

ESHB 1853 - S COMM AMD
By Committee on Transportation

ADOPTED AND ENGROSSED 04/14/2023

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

3 "NEW SECTION. **Sec. 1.** During the regular legislative session of
4 2022, the legislature passed Engrossed Substitute Senate Bill No.
5 5974 (chapter 182, Laws of 2022), a significant transportation
6 resources bill intended to provide needed transportation funding
7 throughout the state. However, since the enactment of that act,
8 certain drafting errors and omissions were identified within the act
9 resulting in some provisions being enacted contrary to legislative
10 intent. Additionally, some corrective changes were identified that
11 would better conform certain provisions with original legislative
12 intent. Therefore, it is the intent of the legislature to simply
13 correct manifest drafting errors and omissions and adopt corrective
14 changes in order to conform certain provisions with the original
15 legislative intent of Engrossed Substitute Senate Bill No. 5974
16 (chapter 182, Laws of 2022). It is not the intent of the legislature
17 to alter the intended substantive policy enacted in Engrossed
18 Substitute Senate Bill No. 5974 (chapter 182, Laws of 2022), but
19 rather to make certain corrective changes.

20 **Sec. 2.** RCW 46.17.015 and 2022 c 182 s 207 are each amended to
21 read as follows:

22 (1) A person who applies for a vehicle registration or for any
23 other right to operate a vehicle on the highways of this state shall
24 pay a 25 cent license plate technology fee in addition to any other
25 fees and taxes required by law. The license plate technology fee must
26 be distributed under RCW 46.68.370.

27 (2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not
28 subject to the license plate technology fee, except for a vehicle
29 (~~registered under RCW 46.16A.455(3)~~) subject to the fee under RCW
30 46.17.355.

1 (3) The revenue generated from (~~the license plate technology fee~~
2 ~~imposed on vehicles registered under RCW 46.16A.455(3))~~) subsection
3 (2) of this section must be deposited in the move ahead WA account
4 created in RCW 46.68.510.

5 **Sec. 3.** RCW 46.17.025 and 2022 c 182 s 208 are each amended to
6 read as follows:

7 (1) A person who applies for a vehicle registration or for any
8 other right to operate a vehicle on the highways of this state shall
9 pay a 50 cent license service fee in addition to any other fees and
10 taxes required by law. The license service fee must be distributed
11 under RCW 46.68.220.

12 (2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not
13 subject to the license service fee, except for a vehicle (~~registered~~
14 ~~under RCW 46.16A.455(3))~~) subject to the fee under RCW 46.17.355.

15 (3) The revenue generated from (~~the license service fee imposed~~
16 ~~on vehicles registered under RCW 46.16A.455(3))~~) subsection (2) of
17 this section must be deposited in the move ahead WA account created
18 in RCW 46.68.510.

19 **Sec. 4.** RCW 81.104.170 and 2019 c 273 s 12 are each amended to
20 read as follows:

21 (1) Cities that operate transit systems, county transportation
22 authorities, metropolitan municipal corporations, public
23 transportation benefit areas, high capacity transportation corridor
24 areas, and regional transit authorities may submit an authorizing
25 proposition to the voters and if approved by a majority of persons
26 voting, fix and impose a sales and use tax in accordance with the
27 terms of this chapter, solely for the purpose of providing high
28 capacity transportation service.

29 (2) The tax authorized pursuant to this section is in addition to
30 the tax authorized by RCW 82.14.030 and must be collected from those
31 persons who are taxable by the state pursuant to chapters 82.08 and
32 82.12 RCW upon the occurrence of any taxable event within the taxing
33 district.

34 (a) Except for the tax imposed under (b) of this subsection by
35 regional transit authorities that include a county with a population
36 of more than (~~one million five hundred thousand~~) 1,500,000, the
37 maximum rate of such tax must be approved by the voters and may not
38 exceed one percent of the selling price (in the case of a sales tax)

1 or value of the article used (in the case of a use tax). The maximum
2 rate of such tax that may be imposed may not exceed nine-tenths of
3 one percent in any county that imposes a tax under RCW 82.14.340, or
4 within a regional transit authority if any county within the
5 authority imposes a tax under RCW 82.14.340.

6 (b) The maximum rate of such tax that may be imposed by a
7 regional transit authority that includes a county with a population
8 of more than (~~one million five hundred thousand~~) 1,500,000 must be
9 approved by the voters and may not exceed 1.4 percent. If a regional
10 transit authority imposes the tax authorized under this subsection
11 (2)(b) in excess of 0.9 percent, the authority may not receive any
12 state grant funds provided in an omnibus transportation
13 appropriations act except transit coordination grants created in
14 chapter 11, Laws of 2015 3rd sp. sess. and regional mobility grant
15 program funds. To be eligible to receive regional mobility grant
16 program funds, a regional transit authority must have adopted, at a
17 minimum, a zero-fare policy that allows passengers 18 years of age
18 and younger to ride free of charge on all modes provided by the
19 authority by October 1, 2022.

20 (3)(a) The exemptions in RCW 82.08.820 and 82.12.820 are for the
21 state portion of the sales and use tax and do not extend to the tax
22 authorized in this section.

23 (b) The exemptions in RCW 82.08.962 and 82.12.962 are for the
24 state and local sales and use taxes and include the tax authorized by
25 this section.

26 (c) The exemptions in RCW 82.14.532 are for the local sales and
27 use taxes and include the tax authorized by this section.

28 **Sec. 5.** RCW 81.104.175 and 2018 c 81 s 1 are each amended to
29 read as follows:

30 (1) A regional transit authority that includes a county with a
31 population of more than (~~one million five hundred thousand~~)
32 1,500,000 may impose a regular property tax levy in an amount not to
33 exceed (~~twenty-five~~) 25 cents per (~~thousand dollars~~) \$1,000 of
34 the assessed value of property in the regional transit authority
35 district in accordance with the terms of this section.

36 (2) Any tax imposed under this section must be used for the
37 purpose of providing high capacity transportation service, as set
38 forth in a proposition that is approved by a majority of the
39 registered voters that vote on the proposition.

1 (3) Property taxes imposed under this section may be imposed for
2 the period of time required to pay the cost to plan, design,
3 construct, operate, and maintain the transit facilities set forth in
4 the approved proposition. Property taxes pledged to repay bonds may
5 be imposed at the pledged amount until the bonds are retired. After
6 the bonds are retired, property taxes authorized under this section
7 must be:

8 (a) Reduced to the level required to operate and maintain the
9 regional transit authority's transit facilities; or

10 (b) Terminated, unless the taxes have been extended by public
11 vote.

12 (4) The limitations in RCW 84.52.043 do not apply to the tax
13 authorized in this section.

14 (5) The limitation in RCW 84.55.010 does not apply to the first
15 levy imposed under this section.

16 (6) If a regional transit authority imposes the tax authorized
17 under subsection (1) of this section, the authority may not receive
18 any state grant funds provided in an omnibus transportation
19 appropriations act except transit coordination grants created in
20 chapter 11, Laws of 2015 3rd sp. sess. and regional mobility grant
21 program funds. To be eligible to receive regional mobility grant
22 program funds, a regional transit authority must have adopted, at a
23 minimum, a zero-fare policy that allows passengers 18 years of age
24 and younger to ride free of charge on all modes provided by the
25 authority by October 1, 2022.

26 (7) Property taxes imposed under this section may not be imposed
27 on less than a whole parcel.

28 **Sec. 6.** RCW 47.04.380 and 2022 c 182 s 417 are each amended to
29 read as follows:

30 (1) The legislature finds that many communities across Washington
31 state have not equitably benefited from investments in the active
32 transportation network. The legislature also finds that legacy state
33 transportation facilities designed primarily for vehicle use caused
34 disconnections in safe routes for people who walk, bike, and roll to
35 work and to carry out other daily activities.

36 (2) To address these investment gaps, and to honor the legacy of
37 community advocacy of Sandy Williams, the Sandy Williams connecting
38 communities program is established within the department. The purpose

1 of the program is to improve active transportation connectivity in
2 communities by:

3 (a) Providing safe, continuous routes for pedestrians,
4 bicyclists, and other nonvehicle users carrying out their daily
5 activities;

6 (b) Mitigating for the health, safety, and access impacts of
7 transportation infrastructure that bisects communities and creates
8 obstacles in the local active transportation network;

9 (c) Investing in greenways providing protected routes for a wide
10 variety of nonvehicular users; and

11 (d) Facilitating the planning, development, and implementation of
12 projects and activities that will improve the connectivity and safety
13 of the active transportation network.

14 (3) The department must select projects to propose to the
15 legislature for funding. In selecting projects, the department must
16 consider, at a minimum, the following criteria:

17 (a) Access to a transit facility, community facility, commercial
18 center, or community-identified assets;

19 (b) The use of minority and women-owned businesses and community-
20 based organizations in planning, community engagement, design, and
21 construction of the project;

22 (c) Whether the project will serve:

23 (i) Overburdened communities as defined in RCW 70A.02.010 to mean
24 a geographic area where vulnerable populations face combined,
25 multiple environmental harms and health impacts, and includes, but is
26 not limited to, highly impacted communities as defined in RCW
27 19.405.020;

28 (ii) Vulnerable populations as defined in RCW 70A.02.010 to mean
29 population groups that are more likely to be at higher risk for poor
30 health outcomes in response to environmental harms, due to adverse
31 socioeconomic factors, such as unemployment, high housing, and
32 transportation costs relative to income, limited access to nutritious
33 food and adequate health care, linguistic isolation, and other
34 factors that negatively affect health outcomes and increase
35 vulnerability to the effects of environmental harms; and sensitivity
36 factors, such as low birth weight and higher rates of
37 hospitalization. Vulnerable populations include, but are not limited
38 to: Racial or ethnic minorities, low-income populations, populations
39 disproportionately impacted by environmental harms, and populations
40 of workers experiencing environmental harms;

1 (iii) Household incomes at or below 200 percent of the federal
2 poverty level; and

3 (iv) People with disabilities;

4 (d) Environmental health disparities, such as those indicated by
5 the diesel pollution burden portion of the Washington environmental
6 health disparities map developed by the department of health, or
7 other similar indicators;

8 (e) Location on or adjacent to tribal lands or locations
9 providing essential services to tribal members;

10 (f) Crash experience involving pedestrians and bicyclists; and

11 (g) Identified need by the community, for example in the state
12 active transportation plan or a regional, county, or community plan.

13 (4) It is the intent of the legislature that the Sandy Williams
14 connecting communities program comply with the requirements of
15 chapter 314, Laws of 2021.

16 (5) The department shall submit a report to the transportation
17 committees of the legislature by December 1, 2022, and each December
18 1st thereafter identifying the selected connecting communities
19 projects for funding by the legislature. The report must also include
20 the status of previously funded projects.

21 (6) This section expires July 1, 2027.

22 **Sec. 7.** RCW 47.04.390 and 2022 c 182 s 419 are each amended to
23 read as follows:

24 (1) The department shall establish a statewide school-based
25 bicycle education grant program. The grant will support two programs:
26 One for elementary and middle school; and one for junior high and
27 high school aged youth to develop the skills and street safety
28 knowledge to be more confident bicyclists for transportation and/or
29 recreation. In development of the grant program, the department is
30 encouraged to consult with the environmental justice council and the
31 office of equity.

32 (2)(a) For the elementary and middle school program, the
33 department shall contract with a nonprofit organization with relevant
34 reach and experience, including a statewide footprint and
35 demonstrable experience deploying bicycling and road safety education
36 curriculum via a train the trainer model in schools. The selected
37 nonprofit shall identify partner schools that serve target
38 populations, based on the criteria in subsection (3) of this section.
39 Partner schools shall receive from the nonprofit: In-school bike and

1 pedestrian safety education curriculum, materials, equipment guidance
2 and consultation, and physical education teacher trainings. Youth
3 grades three through eight are eligible for the program.

4 (b) Selected school districts shall receive and maintain a fleet
5 of bicycles for the youth in the program. Youth and families
6 participating in the school-base bicycle education grant program
7 shall have an opportunity to receive a bike, lock, helmet, and lights
8 free of cost.

9 (3) For the junior high and high school program, the department
10 shall contract with a nonprofit organization with relevant reach and
11 experience, including a statewide footprint; demonstrable experience
12 developing and managing youth-based programming serving youth of
13 color in an after-school and/or community setting; and deploying
14 bicycling and road safety education curriculum via a train the
15 trainer model. The selected nonprofit shall use the equity-based
16 criteria in subsection (4) of this section to identify target
17 populations and partner organizations including, but not limited to,
18 schools, community-based organizations, housing authorities, and
19 parks and recreation departments, that work with the eligible
20 populations of youth ages 14 to 18. Partner organizations shall
21 receive from the nonprofit: Education curriculum, materials,
22 equipment including, but not limited to, bicycles, helmets, locks,
23 and lights, guidance and consultation, and initial instructor/
24 volunteer training, as well as ongoing support.

25 (4) In selecting schools and partner organizations for the
26 school-based bicycle education grant program, the department and
27 nonprofit must consider, at a minimum, the following criteria:

28 (a) Population impacted by poverty, as measured by free and
29 reduced lunch population or 200 percent federal poverty level;

30 (b) People of color;

31 (c) People of Hispanic heritage;

32 (d) People with disabilities;

33 (e) Environmental health disparities, such as those indicated by
34 the diesel pollution burden portion of the Washington environmental
35 health disparities map developed by the department of health, or
36 other similar indicators;

37 (f) Location on or adjacent to an Indian reservation;

38 (g) Geographic location throughout the state;

39 (h) Crash experience involving pedestrians and bicyclists;

40 (i) Access to a community facility or commercial center; and

1 (j) Identified need in the state active transportation plan or a
2 regional, county, or community plan.

3 (5) The department shall submit a report for both programs to the
4 transportation committees of the legislature by December 1, 2022, and
5 each December 1st thereafter identifying the selected programs and
6 school districts for funding by the legislature. The report must also
7 include the status of previously funded programs.

8 **Sec. 8.** RCW 46.68.480 and 2022 c 182 s 430 are each amended to
9 read as follows:

10 The Cooper Jones active transportation safety account is created
11 in the state treasury. All receipts from penalties collected under
12 RCW 46.63.170 shall be deposited into the account. Expenditures from
13 the account may be used only to fund grant projects or programs for
14 bicycle, pedestrian, and nonmotorist safety improvement administered
15 by the Washington traffic safety commission. By December 1, 2024, and
16 every two years thereafter, the commission shall report to the
17 transportation committees of the legislature regarding the activities
18 funded from the account. The account is subject to allotment
19 procedures under chapter 43.88 RCW. Moneys in the account may be
20 spent only after appropriation.

21 **Sec. 9.** RCW 43.84.092 and 2022 c 182 s 403 are each amended to
22 read as follows:

23 (1) All earnings of investments of surplus balances in the state
24 treasury shall be deposited to the treasury income account, which
25 account is hereby established in the state treasury.

26 (2) The treasury income account shall be utilized to pay or
27 receive funds associated with federal programs as required by the
28 federal cash management improvement act of 1990. The treasury income
29 account is subject in all respects to chapter 43.88 RCW, but no
30 appropriation is required for refunds or allocations of interest
31 earnings required by the cash management improvement act. Refunds of
32 interest to the federal treasury required under the cash management
33 improvement act fall under RCW 43.88.180 and shall not require
34 appropriation. The office of financial management shall determine the
35 amounts due to or from the federal government pursuant to the cash
36 management improvement act. The office of financial management may
37 direct transfers of funds between accounts as deemed necessary to
38 implement the provisions of the cash management improvement act, and

1 this subsection. Refunds or allocations shall occur prior to the
2 distributions of earnings set forth in subsection (4) of this
3 section.

4 (3) Except for the provisions of RCW 43.84.160, the treasury
5 income account may be utilized for the payment of purchased banking
6 services on behalf of treasury funds including, but not limited to,
7 depository, safekeeping, and disbursement functions for the state
8 treasury and affected state agencies. The treasury income account is
9 subject in all respects to chapter 43.88 RCW, but no appropriation is
10 required for payments to financial institutions. Payments shall occur
11 prior to distribution of earnings set forth in subsection (4) of this
12 section.

13 (4) Monthly, the state treasurer shall distribute the earnings
14 credited to the treasury income account. The state treasurer shall
15 credit the general fund with all the earnings credited to the
16 treasury income account except:

17 (a) The following accounts and funds shall receive their
18 proportionate share of earnings based upon each account's and fund's
19 average daily balance for the period: The abandoned recreational
20 vehicle disposal account, the aeronautics account, the Alaskan Way
21 viaduct replacement project account, the ambulance transport fund,
22 the brownfield redevelopment trust fund account, the budget
23 stabilization account, the capital vessel replacement account, the
24 capitol building construction account, the Central Washington
25 University capital projects account, the charitable, educational,
26 penal and reformatory institutions account, the Chehalis basin
27 account, the Chehalis basin taxable account, the cleanup settlement
28 account, the climate active transportation account, the climate
29 transit programs account, the Columbia river basin water supply
30 development account, the Columbia river basin taxable bond water
31 supply development account, the Columbia river basin water supply
32 revenue recovery account, the common school construction fund, the
33 community forest trust account, the connecting Washington account,
34 the county arterial preservation account, the county criminal justice
35 assistance account, the deferred compensation administrative account,
36 the deferred compensation principal account, the department of
37 licensing services account, the department of retirement systems
38 expense account, the developmental disabilities community services
39 account, the diesel idle reduction account, the drinking water
40 assistance account, the administrative subaccount of the drinking

1 water assistance account, the early learning facilities development
2 account, the early learning facilities revolving account, the Eastern
3 Washington University capital projects account, the education
4 construction fund, the education legacy trust account, the election
5 account, the electric vehicle account, the energy freedom account,
6 the energy recovery act account, the essential rail assistance
7 account, The Evergreen State College capital projects account, the
8 fair start for kids account, the ferry bond retirement fund, the
9 fish, wildlife, and conservation account, the freight mobility
10 investment account, the freight mobility multimodal account, the
11 grade crossing protective fund, the public health services account,
12 the state higher education construction account, the higher education
13 construction account, the higher education retirement plan
14 supplemental benefit fund, the highway bond retirement fund, the
15 highway infrastructure account, the highway safety fund, the hospital
16 safety net assessment fund, the Interstate 405 and state route number
17 167 express toll lanes account, the judges' retirement account, the
18 judicial retirement administrative account, the judicial retirement
19 principal account, the limited fish and wildlife account, the local
20 leasehold excise tax account, the local real estate excise tax
21 account, the local sales and use tax account, the marine resources
22 stewardship trust account, the medical aid account, the money-
23 purchase retirement savings administrative account, the money-
24 purchase retirement savings principal account, the motor vehicle
25 fund, the motorcycle safety education account, the move ahead WA
26 account, the move ahead WA flexible account, the multimodal
27 transportation account, the multiuse roadway safety account, the
28 municipal criminal justice assistance account, the oyster reserve
29 land account, the pension funding stabilization account, the
30 perpetual surveillance and maintenance account, the pilotage account,
31 the pollution liability insurance agency underground storage tank
32 revolving account, the public employees' retirement system plan 1
33 account, the public employees' retirement system combined plan 2 and
34 plan 3 account, the public facilities construction loan revolving
35 account, the public health supplemental account, the public works
36 assistance account, the Puget Sound capital construction account, the
37 Puget Sound ferry operations account, the Puget Sound Gateway
38 facility account, the Puget Sound taxpayer accountability account,
39 the real estate appraiser commission account, the recreational
40 vehicle account, the regional mobility grant program account, the

1 resource management cost account, the rural arterial trust account,
2 the rural mobility grant program account, the rural Washington loan
3 fund, the sexual assault prevention and response account, the site
4 closure account, the skilled nursing facility safety net trust fund,
5 the small city pavement and sidewalk account, the special category C
6 account, the special wildlife account, the state investment board
7 expense account, the state investment board commingled trust fund
8 accounts, the state patrol highway account, the state reclamation
9 revolving account, the state route number 520 civil penalties
10 account, the state route number 520 corridor account, the statewide
11 broadband account, the statewide tourism marketing account, the
12 supplemental pension account, the Tacoma Narrows toll bridge account,
13 the teachers' retirement system plan 1 account, the teachers'
14 retirement system combined plan 2 and plan 3 account, the tobacco
15 prevention and control account, the tobacco settlement account, the
16 toll facility bond retirement account, the transportation 2003
17 account (nickel account), the transportation equipment fund, the JUDY
18 transportation future funding program account, the transportation
19 improvement account, the transportation improvement board bond
20 retirement account, the transportation infrastructure account, the
21 transportation partnership account, the traumatic brain injury
22 account, the University of Washington bond retirement fund, the
23 University of Washington building account, the voluntary cleanup
24 account, the volunteer firefighters' and reserve officers' relief and
25 pension principal fund, the volunteer firefighters' and reserve
26 officers' administrative fund, the vulnerable roadway user education
27 account, the Washington judicial retirement system account, the
28 Washington law enforcement officers' and firefighters' system plan 1
29 retirement account, the Washington law enforcement officers' and
30 firefighters' system plan 2 retirement account, the Washington public
31 safety employees' plan 2 retirement account, the Washington school
32 employees' retirement system combined plan 2 and 3 account, the
33 Washington state patrol retirement account, the Washington State
34 University building account, the Washington State University bond
35 retirement fund, the water pollution control revolving administration
36 account, the water pollution control revolving fund, the Western
37 Washington University capital projects account, the Yakima integrated
38 plan implementation account, the Yakima integrated plan
39 implementation revenue recovery account, and the Yakima integrated
40 plan implementation taxable bond account. Earnings derived from

1 investing balances of the agricultural permanent fund, the normal
2 school permanent fund, the permanent common school fund, the
3 scientific permanent fund, and the state university permanent fund
4 shall be allocated to their respective beneficiary accounts.

5 (b) Any state agency that has independent authority over accounts
6 or funds not statutorily required to be held in the state treasury
7 that deposits funds into a fund or account in the state treasury
8 pursuant to an agreement with the office of the state treasurer shall
9 receive its proportionate share of earnings based upon each account's
10 or fund's average daily balance for the period.

11 (5) In conformance with Article II, section 37 of the state
12 Constitution, no treasury accounts or funds shall be allocated
13 earnings without the specific affirmative directive of this section.

14 **Sec. 10.** RCW 43.84.092 and 2022 c 182 s 404 are each amended to
15 read as follows:

16 (1) All earnings of investments of surplus balances in the state
17 treasury shall be deposited to the treasury income account, which
18 account is hereby established in the state treasury.

19 (2) The treasury income account shall be utilized to pay or
20 receive funds associated with federal programs as required by the
21 federal cash management improvement act of 1990. The treasury income
22 account is subject in all respects to chapter 43.88 RCW, but no
23 appropriation is required for refunds or allocations of interest
24 earnings required by the cash management improvement act. Refunds of
25 interest to the federal treasury required under the cash management
26 improvement act fall under RCW 43.88.180 and shall not require
27 appropriation. The office of financial management shall determine the
28 amounts due to or from the federal government pursuant to the cash
29 management improvement act. The office of financial management may
30 direct transfers of funds between accounts as deemed necessary to
31 implement the provisions of the cash management improvement act, and
32 this subsection. Refunds or allocations shall occur prior to the
33 distributions of earnings set forth in subsection (4) of this
34 section.

35 (3) Except for the provisions of RCW 43.84.160, the treasury
36 income account may be utilized for the payment of purchased banking
37 services on behalf of treasury funds including, but not limited to,
38 depository, safekeeping, and disbursement functions for the state
39 treasury and affected state agencies. The treasury income account is

1 subject in all respects to chapter 43.88 RCW, but no appropriation is
2 required for payments to financial institutions. Payments shall occur
3 prior to distribution of earnings set forth in subsection (4) of this
4 section.

5 (4) Monthly, the state treasurer shall distribute the earnings
6 credited to the treasury income account. The state treasurer shall
7 credit the general fund with all the earnings credited to the
8 treasury income account except:

9 (a) The following accounts and funds shall receive their
10 proportionate share of earnings based upon each account's and fund's
11 average daily balance for the period: The abandoned recreational
12 vehicle disposal account, the aeronautics account, the Alaskan Way
13 viaduct replacement project account, the brownfield redevelopment
14 trust fund account, the budget stabilization account, the capital
15 vessel replacement account, the capitol building construction
16 account, the Central Washington University capital projects account,
17 the charitable, educational, penal and reformatory institutions
18 account, the Chehalis basin account, the Chehalis basin taxable
19 account, the cleanup settlement account, the climate active
20 transportation account, the climate transit programs account, the
21 Columbia river basin water supply development account, the Columbia
22 river basin taxable bond water supply development account, the
23 Columbia river basin water supply revenue recovery account, the
24 common school construction fund, the community forest trust account,
25 the connecting Washington account, the county arterial preservation
26 account, the county criminal justice assistance account, the deferred
27 compensation administrative account, the deferred compensation
28 principal account, the department of licensing services account, the
29 department of retirement systems expense account, the developmental
30 disabilities community services account, the diesel idle reduction
31 account, the drinking water assistance account, the administrative
32 subaccount of the drinking water assistance account, the early
33 learning facilities development account, the early learning
34 facilities revolving account, the Eastern Washington University
35 capital projects account, the education construction fund, the
36 education legacy trust account, the election account, the electric
37 vehicle account, the energy freedom account, the energy recovery act
38 account, the essential rail assistance account, The Evergreen State
39 College capital projects account, the fair start for kids account,
40 the ferry bond retirement fund, the fish, wildlife, and conservation

1 account, the freight mobility investment account, the freight
2 mobility multimodal account, the grade crossing protective fund, the
3 public health services account, the state higher education
4 construction account, the higher education construction account, the
5 higher education retirement plan supplemental benefit fund, the
6 highway bond retirement fund, the highway infrastructure account, the
7 highway safety fund, the hospital safety net assessment fund, the
8 Interstate 405 and state route number 167 express toll lanes account,
9 the judges' retirement account, the judicial retirement
10 administrative account, the judicial retirement principal account,
11 the limited fish and wildlife account, the local leasehold excise tax
12 account, the local real estate excise tax account, the local sales
13 and use tax account, the marine resources stewardship trust account,
14 the medical aid account, the money-purchase retirement savings
15 administrative account, the money-purchase retirement savings
16 principal account, the motor vehicle fund, the motorcycle safety
17 education account, the move ahead WA account, the move ahead WA
18 flexible account, the multimodal transportation account, the multiuse
19 roadway safety account, the municipal criminal justice assistance
20 account, the oyster reserve land account, the pension funding
21 stabilization account, the perpetual surveillance and maintenance
22 account, the pilotage account, the pollution liability insurance
23 agency underground storage tank revolving account, the public
24 employees' retirement system plan 1 account, the public employees'
25 retirement system combined plan 2 and plan 3 account, the public
26 facilities construction loan revolving account, the public health
27 supplemental account, the public works assistance account, the Puget
28 Sound capital construction account, the Puget Sound ferry operations
29 account, the Puget Sound Gateway facility account, the Puget Sound
30 taxpayer accountability account, the real estate appraiser commission
31 account, the recreational vehicle account, the regional mobility
32 grant program account, the resource management cost account, the
33 rural arterial trust account, the rural mobility grant program
34 account, the rural Washington loan fund, the sexual assault
35 prevention and response account, the site closure account, the
36 skilled nursing facility safety net trust fund, the small city
37 pavement and sidewalk account, the special category C account, the
38 special wildlife account, the state investment board expense account,
39 the state investment board commingled trust fund accounts, the state
40 patrol highway account, the state reclamation revolving account, the

1 state route number 520 civil penalties account, the state route
2 number 520 corridor account, the statewide broadband account, the
3 statewide tourism marketing account, the supplemental pension
4 account, the Tacoma Narrows toll bridge account, the teachers'
5 retirement system plan 1 account, the teachers' retirement system
6 combined plan 2 and plan 3 account, the tobacco prevention and
7 control account, the tobacco settlement account, the toll facility
8 bond retirement account, the transportation 2003 account (nickel
9 account), the transportation equipment fund, the JUDY transportation
10 future funding program account, the transportation improvement
11 account, the transportation improvement board bond retirement
12 account, the transportation infrastructure account, the
13 transportation partnership account, the traumatic brain injury
14 account, the University of Washington bond retirement fund, the
15 University of Washington building account, the voluntary cleanup
16 account, the volunteer firefighters' and reserve officers' relief and
17 pension principal fund, the volunteer firefighters' and reserve
18 officers' administrative fund, the vulnerable roadway user education
19 account, the Washington judicial retirement system account, the
20 Washington law enforcement officers' and firefighters' system plan 1
21 retirement account, the Washington law enforcement officers' and
22 firefighters' system plan 2 retirement account, the Washington public
23 safety employees' plan 2 retirement account, the Washington school
24 employees' retirement system combined plan 2 and 3 account, the
25 Washington state patrol retirement account, the Washington State
26 University building account, the Washington State University bond
27 retirement fund, the water pollution control revolving administration
28 account, the water pollution control revolving fund, the Western
29 Washington University capital projects account, the Yakima integrated
30 plan implementation account, the Yakima integrated plan
31 implementation revenue recovery account, and the Yakima integrated
32 plan implementation taxable bond account. Earnings derived from
33 investing balances of the agricultural permanent fund, the normal
34 school permanent fund, the permanent common school fund, the
35 scientific permanent fund, and the state university permanent fund
36 shall be allocated to their respective beneficiary accounts.

37 (b) Any state agency that has independent authority over accounts
38 or funds not statutorily required to be held in the state treasury
39 that deposits funds into a fund or account in the state treasury
40 pursuant to an agreement with the office of the state treasurer shall

1 receive its proportionate share of earnings based upon each account's
2 or fund's average daily balance for the period.

3 (5) In conformance with Article II, section 37 of the state
4 Constitution, no treasury accounts or funds shall be allocated
5 earnings without the specific affirmative directive of this section.

6 **Sec. 11.** RCW 47.04.010 and 2015 3rd sp.s. c 10 s 3 are each
7 reenacted and amended to read as follows:

8 The following words and phrases, wherever used in this title,
9 shall have the meaning as in this section ascribed to them, unless
10 where used the context thereof shall clearly indicate to the contrary
11 or unless otherwise defined in the chapter of which they are a part:

12 (1) "Alley." A highway within the ordinary meaning of alley not
13 designated for general travel and primarily used as a means of access
14 to the rear of residences and business establishments;

15 (2) "Arterial highway." Every highway, as herein defined, or
16 portion thereof designated as such by proper authority;

17 (3) "Business district." The territory contiguous to and
18 including a highway, as herein defined, when within any (~~six~~
19 ~~hundred~~) 600 feet along such highway there are buildings in use for
20 business or industrial purposes(~~(7)~~) including, but not limited to,
21 hotels, banks, or office buildings, railroad stations, and public
22 buildings which occupy at least (~~three—hundred~~) 300 feet of
23 frontage on one side or (~~three—hundred~~) 300 feet collectively on
24 both sides of the highway;

25 (4) "Center line." The line, marked or unmarked parallel to and
26 equidistant from the sides of a two-way traffic roadway of a highway
27 except where otherwise indicated by painted lines or markers;

28 (5) "Center of intersection." The point of intersection of the
29 center lines of the roadways of intersecting highways;

30 (6) "City street." Every highway as herein defined, or part
31 thereof located within the limits of incorporated cities and towns,
32 except alleys;

33 (7) "Combination of vehicles." Every combination of motor vehicle
34 and motor vehicle, motor vehicle and trailer, or motor vehicle and
35 semitrailer;

36 (8) "Commercial vehicle." Any vehicle the principal use of which
37 is the transportation of commodities, merchandise, produce, freight,
38 animals, or passengers for hire;

1 (9) "County road." Every highway as herein defined, or part
2 thereof, outside the limits of incorporated cities and towns and
3 which has not been designated as a state highway, or branch thereof;

4 (10) "Crosswalk." The portion of the roadway between the
5 intersection area and a prolongation or connection of the farthest
6 sidewalk line or in the event there are no sidewalks then between the
7 intersection area and a line ten feet therefrom, except as modified
8 by a marked crosswalk;

9 (11) "Highway." Every way, lane, road, street, boulevard, and
10 every way or place in the state of Washington open as a matter of
11 right to public vehicular travel both inside and outside the limits
12 of incorporated cities and towns;

13 (12) "Intersection area." (a) The area embraced within the
14 prolongation or connection of the lateral curb lines, or, if none,
15 then the lateral boundary lines of the roadways of two or more
16 highways which join one another at, or approximately at, right
17 angles, or the area within which vehicles traveling upon different
18 highways joining at any other angle may come in conflict;

19 (b) Where a highway includes two roadways (~~(thirty)~~) 30 feet or
20 more apart, then every crossing of each roadway of such divided
21 highway by an intersecting highway shall be regarded as a separate
22 intersection. In the event such intersecting highway also includes
23 two roadways (~~(thirty)~~) 30 feet or more apart, then every crossing of
24 two roadways of such highways shall be regarded as a separate
25 intersection;

26 (c) The junction of an alley with a street or highway shall not
27 constitute an intersection;

28 (13) "Intersection control area." The intersection area as herein
29 defined, together with such modification of the adjacent roadway area
30 as results from the arc or curb corners and together with any marked
31 or unmarked crosswalks adjacent to the intersection;

32 (14) "Laned highway." A highway the roadway of which is divided
33 into clearly marked lanes for vehicular traffic;

34 (15) "Local authorities." Every county, municipal, or other local
35 public board or body having authority to adopt local police
36 regulations under the Constitution and laws of this state;

37 (16) "Marked crosswalk." Any portion of a roadway distinctly
38 indicated for pedestrian crossing by lines or other markings on the
39 surface thereof;

1 (17) "Metal tire." Every tire, the bearing surface of which in
2 contact with the highway is wholly or partly of metal or other hard,
3 nonresilient material;

4 (18) "Motor truck." Any motor vehicle, as herein defined,
5 designed or used for the transportation of commodities, merchandise,
6 produce, freight, or animals;

7 (19) "Motor vehicle." Every vehicle, as herein defined, which is
8 in itself a self-propelled unit;

9 (20) "Multiple lane highway." Any highway the roadway of which is
10 of sufficient width to reasonably accommodate two or more separate
11 lanes of vehicular traffic in the same direction, each lane of which
12 shall be not less than the maximum legal vehicle width, and whether
13 or not such lanes are marked;

14 (21) "Operator." Every person who drives or is in actual physical
15 control of a vehicle as herein defined;

16 (22) "Peace officer." Any officer authorized by law to execute
17 criminal process or to make arrests for the violation of the statutes
18 generally or of any particular statute or statutes relative to the
19 highways of this state;

20 (23) "Pedestrian." Any person afoot or who is using a wheelchair,
21 power wheelchair as defined in RCW 46.04.415, or a means of
22 conveyance propelled by human power other than a bicycle;

23 (24) "Person." Every natural person, firm, copartnership,
24 corporation, association, or organization;

25 (25) "Personal wireless service." Any federally licensed personal
26 wireless service;

27 (26) "Personal wireless service facilities." Unstaffed facilities
28 that are used for the transmission or reception, or both, of personal
29 wireless services including, but not necessarily limited to, antenna
30 arrays, transmission cables, equipment shelters, and support
31 structures;

32 (27) "Pneumatic tires." Every tire of rubber or other resilient
33 material designed to be inflated with compressed air to support the
34 load thereon;

35 (28) "Private road or driveway." Every way or place in private
36 ownership and used for travel of vehicles by the owner or those
37 having express or implied permission from the owner, but not by other
38 persons;

1 (29) "Railroad." A carrier of persons or property upon vehicles,
2 other than streetcars, operated upon stationary rails, the route of
3 which is principally outside incorporated cities and towns;

4 (30) "Railroad sign or signal." Any sign, signal, or device
5 erected by authority of a public body or official or by a railroad
6 and intended to give notice of the presence of railroad tracks or the
7 approach of a railroad train;

8 (31) "Residence district." The territory contiguous to and
9 including the highway, as herein defined, not comprising a business
10 district, as herein defined, when the property on such highway for a
11 continuous distance of (~~three hundred~~) 300 feet or more on either
12 side thereof is in the main improved with residences or residences
13 and buildings in use for business;

14 (32) "Roadway." The paved, improved, or proper driving portion of
15 a highway designed, or ordinarily used for vehicular travel;

16 (33) "Safety zone." The area or space officially set apart within
17 a roadway for the exclusive use of pedestrians and which is protected
18 or is marked or indicated by painted marks, signs, buttons,
19 standards, or otherwise so as to be plainly discernible;

20 (34) "Sidewalk." That property between the curb lines or the
21 lateral lines of a roadway, as herein defined, and the adjacent
22 property, set aside and intended for the use of pedestrians or such
23 portion of private property parallel and in proximity to a highway
24 and dedicated to use by pedestrians;

25 (35) "Solid tire." Every tire of rubber or other resilient
26 material which does not depend upon inflation with compressed air for
27 the support of the load thereon;

28 (36) "State highway." Every highway as herein defined, or part
29 thereof, which has been designated as a state highway, or branch
30 thereof, by legislative enactment;

31 (37) "Streetcar." A vehicle other than a train, as herein
32 defined, for the transporting of persons or property and operated
33 upon stationary rails principally within incorporated cities and
34 towns;

35 (38) "Structurally deficient." A state bridge that is classified
36 as in poor condition under the state bridge condition rating system
37 and is reported by the state to the national bridge inventory as
38 having a deck, superstructure, or substructure rating of four or
39 below. Structurally deficient bridges are characterized by
40 deteriorated conditions of significant bridge elements and

1 potentially reduced load carrying capacity. Bridges deemed
2 structurally deficient typically require significant maintenance and
3 repair to remain in service, and require major rehabilitation or
4 replacement to address the underlying deficiency;

5 (39) "Traffic." Pedestrians, ridden or herded animals, vehicles,
6 streetcars, and other conveyances either singly or together while
7 using any highways for purposes of travel;

8 (40) "Traffic control signal." Any traffic device, as herein
9 defined, whether manually, electrically, or mechanically operated, by
10 which traffic alternately is directed to stop or proceed or otherwise
11 controlled;

12 (41) "Traffic devices." All signs, signals, markings, and devices
13 not inconsistent with this title placed or erected by authority of a
14 public body or official having jurisdiction, for the purpose of
15 regulating, warning, or guiding traffic;

16 (42) "Train." A vehicle propelled by steam, electricity, or other
17 motive power with or without cars coupled thereto, operated upon
18 stationary rails, except streetcars;

19 (43) "Vehicle." Every device capable of being moved upon a
20 highway and in, upon, or by which any person or property is or may be
21 transported or drawn upon a highway, excepting power wheelchairs, as
22 defined in RCW 46.04.415, or devices moved by human or animal power
23 or used exclusively upon stationary rails or tracks;

24 (44) "Active transportation" includes forms of pedestrian
25 mobility including walking or running, the use of a mobility
26 assistive device such as a wheelchair, bicycling and cycling
27 irrespective of the number of wheels, and the use of small personal
28 devices such as foot scooters or skateboards. Active transportation
29 includes both traditional and electric-assisted bicycles and other
30 devices. Planning for active transportation must consider and address
31 accommodation pursuant to the Americans with disabilities act and the
32 distinct needs of each form of active transportation;

33 (45) "Complete streets" means an approach to planning, designing,
34 building, operating, and maintaining streets that enable safe access
35 along and across the street for all people, including pedestrians,
36 bicyclists, motorists, and transit riders of all ages and abilities.
37 It incorporates principles of a safe system approach;

38 (46) "Population center" includes incorporated cities and towns,
39 including their urban growth areas, and census-designated places;

1 (47) "Safe system approach" means an internationally recognized
2 holistic and proactive approach to road safety intended to
3 systematically reduce fatal and serious injury crash potential; as
4 described by the federal highway administration, the approach is
5 based on the following elements: Safe roads, safe speeds, safe
6 vehicles, safe road users, and postcrash care. The safe system
7 approach is incorporated through policies and practices of state
8 agencies and local governments with appropriate jurisdiction;

9 (48) "Shared-use path," also known as a "multiuse path," means a
10 facility designed for active transportation use and physically
11 separated from motorized vehicular traffic within the highway right-
12 of-way or on an exclusive right-of-way with minimal crossflow by
13 motor vehicles. Shared-use paths are primarily used by pedestrians
14 and people using bicycles or micromobility devices, including those
15 who use nonmotorized or motorized wheeled mobility or assistive
16 devices. With appropriate design considerations, equestrians may also
17 be accommodated by a shared-use path facility.

18 Words and phrases used herein in the past, present, or future
19 tense shall include the past, present, and future tenses; words and
20 phrases used herein in the masculine, feminine, or neuter gender
21 shall include the masculine, feminine, and neuter genders; and words
22 and phrases used herein in the singular or plural shall include the
23 singular and plural; unless the context thereof shall indicate to the
24 contrary.

25 **Sec. 12.** RCW 47.66.140 and 2022 c 182 s 422 are each amended to
26 read as follows:

27 (1) The department shall establish a transit support grant
28 program for the purpose of providing financial support to transit
29 agencies for operating and capital expenses only. Public transit
30 agencies must maintain or increase their local sales tax authority on
31 or after January 1, 2022, and may not delay or suspend the collection
32 of voter-approved sales taxes that were approved on or before January
33 1, 2022, in order to qualify for the grants.

34 (a) Grants for transit agencies must be prorated based on the
35 amount expended for operations in the most recently published report
36 of "Summary of Public Transportation" published by the department.

37 (b) No transit agency may receive more than 35 percent of these
38 distributions.

39 (c) Fuel type may not be a factor in the grant selection process.

1 (2) To be eligible to receive a grant, the transit agency must
2 have adopted, at a minimum, a zero-fare policy that allows passengers
3 18 years of age and younger to ride free of charge on all modes
4 provided by the agency. Transit agencies must submit documentation of
5 a zero-fare policy for 18 years of age and under by October 1, 2022,
6 to be eligible for the 2023-2025 biennium. Transit agencies that
7 submit such fare policy documentation following the October 1, 2022,
8 deadline shall become eligible for the next biennial distribution. To
9 the extent practicable, transit agencies shall align implementation
10 of youth zero-fare policies with equity and environmental justice
11 principles consistent with recommendations from the environmental
12 justice council, and ensure low-barrier accessibility of the program
13 to all youth.

14 (3) The department shall, for the purposes of the "Summary of
15 Public Transportation" report, require grantees to report the number
16 of trips that were taken under this program.

17 (4) For the purposes of this section, "transit agency" or
18 "agency" means a city transit system under RCW 35.58.2721 or chapter
19 35.95A RCW, a county public transportation authority under chapter
20 36.57 RCW, a metropolitan municipal corporation transit system under
21 chapter 36.56 RCW, a public transportation benefit area under chapter
22 36.57A RCW, an unincorporated transportation benefit area under RCW
23 36.57.100, or any special purpose district formed to operate a public
24 transportation system.

25 **Sec. 13.** RCW 43.392.040 and 2022 c 182 s 429 are each amended to
26 read as follows:

27 (1) Interagency electric vehicle coordinating council
28 responsibilities include, but are not limited to:

29 (a) Development of a statewide transportation electrification
30 strategy to ensure market and infrastructure readiness for all new
31 vehicle sales;

32 (b) Identification of all electric vehicle infrastructure grant-
33 related funding to include existing and future opportunities,
34 including state, federal, and other funds, and also nongrant-related
35 funding, including revenues generated by an electric utility from
36 credits under the clean fuels program for transportation
37 electrification programs or projects pursuant to RCW 70A.535.080(2);

38 (c) Coordination of grant funding criteria across agency grant
39 programs to most efficiently distribute state and federal electric

1 vehicle-related funding in a manner that is most beneficial to the
2 state, advances best practices, and recommends additional criteria
3 that could be useful in advancing transportation electrification;

4 (d) Development of a robust public and private outreach plan that
5 includes engaging with:

6 (i) Community organizers and the environmental justice council to
7 develop community-driven programs to address zero emissions
8 transportation needs and priorities in overburdened communities; and

9 (ii) Local governments to explore procurement opportunities and
10 work with local government and community programs to support
11 electrification;

12 (e) Creation of an industry electric vehicle advisory committee;
13 and

14 (f) Ensuring the statewide transportation electrification
15 strategy, grant distribution, programs, and activities associated
16 with advancing transportation electrification benefit vulnerable and
17 overburdened communities.

18 (2) The council shall provide an annual report to the appropriate
19 committees of the legislature summarizing electric vehicle
20 implementation progress, gaps, and resource needs.

21 NEW SECTION. **Sec. 14.** A new section is added to chapter 70A.535
22 RCW to read as follows:

23 The clean fuels transportation investment account is created in
24 the state treasury. All receipts to the state from clean fuel credits
25 generated from transportation investments, including those listed
26 under RCW 70A.535.050(3), must be deposited into the account. Moneys
27 in the account may be spent only after appropriation. Expenditures
28 from the account may only be used by the department of transportation
29 for transportation purposes, including activities and projects that
30 reduce greenhouse gas emissions and decarbonize the transportation
31 sector.

32 NEW SECTION. **Sec. 15.** Sections 4 and 5 of this act are remedial
33 in nature and apply retroactively to July 1, 2022.

34 NEW SECTION. **Sec. 16.** RCW 47.24.060 is recodified as a section
35 in chapter 47.04 RCW.

1 NEW SECTION. **Sec. 17.** Section 9 of this act expires July 1,
2 2024.

3 NEW SECTION. **Sec. 18.** Section 10 of this act takes effect July
4 1, 2024.

5 NEW SECTION. **Sec. 19.** Sections 2 and 3 of this act take effect
6 October 1, 2023."

ESHB 1853 - S COMM AMD
By Committee on Transportation

ADOPTED AND ENGROSSED 04/14/2023

7 On page 1, line 3 of the title, after "resources);" strike the
8 remainder of the title and insert "amending RCW 46.17.015, 46.17.025,
9 81.104.170, 81.104.175, 47.04.380, 47.04.390, 46.68.480, 43.84.092,
10 43.84.092, 47.66.140, and 43.392.040; reenacting and amending RCW
11 47.04.010; adding a new section to chapter 70A.535 RCW; adding a new
12 section to chapter 47.04 RCW; creating new sections; recodifying RCW
13 47.24.060; providing effective dates; and providing an expiration
14 date."

--- END ---