
SENATE BILL 5743

State of Washington**68th Legislature****2023 Regular Session****By** Senators Lias and Billig

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

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

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

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

5 **Sec. 2.** RCW 81.104.170 and 2019 c 273 s 12 are each amended to
6 read as follows:

7 (1) Cities that operate transit systems, county transportation
8 authorities, metropolitan municipal corporations, public
9 transportation benefit areas, high capacity transportation corridor
10 areas, and regional transit authorities may submit an authorizing
11 proposition to the voters and if approved by a majority of persons
12 voting, fix and impose a sales and use tax in accordance with the
13 terms of this chapter, solely for the purpose of providing high
14 capacity transportation service.

15 (2) The tax authorized pursuant to this section is in addition to
16 the tax authorized by RCW 82.14.030 and must be collected from those
17 persons who are taxable by the state pursuant to chapters 82.08 and
18 82.12 RCW upon the occurrence of any taxable event within the taxing
19 district.

20 (a) Except for the tax imposed under (b) of this subsection by
21 regional transit authorities that include a county with a population
22 of more than (~~one million five hundred thousand~~) 1,500,000, the
23 maximum rate of such tax must be approved by the voters and may not
24 exceed one percent of the selling price (in the case of a sales tax)
25 or value of the article used (in the case of a use tax). The maximum
26 rate of such tax that may be imposed may not exceed nine-tenths of
27 one percent in any county that imposes a tax under RCW 82.14.340, or
28 within a regional transit authority if any county within the
29 authority imposes a tax under RCW 82.14.340.

30 (b) The maximum rate of such tax that may be imposed by a
31 regional transit authority that includes a county with a population
32 of more than (~~one million five hundred thousand~~) 1,500,000 must be
33 approved by the voters and may not exceed 1.4 percent. If a regional
34 transit authority imposes the tax authorized under this subsection
35 (2)(b) in excess of 0.9 percent, the authority may not receive any
36 state grant funds provided in an omnibus transportation
37 appropriations act except transit coordination grants created in
38 chapter 11, Laws of 2015 3rd sp. sess. and regional mobility grant
39 program funds. To be eligible to receive regional mobility grant

1 program funds, a regional transit authority must have adopted, at a
2 minimum, a zero-fare policy that allows passengers 18 years of age
3 and younger to ride free of charge on all modes provided by the
4 authority by October 1, 2022.

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

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

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

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

15 (1) A regional transit authority that includes a county with a
16 population of more than (~~one million five hundred thousand~~)
17 1,500,000 may impose a regular property tax levy in an amount not to
18 exceed (~~twenty-five~~) 25 cents per (~~thousand dollars~~) \$1,000 of
19 the assessed value of property in the regional transit authority
20 district in accordance with the terms of this section.

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

25 (3) Property taxes imposed under this section may be imposed for
26 the period of time required to pay the cost to plan, design,
27 construct, operate, and maintain the transit facilities set forth in
28 the approved proposition. Property taxes pledged to repay bonds may
29 be imposed at the pledged amount until the bonds are retired. After
30 the bonds are retired, property taxes authorized under this section
31 must be:

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

34 (b) Terminated, unless the taxes have been extended by public
35 vote.

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

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

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

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

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

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

21 (2) To address these investment gaps, and to honor the legacy of
22 community advocacy of Sandy Williams, the Sandy Williams connecting
23 communities program is established within the department. The purpose
24 of the program is to improve active transportation connectivity in
25 communities by:

26 (a) Providing safe, continuous routes for pedestrians,
27 bicyclists, and other nonvehicle users carrying out their daily
28 activities;

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

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

34 (d) Facilitating the planning, development, and implementation of
35 projects and activities that will improve the connectivity and safety
36 of the active transportation network.

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

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

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

6 (c) Whether the project will serve:

7 (i) Overburdened communities as defined in RCW 70A.02.010 to mean
8 a geographic area where vulnerable populations face combined,
9 multiple environmental harms and health impacts, and includes, but is
10 not limited to, highly impacted communities as defined in RCW
11 19.405.020;

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

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

27 (iv) People with disabilities;

28 (d) Environmental health disparities, such as those indicated by
29 the diesel pollution burden portion of the Washington environmental
30 health disparities map developed by the department of health, or
31 other similar indicators;

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

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

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

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

1 (5) The department shall submit a report to the transportation
2 committees of the legislature by December 1, 2022, and each December
3 1st thereafter identifying the selected connecting communities
4 projects for funding by the legislature. The report must also include
5 the status of previously funded projects.

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

7 **Sec. 5.** RCW 47.04.390 and 2022 c 182 s 419 are each amended to
8 read as follows:

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

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

28 (b) Selected school districts shall receive and maintain a fleet
29 of bicycles for the youth in the program. Youth and families
30 participating in the school-base bicycle education grant program
31 shall have an opportunity to receive a bike, lock, helmet, and lights
32 free of cost.

33 (3) For the junior high and high school program, the department
34 shall contract with a nonprofit organization with relevant reach and
35 experience, including a statewide footprint; demonstrable experience
36 developing and managing youth-based programming serving youth of
37 color in an after-school and/or community setting; and deploying
38 bicycling and road safety education curriculum via a train the
39 trainer model. The selected nonprofit shall use the equity-based

1 criteria in subsection (4) of this section to identify target
2 populations and partner organizations including, but not limited to,
3 schools, community-based organizations, housing authorities, and
4 parks and recreation departments, that work with the eligible
5 populations of youth ages 14 to 18. Partner organizations shall
6 receive from the nonprofit: Education curriculum, materials,
7 equipment including, but not limited to, bicycles, helmets, locks,
8 and lights, guidance and consultation, and initial instructor/
9 volunteer training, as well as ongoing support.

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

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

15 (b) People of color;

16 (c) People of Hispanic heritage;

17 (d) People with disabilities;

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

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

23 (g) Geographic location throughout the state;

24 (h) Crash experience involving pedestrians and bicyclists;

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

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

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

33 **Sec. 6.** RCW 46.68.480 and 2022 c 182 s 430 are each amended to
34 read as follows:

35 The Cooper Jones active transportation safety account is created
36 in the state treasury. All receipts from penalties collected under
37 RCW 46.63.170 shall be deposited into the account. Expenditures from
38 the account may be used only to fund grant projects or programs for
39 bicycle, pedestrian, and nonmotorist safety improvement administered

1 by the Washington traffic safety commission. By December 1, 2024, and
2 every two years thereafter, the commission shall report to the
3 transportation committees of the legislature regarding the activities
4 funded from the account. The account is subject to allotment
5 procedures under chapter 43.88 RCW. Moneys in the account may be
6 spent only after appropriation.

7 **Sec. 7.** RCW 43.84.092 and 2022 c 182 s 403 are each amended to
8 read as follows:

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

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

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

37 (4) Monthly, the state treasurer shall distribute the earnings
38 credited to the treasury income account. The state treasurer shall

1 credit the general fund with all the earnings credited to the
2 treasury income account except:

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

1 highway infrastructure account, the highway safety fund, the hospital
2 safety net assessment fund, the Interstate 405 and state route number
3 167 express toll lanes account, the judges' retirement account, the
4 judicial retirement administrative account, the judicial retirement
5 principal account, the limited fish and wildlife account, the local
6 leasehold excise tax account, the local real estate excise tax
7 account, the local sales and use tax account, the marine resources
8 stewardship trust account, the medical aid account, the money-
9 purchase retirement savings administrative account, the money-
10 purchase retirement savings principal account, the motor vehicle
11 fund, the motorcycle safety education account, the move ahead WA
12 account, the move ahead WA flexible account, the multimodal
13 transportation account, the multiuse roadway safety account, the
14 municipal criminal justice assistance account, the oyster reserve
15 land account, the pension funding stabilization account, the
16 perpetual surveillance and maintenance account, the pilotage account,
17 the pollution liability insurance agency underground storage tank
18 revolving account, the public employees' retirement system plan 1
19 account, the public employees' retirement system combined plan 2 and
20 plan 3 account, the public facilities construction loan revolving
21 account, the public health supplemental account, the public works
22 assistance account, the Puget Sound capital construction account, the
23 Puget Sound ferry operations account, the Puget Sound Gateway
24 facility account, the Puget Sound taxpayer accountability account,
25 the real estate appraiser commission account, the recreational
26 vehicle account, the regional mobility grant program account, the
27 resource management cost account, the rural arterial trust account,
28 the rural mobility grant program account, the rural Washington loan
29 fund, the sexual assault prevention and response account, the site
30 closure account, the skilled nursing facility safety net trust fund,
31 the small city pavement and sidewalk account, the special category C
32 account, the special wildlife account, the state investment board
33 expense account, the state investment board commingled trust fund
34 accounts, the state patrol highway account, the state reclamation
35 revolving account, the state route number 520 civil penalties
36 account, the state route number 520 corridor account, the statewide
37 broadband account, the statewide tourism marketing account, the
38 supplemental pension account, the Tacoma Narrows toll bridge account,
39 the teachers' retirement system plan 1 account, the teachers'
40 retirement system combined plan 2 and plan 3 account, the tobacco

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

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

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

1 **Sec. 8.** RCW 43.84.092 and 2022 c 182 s 404 are each amended to
2 read as follows:

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

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

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

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

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

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

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

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

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

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

32 **Sec. 9.** RCW 47.04.010 and 2015 3rd sp.s. c 10 s 3 are each
33 reenacted and amended to read as follows:

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

- 1 (1) "Alley." A highway within the ordinary meaning of alley not
2 designated for general travel and primarily used as a means of access
3 to the rear of residences and business establishments;
- 4 (2) "Arterial highway." Every highway, as herein defined, or
5 portion thereof designated as such by proper authority;
- 6 (3) "Business district." The territory contiguous to and
7 including a highway, as herein defined, when within any (~~six~~
8 ~~hundred~~) 600 feet along such highway there are buildings in use for
9 business or industrial purposes(~~(7)~~) including, but not limited to,
10 hotels, banks, or office buildings, railroad stations, and public
11 buildings which occupy at least (~~three—hundred~~) 300 feet of
12 frontage on one side or (~~three—hundred~~) 300 feet collectively on
13 both sides of the highway;
- 14 (4) "Center line." The line, marked or unmarked parallel to and
15 equidistant from the sides of a two-way traffic roadway of a highway
16 except where otherwise indicated by painted lines or markers;
- 17 (5) "Center of intersection." The point of intersection of the
18 center lines of the roadways of intersecting highways;
- 19 (6) "City street." Every highway as herein defined, or part
20 thereof located within the limits of incorporated cities and towns,
21 except alleys;
- 22 (7) "Combination of vehicles." Every combination of motor vehicle
23 and motor vehicle, motor vehicle and trailer, or motor vehicle and
24 semitrailer;
- 25 (8) "Commercial vehicle." Any vehicle the principal use of which
26 is the transportation of commodities, merchandise, produce, freight,
27 animals, or passengers for hire;
- 28 (9) "County road." Every highway as herein defined, or part
29 thereof, outside the limits of incorporated cities and towns and
30 which has not been designated as a state highway, or branch thereof;
- 31 (10) "Crosswalk." The portion of the roadway between the
32 intersection area and a prolongation or connection of the farthest
33 sidewalk line or in the event there are no sidewalks then between the
34 intersection area and a line ten feet therefrom, except as modified
35 by a marked crosswalk;
- 36 (11) "Highway." Every way, lane, road, street, boulevard, and
37 every way or place in the state of Washington open as a matter of
38 right to public vehicular travel both inside and outside the limits
39 of incorporated cities and towns;

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

7 (b) Where a highway includes two roadways (~~(thirty)~~) 30 feet or
8 more apart, then every crossing of each roadway of such divided
9 highway by an intersecting highway shall be regarded as a separate
10 intersection. In the event such intersecting highway also includes
11 two roadways (~~(thirty)~~) 30 feet or more apart, then every crossing of
12 two roadways of such highways shall be regarded as a separate
13 intersection;

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

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

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

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

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

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

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

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

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

- 1 (21) "Operator." Every person who drives or is in actual physical
2 control of a vehicle as herein defined;
- 3 (22) "Peace officer." Any officer authorized by law to execute
4 criminal process or to make arrests for the violation of the statutes
5 generally or of any particular statute or statutes relative to the
6 highways of this state;
- 7 (23) "Pedestrian." Any person afoot or who is using a wheelchair,
8 power wheelchair as defined in RCW 46.04.415, or a means of
9 conveyance propelled by human power other than a bicycle;
- 10 (24) "Person." Every natural person, firm, copartnership,
11 corporation, association, or organization;
- 12 (25) "Personal wireless service." Any federally licensed personal
13 wireless service;
- 14 (26) "Personal wireless service facilities." Unstaffed facilities
15 that are used for the transmission or reception, or both, of personal
16 wireless services including, but not necessarily limited to, antenna
17 arrays, transmission cables, equipment shelters, and support
18 structures;
- 19 (27) "Pneumatic tires." Every tire of rubber or other resilient
20 material designed to be inflated with compressed air to support the
21 load thereon;
- 22 (28) "Private road or driveway." Every way or place in private
23 ownership and used for travel of vehicles by the owner or those
24 having express or implied permission from the owner, but not by other
25 persons;
- 26 (29) "Railroad." A carrier of persons or property upon vehicles,
27 other than streetcars, operated upon stationary rails, the route of
28 which is principally outside incorporated cities and towns;
- 29 (30) "Railroad sign or signal." Any sign, signal, or device
30 erected by authority of a public body or official or by a railroad
31 and intended to give notice of the presence of railroad tracks or the
32 approach of a railroad train;
- 33 (31) "Residence district." The territory contiguous to and
34 including the highway, as herein defined, not comprising a business
35 district, as herein defined, when the property on such highway for a
36 continuous distance of (~~three hundred~~) 300 feet or more on either
37 side thereof is in the main improved with residences or residences
38 and buildings in use for business;
- 39 (32) "Roadway." The paved, improved, or proper driving portion of
40 a highway designed, or ordinarily used for vehicular travel;

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

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

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

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

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

20 (38) "Structurally deficient." A state bridge that is classified
21 as in poor condition under the state bridge condition rating system
22 and is reported by the state to the national bridge inventory as
23 having a deck, superstructure, or substructure rating of four or
24 below. Structurally deficient bridges are characterized by
25 deteriorated conditions of significant bridge elements and
26 potentially reduced load carrying capacity. Bridges deemed
27 structurally deficient typically require significant maintenance and
28 repair to remain in service, and require major rehabilitation or
29 replacement to address the underlying deficiency;

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

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

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

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

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

9 (44) "Active transportation" includes forms of pedestrian
10 mobility including walking or running, the use of a mobility
11 assistive device such as a wheelchair, bicycling and cycling
12 irrespective of the number of wheels, and the use of small personal
13 devices such as foot scooters or skateboards. Active transportation
14 includes both traditional and electric-assisted bicycles and other
15 devices. Planning for active transportation must consider and address
16 accommodation pursuant to the Americans with disabilities act and the
17 distinct needs of each form of active transportation;

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

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

25 (47) "Safe system approach" means an internationally recognized
26 holistic and proactive approach to road safety intended to
27 systematically reduce fatal and serious injury crash potential; as
28 described by the federal highway administration, the approach is
29 based on the following elements: Safe roads, safe speeds, safe
30 vehicles, safe road users, and postcrash care. The safe system
31 approach is incorporated through policies and practices of state
32 agencies and local governments with appropriate jurisdiction;

33 (48) "Shared-use path," also known as a "multiuse path," means a
34 facility designed for active transportation use and physically
35 separated from motorized vehicular traffic within the highway right-
36 of-way or on an exclusive right-of-way with minimal crossflow by
37 motor vehicles. Shared-use paths are primarily used by pedestrians
38 and people using bicycles or micromobility devices, including those
39 who use nonmotorized or motorized wheeled mobility or assistive

1 devices. With appropriate design considerations, equestrians may also
2 be accommodated by a shared-use path facility.

3 Words and phrases used herein in the past, present, or future
4 tense shall include the past, present, and future tenses; words and
5 phrases used herein in the masculine, feminine, or neuter gender
6 shall include the masculine, feminine, and neuter genders; and words
7 and phrases used herein in the singular or plural shall include the
8 singular and plural; unless the context thereof shall indicate to the
9 contrary.

10 NEW SECTION. **Sec. 10.** Sections 2 and 3 of this act are remedial
11 in nature and apply retroactively to July 1, 2022.

12 NEW SECTION. **Sec. 11.** RCW 47.24.060 is recodified as a section
13 in chapter 47.04 RCW.

14 NEW SECTION. **Sec. 12.** Section 7 of this act expires July 1,
15 2024.

16 NEW SECTION. **Sec. 13.** Section 8 of this act takes effect July
17 1, 2024.

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