state route number 526 and 84th Street SW until the
16 traffic impacts in the vicinity of state route number 526 and 40th
17 Avenue West are addressed.

18 ~~((+53))~~ (52) The department shall conduct a collision analysis
19 corridor study on state route number 167 from milepost 0 to milepost 5
20 and report to the transportation committees of the legislature on the
21 analysis results by December 1, 2010.

22 ~~((+54) \$2,600,000))~~ (53) \$357,000 of the motor vehicle account--
23 federal appropriation and \$15,000 of the motor vehicle account--state
24 appropriation is provided solely for the ITS Advanced Traveler
25 Information System project in Whatcom county (100589B).

26 ~~((+55) \$900,000))~~ (54) \$94,000 of the motor vehicle account--
27 federal appropriation and \$10,000 of the motor vehicle account--state
28 appropriation is provided solely for the US 97/Cameron Lake Road
29 intersection improvements project in Okanogan county (209700W).

30 ~~((+56) \$400,000))~~ (55) \$294,000 of the motor vehicle account--
31 federal appropriation and ~~((+56) \$100,000))~~ \$74,000 of the motor vehicle
32 account--state appropriation are provided solely for the SR 9/SR 204
33 Intersection Improvement project (L2000040).

34 ~~((+57))~~ (56) The legislature finds that the state route number 12
35 widening from state route number 124 to Walla Walla is an important
36 east-west corridor in the southeast region of the state. Widening the
37 highway to four lanes will increase safety and improve freight
38 mobility. Therefore, the legislature intends for the department to use

1 up to two million dollars in future redistributed federal obligation
2 authority that may be received by the department for right-of-way
3 purchase for the US 12/Nine Mile Hill to Woodward Canyon Vicinity -
4 Phase 7-A project (501210T).

5 **Sec. 305.** 2010 c 247 s 304 (uncodified) is amended to read as
6 follows:

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

8	Transportation Partnership Account--State	
9	Appropriation	(((\$75,305,000))
10		<u>\$68,420,000</u>
11	Motor Vehicle Account--State Appropriation	(((\$96,884,000))
12		<u>\$92,933,000</u>
13	Motor Vehicle Account--Federal Appropriation	(((\$556,705,000))
14		<u>\$536,133,000</u>
15	Motor Vehicle Account--Private/Local	
16	Appropriation	(((\$18,768,000))
17		<u>\$20,010,000</u>
18	Transportation 2003 Account (Nickel Account)--State	
19	Appropriation	(((\$6,328,000))
20		<u>\$6,148,000</u>
21	Puyallup Tribal Settlement Account--State	
22	Appropriation	(((\$6,636,000))
23		<u>\$6,432,000</u>
24	TOTAL APPROPRIATION	(((\$760,626,000))
25		<u>\$730,076,000</u>

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

28 (1) Except as provided otherwise in this section, the entire
29 transportation 2003 account (nickel account) appropriation and the
30 entire transportation partnership account appropriation are provided
31 solely for the projects and activities as listed by fund, project, and
32 amount in ((~~LEAP Transportation Document 2010-1 as developed March 8,~~
33 ~~2010, Program Highway Preservation Program (P))~~) TEIS Document
34 11GOV001 as developed December 5, 2010. However, limited transfers of
35 specific line-item project appropriations may occur between projects
36 for those amounts listed subject to the conditions and limitations in
37 section 603 of this act.

1 (2) (~~(\$542,000)~~) \$546,000 of the motor vehicle account--federal
2 appropriation and (~~(\$453,000)~~) \$310,000 of the motor vehicle account--
3 state appropriation are provided solely for project 602110F, SR
4 21/Keller ferry boat - Preservation. Funds are provided solely for
5 preservation work on the existing vessel, the Martha S.

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

9 (4) (~~(\$6,636,000)~~) \$6,432,000 of the Puyallup tribal settlement
10 account--state appropriation is provided solely for costs associated
11 with the Murray Morgan/11th Street bridge project. The city of Tacoma
12 may use the Puyallup tribal settlement account appropriation and other
13 appropriated funds for bridge rehabilitation, bridge replacement,
14 bridge demolition, and related mitigation. The department's
15 participation, including prior expenditures, may not exceed
16 (~~(\$40,270,000)~~) \$40,281,000. The city of Tacoma has taken ownership of
17 the bridge in its entirety, and the payment of these funds extinguishes
18 any real or implied agreements regarding future bridge expenditures.

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

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

1 monitoring. The department shall also provide the information required
2 under this subsection on a quarterly basis via the transportation
3 executive information systems (TEIS).

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

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

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

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

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

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

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

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

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

34 (9) (~~(\$299,000)~~) \$581,000 of the motor vehicle account--state
35 appropriation, (~~(\$23,425,000)~~) \$25,207,000 of the motor vehicle
36 account--federal appropriation, and (~~(\$373,000)~~) \$273,000 of the
37 transportation partnership account--state appropriation are provided

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

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

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

11 (12) (~~(\$1,440,000)~~) \$1,160,000 of the motor vehicle account--
12 federal appropriation and (~~(\$60,000)~~) \$54,000 of the motor vehicle
13 account--state appropriation are provided solely for the environmental
14 impact statement and preliminary planning for the replacement of the
15 state route number 9 Snohomish river bridge (project L2000018).

16 (13) (~~(\$12,503,000)~~) \$13,833,000 of the motor vehicle account--
17 federal appropriation and (~~(\$497,000)~~) \$479,000 of the motor vehicle
18 account--state appropriation are provided solely for the SR 410/Nile
19 Valley Landslide - Establish Interim Detour project (541002R).

20 (14) (~~(\$4,239,000)~~) \$3,933,000 of the motor vehicle account--
21 federal appropriation and (~~(\$662,000)~~) \$615,000 of the motor vehicle
22 account--state appropriation are provided solely for the SR 410/Nile
23 Valley Landslide - Reconstruct Route project (541002T).

24 (~~(+16)~~) (15) The legislature anticipates a report in September
25 2010 that will outline the department's recommendation for developing
26 a Keller Ferry replacement at the lowest cost. The legislature
27 supports the request to the federal government for federal aid for a
28 replacement vessel and intends to provide reasonable matching amounts
29 as necessary.

30 (~~(+17) \$2,100,000~~) (16) \$194,000 of the motor vehicle account--
31 federal appropriation and \$9,000 of the motor vehicle account--state
32 appropriation is provided solely for the SR 21/Kettle River to Malo
33 paving project in Ferry county (602117A).

34 **Sec. 306.** 2010 c 247 s 305 (uncodified) is amended to read as
35 follows:

36 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**

1 **CAPITAL**

2	Motor Vehicle Account--State Appropriation	((\$8,158,000))
3		<u>\$6,847,000</u>
4	Motor Vehicle Account--Federal Appropriation	((\$18,037,000))
5		<u>\$11,412,000</u>
6	Motor Vehicle Account--Private/Local Appropriation	((\$173,000))
7		<u>\$174,000</u>
8	TOTAL APPROPRIATION	((\$26,368,000))
9		<u>\$18,433,000</u>

10 **Sec. 307.** 2010 c 283 s 19 (uncodified) is amended to read as
11 follows:

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

14	Puget Sound Capital Construction Account--State	
15	Appropriation	((\$126,824,000))
16		<u>\$108,231,000</u>
17	Puget Sound Capital Construction Account--Federal	
18	Appropriation	((\$60,364,000))
19		<u>\$53,962,000</u>
20	Puget Sound Capital Construction Account--Local	
21	Appropriation	\$200,000
22	Transportation 2003 Account (Nickel Account)--State	
23	Appropriation	\$51,734,000
24	Transportation Partnership Account--State	
25	Appropriation	((\$66,879,000))
26		<u>\$102,669,000</u>
27	Multimodal Transportation Account--State	
28	Appropriation	\$149,000
29	TOTAL APPROPRIATION	((\$306,150,000))
30		<u>\$316,945,000</u>

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

33 (1) ((~~\$126,824,000~~)) \$108,231,000 of the Puget Sound capital
34 construction account--state appropriation, ((~~\$60,364,000~~)) \$53,964,000
35 of the Puget Sound capital construction account--federal appropriation,
36 \$200,000 of the Puget Sound capital construction account--local
37 appropriation, ((~~\$66,879,000~~)) \$102,669,000 of the transportation

1 partnership account--state appropriation, \$51,734,000 of the
2 transportation 2003 account (nickel account)--state appropriation, and
3 \$149,000 of the multimodal transportation account--state appropriation
4 are provided solely for ferry capital projects, project support, and
5 administration as listed in (~~LEAP Transportation Document ALL PROJECTS~~
6 ~~2010-2 as developed March 8, 2010, Program -- Ferries Construction~~
7 ~~Program (W))~~ TEIS Document 11GOV001, as developed December 5, 2010.
8 Of the total appropriation, a maximum of \$10,627,000 may be used for
9 administrative support, a maximum of (~~(\$8,184,000)~~) \$7,635,000 may be
10 used for terminal project support, and a maximum of \$4,497,000 may be
11 used for vessel project support. Of the total appropriation,
12 \$5,851,000 is provided solely for a reservation system and associated
13 communications projects.

14 (2) \$51,734,000 of the transportation 2003 account (nickel
15 account)--state appropriation, (~~(\$63,100,000)~~) \$99,890,000 of the
16 transportation partnership account--state appropriation, and
17 \$10,164,000 of the Puget Sound capital construction account--state
18 appropriation are provided solely for the acquisition of three new
19 Island Home class ferry vessels subject to the conditions of RCW
20 47.56.780. The department shall pursue a contract for the second and
21 third Island Home class ferry vessels with an option to purchase a
22 fourth Island Home class ferry vessel. (~~(However, if sufficient~~
23 ~~resources are available to build one 144 auto vessel prior to~~
24 ~~exercising the option to build the fourth Island Home class ferry~~
25 ~~vessel, procurement of the fourth Island Home class ferry vessel will~~
26 ~~be postponed and the department shall pursue procurement of a 144 auto~~
27 ~~vessel.))~~)

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

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

34 (~~(c))~~) (b) Cost savings from the following initiatives will be
35 included in the funding of these vessels: The department's review and
36 update of the vessel life-cycle cost model as required under this
37 section; and the implementation of technology efficiencies as required
38 under section 602 of this act.

1 (3)(a) \$8,450,000 of the Puget Sound capital construction account--
2 state appropriation and (~~(\$2,450,000)~~) \$1,450,000 of the transportation
3 partnership account--state appropriation are (~~(provided solely)~~) for
4 the following projects related to the design of a 144-vehicle vessel
5 class: (i) \$1,380,000 is (~~(provided solely)~~) for completion of the
6 contract for owner- furnished equipment; (ii) \$8,320,000 is (~~(provided~~
7 ~~solely)~~) for completion of the technical design, detail design, and
8 production drawings(~~(, all of which must plan for an aluminum~~
9 ~~superstructure)~~); (iii) \$480,000 is (~~(provided solely)~~) for the storage
10 of owner-furnished equipment; and (iv) a maximum of \$720,000 is for
11 construction engineering. In completing the contract for owner-
12 furnished equipment, the department shall use as much of the already
13 procured equipment as is practicable on the Island Home class ferry
14 vessels if it is likely to be obsolete before it is used in procured
15 144-vehicle vessels.

16 (b) The department shall conduct a cost-benefit study on
17 alternative furnishings and fittings for the 144-vehicle vessel class.
18 The study must review the proposed interior furnishings and fittings
19 for the long-term maintenance and out-of-service vessel costs and, if
20 appropriate, propose alternative interior furnishings and fittings that
21 will decrease long-term maintenance and out-of-service vessel costs.
22 The study must include a projection of out-of-service time and a life-
23 cycle cost analysis of planned out-of-service time, including the
24 impact on fleet size. The department must submit the study to the
25 joint transportation committee by August 1, 2010.

26 (~~(c) The department shall identify costs for any additional detail~~
27 ~~design and production drawings costs related to incorporating the~~
28 ~~aluminum superstructure and any changes in the proposed furnishings and~~
29 ~~fittings.)~~)

30 (4) \$6,300,000 of the Puget Sound capital construction account--
31 state appropriation is provided solely for emergency capital costs.

32 (5) \$3,000,000 of the Puget Sound capital construction account--
33 federal appropriation is provided solely for completing the Anacortes
34 terminal design up to the maximum allowable construction cost phase.
35 Beyond preparing environmental work, these funds may be spent only
36 after the following conditions have been met: (a) A value engineering
37 process is conducted on the existing design and the concept of a
38 terminal building smaller than preferred alternative; (b) the office of

1 financial management participates in the value engineering process; (c)
2 the office of financial management concurs with the recommendations of
3 the value engineering process; and (d) the office of financial
4 management gives its approval to proceed with the design work.

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

13 ~~((7) ((The department shall pursue purchasing a foreign flagged
14 vessel for service on the Anacortes, Washington to Sidney, British
15 Columbia ferry route.~~

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

28 ((+9)) (8) The department shall review and adjust its capital
29 program staffing levels to ensure staffing is at the most efficient
30 level necessary to implement the capital program in the omnibus
31 transportation appropriations act. The Washington state ferries shall
32 report this review and adjustment to the office of financial management
33 and the house and senate transportation committees of the legislature
34 by July 2009.

35 ((+10)) (9) \$1,200,000 of the total appropriation is provided
36 solely for improving the toll booth configuration at the Port Townsend
37 and Keystone ferry terminals.

1 (~~(11)~~) (10) \$2,636,000 of the total appropriation is provided
2 solely for continued permitting work on the Mukilteo ferry terminal.
3 The department shall seek additional federal funding for this project.

4 (~~(12)~~) (11) The department shall develop a proposed ferry vessel
5 maintenance, preservation, and improvement program and present it to
6 the transportation committees of the legislature by July 1, 2010. The
7 proposal must:

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

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

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

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

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

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

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

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

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

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

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

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

3 ((+13+)) (12) \$247,000 of the Puget Sound capital construction
4 account--state appropriation is ((provided solely)) for the Washington
5 state ferries to review and update its vessel life-cycle cost model and
6 report the results to the house of representatives and senate
7 transportation committees of the legislature by December 1, 2010. This
8 review will evaluate the impact of the planned out-of-service periods
9 scheduled for each vessel on the ability of the overall system to
10 deliver uninterrupted service and will assess the risk of service
11 disruption from unscheduled maintenance or longer than planned
12 maintenance periods.

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

20 ((+15+)) (14) The Puget Sound capital construction account--state
21 appropriation includes up to ((\$114,000,000)) \$91,000,000 in proceeds
22 from the sale of bonds authorized in RCW 47.10.843.

23 ((+16+)) (15) The Puget Sound capital construction account--state
24 appropriation reflects the reduction of three terminal positions due to
25 decreased terminal activity and funding.

26 ((+17+)) (16) The department shall provide data to the
27 transportation committees of the senate and house of representatives
28 for a transparent analysis of travel pay policies.

29 **Sec. 308.** 2010 c 247 s 307 (uncodified) is amended to read as
30 follows:

31 FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL	
32 Essential Rail Assistance Account--State	
33 Appropriation	((333,000))
34	<u>\$334,000</u>
35 Transportation Infrastructure Account--State	
36 Appropriation	\$13,184,000
37 Multimodal Transportation Account--State	

1	Appropriation	((\$102,202,000))
2		<u>\$90,128,000</u>
3	Multimodal Transportation Account--Federal	
4	Appropriation	((\$619,527,000))
5		<u>\$116,847,000</u>
6	Multimodal Transportation Account--Private/Local	
7	Appropriation	\$81,000
8	TOTAL APPROPRIATION	((\$735,327,000))
9		<u>\$220,574,000</u>

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

12 (1)(a) Except as provided otherwise in this section, the entire
13 appropriations in this section are provided solely for the projects and
14 activities as listed by project and amount in (~~LEAP Transportation~~
15 ~~Document ALL PROJECTS 2010-2 as developed March 8, 2010, Program Rail~~
16 ~~Capital Program (Y)~~) TEIS Document 11GOV001, as developed December 5,
17 2010.

18 (b)(i) Within the amounts provided in this section, \$116,000 of the
19 transportation infrastructure account--state appropriation is for a
20 low-interest loan through the freight rail investment bank program to
21 the Port of Ephrata (BIN 722710A) for rehabilitation of a rail spur.

22 (ii) Within the amounts provided in this section, \$1,200,000 of the
23 transportation infrastructure account--state appropriation is for a
24 low-interest loan through the freight rail investment bank program to
25 the Port of Everett (BIN 722810A) for a new rail track to connect a
26 cement loading facility to the mainline.

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

31 (c)(i) Within the amounts provided in this section, (~~\$1,713,000~~)
32 \$3,713,000 of the multimodal transportation account--state
33 appropriation and (~~\$333,000~~) \$334,000 of the essential rail
34 assistance account--state appropriation are for statewide - emergent
35 freight rail assistance projects as follows: Port of Ephrata/Ephrata -
36 additional spur rehabilitation (BIN 722710A) \$363,000; Tacoma
37 Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000; CW
38 Line/Lincoln County - grade crossing rehabilitation (BIN 700610A)

1 \$371,000; Chelatchie Prairie owned railroad/Vancouver - track
2 rehabilitation (BIN 710110A) (~~(\$367,000)~~) \$2,367,000; Tacoma
3 Rail/Tacoma - improved locomotive facility (BIN 711010B) (~~(\$525,000)~~)
4 \$526,000.

5 (ii) Within the amounts provided in this section, (~~(\$338,000)~~)
6 \$346,000 of the multimodal transportation account--state appropriation
7 is for a statewide - emergent freight rail assistance project grant
8 (~~(for the Lincoln County PDA/Creston -- new rail spur (BIN 710510A))~~)
9 under the New Creston Livestock Feed Mill Spur Track (BIN F01001E)
10 project, provided that the grantee first documents to the satisfaction
11 of the department sufficient commitments from the new shipper or
12 shippers to locate in the publicly owned industrial park west of
13 Creston to ensure that the net present value of the public benefits of
14 the project is greater than the grant amount.

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

1 district for the purposes stated in this section at least until June
2 30, 2012, and to reappropriate as necessary any portion of the
3 appropriation in this section that is not used by June 30, 2011.

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

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

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

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

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

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

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

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

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

37 (3) The department is directed to seek the use of unprogrammed

1 federal rail crossing funds to be expended in lieu of or in addition to
2 state funds for eligible costs of projects in program Y.

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

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

35 (6) The department shall, on a quarterly basis, provide to the
36 office of financial management and the legislature reports providing
37 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)~~) \$87,319,000 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 of the multimodal transportation account--state
18 appropriation is provided solely for expenditures related to the
19 capital high-speed passenger rail grant that are not federally
20 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)~~) \$2,367,000 of the multimodal transportation
29 account--state appropriation is provided solely for additional
30 expenditures along the Chelatchie Prairie railroad (~~(LN2000025)~~)
31 under the Clark County Rail Line/Battle Ground to Vancouver - Track
32 Rehabilitation project (BIN 710110A).

33 **Sec. 309.** 2010 c 247 s 308 (uncodified) is amended to read as
34 follows:

35 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
36 **CAPITAL**
37 (~~(Highway Infrastructure Account--State Appropriation \$207,000~~

1	Highway Infrastructure Account--Federal	
2	Appropriation	\$1,602,000)
3	Freight Mobility Investment Account--State	
4	Appropriation	(((\$13,848,000))
5		<u>\$9,170,000</u>
6	Transportation Partnership Account--State	
7	Appropriation	(((\$8,863,000))
8		<u>\$8,120,000</u>
9	Motor Vehicle Account--State Appropriation	(((\$14,068,000))
10		<u>\$7,131,000</u>
11	Motor Vehicle Account--Federal Appropriation	(((\$43,835,000))
12		<u>\$26,367,000</u>
13	Freight Mobility Multimodal Account--State	
14	Appropriation	(((\$15,620,000))
15		<u>\$11,833,000</u>
16	Freight Mobility Multimodal Account--Local	
17	Appropriation	(((\$3,258,000))
18		<u>\$1,058,000</u>
19	Multimodal Transportation Account--Federal	
20	Appropriation	\$2,118,000
21	Multimodal Transportation Account--State	
22	Appropriation	(((\$28,855,000))
23		<u>\$20,885,000</u>
24	Transportation 2003 Account (Nickel Account)--State	
25	Appropriation	\$2,709,000
26	Passenger Ferry Account--State Appropriation	(((\$2,879,000))
27		<u>\$1,764,000</u>
28	Puyallup Tribal Settlement Account--State	
29	Appropriation	(((\$5,895,000))
30		<u>\$5,905,000</u>
31	TOTAL APPROPRIATION	(((\$143,757,000))
32		<u>\$97,060,000</u>

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

35 (1) The department shall, on a quarterly basis, provide status
36 reports to the legislature on the delivery of projects as outlined in
37 the project lists incorporated in this section. For projects funded by
38 new revenue in the 2003 and 2005 transportation packages, reporting

1 elements shall include, but not be limited to, project scope, schedule,
2 and costs. Other projects may be reported on a programmatic basis.
3 The department shall also provide the information required under this
4 subsection on a quarterly basis via the transportation executive
5 information system (TEIS).

6 (2) \$2,729,000 of the passenger ferry account--state appropriation
7 is provided solely for near and long-term costs of capital improvements
8 in a business plan approved by the governor for passenger ferry
9 service.

10 (3) \$150,000 of the passenger ferry account--state appropriation is
11 provided solely for the Port of Kingston for a one-time operating
12 subsidy needed to retain a federal grant.

13 (4) \$3,000,000 of the motor vehicle account--federal appropriation
14 is provided solely for the Coal Creek parkway project (L1000025).

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

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

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

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

1 (9) (~~(\$18,289,000)~~) \$13,689,000 of the multimodal transportation
2 account--state appropriation, (~~(\$8,810,000)~~) \$7,747,000 of the motor
3 vehicle account--federal appropriation, and (~~(\$4,000,000)~~) \$3,677,000
4 of the transportation partnership account--state appropriation are
5 provided solely for the pedestrian and bicycle safety program projects
6 and safe routes to schools program projects identified in LEAP
7 Transportation Document 2009-A, pedestrian and bicycle safety program
8 projects and safe routes to schools program projects, as developed
9 March 30, 2009, LEAP Transportation Document 2007-A, pedestrian and
10 bicycle safety program projects and safe routes to schools program
11 projects, as developed April 20, 2007, and LEAP Transportation Document
12 2006-B, pedestrian and bicycle safety program projects and safe routes
13 to schools program projects, as developed March 8, 2006. Projects must
14 be allocated funding based on order of priority. The department shall
15 review all projects receiving grant awards under this program at least
16 semiannually to determine whether the projects are making satisfactory
17 progress. Any project that has been awarded funds, but does not report
18 activity on the project within one year of the grant award must be
19 reviewed by the department to determine whether the grant should be
20 terminated. The department shall promptly close out grants when
21 projects have been completed, and identify where unused grant funds
22 remain because actual project costs were lower than estimated in the
23 grant award.

24 (10) Except as provided otherwise in this section, the entire
25 appropriations in this section are provided solely for the projects and
26 activities as listed by project and amount in LEAP Transportation
27 Document ALL PROJECTS 2010-2 as developed March 8, 2010, Program -
28 Local Program (Z).

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

35 (12) (~~(\$913,386 of the motor vehicle account--state appropriation~~
36 ~~and \$2,858,000 of the motor vehicle account--federal appropriation are~~
37 ~~provided solely for completion of the US 101 northeast peninsula safety~~
38 ~~rest area and associated roadway improvements east of Port Angeles at~~

1 the Deer Park scenic view point. The department must surplus any
2 right of way previously purchased for this project near Sequim.
3 Approval to proceed with construction is contingent on surplus of
4 previously purchased right of way. \$865,000 of the motor vehicle
5 account state appropriation is to be placed into unallotted status
6 until such time as the right of way sale is completed.

7 ~~((13) \$5,894,000))~~ The lesser of \$5,905,000 or the remaining balance
8 of the Puyallup tribal settlement account--state appropriation is
9 provided solely for costs associated with the Murray Morgan/11th Street
10 bridge project. The city of Tacoma may use the Puyallup tribal
11 settlement account appropriation and other appropriated funds for
12 bridge rehabilitation, bridge replacement, bridge demolition, and
13 bridge mitigation. The department's participation, including prior
14 expenditures, may not exceed ~~(((\$40,270,000))~~ \$40,281,000. The city of
15 Tacoma has taken ownership of the bridge in its entirety, and the
16 payment of these funds extinguishes any real or implied agreements
17 regarding future bridge expenditures.

18 ~~((+14))~~ (13) Up to ~~(((\$3,702,000))~~ \$52,000 of the motor vehicle
19 account--federal appropriation and ~~(((\$75,000))~~ \$52,000 of the motor
20 vehicle account--state appropriation are provided solely to reimburse
21 the cities of Kirkland and Redmond for pavement and bridge deck
22 rehabilitation on state route number 908 (project 1LP611A). These
23 funds may not be expended unless the cities sign an agreement stating
24 that the cities agree to take ownership of state route number 908 in
25 its entirety and agree that the payment of these funds represents the
26 entire state commitment to the cities for state route number 908
27 expenditures. The amount provided in this subsection is contingent on
28 the enactment by June 30, 2010, of Senate Bill No. 6555.

29 ~~((+15))~~ (14) The department shall consider the condition of the
30 Broadway bridge in the city of Everett when prioritizing bridge
31 projects.

32 ~~((+16))~~ (15) In order to make the Hood Canal bridge safe for
33 cyclists, the department must work with stakeholders to review bicycle
34 safety needs on the bridge, including consideration of accident data
35 and improvements already made to this project.

36 ~~((+17) \$250,000))~~ (16) \$30,000 of the multimodal transportation
37 account--state appropriation is provided solely for the Shell Valley
38 emergency access road and bicycle/pedestrian path.

1 Multimodal Transportation Account--State
 2 Appropriation ((\$204,000))
 3 \$164,000
 4 TOTAL APPROPRIATION ((\$817,511,000))
 5 \$806,765,000

6 **Sec. 402.** 2010 c 247 s 402 (uncodified) is amended to read as
 7 follows:

8 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
 9 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND**
 10 **FISCAL AGENT CHARGES**

11 State Route Number 520 Corridor Account--State
 12 Appropriation ((\$40,000))
 13 \$110,000
 14 Transportation Partnership Account--State
 15 Appropriation ((\$787,000))
 16 \$537,000
 17 Motor Vehicle Account--State Appropriation ((\$122,000))
 18 \$62,000
 19 Transportation 2003 Account (Nickel Account)--State
 20 Appropriation ((\$364,000))
 21 \$264,000
 22 Special Category C Account--State Appropriation ((\$15,000))
 23 \$12,000
 24 Urban Arterial Trust Account--State Appropriation \$5,000
 25 Transportation Improvement Account--State Appropriation \$3,000
 26 Multimodal Transportation Account--State
 27 Appropriation ((\$34,000))
 28 \$22,000
 29 TOTAL APPROPRIATION ((\$1,370,000))
 30 \$1,015,000

31 **Sec. 403.** 2010 c 247 s 403 (uncodified) is amended to read as
 32 follows:

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

35 Motor Vehicle Account--State Appropriation:
 36 For transfer to the Puget Sound Capital Construction

1 Account ((\$114,000,000))
2 \$91,000,000

3 The department of transportation is authorized to sell up to
4 ((\$114,000,000)) \$91,000,000 in bonds authorized by RCW 47.10.843 for
5 vessel and terminal acquisition, major and minor improvements, and long
6 lead-time materials acquisition for the Washington state ferries.

7 **Sec. 404.** 2010 c 247 s 404 (uncodified) is amended to read as
8 follows:

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

10 Motor Vehicle Account Appropriation for
11 motor vehicle fuel tax distributions to cities
12 and counties ((\$478,753,000))
13 \$471,257,000

14 **Sec. 405.** 2010 c 247 s 405 (uncodified) is amended to read as
15 follows:

16 **FOR THE STATE TREASURER--TRANSFERS**

17 Motor Vehicle Account--State
18 Appropriation: For motor vehicle fuel tax
19 refunds and statutory transfers ((\$1,247,260,000))
20 \$1,228,165,000

21 **Sec. 406.** 2010 c 247 s 406 (uncodified) is amended to read as
22 follows:

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

24 Motor Vehicle Account--State
25 Appropriation: For motor vehicle fuel tax
26 refunds and transfers ((\$120,688,000))
27 \$116,661,000

28 **Sec. 407.** 2010 1st sp.s. c 37 s 804 (uncodified) is amended to
29 read as follows:

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

31 (1) (~~Tacoma Narrows Toll Bridge Account--State~~
32 ~~Appropriation: For transfer to the Motor Vehicle~~
33 ~~Account--State \$5,288,000~~
34 (-2)) Motor Vehicle Account--State Appropriation:

1 For transfer to the Puget Sound Ferry Operations
 2 Account--State ((\$54,100,000))
 3 \$59,100,000
 4 ((+3)) (2) Recreational Vehicle Account--State
 5 Appropriation: For transfer to the Motor Vehicle
 6 Account--State ((\$2,000,000))
 7 \$900,000
 8 ((+4)) (3) License Plate Technology Account--State
 9 Appropriation: For transfer to the Highway Safety
 10 Account--State \$2,750,000
 11 ((+5)) (4) Multimodal Transportation Account--State
 12 Appropriation: For transfer to the Puget Sound
 13 Ferry Operations Account--State ((\$9,000,000))
 14 \$22,000,000
 15 ((+6)) (5) Highway Safety Account--State
 16 Appropriation: For transfer to the Multimodal
 17 Transportation Account--State \$18,750,000
 18 ((+7)) (6) Department of Licensing Services
 19 Account--State Appropriation: For transfer to the
 20 Motor Vehicle Account--State \$1,300,000
 21 ((+8)) (7) Advanced Right-of-Way Account: For
 22 transfer to the Motor Vehicle Account--State \$14,000,000
 23 ~~((+9) State Route Number 520 Civil Penalties~~
 24 ~~Account--State Appropriation: For transfer to the~~
 25 ~~State Route Number 520 Corridor Account--State \$190,000~~
 26 (+10)) (8) Advanced Environmental Mitigation
 27 Revolving Account--State Appropriation: For transfer
 28 to the Motor Vehicle Account--State \$5,000,000
 29 ((+11)) (9) Regional Mobility Grant Program
 30 Account--State Appropriation: For transfer to the
 31 Multimodal Transportation Account--State \$4,000,000
 32 ((+12)) (10) Motor Vehicle Account--State
 33 Appropriation: For transfer to the State Patrol
 34 Highway Account--State \$5,600,000
 35 ((+13)) (11) The transfers identified in this section are subject
 36 to the following conditions and limitations:
 37 (a) ~~((The amount transferred in subsection (1) of this section~~
 38 ~~represents repayment of operating loans and reserve payments provided~~

1 to the Tacoma Narrows toll bridge account from the motor vehicle
2 account in the 2005-07 fiscal biennium. However, if Engrossed
3 Substitute Senate Bill No. 6499 is enacted by June 30, 2010, the
4 transfer in subsection (1) of this section shall not occur.

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

9 ((c) The transfer in subsection (9) of this section represents
10 toll revenue collected from toll violations.))

11 (b) The recreational vehicle account--state appropriation provided
12 in subsection (2) of this section for transfer to the motor vehicle
13 account--state shall not exceed the expenditures incurred from the
14 motor vehicle account--state for the recreational vehicle sanitary
15 disposal systems program. The office of the state treasurer shall only
16 transfer funds when requested by the department of transportation.

17 **MISCELLANEOUS**

18 NEW SECTION. **Sec. 501.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

22 NEW SECTION. **Sec. 502.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 immediately.

(End of bill)

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