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**SUBSTITUTE SENATE BILL 5972**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Hobbs, King, Saldaña, Sheldon, Cleveland, Fortunato, Randall, Zeiger, Palumbo, Takko, Nguyen, Wilson, C., Mullet, Liias, Padden, Lovelett, Das, Conway, and Wagoner)

AN ACT Relating to additive transportation funding and appropriations; creating new sections; making appropriations; and declaring an emergency.

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

NEW SECTION. **Sec.**  (1) An additive transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2021.

(2) It is the intent of the legislature that the funding levels specified in LEAP Transportation Document 2019 NL-2 as developed March 5, 2019, represents a commitment to provide appropriations to the agencies, programs, and activities at the amounts identified therein through fiscal year 2029.

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

(a) "Fiscal year 2020" or "FY 2020" means the fiscal year ending June 30, 2020.

(b) "Fiscal year 2021" or "FY 2021" means the fiscal year ending June 30, 2021.

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

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

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

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

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

**2019-2021 FISCAL BIENNIUM**

**TRANSPORTATION AGENCIES—OPERATING**

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION—PROGRAM D**

Forward Washington Account—State Appropriation $2,000,000

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Forward Washington Account—State Appropriation $50,000,000

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q**

Forward Washington Account—State Appropriation $5,000,000

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T**

Forward Washington Account—State Appropriation $100,000

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

(1) $100,000 of the forward Washington—state account is provided solely for the department to study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the department must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts. The department must report back the results of the study to the transportation committees of the legislature by December 1, 2019.

(2) State transportation planning funds for regional transportation planning organizations may be provided only to those organizations that provide a reasonable opportunity for voting membership to federally recognized tribes within the respective organization's planning area, as described in chapter . . . (Senate Bill No. 5778 (S-1113/19)), Laws of 2019.

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

Rural Mobility Grant Program Account—State

Appropriation $11,000,000

Forward Flexible Account—State Appropriation $58,000,000

TOTAL APPROPRIATION $69,000,000

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

(1) $20,000,000 of the forward flexible account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(2) $11,000,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3) $3,000,000 of the forward flexible account—state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies must cover capital costs only. Operating costs for public transit agencies are not eligible for funding under this grant program.

(4) $500,000 of the forward flexible account—state appropriation is provided solely for transit coordination grants.

(5) $30,000,000 of the forward flexible account—state appropriation is provided solely for bus and bus facility grants. It is the intent of the legislature, over the ten-year new investment program, that this grant program will provide $25,000,000 in state funds for Division Street High Performance Transit Infrastructure.

(6) $4,500,000 of the forward flexible account—state appropriation is provided solely for expanded transportation demand management. The department shall employ strategies to incentivize the use of transportation demand management at the local level. The department may partner with public, private, and nonprofit groups whose missions include topical areas such as social equity, public health, land use planning, transit oriented development, and active transportation.

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF COMMERCE**

Forward Flexible Account—State Appropriation $45,000,000

$45,000,000 of the forward flexible account—state appropriation is provided solely for transportation grid electrification grants. The purpose of the grant program is to aid public entities in funding projects that improve the connectivity and efficiency of our transportation system. The department shall identify cost-effective projects and submit a prioritized list of all projects requesting funding to the legislature by December 1st of each year.

**TRANSPORTATION AGENCIES—CAPITAL**

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

Freight Mobility Investment Account—State Appropriation $2,500,000

Freight Mobility Multimodal Account—State Appropriation $2,500,000

TOTAL APPROPRIATION $5,000,000

The appropriations in this section are subject to the following conditions and limitations: The entire freight mobility investment account—state appropriation and the entire freight mobility multimodal account—state appropriation are provided solely to enhance the grant and allocation programs administered by the freight mobility investment board.

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

Transportation Improvement Account—State Appropriation $9,000,000

Forward Flexible Account—State Appropriation $9,000,000

TOTAL APPROPRIATION $18,000,000

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

(1) The entire forward flexible account—state appropriation is provided solely to enhance the complete streets program.

(2) The entire transportation improvement account—state appropriation is to enhance the existing city grant and allocation programs administered by the transportation improvement board.

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

Rural Arterial Trust Account—State Appropriation $3,500,000

County Arterial Preservation Account—State Appropriation $3,500,000

TOTAL APPROPRIATION $7,000,000

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

(1) $1,000,000 of the rural arterial trust account—state appropriation and $1,000,000 of the county arterial preservation account—state appropriation are provided solely for deposit into the county road administration board emergency loan revolving account created in section 501 of this act for emergency loans to certain counties. The board may create an emergency revolving loan program through which the board may award emergency loans to counties with a population of less than eight hundred thousand as of April 1, 2019, from the funds available in the county road administration board emergency loan revolving account. The loans must be repaid with interest of not more than three percent and any negotiated administrative charges. The repayment of any loan made from the county road administration board emergency loan revolving account must be paid into the county road administration board emergency loan revolving account. An application for loan funds under this section must be made in the form and manner as the board may prescribe. The board shall submit a report to the legislature by December 1, 2020, identifying each project that received money from the county road administration board emergency loan revolving account, the amount of the loan, the repayment terms of the loan, the expected date of repayment, and the loan repayment status. For purposes of this subsection, "emergency loans" are loans that:

(a) Cover work resulting from a sudden natural or human caused event which results in the destruction or severe damage to county roadway sections or structures such that, in the consideration of public safety and use, the roadway sections or structures must be immediately closed or substantially restricted to normal traffic;

(b) Cover work of either a temporary or permanent nature, which restores roads and bridges to a preemergency condition and may include reconstruction to current design standards;

(c) Cover work of an emergency nature that is beyond the scope of work done by a county in repairing damages normally or reasonably expected from seasonal or other natural conditions, and is beyond what would be considered maintenance, regardless of how extensive the maintenance may be; and

(d) Cover work in area included in a county, state, or federal emergency proclamation related to the event that caused the damage the emergency project intends to correct.

(2) $2,500,000 of the rural arterial trust account—state appropriation and $2,500,000 of the county arterial preservation account—state appropriation are provided solely to enhance the rural arterial and the county arterial preservation programs.

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

Forward Washington Account—State Appropriation $795,940,000

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

(1) The entire forward Washington account appropriation is provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2019 NL-1 as developed March 5, 2019, Highway Improvements Program (I).

(2) The forward Washington account—state appropriation includes up to $289,698,000 in proceeds from the sale of bonds authorized in chapter . . . (Senate Bill No. 5970 (S-1390/19)), Laws of 2019.

(3) $350,000,000 of the forward Washington account—state appropriation is provided solely for the removal of fish culverts using a watershed approach to maximize habitat gain by replacing both state and local culverts. Of this amount, the department must replace the culvert impacted by the US 101/Lower Hoh Road Intersection Improvements project (L2000279) in the 2019-2021 biennium.

(4) $50,000,000 of the forward Washington account—state appropriation is provided solely for storm water retrofits and improvements.

(5) It is the legislature's intent that the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) include headlight shields from oncoming traffic and adequate highway lighting in order to improve safety on the corridor.

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P**

Forward Washington Account—State Appropriation $100,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire forward Washington account appropriation is provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2019 NL-1 as developed March 5, 2019, Highway Preservation Program (P).

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W**

Forward Washington Account—State Appropriation $167,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire forward Washington account appropriation in this section is provided solely for the projects and activities as listed in LEAP Transportation Document 2019 NL-1 as developed March 5, 2019, Washington State Ferries Capital Program (W).

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y**

Forward Flexible Account—State Appropriation $15,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for the projects and activities as listed in LEAP Transportation Document 2019 NL-1 as developed March 5, 2019, Rail Capital Program (Y).

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z**

Forward Flexible Account—State Appropriation $32,500,000

Forward Washington Account—State Appropriation $23,658,000

TOTAL APPROPRIATION $56,158,000

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

(1) $23,658,000 forward Washington account—state appropriation is provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2019 NL-1 as developed March 5, 2019, Local Program (Z).

(2) $10,000,000 of the forward flexible account—state appropriation is provided solely for a Washington ports grant program. It is the intent of the legislature, over the ten-year new investment program, that this grant program will provide $9,000,000 in state funds for the Spokane airport Transload facility.

(3) $16,500,000 of the forward flexible account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects.

(4) $6,000,000 of the forward flexible account—state appropriation is provided solely for newly selected safe routes to school projects.

**TRANSFERS AND DISTRIBUTIONS**

NEW SECTION. **Sec.**  **FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

(1) Forward Flexible Account—State Appropriation:

For transfer to the Freight Mobility Multimodal

Account—State $2,500,000

(2) Forward Flexible Account—State Appropriation:

For transfer to the Rural Mobility Grant

Program Account—State $11,000,000

(3)(a) Forward Flexible Account—State Appropriation:

For transfer to the General Fund—State $10,000,000

(b) The transfer in this subsection is solely for

reimbursement of eligible alternative fuel tax credits.

(4) Forward Washington Account—State Appropriation:

For transfer to the Freight Mobility Investment

Account—State $2,500,000

(5) Forward Washington Account—State Appropriation:

For transfer to the Rural Arterial Trust Account

—State $3,500,000

(6) Forward Washington Account—State Appropriation:

For transfer to the Transportation Improvement

Account—State $9,000,000

(7) Forward Washington Account—State Appropriation:

For transfer to the County Arterial Preservation

Account—State $3,500,000

NEW SECTION. **Sec.**  **FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION TO CITIES AND COUNTIES**

Forward Flexible Account—State Appropriation:

For distribution to cities and counties $37,500,000

The appropriation in this section is subject to the following conditions and limitations: The amount provided must be allocated between cities and counties using proportionate shares that are consistent with the total amount of fuel tax revenue distributed under RCW 46.68.090 to cities and counties. Funds credited to cities must be allocated under RCW 46.68.110(4). Funds credited to counties must be allocated under RCW 46.68.120(4). Expenditures from these funds may be used only for transportation purposes.

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

Forward Washington—State Appropriation $1,448,000

Highway Bond Retirement Account—State Appropriation $20,348,000

TOTAL APPROPRIATION $21,796,000

NEW SECTION. **Sec.**  **FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Forward Washington—State Appropriation $290,000

**MISCELLANEOUS**

NEW SECTION. **Sec.**  The county road administration board emergency loan revolving account is created in the custody of the state treasurer. All receipts from moneys collected under section 303 of this act must be deposited into the account. Expenditures from the account may be used only for the purposes described in section 303 of this act. Only the county road administration board or its designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. **Sec.**  The legislature intends that the following projects be designated as projects of statewide significance and be provided the benefit of the project facilitation and coordination specified in chapter . . . (Senate Bill No. 5847 (S-0669/19)), Laws of 2019 (significant transportation projects):

(1) US 2 Trestle replacement;

(2) I-5 Bridge over the Columbia River replacement;

(3) Fish passage barrier removal projects;

(4) Hood River Bridge replacement;

(5) Bridge of the Gods replacement;

(6) All future bridges over the Columbia River that connect Washington with Oregon.

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

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

**--- END ---**