
SUBSTITUTE HOUSE BILL 1853

State of Washington

68th Legislature

2023 Regular Session

By House Transportation (originally sponsored by Representative Fey)

READ FIRST TIME 04/04/23.

1 AN ACT Relating to making certain corrective changes resulting
2 from the enactment of chapter 182, Laws of 2022 (transportation
3 resources); amending RCW 46.17.015, 46.17.025, 81.104.170,
4 81.104.175, 47.04.380, 47.04.390, 46.68.480, 43.84.092, 43.84.092,
5 47.66.140, and 43.392.040; reenacting and amending RCW 47.04.010;
6 adding a new section to chapter 47.04 RCW; creating new sections;
7 recodifying RCW 47.24.060; providing effective dates; and providing
8 an expiration date.

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

10 NEW SECTION. **Sec. 1.** During the regular legislative session of
11 2022, the legislature passed Engrossed Substitute Senate Bill No.
12 5974 (chapter 182, Laws of 2022), a significant transportation
13 resources bill intended to provide needed transportation funding
14 throughout the state. However, since the enactment of that act,
15 certain drafting errors and omissions were identified within the act
16 resulting in some provisions being enacted contrary to legislative
17 intent. Additionally, some corrective changes were identified that
18 would better conform certain provisions with original legislative
19 intent. Therefore, it is the intent of the legislature to simply
20 correct manifest drafting errors and omissions and adopt corrective
21 changes in order to conform certain provisions with the original

1 legislative intent of Engrossed Substitute Senate Bill No. 5974
2 (chapter 182, Laws of 2022). It is not the intent of the legislature
3 to alter the intended substantive policy enacted in Engrossed
4 Substitute Senate Bill No. 5974 (chapter 182, Laws of 2022), but
5 rather to make certain corrective changes.

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

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

13 (2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not
14 subject to the license plate technology fee, except for a vehicle
15 registered under RCW (~~46.16A.455(3)~~) 46.17.355, unless specifically
16 exempt.

17 (3) The revenue from the license plate technology fee imposed on
18 vehicles registered under RCW (~~46.16A.455(3)~~) 46.17.355 must be
19 deposited in the move ahead WA account created in RCW 46.68.510.

20 **Sec. 3.** RCW 46.17.025 and 2022 c 182 s 208 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 50 cent license service fee in addition to any other fees and
25 taxes required by law. The license service fee must be distributed
26 under RCW 46.68.220.

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

30 (3) The revenue from the license service fee imposed on vehicles
31 registered under RCW (~~46.16A.455(3)~~) 46.17.355 must be deposited in
32 the move ahead WA account created in RCW 46.68.510.

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

35 (1) Cities that operate transit systems, county transportation
36 authorities, metropolitan municipal corporations, public
37 transportation benefit areas, high capacity transportation corridor

1 areas, and regional transit authorities may submit an authorizing
2 proposition to the voters and if approved by a majority of persons
3 voting, fix and impose a sales and use tax in accordance with the
4 terms of this chapter, solely for the purpose of providing high
5 capacity transportation service.

6 (2) The tax authorized pursuant to this section is in addition to
7 the tax authorized by RCW 82.14.030 and must be collected from those
8 persons who are taxable by the state pursuant to chapters 82.08 and
9 82.12 RCW upon the occurrence of any taxable event within the taxing
10 district.

11 (a) Except for the tax imposed under (b) of this subsection by
12 regional transit authorities that include a county with a population
13 of more than (~~one million five hundred thousand~~) 1,500,000, the
14 maximum rate of such tax must be approved by the voters and may not
15 exceed one percent of the selling price (in the case of a sales tax)
16 or value of the article used (in the case of a use tax). The maximum
17 rate of such tax that may be imposed may not exceed nine-tenths of
18 one percent in any county that imposes a tax under RCW 82.14.340, or
19 within a regional transit authority if any county within the
20 authority imposes a tax under RCW 82.14.340.

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

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

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

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

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

5 (1) A regional transit authority that includes a county with a
6 population of more than (~~one million five hundred thousand~~)
7 1,500,000 may impose a regular property tax levy in an amount not to
8 exceed (~~twenty-five~~) 25 cents per (~~thousand dollars~~) \$1,000 of
9 the assessed value of property in the regional transit authority
10 district in accordance with the terms of this section.

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

15 (3) Property taxes imposed under this section may be imposed for
16 the period of time required to pay the cost to plan, design,
17 construct, operate, and maintain the transit facilities set forth in
18 the approved proposition. Property taxes pledged to repay bonds may
19 be imposed at the pledged amount until the bonds are retired. After
20 the bonds are retired, property taxes authorized under this section
21 must be:

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

24 (b) Terminated, unless the taxes have been extended by public
25 vote.

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

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

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

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

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

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

11 (2) To address these investment gaps, and to honor the legacy of
12 community advocacy of Sandy Williams, the Sandy Williams connecting
13 communities program is established within the department. The purpose
14 of the program is to improve active transportation connectivity in
15 communities by:

16 (a) Providing safe, continuous routes for pedestrians,
17 bicyclists, and other nonvehicle users carrying out their daily
18 activities;

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

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

24 (d) Facilitating the planning, development, and implementation of
25 projects and activities that will improve the connectivity and safety
26 of the active transportation network.

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

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

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

35 (c) Whether the project will serve:

36 (i) Overburdened communities as defined in RCW 70A.02.010 to mean
37 a geographic area where vulnerable populations face combined,
38 multiple environmental harms and health impacts, and includes, but is

1 not limited to, highly impacted communities as defined in RCW
2 19.405.020;

3 (ii) Vulnerable populations as defined in RCW 70A.02.010 to mean
4 population groups that are more likely to be at higher risk for poor
5 health outcomes in response to environmental harms, due to adverse
6 socioeconomic factors, such as unemployment, high housing, and
7 transportation costs relative to income, limited access to nutritious
8 food and adequate health care, linguistic isolation, and other
9 factors that negatively affect health outcomes and increase
10 vulnerability to the effects of environmental harms; and sensitivity
11 factors, such as low birth weight and higher rates of
12 hospitalization. Vulnerable populations include, but are not limited
13 to: Racial or ethnic minorities, low-income populations, populations
14 disproportionately impacted by environmental harms, and populations
15 of workers experiencing environmental harms;

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

18 (iv) People with disabilities;

19 (d) Environmental health disparities, such as those indicated by
20 the diesel pollution burden portion of the Washington environmental
21 health disparities map developed by the department of health, or
22 other similar indicators;

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

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

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

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

31 (5) The department shall submit a report to the transportation
32 committees of the legislature by December 1, 2022, and each December
33 1st thereafter identifying the selected connecting communities
34 projects for funding by the legislature. The report must also include
35 the status of previously funded projects.

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

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

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

9 (2) (a) For the elementary and middle school program, the
10 department shall contract with a nonprofit organization with relevant
11 reach and experience, including a statewide footprint and
12 demonstrable experience deploying bicycling and road safety education
13 curriculum via a train the trainer model in schools. The selected
14 nonprofit shall identify partner schools that serve target
15 populations, based on the criteria in subsection (3) of this section.
16 Partner schools shall receive from the nonprofit: In-school bike and
17 pedestrian safety education curriculum, materials, equipment guidance
18 and consultation, and physical education teacher trainings. Youth
19 grades three through eight are eligible for the program.

20 (b) Selected school districts shall receive and maintain a fleet
21 of bicycles for the youth in the program. Youth and families
22 participating in the school-base bicycle education grant program
23 shall have an opportunity to receive a bike, lock, helmet, and lights
24 free of cost.

25 (3) For the junior high and high school program, the department
26 shall contract with a nonprofit organization with relevant reach and
27 experience, including a statewide footprint; demonstrable experience
28 developing and managing youth-based programming serving youth of
29 color in an after-school and/or community setting; and deploying
30 bicycling and road safety education curriculum via a train the
31 trainer model. The selected nonprofit shall use the equity-based
32 criteria in subsection (4) of this section to identify target
33 populations and partner organizations including, but not limited to,
34 schools, community-based organizations, housing authorities, and
35 parks and recreation departments, that work with the eligible
36 populations of youth ages 14 to 18. Partner organizations shall
37 receive from the nonprofit: Education curriculum, materials,
38 equipment including, but not limited to, bicycles, helmets, locks,
39 and lights, guidance and consultation, and initial instructor/
40 volunteer training, as well as ongoing support.

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

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

6 (b) People of color;

7 (c) People of Hispanic heritage;

8 (d) People with disabilities;

9 (e) Environmental health disparities, such as those indicated by
10 the diesel pollution burden portion of the Washington environmental
11 health disparities map developed by the department of health, or
12 other similar indicators;

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

14 (g) Geographic location throughout the state;

15 (h) Crash experience involving pedestrians and bicyclists;

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

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

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

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

26 The Cooper Jones active transportation safety account is created
27 in the state treasury. All receipts from penalties collected under
28 RCW 46.63.170 shall be deposited into the account. Expenditures from
29 the account may be used only to fund grant projects or programs for
30 bicycle, pedestrian, and nonmotorist safety improvement administered
31 by the Washington traffic safety commission. By December 1, 2024, and
32 every two years thereafter, the commission shall report to the
33 transportation committees of the legislature regarding the activities
34 funded from the account. The account is subject to allotment
35 procedures under chapter 43.88 RCW. Moneys in the account may be
36 spent only after appropriation.

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

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

4 (2) The treasury income account shall be utilized to pay or
5 receive funds associated with federal programs as required by the
6 federal cash management improvement act of 1990. The treasury income
7 account is subject in all respects to chapter 43.88 RCW, but no
8 appropriation is required for refunds or allocations of interest
9 earnings required by the cash management improvement act. Refunds of
10 interest to the federal treasury required under the cash management
11 improvement act fall under RCW 43.88.180 and shall not require
12 appropriation. The office of financial management shall determine the
13 amounts due to or from the federal government pursuant to the cash
14 management improvement act. The office of financial management may
15 direct transfers of funds between accounts as deemed necessary to
16 implement the provisions of the cash management improvement act, and
17 this subsection. Refunds or allocations shall occur prior to the
18 distributions of earnings set forth in subsection (4) of this
19 section.

20 (3) Except for the provisions of RCW 43.84.160, the treasury
21 income account may be utilized for the payment of purchased banking
22 services on behalf of treasury funds including, but not limited to,
23 depository, safekeeping, and disbursement functions for the state
24 treasury and affected state agencies. The treasury income account is
25 subject in all respects to chapter 43.88 RCW, but no appropriation is
26 required for payments to financial institutions. Payments shall occur
27 prior to distribution of earnings set forth in subsection (4) of this
28 section.

29 (4) Monthly, the state treasurer shall distribute the earnings
30 credited to the treasury income account. The state treasurer shall
31 credit the general fund with all the earnings credited to the
32 treasury income account except:

33 (a) The following accounts and funds shall receive their
34 proportionate share of earnings based upon each account's and fund's
35 average daily balance for the period: The abandoned recreational
36 vehicle disposal account, the aeronautics account, the Alaskan Way
37 viaduct replacement project account, the ambulance transport fund,
38 the brownfield redevelopment trust fund account, the budget
39 stabilization account, the capital vessel replacement account, the
40 capitol building construction account, the Central Washington

1 University capital projects account, the charitable, educational,
2 penal and reformatory institutions account, the Chehalis basin
3 account, the Chehalis basin taxable account, the cleanup settlement
4 account, the climate active transportation account, the climate
5 transit programs account, the Columbia river basin water supply
6 development account, the Columbia river basin taxable bond water
7 supply development account, the Columbia river basin water supply
8 revenue recovery account, the common school construction fund, the
9 community forest trust account, the connecting Washington account,
10 the county arterial preservation account, the county criminal justice
11 assistance account, the deferred compensation administrative account,
12 the deferred compensation principal account, the department of
13 licensing services account, the department of retirement systems
14 expense account, the developmental disabilities community services
15 account, the diesel idle reduction account, the drinking water
16 assistance account, the administrative subaccount of the drinking
17 water assistance account, the early learning facilities development
18 account, the early learning facilities revolving account, the Eastern
19 Washington University capital projects account, the education
20 construction fund, the education legacy trust account, the election
21 account, the electric vehicle account, the energy freedom account,
22 the energy recovery act account, the essential rail assistance
23 account, The Evergreen State College capital projects account, the
24 fair start for kids account, the ferry bond retirement fund, the
25 fish, wildlife, and conservation account, the freight mobility
26 investment account, the freight mobility multimodal account, the
27 grade crossing protective fund, the public health services account,
28 the state higher education construction account, the higher education
29 construction account, the higher education retirement plan
30 supplemental benefit fund, the highway bond retirement fund, the
31 highway infrastructure account, the highway safety fund, the hospital
32 safety net assessment fund, the Interstate 405 and state route number
33 167 express toll lanes account, the judges' retirement account, the
34 judicial retirement administrative account, the judicial retirement
35 principal account, the limited fish and wildlife account, the local
36 leasehold excise tax account, the local real estate excise tax
37 account, the local sales and use tax account, the marine resources
38 stewardship trust account, the medical aid account, the money-
39 purchase retirement savings administrative account, the money-
40 purchase retirement savings principal account, the motor vehicle

1 fund, the motorcycle safety education account, the move ahead WA
2 account, the move ahead WA flexible account, the multimodal
3 transportation account, the multiuse roadway safety account, the
4 municipal criminal justice assistance account, the oyster reserve
5 land account, the pension funding stabilization account, the
6 perpetual surveillance and maintenance account, the pilotage account,
7 the pollution liability insurance agency underground storage tank
8 revolving account, the public employees' retirement system plan 1
9 account, the public employees' retirement system combined plan 2 and
10 plan 3 account, the public facilities construction loan revolving
11 account, the public health supplemental account, the public works
12 assistance account, the Puget Sound capital construction account, the
13 Puget Sound ferry operations account, the Puget Sound Gateway
14 facility account, the Puget Sound taxpayer accountability account,
15 the real estate appraiser commission account, the recreational
16 vehicle account, the regional mobility grant program account, the
17 resource management cost account, the rural arterial trust account,
18 the rural mobility grant program account, the rural Washington loan
19 fund, the sexual assault prevention and response account, the site
20 closure account, the skilled nursing facility safety net trust fund,
21 the small city pavement and sidewalk account, the special category C
22 account, the special wildlife account, the state investment board
23 expense account, the state investment board commingled trust fund
24 accounts, the state patrol highway account, the state reclamation
25 revolving account, the state route number 520 civil penalties
26 account, the state route number 520 corridor account, the statewide
27 broadband account, the statewide tourism marketing account, the
28 supplemental pension account, the Tacoma Narrows toll bridge account,
29 the teachers' retirement system plan 1 account, the teachers'
30 retirement system combined plan 2 and plan 3 account, the tobacco
31 prevention and control account, the tobacco settlement account, the
32 toll facility bond retirement account, the transportation 2003
33 account (nickel account), the transportation equipment fund, the JUDY
34 transportation future funding program account, the transportation
35 improvement account, the transportation improvement board bond
36 retirement account, the transportation infrastructure account, the
37 transportation partnership account, the traumatic brain injury
38 account, the University of Washington bond retirement fund, the
39 University of Washington building account, the voluntary cleanup
40 account, the volunteer firefighters' and reserve officers' relief and

1 pension principal fund, the volunteer firefighters' and reserve
2 officers' administrative fund, the vulnerable roadway user education
3 account, the Washington judicial retirement system account, the
4 Washington law enforcement officers' and firefighters' system plan 1
5 retirement account, the Washington law enforcement officers' and
6 firefighters' system plan 2 retirement account, the Washington public
7 safety employees' plan 2 retirement account, the Washington school
8 employees' retirement system combined plan 2 and 3 account, the
9 Washington state patrol retirement account, the Washington State
10 University building account, the Washington State University bond
11 retirement fund, the water pollution control revolving administration
12 account, the water pollution control revolving fund, the Western
13 Washington University capital projects account, the Yakima integrated
14 plan implementation account, the Yakima integrated plan
15 implementation revenue recovery account, and the Yakima integrated
16 plan implementation taxable bond account. Earnings derived from
17 investing balances of the agricultural permanent fund, the normal
18 school permanent fund, the permanent common school fund, the
19 scientific permanent fund, and the state university permanent fund
20 shall be allocated to their respective beneficiary accounts.

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

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

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

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

35 (2) The treasury income account shall be utilized to pay or
36 receive funds associated with federal programs as required by the
37 federal cash management improvement act of 1990. The treasury income
38 account is subject in all respects to chapter 43.88 RCW, but no
39 appropriation is required for refunds or allocations of interest

1 earnings required by the cash management improvement act. Refunds of
2 interest to the federal treasury required under the cash management
3 improvement act fall under RCW 43.88.180 and shall not require
4 appropriation. The office of financial management shall determine the
5 amounts due to or from the federal government pursuant to the cash
6 management improvement act. The office of financial management may
7 direct transfers of funds between accounts as deemed necessary to
8 implement the provisions of the cash management improvement act, and
9 this subsection. Refunds or allocations shall occur prior to the
10 distributions of earnings set forth in subsection (4) of this
11 section.

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

21 (4) Monthly, the state treasurer shall distribute the earnings
22 credited to the treasury income account. The state treasurer shall
23 credit the general fund with all the earnings credited to the
24 treasury income account except:

25 (a) The following accounts and funds shall receive their
26 proportionate share of earnings based upon each account's and fund's
27 average daily balance for the period: The abandoned recreational
28 vehicle disposal account, the aeronautics account, the Alaskan Way
29 viaduct replacement project account, the brownfield redevelopment
30 trust fund account, the budget stabilization account, the capital
31 vessel replacement account, the capitol building construction
32 account, the Central Washington University capital projects account,
33 the charitable, educational, penal and reformatory institutions
34 account, the Chehalis basin account, the Chehalis basin taxable
35 account, the cleanup settlement account, the climate active
36 transportation account, the climate transit programs account, the
37 Columbia river basin water supply development account, the Columbia
38 river basin taxable bond water supply development account, the
39 Columbia river basin water supply revenue recovery account, the
40 common school construction fund, the community forest trust account,

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

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

1 Washington state patrol retirement account, the Washington State
2 University building account, the Washington State University bond
3 retirement fund, the water pollution control revolving administration
4 account, the water pollution control revolving fund, the Western
5 Washington University capital projects account, the Yakima integrated
6 plan implementation account, the Yakima integrated plan
7 implementation revenue recovery account, and the Yakima integrated
8 plan implementation taxable bond account. Earnings derived from
9 investing balances of the agricultural permanent fund, the normal
10 school permanent fund, the permanent common school fund, the
11 scientific permanent fund, and the state university permanent fund
12 shall be allocated to their respective beneficiary accounts.

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

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

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

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

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

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

33 (3) "Business district." The territory contiguous to and
34 including a highway, as herein defined, when within any (~~six~~
35 ~~hundred~~) 600 feet along such highway there are buildings in use for
36 business or industrial purposes(~~(r)~~) including, but not limited to,
37 hotels, banks, or office buildings, railroad stations, and public
38 buildings which occupy at least (~~three—hundred~~) 300 feet of

1 frontage on one side or (~~three hundred~~) 300 feet collectively on
2 both sides of the highway;

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

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

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

11 (7) "Combination of vehicles." Every combination of motor vehicle
12 and motor vehicle, motor vehicle and trailer, or motor vehicle and
13 semitrailer;

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

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

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

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

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

35 (b) Where a highway includes two roadways (~~thirty~~) 30 feet or
36 more apart, then every crossing of each roadway of such divided
37 highway by an intersecting highway shall be regarded as a separate
38 intersection. In the event such intersecting highway also includes
39 two roadways (~~thirty~~) 30 feet or more apart, then every crossing of

1 two roadways of such highways shall be regarded as a separate
2 intersection;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (26) "Personal wireless service facilities." Unstaffed facilities
4 that are used for the transmission or reception, or both, of personal
5 wireless services including, but not necessarily limited to, antenna
6 arrays, transmission cables, equipment shelters, and support
7 structures;

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

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

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

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

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

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

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

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

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

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

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

11 (38) "Structurally deficient." A state bridge that is classified
12 as in poor condition under the state bridge condition rating system
13 and is reported by the state to the national bridge inventory as
14 having a deck, superstructure, or substructure rating of four or
15 below. Structurally deficient bridges are characterized by
16 deteriorated conditions of significant bridge elements and
17 potentially reduced load carrying capacity. Bridges deemed
18 structurally deficient typically require significant maintenance and
19 repair to remain in service, and require major rehabilitation or
20 replacement to address the underlying deficiency;

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

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

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

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

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

1 (44) "Active transportation" includes forms of pedestrian
2 mobility including walking or running, the use of a mobility
3 assistive device such as a wheelchair, bicycling and cycling
4 irrespective of the number of wheels, and the use of small personal
5 devices such as foot scooters or skateboards. Active transportation
6 includes both traditional and electric-assisted bicycles and other
7 devices. Planning for active transportation must consider and address
8 accommodation pursuant to the Americans with disabilities act and the
9 distinct needs of each form of active transportation;

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

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

17 (47) "Safe system approach" means an internationally recognized
18 holistic and proactive approach to road safety intended to
19 systematically reduce fatal and serious injury crash potential; as
20 described by the federal highway administration, the approach is
21 based on the following elements: Safe roads, safe speeds, safe
22 vehicles, safe road users, and postcrash care. The safe system
23 approach is incorporated through policies and practices of state
24 agencies and local governments with appropriate jurisdiction;

25 (48) "Shared-use path," also known as a "multiuse path," means a
26 facility designed for active transportation use and physically
27 separated from motorized vehicular traffic within the highway right-
28 of-way or on an exclusive right-of-way with minimal crossflow by
29 motor vehicles. Shared-use paths are primarily used by pedestrians
30 and people using bicycles or micromobility devices, including those
31 who use nonmotorized or motorized wheeled mobility or assistive
32 devices. With appropriate design considerations, equestrians may also
33 be accommodated by a shared-use path facility.

34 Words and phrases used herein in the past, present, or future
35 tense shall include the past, present, and future tenses; words and
36 phrases used herein in the masculine, feminine, or neuter gender
37 shall include the masculine, feminine, and neuter genders; and words
38 and phrases used herein in the singular or plural shall include the
39 singular and plural; unless the context thereof shall indicate to the
40 contrary.

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

3 (1) The department shall establish a transit support grant
4 program for the purpose of providing financial support to transit
5 agencies for operating and capital expenses only. Public transit
6 agencies must maintain or increase their local sales tax authority on
7 or after January 1, 2022, in order to qualify for the grants.

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

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

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

14 (2) To be eligible to receive a grant, the transit agency must
15 have adopted, at a minimum, a zero-fare policy that allows passengers
16 18 years of age and younger to ride free of charge on all modes
17 provided by the agency. Transit agencies must submit documentation of
18 a zero-fare policy for 18 years of age and under by October 1, 2022,
19 to be eligible for the 2023-2025 biennium. Transit agencies that
20 submit such fare policy documentation following the October 1, 2022,
21 deadline shall become eligible for the next biennial distribution. To
22 the extent practicable, transit agencies shall align implementation
23 of youth zero-fare policies with equity and environmental justice
24 principles consistent with recommendations from the environmental
25 justice council, and ensure accessibility of the program to all
26 youth.

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

30 (4) For the purposes of this section, "transit agency" or
31 "agency" means a city transit system under RCW 35.58.2721 or chapter
32 35.95A RCW, a county public transportation authority under chapter
33 36.57 RCW, a metropolitan municipal corporation transit system under
34 chapter 36.56 RCW, a public transportation benefit area under chapter
35 36.57A RCW, an unincorporated transportation benefit area under RCW
36 36.57.100, or any special purpose district formed to operate a public
37 transportation system.

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

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

3 (a) Development of a statewide transportation electrification
4 strategy to ensure market and infrastructure readiness for all new
5 vehicle sales;

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

12 (c) Coordination of grant funding criteria across agency grant
13 programs to most efficiently distribute state and federal electric
14 vehicle-related funding in a manner that is most beneficial to the
15 state, advances best practices, and recommends additional criteria
16 that could be useful in advancing transportation electrification;

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

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

22 (ii) Local governments to explore procurement opportunities and
23 work with local government and community programs to support
24 electrification;

25 (e) Creation of an industry electric vehicle advisory committee;
26 and

27 (f) Ensuring the statewide transportation electrification
28 strategy, grant distribution, programs, and activities associated
29 with advancing transportation electrification benefit vulnerable and
30 overburdened communities.

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

34 NEW SECTION. **Sec. 14.** Sections 4 and 5 of this act are remedial
35 in nature and apply retroactively to July 1, 2022.

36 NEW SECTION. **Sec. 15.** RCW 47.24.060 is recodified as a section
37 in chapter 47.04 RCW.

1 NEW SECTION. **Sec. 16.** Section 9 of this act expires July 1,
2 2024.

3 NEW SECTION. **Sec. 17.** Section 10 of this act takes effect July
4 1, 2024.

5 NEW SECTION. **Sec. 18.** Sections 2 and 3 of this act take effect
6 October 1, 2023.

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