BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-1431.5/15 5th draft

ATTY/TYPIST: BP:lel

BRIEF DESCRIPTION: Concerning additive transportation funding and appropriations.

AN ACT Relating to additive transportation funding and appropriations; amending RCW 46.68.030, 46.68.280, 46.68.290, and 47.60.530; creating new sections; making appropriations; and declaring an emergency.

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

NEW SECTION. **Sec. 1.** (1) An additive transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2017.

(2) It is the intent of the legislature that the funding levels specified in LEAP Transportation Document 2015 NL-2 as developed February 10, 2015, represents a commitment to provide appropriations to the agencies, programs, and activities at the amounts identified therein through fiscal year 2031.

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

(a) "Fiscal year 2016" or "FY 2016" means the fiscal year ending June 30, 2016.

(b) "Fiscal year 2017" or "FY 2017" means the fiscal year ending June 30, 2017.

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

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

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

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

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

(h) "TEIS" means the transportation executive information system.

2015-2017 FISCAL BIENNIUM
TRANSPORTATION AGENCIES——OPERATING

NEW SECTION. **Sec. 201. FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account——State Appropriation. $15,000,000

NEW SECTION. **Sec. 202. FOR THE DEPARTMENT OF LICENSING**

Motor Vehicle Account——State Appropriation. $22,000,000

The appropriation in this section is subject to the following conditions and limitations: $22,000,000 of the motor vehicle account——state appropriation is provided solely for implementation of chapter . . . (Senate Bill No.. . . (S-1301/15)) (transportation revenue), Laws of 2015.

NEW SECTION. **Sec. 203. FOR THE DEPARTMENT OF TRANSPORTATION——ECONOMIC PARTNERSHIPS——PROGRAM K**

Motor Vehicle Account——State Appropriation. $250,000

Transportation Innovative Partnership

Account——State Appropriation. $6,000,000

TOTAL APPROPRIATION. $6,250,000

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

(1) $250,000 of the motor vehicle account—state appropriation is provided solely for the department to provide compensation for the expert review panel established in chapter . . . (Senate Bill No. S-0368/15), Laws of 2015. If chapter . . . (Senate Bill No. S-0368/15), Laws of 2015 is not enacted by June 30, 2015, the amount provided in this subsection lapses.

(2) $6,000,000 of the transportation innovative partnership account—state appropriation is provided solely for the purpose of capitalizing the Washington electric vehicle infrastructure bank.

NEW SECTION. **Sec. 204. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation. $6,250,000

NEW SECTION. **Sec. 205. FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q**

Motor Vehicle Account—State Appropriation $3,125,000

NEW SECTION. **Sec. 206. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S**

Motor Vehicle Account—State Appropriation. $200,000

The appropriation in this section is subject to the following conditions and limitations: $200,000 of the motor vehicle account—state appropriation is provided solely for the helmets to hardhats program state coordinator position at the department to provide veterans with skilled training and employment in the construction industry as required in (Senate Bill No.... (S-1378/15)), Laws of 2015. If chapter . . . (Senate Bill No.... (S-1378/15)), Laws of 2015 is not enacted by June 30, 2015, the amount provided in this subsection lapses.

NEW SECTION. **Sec. 207. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

Regional Mobility Grant Program Account—State
Appropriation. $8,750,000

Rural Mobility Grant Program Account——State Appropriation. $5,625,000
Multimodal Transportation Account——State Appropriation. . $16,000,000
TOTAL APPROPRIATION. $30,375,000

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

(1) $4,687,000 of the multimodal transportation account——state appropriation is provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2015 NL-1 as developed February 10, 2015, Program - Public Transportation Program (V).

(2) $10,000,000 of the multimodal transportation account——state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) $2,000,000 of the multimodal transportation account——state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) $8,000,000 of the multimodal transportation account——state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2013 as reported in the "Summary of Public Transportation - 2013" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(3) $5,625,000 of the rural mobility grant program account——state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(4) $1,313,000 of the multimodal transportation account——state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b)

incentives for employers to increase employee vanpool use. The grant program for public transit agencies must cover capital costs only. Operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department must encourage grant applicants and recipients to leverage funds other than state funds.

NEW SECTION. **Sec. 208. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X**

Puget Sound Ferry Operations Account—State Appropriation. $15,625,000

TRANSPORTATION AGENCIES—CAPITAL

NEW SECTION. **Sec. 301. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State Appropriation. . $3,906,000
Freight Mobility Multimodal Account—State Appropriation. . $3,906,000
TOTAL APPROPRIATION. $7,812,000

NEW SECTION. **Sec. 302. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Transportation Improvement Account—State Appropriation. . $3,375,000

NEW SECTION. **Sec. 303. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation. $1,688,000
County Arterial Preservation Account—State Appropriation. $1,687,000
TOTAL APPROPRIATION. $3,375,000

NEW SECTION. **Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)**

Connecting Washington Account—State Appropriation. . . . $21,000,000

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

(1) The entire connecting Washington account appropriation is provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2015 NL-1 as

developed February 10, 2015, Program - Highway Management and Facilities Program (D).

(2) The department must work with the office of financial management's facilities oversight program to develop a revised predesign for a new Olympic region facility, with an estimated total cost of no more than forty million dollars. Priority must be given to accommodating the maintenance and operations functions of the Olympic region. The department must provide a copy of the revised predesign to the transportation committees of the legislature by December 2015.

NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

Connecting Washington Account—State Appropriation. . . . $224,524,000
Multimodal Transportation Account—State Appropriation. . $23,750,000
TOTAL APPROPRIATION. $248,274,000

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

(1) The entire connecting Washington account appropriation is provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2015 NL-1 as developed February 10, 2015, Program - Highway Improvements Program (I).

(2) $17,500,000 of the multimodal transportation account—state appropriation is provided solely for the removal of fish culverts.

(3) $6,250,000 of the multimodal transportation account—state appropriation is provided solely for storm water retrofits.

NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P**

Connecting Washington Account—State Appropriation. . . . $76,563,000

NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W**

Connecting Washington Account—State Appropriation. . . . $86,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire connecting Washington account appropriation in this section is provided solely for the projects and activities as listed in LEAP Transportation Document 2015 NL-1 as

developed February 10, 2015, Program - Washington State Ferries Capital Program (W).

NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y**

Multimodal Transportation Account—State Appropriation. $11,310,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for the projects and activities as listed in LEAP Transportation Document 2015 NL-1 as developed February 10, 2015, Program – Rail Capital Program (Y).

NEW SECTION. **Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z**

Multimodal Transportation Account—State Appropriation. . $16,625,000
Connecting Washington Account—State Appropriation. . . . $13,231,000
TOTAL APPROPRIATION. $29,856,000

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

(1) The entire connecting Washington account appropriation is provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2015 NL-1 as developed February 10, 2015, Program - Local Programs (Z).

(2) $3,125,000 of the multimodal transportation account—state appropriation is provided solely for the pedestrian and bicycle safety program.

(3) $3,500,000 of the multimodal transportation account—state appropriation is provided solely for the safe routes to school program.

(4) $10,000,000 of the multimodal transportation account—state appropriation is provided solely for the complete streets program.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. **Sec. 401. FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

(1) State Patrol Highway Account—State Appropriation:

For transfer to the Connecting Washington Account—State. . $9,460,000

(2) Transportation Partnership Account—State Appropriation: For transfer to the Connecting Washington Account—State. $4,880,000

(3) Motor Vehicle Account—State Appropriation: For transfer to the Connecting Washington Account—State. $25,160,000

(4) Puget Sound Ferry Operations Account—State Appropriation: For transfer to the Connecting Washington Account—State. $580,000

(5) Multimodal Transportation Account—State Appropriation: For transfer to the Connecting Washington Account—State. $55,000,000

(6) Transportation 2003 Transportation (Nickel) Account—State Appropriation: For transfer to the Connecting Washington Account—State. $59,861,000

(7) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State. $15,625,000

(8) Highway Safety Account—State Appropriation: For transfer to the Multimodal Transportation Account—State. $91,963,000

(9) Motor Vehicle Account—State Appropriation: For transfer to the State Patrol Highway Account—State. . $7,500,000

(10) Motor Vehicle Account—State Appropriation: For transfer to the Freight Mobility Investment Account—State. $3,906,000

(11) Motor Vehicle Account—State Appropriation: For transfer to the Transportation Improvement Account—State. $3,375,000

(12) Motor Vehicle Account—State Appropriation: For transfer to the Rural Arterial Trust Account—State. . $1,688,000

(13) Motor Vehicle Account—State Appropriation: For transfer to the County Arterial Preservation Account—State. $1,688,000

(14) Multimodal Transportation Account—State Appropriation: For transfer to the Freight Mobility Multimodal Account—State. $3,906,000

(15) Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State. $8,750,000

(16) Multimodal Transportation Account—State Appropriation: For transfer to the Rural Mobility Grant Program Account—State. $5,625,000

(17) Multimodal Transportation Account—State Appropriation: For transfer to the Transportation Innovative Partnership Account—State. $6,000,000

(18) Environmental Legacy Stewardship Account—State Appropriation: For transfer to the Multimodal Transportation Account—State. $13,000,000

NEW SECTION. **Sec. 402. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION TO CITIES AND COUNTIES**

Multimodal Transportation Account—State Appropriation:

For distribution to cities and counties. $23,438,000

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

MISCELLANEOUS

Sec. 501. RCW 46.68.030 and 2011 c 171 s 85 are each amended to read as follows:

(1) The director shall forward all fees for vehicle registrations under chapters 46.16A and 46.17 RCW, unless otherwise specified by law, to the state treasurer with a proper identifying detailed report. The state treasurer shall credit these moneys to the motor vehicle fund created in RCW 46.68.070.

(2) Proceeds from vehicle license fees and renewal vehicle license fees must be deposited by the state treasurer as follows:

(a) $20.35 of each initial or renewal vehicle license fee must be deposited in the state patrol highway account in the motor vehicle

fund, hereby created. Vehicle license fees, renewal vehicle license fees, and all other funds in the state patrol highway account must be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations.

(b) $2.02 of each initial vehicle license fee and $0.93 of each renewal vehicle license fee must be deposited each biennium in the Puget Sound ferry operations account.

(c) Any remaining amounts of vehicle license fees and renewal vehicle license fees that are not distributed otherwise under this section must be deposited in the motor vehicle fund.

(3) During the 2015-2017 fiscal biennium, the legislature may transfer from the state patrol highway account to the connecting Washington account such amounts as reflect the excess fund balance of the state patrol highway account.

Sec. 502. RCW 46.68.280 and 2003 c 361 s 601 are each amended to read as follows:

(1) The transportation 2003 account (nickel account) is hereby created in the motor vehicle fund. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as transportation 2003 projects or improvements in the omnibus transportation budget and to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements. Upon completion of the projects or improvements identified as transportation 2003 projects or improvements, moneys deposited in this account must only be used to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements, and any funds in the account in excess of the amount necessary to make the principal and interest payments may be used for maintenance on the completed projects or improvements.

(2) During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation 2003 account (nickel account) to the connecting Washington account such amounts as reflect the excess fund balance of the transportation 2003 account (nickel account).

(3) The "nickel account" means the transportation 2003 account.

Sec. 503. RCW 46.68.290 and 2006 c 337 s 5 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the state treasury. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing

standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(10) For the period from July 1, 2005, until June 30, 2007, the amount of $4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (2) through (9) of this section.

(11) During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation partnership account to the connecting Washington account such amounts as reflect the excess fund balance of the transportation partnership account.

Sec. 504. RCW 47.60.530 and 2011 1st sp.s. c 16 s 1 are each amended to read as follows:

(1) The Puget Sound ferry operations account is created in the motor vehicle fund.

(2) The following funds must be deposited into the account:

(a) All moneys directed by law;

(b) All revenues generated from ferry fares; and

(c) All revenues generated from commercial advertising, concessions, parking, and leases as allowed under RCW 47.60.140.

(3) Moneys in the account may be spent only after appropriation.

(4) Expenditures from the account may be used only for the maintenance, administration, and operation of the Washington state ferry system.

(5) During the 2015-2017 fiscal biennium, the legislature may transfer from the Puget Sound ferry operations account to the connecting Washington account such amounts as reflect the excess fund balance of the Puget Sound ferry operations account.

NEW SECTION. **Sec. 505.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 506.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of Bill)

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