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ONE HUNDRED FOURTH DAY

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House Chamber, Olympia, Saturday, April 22, 2023

The House was called to order at 9:00 a.m. by the Speaker (Representative Stonier presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

Friday, April 21, 2023

Mme. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050  
SUBSTITUTE HOUSE BILL NO. 1056  
SUBSTITUTE HOUSE BILL NO. 1163  
SUBSTITUTE HOUSE BILL NO. 1258  
SUBSTITUTE HOUSE BILL NO. 1267  
SUBSTITUTE HOUSE BILL NO. 1318  
SECOND SUBSTITUTE HOUSE BILL NO. 1559  
SUBSTITUTE HOUSE BILL NO. 1711  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853

and the same are herewith transmitted.

Sarah Bannister, Secretary

Friday, April 21, 2023

Mme. Speaker:

The President has signed:

HOUSE BILL NO. 1018  
HOUSE BILL NO. 1308  
SECOND SUBSTITUTE HOUSE BILL NO. 1425  
SUBSTITUTE HOUSE BILL NO. 1431  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533  
HOUSE BILL NO. 1573  
SUBSTITUTE HOUSE BILL NO. 1638  
SUBSTITUTE HOUSE BILL NO. 1756  
SUBSTITUTE HOUSE BILL NO. 1764  
ENGROSSED HOUSE BILL NO. 1812  
SUBSTITUTE HOUSE BILL NO. 1850

and the same are herewith transmitted.

Sarah Bannister, Secretary

Friday, April 21, 2023

Mme. Speaker:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5120  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5123  
SENATE BILL NO. 5316  
SENATE BILL NO. 5765  
SENATE BILL NO. 5768

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1860 by Representatives Volz, Riccelli, Couture, Leavitt and Schmidt

AN ACT Relating to stay-to-play requirements; and adding a new chapter to Title 19 RCW.

Referred to Committee on Consumer Protection & Business.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the eleventh order of business.

**COMMITTEE APPOINTMENT(S)**

The Speaker (Representative Stonier presiding) announced that Representative Sandlin was appointed to replace Representative Couture of the Committee on Environment & Energy.

**COMMITTEE APPOINTMENT(S)**

The Speaker (Representative Stonier presiding) announced that Representative Couture was appointed to replace Representative Sandlin of the Committee on Education.

The Speaker (Representative Stonier presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the seventh order of business.

**THIRD READING**

**MESSAGE FROM THE SENATE**

Friday, April 21, 2023

Mme. Speaker:

The Senate refuses to concur in the House amendment to SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5536 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Robinson, Dhingra, Padden

and the same is herewith transmitted.

Sarah Bannister, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House granted the Senate's request for a Conference on SECOND ENGROSSED SECOND

SUBSTITUTE SENATE BILL NO. 5536. The Speaker (Representative Orwall presiding) appointed the following members as Conferees: Representatives Goodman, Taylor and Mosbrucker.

With the consent of the House, SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5536 was immediately transmitted to the Senate.

### THIRD READING

#### MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1324, with the following amendment(s): 1324.E AMS ENGR S2720.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature intends to:

(1) Give real effect to the juvenile justice system's express goals of rehabilitation and reintegration;

(2) Bring Washington in line with the majority of states, which do not consider prior juvenile offenses in sentencing range calculations for adults;

(3) Recognize the expansive body of scientific research on brain development, which shows that adolescent's perception, judgment, and decision making differs significantly from that of adults;

(4) Facilitate the provision of due process by granting the procedural protections of a criminal proceeding in any adjudication which may be used to determine the severity of a criminal sentence; and

(5) Recognize how grave disproportionality within the juvenile legal system may subsequently impact sentencing ranges in adult court.

**Sec. 2.** RCW 9.94A.525 and 2021 c 215 s 100 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) (a) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(b) For the purposes of this section, adjudications of guilt pursuant to Title 13 RCW which are not murder in the first or second degree or class A felony sex offenses may not be included in the offender score.

(2) (a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the

last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate crimes for the offense as defined by RCW 46.61.5055(14) shall be included in the offender score, and prior convictions for felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)) shall always be included in the offender score. All other convictions of the defendant shall be scored according to this section.

(f) Prior convictions for a repetitive domestic violence offense, as defined in RCW 9.94A.030, shall not be included in the offender score if, since the last date of release from confinement or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(g) This subsection applies to both prior adult convictions and prior juvenile (~~prior convictions~~) adjudications.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Neither out-of-state or federal convictions which would have been presumptively adjudicated in juvenile court under Washington law may be included in the offender score unless they are comparable to murder in the first or second degree or a class A felony sex offense. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as

a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all ~~((adult)) convictions or adjudications served concurrently as one offense~~ ~~((and count all juvenile convictions entered on the same date as one offense))~~. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction ~~((and 1/2 point for each juvenile prior nonviolent felony conviction))~~ which is scorable under subsection (1)(b) of this section.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult violent felony conviction and

juvenile violent felony conviction which is scorable under subsection (1)(b) of this section, and one point for each prior adult nonviolent felony conviction ~~((, and 1/2 point for each prior juvenile nonviolent felony conviction))~~.

(9) If the present conviction is for a serious violent offense, count three points for prior adult convictions and juvenile convictions which are scorable under subsection (1)(b) of this section for crimes in this category, two points for each prior adult and scorable juvenile violent conviction (not already counted), and one point for each prior adult nonviolent felony conviction ~~((, and 1/2 point for each prior juvenile nonviolent felony conviction))~~.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior ~~((adult)) Burglary 2 or residential burglary conviction~~ ~~((, and one point for each prior juvenile Burglary 2 or residential burglary conviction))~~.

(11) If the present conviction is for a felony traffic offense count two points for each ~~((adult or juvenile))~~ prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult prior conviction and 1/2 point for each juvenile prior conviction which is scorable under subsection (1)(b) of this section; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult prior conviction and 1/2 point for each juvenile prior conviction which is scorable under subsection (1)(b) of this section; count one point for each adult ~~((and 1/2 point for each juvenile))~~ prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult ~~((or juvenile))~~ prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult prior conviction and 1/2 point for each juvenile prior conviction which would be scorable under subsection (1)(b) of this section; count one point for each adult ~~((and 1/2 point for each juvenile))~~ prior conviction for driving under the influence of intoxicating liquor or any drug, actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction ~~((and two points for each juvenile manufacture of methamphetamine offense))~~. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction ~~((and two points for each juvenile drug offense))~~. All other ~~((adult and juvenile))~~ felonies

are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only adult prior escape convictions in the offender score. Count ~~((adult))~~ prior escape convictions as one point ~~((and juvenile prior escape convictions as 1/2 point))~~.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions which are scorable under subsection (1)(b) of this section as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each ~~((adult and juvenile))~~ prior Burglary 1 conviction, and two points for each ((adult)) prior Burglary 2 or residential burglary conviction ~~((, and one point for each juvenile prior Burglary 2 or residential burglary conviction))~~.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult prior sex offense conviction and juvenile prior class A felony sex offense ((conviction)) adjudication.

(18) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult prior sex offense conviction and juvenile prior sex offense conviction which is scorable under subsection (1)(b) of this section, excluding adult prior convictions for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult ~~((and juvenile))~~ prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was pleaded and proven, count

priors as in subsections (7) through (20) of this section; however, count points as follows:

(a) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for any of the following offenses: A felony violation of a no-contact or protection order (RCW 7.105.450 or former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)), felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020), Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or Arson 2 (RCW 9A.48.030);

(b) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after July 23, 2017, for any of the following offenses: Assault of a child in the first degree, RCW 9A.36.120; Assault of a child in the second degree, RCW 9A.36.130; Assault of a child in the third degree, RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW 9A.42.020; or Criminal Mistreatment in the second degree, RCW 9A.42.030; and

~~((Count one point for each second and subsequent juvenile conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for the offenses listed in (a) of this subsection; and~~

~~((d))~~ Count one point for each adult prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence as defined in RCW 9.94A.030, was pleaded and proven after August 1, 2011.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence."

On page 1, line 2 of the title, after "calculations;" strike the remainder of the title and insert "amending RCW 9.94A.525; and creating a new section."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1324 and advanced the bill, as amended by the Senate, to final passage.

Representative Hackney spoke in favor of the passage of the bill.

Representatives Mosbrucker and Cheney spoke against the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE  
AMENDED**

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1324, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1324, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Entenman, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Morgan, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Santos, Schmick, Schmidt, Shavers, Steele, Stokesbary, Street, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

ENGROSSED HOUSE BILL NO. 1324, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Friday, April 21, 2023

Mme. Speaker:

The Senate receded from its amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1436, and under suspension of the rules returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 1436 to second reading for purpose of amendment(s). The Senate further adopted amendment 1436-S.E AMS WELL S3374.1 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) The superintendent of public instruction shall annually review data from local education agencies, including the percentage of students receiving special education services, to ensure there is not a disproportionate identification of students, as defined by the superintendent of public instruction in accordance with federal requirements of the individuals with disabilities education act, 20 U.S.C. Sec. 1400.

(2) The office of the superintendent of public instruction shall provide technical assistance to school districts experiencing issues related to disproportionality and

will make available professional development opportunities statewide to support local education agencies, schools, and community partners in promoting inclusionary teaching practices within a multitiered system of supports framework to help safeguard against over-identification and other issues related to disproportionality.

NEW SECTION. **Sec. 2.** (1) (a) It is the intent of the legislature to ensure that the state's special education funding formula does not result in a limitation on services or excess cost allocations to which students are entitled. To this end, the legislature acknowledges that a comprehensive review of the special education funding formula to examine the impacts of recent modifications and the potential need for future modifications is overdue, including the need to look at enrollment percent caps and minimum threshold values for access to the safety net.

(b) The legislature also intends to examine the current accounting and reporting methodologies to ensure that they continue to accurately serve their purpose of providing transparency and accountability and enable the legislature to oversee the state's funding of the program of special education.

(2) The joint legislative audit and review committee and the state auditor, in consultation with the office of the superintendent of public instruction, must collaborate to conduct a performance audit of the state's system of providing special education services to students with disabilities, including a review of each funding formula component used to allocate resources to school districts for the program of special education and the interplay between those different components. The joint legislative audit and review committee and the state auditor may divide responsibility for the work and reporting required in this section as appropriate, and contract with qualified third-party researchers or higher education institutions to perform any aspect of the report and audit. The report and audit must address:

(a) The prevalence of disabilities and whether the provisions and funding for evaluating students and providing services reflects the prevalence of disabilities, including whether any populations are disparately underevaluated or underserved;

(b) The degree to which changes in funding formulas intended to encourage increased inclusion are successful and whether the state and school districts are utilizing best practices to improve inclusion;

(c) Whether the changes in evaluation timelines or increases in the funded enrollment limit have resulted in funding for students who do not have disabilities or in excess of districts' costs to serve students with disabilities;

(d) Whether districts are appropriately accounting for and reporting use of basic education allocations for students with disabilities, including if statutory expectations for use of funds are being met.

As part of this review, the joint legislative audit and review committee shall revisit their special education excess cost accounting and reporting requirements report from February 2006 and determine if the special education excess cost accounting methodology and requirements are still functioning as intended with other changes in funding and service delivery focused on inclusion in a general education setting and if additional modifications are recommended;

(e) The amount of funding from levies or other local sources that school districts continue to utilize under current accounting methodologies in order to meet obligations to provide free and appropriate public education to students with disabilities, the degree to which funding shortfalls will continue following planned increases in multipliers, proposed changes to accounting methodologies, and the elimination of a cap on the percent of students for whom the state provides funding; and, options for additional changes to funding formulas to eliminate shortfalls in state funding for special education;

(f) How the state may improve recruitment and retention of certificated educators, instructional aides, or paraeducators and professionals serving students with disabilities;

(g) How the existing special education funding formula components used to allocate resources to school districts in Washington address the actual funding needs of school districts to fully serve all students with disabilities. This review must include an examination of each individual funding formula component including, but not limited to, the use of multiple student weights, the funded percentage cap, and safety net eligibility requirements. This review must also address how the funding formula components interplay within the overall funding model to address the diverse and variable needs of school district special education programs; and

(h) How Washington's special education funding model compares to different special education funding models used in other states. This review and comparison must identify the strengths and weaknesses of Washington's funding model as compared to other funding models and, at a minimum, review past studies and findings related to Washington's special education funding model. This review must identify which state formulas place a cap or threshold value on the number or percentage of special education students for purposes of generating funding and if those states differ in other ways from the states that do not have a limit, such as using tiered funding formulas or an average dollar allocation per special education student.

(3) To develop the appropriate scope, define study questions, and select one or more contractors to complete the performance audit and report, the joint legislative audit and review committee and state auditor shall consult with the office of the superintendent of public instruction, the office of the education ombuds, organizations representing and serving students with disabilities, the Washington state special education advisory council,

and labor organizations representing educators providing educational services to students with disabilities in developing study questions and choosing appropriate contractors. To address the study questions, the joint legislative audit and review committee and the state auditor may conduct the audit at a sample of school districts as needed.

(4) The performance audit required by this section must include charter schools to the same extent as school districts.

(5) Upon request, the office of financial management and any state or local agency must provide the joint legislative audit and review committee and the state auditor with education records necessary to conduct the performance audit required under this section. The joint legislative audit and review committee and the state auditor shall be considered authorized representatives of relevant state education authorities, including the superintendent of public instruction and the department of children, youth, and families, for the purpose of accessing records for this evaluation. The office of financial management and any state or local agency must provide records within four months from the date of an initial request. The office of financial management or agencies contributing data to the education research and data center must notify the joint legislative audit and review committee and the state auditor's office in writing if they determine a request does not comply with the federal educational rights and privacy act, no later than 21 days after the initial request.

(6) Prior to the 2024 legislative session, the joint legislative audit and review committee and the state auditor must identify a lead agency for each element of the report and audit defined in subsection (2)(a) through (h) of this section and any aspects of the study that are being conducted by contractors. These designations must be provided to the governor and the committees of the legislature with jurisdiction over fiscal matters and special education by December 31, 2023.

(7) The joint legislative audit and review committee and the state auditor must, in accordance with RCW 43.01.036, report the study's findings and recommendations to the governor and the committees of the legislature with jurisdiction over fiscal matters and special education by November 30, 2024.

(8)(a) As the joint legislative audit and review committee examines the current special education excess cost accounting and reporting methodologies, the following methodology shall be used by the superintendent of public instruction through the 2026-27 school year: If a school district's percentage used to calculate the state general apportionment revenue allocated to special education is lower than the percentage used for the 2022-23 school year, the superintendent of public instruction must allocate state general apportionment revenue to special education based on the percentage used in the 2022-23 school year, except as provided in (b) of this subsection.

(b)(i) Subsection (8)(a) of this section does not apply to school districts with a percentage used to calculate the state general apportionment revenue allocated to special education greater than 30 percent.

(ii) School districts with a percentage used to calculate the state general apportionment revenue allocated to special education less than 20 percent must be allocated at 20 percent.

(iii) If a school district's percentage of time students eligible for and receiving special education are served in a general education setting is at least five percentage points greater than its 2022-23 percentage in a school year, the school district's percentage used to calculate the state general apportionment revenue allocated to special education may be reduced by one percentage point for that school year from the 2022-23 percentage.

(iv) School districts with enrollments of less than 300 full-time equivalent students are exempt from all provisions of this subsection (8).

(9) This section expires December 31, 2026.

**Sec. 3.** RCW 28A.150.390 and 2020 c 90 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 (4) (a), (5), (6), and (8) and 28A.150.415.

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages three and four and those five year olds not yet enrolled in kindergarten who are eligible for and receiving special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by ~~((1.15))~~ 1.2;

(b)(i) Subject to the limitation in (b)(ii) of this subsection (2), a district's annual average enrollment of resident students who are eligible for and receiving special education, excluding students ages three and four and those five year olds not yet enrolled in kindergarten, multiplied by the district's base allocation per full-time equivalent student, multiplied by the special education cost multiplier rate of:

(A) ~~((In the 2019-20 school year, 0.995 for students eligible for and receiving special education.~~

~~(B))~~ Beginning in the 2020-21 school year, either:

(I) 1.0075 for students eligible for and receiving special education and reported to be in the general education setting for ~~((eighty))~~ 80 percent or more of the school day; or

(II) 0.995 for students eligible for and receiving special education and reported to

be in the general education setting for less than ~~((eighty))~~ 80 percent of the school day;

~~(B)~~ Beginning in the 2023-24 school year, either:

~~(I)~~ 1.12 for students eligible for and receiving special education and reported to be in the general education setting for 80 percent or more of the school day; or

~~(II)~~ 1.06 for students eligible for and receiving special education and reported to be in the general education setting for less than 80 percent of the school day.

(ii) If the enrollment percent exceeds ~~((thirteen and five-tenths))~~ 15 percent, the excess cost allocation calculated under (b)(i) of this subsection must be adjusted by multiplying the allocation by ~~((thirteen and five-tenths))~~ 15 percent divided by the enrollment percent.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident annual average enrollment of students who are eligible for and receiving special education, excluding students ages three and four and those five year olds not yet enrolled in kindergarten and students enrolled in institutional education programs, as a percent of the district's annual average full-time equivalent basic education enrollment.

**Sec. 4.** RCW 28A.150.392 and 2019 c 387 s 2 are each amended to read as follows:

(1)(a) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390.

(b) If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need.

(2) Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall award additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas.

(b) In the determination of need, the committee shall consider additional available revenues from federal sources.

(c) Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(d) In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state revenues related to services for students eligible for special education and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (e) and (f) of this subsection shall not exceed the total of a district's specific determination of need.

(e) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(f) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (2) (f) shall be adjusted to reflect amounts awarded under (e) of this subsection.

(g) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education served in residential schools (~~as defined in RCW 28A.190.020~~), programs for juveniles under the department of corrections, and programs for juveniles operated by city and county jails to the extent they are providing a secondary program of education.

(h) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(i) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(j) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(3) The superintendent of public instruction shall adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. By December 1, 2018, the superintendent shall review and revise the rules to achieve full and complete implementation of the requirements of this subsection and subsection (4) of this section including revisions to rules that provide additional flexibility to access community impact awards. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to

access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(4) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(5) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(6) (a) Beginning in the 2019-20 school year, a high-need student is eligible for safety net awards from state funding under subsection (2)(e) and (g) of this section if the student's individualized education program costs exceed two and three-tenths times the average per-pupil expenditure as defined in Title 20 U.S.C. Sec. 7801, the every student succeeds act of 2015.

(b) Beginning in the 2023-24 school year, a high-need student is eligible for safety net awards from state funding under subsection (2)(e) and (g) of this section if the student's individualized education program costs exceed:

(i) 2 times the average per-pupil expenditure, for school districts with fewer than 1,000 full-time equivalent students;

(ii) 2.2 times the average per-pupil expenditure, for school districts with 1,000 or more full-time equivalent students.

(c) For purposes of (b) of this subsection, "average per-pupil expenditure" has the same meaning as in 20 U.S.C. Sec. 7801, the every student succeeds act of 2015, and excludes safety net funding provided in this section.

**Sec. 5.** RCW 43.06B.010 and 2013 c 23 s 82 are each amended to read as follows:

(1) There is hereby created the office of the education ombuds within the office of the governor for the purposes of providing information to parents, students, and others regarding their rights and responsibilities with respect to the state's public elementary and secondary education system,



and advocating on behalf of elementary and secondary students.

(2)(a) The governor shall appoint an ombuds who shall be a person of recognized judgment, independence, objectivity, and integrity and shall be qualified by training or experience or both in the following areas:

(i) Public education law and policy in this state;

(ii) Dispute resolution or problem resolution techniques, including mediation and negotiation; and

(iii) Community outreach.

(b) The education ombuds may not be an employee of any school district, the office of the superintendent of public instruction, or the state board of education while serving as an education ombuds.

(3) Before the appointment of the education ombuds, the governor shall share information regarding the appointment to a six-person legislative committee appointed and comprised as follows:

(a) The committee shall consist of three senators and three members of the house of representatives from the legislature.

(b) The senate members of the committee shall be appointed by the president of the senate. Two members shall represent the majority caucus and one member the minority caucus.

(c) The house of representatives members of the committee shall be appointed by the speaker of the house of representatives. Two members shall represent the majority caucus and one member the minority caucus.

(4) If sufficient appropriations are provided, the education ombuds shall delegate and certify regional education ombuds. The education ombuds shall ensure that the regional ombuds selected are appropriate to the community in which they serve and hold the same qualifications as in subsection (2)(a) of this section. The education ombuds may not contract with the superintendent of public instruction, or any school, school district, or current employee of a school, school district, or the office of the superintendent of public instruction for the provision of regional ombuds services.

(5)(a) Subject to amounts appropriated for this specific purpose, the education ombuds shall delegate and certify at least one special education ombuds to serve each educational service district region. The education ombuds shall ensure that the special education ombuds selected are appropriate to the community in which they serve and hold the same qualifications as in subsection (2)(a) of this section. The education ombuds may not contract with the superintendent of public instruction, or any school, school district, educational service district, or current employee of a school, school district, educational service district, or the office of the superintendent of public instruction for the provision of special education ombuds services.

(b) Special education ombuds must serve as a resource for students eligible for special education services and their parents, including:

(i) Advocating on behalf of the student for a free and appropriate public education from the public school system that emphasizes special education and related services that are:

(A) Provided in the least restrictive environment;

(B) Designed to meet the student's unique needs;

(C) Appropriately ambitious and reasonably calculated to enable a student to make progress in light of the student's circumstances; and

(D) Addressing the student's further education, employment, and independent living goals.

(ii) Assisting students and parents with individualized education program development, including:

(A) Preparing for a meeting to develop or update a student's individualized education program;

(B) Attending individualized education program meetings to help present the parents' concerns, negotiate components that meet the parents' goals and requests, or otherwise assist the parent in understanding and navigating the individualized education program process; and

(C) Attending an individualized education program meeting to assist in writing an appropriate program when a parent opts out or otherwise cannot attend.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.150 RCW to read as follows:

(1) It is the policy of the state that for purposes of state funding allocations, students eligible for and receiving special education generate the full basic education allocation under RCW 28A.150.260 and, as a class, are to receive the benefits of this allocation for the entire school day, as defined in RCW 28A.150.203, whether the student is placed in the general education setting or another setting.

(2) The superintendent of public instruction shall develop an allocation and cost accounting methodology that ensures state general apportionment funding for students who receive their basic education services primarily in an alternative classroom or setting are prorated and allocated to the special education program and accounted for before calculating special education excess costs. Nothing in this section requires districts to provide services in a manner inconsistent with the students individualized education program or other than in the least restrictive environment as determined by the individualized education program team.

(3) The superintendent of public instruction shall provide the legislature with an accounting of prorated general apportionment allocations provided to special education programs broken down by school district by January 1, 2024, and then every January 1st of odd-numbered years thereafter."

On page 1, line 1 of the title, after "funding;" strike the remainder of the title and insert "amending RCW 28A.150.390, 28A.150.392, and 43.06B.010; adding a new

section to chapter 28A.155 RCW; adding a new section to chapter 28A.150 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1436 and advanced the bill, as amended by the Senate, to final passage.

Representatives Pollet, Stokesbary, Couture, Walsh and Christian spoke in favor of the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1436, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1436, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1436, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Friday, April 21, 2023

Mme. Speaker:

The Senate receded from its amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1447, and under suspension of the rules returned SECOND SUBSTITUTE HOUSE BILL NO. 1447 to second reading for purpose of amendment(s). The Senate further adopted amendment 1447-S2 AMS NGUY S3347.2 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.04.005 and 2020 c 136 s 1 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Aged, blind, or disabled assistance program" means the program established under RCW 74.62.030.

(2) "Applicant" means any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(3) "Authority" means the health care authority.

(4) "County or local office" means the administrative office for one or more counties or designated service areas.

(5) "Department" means the department of social and health services.

(6) "Director" means the director of the health care authority.

(7) "Essential needs and housing support program" means the program established in RCW 43.185C.220.

(8) "Federal aid assistance" means the specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(9) "Income" means:

(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him or her to decrease his or her need for public assistance or to aid in rehabilitating him or her or his or her dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In addition, for cash assistance the department may disregard income pursuant to RCW 74.08A.230 and 74.12.350.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(10) "Need" means the difference between the applicant's or recipient's standards of assistance for himself or herself and the dependent members of his or her family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his or her family.

(11) "Public assistance" or "assistance" means public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, benefits under RCW 74.62.030 and 43.185C.220, and federal aid assistance.

(12) "Recipient" means any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(13) "Resource" means any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent. The department may by rule designate resources that an applicant may retain and not be ineligible for public assistance because of such resources. Exempt resources shall include, but are not limited to:

(a) A home that an applicant, recipient, or their dependents is living in, including the surrounding property;

(b) Household furnishings and personal effects;

(c) One motor vehicle, other than a motor home, that is used and useful (~~having an equity value not to exceed ten thousand dollars~~);

(d) A motor vehicle necessary to transport a household member with a physical disability. This exclusion is limited to one vehicle per person with a physical disability;

(e) Retirement funds, pension plans, and retirement accounts;

(f) All other resources, including any excess of values exempted, not to exceed (~~six thousand dollars~~) \$12,000 or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance;

(~~(f)~~) (g) Applicants for or recipients of benefits under RCW 74.62.030 and 43.185C.220 shall have their eligibility based on resource limitations consistent with the temporary assistance for needy families program rules adopted by the department; and

(~~(g)~~) (h) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property if:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(14) "Secretary" means the secretary of social and health services.

(15) "Standards of assistance" means the level of income required by an applicant or recipient to maintain a level of living specified by the department.

(16)(a) "Victim of human trafficking" means a noncitizen and any qualifying family members who have:

(i) Filed or are preparing to file an application for T nonimmigrant status with the appropriate federal agency pursuant to 8 U.S.C. Sec. 1101(a)(15)(T), as it existed on January 1, 2020;

(ii) Filed or are preparing to file an application with the appropriate federal agency for status pursuant to 8 U.S.C. Sec. 1101(a)(15)(U), as it existed on January 1, 2020; or

(iii) Been harmed by either any violation of chapter 9A.40 or 9.68A RCW, or both, or by substantially similar crimes under federal law or the laws of any other state, and who:

(A) Are otherwise taking steps to meet the conditions for federal benefits eligibility under 22 U.S.C. Sec. 7105, as it existed on January 1, 2020; or

(B) Have filed or are preparing to file an application with the appropriate federal agency for status under 8 U.S.C. Sec. 1158.

(b)(i) "Qualifying family member" means:

(A) A victim's spouse and children; and

(B) When the victim is under (~~twenty-one~~) 21 years of age, a victim's parents and unmarried siblings under the age of (~~eighteen~~) 18.

(ii) "Qualifying family member" does not include a family member who has been charged with or convicted of attempt, conspiracy, solicitation, or commission of any crime referenced in this subsection or described under 8 U.S.C. Sec. 1101(a)(15)(T) or (U) as either existed on January 1, 2020, when the crime is against a spouse who is a victim of human trafficking or against the child of a victim of human trafficking.

(17) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(18) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders, and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

**Sec. 2.** RCW 74.08A.010 and 2022 c 24 s 1 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for ~~((sixty))~~60 months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the head of the household or married to the head of the household.

~~((The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.~~

~~((4))~~ The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.

~~((5(a)))~~ (4) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:

~~((i))~~ (a) By reason of hardship, including when:

~~((A))~~ (i) The recipient's family includes a child or youth who is without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020;

~~((B))~~ (ii) The recipient received temporary assistance for needy families during a month on or after March 1, 2020, when Washington state's unemployment rate as published by the Washington employment security department was equal to or greater than seven percent, and the recipient is otherwise eligible for temporary assistance for needy families except that they have exceeded 60 months. The extension provided for under this subsection ~~((5))~~ (4) ~~((i))~~ (ii) is equal to the number of months that the recipient received temporary assistance for needy families during a month on or after March 1, 2020, when the unemployment rate was equal to or greater than seven percent, and is applied sequentially to any other hardship extensions that may apply under this subsection ~~((5))~~ (4) or in rule; or

~~((C))~~ (iii) Beginning July 1, 2022, the Washington state unemployment rate most recently published by the Washington employment security department is equal to or greater than seven percent; or

~~((i))~~ (b) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA of

the federal social security act as amended by P.L. 104-193.

~~((b) Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.~~

~~((6))~~ (5) The department shall not exempt a recipient and his or her family from the application of subsection (1) ~~((or (3)))~~ of this section until after the recipient has received ~~((fifty-two))~~52 months of assistance under this chapter.

~~((7))~~ (6) The department shall provide transitional food assistance for a period of five months to a household that ceases to receive temporary assistance for needy families assistance and is not in sanction status. If necessary, the department shall extend the household's basic food certification until the end of the transition period.

~~((8))~~ (7) The department may adopt rules specifying which published employment security department unemployment rates to use for the purposes of subsection ~~((5))~~ (4) ~~((a))~~ ~~((i))~~ ~~((B))~~ and ~~((C))~~ (ii) and (iii) of this section.

**Sec. 3.** RCW 74.08A.010 and 2022 c 98 s 1 and 2022 c 24 s 1 are each reenacted and amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for ~~((sixty))~~60 months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the head of the household or married to the head of the household.

~~((The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.~~

~~((4))~~ The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.

~~((5(a)))~~ (4) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:

~~((i))~~ (a) By reason of hardship, including when:

~~((A))~~ (i) The recipient's family includes a child or youth who is without a

fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020;

~~((B))~~ (ii) The recipient received temporary assistance for needy families during a month on or after March 1, 2020, when Washington state's unemployment rate as published by the Washington employment security department was equal to or greater than seven percent, and the recipient is otherwise eligible for temporary assistance for needy families except that they have exceeded 60 months. The extension provided for under this subsection ~~((5))~~ (4) ~~((i))~~ (ii) is equal to the number of months that the recipient received temporary assistance for needy families during a month on or after March 1, 2020, when the unemployment rate was equal to or greater than seven percent, and is applied sequentially to any other hardship extensions that may apply under this subsection ~~((5))~~ (4) or in rule; or

~~((C))~~ (iii) Beginning July 1, 2022, the Washington state unemployment rate most recently published by the Washington employment security department is equal to or greater than seven percent; or

~~((i))~~ (b) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193.

~~((b))~~ Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.

~~((6))~~ (5) The department shall not exempt a recipient and his or her family from the application of subsection (1) ~~((or (3)))~~ of this section until after the recipient has received ~~((fifty-two))~~ 52 months of assistance under this chapter.

~~((7))~~ (6) The department shall provide transitional food assistance for a period of five months to a household that ceases to receive temporary assistance for needy families assistance and is not in full-family sanction status. If a member of a household has been sanctioned but the household is still receiving benefits, the remaining eligible household members may receive transitional food assistance. If necessary, the department shall extend the household's basic food certification until the end of the transition period.

~~((8))~~ (7) The department may adopt rules specifying which published employment security department unemployment rates to use for the purposes of subsection ~~((5))~~ (4) ~~((i))~~ (B) and ~~((C))~~ (ii) and (iii) of this section.

**Sec. 4.** RCW 74.08A.015 and 2021 c 239 s 3 are each amended to read as follows:

All families who have received temporary assistance for needy families since March 1, 2020, are eligible for the extension under

RCW 74.08A.010 ~~((5))~~ (4) ~~((i))~~ (B) (ii), regardless of whether they are current recipients. Eligible families shall only receive temporary assistance for needy families benefits that accrue after July 25, 2021.

**Sec. 5.** RCW 74.08A.230 and 1997 c 58 s 308 are each amended to read as follows:

(1) In addition to their monthly benefit payment, a family may earn and keep the first \$500 of the family's earnings in addition to one-half of ((its))the family's remaining earnings during every month it is eligible to receive assistance under this section.

(2) In no event may a family be eligible for temporary assistance for needy families if its monthly gross earned income exceeds the maximum earned income level as set by the department. In calculating a household's gross earnings, the department shall disregard the earnings of a minor child who is:

- (a) A full-time student; or
- (b) A part-time student carrying at least half the normal school load and working fewer than ~~((thirty-five))~~ 35 hours per week.

**Sec. 6.** RCW 74.08A.250 and 2019 c 343 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, as used in this chapter, "work activity" means:

(1) Unsubsidized paid employment in the private or public sector;

(2) Subsidized paid employment in the private or public sector, including employment through the state or federal work-study program for a period not to exceed ~~((twenty-four))~~ 24 months;

(3) Work experience, including:

(a) An internship or practicum, that is paid or unpaid and is required to complete a course of vocational training or to obtain a license or certificate in a high-demand occupation, as determined by the employment security department. No internship or practicum shall exceed ~~((twelve))~~ 12 months; or

(b) Work associated with the refurbishing of publicly assisted housing, if sufficient paid employment is not available;

(4) On-the-job training;

(5) Job search and job readiness assistance;

(6) Community service programs, including a recipient's voluntary service at a child care or preschool facility licensed under chapter 43.216 RCW or an elementary school in which his or her child is enrolled;

(7) Vocational educational training, not to exceed ~~((twelve))~~ 12 months with respect to any individual except that this ~~((twelve-month))~~ 12-month limit may be increased to ~~((twenty-four))~~ 24 months subject to funding appropriated specifically for this purpose;

(8) Job skills training directly related to employment;

(9) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a high school equivalency certificate as provided in RCW 28B.50.536;

(10) Satisfactory attendance at secondary school or in a course of study leading to a high school equivalency certificate as provided in RCW 28B.50.536, in the case of a recipient who has not completed secondary school or received such a certificate;

(11) The provision of child care services to an individual who is participating in a community service program;

(12) Internships, that shall be paid or unpaid work experience performed by an intern in a business, industry, or government or nongovernmental agency setting;

(13) Practicums, which include any educational program in which a student is working under the close supervision of a professional in an agency, clinic, or other professional practice setting for purposes of advancing their skills and knowledge;

(14) Services required by the recipient under RCW 74.08.025(2) and 74.08A.010(~~((4))~~) (3) to become employable;

(15) Financial literacy activities designed to be effective in assisting a recipient in becoming self-sufficient and financially stable; and

(16) Parent education services or programs that support development of appropriate parenting skills, life skills, and employment-related competencies.

**Sec. 7.** RCW 74.08A.270 and 2017 3rd sp.s. c 21 s 2 are each amended to read as follows:

(1) Good cause reasons for failure to participate in WorkFirst program components include situations where: (a) ~~((Situations where the))~~The recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; ~~((or))~~ (b) the recipient is a parent with a child under the age of two years; or (c) the recipient is experiencing a hardship as defined by the department in rule.

(2) A parent claiming a good cause exemption from WorkFirst participation under subsection (1)(b) of this section may be required to participate in one or more of the following, up to a maximum total of twenty hours per week, if such treatment, services, or training is indicated by the comprehensive evaluation or other assessment:

- (a) Mental health treatment;
- (b) Alcohol or drug treatment;
- (c) Domestic violence services; or
- (d) Parenting education or parenting skills training, if available.

(3) The department shall: (a) Work with a parent claiming a good cause exemption under subsection (1)(b) of this section to identify and access programs and services designed to improve parenting skills and promote child well-being, including but not limited to home visitation programs and services; and (b) provide information on the

availability of home visitation services to temporary assistance for needy families caseworkers, who shall inform clients of the availability of the services. If desired by the client, the caseworker shall facilitate appropriate referrals to providers of home visitation services.

(4) Nothing in this section shall prevent a recipient from participating in the WorkFirst program on a voluntary basis.

(5) A parent is eligible for a good cause exemption under subsection (1)(b) of this section for a maximum total of ~~((twenty-four))~~24 months over the parent's lifetime.

**Sec. 8.** RCW 74.04.266 and 2011 1st sp.s. c 36 s 21 are each amended to read as follows:

In determining need for aged, blind, or disabled assistance, and medical care services, the department may by rule and regulation establish a monthly earned income exemption ~~((in an amount not to exceed the exemption allowable under disability programs authorized in Title XVI of the federal social security act))~~as provided for in RCW 74.08A.230.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 10.** Section 2 of 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 July 1, 2023.

NEW SECTION. **Sec. 11.** Section 2 of this act expires January 1, 2024.

NEW SECTION. **Sec. 12.** Section 3 of this act takes effect January 1, 2024.

NEW SECTION. **Sec. 13.** Section 1 of this act takes effect February 1, 2024.

NEW SECTION. **Sec. 14.** Section 5 of this act takes effect August 1, 2024."

On page 1, line 3 of the title, after "families;" strike the remainder of the title and insert "amending RCW 74.04.005, 74.08A.010, 74.08A.015, 74.08A.230, 74.08A.250, 74.08A.270, and 74.04.266; reenacting and amending RCW 74.08A.010; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1447 and advanced the bill, as amended by the Senate, to final passage.

Representatives Peterson and Eslick spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1447, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1447, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

SECOND SUBSTITUTE HOUSE BILL NO. 1447, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Thursday, April 20, 2023

Mme. Speaker:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 1521, and under suspension of the rules returned SUBSTITUTE HOUSE BILL NO. 1521 to second reading for purpose of amendment(s). The Senate further adopted amendment 1521-S AMS KEIS S3369.4 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.48.080 and 2020 c 277 s 6 are each amended to read as follows:

(1) Every person, firm, or corporation who violates or fails to obey, observe, or comply with any statutory provision of this ~~((act))~~ title or rule of the department promulgated under authority of this title, shall be subject to a penalty of not to exceed ~~((one thousand dollars))~~ \$1,000.

(2) The department may, for a violation of section 3 of this act, assess a penalty not to exceed three times the penalties provided in subsection (1) of this section, including adjustments pursuant to RCW 51.48.095.

**Sec. 2.** RCW 51.48.017 and 2020 c 277 s 2 are each amended to read as follows:

(1) Every time a self-insurer unreasonably delays or refuses to pay

benefits as they become due, the self-insurer shall pay a penalty not to exceed the greater of ~~((one thousand dollars))~~ \$1,000 or ~~((twenty-five))~~ 25 percent of: (a) The amount due or (b) each underpayment made to the claimant. For purposes of this section, "the amount due" means the total amount of payments due at the time of the calculation of the penalty.

(2) In making the determination of the penalty amount, the department shall weigh at least the following factors: The amount of any payment delayed, employer communication of the basis for or calculation of the payment, history or past practice of underpayments by the employer, department orders directing the payment, and any required adjustments to the amount of the payment.

(3) The director shall issue an order determining whether there was an unreasonable delay or refusal to pay benefits and the penalty amount owed within ~~((thirty))~~ 30 days upon the request of the claimant. Such an order shall conform to the requirements of RCW 51.52.050.

(4) The penalty shall accrue for the benefit of the claimant and shall be paid to the claimant with the benefits which may be assessed under this title.

(5) The department may, for a violation of section 3 of this act, assess a penalty not to exceed three times the penalties provided in subsection (1) of this section, including adjustments pursuant to RCW 51.48.095.

(6) This section applies to all requests for penalties made after September 1, 2020.

NEW SECTION. **Sec. 3.** A new section is added to chapter 51.14 RCW to read as follows:

(1) All self-insured municipal employers and self-insured private sector firefighter employers and their third-party administrators have a duty of good faith and fair dealing to workers relating to all aspects of this title. The duty of good faith requires fair dealing and equal consideration for the worker's interests.

(2) A self-insured municipal employer or self-insured private sector firefighter employer or their third-party administrator violates its duty to the worker if it coerces a worker to accept less than the compensation due under this title, or otherwise fails to act in good faith and fair dealing regarding its obligations under this title.

(3) The department shall adopt by rule additional applications of the duty of good faith and fair dealing as well as criteria for determining appropriate penalties for violations. In adopting a rule under this subsection, the department shall consider, among other factors, recognized and approved claim processing practices within the insurance industry, the department's own experience, and the industrial insurance and insurance laws and rules of this state.

(4) The department shall investigate each alleged violation of this section upon the filing of a written complaint or upon its own motion. After receiving notice and a request for a response from the department,

the municipal employer or private sector firefighter employer or their third-party administrator may file a written response within 10 working days. If the municipal employer or private sector firefighter employer or their third-party administrator fails to file a timely response, the department shall issue an order based on available information.

(5) The department shall issue an order determining whether a violation of this section has occurred, in conformance with RCW 51.52.050, within 30 calendar days of receipt of a complete complaint or its own motion. An order finding that a violation has occurred must also order the municipal employer or private sector firefighter employer to pay a penalty of one to 52 times the average weekly wage at the time of the order, depending upon the severity of the violation, which accrues for the benefit of the worker.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Municipal" means any counties, cities, towns, port districts, water-sewer districts, school districts, metropolitan park districts, fire districts, public hospital districts, regional fire protection service authorities, education service districts, or such other units of local government.

(b) "Private sector firefighter employer" means any private sector employer who employs over 50 firefighters, including supervisors, on a full-time, fully compensated basis as a firefighter of the employer's fire department, only with respect to their firefighters.

**Sec. 4.** RCW 51.14.080 and 1986 c 57 s 7 are each amended to read as follows:

(1) Certification of a self-insurer shall be withdrawn by the director upon one or more of the following grounds:

~~((1))~~ (a) The employer no longer meets the requirements of a self-insurer; or

~~((2))~~ (b) The self-insurer's deposit is insufficient; or

~~((3))~~ (c) The self-insurer intentionally or repeatedly induces employees to fail to report injuries, induces claimants to treat injuries in the course of employment as off-the-job injuries, persuades claimants to accept less than the compensation due, or unreasonably makes it necessary for claimants to resort to proceedings against the employer to obtain compensation; or

~~((4))~~ (d) The self-insurer habitually fails to comply with rules and regulations of the director regarding reports or other requirements necessary to carry out the purposes of this title; or

~~((5))~~ (e) The self-insurer habitually engages in a practice of arbitrarily or unreasonably refusing employment to applicants for employment or discharging employees because of nondisabling bodily conditions; or

~~((6))~~ (f) The self-insurer fails to pay an insolvency assessment under the procedures established pursuant to RCW 51.14.077; or

(g)(i) For a self-insured municipal employer, the self-insurer has been found to have violated the self-insurer's duty of good faith and fair dealing three times within a three-year period.

(ii) For purposes of determining whether there have been three violations within a three-year period, the director must use the date of the department's order. Any subsequent order of the department, board of industrial insurance appeals, or courts affirming a violation occurred relates back to the date of the department's order.

(iii) Errors or delays that are inadvertent or minor are not considered violations of good faith and fair dealing for purposes of this subsection (1)(g).

(2) The director may delay withdrawing the certification of the self-insured municipal employer while the employer has an enforceable contract with a licensed third-party administrator that may not be legally terminated. However, the self-insured municipal employer may not renew or extend the contract.

(3) For the purposes of this section, "municipal" has the same meaning as defined in section 3 of this act.

**NEW SECTION. Sec. 5.** A new section is added to chapter 51.14 RCW to read as follows:

Nothing in this act shall be interpreted as allowing a private cause of action outside of the original jurisdiction of the department to assess penalties and rights to appeal as provided in this title.

**NEW SECTION. Sec. 6.** This act applies to all claims regardless of the date of injury.

**NEW SECTION. Sec. 7.** This act takes effect July 1, 2024."

On page 1, line 2 of the title, after "duties;" strike the remainder of the title and insert "amending RCW 51.48.080, 51.48.017, and 51.14.080; adding new sections to chapter 51.14 RCW; creating a new section; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1521 and advanced the bill, as amended by the Senate, to final passage.

Representatives Bronoske, Robertson and Harris spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1521, as amended by the Senate.

ROLL CALL



The Clerk called the roll on the final passage of Substitute House Bill No. 1521, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Barnard, Chandler, Christian, Connors, Dent, Dye, Kretz, McEntire, Sandlin, Schmick, Schmidt, Volz, Walsh and Wilcox

SUBSTITUTE HOUSE BILL NO. 1521, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, April 19, 2023

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 5369 and asks the House to recede therefrom.

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SENATE BILL NO. 5369.

There being no objection, the rules were suspended, and SENATE BILL NO. 5369 was returned to second reading for the purpose of amendment.

Representative Doglio moved the adoption of the striking amendment (778):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that polychlorinated biphenyls, or PCBs, are a hazardous chemical class that have been identified as carcinogenic, a developmental toxicant, toxic to aquatic organisms, and persistent and bioaccumulative. According to the United States environmental protection agency, PCBs are probable human carcinogens and may have serious and potential effects on the immune system, reproductive system, nervous system, and endocrine system.

(2) Humans and other organisms can be exposed to PCBs in a number of ways. PCBs can be released into the environment from hazardous waste sites, illegal dumping, or disposal of PCB wastes or PCB-containing products in areas or landfills not designed to handle hazardous waste, leaks, or releases from electrical transformers containing PCBs, and wastewater discharges.

Once PCBs are released, the chemicals do not readily break down in the environment and can cycle for long periods between air, water, and soil. PCBs can accumulate in leaves and above-ground parts of plants and food crops, and they are also taken up into the bodies of small organisms and fish, resulting in potential exposure for people and organisms that ingest the fish.

(3) In 1979, the United States banned the production of PCBs under the toxic substances control act. However, the United States environmental protection agency's regulations implementing the toxic substances control act for PCBs allow some inadvertent generation of PCBs to occur in excluded manufacturing processes. These manufacturing by-product PCBs have been identified in wastewater, sediments, and air in numerous locations and have been positively identified in the testing of new products.

(4) The legislature finds that the state has done much to address PCB contamination, including cleanup, permitting, stormwater management, and fish advisories. In addition, the United States environmental protection agency, Washington state, and the Spokane tribe of Indians have established PCB water quality standards to protect human health and the environment. These standards are critical for addressing release and exposure from legacy and nonlegacy PCBs. However, the standards cannot be achieved with currently available water treatment technology if the waste stream continues to include new sources of PCBs allowable under the toxic substances control act at levels measured in products such as paints, inks, and pigments that are billions of times higher than applicable water quality standards. While the United States environmental protection agency has restored a human health criteria standard of seven parts per quadrillion in Washington waters, the toxic substances control act limit for PCBs in products is an annual average of 25 parts per million, with a maximum 50 parts per million adjusted total PCBs. Therefore, the legislature finds that nonlegacy PCB contamination may most effectively be managed upstream at the product and process source as opposed to downstream facilities at the end of the product life cycle. The toxic substances control act standard for inadvertent PCBs does not reflect current science on limits needed to protect human health and the environment and is overdue for revision.

(5) While previous industry analysis of toxic substances control act rule making has asserted negative impacts and infeasibility in disallowing by-product PCBs, the legislature finds that safer, feasible, and available alternatives to PCB-containing paints and printing inks now exist, as determined by the department in its June 2022 *Safer Products for Washington* report. Moreover, since safer and available products and processes to produce paints and printing inks do exist, the legislature finds that use of manufacturing processes resulting in products with PCB by-products is not inadvertent, but intentional, and constitutes a use of the chemical within the product.

(6) Therefore, the legislature intends to direct the department of ecology to petition the United States environmental protection agency to reassess its PCB regulations under the toxic substances control act.

**NEW SECTION. Sec. 2.** A new section is added to chapter 70A.350 RCW to read as follows:

(1) The department must petition the United States environmental protection agency to reassess its regulations on excluded manufacturing processes from prohibitions on manufacturing, processing, distribution in commerce, and use of PCBs and PCB items under 40 C.F.R. Sec. 761.3 for the purpose of eliminating or reducing the presence of PCBs in consumer products.

(2) In petitioning the United States environmental protection agency, the department must include legislative findings in section 1 of this act and information on:

(a) Health effects of PCBs;

(b) Release and exposure of PCBs including, but not limited to, concentrations of PCBs measured in consumer products and in state waters, soils, and fish tissue;

(c) Safer alternatives for consumer products that contain PCBs, including the availability and feasibility of alternatives; and

(d) Other relevant data or findings as determined by the department.

(3) The department is not required to generate new data and may use previously compiled data and findings developed in the performance of duties under this section.

(4) The department may consult with the department of health and other relevant state agencies in developing the petition under this section.

(5) To the extent practicable, the department must seek completion of the petition review by January 1, 2025."

Correct the title.

Representatives Doglio and Dye spoke in favor of the adoption of the striking amendment.

The striking amendment (778) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Doglio and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5369, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5369, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney,

Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SENATE BILL NO. 5369, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House, SENATE BILL NO. 5369 was immediately transmitted to the Senate.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

There being no objection, the House reverted to the third order of business.

#### MESSAGES FROM THE SENATE

Saturday, April 22, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1148

and the same is herewith transmitted.

Sarah Bannister, Secretary

Saturday, April 22, 2023

Mme. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5258

ENGROSSED SUBSTITUTE SENATE BILL NO. 5293  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5315

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the seventh order of business.

#### THIRD READING

#### MESSAGE FROM THE SENATE

Saturday, April 22, 2023

Mme. Speaker:

The Senate receded from its amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1762, and under suspension of the rules returned SECOND SUBSTITUTE HOUSE BILL NO. 1762 to second reading for purpose of amendment(s). The Senate further adopted amendment 1762-S2 AMS KEIS S3372.1 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person. For purposes of this subsection, "control" means the possession, directly or indirectly, of more than 50 percent of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise.

(2) "Aggregated data" means information that an employer has combined or collected in summary or other form such that the data cannot be identified with any individual.

(3) "Defined time period" means any unit of time measurement equal to or less than the duration of an employee's shift, and includes hours, minutes, and seconds and any fraction thereof.

(4) "Department" means the department of labor and industries.

(5) "Designated employee representative" means any employee representative, including but not limited to an authorized employee representative that has a collective bargaining relationship with the employer.

(6) "Director" means the director of the department of labor and industries or the director's designee.

(7) "Employee" means an employee who is not exempt under RCW 49.46.010(3)(c) and works at a warehouse distribution center.

(8)(a) "Employee work speed data" means information an employer collects, stores, analyzes, or interprets relating to an individual employee's performance of a quota including, but not limited to, quantities of tasks performed, quantities of items or materials handled or produced, rates or speeds of tasks performed, measurements or metrics of employee performance in relation to a quota, and time categorized as performing tasks or not performing tasks.

(b) Employee work speed data does not include qualitative performance assessments, personnel records, or itemized wage statements pursuant to department rules, except for any content of those records that includes employee work speed data as defined in this subsection.

(9)(a) "Employer" means a person who directly or indirectly, or through an agent or any other person, including through the services of a third-party employer, temporary services, or staffing agency, independent contractor, or any similar entity, at any time, employs or exercises control over the wages, hours, or working conditions of 100 or more employees at a single warehouse distribution center in the state or 1,000 or more employees at one or more warehouse distribution centers in the state.

(b) For the purposes of determining the number of employees employed at a single warehouse distribution center or at one or more warehouse distribution centers, all employees employed directly or indirectly, or through an agency or any other person, and all employees employed by an employer and its affiliates, must be counted.

(c) For the purposes of determining responsible employers, all agents or other persons, and affiliates must be deemed employers and are jointly and severally responsible for compliance with this chapter.

(10) "Person" means an individual, corporation, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign.

(11) "Quota" means a work performance standard, whether required or recommended, where: (a) An employee is assigned or required to perform at a specified productivity speed, or perform a quantified number of tasks, or to handle or produce a quantified amount of material, within a defined time period and under which the employee may suffer an adverse employment action if they fail to complete the performance standard; or (b) an employee's actions are categorized between time performing tasks and not performing tasks, if the employee may suffer an adverse employment action if they fail to meet the performance standard.

(12) "Warehouse distribution center" means an establishment engaged in activities as defined by any of the following North American industry classification system codes, however such establishment is denominated:

(a) 493 for warehousing and storage, but does not include 493130 for farm product warehousing and storage;

(b) 423 for merchant wholesalers, durable goods;

(c) 424 for merchant wholesalers, nondurable goods; or

(d) 454110 for electronic shopping and mail-order houses.

**NEW SECTION. Sec. 2.** (1) An employer must provide to each employee, upon hire, or within 30 days of the effective date of this section, a written description of:

(a) Each quota to which the employee is subject, including the quantified number of tasks to be performed or materials to be produced or handled within a defined time period;

(b) Any potential adverse employment action that could result from failure to meet each quota; and

(c) Any incentives or bonus programs associated with meeting or exceeding each quota.

(2) Whenever there is a change to the quota that results in a different quota than the most recent written description provided to the employee, the employer must: (a) Notify the employee verbally or in writing as soon as possible and before the employee is subject to the new quota; and (b) provide the employee with an updated written description of each quota to which the employee is subject within two business days of the quota change.

(3) Whenever an employer takes an adverse action against an employee in whole or in part for failure to meet a quota, the

employer must provide that employee with the applicable quota for the employee and the personal work speed data for the employee that was the basis for the adverse action.

(4) The written description must be understandable, in plain language, and in the employee's preferred language. The department may adopt rules regarding the format, plain language, and language access requirements for the written description.

**NEW SECTION. Sec. 3.** (1) The time period considered in a quota, including time designated as productive time or time on task must include:

(a) Time for rest breaks and reasonable time to travel to designated locations for rest breaks;

(b) Reasonable travel time to on-site designated meal break locations. Meal breaks are not considered time on task or productive time unless the employee is required by the employer to remain on duty on the premises or at a prescribed worksite in the interest of the employer;

(c) Time to perform any activity required by the employer in order to do the work subject to any quota;

(d) Time to use the bathroom, including reasonable travel time; and

(e) Time to take any actions necessary for the employee to exercise the employee's right to a safe and healthful workplace pursuant to chapter 49.17 RCW, including but not limited to time to access tools or safety equipment necessary to perform the employee's duties.

(2) Reasonable travel time must include consideration of the architecture and geography of the facility and the location within the facility that the employee is located at the time.

**NEW SECTION. Sec. 4.** (1) Except as provided in section 5 of this act, a quota violates this chapter if the quota:

(a) Does not provide sufficient time as required under section 3(1) (a) through (c) of this act; or

(b) Prevents the performance of any activity required by the employer for the employee to do the work subject to any quota.

(2) An employee is not required to meet a quota that violates this section.

(3) An employer may not take adverse action against an employee for failing to meet a quota that violates this section or that was not disclosed to the employee as required under section 2 of this act.

**NEW SECTION. Sec. 5.** (1) A quota violates chapter 49.17 RCW if the quota:

(a) Does not provide sufficient time as required under section 3(1) (d) and (e) of this act;

(b) Prevents the performance of any activity related to occupational safety and health required by the employer for the employee to do the work subject to any quota; or

(c) Exposes an employee to occupational safety and health hazards in violation of

the requirements of chapter 49.17 RCW and the applicable rules or regulations.

(2) An employee is not required to meet a quota that violates this section.

(3) An employer may not take adverse action against an employee for failing to meet a quota that violates this section.

(4) All provisions of section 8 of this act apply to any person who complains to the employer, the director, or any local, state, or federal governmental agency or official, related to a quota alleging any violations of this section.

(5)(a) This section must be implemented and enforced, including penalties, violations, citations, and other administrative procedures, pursuant to chapter 49.17 RCW.

(b) An employer who fails to allow adequate inspection of records in an inspection by the department within a reasonable time period may not use such records in any appeal to challenge the correctness of any citation and notice issued by the department.

**NEW SECTION. Sec. 6.** (1) An employer must establish, maintain, and preserve contemporaneous, true, and accurate records of the following:

(a) Each employee's own personal work speed data;

(b) The aggregated work speed data for similar employees at the same warehouse distribution center; and

(c) The written descriptions of each quota the employee was provided pursuant to section 2 of this act.

(2)(a) The required records must be maintained and preserved throughout the duration of each employee's period of employment and for the period required by this subsection.

(b) Except as required under (c) of this subsection, subsequent to an employee's separation from the employer, records relating to the six-month period prior to the date of the employee's separation from the employer must be preserved for at least three years from the date of the employee's separation.

(c) Where an employer has taken adverse action against an employee in whole or in part for failure to meet a quota, the employer must preserve the records relating to the basis for the adverse action for at least three years from the date of the adverse action.

(d) The employer must make records available to the director upon request.

(3) Nothing in this section requires an employer to collect or keep such records if the employer does not use quotas or monitor work speed data.

(4) An employer who fails to allow adequate inspection of records in an inspection by the department within a reasonable time period may not use such records in any appeal to challenge the correctness of any citation and notice issued by the department.

**NEW SECTION. Sec. 7.** (1) An employee has the right to request, at any time, a written description of each quota to which

the employee is subject, a copy of the employee's own personal work speed data for the prior six months, and a copy of the prior six months of aggregated work speed data for similar employees at the same warehouse distribution center.

(2) A former employee has the right to request, within three years subsequent to the date of their separation from the employer, a written description of the quota to which they were subject as of the date of their separation, a copy of the employee's own personal work speed data for the six months prior to their date of separation, and a copy of aggregated work speed data for similar employees at the same warehouse distribution center for the six months prior to their date of separation.

(3) An employer must provide records requested under this section at no cost to the employee or former employee.

(4) An employer must provide records requested under this section as soon as practicable and subject to the following:

(a) Requested records of written descriptions of a quota must be provided no later than two business days following the date of the receipt of the request; and

(b) Requested personal work speed data and aggregated work speed data must be provided no later than seven business days following the date of the receipt of the request.

(5) Nothing in this section requires an employer to use quotas or monitor work speed data. An employer that does not use quotas or monitor work speed data has no obligation to provide records under this section.

**NEW SECTION. Sec. 8.** (1) A person, including but not limited to an employer, his or her agent, or person acting as or on behalf of a hiring entity, or the officer or agent of any entity, business, corporation, partnership, or limited liability company, may not discharge or in any way retaliate, discriminate, or take adverse action against an employee or former employee for exercising any rights established in this chapter, or for being perceived as exercising rights established in this chapter including, but not limited to:

(a) Initiating a request for information about a quota or personal work speed data pursuant to section 7 of this act; and

(b) Making a complaint to the employer, the director, or any local, state, or federal governmental agency or official, related to a quota that is allegedly in violation of this chapter or chapter 49.17 RCW.

(2) An employee or former employee need not explicitly refer to this section or the rights established in this chapter to be protected from an adverse action. The protection provided in this section applies to former employees and to employees who mistakenly but in good faith allege violations of this chapter.

(3) (a) If a person takes adverse action against an employee or former employee within 90 days of the employee engaging or attempting to engage in activities protected by this chapter, there is a rebuttable presumption that the adverse action is a

retaliatory action in violation of this section.

(b) The presumption may be rebutted by a preponderance of the evidence that: (i) The action was taken for other permissible reasons; and (ii) the engaging or attempting to engage in activities protected by this chapter was not a motivating factor in the adverse action.

(4) Except as provided for in section 5 of this act, the department must carry out and enforce the provisions of this section and section 4(3) of this act pursuant to procedures established under chapter 49.46 RCW and any applicable rules. The department may adopt new rules to implement or enforce this subsection.

**NEW SECTION. Sec. 9.** (1) (a) An employee may file a complaint with the department alleging a violation under this chapter or applicable rules, except for violations and enforcement of sections 5 and 8 of this act. The department must investigate the complaint.

(b) The department may not investigate any such alleged violation of rights that occurred more than three years before the date that the employee filed the complaint.

(c) If an employee files a timely complaint with the department, the department must investigate the complaint and issue either a citation and notice of assessment or a determination of compliance within 90 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the period by providing advance written notice to the employee and the employer setting forth good cause for an extension of the period and specifying the duration of the extension.

(d) The department must send the citation and notice of assessment or the determination of compliance to both the employer and the employee by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses.

(2) If the department's investigation finds that the employee's allegation cannot be substantiated, the department must issue a determination of compliance to the employee and the employer detailing such finding.

(3) The director may initiate an investigation without an employee's complaint to ensure compliance with this chapter.

(4) The department may request an employer perform a self-audit of any records relating to this act, which must be provided within a reasonable time. Reasonable timelines will be specified in the self-audit request. The department must determine reasonable time based on the number of affected employees and the period of time covered by the self-audit. The records examined by the employer in order to perform the self-audit must be made available to the department upon request.

(5) Upon the department's request, an employer must notify affected employees in writing that the department is conducting an investigation. The department may require

the employer to include a general description of each investigation as part of the notification, including the allegations and whether the notified employee may be affected. The employer may consult with the department to provide the information for the description of the notification or investigation.

(6) If the department determines that the employer has violated a requirement of this chapter or any rule adopted under this chapter, the department also may order the employer to pay the department a civil penalty of not less than \$1,000. The first violation may not exceed \$1,000. The department may, at any time, waive or reduce any civil penalty assessed against an employer under this section if the department determines that the employer has taken corrective action to remedy a violation. The department must adopt rules creating a schedule to enhance penalties, not to exceed \$10,000 per violation, based on repeat violations by the employer. Civil penalties must be collected by the department and deposited into the supplemental pension fund established under RCW 51.44.033.

(7) Except as provided under subsection (1) of this section, an employer who is found to have violated a requirement of this chapter and the rules adopted under this chapter resulting in a rest or meal period violation, must pay the employee one additional hour of pay at the employee's regular rate of pay for each day there is a violation.

(8) Upon receiving a complaint, the department may request or subpoena the records of the warehouse distribution center.

(9) For enforcement actions under this section, if any person fails to pay an assessment under this chapter, or under any rule under this chapter, after it has become a final and unappealable order, or after the court has entered final judgment in favor of the agency, the director may initiate collection procedures in accordance with the collection procedures under RCW 49.48.086.

(10) If the department finds that a quota violates this act, the department may order the employer to review and provide a corrected written quota to the affected employee or employees within 15 calendar days and place a letter in the employee's personnel file to acknowledge the correction. If the employer fails to do so, the employer may be subject to the penalties under subsection (6) of this section and associated rules.

(11) In addition to any enforcement authority provided in this chapter or applicable rules, the department may enforce any violation under this chapter or applicable rules, except for violations and enforcement of section 5 of this act, by filing an action in the superior court for the county in which the violation is alleged to have occurred. If the department prevails, it is entitled to reasonable attorneys' fees and costs, in the amount to be determined by the court.

NEW SECTION. **Sec. 10.** (1) For enforcement actions under section 9 of this act, a person, firm, or corporation aggrieved by a citation and notice of assessment or determination of compliance by the department or any rules adopted under this chapter may appeal the citation and notice of assessment or determination of compliance to the director by filing a notice of appeal with the director within 15 calendar days of the department's issuance of the citation and notice of assessment or determination of compliance. A citation and notice of assessment or determination of compliance not appealed within 15 calendar days is final and binding, and not subject to further appeal.

(2) A notice of appeal filed with the director under this section stays the effectiveness of the citation and notice of assessment or determination of compliance pending final review of the appeal by the director as provided in chapter 34.05 RCW.

(3) Upon receipt of a notice of appeal, the director must assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures must be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment must be de novo. Any party who seeks to challenge an initial order must file a petition for administrative review with the director within 30 days after service of the initial order. The director must conduct an administrative review in accordance with chapter 34.05 RCW.

(4) The director must issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(5) Orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(6) An employer who fails to allow adequate inspection of records in an investigation by the department under this chapter within a reasonable time period may not use such records in any appeal under this section to challenge the correctness of any determination by the department of the penalty assessed.

NEW SECTION. **Sec. 11.** The department may adopt and implement rules to carry out and enforce the provisions of this chapter.

NEW SECTION. **Sec. 12.** 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. 13.** Sections 1 through 12 of this act constitute a new chapter in Title 49 RCW.

NEW SECTION. **Sec. 14.** This act takes effect July 1, 2024."

On page 1, line 1 of the title, after "warehouses;" strike the remainder of the title and insert "adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1762 and advanced the bill, as amended by the Senate, to final passage.

Representative Berry spoke in favor of the passage of the bill.

Representative Schmidt spoke against the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1762, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1762, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walen, Walsh, Waters, Wilcox and Ybarra

SECOND SUBSTITUTE HOUSE BILL NO. 1762, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Saturday, April 22, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1715, with the following amendment(s): 1715-S2.E AMS ENGR S3377.E

Strike everything after the enacting clause and insert the following:

#### "Part I. Electronic Monitoring with Victim Notification Technology

NEW SECTION. **Sec. 101.** A new section is added to chapter 2.56 RCW to read as follows:

(1) Subject to funds appropriated for this specific purpose, by June 1, 2024, the Washington courts' board for judicial administration must develop model standards:

(a) Establishing best practices for the operation of electronic monitoring with victim notification technology by monitoring agencies, with the goal of improving victim safety;

(b) Establishing protocols for implementing court orders that include electronic monitoring with victim notification, including protocols for the installation and removal of monitoring devices to ensure uninterrupted monitoring services following release from detainment or incarceration; and

(c) Establishing any additional requirements necessary to promote compliance with RCW 2.56.260 and 9.94A.736, which may include, but not be limited to, training requirements for court officials, peace officers, 911 dispatchers, local corrections officers and staff, and other appropriate practitioners.

(2) In developing the standards required under this section, the Washington courts' board for judicial administration must solicit input from courts of general and limited jurisdiction, local governments, monitoring agencies, and statewide associations representing law enforcement leaders, prosecutors, the department of corrections, domestic violence victims, and domestic violence agencies.

(3) Subject to funds appropriated for this specific purpose, the Washington courts' board for judicial administration must develop a model policy on electronic monitoring with victim notification technology based on best practices where the technology is being currently used in Washington. Each law enforcement agency in the state must adopt its own policy based on the model policy.

(4) For the purposes of this section:

(a) "Electronic monitoring" has the meaning provided in RCW 9.94A.030; and

(b) "Monitoring agency" has the meaning provided in RCW 9.94A.736.

#### Part II. Civil Proceedings

**Sec. 201.** RCW 7.105.155 and 2022 c 268 s 10 are each amended to read as follows:

When service is to be completed under this chapter by a law enforcement officer:

(1) The clerk of the court shall have a copy of any order issued under this chapter, the confidential information form, as well as the petition for a protection order and any supporting materials, electronically forwarded on or before the next judicial day to the law enforcement agency in the county or municipality where the respondent resides, as specified in the order, for service upon the respondent. If the respondent has moved from that county or municipality and personal service is not required, the law enforcement agency specified in the order may serve the order;

(2) Service of an order issued under this chapter must take precedence over the service of other documents by law

enforcement unless they are of a similar emergency nature;

(3) Where personal service is required, the first attempt at service must occur within 24 hours of receiving the order from the court (~~whenever practicable, but not more than five days after receiving the order~~) unless an emergency situation renders the service infeasible. If an emergency situation prevents a first attempt at service within 24 hours, law enforcement must attempt service as soon as possible. If the first attempt is not successful, no fewer than two additional attempts should be made to serve the order, particularly for respondents who present heightened risk of lethality or other risk of physical harm to the petitioner or petitioner's family or household members. All attempts at service must be documented on a proof of service form and submitted to the court in a timely manner;

(4) If service cannot be completed within 10 calendar days, the law enforcement officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification. Law enforcement shall continue to attempt to complete service unless otherwise directed by the court. In the event that the petitioner does not provide a service address for the respondent or there is evidence that the respondent is evading service, the law enforcement officer shall use law enforcement databases to assist in locating the respondent;

(5) If the respondent is in a protected person's presence at the time of contact for service, the law enforcement officer should take reasonable steps to separate the parties when possible prior to completing the service or inquiring about or collecting firearms. When the order requires the respondent to vacate the parties' shared residence, law enforcement shall take reasonable steps to ensure that the respondent has left the premises and is on notice that ~~(his or her)~~ the respondent's return is a violation of the terms of the order. The law enforcement officer shall provide the respondent with copies of all forms with the exception of the confidential information form completed by the protected party and the proof of service form;

(6) Any law enforcement officer who serves a protection order on a respondent with the knowledge that the respondent requires special assistance due to a disability, brain injury, or impairment shall make a reasonable effort to accommodate the needs of the respondent to the extent practicable without compromise to the safety of the petitioner;

(7) Proof of service must be submitted to the court on the proof of service form. The form must include the date and time of service and each document that was served in order for the service to be complete, along with any details such as conduct at the time of service, threats, or avoidance of service, as well as statements regarding possession of firearms, including any denials of ownership despite positive purchase history, active concealed pistol license, or sworn statements in the petition

that allege the respondent's access to, or possession of, firearms; or

(8) If attempts at service were not successful, the proof of service form or the form letter showing that the order was not served, and stating the reason it was not served, must be returned to the court by the next judicial day following the last unsuccessful attempt at service. Each attempt at service must be noted and reflected in computer aided dispatch records, with the date, time, address, and reason service was not completed.

**Sec. 202.** RCW 7.105.255 and 2022 c 268 s 15 are each amended to read as follows:

(1) To help ensure familiarity with the unique nature of protection order proceedings, and an understanding of trauma-informed practices and best practices in the use of new technologies for remote hearings, judicial officers, including persons who serve as judicial officers pro tempore, should receive evidence-based training on procedural justice, trauma-informed practices, gender-based violence dynamics, coercive control, elder abuse, juvenile sex offending, teen dating violence, domestic violence homicide prevention, and requirements and best practices for the surrender of weapons before presiding over protection order hearings. Trainings should be provided on an ongoing basis as best practices, research on trauma, and legislation continue to evolve. As a method of continuous training, court commissioners, including pro tempore commissioners, shall be notified by the presiding judge or court administrator upon revision of any decision made under this chapter.

(2) Subject to funds appropriated for this specific purpose, the administrative office of the courts shall develop training for judicial officers on the topics listed in subsection (1) of this section, which must be provided free of charge to judicial officers.

**NEW SECTION. Sec. 203.** A new section is added to chapter 7.105 RCW to read as follows:

(1) The legislature recognizes the inherent volatility and danger associated with domestic violence, particularly when the court has made a finding that an ex parte order to surrender and prohibit weapons is necessary. The risk of domestic violence homicide is most acute when a victim is ending the relationship and throughout legal proceedings. The presence of a firearm in a domestic violence situation increases the risk of homicide by 11 times. The legislature acknowledges the potential for judicial or administrative error in hearings on full protection orders and the significant consequences that can result from such errors. In recognition of the potential for error, the legislature has previously established in RCW 2.24.050 that decisions of court commissioners are subject to revision and the courts have created processes for reconsideration of rulings. Therefore, in any proceeding in which the court enters a temporary protection order that includes a temporary order to surrender



and prohibit weapons, and after the hearing the court denies the petition for a full protection order, the order to surrender and prohibit weapons must remain in effect until the period for a petitioner to file a motion for reconsideration or revision has passed. If a motion for reconsideration or revision is filed, the order to surrender and prohibit weapons must remain in effect until the motion for reconsideration or revision is resolved.

(2) At the hearing in which the court denies the petition for a full protection order, if the petitioner is present, the court must notify the petitioner verbally of the procedures and timelines for filing a motion for reconsideration or a motion for revision. The court must provide the petitioner with written information explaining the procedures and timelines for filing a motion for reconsideration or a motion for revision. The information must also include contact information for civil legal aid organizations that may assist the petitioner with a motion for reconsideration or a motion for revision.

(3) Subsections (1) and (2) of this section do not apply if allowing the order to surrender and prohibit weapons to remain in effect would be manifestly unjust including, but not limited to, situations where the court finds the temporary protection order was entirely without merit, the petitioner was engaged in abusive use of litigation, or the petitioner was exerting coercive control, as defined in RCW 7.105.010, over the respondent.

### Part III. Domestic Violence Protections

**Sec. 301.** RCW 10.99.033 and 2019 c 367 s 2 are each amended to read as follows:

(1) All training relating to the handling of domestic violence complaints by law enforcement officers must stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The criminal justice training commission shall implement by July 28, 2019, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law enforcement curriculum of the criminal justice training commission must include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training must be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum must include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize the likelihood of officer injury and that promote victim safety, investigation and

interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.

(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with domestic violence laws. The program must include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties. The commission shall make the training program available to all law enforcement agencies in the state.

(4) Development of the training in subsections (2) and (3) of this section must be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the statewide organization providing training and education to these organizations and to the general public.

(5) Subject to funds appropriated for this specific purpose:

(a) The curriculum required in subsection (2) of this section must include trauma-informed investigation and interviewing skills, domestic violence homicide prevention, the intersection of firearms and domestic violence, best practices for serving and enforcing protection orders, and assistance to and services for victims and children; and

(b) The in-service training program required in subsection (3) of this section must include training on domestic violence homicide prevention, the intersection of firearms and domestic violence, best practices for serving and enforcing protection orders, and assistance to and services for victims and children.

**Sec. 302.** RCW 10.99.040 and 2021 c 215 s 122 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to ~~((his or her))~~ the attorney's client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence; and

(e) Shall not deny issuance of a no-contact order based on the existence of an applicable civil protection order preventing the defendant from contacting the victim.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or ~~((protective))~~ protection order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the defendant to surrender, and prohibit the person from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(c) The no-contact order shall also be issued in writing as soon as possible, and shall state that it may be extended as provided in subsection (3) of this section. By January 1, 2011, the administrative office of the courts shall develop a pattern form for all no-contact orders issued under this chapter. A no-contact order issued under this chapter must substantially comply with the pattern form developed by the administrative office of the courts.

(3)(a) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. So long as the court finds probable cause, the court may issue or extend a no-contact order even if the defendant fails to appear at arraignment. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed.

(b) In issuing the order, the court shall consider all information documented in the incident report concerning the person's possession of and access to firearms and whether law enforcement took temporary custody of firearms at the time of the arrest. The court may as a condition of release prohibit the defendant from possessing or accessing firearms and order the defendant to immediately surrender all firearms and any concealed pistol license to a law enforcement agency upon release.

(c) If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring as defined in RCW 9.94A.030. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a

condition of the sentence that the defendant ~~((reimburse the providing agency for))~~ pay the costs of the electronic monitoring. If a defendant enters into a deferred prosecution or stipulated order of continuance, the applicable order or agreement may require the defendant pay the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2), (3), or (7) of this section is punishable under RCW 7.105.450.

(b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 7.105 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed.

(6) Whenever a no-contact order is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

(7) All courts shall develop policies and procedures by January 1, 2011, to grant victims a process to modify or rescind a no-contact order issued under this chapter. The administrative office of the courts shall develop a model policy to assist the courts in implementing the requirements of this subsection.

#### **Part IV. Firearms and Dangerous Weapons**

**Sec. 401.** RCW 9.41.340 and 2020 c 29 s 5 are each amended to read as follows:

(1) (a) Each law enforcement agency shall develop a notification protocol that ~~((allows))~~:

(i) Allows a family or household member or intimate partner to use an incident or

case number to request to be notified when a law enforcement agency returns a privately owned firearm to the individual from whom it was obtained or to an authorized representative of that person; and

(ii) Requires notification to any person identified in a no-contact order, restraining order, or protection order and any identified victim of the crime that resulted in the firearm surrender.

~~((a))~~(b)(i) Notification may be made via telephone, email, text message, or another method that allows notification to be provided without unnecessary delay.

~~((b))~~(ii) If a law enforcement agency is in possession of more than one privately owned firearm from ~~(a single person)~~ an individual, notification relating to the return of one firearm shall be considered notification for all privately owned firearms for that person.

(2) A law enforcement agency shall not provide notification to any party other than ~~((a family or household member or intimate partner who has an incident or case number and who has requested to be notified pursuant to this section or))~~ another criminal justice agency or as authorized or required under subsection (1) of this section.

(3) The information provided by a family or household member or intimate partner pursuant to chapter 130, Laws of 2015, including the existence of the request for notification, is not subject to public disclosure pursuant to chapter 42.56 RCW.

(4) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to this section, so long as the release or failure was without gross negligence.

(5) An individual who knowingly makes a request for notification under this section based on false information may be held liable under RCW 9A.76.175.

**Sec. 402.** RCW 9.41.345 and 2020 c 29 s 6 are each amended to read as follows:

(1) Before a law enforcement agency returns a privately owned firearm, the law enforcement agency must:

(a) Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person;

(b) Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040;

(c) Ensure that the firearm is not otherwise required to be held in custody or otherwise prohibited from being released; ~~((and))~~

(d) Ensure that ~~((twenty-four hours))~~ five business days have elapsed from the time the firearm was obtained by law enforcement ~~((unless the firearm was seized in connection with a domestic violence call pursuant to RCW 10.99.030, in which case the law enforcement agency must ensure that five~~

~~business days have elapsed from the time the firearm was obtained))~~; and

(e) If a family or household member or intimate partner has requested notification under RCW 9.41.340(1)(a)(i), or notification to an identified victim or protected person is required per RCW 9.41.340(1)(a)(ii), provide notice to the appropriate person within one business day of verifying that the requirements in (a) through (c) of this subsection have been met.

(2)(a) Once the requirements in subsections (1) and (3) of this section have been met, a law enforcement agency must release a firearm to the individual from whom it was obtained or an authorized representative of that person upon request without unnecessary delay.

(b)(i) If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from being released, a law enforcement agency must provide written notice to the individual from whom it was obtained within five business days of the individual requesting return of ~~((his or her))~~ the firearm and specify the reason the firearm must be held in custody.

(ii) Notification may be made via email, text message, mail service, or personal service. For methods other than personal service, service shall be considered complete once the notification is sent.

(3) If ~~((a family or household member or intimate partner has requested to be notified pursuant to RCW 9.41.340))~~ notification is required under RCW 9.41.340(1)(a)(i) or (ii), a law enforcement agency must ~~((~~

~~((a) Provide notice to the family or household member or intimate partner within one business day of verifying that the requirements in subsection (1) of this section have been met; and~~

~~((b) Hold) hold~~ the firearm in custody for ~~((seventy-two hours))~~ five business days from the time notification has been provided or information has been entered.

(4)(a) A law enforcement agency may not return a concealed pistol license that has been surrendered to, or impounded by, the law enforcement agency for any reason to the licensee until the law enforcement agency determines the licensee is eligible to possess a firearm under state and federal law and meets the other eligibility requirements for a concealed pistol license under RCW 9.41.070.

(b) A law enforcement agency must release a concealed pistol license to the licensee without unnecessary delay, and in no case longer than five business days, after the law enforcement agency determines the requirements of (a) of this subsection have been met.

(5) The provisions of chapter 130, Laws of 2015 and subsection (4) of this section shall not apply to circumstances where a law enforcement officer has momentarily obtained a firearm or concealed pistol license from an individual and would otherwise immediately return the firearm or concealed pistol license to the individual during the same interaction.

**Sec. 403.** RCW 9.41.801 and 2022 c 268 s 30 are each amended to read as follows:

(1) Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms.

(2) A law enforcement officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons in the respondent's custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license. The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent shall be provided a copy and further service is not required. If the respondent refuses to receive a copy, an agent of the court may indicate on the record that the respondent refused to receive a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms, dangerous weapons, and any concealed pistol license in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of firearms, dangerous weapons, and any concealed pistol license shall issue a receipt identifying all firearms, dangerous weapons, and any concealed pistol license that have been surrendered and provide a copy of the receipt to the respondent. The

law enforcement agency shall file the original receipt with the court within 24 hours after service of the order and retain a copy of the receipt, electronically whenever electronic filing is available.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800 or 10.99.100, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their possession, custody, or control. If probable cause exists that a crime occurred, the court shall issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon shall be returned to the lawful owner, provided that:

(a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;

(b) The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and

(c) The requirements of RCW 9.41.345 are met.

(6) (a) Courts shall develop procedures to verify timely and complete compliance with orders to surrender and prohibit weapons under RCW 9.41.800 or 10.99.100, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service. ((A compliance review hearing is not required if the court can otherwise enter findings on the record or enter written findings that the proof of surrender or declaration of nonsurrender)) For any case where the court has indication that the respondent has in the respondent's possession, custody, or control firearms, dangerous weapons, or a concealed pistol license, a compliance review hearing shall be held. A compliance review hearing may be waived by the court or held at a later date if the information attested to by the person subject to the order, along with verification from law enforcement and any other relevant evidence, makes a sufficient showing that the person has timely and completely surrendered all firearms and dangerous weapons in the person's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, to a law enforcement agency, and the court is able to make a finding of compliance. If the court does not

have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible ~~((at which the))~~ and service by law enforcement shall be prioritized to minimize the time during which the respondent could access their firearms, dangerous weapons, or concealed pistol license. The respondent must be present and provide proof of compliance with the court's order. Courts shall make available forms that petitioners may complete and submit to the court in response to a respondent's declaration of whether the respondent has surrendered weapons.

(b) In making its findings regarding compliance, the court should also consider any available department of licensing and Washington state patrol firearm records; for criminal cases, the police report and any documentation of firearms, or their recovery pursuant to RCW 10.99.030(3)(a); and for civil protection order cases, the protection order narrative, any sections of the protection order petition that specifically reference or inquire about firearms and other dangerous weapons, any attachments to the protection order petition, any affidavits from law enforcement or the petitioner in response to a respondent's declaration regarding firearm surrender, or other relevant evidence regarding firearms, dangerous weapons, or a concealed pistol license in the person's custody, control, or possession.

(c) If the court is considering waiving or delaying the compliance review hearing, the petitioner, law enforcement, or the state or city attorney may request that the compliance hearing be held, if there is reasonable suspicion to believe that the respondent has not surrendered all firearms, dangerous weapons, and any concealed pistol license, or is otherwise out of compliance with the court's order.

(7) (a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order to surrender and prohibit weapons is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may issue an arrest warrant and initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, with additional sanctions for failure to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable

statute. Law enforcement shall also serve a copy of the order to show cause on the petitioner, either electronically or in person, at no cost.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the order to surrender and prohibit weapons and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order.

(d) (i) At the show cause hearing, the respondent must be present and provide proof of compliance with the underlying court order to surrender and prohibit weapons and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and ~~((the))~~ an agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of a declaration.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to surrender and prohibit weapons to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8) (a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard or submit written information at any hearing that concerns compliance with an order to surrender and prohibit weapons ~~((issued in connection with another type of protection order))~~.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does

not constitute the unauthorized practice of law.

(9) (a) ~~((An order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 must state that the))~~ The act of voluntarily surrendering firearms or weapons, ~~((or))~~ providing testimony relating to the surrender of firearms or weapons, ~~((pursuant to such an order,))~~ or complying with an order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 or 10.99.100, and any information directly or indirectly derived from such act or testimony, may not be used against the ~~((respondent))~~ person subject to the order in any criminal prosecution under this chapter, chapter 7.105 RCW, or RCW 9A.56.310, or in any criminal prosecution pursuant to which such order to surrender and prohibit weapons was issued, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order. Every such order issued subsequent to the effective date of this section shall contain language consistent with the statutory immunity set forth in this subsection.

(b) If a person subject to such an order invokes the privilege against self-incrimination at the time of issuance of the order or at a subsequent hearing, the court may afford the person subject to the order an opportunity to demonstrate that compliance with the surrender provision of the order would expose that person to a realistic threat of self-incrimination in a subsequent or pending criminal proceeding. The court may conduct this portion of the proceeding ex parte or receive evidence in camera, without the presence of the prosecuting attorney, after the court conducts an analysis under *State v. Bone-Club*, 128 wn.2d 254, and concludes that the courtroom may be closed.

(c) If the person subject to the order establishes such a realistic threat of self-incrimination regarding possible criminal prosecution that is not addressed by the immunity from prosecution set forth in (a) of this subsection, the court shall afford the relevant prosecuting attorney an opportunity to offer an immunity agreement tailored specifically to the firearms or weapons implicated by the potential self-incrimination. To achieve the purposes of this section, any immunity offered should be narrowly tailored to address any realistic threat of self-incrimination while ensuring that any other firearms not implicated are surrendered.

(d) Any immunity from prosecution beyond the immunity set forth in (a) of this subsection, may only be extended by the prosecuting attorney. If the prosecuting attorney declines to extend immunity such that the person subject to the order cannot fully comply with its surrender provision without facing a realistic threat of self-incrimination, the court's order must provide for the surrender of every firearm, dangerous weapon, and concealed pistol license that does not implicate a realistic threat of self-incrimination. The order's prohibitions regarding accessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other

dangerous weapons, or concealed pistol license, remain in effect.

(e) Nothing in this section shall be interpreted as diminishing the requirement that the person subject to the order fully comply with the order issued by the court. The burden remains on the person subject to the order to prove compliance.

~~((b))~~ (10) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

~~((10))~~ (11) All law enforcement agencies must have policies and procedures to provide for the acceptance, storage, and return of firearms, dangerous weapons, and concealed pistol licenses that a court requires must be surrendered under RCW 9.41.800. A law enforcement agency holding any firearm or concealed pistol license that has been surrendered under RCW 9.41.800 shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

~~((11))~~ (12) The administrative office of the courts shall create a statewide pattern form to assist the courts in ensuring timely and complete compliance in a consistent manner with orders issued under this chapter. The administrative office of the courts shall report annually on the number of ex parte and full orders issued under this chapter by each court, ~~((the degree of compliance, and the number of firearms obtained, and may make recommendations regarding additional procedures))~~ and, if available, the type of protection order, no-contact order, restraining order, or criminal charge with which the order was issued, the duration of the order, the period of time from issuance of the order until the court's finding of compliance, any violations, the nature of the violations, any sanctions imposed, the number of firearms obtained pursuant to each order, whether subsequent orders were issued involving the same respondent, and may make recommendations regarding additional procedures, training, or data collection and reporting to enhance compliance and victim safety.

**Sec. 404.** RCW 9.41.804 and 2014 c 111 s 5 are each amended to read as follows:

~~((A party ordered))~~ (1) To prove full compliance with the court's order to surrender firearms, dangerous weapons, and ~~((his or her))~~ any concealed pistol license under RCW 9.41.800 the person subject to the order must file with the clerk of the court ~~((a))~~: (a) A completed proof of surrender and receipt form ~~((or a declaration of nonsurrender form within five judicial days of the entry of the order))~~; (b) a declaration that the person has no firearms, dangerous weapons, or concealed pistol license; or (c) other evidence sufficient to establish full and timely compliance with the order.

(2) The verification of compliance required in subsection (1) of this section must be provided to the court within 24

hours of service of the order, unless the order is pursuant to a criminal proceeding. In a criminal proceeding, if the person subject to the order is in custody, proof of compliance must be provided to the court before the person subject to the order is released from custody; otherwise, proof of compliance must be provided before the conclusion of the sentencing hearing. If the court finds that surrender of all firearms, dangerous weapons, and any concealed pistol license is not possible prior to release or prior to the conclusion of the hearing, then arrangements for surrender shall be made and approved by the court before the person's release from custody or before the conclusion of the sentencing hearing, and the court shall order a law enforcement officer to accompany the person to the location where the firearms, dangerous weapons, and concealed pistol license are located so that they are surrendered directly to the law enforcement officer. Surrender to local law enforcement shall occur in a safe manner and proof of compliance provided by law enforcement to the court within 24 hours of either the person's release from custody or the conclusion of the sentencing hearing.

(3) By December 30, 2023, the administrative office of the courts shall develop and distribute any new or updated forms necessary to implement subsections (1) and (2) of this section, and other sections of this act where a form needs to be created or updated.

**Sec. 405.** RCW 7.105.340 and 2022 c 268 s 19 are each amended to read as follows:

(1) Upon the issuance of any extreme risk protection order under this chapter, including a temporary extreme risk protection order, the court shall:

(a) Order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession, or subject to the respondent's immediate possession or control, and any concealed pistol license issued under RCW 9.41.070; and

(b) Other than for ex parte temporary protection orders, direct law enforcement to revoke any concealed pistol license issued to the respondent.

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including a temporary extreme risk protection order, shall request that the respondent immediately surrender all firearms in ~~((his or her))~~ the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent must be provided a copy and further service is not required. If the respondent refuses to accept a copy, an agent of the court may indicate on the record that the respondent refused to accept a copy of the order. If

the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service must be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms and any concealed pistol license, not previously surrendered, in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. If the respondent is in custody, arrangements to recover the firearms must be made prior to release. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that ~~((his or her))~~ the officer's law enforcement agency retains a copy of the receipt.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in ~~((his or her))~~ the respondent's possession, custody, or control. If probable cause for a violation of the order exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and that person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm must be returned to that person, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides written verification to the court regarding how the lawful owner will safely store the firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order;

(b) The court advises the lawful owner of the penalty for failure to do so; and

(c) The firearm is not otherwise unlawfully possessed by the owner.

(6) Upon the issuance of a one-year extreme risk protection order, the court shall order a new compliance review hearing date and require the respondent to appear not later than three judicial days from the issuance of the order. The court shall require a showing that the respondent has surrendered any firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency. The compliance review hearing is not required upon a satisfactory showing on which the court can otherwise enter findings on the record that the respondent has timely and completely surrendered all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency, and is in compliance with the order. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the court's order.

(7) (a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order is addressed, that there is probable cause to believe the respondent was aware of, and failed to fully comply with, the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, to impose remedial sanctions, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing, and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the extreme risk protection order and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order to show cause.

(d) (i) At the show cause hearing, the respondent must be present and provide proof of compliance with the extreme risk

protection order and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and that a law enforcement agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of an affidavit.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding must not be borne by the petitioner.

(8) (a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard or submit written information at any hearing that concerns compliance with an extreme risk protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9) (a) An extreme risk protection order must state that the act of voluntarily surrendering firearms, or providing testimony relating to the surrender of firearms, pursuant to such an order, may not be used against the respondent in any criminal prosecution under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must develop and implement policies and procedures regarding the acceptance, storage, and return of firearms required to be surrendered under this chapter. Any surrendered firearms must be handled and



stored properly to prevent damage or degradation in appearance or function, and the condition of the surrendered firearms documented, including by digital photograph. A law enforcement agency holding any surrendered firearm or concealed pistol license shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

**Sec. 406.** RCW 10.21.050 and 2018 c 276 s 5 are each amended to read as follows:

The judicial officer in any felony, misdemeanor, or gross misdemeanor case must, in determining whether there are conditions of release that will reasonably assure the safety of any other person and the community, take into account the available information concerning:

(1) The nature and circumstances of the offense charged, including whether the offense is a crime of violence;

(2) The weight of the evidence against the defendant; and

(3) The history and characteristics of the defendant, including:

(a) The ~~((person's))~~ defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings;

(b) Whether, at the time of the current offense or arrest, the defendant was on community supervision, probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal, state, or local law; ~~((and))~~

(c) The nature and seriousness of the danger to any person or the community that would be posed by the defendant's release; and

(d) The defendant's firearms history, including purchase history, any concealed pistol license history, and the requirements of RCW 9.41.800 regarding issuance of an order to surrender and prohibit weapons.

#### **Part V. Residential Protections**

**Sec. 501.** RCW 40.24.030 and 2022 c 231 s 5 are each amended to read as follows:

(1)(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, ~~((as defined in RCW 11.88.010,))~~ (b) any election official as described in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any ~~((family members))~~ person residing with him or her, and (c) any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) and any criminal justice participant as defined in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any

~~((family members))~~ person residing with him or her, may apply to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:

(i) A sworn statement, under penalty of perjury, by the applicant that the applicant has good reason to believe (A) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, trafficking, or stalking and that the applicant fears for ~~((his or her))~~ the applicant's safety or ~~((his or her))~~ the applicant's children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made ~~((+))~~ (B) that the applicant, as an election official as described in RCW 9A.90.120, is a target for threats or harassment prohibited under RCW 9A.90.120(2) (b) (iii) or (iv); or (C) that the applicant, as a criminal justice participant as defined in RCW 9A.46.020, is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the applicant, as a criminal justice participant as defined in RCW 9A.90.120 is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv);

(ii) If applicable, a sworn statement, under penalty of perjury, by the applicant, that the applicant has reason to believe they are a victim of (A) domestic violence, sexual assault, or stalking perpetrated by an employee of a law enforcement agency, or ~~((+))~~ (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or 9A.46.020(2)(b) (iii) or (iv);

(iii) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;

(iv) The residential address and any telephone number where the applicant can be contacted by the secretary of state, which shall not be disclosed because disclosure will increase the risk of (A) domestic violence, sexual assault, trafficking, or stalking, or (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or 9A.46.020(2)(b) (iii) or (iv);

(v) The signature of the applicant and of any individual or representative of any office designated in writing under RCW 40.24.080 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(2) Applications shall be filed with the office of the secretary of state.

(3) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

(4)(a) During the application process, the secretary of state shall provide each applicant a form to direct the department of

licensing to change the address of registration for vehicles or vessels solely or jointly registered to the applicant and the address associated with the applicant's driver's license or identicaid to the applicant's address as designated by the secretary of state upon certification in the program. The directive to the department of licensing is only valid if signed by the applicant. The directive may only include information required by the department of licensing to verify the applicant's identity and ownership information for vehicles and vessels. This information is limited to the:

- (i) Applicant's full legal name;
- (ii) Applicant's Washington driver's license or identicaid number;
- (iii) Applicant's date of birth;
- (iv) Vehicle identification number and license plate number for each vehicle solely or jointly registered to the applicant; and
- (v) Hull identification number or vessel document number and vessel decal number for each vessel solely or jointly registered to the applicant.

(b) Upon certification of the applicants, the secretary of state shall transmit completed and signed directives to the department of licensing.

(c) Within 30 days of receiving a completed and signed directive, the department of licensing shall update the applicant's address on registration and licensing records.

(d) Applicants are not required to sign the directive to the department of licensing to be certified as a program participant.

(5) A person who knowingly provides false or incorrect information upon making an application or falsely attests in an application that disclosure of the applicant's address would endanger (a) the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, (b) the safety of any election official as described in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2) (b) (iii) or (iv), or (c) the safety of any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2) (b) (iii) or (iv) or of any criminal justice participant as defined in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2) (b) (iii) or (iv), or any family members residing with him or her, shall be punished under RCW 40.16.030 or other applicable statutes.

**Sec. 502.** RCW 42.17A.710 and 2019 c 428 s 36 are each amended to read as follows:

(1) The statement of financial affairs required by RCW 42.17A.700 shall disclose the following information for the reporting individual and each member of the reporting individual's immediate family:

(a) Occupation, name of employer, and business address;

(b) Each bank account, savings account, and insurance policy in which a direct financial interest was held that exceeds twenty thousand dollars at any time during

the reporting period; each other item of intangible personal property in which a direct financial interest was held that exceeds two thousand dollars during the reporting period; the name, address, and nature of the entity; and the nature and highest value of each direct financial interest during the reporting period;

(c) The name and address of each creditor to whom the value of two thousand dollars or more was owed; the original amount of each debt to each creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each debt; and the security given, if any, for each such debt. Debts arising from a "retail installment transaction" as defined in chapter 63.14 RCW (retail installment sales act) need not be reported;

(d) Every public or private office, directorship, and position held as trustee; except that an elected official or executive state officer need not report the elected official's or executive state officer's service on a governmental board, commission, association, or functional equivalent, when such service is part of the elected official's or executive state officer's official duties;

(e) All persons for whom any legislation, rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation. For the purposes of this subsection, "compensation" does not include payments made to the person reporting by the governmental entity for which the person serves as an elected official or state executive officer or professional staff member for the person's service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid;

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of two thousand dollars or more; the value of the compensation; and the consideration given or performed in exchange for the compensation;

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and: (i) With respect to a governmental unit in which the official seeks or holds any office or position, if the entity has received compensation in any form during the preceding twelve months from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; and (ii) the name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which the entity has received compensation in any form in the amount of ten thousand dollars or more during the preceding twelve

months and the consideration given or performed in exchange for the compensation. As used in (g)(ii) of this subsection, "compensation" does not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing the service. With respect to any bank or commercial lending institution in which is held any office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of the bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by the bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by the bank or commercial lending institution if the interest exceeds two thousand four hundred dollars;

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for that interest;

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for that interest, and the name and address of the person furnishing the consideration;

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which a direct financial interest was held. If a description of the property has been included in a report previously filed, the property may be listed, for purposes of this subsection (1)(j), by reference to the previously filed report;

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds twenty thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm, or enterprise a ten percent or greater ownership interest was held;

(l) A list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of fifty dollars was accepted under RCW 42.52.150(5);

(m) A list of each occasion, specifying date, donor, and amount, at which items specified in RCW 42.52.010(9) (d) and (f) were accepted; and

(n) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall prescribe by rule.

(2)(a) When judges, prosecutors, sheriffs, participants in the address confidentiality program under RCW 40.24.030, or their immediate family members are required to disclose real property that is the personal residence of the judge, prosecutor, ~~((or))~~ sheriff, or address confidentiality program participant, the requirements of subsection (1)(h) through (k) of this section may be satisfied for that property by substituting:

(i) The city or town;

(ii) The type of residence, such as a single-family or multifamily residence, and the nature of ownership; and

(iii) Such other identifying information the commission prescribes by rule for the mailing address where the property is located.

(b) Nothing in this subsection relieves the judge, prosecutor, or sheriff of any other applicable obligations to disclose potential conflicts or to recuse oneself.

(3)(a) Where an amount is required to be reported under subsection (1)(a) through (m) of this section, it may be reported within a range as provided in (b) of this subsection.

(b)

Code A	Less than thirty thousand dollars;
Code B	At least thirty thousand dollars, but less than sixty thousand dollars;
Code C	At least sixty thousand dollars, but less than one hundred thousand dollars;
Code D	At least one hundred thousand dollars, but less than two hundred thousand dollars;
Code E	At least two hundred thousand dollars, but less than five hundred thousand dollars;
Code F	At least five hundred thousand dollars, but less than seven hundred and fifty thousand dollars;
Code G	At least seven hundred fifty thousand dollars, but less than one million dollars; or
Code H	One million dollars or more.

(c) An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be interpreted to prevent any person from filing more information or more detailed information than required.

(4) Items of value given to an official's or employee's spouse, domestic partner, or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse, domestic partner, or family member.

**Sec. 503.** RCW 9.41.800 and 2022 c 268 s 29 are each amended to read as follows:

(1) Any court when entering an order authorized under chapter 7.105 RCW, RCW 9A.40.102, 9A.44.210, 9A.46.080, 9A.88.160, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.26B.020, ((or)) 26.26A.470, or 46.61.5055 shall, upon a showing by a preponderance of the evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or is ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require that the party immediately surrender all firearms and other dangerous weapons;

(b) Require that the party immediately surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from accessing, having ~~((in his or her))~~ custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons;

(d) Prohibit the party from obtaining or possessing a concealed pistol license;

(e) Other than for ex parte temporary protection orders, unless the ex parte temporary protection order was reissued after the party received notice and had an opportunity to be heard, direct law enforcement to revoke any concealed pistol license issued to the party.

(2) During any period of time that the party is subject to a court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A, or 26.26B RCW that:

(a) Was issued after a hearing of which the party received actual notice, and at which the party had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(b) Restrains the party from harassing, stalking, or threatening an intimate partner of the party, the protected person, or child of the intimate partner, party, or protected person, or engaging in other conduct that would place an intimate partner or protected person in reasonable fear of bodily injury to the intimate partner, protected person, or child; and

(c) (i) Includes a finding that the party represents a credible threat to the physical safety of the intimate partner, protected person, or child; or

(ii) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner, protected person, or child that would reasonably be expected to cause bodily injury, the court shall:

(A) Require that the party immediately surrender all firearms and other dangerous weapons;

(B) Require that the party immediately surrender a concealed pistol license issued under RCW 9.41.070;

(C) Prohibit the party from accessing, having ~~((in his or her))~~ custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons; and

(D) Prohibit the party from obtaining or possessing a concealed pistol license.

(3) The court may order temporary surrender and prohibit the purchase of all firearms and other dangerous weapons, and any concealed pistol license, without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(4) In addition to the provisions of subsections (1) and (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

(5) The requirements of subsections (1) and (4) of this section may be for a period of time less than the duration of the order.

(6) The court shall require the party to surrender all firearms and other dangerous weapons in ~~((his or her immediate))~~ the party's custody, control, or possession ~~((or control))~~, or subject to ~~((his or her))~~ the party's immediate possession or control, and any concealed pistol license issued under RCW 9.41.070, to the local law enforcement agency. ~~((Law enforcement officers shall use law enforcement databases to assist in locating the party in situations where the protected person does not know where the party lives or where there is evidence that the party is trying to evade service.))~~

(7) If the court enters a protection order, restraining order, or no-contact order that includes an order to surrender firearms, dangerous weapons, and any concealed pistol license under this section:

(a) The order must be served by a law enforcement officer; ~~((and))~~

(b) Law enforcement must immediately ensure entry of the order to surrender and prohibit weapons and the revocation of any concealed pistol license is made into the appropriate databases making the party ineligible to possess firearms and a concealed pistol license; and

(c) Law enforcement officers shall use law enforcement databases to assist in locating the party in situations where the protected person does not know where the party lives or where there is evidence that the party is trying to evade service.

## Part VI. Statewide Resources

NEW SECTION. **Sec. 601.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a pilot program to implement domestic violence high risk teams. A domestic violence high risk team must, at a minimum, include the following four elements:

(a) Early identification of the most dangerous cases through evidence-based lethality assessments;

(b) Increased access to supportive services for high-risk victims;

(c) Increased perpetrator monitoring and accountability; and

(d) A coordinated response to high-risk cases through a multidisciplinary team.

(2) A domestic violence program must be the lead or co-lead of the domestic violence high risk teams.

**NEW SECTION. Sec. 602.** A new section is added to chapter 28B.20 RCW to read as follows:

(1) Subject to funds appropriated for this specific purpose, the University of Washington shall develop a plan to establish a center of excellence in research, policy, and practice to reduce domestic violence.

(2) The plan must be developed with relevant disciplines across the schools of the University of Washington. The school of public health shall lead the development of the plan. The development of the plan must include, but not be limited to, the schools of social work, law, medicine, and nursing, and the Alene Moris women's center.

(3) The University of Washington must develop a report summarizing the plan, which must evaluate, but not be limited to, the following topics:

(a) Conducting scientifically rigorous intimate partner violence research that informs policy and practice in Washington;

(b) Disseminating existing research findings and best practices in order to proliferate evidence-based intimate partner violence policy and practice;

(c) Promoting effective strategies to reduce the incidence of domestic violence and domestic violence homicide; and

(d) Engaging in strategic planning efforts with relevant stakeholders to develop policy recommendations to improve the state's response to domestic violence.

(4) In developing the plan, the University of Washington shall establish an external stakeholder group that shall ensure that all work conducted by the center is informed by survivors of domestic violence, including Black, indigenous, and survivors of color, and LGBTQ survivors, to ensure that research interventions are holistic, trauma-informed, and antiracist and policy recommendations are appropriate and effective for Washington's diverse communities. The University of Washington shall include, but not be limited to, survivors of intimate partner violence, including low-income communities, immigrants, refugee communities, people with religious diversity, people with physical disabilities, children and other family members of survivors, representatives from systems that interact with survivors and perpetrators, and representatives from

communities disproportionately impacted by intimate partner violence in order to guide development of the plan's overarching goals and strategic vision. The University of Washington shall provide stipends to stakeholder participants to the extent necessary to maximize participation.

(5) The University of Washington shall provide a report to the relevant committees of the legislature with its findings and recommendations as soon as practicable, but no later than January 15, 2024.

(6) Subject to funds appropriated for this specific purpose, the University of Washington shall begin implementation of the plan by July 1, 2024.

## **Part VII. Law Enforcement**

**NEW SECTION. Sec. 701.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission must provide ongoing specialized, intensive, and integrative training for persons responsible for investigating domestic violence cases involving intimate partners. The training must be based on a victim-centered, trauma-informed approach to responding to domestic violence. Among other subjects, the training must include content on the neurobiology of trauma and trauma-informed interviewing, counseling, and investigative techniques.

(2) The training must: Be based on research-based practices and standards; offer participants an opportunity to practice interview skills and receive feedback from instructors; minimize the trauma of all persons who are interviewed during investigations; provide methods of reducing the number of investigative interviews necessary whenever possible; assure, to the extent possible, that investigative interviews are thorough, objective, and complete; recognize needs of special populations; recognize the nature and consequences of domestic violence victimization; require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; address record retention and retrieval; address documentation of investigative interviews; and educate investigators on the best practices for notifying victims of significant events in the investigative process.

(3) In developing the training, the commission must seek advice from the Washington association of sheriffs and police chiefs, organizations representing victims of domestic violence, survivors of domestic violence, and experts on domestic violence and the neurobiology of trauma. The commission must consult with the Washington association of prosecuting attorneys in an effort to design training containing consistent elements for all professionals engaged in interviewing and interacting with domestic violence victims in the criminal legal system.

(4) The commission must develop the training and begin offering it by January 1,

2025. Officers assigned to regularly investigate domestic violence must complete the training within one year of being assigned or by July 1, 2027, whichever is later.

**Sec. 702.** RCW 10.31.100 and 2021 c 215 s 118 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order has been issued, of which the person has knowledge, under chapter 7.105 RCW, or an order has been issued, of which the person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46, 9A.88, 10.99, 26.09, ~~((26.10,))~~ 26.26A, 26.26B, or 74.34 RCW, or any of the former chapters 7.90, 7.92, and 26.50 RCW, restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of, or entering, a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or requiring the person to submit to electronic monitoring, or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person;

(b) An extreme risk protection order has been issued against the person under chapter 7.105 RCW or former RCW 7.94.040, the person has knowledge of the order, and the person has violated the terms of the order prohibiting the person from having in ~~((his or her))~~ the person's custody or control, purchasing, possessing, accessing, or receiving a firearm or concealed pistol license;

(c) A foreign protection order, as defined in RCW 26.52.010, or a Canadian domestic violence protection order, as

defined in RCW 26.55.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order or the Canadian domestic violence protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or a violation of any provision for which the foreign protection order or the Canadian domestic violence protection order specifically indicates that a violation will be a crime; or

(d) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member or intimate partner as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members or intimate partners have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary ~~((physical))~~ aggressor. In making this determination, the officer shall make every reasonable effort to consider: (A) The intent to protect victims of domestic violence under RCW 10.99.010; (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to, or death of, a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed, in connection with the accident, a violation of any traffic law or regulation.

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer, in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an antiharassment protection order has been issued of which the person has knowledge under chapter 7.105 RCW or former chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(5)

may issue a citation for an infraction to the person in connection with the violation.

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

(14) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

(16)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer: (i) Has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.

#### **Part VIII. Miscellaneous**

NEW SECTION. **Sec. 801.** 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. 802.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "partners;" strike the remainder of the title and insert "amending RCW 7.105.155, 7.105.255, 10.99.033, 10.99.040, 9.41.340, 9.41.345, 9.41.801, 9.41.804, 7.105.340, 10.21.050, 40.24.030, 42.17A.710, 9.41.800, and 10.31.100; adding a new section to chapter 2.56 RCW; adding a new section to chapter 7.105 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 43.101 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1715 and advanced the bill, as amended by the Senate, to final passage.

Representatives Davis and Griffey spoke in favor of the passage of the bill.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1715, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1715, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chandler, Christian, Dent, McEntire, Sandlin, Schmick and Walsh

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1715, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**CONFERENCE COMMITTEE REPORT**

April 21st, 2023

Engrossed Substitute House Bill 1125

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL 1125, making transportation appropriations for the 2023-2025 fiscal biennium, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (S-3376.1/23) be adopted

Strike everything after the enacting clause and insert the following:

**"2023-2025 FISCAL BIENNIUM**

NEW SECTION. **Sec. 1.** (1) The 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, 2025.

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

(a) "Fiscal year 2024" or "FY 2024" means the fiscal year ending June 30, 2024.

(b) "Fiscal year 2025" or "FY 2025" means the fiscal year ending June 30, 2025.

(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.

**GENERAL GOVERNMENT AGENCIES—OPERATING**

NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Motor Vehicle Account—State Appropriation. \$588,000

NEW SECTION. **Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account—State Appropriation. . . . . \$504,000  
Pilottage Account—State Appropriation \$150,000  
TOTAL APPROPRIATION. . . . . \$654,000

NEW SECTION. **Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Account—State Appropriation. \$214,000  
Puget Sound Ferry Operations Account—State Appropriation. . . . . \$131,000  
TOTAL APPROPRIATION. . . . . \$345,000

NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION**

Carbon Emissions Reduction Account—State Appropriation. . . . . \$2,000,000  
Motor Vehicle Account—State Appropriation. \$1,186,000  
Multimodal Transportation Account—State Appropriation. . . . . \$1,000  
TOTAL APPROPRIATION. . . . . \$3,187,000

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

(1) Except as provided in subsections (2) and (3) of this section, the appropriations



in this section are provided solely for road maintenance purposes.

(2) \$1,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1004), Laws of 2023 (bridge jumping signs).

(3) \$2,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the replacement of agency vehicles and equipment with electric alternatives. In carrying out this subsection, the commission shall cooperate and provide assistance, as requested, in the joint transportation committee's development of program delivery evaluation tools and methodologies provided under section 204 of this act for programs that receive funding from the carbon emissions reduction account. The commission, with the assistance of designated staff in the Washington state department of transportation, must register for the clean fuels credit program and start tracking revenue generation pursuant to chapter 70A.535 RCW for investments funded in an omnibus transportation appropriations act.

**NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE**  
Motor Vehicle Account—State Appropriation.  
\$1,462,000

**NEW SECTION. Sec. 106. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**  
Motor Vehicle Account—State Appropriation.  
\$744,000

**NEW SECTION. Sec. 107. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**  
Multimodal Transportation Account—State Appropriation. . . . . \$150,000  
Move Ahead WA Flexible Account—State Appropriation. . . . . \$4,550,000  
TOTAL APPROPRIATION..... \$4,700,000

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

(1) The entire move ahead WA flexible account—state appropriation in this section is provided solely for increasing the number of certified women and minority-owned contractors in the transportation sector statewide, with priority given to areas outside of the Puget Sound area and supporting these contractors to successfully compete and earn more transportation contracting opportunities. This purpose must be accomplished through various programs including, but not limited to: (a) Outreach to women and minority-owned business communities and individuals; (b) technical assistance, mentorship, and consultation as needed in areas such as financing, accounting, contracting, procurement, and resolution of disputes and grievances; (c) language access programs for those with limited English proficiency; (d) developing a truck rotation program to allow smaller minority and women-owned trucking companies to pool their resources and compete with

larger scale trucking operations; and (e) other programs that aim to increase the number of women and minority contractors that are successful in obtaining contracts in the transportation sector directly with state agencies such as the department, with local jurisdictions, or as subcontractors for prime contractors.

(2) The entire multimodal transportation account—state appropriation in this section is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5583), Laws of 2023 (improving young driver safety). If chapter . . . (Engrossed Substitute Senate Bill No. 5583), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this section lapses.

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMERCE**  
Electric Vehicle Account—State Appropriation . . . . . \$220,000

The appropriation in this section is subject to the following conditions and limitations: \$220,000 of the electric vehicle account—state appropriation is provided solely to the department to commission an independent study, based on the findings of the transportation electrification strategy authorized under RCW 43.392.040, of costs of installation, maintenance, and operation of electrical distribution infrastructure on the utility's side of the meter to commercial customers installing electric vehicle supply equipment. The department shall gather data from at least five electric utilities serving retail customers in the state for purposes of completing the study. The department shall submit a report of study findings and an explanation of how those findings will support implementation of the transportation electrification strategy authorized under RCW 43.392.040 to the governor and appropriate legislative committees by November 1, 2024.

**NEW SECTION. Sec. 109. FOR THE BOARD OF PILOTAGE COMMISSIONERS**  
Pilotage Account—State Appropriation.  
\$3,574,000

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

(1) The board of pilotage commissioners shall file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September 1, 2023, and annually thereafter. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

(2) \$232,000 of the pilotage account—state appropriation is for a temporary environmental planner position to support rule making to fulfill the requirements of chapter 289, Laws of 2019.

**NEW SECTION. Sec. 110. FOR THE OFFICE OF THE GOVERNOR**

State Patrol Highway Account—State Appropriation. . . . . \$750,000

The appropriation in this section is subject to the following conditions and limitations: \$750,000 of the state patrol highway account—state appropriation is provided solely to the state office of equity to contract with an independent consultant to conduct the studies, evaluations, and reporting functions required in RCW 43.06D.060.

**NEW SECTION. Sec. 111. FOR THE UNIVERSITY OF WASHINGTON**

Multimodal Transportation Account—State Appropriation. . . . . \$5,000,000

The appropriation in this section is subject to the following conditions and limitations: \$5,000,000 of the multimodal transportation account—state appropriation is provided solely for the University of Washington's sidewalk inventory and accessibility mapping project to develop a public dataset under an open license and develop the tools needed to publish that data according to an open data specification. The project must include, but is not limited to, utilization of existing data sources, imagery, detailed surveys, and manually collected, detailed data for city streets, county rural and urban local access roads and collectors/arterials, state roads of all types, and roads owned by other entities. The project may draw on partially developed sidewalk data for all state facilities. To the extent practicable, the final product must be suitable for use by the department of transportation, local and regional agencies, tribal governments, and the general public. For the 2023-2025 fiscal biennium, the project will produce a base active transportation data layer for all counties, with priority given to counties with high proportions of overburdened communities. A project status report is due to the transportation committees of the legislature on December 1st of each year until the work is completed. The legislature intends that in the 2025-2027 fiscal biennium, \$5,000,000 of multimodal transportation account funds be provided to complete a second phase of work on the active transportation data.

**NEW SECTION. Sec. 112. FOR WASHINGTON STATE UNIVERSITY**

Multimodal Transportation Account—State Appropriation. . . . . \$100,000

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the multimodal transportation account—state appropriation is provided solely for Washington State University to study the potential impacts that current licensing requirements, including training hours, and testing may have on the shortage of commercial drivers, with a focus on public transit operators. The study must provide a comprehensive review and recommendations for improving the

state's commercial driver training and certification, including:

(1) A review of standards that identify federal mandates for transit operator training;

(2) The department of licensing's interpretation of the federal mandates and what constitutes an additive standard not required by federal mandates;

(3) Identifying areas for streamlining state training requirements;

(4) Reviewing similarities and differences of at least five states on their training and certification of commercial drivers; and

(5) Identifying challenges and issues for transit agencies regarding current training, notice, department response, certification, and commercial drivers licensing standards and what adjustments may be warranted to help alleviate the shortage of public transit operators.

Findings must be reported to the transportation committees of the legislature upon completion.

**NEW SECTION. Sec. 113. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

Motor Vehicle Account—State Appropriation. \$724,000

The appropriation in this section is subject to the following conditions and limitations: The entire motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1838), Laws of 2023 (transportation revenue forecast). If chapter . . . (Engrossed Substitute House Bill No. 1838), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this section lapses.

**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Carbon Emissions Reduction Account—State Appropriation. . . . . \$6,000,000

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

(1) \$6,000,000 of the carbon emissions reduction account—state appropriation is provided solely for zero emission electric vehicle supply equipment infrastructure at facilities to accommodate charging station installations. The electric vehicle charging equipment must allow for the collection of usage data and must be coordinated with the state efficiency and environmental performance program. The department must prioritize locations based on state efficiency and environmental performance location priorities and where zero emission fleet vehicles are located or are scheduled to be purchased.

(2) The department must report when and where the equipment was installed, usage data at each charging station, and the state agencies and facilities that benefit from the installation of the charging station to the fiscal committees of the legislature by June 30, 2025, with an interim report due January 2, 2024. The department shall

collaborate with the interagency electric vehicle coordinating council to implement this section and must work to meet benchmarks established in chapter 182, Laws of 2022 (transportation resources).

(3) In carrying out this section, the department shall cooperate and provide assistance, as requested, in the joint transportation committee's development of program delivery evaluation tools and methodologies provided under section 204 of this act for programs that receive funding from the carbon emissions reduction account.

(4) The department, with the assistance of designated staff in the Washington state department of transportation, must register for the clean fuels credit program and start tracking revenue generation pursuant to chapter 70A.535 RCW for investments funded in an omnibus transportation appropriations act.

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Carbon Emissions Reduction Account—State Appropriation. . . . . \$2,200,000

The appropriation in this section is subject to the following conditions and limitations: \$2,200,000 of the carbon emissions reduction account—state appropriation is provided solely for a fleet charging infrastructure expansion assessment, to develop a charger installation plan by location with cost estimates, and to procure and deploy electric pickup trucks to gather practical information to support planning efforts and future large-scale electric vehicle adoption. In carrying out this section, the department shall cooperate and provide assistance, as requested, in the joint transportation committee's development of program delivery evaluation tools and methodologies provided under section 204 of this act for programs that receive funding from the carbon emissions reduction account. The department, with the assistance of designated staff in the Washington state department of transportation, must register for the clean fuels credit program and start tracking revenue generation pursuant to chapter 70A.535 RCW for investments funded in an omnibus transportation appropriations act.

(End of part)

**TRANSPORTATION AGENCIES—OPERATING**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account—State Appropriation. \$5,252,000  
Highway Safety Account—Federal Appropriation . . . . . \$27,735,000  
Highway Safety Account—Private/Local Appropriation. . . . . \$60,000  
Cooper Jones Active Transportation Safety Account—  
State Appropriation. . . . . \$636,000  
School Zone Safety Account—State Appropriation. . . . . \$850,000  
TOTAL APPROPRIATION. . . . . \$34,533,000

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

(1) Within existing resources, the commission must examine national safety reports and recommendations on alcohol and drug impaired driving and report to the transportation committees of the legislature, by December 15, 2023, any recommendations for legislative or policy changes to improve traffic safety in Washington state.

(2)(a) \$235,500 of the Cooper Jones active transportation safety account—state appropriation is provided solely for the commission to conduct research pertaining to the issue of street lighting and safety, including a public input component and learning from counties, cities, the state, and other impacted entities. Research may include the following:

(i) Interviewing additional local and regional roads departments, water-sewer districts, and other utility services to gather a holistic data set or further input on which authority assumes primary responsibility for street illumination in various underserved areas throughout the state;

(ii) Systematically soliciting information from communities with poor street illumination and lighting to gather input as to whether this is an issue the community would like to see improved;

(iii) Conferring with regional and state-level police, fire, and emergency medical services to assess and document potential delays in emergency response times due to poor street illumination;

(iv) Further assessing the impact of using LED lights in roadway and pedestrian scale lighting in reducing carbon emissions and light pollution throughout the United States; and

(v) Subject to more in-depth findings, convening a meeting with appropriate state, regional, and local stakeholders and community partners.

(b) The commission must report research results and provide any recommendations for legislative or policy action to the transportation committees of the legislature by January 1, 2025.

(3) Within existing resources, the commission, through the Cooper Jones active transportation safety council, must prioritize the review of pedestrian, bicyclist, or nonmotorist fatality and serious injury review when the victim is a member of a federally recognized tribe. Consistent with RCW 43.59.156(5), the commission may recommend any policy or legislative changes to improve traffic safety for tribes through such review.

(4) Within existing resources, the commission must review and report to the transportation committees of the legislature, by December 15, 2023, on strategies and technologies used in other states to prevent and respond to wrong-way driving crashes.

(5) The Washington traffic safety commission shall coordinate with each city that implements a pilot program as authorized in RCW 46.63.170(6) to provide

the transportation committees of the legislature with the following information by June 30, 2025:

(a) The number of warnings and infractions issued to first-time violators under the pilot program;

(b) The number of warnings and infractions issued to the registered owners of vehicles that are not registered with an address located in the city conducting the pilot program; and

(c) The frequency with which warnings and infractions are issued on weekdays versus weekend days.

(6) \$50,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1112), Laws of 2023 (negligent driving). If chapter . . . (House Bill No. 1112), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(7) The Washington traffic safety commission may oversee a pilot program in up to three cities implementing the use of automated vehicle noise enforcement cameras in zones that have been designated by ordinance as "Stay Out of Areas of Racing."

(a) Any programs authorized by the commission must be authorized by December 31, 2024.

(b) If a city has established an authorized automated vehicle noise enforcement camera pilot program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based upon the value of the equipment and services provided or rendered in support of the system.

(c) Any city administering a pilot program overseen by the traffic safety commission shall use the following guidelines to administer the program:

(i) Automated vehicle noise enforcement camera may record photographs or audio of the vehicle and vehicle license plate only while a violation is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The law enforcement agency of the city or county government shall install two signs facing opposite directions within 200 feet, or otherwise consistent with the uniform manual on traffic control devices, where the automated vehicle noise enforcement camera is used that state "Street Racing Noise Pilot Program in Progress";

(iii) Cities testing the use of automated vehicle noise enforcement cameras must post information on the city website and notify local media outlets indicating the zones in which the automated vehicle noise enforcement cameras will be used;

(iv) A city may only issue a warning notice with no penalty for a violation detected by automated vehicle noise enforcement cameras in a Stay Out of Areas of Racing zone. Warning notices must be mailed to the registered owner of a vehicle within 14 days of the detected violation;

(v) A violation detected through the use of automated vehicle noise enforcement cameras is not part of the registered

owner's driving record under RCW 46.52.101 and 46.52.120;

(vi) Notwithstanding any other provision of law, all photographs, videos, microphotographs, audio recordings, or electronic images prepared under this subsection (7) are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding. No photograph, microphotograph, audio recording, or electronic image may be used for any purpose other than the issuance of warnings for violations under this section or retained longer than necessary to issue a warning notice as required under this subsection (7); and

(vii) By June 30, 2025, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

**NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State	
Appropriation. . . . .	\$2,405,000
Motor Vehicle Account—State	
Appropriation. . . . .	\$3,005,000
County Arterial Preservation Account—State	
Appropriation. . . . .	\$1,808,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$7,218,000</b>

The appropriations in this section are subject to the following conditions and limitations: Within appropriated funds, the county road administration board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2023 and 2024 annual reports to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

**NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Transportation Improvement Account—State	
Appropriation. . . . .	\$4,798,000

The appropriation in this section is subject to the following conditions and limitations: Within appropriated funds, the transportation improvement board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2023 and 2024 annual reports to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

**NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE**

Carbon Emissions Reduction Account—State	
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Appropriation. . . . . \$3,000,000  
 Multimodal Transportation Account—State  
 Appropriation. . . . . \$125,000  
 Motor Vehicle Account—State Appropriation.  
 \$4,270,000  
**TOTAL APPROPRIATION..... \$7,395,000**

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

(1)(a) \$300,000 of the motor vehicle account—state appropriation is for the joint transportation committee, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to convene a study of a statewide retail delivery fee on orders of taxable retail items delivered by motor vehicles within the state. The study must:

- (i) Determine the annual revenue generation potential of a range of fee amounts;
- (ii) Examine options for revenue distributions to state and local governments based upon total deliveries, lane miles, or other factors;
- (iii) Estimate total implementation costs, including start-up and ongoing administrative costs; and
- (iv) Evaluate the potential impacts to consumers, including consideration of low-income households and vulnerable populations and potential impacts to businesses.

(b) The study should document and evaluate similar programs adopted in other states. The joint transportation committee must submit a report on the study to the transportation committees of the legislature by June 30, 2024.

(2)(a) \$400,000 of the motor vehicle account—state appropriation is for the joint transportation committee, in collaboration with the department of transportation, to convene a work group to study and recommend a new statutory framework for the department's public-private partnership program. The committee may contract with a third-party consultant for work group support and drafting the new statutory framework.

(b)(i) The work group must consist of, but is not limited to, the following members:

- (A) The secretary of transportation or their designee;
- (B) Joint transportation committee executive committee members or their designees;
- (C) The state treasurer or the state treasurer's designee;
- (D) A representative of a national nonprofit organization specializing in public-private partnership program development;
- (E) A representative of the construction trades; and
- (F) A representative from an organization representing general contractors.

(ii) The work group must also consult with the Washington state transportation commission and the department of commerce.

(c)(i) The work group must review the 2012 joint transportation committee's "Evaluation of Public-Private Partnerships" study, consisting of an evaluation of the recommendations for replacing chapter 47.29

RCW and development of a process for implementing public-private partnerships that serve the defined public interest, including, but not limited to:

- (A) Protecting the state's ability to retain public ownership of assets constructed or managed under a public-private partnership contract;
- (B) Allowing for the most transparency during the negotiation of terms of a public-private partnership agreement; and
- (C) Addressing the state's ability to oversee the private entity's management of the asset.

(ii)(A) The work group must identify any barriers to the implementation of funding models that best protect the public interest, including statutory and constitutional barriers.

(B) The work group may also evaluate public-private partnership opportunities for required fish passage and culvert work on state highways, for the construction of, replacement of, or commercial retail options within Washington state ferries' terminals, and for other projects as determined by the work group.

(iii) The work group must update the 2012 recommendations and devise an implementation plan for the state.

(d) The work group must submit a preliminary report, including any recommendations or draft legislation, to the office of the governor and the transportation committees of the legislature by December 15, 2023. The work group must submit a final report with draft legislation to the office of the governor and the transportation committees of the legislature by July 1, 2024.

(3) \$450,000 of the motor vehicle account—state appropriation is for the joint transportation committee to provide oversight on the procurement of the hybrid-electric Olympic class vessels. The committee must hire an expert consultant to review Washington state ferries documents and procedures relating to the procurement and to identify opportunities to improve the process for the benefit of the state of Washington. The consultant must be familiar with vessel procurement best practices, the technologies and propulsion systems planned for use in new vessels, and Washington state ferries operations and procurement procedures. A report on the status and assessment of the procurement is due by December 15th of each year.

(4) \$300,000 of the motor vehicle account—state appropriation is for the joint transportation committee, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to contract with the municipal research and services center to convene a department of transportation-local government partnership work group to create a procedure in which the department of transportation can partner with a local jurisdiction to perform preservation and maintenance and construct projects on state highways.

(a) The work group must consist of, but is not limited to, the following members:

(i) One representative from a city with a population of more than 5,000 and fewer than 50,000;

(ii) One representative from a city with a population of more than 50,000;

(iii) One representative from a county with a population of more than 100,000 and fewer than 400,000;

(iv) One representative from a county with a population of more than 400,000;

(v) At least one representative of a public port;

(vi) A representative from the county road administration board;

(vii) A representative of the transportation improvement board;

(viii) At least one representative from the department of transportation's local programs division;

(ix) At least two representatives from the department of transportation with expertise in procurement and legal services; and

(x) At least one member from the house of representatives transportation committee and at least one member from the senate transportation committee.

(b) Of the members described in (a) of this subsection, at least one of the city representatives and one of the county representatives must have public works contracting experience, and at least one of the city representatives and one of the county representatives must have public works project management experience.

(c) The work group must make recommendations of how the department of transportation could better work in partnership with local jurisdictions to ensure that roadway construction projects can be performed when funds are made available in the omnibus transportation appropriations act even if the department of transportation does not have the capacity to be the project manager on a project and a local jurisdiction is ready, willing, and able to implement the project within the time frames envisioned in the omnibus transportation appropriations act. In developing its recommendations, the work group must consider, at a minimum:

(i) Differing roadway and construction standards between state and local agencies;

(ii) Revenue, reimbursement, and financial agreements between state and local agencies;

(iii) Differing procurement processes between state and local agencies;

(iv) Liability; and

(v) Other issues as determined by the work group.

(d) The work group must submit a preliminary report, including any recommendations, to the office of the governor and the transportation committees of the legislature by December 15, 2023. The work group must submit a final report to the office of the governor and the transportation committees of the legislature by July 1, 2024.

(5) (a) \$2,000,000 of the carbon emissions reduction account—state appropriation is for the joint transportation committee to oversee:

(i) The design of an infrastructure and incentive strategy to drive the purchase and use of zero emission medium and heavy duty vehicles, as well as cargo handling and off-road equipment, in the state including, but not limited to, programs for tractor trucks, box trucks, drayage trucks, refuse trucks, step and panel vans, heavy and medium-duty buses, school buses, on and off-road terminal tractors, transport refrigeration units, forklifts, container handling equipment, airport cargo loaders, and railcar movers; and

(ii) A review of the passenger vehicle tax incentive in current law and evaluation of its utility, to include possible modification of the criteria for eligibility and tax incentive amount maximums, as applicable.

(b) Design development must include recommendations for encouraging vehicle conversions for smaller commercial vehicle fleets and owner-operators of commercial vehicles, as well as tools for facilitating carbon emission reductions to benefit vulnerable populations and overburdened communities. Infrastructure and incentive programs recommended may include, but are not limited to, grant, rebate, tax incentive, and financing assistance programs.

(c) Consultation with legislative members identified by the chair and ranking members of the transportation committees of the legislature throughout design of the infrastructure and incentive strategy is required. A report is due to the transportation committees of the legislature by January 2, 2024.

(6) \$125,000 of the motor vehicle account—state appropriation and \$125,000 of the multimodal transportation account—state appropriation are for the joint transportation committee to evaluate potential options and make recommendations for a statewide household travel survey and additional analytical capacity regarding transportation research.

(a) The recommendation on the statewide household travel survey must be based on how well a statewide survey investment would: Address policy questions related to household travel; address gaps between separate regional and local transportation models; and create a dataset to allow both for analysis and response to policymakers' questions relating to household travel and for transportation modeling and development. In evaluating potential survey options, the committee shall consider opportunities for the state to partner and expand on developed established household travel surveys, including surveys conducted at both the Puget Sound regional council and the federal highway administration. In its recommendation, the committee shall outline the process required for a statewide survey, including the costs and timing of each option.

(b) The committee shall recommend an agency or agencies to perform ongoing analysis of a statewide household travel survey and other transportation research. The committee shall consider the ability of an agency or agencies to meet shorter

timeline policy needs, as well as longer timeline research projects. The recommendation must include the timing and costs associated with the development of such analytical capacity.

(7) \$1,000,000 of the carbon emissions reduction account—state appropriation is for the joint transportation committee to oversee the development of tools and methodologies to assist in program delivery evaluation for programs that receive appropriations from the carbon emissions reduction account. Program delivery evaluation must include carbon emissions reduction estimates by program and by unit of time, program cost per unit of emission reduction, quantified benefits to vulnerable populations and overburdened communities by program cost, any additional appropriate qualitative and quantitative metrics, and actionable recommendations for improvements in program delivery. A report is due to the transportation committees of the legislature by October 1, 2024.

(8) \$500,000 of the motor vehicle account—state appropriation is for the joint transportation committee to engage an independent review team to work in coordination with the Washington state department of transportation's analysis, funded in section 217(11) of this act, of highway, road, and freight rail transportation needs, options, and impacts from shifting the movement of freight and goods that currently move by barge through the lower Snake river dams to highways, other roads, and rail.

(a) The department shall include the independent review team in all phases of the analysis to enable the team to develop an independent assessment of the analysis, assumptions, stakeholder engagement, and cost and impact estimates. Summary findings from the independent assessment must be provided to the department, the governor's office, and the transportation committees of the legislature on a quarterly basis, with a final report due to the governor and the transportation committees of the legislature by June 30, 2025.

(b) The independent review team must conduct an independent stakeholder engagement effort. The river transportation work group must be formed to provide data and guidance to the independent review team for the independent stakeholder engagement effort. The river transportation work group must be made up of stakeholders, including farming and agricultural production, federally recognized tribes and fishing industry, tug and barge operators, shippers and receivers, public ports, railroad operators, cruise lines, the federal highway administration, and the army corps of engineers.

(c) The independent review team shall make regular presentations to the joint transportation committee and, by request, to the transportation committees of the legislature.

(9) The joint transportation committee shall also convene a work group that includes, but is not limited to, the executive committee of the joint transportation committee, the office of

financial management, the Washington state department of transportation, and the Washington state treasurer's office to develop recommendations, by October 15, 2023, to meet the challenge of identifying an achievable delivery schedule for completing transportation projects across the state.

**NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account—State Appropriation.	
\$3,029,000	
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation.	
\$150,000	
Multimodal Transportation Account—State Appropriation. . . . .	\$200,000
State Route Number 520 Corridor Account—State Appropriation. . . . .	\$288,000
Tacoma Narrows Toll Bridge Account—State Appropriation. . . . .	\$179,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation. . . . .	\$167,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$4,013,000</b>

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

(1) \$125,000 of the multimodal transportation account—state appropriation and \$125,000 of the motor vehicle account—state appropriation are provided solely for the commission to update the statewide transportation plan required under RCW 47.01.071(4). The update process must be informed by guidance from a steering committee comprised of the commission, the joint transportation committee's executive committee, the governor's office, the secretary of the department of transportation, and representatives of metropolitan and regional transportation planning organizations. As part of the update process, the commission shall undertake specific actions in the following order:

(a) Conduct stakeholder outreach, gathering input, and framing the outreach around the current plan's policy construct and high level priorities, the 2022 transportation revenue package, and recently enacted significant policy legislation;

(b) Report outreach findings and results to the joint transportation committee for review and input;

(c) Restructure the plan to (i) primarily focus on high level policy priorities within the six transportation policy goals under RCW 47.04.280 and (ii) align policies, strategies, and objectives with the interests of stakeholders and legislators;

(d) Gather further input from stakeholders and the joint transportation committee on the restructured plan's format and content; and

(e) Finalize the updated plan, based upon input from stakeholders and the joint transportation committee.

(2) The legislature finds that the current balance of and projected revenues into the Alaskan Way viaduct replacement

project account are sufficient to meet financial obligations during fiscal years 2024 and 2025.

(3) Within the parameters established under RCW 47.56.880, the commission shall review toll revenue performance on the Interstate 405 and state route number 167 corridor and adjust Interstate 405 tolls as appropriate to increase toll revenue to provide sufficient funds for payments of future debt pursuant to RCW 47.10.896 and to support improvements to the corridor. The commission shall consider adjusting maximum toll rates, minimum toll rates, and time-of-day rates, and restricting direct access ramps to transit and HOV vehicles only, or any combination thereof, in setting tolls to increase toll revenue. The commission is encouraged to make any adjustments to toll rates in coordination with the planned expansion of express toll lanes between the cities of Renton and Bellevue.

(4) \$500,000 of the motor vehicle account—state appropriation is provided solely for the commission to conduct a route jurisdiction study aimed at assessing the current state highway inventory and local roadway designations to determine if changes are needed in jurisdictional assignment between the state, county, and city road systems. The study must also review current criteria used to define the state highway system to determine if such criteria continue to be applicable. The commission shall submit a report of study findings and recommendations to the transportation committees of the legislature by July 1, 2025.

(5) The commission may coordinate with the department of transportation to jointly seek federal funds available through the federal strategic innovations in revenue collection grant program, applying toll credits for meeting match requirements. The commission must provide draft applications for federal grant opportunities to the chairs and ranking members of the transportation committees of the legislature for review and comment prior to submission.

(6) The transportation commission shall conduct an assessment aimed at identifying approaches to streamlining the current rule-making process for setting toll rates and policies for eligible toll facilities, while maintaining public access and providing opportunities to provide input on proposals. The intent of the assessment is to identify rule-making approaches that support the state's ability to set toll rates and policies in a timely and efficient manner, so that the state can meet anticipated funding obligations. This assessment should include a review of rate-setting processes used by toll authorities in other states. The transportation commission shall provide recommendations to the transportation committees of the legislature by July 31, 2024.

(7) The commission shall provide regular updates on the status of ongoing coordination with the state of Oregon on any bistate agreements regarding the mutual or joint setting, adjustment, and review of toll rates and exemptions. Prior to finalizing any such agreement, the

commission shall provide a draft of the agreement to the transportation committees of the legislature for review and input. Additionally, the commission shall advise on the status of any bistate agreements to the joint transportation committee beginning in September 2023 and quarterly thereafter until any agreements are finalized.

(8) \$200,000 of the motor vehicle account—state appropriation is provided solely for the commission to carry out a study assessing approaches to increasing safety and compliance of high occupancy vehicle lanes, express toll lanes, tolled facilities, and construction zones, facilitated by advanced technologies.

(a) The approaches assessed must, at a minimum, focus on advanced roadside technologies that: Are able to operate independently without connection to the department of transportation's existing communication systems and utilities; have a limited physical footprint that does not use over-roadway infrastructure; and have a 95 percent or greater license plate reading accuracy.

(b) The study must review current laws, including assessing underlying policies related to prohibitions on program cost coverage coming from infraction or other revenues generated by advanced technology systems, and identify provisions needed to enable a future technology-based safety and compliance program.

(c) The commission shall submit an interim report to the transportation committees of the legislature by January 10, 2024, that, at a minimum, provides an initial assessment of the viability of deploying a system into operation. A final report of findings and recommendations must be submitted to the transportation committees of the legislature by June 30, 2024.

(9) \$75,000 of the multimodal transportation account—state appropriation is provided solely for the commission to carry out an initial assessment and scoping effort to determine the feasibility of creating a future west coast transportation network plan. This plan would serve to proactively identify and coordinate improvements and investments across the west coast states to freight rail, passenger rail, highways, and air transportation. The intent for the plan is to leverage and align west coast efforts to reduce our collective carbon footprint, improve freight and passenger mobility, and strengthen west coast resiliency. This effort must be carried out in partnership with the Oregon and California transportation commissions and the state department of transportations from each state, and must consider, but not be limited to:

(a) Current state activities, investments, and plans that support the establishment of clean transportation in the air, on the highways, and on rail lines moving freight and passengers;

(b) Currently identified resiliency risks along the west coast and existing strategic plans and investments that could inform a future west coast unified plan; and



(c) Incorporation of work from the statewide transportation policy plan.

**NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Multimodal Transportation Account—State	
Appropriation. . . . .	\$400,000
Freight Mobility Investment Account—State	
Appropriation. . . . .	\$1,591,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,991,000</b>

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

(1) Within appropriated funds, the freight mobility strategic investment board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2023 and 2024 annual reports to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

(2) The board shall on an annual basis provide a status update on project delivery, including information on project timeline, cost, and budgeted cash flow over time to the office of financial management and the transportation committees of the legislature on the delivery of the freight mobility strategic investment projects on LEAP Transportation Document 2023-2 ALL PROJECTS, as developed on April 21, 2023.

(3) \$731,000 of the freight mobility investment account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1084), Laws of 2023 (freight mobility priorities). If chapter . . . (Substitute House Bill No. 1084), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(4) \$400,000 of the multimodal transportation account—state appropriation is provided solely for the board, in consultation with the department of transportation, to develop an implementation plan for specific truck parking solutions. It is the intent of the legislature for the board to identify specific sites to increase truck parking capacity in the near term, as well as to recommend other steps that can be taken in the 2024 and 2025 legislative sessions to increase truck parking capacity. The board must provide a status report that includes funding recommendations for the 2024 legislative session to the transportation committees of the legislature by December 1, 2023, and a final report that includes detailed findings on additional specific sites and specific actions recommended to expand truck parking capacity in the near term to the transportation committees of the legislature by December 1, 2024.

**NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL**

Alaskan Way Viaduct Replacement Project Account—	
State Appropriation. . . . .	\$43,000

State Patrol Highway Account—State	
Appropriation. . . . .	\$610,711,000
State Patrol Highway Account—Federal	
Appropriation. . . . .	\$20,340,000
State Patrol Highway Account—Private/Local	
Appropriation. . . . .	\$4,594,000
Highway Safety Account—State Appropriation.	
\$1,447,000	
Ignition Interlock Device Revolving Account—	
State	
Appropriation. . . . .	\$1,959,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$316,000
State Route Number 520 Corridor Account—	
State	
Appropriation. . . . .	\$89,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation. . . . .	\$275,000
I-405 and SR 167 Express Toll Lanes Account—	
State	
Appropriation. . . . .	\$2,895,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$642,669,000</b>

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

(1) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2023, and semiannually thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since July 1, 2023, to the director of the office of financial management and the transportation committees of the legislature. At the end of the fiscal quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since July 1, 2023, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 of this act.

(2) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(3)(a) By December 1st of each year during the 2023-2025 fiscal biennium, the Washington state patrol must report to the transportation committees of the legislature on the status of recruitment and retention activities as follows:

(i) A summary of recruitment and retention strategies;

(ii) The number of transportation funded staff vacancies by major category;

(iii) The number of applicants for each of the positions by these categories;

(iv) The composition of workforce;

(v) Other relevant outcome measures with comparative information with recent comparable months in prior years; and

(vi) Activities related to the implementation of the agency's workforce diversity plan, including short-term and long-term, specific comprehensive outreach, and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(b) During the 2023-2025 fiscal biennium, the office of financial management, with assistance of the Washington state patrol, must conduct two surveys regarding the competitiveness with law enforcement agencies within the boundaries of the state of Washington pursuant to RCW 43.43.380, with the first survey being informational regarding the change since the last survey was conducted and the second survey used as part of the collective bargaining process. Prior to the 2024 legislative session, the office of financial management, with assistance of the Washington state patrol, must also provide comparison information regarding recruitment bonus amounts currently being offered by local law enforcement agencies in the state.

(4)(a) \$6,575,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities.

(b) Beginning January 1, 2024, the Washington state patrol must report semiannually to the office of the chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six-month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the chief information officer, the report must be transmitted to the office of financial management and the transportation committees of the legislature.

(5) The appropriations in this section provide sufficient funding for state patrol staffing assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(6) \$2,688,000 of the state patrol highway account—state appropriation is provided solely for enhancing the state patrol's diversity, equity, and inclusion program, a community engagement program to improve relationships with historically underrepresented communities and to recruit and retain a diverse workforce, and contracting with an external psychologist to perform exams. The state patrol will work with the governor's office of equity and meet all reporting requirements and

responsibilities pursuant to RCW 43.06D.060. Funds provided for the community engagement program must ensure engagement with communities throughout the state.

(7)(a) \$10,000 of the state patrol highway account—state appropriation is provided solely for the Washington state patrol to administer a pilot program that implements a yellow alert system notifying the public when a hit-and-run accident resulting in a fatality or substantial bodily harm has occurred and been reported to the state patrol or other local law enforcement entity. The Washington state patrol must post on traffic message boards or share on public communication systems any identifying information acquired including, but not limited to, a complete or partial license plate number or a description of the vehicle. Each alert must be posted or shared as such for at least 24 hours.

(b) The Washington state patrol must report the following to the transportation committees of the legislature annually until June 30, 2025:

(i) The number of yellow alerts received;

(ii) The number of arrests made from accidents reported on the yellow alert system;

(iii) The number of hit-and-run accidents resulting in a fatality or substantial bodily harm statewide;

(iv) The number of arrests made from accidents described under (b)(iii) of this subsection; and

(v) The number of hit-and-run accidents reported statewide.

(c) The Washington state patrol must also report on the efficacy of the program and recommend in its final report if the pilot program should continue or be enacted on a permanent basis and implemented statewide, based on the results of the report.

(8)(a) \$2,608,000 of the state patrol highway account—state appropriation is provided solely for administrative costs, advertising, outreach, and bonus payments associated with developing and implementing a state trooper expedited recruitment incentive program for the purpose of recruiting and filling vacant trooper positions in the 2023-2025 fiscal biennium. The legislature is committed to continuing the state trooper expedited recruitment incentive program until the vacancy levels are significantly reduced from current levels. The recruitment, advertising, and outreach associated with this program must continue efforts to create a more diverse workforce and must also provide an accelerated pathway for joining the state patrol for high quality individuals who have previously been employed as a general authority peace officer.

(b) The state trooper expedited recruitment incentive program established by the Washington state patrol must include:

(i) Thorough hiring procedures to ensure that only the highest quality candidates are selected as cadets and as lateral hires, including extensive review of past law enforcement employment history through extensive reference checks, Brady list identification, and any other issues that

may impact the performance, credibility, and integrity of the individual.

(ii) An accelerated training program for lateral hires from other agencies that recognizes the knowledge and experience of candidates previously employed in law enforcement; and

(iii) A sign-on bonus for each trooper hired through the expedited recruitment incentive program as follows:

(A) \$5,000 for each cadet after completion of the Washington state patrol academy;

(B) \$5,000 for each successful graduating cadet after completion of a one-year probation period;

(C) \$8,000 for each lateral hire after completion of the accelerated training program for lateral hires;

(D) \$6,000 for each lateral hire after completion of a one-year probation period; and

(E) \$6,000 for each lateral hire after completion of two years of service.

(c) The expenditure on the state trooper expedited recruitment incentive program is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Expenditures and eligibility for the state trooper expedited recruitment incentive program established in this section are subject to the availability of amounts appropriated for this specific purpose.

(d) For the purposes of this subsection:

(i) "Cadet" means a person employed for the express purpose of receiving the on-the-job training required for attendance at the Washington state patrol academy and for becoming a commissioned trooper.

(ii) "Lateral hire" means an eligible employee previously employed as a general authority peace officer.

(9) \$3,896,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 (speed safety cameras). If chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(10) \$500,000 of the state patrol highway account—state appropriation is provided solely for bonuses and other recruitment and retention-related compensation adjustments for communication officers and other noncommissioned staff of the Washington state patrol who are covered by a collective bargaining agreement. Funding in this subsection must first be used for targeted adjustments for communication officers. Remaining amounts may be used for compensation adjustments for other noncommissioned staff. Funding provided in this subsection is contingent upon the governor or the governor's designee reaching an appropriate memorandum of understanding with the exclusive bargaining representative. Agreements reached for compensation adjustments under this section may not exceed the amounts provided. If any agreement or combination of agreements

exceed the amount provided in this subsection, all the agreements are subject to the requirements of RCW 41.80.010(3).

(11) \$4,732,000 of the state patrol highway account—state appropriation is provided solely for two accelerated training programs for lateral hires.

(12) \$98,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1179), Laws of 2023 (nonconviction data). If chapter . . . (House Bill No. 1179), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(13) \$76,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1112), Laws of 2023 (negligent driving). If chapter . . . (House Bill No. 1112), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(14) \$107,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 1715), Laws of 2023 (domestic violence). If chapter . . . (Engrossed Second Substitute House Bill No. 1715), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(15) By December 1, 2024, the Washington state patrol must provide a report to the governor and appropriate committees of the legislature on the status of *McClain v. Washington State Patrol* and an update on legal expenses associated with the case.

(16) \$32,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5606), Laws of 2023 (illegal racing). If chapter . . . (Senate Bill No. 5606), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF LICENSING**

Driver Licensing Technology Support Account—State	
Appropriation. . . . .	\$1,743,000
Marine Fuel Tax Refund Account—State	
Appropriation. . . . .	\$34,000
Motorcycle Safety Education Account—State	
Appropriation. . . . .	\$5,299,000
Limited Fish and Wildlife Account—State	
Appropriation. . . . .	\$765,000
Highway Safety Account—State Appropriation.	\$277,256,000
Highway Safety Account—Federal Appropriation	
. . . . .	\$2,371,000
Motor Vehicle Account—State Appropriation.	\$98,824,000
Motor Vehicle Account—Private/Local	
Appropriation. . . . .	\$1,336,000
Ignition Interlock Device Revolving Account—State	
Appropriation. . . . .	\$6,401,000
Department of Licensing Services Account—State	
Appropriation. . . . .	\$8,972,000
License Plate Technology Account—State	
Appropriation. . . . .	\$4,204,000

Abandoned Recreational Vehicle Account—State Appropriation. . . . .	\$3,091,000
Limousine Carriers Account—State Appropriation. . . . .	\$126,000
Electric Vehicle Account—State Appropriation . . . . .	\$443,000
DOL Technology Improvement & Data Management Account—State Appropriation. . . . .	\$944,000
Agency Financial Transaction Account—State Appropriation. . . . .	\$16,998,000
Move Ahead WA Flexible Account—State Appropriation. . . . .	\$2,096,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$430,903,000</b>

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

(1) \$1,100,000 of the highway safety account—state appropriation and \$1,100,000 of the move ahead WA flexible account—state appropriation are provided solely for the department to provide an interagency transfer to the department of children, youth, and families for the purpose of providing driver's license support. In addition to support services required under RCW 74.13.338(2), support services may include reimbursement of:

(a) The cost for a youth in foster care of any eligible age to complete a driver training education course, as outlined in chapter 46.82 or 28A.220 RCW;

(b) The costs incurred by foster youth in foster care for a motor vehicle insurance policy;

(c) The costs of roadside assistance, motor vehicle insurance deductibles, motor vehicle registration fees, towing services, car maintenance, comprehensive car insurance, and gas cards; and

(d) Any other costs related to obtaining a driver's license and driving legally and safely.

(2) \$150,000 of the highway safety account—state appropriation is provided solely for the department to conduct a study on the feasibility of implementing a mobile application for driver licensing. The department must submit a report of the study findings and any recommendations to the governor and the transportation committees of the legislature by December 1, 2024. The study must:

(a) Review the adoption actions in other states, including successes and lessons learned;

(b) Examine existing technical infrastructure and potential changes needed to maximize interoperability, utility, and privacy protection;

(c) Identify the technical investments and other costs associated with issuing digital drivers' licenses through a mobile application;

(d) Identify how the technology may impact and can be used by external stakeholders, such as law enforcement;

(e) Recommend any process changes required to implement the program successfully and ensure customer satisfaction; and

(f) Recommend any statutory changes required to allow for the usage of digital drivers' licenses, including recognition of interstate travelers.

(3) (a) \$350,000 of the highway safety account—state appropriation is provided solely for the department, in consultation with the Washington traffic safety commission, the department of health, the elder law section of the Washington state bar association, organizations representing older drivers, and driver rehabilitation specialists, to develop a comprehensive plan aimed at improving older driver safety. The department must submit a report on the comprehensive plan to the governor and the transportation committees of the legislature by December 1, 2024. The plan must include, but is not limited to:

(i) A comprehensive review of department policies surrounding older drivers and medically at-risk drivers, including:

(A) The medical assessment review process; and

(B) The counter assessment process in licensing service offices;

(ii) A feasibility analysis of the department establishing a medical advisory board to advise on general policy for at-risk drivers, driving privileges for individual medically at-risk drivers, and an appeals process for drivers whose privileges are revoked or restricted due to medical conditions;

(iii) A recommended assessment tool to determine a driver's potential risk to themselves or others when operating a motor vehicle so the department may make informed decisions on appropriate courses of action within the older driver program; and

(iv) Detailed information on how each component of the plan improves the safety associated with older drivers, while preserving the maximum level of older driver independence and privacy;

(b) The department may also use funds provided in this subsection to implement improvements to older driver traffic safety within existing authority.

(4) \$5,499,000 of the motor vehicle account—state appropriation is provided solely for the department to upgrade and improve its prorate and fuel tax system, and is subject to the conditions, limitations, and review requirements of section 701 of this act. In each phase of the project, the department must ensure and document the increase in business capabilities and customer service outcomes, the improvements in fuel tax collection related information designed to resolve historical discrepancies in reporting information, and how the implementation plan mitigates risks associated with the proposed timeline and results in the sustainability of systems and platforms for the future. Before initiating the implementation phase of the project, the department must report to the office of the chief information officer on how the project meets its FAST act modernization roadmap, and vendor management and resource plans.

(5) \$16,000 of the motorcycle safety education account—state appropriation, \$2,000 of the limited fish and wildlife account—state appropriation, \$947,000 of the highway safety account—state appropriation, \$308,000 of the motor vehicle account—state appropriation, \$14,000 of the ignition interlock device revolving account—state

appropriation, and \$14,000 of the department of licensing services account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements in section 701 of this act.

(6) The department shall report on a quarterly basis on licensing service office operations, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued and renewed, and the number of primary drivers' licenses and identicards issued and renewed. By November 1, 2024, the department must prepare a report with recommendations on the future of licensing service office operations based on the recent implementation of efficiency measures designed to reduce the time for licensing transactions and wait times, and the implementation of statutory and policy changes made during the pandemic.

(7) For the 2023-2025 fiscal biennium, the department shall charge \$1,336,000 for the administration and collection of a motor vehicle excise tax on behalf of a regional transit authority, as authorized under RCW 82.44.135. The amount in this subsection must be deducted before distributing any revenues to a regional transit authority.

(8) \$742,000 of the motor vehicle account—state appropriation is provided solely for the increased costs associated with improvements desired to resolve delays in the production of license plates, including converting all subagents to the standard ordering process as recommended in the December 2022 plate inventory report, and to provide updated annual reports detailing changes in license plate production, inventory, and other practices taken to guard against plate production delays. The reports must be submitted to the governor and the transportation committees of the legislature by December 1, 2023, and December 1, 2024.

(9) \$243,000 of the highway safety account—state appropriation is provided solely for the department to continue to provide written materials on, place signage in licensing service offices regarding, and include into new driver training curricula, the requirements of RCW 46.61.212, the slow down and move over law.

(10) The appropriations in this section provide sufficient funding for the department of licensing assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(11) \$3,082,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the

department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account. During the 2023-2025 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(12) \$1,077,000 of the highway safety account—federal appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5041), Laws of 2023 (CDL drug and alcohol clearinghouse) or chapter . . . (House Bill No. 1448), Laws of 2023 (CDL drug and alcohol clearinghouse). If neither chapter . . . (Senate Bill No. 5041), Laws of 2023 or chapter . . . (House Bill No. 1448), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(13) \$116,000 of the highway safety account—state appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5251), Laws of 2023 (streamlining CDL issuance) or chapter . . . (House Bill No. 1058), Laws of 2023 (streamlining CDL issuance). If neither chapter . . . (Senate Bill No. 5251), Laws of 2023 or chapter . . . (House Bill No. 1058), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(14) \$845,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5583), Laws of 2023 (improving young driver safety). If chapter . . . (Substitute Senate Bill No. 5583), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(15) \$180,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5504), Laws of 2023 (open motor vehicle safety recalls). If chapter . . . (Substitute Senate Bill No. 5504), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(16) \$497,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute Senate Bill No. 5112), Laws of 2023 (updating processes related to voter registration). If chapter . . . (Engrossed Second Substitute Senate Bill No. 5112), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(17) \$29,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5333), Laws of 2023 (the state sport special license plate). If chapter . . . (Senate Bill No. 5333), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(18) \$29,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5590), Laws of 2023 (Mount St. Helens special license plate) or chapter . . . (House Bill No. 1489), Laws of 2023 (Mount

St. Helens special license plate). If neither chapter . . . (Senate Bill No. 5590), Laws of 2023 or chapter . . . (House Bill No. 1489), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(19) \$29,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter . . . (Substitute Senate Bill No. 5738) (LeMay special license plate) or chapter . . . (Substitute House Bill No. 1829), Laws of 2023 (LeMay special license plate). If neither chapter . . . (Substitute Senate Bill No. 5738), Laws of 2023 or chapter . . . (Substitute House Bill No. 1829), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(20) \$29,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5347), Laws of 2023 (driver's abstract changes). If chapter . . . (Senate Bill No. 5347), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(21) \$47,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute Senate Bill No. 5440), Laws of 2023 (competency evaluations). If chapter . . . (Engrossed Second Substitute Senate Bill No. 5440), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(22) \$23,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5606), Laws of 2023 (illegal racing). If chapter . . . (Senate Bill No. 5606), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(23) \$155,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Second Substitute Senate Bill No. 5128), Laws of 2023 (jury diversity). If chapter . . . (Second Substitute Senate Bill No. 5128), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(24)(a) \$36,000 of the motor vehicle account—state appropriation is provided solely for the issuance of nonemergency medical transportation vehicle decals to implement the high occupancy vehicle lane access pilot program established in section 217(2) of this act. A for hire nonemergency medical transportation vehicle is a vehicle that is a "for hire vehicle" under RCW 46.04.190 that provides nonemergency medical transportation, including for life-sustaining transportation purposes, to meet the medical transportation needs of individuals traveling to medical practices and clinics, cancer centers, dialysis facilities, hospitals, and other care providers.

(b) As part of this pilot program, the owner of a for hire nonemergency medical transportation vehicle may apply to the department, county auditor or other agent, or subagent appointed by the director, for a

high occupancy vehicle exempt decal for a for hire nonemergency medical transportation vehicle. The high occupancy vehicle exempt decal allows the for hire nonemergency medical transportation vehicle to use a high occupancy vehicle lane as specified in RCW 46.61.165 and 47.52.025 during the 2023-2025 fiscal biennium.

(c) For the exemption in this subsection to apply to a for hire nonemergency medical transportation vehicle, the decal:

(i) Must be displayed on the vehicle so that it is clearly visible from outside the vehicle;

(ii) Must identify that the vehicle is exempt from the high occupancy vehicle requirements; and

(iii) Must be visible from the rear of the vehicle.

(d) The owner of a for hire nonemergency medical transportation vehicle or the owner's representative must apply for a high occupancy vehicle exempt decal on a form provided or approved by the department. The application must include:

(i) The name and address of the person who is the owner of the vehicle;

(ii) A full description of the vehicle, including its make, model, year, and the vehicle identification number;

(iii) The purpose for which the vehicle is principally used;

(iv) An attestation signed by the vehicle's owner or the owner's representative that the vehicle's owner has a minimum of one contract or service agreement to provide for hire transportation services for medical purposes with one or more of the following entities: A health insurance company; a hospital, clinic, dialysis center, or other medical institution; a day care center, retirement home, or group home; a federal, state, or local agency or jurisdiction; or a broker who negotiates these services on behalf of one or more of these entities; and

(v) Other information as required by the department upon application.

(e) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under (f) of this subsection when issuing or renewing a high occupancy vehicle exempt decal.

(f) The department, county auditor or other agent, or subagent must collect a \$5 fee when issuing or renewing a decal under this subsection, in addition to any other fees and taxes required by law.

(g) A high occupancy vehicle exempt decal expires June 30, 2025, and must be marked to indicate its expiration date. The decal may be renewed if the pilot program is continued past the date of a decal's expiration. The status as an exempt vehicle continues until the high occupancy vehicle exempt decal is suspended or revoked for misuse, the vehicle is no longer used as a for hire nonemergency medical transportation vehicle, or the pilot program established in section 217(2) of this act is terminated.

(h) The department may adopt rules to implement this subsection.

(25)(a) \$265,000 of the highway safety account—state appropriation is provided

solely for the department to provide an interagency transfer to the Washington center for deaf and hard of hearing youth, in consultation with the department and the office of the superintendent of public instruction, to fund the cost of interpreters for driver training education for deaf and hard of hearing youth to enable them to access driver training education at the same cost as their peers, and to pilot a sustainable driver training education program to determine how best to meet the driver training education needs of deaf and hard of hearing youth in the state in the future. The pilot must include:

(i) Determination of an appropriate number of instructors and an appropriate method of certification for instructors who are fluent in American Sign Language (ASL);

(ii) Determination of how best to provide driver training education statewide to deaf and hard of hearing novice drivers;

(iii) Development of a program to offer the required curriculum under RCW 28A.220.035 to deaf and hard of hearing novice drivers; and

(iv) Capped course instruction costs for deaf and hard of hearing students at the average rate of their hearing peers.

(b) The department shall submit a report to the transportation committees of the legislature developed by the Washington center for deaf and hard of hearing youth by March 1, 2024, that provides recommendations for a permanent program to make driver education equitably accessible for deaf and hard of hearing students.

(26) \$350,000 of the highway safety account—state appropriation is provided solely for the department to improve the process for commercial driver's license (CDL) holders to submit medical certification documents and update self-certification status to the department. The department shall:

(a) Update license express to improve the process and make it more user friendly;

(b) Add options for the driver to renew or replace the driver's CDL credentials as part of the medical or self-certification process;

(c) Add a customer verification step confirming the requested changes and clearly stating how this change will impact the driver's CDL; and

(d) Add improved messaging throughout the process.

In addition, the department shall make available on the driving record abstract a complete medical certificate downgrade history, and provide a one-time mailing to all current CDL holders explaining the process to update their medical certificate documents and self-certification.

(27) \$1,962,000 of the highway safety account—state appropriation is provided solely for the establishment of a pilot mobile licensing unit to provide licensing and identicaid services. By December 1, 2024, the department must submit a report to the governor and the transportation committees of the legislature detailing the locations served, the number and type of documents issued, and other outcome measures associated with the mobile licensing unit.

The report must include consideration of the facility needs of licensing service offices in the context of flexible mobile licensing services.

(28) \$2,000,000 of the highway safety account—state appropriation is provided solely for driver's license assistance and support services in King county with an existing provider that is already providing these services to low-income immigrant and refugee women. By December 1st of each year, the department must submit information on the contracted provider, including: The annual budget of the contracted provider in the preceding year; information regarding private and other governmental support for the activities of the provider; and a description of the number of people served, services delivered, and outcome measures.

(29)(a) \$150,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the Washington state transportation commission, to conduct a study on the feasibility of implementing and administering a per-mile fee program. The study must:

(i) Identify the technical investment required to implement a per-mile program within existing technology platforms;

(ii) Identify the staffing and resources needed to administer the program, including any additional resources to support the vehicle licensing offices;

(iii) Research third-party vendor options for offering customers different mileage reporting methods or for outsourcing certain aspects of administering the program; and

(iv) Review use cases and adoption rates in other states, including successes and lessons learned.

(b) A report of the study findings is due to the transportation committees of the legislature and the governor by December 31, 2023.

(30) \$8,000 of the motorcycle safety education account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1171), Laws of 2023 (motorcycle safety board). If chapter . . . (Substitute House Bill No. 1171), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(31) \$168,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1736), Laws of 2023 (vehicle odometer readings). If chapter . . . (Engrossed Substitute House Bill No. 1736), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(32) \$29,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1853), Laws of 2023 (transportation resources). If chapter . . . (Engrossed Substitute House Bill No. 1853), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(33) \$426,000 of the highway safety account—state appropriation is provided

solely for the implementation of chapter . . . (Substitute House Bill No. 1493), Laws of 2023 (impaired driving). If chapter . . . (Substitute House Bill No. 1493), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(34) \$282,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1112), Laws of 2023 (negligent driving). If chapter . . . (House Bill No. 1112), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B**

State Route Number 520 Corridor Account—State	
Appropriation. . . . .	\$58,854,000
State Route Number 520 Civil Penalties Account—State	
Appropriation. . . . .	\$4,178,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation. . . . .	\$30,729,000
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation. . . . .	\$20,701,000
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation.	\$23,756,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$138,218,000</b>

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

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$12,484,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide annual reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell

(both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips; and

(b) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3) \$314,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$734,000 of the state route number 520 corridor account—state appropriation, \$315,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$413,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back office system from the 2021-2023 fiscal biennium.

(4) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's website in a manner consistent with past practices as specified in section 209(5), chapter 186, Laws of 2022.

(5) As part of the department's 2025-2027 biennial budget request, the department shall update the cost allocation recommendations that assign appropriate costs to each of the toll funds for services provided by relevant Washington state department of transportation programs, the Washington state patrol, and the transportation commission. The recommendations shall be based on updated traffic and toll transaction patterns and other relevant factors.

(6) Up to \$16,460,000 of the amounts provided for operations and maintenance expenses on the state route number 520 facility from the state route number 520 corridor account during the 2023-2025 fiscal biennium in this act are derived from the receipt of federal American rescue plan act of 2021 funds and not toll revenues.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State	
Appropriation. . . . .	\$1,494,000
Motor Vehicle Account—State Appropriation.	\$122,240,000
Puget Sound Ferry Operations Account—State	
Appropriation. . . . .	\$307,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$2,986,000
Transportation 2003 Account (Nickel Account)—State	
Appropriation. . . . .	\$1,488,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$128,515,000</b>

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

(1) \$2,006,000 of the motor vehicle account—state appropriation is provided solely for hardware cost increases. Before any hardware replacement, the department, in consultation with WaTech, must further review leasing options.



(2) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING**

Motor Vehicle Account—State Appropriation.	
\$39,987,000	
Move Ahead WA Account—State Appropriation.	
\$2,532,000	
State Route Number 520 Corridor Account—	
State	
Appropriation. . . . .	\$34,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$42,553,000</b>

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

(1) The appropriations in this section provide sufficient funding for the department assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(2)(a)(i) \$500,000 of the move ahead WA account—state appropriation is provided solely for the department to conduct a detailed space study and develop an implementation plan that builds off the findings and recommendations of the department's "Telework Impact Study" completed in September 2022. Such efforts must also incorporate office space use reduction requirements for the department in this act as well as current and planned telework levels. The detailed space study and development of the implementation plan must be conducted in consultation with the office of financial management and the department of enterprise services, and must focus on office and administrative space efficiency, providing specific recommendations, cost estimates, and cost savings. While focused on office and administrative space, the department is encouraged to review other types of facilities where efficiencies can be achieved. The final study report must include:

(A) The development of low, medium, and high scenarios based on reducing space use, with the high space reduction scenario being based on a minimum of a 30 percent reduction by 2030;

(B) Detailed information on any increased capital and other implementation costs under each scenario;

(C) Detailed information on reduced costs, such as leases, facility maintenance, and utilities, under each scenario;

(D) An analysis of opportunities to collocate with other state, local, and other public agencies to reduce costs and improve cost-efficiency while meeting utilization standards; and

(E) An assessment of the commercial value and return to the state transportation funds associated with the sale of the property from consolidation and other space efficiency measures.

(ii) The department must submit the implementation plan and final report from the detailed space study to the office of financial management and the transportation committees of the legislature by October 1, 2024.

(b)(i) Conducting the detailed space study under (a) of this subsection must not prevent or delay the department from meeting other space use and related requirements, or where warranted by current information or opportunities.

(ii) In addition to the reporting requirement under (a) of this subsection, the department must provide information to the office of financial management in its comparative analysis of office space, leases, and relocation costs required by the omnibus operating appropriations act.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION EQUIPMENT FUND—PROGRAM E**

Move Ahead WA Account—State Appropriation.	
\$20,000,000	
Multimodal Transportation Account—State	
Appropriation. . . . .	\$433,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$20,433,000</b>

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

(1) The entire move ahead WA account—state appropriation is provided solely for the department's costs related to replacing obsolete transportation equipment and replacing fuel sites. Beginning December 1, 2024, and annually thereafter, the department must provide a report to the office of financial management and the transportation committees of the legislature detailing the current progress on replacing obsolete equipment, progress towards reaching a level purchasing state, and the status of a fuel site replacement prioritization plan. The report must also include:

(a) A list of department owned and managed fuel sites prioritized by urgency of replacement;

(b) A discussion of department practices that would create a sustained revenue source for capital repair and replacement of fuel sites; and

(c) A discussion of to what extent the fuel site infrastructure can support zero emissions vehicles.

(2)(a) \$100,000 of the multimodal transportation account—state appropriation is provided solely for the department to administer a pilot program to install and test intelligent speed monitoring technology in a portion of the department's fleet of vehicles while using global positioning system technology and other mapping tools to monitor vehicle location and corresponding speed limits on traveled roadways.

(b) The pilot program must begin by January 1, 2024, for a 12-month period. By June 30, 2025, the department must report to

the transportation committees of the legislature the results of the pilot program and provide any legislative or policy recommendations.

<u>NEW SECTION.</u>	<b>Sec. 213.</b>	<b>FOR THE</b>
<b>DEPARTMENT</b>	<b>OF</b>	<b>TRANSPORTATION—AVIATION—</b>
<b>PROGRAM F</b>		
Aeronautics Account—State Appropriation.		
\$13,979,000		
Aeronautics Account—Federal Appropriation.		
\$3,650,000		
Aeronautics Account—Private/Local		
Appropriation. . . . . \$60,000		
<b>TOTAL APPROPRIATION.....</b>		<b>\$17,689,000</b>

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

(1) \$2,000,000 of the aeronautics account—state appropriation is provided solely for the move ahead WA aviation grants. The department shall prioritize projects eligible for federal funding.

(2) \$1,476,000 of the aeronautics account—state appropriation is provided solely for sustainable aviation grants recommended by the department under the sustainable aviation grants program. The department shall submit a report to the transportation committees of the legislature by October 1, 2024, identifying a selection of sustainable aviation projects for funding by the legislature. In considering projects to recommend to fund, the department shall only consider projects that advance the state of sustainable aviation technology and lead to future innovation. Innovative sustainable aviation projects may include, but are not limited to, pilot projects demonstrating the use of:

- (a) Mobile battery charging technology;
- (b) Hydrogen electrolyzers and storage;
- (c) Electric ground equipment; and
- (d) Hanger charging technology.

(3) \$300,000 of the aeronautics account—state appropriation is provided solely for the department to develop a statewide advanced air mobility aircraft plan to develop and integrate advanced air mobility aircraft into current modal systems. The department shall submit a report by June 1, 2025, to the office of financial management and the transportation committees of the legislature including, but not limited to:

(a) Near, medium, and long-term recommendations for land use planning for advanced and urban air mobility vertiports and vertistops;

(b) An inventory of infrastructure needs to support a statewide vertiport network and a recommended program to deploy funds to local governments to share costs;

(c) Proposed state governance structures and regulatory mechanisms to adequately complement federal aviation administration oversight;

(d) Recommended policies to foster vertiport and vertistop infrastructure development that ensure open public access, efficiency in land use siting, and equitable distribution across the state; and

(e) In consultation with local jurisdictions, planning organizations, and other modal managers, recommendations on

advanced air mobility aircraft integration into statewide transportation plans.

(4) \$1,931,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter . . . . (Engrossed Substitute House Bill No. 1791), Laws of 2023 (commercial aviation services). If chapter . . . (Engrossed Substitute House Bill No. 1791), Laws of 2023 is not enacted by June 30, 2023, the amount in this subsection lapses.

(5) \$100,000 of the aeronautics account—state appropriation is provided solely for the department, and where appropriate in conjunction with the state commercial aviation work group, to evaluate various operational and technological enhancements addressing the environmental impacts from commercial aviation activities. The enhancements may include, but are not limited to: (a) Climate-friendly routing of aircraft; (b) innovations addressing the climate change effects of noncarbon dioxide emissions from aviation activities; (c) simulation models applied to congested airports; and (d) online tools to track, analyze, and improve carbon footprints related to aviation activities. A report of findings is due to the governor and the transportation committees of the legislature by June 30, 2025.

<u>NEW SECTION.</u>	<b>Sec. 214.</b>	<b>FOR THE</b>
<b>DEPARTMENT</b>	<b>OF</b>	<b>TRANSPORTATION—PROGRAM</b>
<b>DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H</b>		
Motor Vehicle Account—State Appropriation.		
\$64,470,000		
Motor Vehicle Account—Federal Appropriation		
. . . . .		\$500,000
Multimodal Transportation Account—State		
Appropriation. . . . . \$851,000		
Move Ahead WA Flexible Account—State		
Appropriation. . . . . \$572,000		
<b>TOTAL APPROPRIATION.....</b>		<b>\$66,393,000</b>

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

(1) During the 2023-2025 fiscal biennium, if the department takes possession of the property situated in the city of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property is still no longer needed for transportation purposes, the department shall provide the city of Edmonds with the first right of purchase at fair market value in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

(2) \$469,000 of the motor vehicle account—state appropriation is reappropriated and provided solely for the implementation of chapter 217, Laws of 2021 (noxious weeds).

(3) The department shall determine the fair market value of the northern parcel of site 14 on the Puget Sound Gateway Program SR 509 Completion Project Surplus Property list, located immediately south of S. 216th Street and adjacent to the Barnes Creek Nature Trail in Des Moines, to be submitted to the transportation committees of the

legislature by December 15, 2023, for an evaluation of possible next steps for use of the property that is in the public interest.

(4) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(5) (a) \$572,000 of the move ahead WA flexible account—state appropriation is provided solely to track and maximize clean fuels credits and revenue generated by state agencies pursuant to chapter 70A.535 RCW.

(b) The LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, anticipates fulfillment of the requirements under chapter 70A.535 RCW of generating credits and revenue for transportation investments funded in an omnibus transportation appropriations act, including the move ahead WA transportation package. The omnibus transportation appropriations act anticipates credits for ferry electrification for new hybrid electric vessels, active transportation, transit programs and projects, alternative fuel infrastructure, connecting communities, and multimodal investments.

(c) Pursuant to the reporting requirements of RCW 70A.535.050(5), the department must present a detailed projection of the credit revenues generated and achieved directly as a result of the funding and activities in this subsection.

(6) \$93,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 1170), Laws of 2023 (climate resilience strategy). If chapter . . . (Engrossed Second Substitute House Bill No. 1170), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(7) \$1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities. The legislature finds that the section of public roadway owned by the department that is located south of state route number 532 and west of Interstate 5 in the vicinity of the intersection of state route number 532 and 19th Avenue NW is no longer necessary for the state highway system. Therefore, pursuant to RCW 36.75.090, the department shall certify that the roadway is no longer needed by the state and convey the roadway to the county for continued use as a public highway for motor vehicle use. In consideration of the value of maintenance services provided by the county on the roadway during the time of department ownership, the department shall also convey to the county any access rights owned by the department limiting access to state route number 532 from 19th Avenue NW.

Electric Vehicle Account—State Appropriation . . . . .	\$4,746,000
Multimodal Transportation Account—State Appropriation. . . . .	\$4,400,000
Multimodal Transportation Account—Federal Appropriation. . . . .	\$25,000,000
Carbon Emissions Reduction Account—State Appropriation. . . . .	\$164,600,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$199,440,000</b>

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

(1) \$3,746,000 of the electric vehicle account—state appropriation and \$30,000,000 of the carbon reduction emissions account—state appropriation are provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

(2) \$1,000,000 of the electric vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation are provided solely for a colocated DC fast charging and hydrogen fueling station near the Wenatchee or East Wenatchee area near a state route or near or on a publicly owned facility to service passenger, light-duty and heavy-duty vehicles. The hydrogen fueling station must include a DC fast charging station colocated at the hydrogen fueling station site. Funds may be used for one or more fuel cell electric vehicles that would utilize the fueling stations. The department must contract with a public utility district that produces hydrogen in the area to own and/or manage and provide technical assistance for the design, planning, permitting, construction, maintenance and operation of the hydrogen fueling station. The department and public utility district are encouraged to collaborate with and seek contributions from additional public and private partners for the fueling station.

(3) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(4) The legislature recognizes that for the state to meet long-term zero emissions goals requires consumers have options when investing in different vehicle technologies, including battery electric vehicles and fuel cell electric vehicles. Therefore, it is the intent of the legislature to appropriate multimodal transportation account funds not to exceed \$30,000,000 over the next three biennia as a state match for secured federal funds to finance hydrogen fueling stations in disadvantaged and overburdened communities for both passenger and light-truck vehicles and medium to heavy-duty vehicles. The department, in consultation with the interagency electric vehicle coordinating council, must pursue any federal funding available through the charging and fueling infrastructure discretionary grant program and any other

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**

Motor Vehicle Account—State Appropriation. \$694,000

sources under the federal infrastructure investment and jobs act (P.L. 117-58).

(5) The public-private partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(6) \$1,200,000 of the multimodal transportation account—state appropriation and \$2,000,000 of the carbon reduction emissions account—state appropriation are provided solely for the pilot program established under chapter 287, Laws of 2019 (advancing green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. Consistent with the geographical diversity element described in RCW 47.04.355(4), the legislature strongly encourages the department to consider implementing the pilot in both urban and rural communities if possible, to obtain valuable information on the needs of underserved communities located in different geographical locations in Washington.

(7) \$120,000,000 of the carbon emissions reduction account—state appropriation is provided solely for implementation of zero-emission commercial vehicle infrastructure and incentive programs and for the replacement of school buses powered by fossil fuels with zero-emission school buses, including the purchase and installation of zero-emission school bus refueling infrastructure.

(a) Of this amount, \$20,000,000 is for the department to administer an early action grant program to provide expedited funding to zero-emission commercial vehicle infrastructure demonstration projects. The department must contract with a third-party administrator to implement the early action grant program.

(b) The office of financial management shall place the remaining \$100,000,000 in unallotted status until the joint transportation committee completes the medium and heavy duty vehicle infrastructure and incentive strategy required under section 204 of this act. The director of the office of financial management or the director's designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(8) \$3,000,000 of the carbon emissions reduction account—state appropriation is provided solely for hydrogen refueling infrastructure investments. The office of financial management shall place the amounts provided in this subsection in unallotted status until the joint transportation committee completes the medium and heavy duty vehicle infrastructure and incentive strategy required under section 204 of this act. The director of the office of financial management or the director's designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(9) \$2,100,000 of the carbon emissions reduction account—state appropriation is provided solely to fund electric vehicle charging infrastructure for the electric charging megasite project at Mount Vernon library commons.

(10) \$2,500,000 of the carbon emissions reduction account—state appropriation is provided solely for zero emission cargo handling equipment incentives. The office of financial management shall place the amounts provided in this subsection in unallotted status until the joint transportation committee completes the medium and heavy duty vehicle and cargo handling and off-road equipment infrastructure and incentive strategy required under section 204 of this act. The director of the office of financial management or the director's designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(11) \$5,000,000 of the carbon emissions reduction account—state appropriation is provided solely for clean off-road equipment incentives. The office of financial management shall place the amounts provided in this subsection in unallotted status until the joint transportation committee completes the medium and heavy duty vehicle and cargo handling and off-road equipment infrastructure and incentive strategy required under section 204 of this act. The director of the office of financial management or the director's designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(12) \$2,500,000 of the multimodal transportation account—state appropriation is provided solely for the department to coordinate with cities, counties, ports, and private entities to develop actionable recommendations for state assistance in the development of specific candidate truck parking sites to be developed with amenities, identified by location. The department shall identify private land parcels for potential development of sites, which may include, but should not be limited to, a feasibility analysis of sites adjacent to Interstate 90 near North Bend for a 400 to 600 space truck parking site. The public benefit of each potential truck parking site must be included in this assessment. The department shall consider opportunities for the state to provide assistance in the development of truck parking sites, including possible opportunities to provide assistance in land acquisition and evaluating land use requirements. The department must update the transportation committees of the legislature on agency activities and their status by December 1, 2023, and to provide a final report to the transportation committees of the legislature by December 1, 2024.

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation.  
\$535,033,000  
Motor Vehicle Account—Federal Appropriation  
. . . . . \$7,000,000  
Move Ahead WA Account—State Appropriation.  
\$50,000,000  
State Route Number 520 Corridor Account—  
State  
Appropriation. . . . . \$4,838,000  
Tacoma Narrows Toll Bridge Account—State  
Appropriation. . . . . \$1,585,000  
Alaskan Way Viaduct Replacement Project  
Account—  
State Appropriation. . . . . \$8,752,000  
Interstate 405 and State Route Number 167  
Express  
Toll Lanes Account—State Appropriation.  
\$2,624,000  
**TOTAL APPROPRIATION. . . . . \$609,832,000**

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

(1) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(2)(a) \$115,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to enter into a dispute resolution process with local jurisdictions to produce interagency agreements to address the ongoing facility and landscape maintenance of the three state route number 520 eastside lids and surrounding areas at the Evergreen Point Road, 84th Avenue NE, and 92nd Avenue NE.

(b) The agreements pursuant to (a) of this subsection must be executed by June 30, 2024.

(3) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(4)(a) \$7,000,000 of the motor vehicle account—state appropriation is provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way. The department must coordinate and work with local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way and may reimburse the organizations doing this outreach assistance who transition people into treatment or housing or for debris clean up on highway rights-of-way. A minimum of \$2,000,000 of this appropriation must be used to deliver more frequent removal of litter on the highway rights-of-way that is generated by unsheltered people and may be used to hire crews specializing in collecting and

disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are providing enhanced safety to department staff during debris cleanup or during efforts to prevent future encampments from forming on highway rights-of-way.

(b) Beginning November 1, 2023, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the transportation committees of the legislature on the status of these efforts, including:

(i) A summary of the activities related to addressing encampments, including information on arrangements with local governments or other entities related to these activities;

(ii) A description of the planned activities in the ensuing two quarters to further address the emergency hazards and risks along state highway rights-of-way; and

(iii) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.

(5) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Spokane, to be administered in conjunction with subsection (4) of this section. The program must address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$555,000 of the motor vehicle account—state appropriation is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Spokane shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

(6) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019, to be administered in conjunction with subsection (4) of this section. The department must maintain a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(7) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma, to be

administered in conjunction with subsection (4) of this section. The program must address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$570,000 of the motor vehicle account—state appropriation is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

(8) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the department to contract with the city of Fife to address the risks to safety and public health associated with homeless encampments on department-owned rights-of-way along the SR 167/SR 509 Puget Sound Gateway project corridor in and adjacent to the city limits pursuant to section 216(10), chapter 186, Laws of 2022. However, the amount provided in this subsection must be placed in unallotted status and may not be spent prior to November 1, 2023. If, after November 1, 2023, the department, in consultation with the office of financial management, determines that the department fully spent the \$2,000,000 appropriated in section 216(10), chapter 186, Laws of 2022, within the 2021-2023 fiscal biennium for this purpose, the amount provided in this subsection must remain in unallotted status and unspent. If the department did not fully spend the \$2,000,000 within the 2021-2023 fiscal biennium, the department may only spend from the appropriation in this subsection an amount not in excess of the amount unspent from the \$2,000,000 within the 2021-2023 fiscal biennium, with any remaining amount to remain in unallotted status and unspent. In no event may the department spend more than \$2,000,000 within the 2021-2023 and 2023-2025 fiscal biennia for this purpose.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION OPERATIONS—PROGRAM Q—OPERATING**

Highway Safety Fund—State Appropriation.	
\$3,529,000	
Motor Vehicle Account—State Appropriation.	
\$85,466,000	
Motor Vehicle Account—Federal Appropriation	
.....	\$2,050,000
Motor Vehicle Account—Private/Local	
Appropriation. ....	\$294,000
Move Ahead WA Account—State Appropriation.	
\$3,090,000	
Multimodal Transportation Account—State	
Appropriation. ....	\$5,000,000
State Route Number 520 Corridor Account—	
State	
Appropriation. ....	\$247,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation. ....	\$44,000
Alaskan Way Viaduct Replacement Project	
Account—	
State Appropriation. ....	\$1,122,000
Interstate 405 and State Route Number 167	
Express	

Toll Lanes Account—State Appropriation.  
\$37,000

**TOTAL APPROPRIATION..... \$100,879,000**

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

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2)(a) During the 2023-2025 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to for hire nonemergency medical transportation vehicles, when in use for medical purposes, as described in section 208(24) of this act. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, nonemergency medical transportation vehicles that meet

the requirements identified in section 208(24) of this act must be authorized to use the reserved portion of the highway.

(d) Nothing in this subsection is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

(3) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$100,000 in credit card and other financial transaction costs related to the collection of fees imposed under RCW 46.17.400, 46.44.090, and 46.44.0941 for driver and vehicle fee transactions beginning January 1, 2023. The department may recover transaction fees incurred through credit card transactions.

(4) The department shall promote safety messages encouraging drivers to slow down and move over and pay attention when emergency lights are flashing on the side of the road and other suitable safety messages on electronic message boards the department operates across the state. The messages must be promoted through June 30, 2025. The department may coordinate such messaging with any statewide public awareness campaigns being developed by the department of licensing or the Washington state traffic safety commission, or both.

(5) \$5,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to address emergent issues related to safety for pedestrians and bicyclists. Funds may only be spent after approval from the office of financial management. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all emergent issues addressed in the prior fiscal biennium.

(6) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(7) \$3,529,000 of the highway safety account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 (speed safety cameras). If chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(8) \$1,279,000 of the move ahead WA account—state appropriation is provided solely for maintenance and operations of the virtual coordination center. The department is encouraged to apply for federal grant funds for the virtual coordination center and may use state funds as a match. By December 1, 2023, the department shall report to the transportation committees of the legislature: (a) Recommendations to expand the center's operations, including specific additional jurisdictions and corridors across the state; and (b) amounts received and dates of receipt of any new cash and in-kind matches from virtual

coordination center partners including, but not limited to, the city of Seattle, King county, other state and local jurisdictions, and private sector partners.

(9) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to prepare and submit a report to the transportation committees of the legislature by December 1, 2024, with a prioritized list of recommendations for improving safety and mobility on Interstate 90 between North Bend and Cle Elum during winter weather events, including estimated costs. The recommendations must include, but are not limited to, options to improve compliance with traction tire and chain requirements and reduce snow-related closures.

(10)(a) The department shall establish the weigh station preclearance program in accordance with the commercial vehicle information systems and networks electronic screening truck inspection and weigh station preclearance standards authorized by the federal motor carrier safety administration. The program must include preclearance systems providers that meet the following criteria:

(i) The preclearance system commercial mobile radio services and dedicated short-range communication devices as transponders technologies must be represented in the program.

(ii) The preclearance system must be broadly deployed across the state for interstate operability purposes on the effective date of this section.

(b) Computer software and hardware, including any infrastructure-based devices or technologies, that is necessary to implement this section and must be made available at no cost to the Washington state patrol. The preclearance system provider is responsible for all costs of operating and maintaining the computer software and hardware. The computer software and hardware must meet all of the following criteria:

(i) The computer software and hardware must meet the requirements of the federal motor carrier safety administration for core compliance with the commercial vehicle information systems and networks electronic screening truck inspection and weigh station preclearance standards.

(ii) In-vehicle equipment must be operated in compliance with applicable state law and regulations.

(iii) Preclearance messaging must be transmitted and received by the driver through electronic messaging within the cab of the commercial motor vehicle.

(iv) If required for preclearance services, real-time data from weigh-in-motion systems or any other systems shall be made available to preclearance system providers.

(c) The department, in consultation with the Washington state patrol, shall establish standards for the program in order to meet the needs of this state and conform with weigh station preclearance programs in other states, including standards regarding safety history credential status.

(11)(a) \$5,000,000 of the motor vehicle account—state appropriation is provided

solely for the department, in coordination with the independent review team of the joint transportation committee, to conduct an analysis of highway, road, and freight rail transportation needs, options, and impacts from shifting the movement of freight and goods that currently move by barge through the lower Snake river dams to highways, other roads, and rail. The study should generate volume estimates and evaluate scenarios for changes in infrastructure and operations that would be necessary to address those additional volumes. The assessment must include quantitative analysis based on available data in terms of both financial and carbon emission costs; and qualitative input gathered from tribal governments, local governments, freight interests, and other key stakeholders, including impacts on disadvantaged/underserved communities. The analysis must include a robust public engagement process to solicit feedback from interested stakeholders including but not limited to: Residents and officials in affected cities and counties; stakeholders involved in railroad, agriculture, fishing, trucking, shipping and other related industries; appropriate Native American tribes; representatives of advocacy and community organizations; and transportation, public works, and economic development organizations in the affected areas, federal highway administration and army corps of engineers. The analysis must be informed by the work of the joint transportation committee's independent review team, and must include the following:

- (i) Existing volumes and traffic patterns;
- (ii) Potential changes in volumes and traffic patterns immediately following the loss of freight movement by barge and over the following 20 years, including the carbon emissions impact of this mode shift;
- (iii) Identification of whether regional geography, land availability, and state and federal regulatory processes would allow for rail and road expansions and increased capacity;
- (iv) Identification of potential infrastructure and operational improvements to existing highways, other roads, and rail, including additional access to facilities, needed to accommodate the higher freight volumes and impacts and potential opportunities to mitigate impacts on shipping rates;
- (v) Identification of rail line development options, including impacts and potential opportunities to mitigate impacts on grain storage and handling facilities at regional unit train yards and port export facilities;
- (vi) An assessment of costs associated with mitigating potential slope failure and stabilization necessitated by the drawdown of the river. An assessment of impacts and potential opportunities to mitigate impacts on adjacent roads, bridges, railroads, and utility corridors shall be included;
- (vii) Both financial and carbon cost estimates for development and implementation of identified needs and options, including planning, design, and construction;

(viii) Analysis of the impacts and potential opportunities to mitigate impacts of these infrastructure changes on environmental justice and disadvantaged/underserved communities during construction, as well as from future operations;

(ix) Analysis of safety impacts and potential opportunities to mitigate impacts for a shift from barge transportation to rail or truck, including increases in rural community traffic and consistency with the Washington State Strategic Highway Safety Plan: Target Zero;

(x) Impacts and potential opportunities to mitigate impacts on highly affected commodities, including agriculture, petroleum, project cargo, and wind energy components;

(xi) Analysis of the impacts and potential opportunities to mitigate impacts that reduced competition resulting from removing barging of agricultural products on the Snake river would have on Washington's agricultural industry along with impacts modal shifts would have on the entire supply chain, including export facilities and ports on the Lower Columbia River; and

(xii) Determination of the feasibility that additional east-west freight rail capacity can be achieved, particularly through Columbia River Gorge, and the alternative routes that exist in the event that adding more infrastructure on these routes is not feasible.

(b) The department shall provide status updates on a quarterly basis in coordination with the joint transportation committee. The legislature intends to require a final report to the governor and the transportation committees of the legislature by December 31, 2026.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S**

Motor Vehicle Account—State Appropriation.	\$62,639,000
Motor Vehicle Account—Federal Appropriation	\$780,000
Motor Vehicle Account—Private/Local Appropriation.	\$500,000
Move Ahead WA Flexible Account—State Appropriation.	\$5,400,000
Puget Sound Ferry Operations Account—State Appropriation.	\$510,000
Multimodal Transportation Account—State Appropriation.	\$22,323,000
State Route Number 520 Corridor Account—State Appropriation.	\$220,000
Tacoma Narrows Toll Bridge Account—State Appropriation.	\$136,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation.	\$127,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation.	\$114,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$92,749,000</b>

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



(1)(a) \$2,000,000 of the motor vehicle account—state appropriation and \$5,400,000 of the move ahead WA flexible account—state appropriation are provided solely for efforts to increase diversity in the transportation construction workforce through:

(i) The preapprenticeship support services (PASS) and career opportunity maritime preapprenticeship support services (COMPASS) programs, which aim to increase diversity in the highway construction and maritime workforces and prepare individuals interested in entering the highway construction and maritime workforces. In addition to the services allowed under RCW 47.01.435, the PASS and COMPASS programs may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems to support their participation in a transportation-related preapprenticeship program and support services to obtain necessary maritime documents and coast guard certification; and

(ii) Assisting minority and women-owned businesses to perform work in the highway construction industry.

(b) The department shall report annually to the transportation committees of the legislature on efforts to increase diversity in the transportation construction workforce.

(2) \$1,512,000 of the motor vehicle account—state appropriation and \$488,000 of the Puget Sound ferry operations account—state appropriation are provided solely for the department to develop, track, and monitor the progress of community workforce agreements, and to assist with the development and implementation of internal diversity, equity, and inclusion efforts and serve as subject matter experts on federal and state civil rights provisions. The department shall engage with relevant stakeholders, and provide a progress report on the implementation of efforts under this subsection to the transportation committees of the legislature and the governor by December 1, 2024.

(3) For Washington state department of transportation small works roster projects under RCW 39.04.155, the department may only allow firms certified as small business enterprises, under 49 C.F.R. 26.39, to bid on the contract, unless the department determines there would be insufficient bidders for a particular project. The department shall report on the effectiveness of this policy to the transportation committees of the legislature by December 1, 2024.

(4) \$21,195,000 of the motor vehicle account—state appropriation and \$21,194,000 of the multimodal transportation account—state appropriation are provided solely for the department to upgrade the transportation reporting and accounting information system to the current cloud version of the software, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(5) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will

be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(6) \$56,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . . (Engrossed Second Substitute House Bill No. 1216), Laws of 2023 (clean energy siting). If chapter . . . . (Engrossed Second Substitute House Bill No. 1216), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T**

Carbon Emissions Reduction Account—State	
Appropriation. . . . .	\$3,000,000
Motor Vehicle Account—State Appropriation.	
\$32,089,000	
Motor Vehicle Account—Federal Appropriation	
. . . . .	\$31,412,000
Motor Vehicle Account—Private/Local	
Appropriation. . . . .	\$400,000
Move Ahead WA Flexible Account—State	
Appropriation. . . . .	\$11,922,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$2,414,000
Multimodal Transportation Account—Federal	
Appropriation. . . . .	\$2,809,000
Multimodal Transportation Account—Private/	
Local	
Appropriation. . . . .	\$100,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$84,146,000</b>

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

(1) \$750,000 of the multimodal transportation account—state appropriation is provided solely for the department to partner with the department of commerce and regional transportation planning organizations in implementing vehicle miles traveled targets and supporting actions. As part of target setting, important factors that must be considered include land use patterns, safety, and vulnerable populations. The department shall provide an interim report by June 30, 2024, and a final report by June 30, 2025.

(2) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(3) \$150,000 of the motor vehicle account—state appropriation is provided solely for the department to continue implementation of a performance-based project evaluation model. The department must issue a report by September 1, 2024.

(4)(a) \$180,000 of the multimodal transportation account—state appropriation is provided solely for Thurston regional planning council (TRPC) to conduct a study examining options for multimodal high capacity transportation (HCT) to serve travelers on the Interstate 5 corridor

between central Thurston county (Olympia area) and Pierce county.

(b) The study will include an assessment of travelsheds and ridership potential and identify and provide an evaluation of options to enhance connectivity and accessibility for the greater south Puget Sound region with an emphasis on linking to planned or existing commuter or regional light rail. The study must account for previous and ongoing efforts by transit agencies and the department. The study will emphasize collaboration with a diverse community of interests, including but not limited to transit, business, public agencies, tribes, and providers and users of transportation who because of age, income, or ability may face barriers and challenges.

(c) The study is due to the governor and transportation committees of the legislature by September 1, 2024.

(5) \$400,000 of the multimodal transportation account—state appropriation is provided solely for the city of Seattle's office of planning and community development to support an equitable development initiative to reconnect the South Park neighborhood, currently divided by state route number 99.

(a) The support work must include:

(i) A public engagement and visioning process led by a neighborhood-based, community organization; and

(ii) A feasibility study of decommissioning state route number 99 in the South Park neighborhood to include, but not be limited to, traffic studies, environmental impact analysis, and development of alternatives, including the transfer of the land to a neighborhood-led community land trust.

(b) The support work must be conducted in coordination and partnership with neighborhood residents, neighborhood industrial and commercial representatives, the state department of transportation, and other entities and neighborhoods potentially impacted by changes to the operation of state route number 99.

(c) The city must provide a report on the plan that includes recommendations to the Seattle city council, state department of transportation, and the transportation committees of the legislature by December 1, 2024.

(6) \$2,557,000 of the motor vehicle account—state appropriation is provided solely for the department to upgrade the department's linear referencing system (LRS) and highway performance monitoring system (HPMS), and is subject to the conditions, limitations, and review requirements in section 701 of this act.

(7) \$306,000 of the multimodal transportation account—state appropriation is provided solely for the department to appoint or designate a liaison to serve as a point of contact and resource for the department, local governments, and project proponents regarding land use decisions and processing development permit applications. The liaison must, as a priority, facilitate and expedite any department decisions required for project approval.

(8) \$627,000 of the motor vehicle account—federal appropriation is provided solely for remaining work on the "Forward Drive" road usage charge research project overseen by the transportation commission using the remaining amounts of the federal grant award. The remaining work of this project includes:

(a) Analysis of road usage charge simulation and participant surveys;

(b) Follow up on road usage charge experiences related to payment installments, mileage exemptions, and vehicle-based mileage reporting;

(c) Completion of technology research; and

(d) Development of the final "Forward Drive" research program report.

(9) (a) \$11,922,000 of the move ahead WA flexible account—federal appropriation is provided solely for an Interstate 5 planning and environmental linkage study and a statewide Interstate 5 master plan, building upon existing work under way in the corridor. It is the intent of the legislature to provide a total of \$40,000,000 for this work by 2029.

(b) The work under (a) of this subsection must include, but is not limited to, the following:

(i) Seismic resiliency planning to refine the level of effort and develop informed cost estimates for the seismic vulnerability analysis;

(ii) HOV lane system-wide performance planning and initial steps to launch a pilot project that progresses innovative and emerging technologies;

(iii) Interstate 5 corridor planning work, including development of a framework, coordination of corridor needs, development of core evaluation criteria and a prioritization process, and identification of early action priority projects that address safety or resiliency, or both, along the corridor; and

(iv) A report to the transportation committees of the legislature by December 1, 2024, with recommendations for future phases and a detailed funding request for work planned through 2029.

(c) Of the amounts provided in this subsection, \$300,000 is provided solely for the department to conduct a Seattle Interstate 5 ramp reconfiguration study. The study must be conducted in coordination and partnership with the city of Seattle's department of transportation, informed by the input of Interstate 5 lid stakeholders, and coordinated with work under (a) and (b) of this subsection. The department must provide a study report, including recommendations, to the city of Seattle's department of transportation and the transportation committees of the legislature by December 1, 2024. The study must include an analysis of:

(i) Options and opportunities to reconfigure, relocate, or remove Interstate 5 ramps within and between Chinatown-International District and the University District for the purpose of improving through-traffic operations, enhancing multimodal transportation safety, and

enabling more efficient air rights development;

(ii) Potential mitigation needs and cost estimates of ramp changes and demolitions;

(iii) Benefits of ramp changes and demolitions to pedestrian and bicycle travel, transit operations, and future lid design;

(iv) Ramps for the mainline, collector-distributor lanes and express lanes including, at a minimum, ramps connecting to and from James Street, Cherry Street, 6th Avenue, Madison Street, Seneca Street, Spring Street, University Street, Union Street, Olive Way, Yale Avenue, NE 45th Street, and NE 50th Street;

(v) Removal of the existing ramps at Seneca Street, Spring Street, and University Street; and

(vi) Removal and consolidation options of the existing NE 45th Street and NE 50th Street ramps.

(d) The department shall work with the emergency management division of the military department to identify strategic transportation corridors, opportunities to improve resilience and reinforce the corridors against natural disasters, and opportunities to secure federal funding for investments in the resilience of the transportation network. The department shall provide a report to the transportation committees of the legislature by December 1, 2023, on:

(i) Strategic transportation corridors and opportunities to improve their resilience;

(ii) Federal funding opportunities the state should pursue; and

(iii) Recommendations for actions to maximize federal funding for the state of Washington.

(10) The department shall continue to coordinate planning work focused on the transportation system in western Washington across modes with the goal of maximizing system performance toward the policy goals in RCW 47.04.280 in the most cost-effective manner. This coordination must include, but is not limited to: The Interstate 5 highway corridor, existing rail infrastructure and future high-speed rail alignment, and commercial aviation capacity. The department must report to the joint transportation committee through existing reporting mechanisms on the status of these planning efforts including, but not limited to, a long-term strategy for addressing resilience of the transportation system in western Washington through consideration of changing demand, modal integration, and preservation needs. The coordinated work must include an analysis of different alternatives to promote system resilience, including performance and cost of each scenario.

(11) \$200,000 of the motor vehicle account—state appropriation is provided solely for planning and intersection improvements along state route number 904 and improvements to the local network that would feed intersections with state route number 904. This work must include, but is not limited to, the Medical Lake/Four Lakes Road/West 3rd Ave intersection and feeding local network. The department must

collaborate with Spokane county and the city of Cheney on this work and other improvement ideas along the corridor.

(12) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for a comprehensive analysis of the state and local transportation network in the US 12/A Street/Tank Farm Road/Sacajawea Road/Lewis Street Interchange vicinity to identify long-term, practical, and multimodal solutions that maximize the use of the existing transportation system and reduce the risk of crashes in the corridor.

(13) \$3,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department, in coordination with the department's HEAL act team and environmental services office, to develop and implement a community outreach, education, and technical assistance program for overburdened communities and their community partners in order to develop community-centered carbon reduction strategies to make meaningful impacts in a community, and to provide assistance in gaining access to available funding to implement these strategies, where applicable. The department may provide appropriate compensation to members of overburdened communities who provide solicited community participation and input needed by the department to implement and administer the program established in this subsection. By June 1, 2024, and by June 1, 2025, the department must submit a report to the transportation committees of the legislature and to the governor that provides an update on the department's community outreach, education, and technical assistance program development and implementation efforts.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U**

Aeronautics Account—State Appropriation.	
\$1,000	
Transportation Partnership Account—State Appropriation. . . . .	\$29,000
Motor Vehicle Account—State Appropriation.	
\$105,197,000	
Puget Sound Ferry Operations Account—State Appropriation. . . . .	\$244,000
State Route Number 520 Corridor Account—State Appropriation. . . . .	\$69,000
Connecting Washington Account—State Appropriation. . . . .	\$233,000
Multimodal Transportation Account—State Appropriation. . . . .	\$5,585,000
Tacoma Narrows Toll Bridge Account—State Appropriation. . . . .	\$43,000
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation. . . . .	\$38,000
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation.	
\$40,000	
<b>TOTAL APPROPRIATION.....</b>	<b>\$111,479,000</b>

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

(1) Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds \$5,000,000, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) On August 1, 2023, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) On August 1, 2023, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

Carbon Emissions Reduction Account—State	
Appropriation. . . . .	\$500,000
Climate Transit Programs Account—State	
Appropriation. . . . .	\$406,287,000
State Vehicle Parking Account—State	
Appropriation. . . . .	\$784,000
Regional Mobility Grant Program Account—	
State	
Appropriation. . . . .	\$115,060,000
Rural Mobility Grant Program Account—State	
Appropriation. . . . .	\$32,774,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$118,255,000
Multimodal Transportation Account—Federal	
Appropriation. . . . .	\$4,374,000
Multimodal Transportation Account—Private/	
Local	
Appropriation. . . . .	\$100,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$678,134,000</b>

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

(1) \$64,354,000 of the multimodal transportation account—state appropriation and \$78,100,000 of the climate transit programs account—state appropriation are provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$14,420,000 of the multimodal transportation account—state appropriation and \$17,963,000 of the climate transit programs account—state appropriation are 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) \$48,278,000 of the multimodal transportation account—state appropriation and \$60,137,000 of the climate transit programs account—state appropriation are 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 2021 as reported in the "2021 Summary of Public Transportation" published by the department of transportation. No transit agency may receive more than 30 percent of these distributions. Fuel type may not be a factor in the grant selection process.

(c) \$1,656,000 of the multimodal transportation account—state appropriation is provided solely for the reappropriation of amounts provided for this purpose in the 2021-2023 fiscal biennium.

(2) \$32,774,000 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. Fuel type may not be a factor in the grant selection process.

(3) \$11,382,000 of the multimodal transportation account—state appropriation is provided solely for a public transit rideshare grant program for: (a) Public transit agencies to add or replace rideshare vehicles; and (b) incentives and outreach to increase rideshare use. The grant program for public transit agencies may cover capital costs only, and costs for operating vanpools at public transit agencies are not eligible for funding under this grant program. Awards from the grant program must not be used to supplant transit funds currently funding ride share programs, or to hire additional employees. Fuel type may not be a factor in the grant selection process. Of the amounts provided in this subsection, \$1,092,000 is for the reappropriation of amounts provided for this purpose in the 2021-2023 fiscal biennium.

(4) \$37,382,000 of the regional mobility grant program account—state appropriation is

reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Public Transportation Program (V).

(5) (a) \$77,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2023, and December 15, 2024, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than 25 percent of the amount appropriated in this subsection unless all other funding is awarded. Additionally, when allocating funding for the 2023-2025 fiscal biennium, no more than 30 percent of the total grant program may directly benefit or support one grantee unless all other funding is awarded. Fuel type may not be a factor in the grant selection process.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2023-2025 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(c) \$1,500,000 of the amount appropriated in this subsection is provided solely for a contingency fund to assist current regional mobility grantees with cost escalations and overages. The department shall create a system for grantees to request funds, and set a cap of contingency funds per grantee

to ensure an equitable distribution among requesters.

(d) During the 2023-2025 fiscal biennium, the department shall consider applications submitted by regional transportation planning organizations and metropolitan planning organizations for the regional mobility grant program funding in the 2025-2027 fiscal biennium.

(6) \$6,195,000 of the multimodal transportation account—state appropriation, \$3,300,000 of the climate transit programs account—state appropriation, and \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Fuel type may not be a factor in the grant selection process. Of this amount, \$495,000 of the multimodal transportation account—state appropriation is reappropriated and provided solely for continuation of previously approved projects under the first mile/last mile connections grant program.

(7) \$11,914,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023. It is the intent of the legislature that entities identified to receive funding in the LEAP transportation document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP transportation document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(8) The department shall not require more than a 10 percent match from nonprofit transportation providers for state grants.

(9) \$12,000,000 of the multimodal transportation account—state appropriation and \$39,400,000 of the climate transit programs account—state appropriation are provided solely for the green transportation capital projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Public Transportation Program (V). Of the amount of climate transit program account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(10) \$4,407,000 of the multimodal transportation account—state appropriation is reappropriated and provided solely for the green transportation capital grant projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Public Transportation Program (V).

(11) \$10,000,000 of the climate transit programs account—state appropriation is provided solely for tribal transit grants. Up to one percent of the amount provided in this subsection may be used for program administration and staffing.

(a) The department must establish a tribal transit competitive grant program to be administered as part of the department's consolidated grant program. Grants to

federally recognized tribes may be for any transit purpose, including planning, operating costs, maintenance, and capital costs. The department shall report to the transportation committees of the legislature and the office of financial management with a list of projects recommended for funding by September 1, 2023, along with recommendations on how to remove barriers for tribes to access grant funds, including removal of grant match requirements, and recommendations for how the department can provide technical assistance.

(b) Within the amount provided in this subsection, \$5,038,000 is provided solely for move ahead Washington tribal transit grant projects as listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023. Of this amount, \$529,000 is for the Sauk-Suiattle Commuter project (L1000318).

(12) \$188,900,000 of the climate transit programs account—state appropriation is provided solely for transit support grants for public transit agencies that have adopted a zero-fare policy for youth 18 years of age and under by October 1, 2022. The department must confirm zero-fare policies are in effect at transit agencies to be eligible for biennial distributions.

(13) \$38,000,000 of the climate transit programs account—state appropriation is provided solely for the bus and bus facility grant program for replacement, rehabilitation, and purchase of transit rolling stock, or construction, modification, or rehabilitation of transit facilities.

(14) \$2,000,000 of the climate transit programs account—state appropriation is provided solely for newly selected transit coordination grants. The department shall prioritize grant proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities.

(15) \$46,587,000 of the climate transit programs account—state appropriation is provided solely for move ahead Washington transit projects as listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Move Ahead WA - Transit Projects.

(a) For projects funded as part of this subsection, if the department expects to have substantial reappropriations for the 2023-2025 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that is unable to be used within the 2023-2025 fiscal biennium to advance one or more of the projects listed, prioritizing projects first by tier then by project readiness.

(b) In instances when projects listed in the LEAP transportation document referenced in this subsection (15) are no longer viable or have been completed, the department may recommend in its next budget submittal alternative project proposals from the local jurisdictions if the project is similar in type and scope and consistent with limitations on certain funds provided. In the event that the listed project has been completed, the local jurisdictions may, rather than submitting an alternative

project, be reimbursed in the year in which it was scheduled for documented costs incurred implementing the listed project, not in excess of the amount awarded from the funding program.

(c) At least 10 business days before advancing or swapping a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2023-2025 fiscal biennium.

(16) \$580,000 of the multimodal transportation account—state appropriation is provided solely for the department to provide a statewide vanpool benefit for all state employees. For department employees working in remote job sites, such as mountain passes, the department must ensure employees are able to access job sites via a subsidized vanpool or provide a modal alternative for the "last mile" to ensure employees can access the job site without additional charge.

(17) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the department to update the 2019 feasibility study to add a fifth travel Washington intercity bus line in the Yakima Valley. The department must provide a summary report of the updated feasibility and cost estimates to the transportation committees of the legislature by December 1, 2024.

(18) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(19) \$555,000 of the multimodal transportation account—state appropriation and \$500,000 of the carbon emissions reduction account—state appropriation are provided solely for an interagency transfer to the Washington State University extension energy program to administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. The Washington State University extension energy program shall prepare a report regarding the utilization of the program and submit this report to the transportation committees of the legislature by November 15, 2023.

(20) (a) \$400,000 of the multimodal transportation account—state appropriation is provided solely for King county metro to develop a pilot program to place teams, including human services personnel, along routes that are enduring significant public safety issues and various disruptive behavior in south King county. The team would be available to deescalate disruptions, provide immediate access to transit resources, and refer customers to community resources to break cycles of inappropriate behavior. The teams must consist of individuals trained in deescalation and outreach. Team functions

and duties should be cocreated with community stakeholders.

(b) King county metro must provide a report to the transportation committees of the legislature by June 30, 2024, regarding the effectiveness of the program, any suggestions for improving its efficacy, and any modifications that might be necessary for other transit providers to institute similar programs.

(21) \$500,000 of the multimodal transportation account—state appropriation is provided solely for planning to move Grays Harbor transit operation and administration facilities from the current location.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X**

Puget Sound Ferry Operations Account—State	
Appropriation. . . . .	\$575,986,000
Puget Sound Ferry Operations Account—Federal	
Appropriation. . . . .	\$163,791,000
Puget Sound Ferry Operations Account—	
Private/Local	
Appropriation. . . . .	\$121,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$739,898,000</b>

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

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2023-2025 supplemental and 2025-2027 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs. The data in the tables in the report must be supplied in a digital file format.

(2) \$90,014,000 of the Puget Sound ferry operations account—federal appropriation and \$50,067,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2023-2025 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(3) \$500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(4) The department must work to increase its outreach and recruitment of populations underrepresented in maritime careers and continue working to expand apprenticeship and internship programs, with an emphasis on

programs that are shown to improve recruitment for positions with the state ferry system.

(5) \$175,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the department to continue a study of passenger demographics. The study may be included as part of a larger origin and destination study. The department shall report study results to the transportation committees of the legislature by December 1, 2023.

(6) The department shall continue to oversee a consultant study to identify and recommend cost-effective strategies to maximize walk-on passenger ridership of the Anacortes - San Juan ferry routes. The study is due to the transportation committees of the legislature by December 1, 2023.

(7) \$11,842,000 of the Puget Sound ferry operations account—state appropriation is provided solely for Washington state ferries to:

(a) Provide scholarships, coursework fees, and stipends for candidates to become licensed deck officers (mates);

(b) Improve the process for unlicensed candidates who have achieved able-bodied sailor (AB) status to earn their mate's license;

(c) Annually hire, orient, train, and develop entry level engine room staff at the wiper classification with the intention of successfully promoting to oiler classification;

(d) Create an operations project management office; and

(e) Increase human resources capacity and add a workforce ombuds.

(8)(a) During negotiations of the 2025-2027 collective bargaining agreements, the department must conduct a review and analysis of the collective bargaining agreements governing state ferry employees, to identify provisions that create barriers for, or contribute to creating a disparate impact on, newly hired ferry employees, including those who are women, people of color, veterans, and other employees belonging to communities that have historically been underrepresented in the workforce. The review and analysis must incorporate, to the extent practicable, the findings and recommendations from the December 2022 joint transportation committee study on Washington state ferries' workforce, and must also include, but not be limited to, provisions regarding seniority, work assignments, and work shifts. The review and analysis must also include consultation with the governor's office of labor relations, the governor's office of equity, and the attorney general's office.

(b) For future negotiations or modifications of the collective bargaining agreements, it is the intent of the legislature that the collective bargaining representatives for the state and ferry employee organizations may consider the findings of the review and analysis required in (a) of this subsection and negotiate in a manner to remove identified barriers and address identified impacts so as not to perpetuate negative impacts.

(9) \$1,500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the restoration of service to Sidney, British Columbia. Funds must be held in unallotted status pending completion of the assessment referenced in subsection (12) of this section.

(10) \$1,504,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5550), Laws of 2023 (state ferry workforce development issues). If chapter . . . (Senate Bill No. 5550), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(11) \$1,000,000 of the Puget Sound ferry operations account—state appropriation is provided solely for support of the Kitsap transit passenger ferry to supplement service on the Seattle-Bremerton route.

(12) \$100,000 of the Puget Sound ferry operations account—state appropriation is provided solely to assess temporary service restoration options for the Sidney, British Columbia route until Washington state ferries can resume its service. Washington state ferries must provide service options and recommendations to the office of financial management and the transportation committees of the legislature by December 15, 2023.

(13) \$2,100,000 of the Puget Sound ferry operations account—state appropriation is provided solely for security services at Colman Dock.

(14) \$9,000,000 of the Puget Sound ferry operations account—state appropriation is provided solely for overtime and familiarization expenses incurred by engine, deck, and terminal staff. The department must provide updated staffing cost estimates for fiscal years 2024 and 2025 with its annual budget submittal and updated estimates by January 1, 2024.

(15) \$1,064,000 of the Puget Sound ferry operations account—state appropriation is provided solely for traffic control at ferry terminals at Seattle, Fauntleroy, Kingston, Edmonds, Mukilteo, and Bainbridge Island, during peak ferry travel times, with a particular focus on Sundays and holiday weekends.

(16) \$93,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the Washington state ferries to secure housing for workforce training sessions and to pay in advance for the costs of transportation worker identification credentials, merchant mariner credentials, and medical examinations for incoming ferry system employees and trainees.

(17) \$10,417,000 of the Puget Sound ferry operations account—state appropriation is provided solely for vessel maintenance initiatives to:

(a) Add a second shift at the Eagle Harbor maintenance facility;

(b) Establish maintenance management project controls to maximize vessel maintenance work at the Eagle Harbor facility;

(c) Expand the existing Washington state ferries Eagle Harbor apprenticeship program from two to eight apprentices; and

(d) Maintain assets in a state of good repair by investing in enterprise asset management operating capacity.

(18)(a) \$855,000 of the Puget Sound ferry operations account—state appropriation is provided solely for Washington state ferries to provide to Seattle Central Community College for a pilot with the Seattle Maritime Academy for the 2023-2025 fiscal biennium. Funding may not be expended until Washington state ferries certifies to the office of financial management that a memorandum of agreement with Seattle Central Community College has been executed, and the office of financial management determines that funds provided in this subsection are utilized for programs that are a benefit to the Washington state ferries or the prospective workforce pipeline of the Washington state ferries. The memorandum of agreement with Seattle Central Community College must address:

(i) Prioritized use of training and other facilities and implementation of joint training opportunities for Washington state ferries' employees and trainees;

(ii) Development of a joint recruitment plan with Seattle Central Community College aimed at increasing enrollment of women and people of color, with specific strategies to recruit existing community and technical college students, maritime skills center students, high school students from maritime programs, including maritime skills center students, foster care graduates, and former juvenile rehabilitation and adult incarcerated individuals; and

(iii) Consultation between the parties on the development of the training program, recruitment plan and operational plan, with an emphasis on increasing enrollment of women and people of color.

(b) The joint training and recruitment plan must be submitted to the appropriate policy and fiscal committees of the legislature by December 1, 2023. The Washington state ferries must submit findings of program effectiveness and recommendations for continuation of the pilot, to the appropriate committees of the legislature by December 1, 2024.

(19) \$420,000 of the Puget Sound ferry operations account appropriation—state is provided solely for a contract with an organization with experience evaluating and developing recommendations for the Washington state ferries' workforce to provide expertise on short-term strategies including, but not limited to, addressing recruitment, retention, diversity, training needs, leadership development, and succession planning. The consultant shall provide additional assistance as deemed necessary by the Washington state ferries to implement recommendations from the joint transportation committee 2022 workforce study. Periodic updates must be given to the joint transportation committee and the governor.

(20) By December 31st of each year, as part of the annual ferries division performance report, the department must



report on the status of efforts to increase the staff available for maintaining the customary level of ferry service, including staff for deck, engine, and terminals. The report must include data for a 12-month period up to the most recent data available, by staff group, showing the number of employees at the beginning of the 12-month period, the number of new employees hired, the number of employees separating from service, and the number of employees at the end of the 12-month period. The department report on additional performance measures must include:

(a) Numbers of trip cancellations due to crew availability or vessel mechanical issues; and

(b) Current level of service compared to the full-service schedules in effect in 2019.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING**

Carbon Emissions Reduction Account—State	
Appropriation . . . . .	\$2,250,000
Multimodal Transportation Account—State	
Appropriation . . . . .	\$90,565,000
Multimodal Transportation Account—Private/Local	
Appropriation . . . . .	\$46,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$92,861,000</b>

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

(1) The department shall continue to pursue restoring Amtrak Cascades service to pre-COVID service levels, and to the service levels committed to through the department's obligation of funding from the federal American recovery and reinvestment act. A status report must be provided to the transportation committees of the legislature and the office of financial management by September 1, 2023.

(2) (a) \$2,250,000 of the multimodal transportation account—state appropriation is provided solely for the continued coordination, engagement, and planning for a new ultra high-speed ground transportation corridor with participation from Washington state, Oregon state, and British Columbia, and is a reappropriation of funds appropriated in the 2021-2023 fiscal biennium. For purposes of this subsection, "ultra high-speed" means a maximum testing speed of at least 250 miles per hour. These efforts are to support and advance activities and must abide by the memorandum of understanding signed by the governors of Washington and Oregon states, and the premier of the province of British Columbia in November 2021. The department shall establish a policy committee with participation from Washington state, Oregon state, and British Columbia, including representation from the two largest caucuses of each chamber of the Washington state legislature, and coordinate the activities of the policy committee to include:

(i) Developing an organizational framework that facilitates input in decision-making from all parties;

(ii) Developing a public engagement approach with a focus on equity, inclusion, and meaningful engagement with communities, businesses, federal, state, provincial, and local governments including indigenous communities;

(iii) Developing and leading a collaborative approach to prepare and apply for potential future federal, state, and provincial funding opportunities, including development of strategies for incorporating private sector participation and private sector contributions to funding, including through the possible use of public-private partnerships;

(iv) Beginning work on scenario analysis addressing advanced transportation technologies, land use and growth assumptions, and an agreed to and defined corridor vision statement; and

(v) Developing a recommendation on the structure and membership of a formal coordinating entity that will be responsible for advancing the project through the project initiation stage to project development and recommended next steps for establishment of the coordinating entity. Project development processes must include consideration of negative and positive impacts on communities of color, low-income households, indigenous peoples, and other disadvantaged communities.

(b) By June 30, 2024, the department shall provide to the governor and the transportation committees of the legislature a high-level status update that includes, but is not limited to, the status of the items included in (a)(i) through (v) of this subsection.

(c) By June 30, 2025, the department shall provide to the governor and the transportation committees of the legislature a report detailing the work conducted by the policy committee and recommendations for establishing a coordinating entity. The report must also include an assessment of current activities and results relating to stakeholder engagement, planning, and any federal funding application. As applicable, the assessment should also be sent to the executive and legislative branches of government in Oregon state and appropriate government bodies in the province of British Columbia.

(3) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(4) \$1,800,000 of the multimodal transportation account—state appropriation is provided solely for the department to pursue federal grant opportunities to develop and implement a technology-based truck parking availability system along the Interstate 5 Corridor in partnership with Oregon state and California state to maximize utilization of existing truck parking capacity and deliver real-time parking availability information to truck drivers. The department may use a portion of the appropriation in this subsection for

grant proposal development and as state match funding for technology-based truck parking availability system federal grant applications. The department must update the transportation committees of the legislature on agency activities and their status by December 1, 2023, and to provide a final report to the transportation committees of the legislature by December 1, 2024.

(5) \$5,950,000 of the multimodal transportation account—state appropriation is provided solely for implementation of truck parking improvements recommended by the freight mobility strategic investment board in consultation with the department under section 206(4) of this act. The office of financial management must place this amount in unallotted status.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS —PROGRAM Z—OPERATING**

Motor Vehicle Account—State Appropriation.	
\$13,569,000	
Motor Vehicle Account—Federal Appropriation	
.....	\$2,567,000
Multistate Roadway Safety Account—State	
Appropriation. ....	\$1,230,000
Multimodal Transportation Account—State	
Appropriation. ....	\$1,450,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$18,816,000</b>

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

(1) \$500,000 of the motor vehicle account—state appropriation is provided solely for development, administration, program management, and evaluation of the federal fund exchange pilot program.

(2) \$1,063,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) Contract with the department of fish and wildlife to identify, inventory, and prioritize county-owned fish passage barriers;

(b) Continue streamlining and updating the county road administration board's data dashboard, to provide a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties;

(c) Commission a study to develop guidance for county public works departments conducting environmental justice assessments in their communities and recommend best practices for community engagement plans to address environmental health disparities for identified overburdened communities;

(d) Contract for a study to identify best practices within public works for the recruitment and retention of employees, including: Recommendations for improving outreach and recruitment to underrepresented populations, methods to partner with local community colleges and universities, methods to expand apprenticeship and internship programs, strategies to increase training and development opportunities, and recommendations for career advancement

programs and better work-life balance outcomes;

(e) Update the 2020 county transportation revenue study; and

(f) By December 15, 2024, report to the office of financial management and the appropriate committees of the legislature the deliverables from and the amounts expended on the purposes enumerated in this subsection.

(3) The department shall examine the feasibility of creating a new departmental program for active transportation. By December 1, 2023, the department shall report findings and recommendations to the transportation committees of the legislature and the office of financial management, including, but not limited to:

(a) Estimated cost, new staffing needs, and time frame to establish the program;

(b) A proposed budget structure, and whether both operating and capital components should be established; and

(c) Identification of staff, capital projects, and other resources that would need to transfer from other existing programs.

(4) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(5)(a) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the department to develop the preliminary phase of an action plan for the establishment of cycle highways in locations that connect population centers and support mode shift.

(b) The action plan may complement and incorporate existing resources, including the state trails database maintained by the recreation and conservation office, local and regional plans, and the state active transportation plan.

(c) The action plan may also include, but is not limited to:

(i) Recommended design; geometric and operational criteria and typologies appropriate to urban, suburban, and rural settings; settings that include shared use; and incremental approaches to achieve desired facility types;

(ii) A model or methodology to project potential demand and carrying capacity based on facility quality, level of traffic stress, location, directness, land use, and other key attributes;

(iii) Examination of the feasibility of developing high-capacity infrastructure for bicycle and micromobility device use within a variety of contexts and recommendations for pilot projects;

(iv) Identification of key gaps in regional networks, including planned and aspirational routes and locations within three miles of high-capacity transit or existing shared-use paths and trails suitable for transportation;

(v) Identification of legal, regulatory, financial, collaboration, and practical barriers to development and community

acceptance and support of such facilities; and

(vi) Recommended strategies to consider and address issues to avoid unintended consequences such as displacement, and to ensure equity in long-term development of such facilities.

(d) The department must provide a report with its initial findings, and recommendations for next steps, to the transportation committees of the legislature by June 30, 2025.

(6) \$140,000 of the motor vehicle account—state appropriation is provided solely for the Pierce county ferry to eliminate fares for passengers 18 years of age and younger.

(7) \$750,000 of the multimodal transportation account—state appropriation is provided solely for a grant program to support local initiatives that expand or establish civilian intervention programs for nonmoving violations, focusing on nonpunitive interventions such as helmet voucher programs, fee offset programs, fix-it tickets, and repair vouchers that provide solutions for vehicle equipment failures for low-income road users.

(a) Grants must be awarded to local jurisdictions based on locally developed proposals to establish or expand existing programs, including programs with community led organizations. Eligible jurisdictions under the grant program include cities, counties, tribal government entities, tribal organizations, law enforcement agencies, or nonprofit organizations.

(b) The department shall report on its website by December 1st of each year on the recipients, locations, and types of projects funded under this subsection.

(8) \$146,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 1782), Laws of 2023 (Wahkiakum ferry). If chapter . . . (Engrossed House Bill No. 1782), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION—VACANCY-RELATED TRANSFER AUTHORITY**

(1) The appropriations to the department of transportation must be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of transportation must initially be allotted as required under this act. Subsequent allotment modifications may not include transfers of appropriation authority between sections of this act except as expressly provided in this act. Allotment modifications may not permit moneys that are provided solely for a specified purpose to be used for another purpose. However, between October 1, 2023, and March 1, 2024, subject to subsection (2) (a) of this section, the department of transportation may transfer state appropriation authority for the 2023-2025 fiscal biennium among operating programs after approval by the director of the office of financial management.

(2)(a) To ensure that staffing vacancy savings assumed in this act do not impair

the ability of each individual program to fill authorized staffing positions, maintain operational capacity, and provide anticipated service delivery levels, the department of transportation may, after approval by the director of the office of financial management: (i) Transfer state motor vehicle account and multimodal transportation account appropriation authority among operating programs, up to the amount of the assumed vacancy savings in each program receiving the transfer; and (ii) make associated staffing-related allotment modifications associated with expenditures for fiscal year 2024. However, transfers authorized in this section may not include the toll operations and maintenance program (program B) or the marine operations program (program X) appropriation authority or allotments, and transfers may only be made within each specific fund source. The department may not transfer appropriation authority, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds.

(b) The director of the office of financial management shall notify in writing the transportation committees of the legislature seven days before approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by programs and appropriation, both before and after any allotment modifications or transfers.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION—CLEAN FUELS CREDIT PROGRAM**

The department of transportation, with the assistance of designated staff in the department, must register for the clean fuels credit program and start tracking revenue generation pursuant to chapter 70A.535 RCW for investments funded in an omnibus transportation appropriations act. The omnibus transportation appropriations act anticipates credits for ferry electrification for new hybrid electric vessels, active transportation, transit programs and projects, alternative fuel infrastructure, connecting communities, and multimodal investments.

(End of part)

**TRANSPORTATION AGENCIES—CAPITAL**

**NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation. . . . . \$7,700,000

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

(1) \$7,700,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

(a) \$250,000 is for emergency repairs;

(b) \$2,000,000 is for roof replacements;  
 (c) \$350,000 is for fuel tank decommissioning;  
 (d) \$500,000 is for generator and electrical replacement;  
 (e) \$500,000 is for the exterior envelope of the Yakima office;  
 (f) \$2,000,000 is for energy efficiency projects;  
 (g) \$1,000,000 is for pavement surface improvements;  
 (h) \$300,000 is for fire alarm panel replacement;  
 (i) \$200,000 is for an academy master plan. As part of the academy master plan, the Washington state patrol must review and provide an analysis on the potential to colocate some training programs with other state agencies, including the department of corrections, the department fish and wildlife, the liquor and cannabis board, and the criminal justice training commission. The Washington state patrol must consult with the other state agencies to determine where cost efficiencies and mutually beneficial shared arrangements for training delivery could occur. The funding for this academy master plan is not a commitment to fund any components related to the expansion of the academy in the future;  
 (j) \$500,000 reappropriation is for the Tacoma district office generator replacement project; and  
 (k) \$100,000 reappropriation is for the energy improvement project at the SeaTac northbound facility.  
 (2) The Washington state patrol may transfer funds between projects specified in subsection (1) of this section to address cash flow requirements.  
 (3) If a project specified in subsection (1) of this section is completed for less than the amount provided, the remainder may be transferred to another project specified in subsection (1) of this section not to exceed the total appropriation provided in subsection (1) of this section after notifying the office of financial management and the transportation committees of the legislature 20 days before any transfer.  
 (4) By December 1, 2023, the Washington state patrol shall provide a report to the transportation committees of the legislature detailing utility incentives that will reduce the cost of heating, ventilating, and air conditioning systems funded in this section.  
 (5) By December 1, 2023, the Washington state patrol shall provide its capital improvement and preservation plan for agency facilities to the appropriate committees of the legislature.

**NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD**  
 Move Ahead WA Account—State Appropriation. \$9,333,000  
 Rural Arterial Trust Account—State Appropriation. . . . . \$58,000,000  
 Motor Vehicle Account—State Appropriation. \$2,456,000  
 County Arterial Preservation Account—State Appropriation. . . . . \$35,500,000  
**TOTAL APPROPRIATION. . . . . \$105,289,000**

**NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD**  
 Small City Pavement and Sidewalk Account—State  
 Appropriation. . . . . \$3,975,000  
 Transportation Improvement Account—State  
 Appropriation. . . . . \$240,000,000  
 Complete Streets Grant Program Account—State  
 Appropriation. . . . . \$14,670,000  
 Move Ahead WA Account—State Appropriation. \$9,333,000  
 Climate Active Transportation Account—State  
 Appropriation. . . . . \$19,067,000  
**TOTAL APPROPRIATION. . . . . \$287,045,000**

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL**  
 Motor Vehicle Account—State Appropriation. \$29,173,000  
 Move Ahead WA Account—State Appropriation. \$12,011,000  
 Multimodal Transportation Account—State  
 Appropriation. . . . . \$1,200,000  
**TOTAL APPROPRIATION. . . . . \$42,384,000**

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

(1) \$4,025,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract issued pursuant to chapter 39.94 RCW for the department facility located at 15700 Dayton Ave N in Shoreline. All payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract for this facility must be deposited into the motor vehicle account.

(2)(a) \$10,011,000 of the move ahead WA account—state appropriation is provided solely for the department to improve its ability to keep facility assets in a state of good repair. In using the funds appropriated in this subsection, the department, with periodic reporting to the joint transportation committee, must develop and implement a prioritization of facility capital preservation needs and repair projects. The legislature intends these to be reasonable, forward-thinking investments that consider potential future space efficiency measures and consolidations, including those assessed as having high commercial value and potential returns to state transportation funds associated with the sale of the property. Prioritization must be based on, but not limited to, the following criteria: (i) Employee safety and facility security; (ii) state and federal regulatory and statutory requirements and compliance issues, including clean buildings requirements; (iii) quality of work issues; (iv) facility condition assessment evaluations and scoring; (v) asset preservation; and (vi) amount of operational support provided by the facility to the achievement of the department's performance measures and outcomes, including facility utilization based on field operations work supported at the location. "Field operations" include maintenance,

transportation operations, materials testing, and construction.

(b) By October 15, 2024, covering the first 15 months of the 2023-2025 fiscal biennium, the department must provide a report based on the prioritization of facility preservation needs and repair projects developed pursuant to (a) of this subsection to the office of financial management and the transportation committees of the legislature. The report must include: (i) A by facility ranking based on the criteria implemented; (ii) detailed information on the actions taken in the previous period to address the identified issues and deficiencies; and (iii) the plan, by facility, to address issues and deficiencies for the remainder of the 2023-2025 fiscal biennium and the 2025-2027 fiscal biennium.

(c) The by facility ranking developed under (b) of this subsection must be the basis of an agency budget submittal for the 2025-2027 fiscal biennium.

(3) (a) \$1,200,000 of the multimodal transportation account—state appropriation is provided solely for the department to evaluate safety rest areas along Interstate 5 and Interstate 90 for potential truck parking expansion opportunities. The department shall also evaluate commercial vehicle inspection locations, in coordination with the Washington state patrol, for potential truck parking expansion opportunities.

(b) These evaluations must include assessments of opportunities to provide additional truck parking through rest stop and inspection location reconfiguration, expansion, and conversion, as well as evaluation of potential improvements to restroom facilities at weigh stations with truck parking. The department shall consider opportunities to expand rest stop footprints onto additional department-owned property, as well as opportunities to acquire property for rest stop expansion. Opportunities to convert a rest stop to a commercial vehicle-only rest stop must be considered if property is available to develop a new light-duty vehicle rest stop within a reasonable distance. The department shall include an evaluation of a potential truck parking site at John Hill Rest Area along the Interstate 90 corridor identified in the joint transportation committee's "Truck Parking Action Plan." Evaluations must include cost estimates for reconfiguration, expansion, and conversion, as well as other recommendations for the development of these sites.

(c) The department should consult with the federal highway administration, the Washington state patrol, the Washington trucking association, the freight mobility strategic investment board, and local communities.

(d) The department must update the transportation committees of the legislature on agency activities and their status by December 1, 2023, and to provide a final report to the transportation committees of the legislature by December 1, 2024.

(4) \$15,457,000 of the motor vehicle account—state appropriation is provided

solely for making improvements to the department facility located at 11018 NE 51st Cir in Vancouver to meet the Washington state clean buildings performance standard.

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

Alaskan Way Viaduct Replacement Project Account—	
State Appropriation. . . . .	\$23,794,000
Climate Active Transportation Account—State Appropriation. . . . .	
Appropriation. . . . .	\$2,000,000
Move Ahead WA Account—Private/Local Appropriation. . . . .	
Appropriation. . . . .	\$137,500,000
Transportation 2003 Account (Nickel Account) —State	
Appropriation. . . . .	\$317,000
Transportation Partnership Account—State	
Appropriation. . . . .	\$32,643,000
Motor Vehicle Account—State Appropriation.	
\$80,524,000	
Motor Vehicle Account—Federal Appropriation . . . . .	
. . . . .	\$445,933,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation. . . . .	\$300,000,000
Motor Vehicle Account—Private/Local Appropriation. . . . .	
Appropriation. . . . .	\$52,530,000
Connecting Washington Account—State	
Appropriation. . . . .	\$2,143,116,000
Special Category C Account—State	
Appropriation. . . . .	\$133,749,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$5,915,000
State Route Number 520 Corridor Account—State	
Appropriation. . . . .	\$400,000
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation.	
\$304,480,000	
Move Ahead WA Account—State Appropriation.	
\$590,313,000	
Move Ahead WA Account—Federal Appropriation . . . . .	
. . . . .	\$340,300,000
<b>TOTAL APPROPRIATION. . . . . \$4,593,514,000</b>	

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation, the entire move ahead WA account—federal appropriation, the entire move ahead WA account—state appropriation, and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2023-1 as developed April 21, 2023, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document

2023-2 ALL PROJECTS as developed April 21, 2023, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer appropriation authority between programs I and P, except for appropriation authority that is otherwise restricted in this act, as follows:

(a) Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised.

(b) The director of the office of financial management must first provide written authorization for such transfer to the department and the transportation committees of the legislature.

(c) The department shall submit a report on appropriation authority transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The connecting Washington account—state appropriation includes up to \$1,737,009,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to \$118,773,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(6) The transportation partnership account—state appropriation includes up to \$32,643,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(7) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this fiscal biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2023-2025 fiscal biennium in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Connecting Washington account—state, and move ahead WA account—state; and

(d) The office of financial management must provide notice of allotment modifications authorized under this subsection within 10 working days to the transportation committees of the legislature. By December 1, 2023, and December 1, 2024, the department must submit a report to the transportation committees of the legislature regarding the actions taken to date under this subsection.

(8) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(9) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70A.205.700, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

(10) By June 30, 2025, to the extent practicable, the department shall decommission the facilities for the Lacey project engineering office and the Tumwater project engineering office at the end of their lease terms and consolidate the Lacey project engineering office and the Tumwater project engineering office into the department's Olympic regional headquarters.

(11) The legislature intends that any savings realized on the following projects will not be attributable to the application of practical design, retired risk, or unused contingency funding for the purposes of RCW 47.01.480:

(a) I-5/Marvin Road/SR 510 Interchange (L1100110); and

(b) I-82/EB WB On and Off Ramps (L2000123).

(12) (a) \$300,000,000 of the coronavirus state fiscal recovery fund—federal appropriation, \$312,653,000 of the motor vehicle account—federal appropriation, \$427,459,000 of the move ahead WA account—state appropriation, and \$1,293,000 of the motor vehicle account—state appropriation are provided solely for the Fish Passage Barrier Removal project (OBI4001) with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030.

(b) The fish passage barrier removal program, in consultation with the office of innovative partnerships, shall explore opportunities to employ innovative delivery methods to ensure compliance with the court injunction including, but not limited to, public-private partnerships and batched contracts. It is the intent of the legislature that appropriations for this purpose may be used to jointly leverage

state and local funds for match requirements in applying for competitive federal aid grants provided in the infrastructure investment and jobs act for removals of fish passage barriers under the national culvert removal, replacement, and restoration program. State funds used for the purpose described in this subsection must not compromise full compliance with the court injunction by 2030.

(c) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts. The department and Brian Abbott fish barrier removal board must provide updates on the implementation of the statewide culvert remediation plan to the legislature by November 1, 2023, and June 1, 2024.

(d) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(e) During the 2023-2025 fiscal biennium, the department shall provide reports of the amounts of federal funding received for this project to the governor and transportation committees of the legislature by November 1, 2023, and semiannually thereafter.

(13)(a) \$6,000,000 of the move ahead WA account—state appropriation is provided solely for the Stormwater Retrofits and Improvements project (L4000040). It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$500,000,000 for this program.

(b) The appropriation in this subsection is provided solely for the Urban Stormwater Partnership - I-5 Ship-Canal Bridge Pilot (Seattle) project.

(c) The funding provided for stormwater retrofits and improvements must enhance stormwater runoff treatment from existing roads and infrastructure with an emphasis on green infrastructure retrofits. Projects must be prioritized based on benefits to salmon recovery and ecosystem health, reducing toxic pollution, addressing health disparities, and cost-effectiveness. The department of transportation must submit progress reports on its efforts to reduce the toxicity of stormwater runoff from existing infrastructure, recommendations for addressing barriers to innovative solutions, and anticipated demand for funding each fiscal biennium.

(14)(a) \$35,465,000 of the connecting Washington account—state appropriation is provided solely for the SR 3 Freight Corridor (T30400R) project. The legislature intends to provide a total of \$78,910,000 for this project, including an increase of

\$12,000,000 in future biennia to safeguard against inflation and supply/labor interruptions and ensure that:

(i) The northern terminus remains at Lake Flora Road and the southern terminus at the intersection of SR 3/SR 302;

(ii) Multimodal safety improvements at the southern terminus remain in the project to provide connections to North Mason school district and provide safe routes to schools; and

(iii) Intersections on the freight corridor are constructed at Romance Hill and Log Yard road.

(b) With respect to right-of-way acquisition and the construction of the SR 3 Freight Corridor project (T30400R), tribal consultation with the Suquamish tribe shall begin at the earliest stage of planning, including without limitation on all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required under state law, or by a state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from the Suquamish tribe. Regularly scheduled tribal consultation meetings with the Suquamish tribe shall continue throughout the duration of any funding or program decisions and proposed project approval.

(15) \$6,000,000 of the move ahead WA account—state appropriation and \$10,000,000 of the move ahead WA account—federal appropriation are provided solely for the SR 3/Gorst Area - Widening project (L4000017). Tribal consultation with the Suquamish tribe must begin at the earliest stage of planning, including, without limitation, all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required under state law, or by a state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from the Suquamish tribe. Regularly scheduled tribal consultation meetings with the Suquamish tribe must continue throughout the duration of any funding program and proposed project approval.

(16) (a) \$84,500,000 of the move ahead WA account—federal appropriation, \$137,500,000 of the move ahead WA account—private/local appropriation, and \$53,000,000 of the move ahead WA account—state appropriation are provided solely for the I-5 Columbia river bridge project (L4000054). The legislature finds that the replacement of the I-5 Columbia river bridge is a project of national significance and is critical for the movement of freight. One span is now 105 years old, at risk for collapse in the event of a major earthquake, and no longer satisfies the needs of commerce and travel. Replacing the aging interstate bridge with a modern, seismically resilient, multimodal structure that provides improved mobility for people, goods, and services is a high priority. Therefore, the legislature intends to support the replacement of the I-5 Columbia river bridge with an investment of \$1,000,000,000 over the 16-year move ahead WA investment program.

(b) The legislature recognizes the importance of the I-5/Mill Plain Boulevard project (L2000099) and intends to provide funding for reconstruction of the existing interchange in coordination with construction of the Interstate 5 bridge over the Columbia river.

(c) The department shall provide regular updates on the status of ongoing coordination with the state of Oregon on any bistate agreements regarding sharing of revenues, use of revenues, and fiscal responsibilities of each state. Prior to finalizing any such agreement, the department shall provide a draft of the agreement to the transportation committees of the legislature for review and input. Additionally, the department shall advise on the status of any bistate agreements to the joint transportation committee beginning in September 2023 and quarterly thereafter until any agreements are finalized.

(17) The legislature recognizes the importance of the US-12/Walla Walla Corridor Improvements project (T20900R) and intends to advance funding to provide matching funds if competitive federal funding is awarded for the final remaining four-lane section between Wallula and Nine Mile Hill. The department, in consultation with local governments in the vicinity, must pursue any federal funding available.

(18) \$2,642,000 of the move ahead WA account—state appropriation is provided solely for the US 101/Simdars Bypass project (L4000013).

(19) \$570,842,000 of the connecting Washington account—state appropriation, \$155,000 of the multimodal transportation account—state appropriation, \$26,537,000 of the motor vehicle account—private/local appropriation, \$200,800,000 of the move ahead WA account—federal appropriation, \$68,191,000 of the move ahead WA account—state appropriation, and \$6,980,000 of the motor vehicle account—federal appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall continue to collaborate with the affected stakeholders as it implements the corridor construction and implementation plan for state route number 167 and state route number 509. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(c) The entire multimodal transportation account—state appropriation in this subsection is for:

(i) The design phase of the Puyallup to Tacoma multiuse trail along the state route number 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park; and

(ii) Segment 2 of the state route number 167 completion project shared-use path to provide connections to the interchange of state route number 167 at 54th to the intersection of state route number 509 and Taylor Way in Tacoma.

(20) (a) \$394,963,000 of the connecting Washington account—state appropriation, \$400,000 of the state route number 520 corridor account—state appropriation, and \$4,496,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), the department shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(c) Of the amounts provided in this subsection, \$400,000 of the state route number 520 corridor account—state appropriation is provided solely for noise mitigation activities. It is the intent of the legislature to provide an additional \$600,000 for noise mitigation activities.

(21) \$450,000 of the motor vehicle account—state appropriation is provided solely for the SR 900 Safety Improvements project (L2021118). The department must: (a) Work in collaboration with King county and the Skyway coalition to align community assets, transportation infrastructure needs, and initial design for safety improvements along state route number 900; and (b) work with the Skyway coalition to lead community planning engagement and active transportation activities.

(22) \$25,000,000 of the motor vehicle account—federal appropriation is provided solely for a federal fund exchange pilot program. The pilot program must allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 95 cents in state funds per \$1.00 in federal funds. The projects receiving the exchanged federal



funds must adhere to all federal requirements, including the applicable disadvantaged business enterprise goals. The entirety of the appropriation in this subsection must be held in unallotted status until surface transportation block grant population funding has been offered to the state, and the department determines that a federalized project or projects funded in this section is eligible to spend the surface transportation block grant population funding. \$22,500,000 from existing state appropriations identified elsewhere within this section are available to be used as part of the exchange. Upon determination that a project or projects funded in this section is eligible to spend the offered surface transportation block grant population funding, state funds appropriated in this section for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding must be placed in unallotted status.

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

Move Ahead WA Account—State Appropriation.	
\$13,291,000	
Recreational Vehicle Account—State	
Appropriation. . . . .	\$793,000
Transportation 2003 Account (Nickel Account)	
—State	
Appropriation. . . . .	\$48,759,000
Motor Vehicle Account—State Appropriation.	
\$135,073,000	
Motor Vehicle Account—Federal Appropriation	
. . . . .	\$534,350,000
Motor Vehicle Account—Private/Local	
Appropriation. . . . .	\$12,000,000
Connecting Washington Account—State	
Appropriation. . . . .	\$37,078,000
State Route Number 520 Corridor Account—	
State	
Appropriation. . . . .	\$5,481,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation. . . . .	\$10,892,000
Alaskan Way Viaduct Replacement Project	
Account—	
State Appropriation. . . . .	\$12,000
Interstate 405 and State Route Number 167	
Express	
Toll Lanes Account—State Appropriation.	
\$27,026,000	
Transportation Partnership Account—State	
Appropriation. . . . .	\$10,000,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>\$834,755,000</b>

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation, the entire move ahead WA account—federal appropriation, the entire move ahead WA account—state appropriation, and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2023-1 as developed April 21, 2023, Program

– Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program – Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer appropriation authority between programs I and P, except for appropriation authority that is otherwise restricted in this act, as follows:

(a) Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised.

(b) The director of the office of financial management must first provide written authorization for such transfer to the department and the transportation committees of the legislature.

(c) The department shall submit a report on appropriation authority transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The transportation partnership account—state appropriation includes up to \$10,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(5) \$22,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund (L2000290). The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted.

(6) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after

using this subsection must appropriately reflect the transfer.

(7) By June 30, 2025, to the extent practicable, the department shall decommission the facilities for the Lacey project engineering office and the Tumwater project engineering office at the end of their lease terms and consolidate the Lacey project engineering office and the Tumwater project engineering office into the department's Olympic regional headquarters.

(8) The appropriations in this section include funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(9) \$25,000,000 of the motor vehicle account—federal appropriation is provided solely for a federal fund exchange pilot program. The pilot program must allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 95 cents in state funds per \$1.00 in federal funds. The projects receiving the exchanged federal funds must adhere to all federal requirements, including the applicable disadvantaged business enterprise goals. The entirety of the appropriation in this subsection must be held in unallotted status until surface transportation block grant population funding has been offered to the state and the department determines that a federalized project or projects funded in this section is eligible to spend the surface transportation block grant population funding. \$22,500,000 from existing state appropriations identified elsewhere within this section are available to be used as part of the exchange. Upon determination that a project or projects funded in this section is eligible to spend the offered surface transportation block grant population funding, state funds appropriated in this section for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding must be placed in unallotted status.

(10) \$21,000 of motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1004), Laws of 2023 (bridge jumping signs). If chapter . . . (House Bill No. 1004), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION OPERATIONS—PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation.	
\$9,738,000	
Motor Vehicle Account—Federal Appropriation	
.....	\$5,100,000
Motor Vehicle Account—Private/Local	
Appropriation. ....	\$500,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$15,338,000</b>

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

(1) \$4,918,000 of the motor vehicle account—state appropriation is provided solely for Programmatic Investment for Traffic Operations Capital projects (000005Q). By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all traffic operations capital project investments completed in the prior fiscal biennium.

(2) \$3,080,000 of the motor vehicle account—state appropriation is provided solely to construct pedestrian signals at nine locations on state route number 7 from 124th Street South to 189th Street South (0000YYY).

(3) \$1,463,000 of the motor vehicle account—state appropriation is provided solely for the replacement of 22 existing traffic cameras and installation of 10 new traffic cameras, including five pole installation sites, on the Interstate 90 corridor between mileposts 34 and 82 (L2021144). The department shall consult with news media organizations to explore options to allow such organizations access to traffic camera feeds.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W**

Carbon Emissions Reduction Account—State	
Appropriation. ....	\$74,027,000
Move Ahead WA Account—State Appropriation.	
\$17,114,000	
Puget Sound Capital Construction Account—	
State	
Appropriation. ....	\$341,969,000
Puget Sound Capital Construction Account—	
Federal	
Appropriation. ....	\$33,698,000
Puget Sound Capital Construction Account—	
Private/Local Appropriation. .	\$1,081,000
Transportation Partnership Account—State	
Appropriation. ....	\$7,442,000
Connecting Washington Account—State	
Appropriation. ....	\$10,809,000
Capital Vessel Replacement Account—State	
Appropriation. ....	\$46,818,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$532,958,000</b>

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Washington State Ferries Capital Program (W).

(2) \$5,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(3) \$46,818,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). The amounts provided in this subsection are contingent upon the enactment of

chapter . . . (Senate Bill No. 5760 or Engrossed House Bill No. 1846), Laws of 2023.

(4) The legislature intends that funding will be provided in the 2025-2027 fiscal biennium for the Future Hybrid Electric Ferry Class Pre-Design study (L2021131) to advance procurement of a new class of vessel that will account for changes in technology, staffing, and system needs. The legislature intends that part of the predesign study include a review of the benefits and costs of constructing all future new vessels based on the same design. The review may also compare and contrast the benefits and costs of a 144-vehicle capacity vessel with a 124-vehicle capacity vessel.

(5) \$8,032,000 of the Puget Sound capital construction account—state appropriation is provided solely for modernization of the ticketing and reservation system (990052C). Of this amount, \$3,032,000 must be held in unallotted status until Washington state ferries has consulted with the office of the chief information officer on the project scope and integration capabilities of the reservation system with existing Good to Go! and ORCA next generation products, and reported results to the office of financial management and the transportation committees of the legislature.

(6) \$125,000 of the Puget Sound capital construction account—state appropriation and \$125,000 of the Puget sound capital construction account—federal appropriation are provided solely for development of a terminal wait times information system (998609A). Washington state ferries must consult with the office of the chief information officer on a technology solution for automated vehicle detection, and report the project scope, along with office of the chief information officer recommendations, to the office of financial management and the transportation committees of the legislature by December 1, 2024.

(7) The transportation partnership account—state appropriation includes up to \$7,195,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(8) For the purposes of ferry and terminal electrification, the department must apply to the department of ecology for additional competitive grant funds available from Volkswagen settlement funds, and report on the status of the grant application by December 1, 2023.

(9) For the 2023-2025 fiscal biennium, the marine division shall provide to the office of financial management and the transportation committees of the legislature a report for ferry capital projects in a manner consistent with past practices as specified in section 308, chapter 186, Laws of 2022.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL**

Carbon Emissions Reduction Account—State Appropriation. . . . . \$104,300,000  
Essential Rail Assistance Account—State Appropriation. . . . . \$676,000

Move Ahead WA Flexible Account—State Appropriation. . . . . \$35,000,000  
Transportation Infrastructure Account—State Appropriation. . . . . \$10,369,000  
Multimodal Transportation Account—State Appropriation. . . . . \$63,334,000  
Multimodal Transportation Account—Federal Appropriation. . . . . \$18,882,000  
**TOTAL APPROPRIATION..... \$232,561,000**

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Rail Program (Y).

(2)(a) \$2,030,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than 15 years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(b) \$7,970,000 of the transportation infrastructure account—state appropriation is provided solely for new FRIB program loans recommended by the department for 2024 supplemental transportation appropriations. The department shall submit a prioritized list for any loans recommended to the office of financial management and the transportation committees of the legislature by November 15, 2023.

(c) The department may change the terms of existing loans in the essential rail assistance account for repayment of loans, including the repayment schedule and rate of interest, for a period of up to 15 years for any recipient with a total loan value in the program of over 10 percent as of June 30, 2023.

(3) \$7,566,836 of the multimodal transportation account—state appropriation is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$369,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely for final reimbursement to Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects.

(5) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices

as specified in section 309, chapter 367, Laws of 2011. By November 15, 2024, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(6) \$50,000,000 of the carbon emissions reduction account—state appropriation is provided solely for state match contributions to support the department's application for federal grant opportunities for a new ultra high-speed ground transportation corridor. These funds are to remain in unallotted status and are available only upon award of federal funds. The department must provide periodic grant application updates to the transportation committees of the legislature, as well as anticipated state match estimates for successful grants.

(7) \$33,500,000 of the move ahead WA flexible account—state appropriation is provided solely for rehabilitation of the Palouse River and Coulee City Railroad (L4000079). Up to \$433,000 of the amount in this subsection may be used for management and oversight of operation and maintenance activities.

(8) \$15,000,000 of the multimodal transportation account—federal appropriation is provided solely for the rehabilitation of the Salmon Bay drawbridge (752010A) to ensure the efficient movement of freight and passenger trains.

(9) \$6,300,000 of the carbon emissions reduction account—state appropriation is provided solely to fund a zero emission drayage truck demonstration project (L1000324) at Northwest Seaport Alliance facilities.

(10) \$14,000,000 of the carbon emissions reduction account—state appropriation is provided solely to fund a zero emission shore power infrastructure demonstration project at Northwest Seaport Alliance facilities (L1000325). Local funds sufficient to fully fund this project must be contributed to the project, and any agreements required for the project must be secured.

(11) \$5,000,000 of the carbon emissions reduction account—state appropriation is provided solely to fund the replacement of two Tacoma rail diesel-electric switcher locomotives with zero emission battery-electric switcher locomotives and to install on-site charging equipment at a Tacoma rail facility (L1000327). Local funds sufficient to fully fund this project must be contributed to the project, and any agreements required for the project must be secured.

(12) \$150,000 of the multimodal transportation account—state appropriation is provided solely for the application of durable markings along state route number 906 to create up to 20 parking spaces for larger vehicles, including trucks.

(13) \$26,500,000 of the carbon emissions reduction account—state appropriation is provided solely for port electrification competitive grants (L2021182). To be eligible to receive state funds under this section, a port must first adopt a policy that requires vessels that dock at the port

facility to use shore power if such vessel is capable of using such power and when such power is available at the port facility.

(14) \$2,000,000 of the carbon emissions reduction account—state appropriation is provided solely for port electrification at the port of Bremerton (L1000337), which may include the purchase and installation of zero emission port shore power systems and other zero emission infrastructure, equipment, and technology.

(15) \$500,000 of the carbon emissions reduction account—state appropriation is provided solely for port electrification at the port of Anacortes (L1000338), which may include the purchase and installation of zero emission port shore power systems and other zero emission infrastructure, equipment, and technology.

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS —PROGRAM Z—CAPITAL**

Carbon Emissions Reduction Account—State	
Appropriation. . . . .	\$21,000,000
Climate Active Transportation Account—State	
Appropriation. . . . .	\$157,463,000
Freight Mobility Investment Account—State	
Appropriation. . . . .	\$21,098,000
Freight Mobility Multimodal Account—State	
Appropriation. . . . .	\$22,728,000
Highway Infrastructure Account—State	
Appropriation. . . . .	\$793,000
Highway Infrastructure Account—Federal	
Appropriation	
. . . . .	\$1,600,000
Move Ahead WA Account—State Appropriation.	
\$106,707,000	
Move Ahead WA Account—Federal Appropriation	
. . . . .	\$10,000,000
Move Ahead WA Flexible Account—State	
Appropriation. . . . .	\$29,000,000
Transportation Partnership Account—State	
Appropriation. . . . .	\$500,000
Motor Vehicle Account—State Appropriation.	
\$36,785,000	
Motor Vehicle Account—Federal Appropriation	
. . . . .	\$103,553,000
Connecting Washington Account—State	
Appropriation. . . . .	\$99,032,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$73,818,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$684,077,000</b>

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) \$34,673,000 of the multimodal transportation account—state appropriation and \$37,563,000 of the climate active transportation account—state appropriation are provided solely for pedestrian and

bicycle safety program projects (L2000188 and L1000335). Of the amount of climate active transportation account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(b) \$19,137,000 of the motor vehicle account—federal appropriation, \$38,915,000 of the climate active transportation account—state appropriation, and \$12,844,000 of the multimodal transportation account—state appropriation are provided solely for safe routes to school projects (L2000189 and L1000334). Of the amount of climate active transportation account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(c) For future rounds of grant selection, the department must reevaluate the criteria to increase geographic diversity of jurisdictions consistent with the requirements of the healthy environment for all (HEAL) act.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2023, and December 1, 2024, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program and the Sandy Williams connecting communities grant program.

(4) \$6,875,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) \$36,640,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department will select projects as part of its update of the state freight plan, in consultation with the freight mobility strategic investment board and other stakeholders.

(6) \$23,750,000 of the motor vehicle account—state appropriation is provided solely for a federal fund exchange pilot program. The pilot program will allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 95 cents in state funds per \$1.00 in federal funds. The entirety of the appropriation in this subsection must be held in unallotted status until: Surface transportation block grant population funding has been offered to the state, the department determines that a federalized project or projects funded in section 305 or 306 of this act is eligible to spend the surface transportation block grant population funding, and state funds appropriated in section 305 or 306 for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding have been placed in unallotted status. A report on the effectiveness of the exchange program, the total estimated cost of program administration, and recommendations for

continuing the pilot program is due to the governor and transportation committees of the legislature by December 1, 2024.

(7) \$128,400,000 of the move ahead WA account—state appropriation and \$19,500,000 of the move ahead WA flexible account—state appropriation are provided solely for new move ahead WA road and highway projects listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Local Programs Program (Z).

(a) For projects funded in this subsection, the department expects to have substantial reappropriations for the 2023-2025 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that is unable to be used in the 2023-2025 fiscal biennium to advance one or more of the projects listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Local Programs Program (Z), prioritizing projects first by project readiness.

(i) In instances when projects listed in the LEAP transportation documents referenced in (a) of this subsection are no longer viable or have been completed, the department may recommend in its next budget submittal alternative project proposals from the local jurisdictions if the project is similar in type and scope and consistent with limitations of certain funds provided. In the event that the listed project has been completed the local jurisdictions may, rather than submitting an alternative project, instead be reimbursed in the year in which it was scheduled for documented costs incurred implementing the listed project, not in excess of the amount awarded from the funding program.

(ii) At least 10 business days before advancing or swapping a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2023-2025 fiscal biennium.

(b) Of the amounts provided in this subsection, \$21,000,000 of the move ahead WA account—state appropriation is provided solely for three roundabouts to be constructed on state route number 507 in partnership with local authorities. The roundabout at Vail is with Thurston county, the roundabout at Bald Hills is with the city of Yelm, and the roundabout at state route number 702 is with Pierce county. The department is to work cooperatively with each local jurisdiction to construct these facilities within department rights-of-way. The department must provide all project predesign and design information developed to date to the local jurisdictions and have a project implementation agreement in place with each local jurisdiction within 180 calendar days of the effective date of this act. The implementation agreement may provide full control for the local authority to construct the project. Once the roundabouts are completed, the operations and maintenance of the roundabouts are the responsibility of the department.

(8) \$39,185,000 of the climate active transportation account—state appropriation and \$3,000,000 of the move ahead WA flexible account—state appropriation are provided solely for move ahead WA pedestrian and bike projects listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Local Programs Program (Z). For projects funded in this subsection, if the department expects to have substantial reappropriations for the 2023-2025 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that is unable to be used in the 2023-2025 fiscal biennium to advance one or more of the projects listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Local Programs Program (Z), prioritizing projects first by tier then by project readiness.

(a) In instances when projects listed in the LEAP transportation document referenced in this subsection (8) of this section are no longer viable or have been completed, the department may recommend in its next budget submittal alternative project proposals from the local jurisdictions if the project is similar in type and scope and consistent with limitations of certain funds provided. In the event that the listed project has been completed the local jurisdictions may, rather than submitting an alternative project, instead be reimbursed in the year in which it was scheduled for documented costs incurred implementing the listed project, not in excess of the amount awarded from the funding program.

(b) At least 10 business days before advancing or swapping a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2023-2025 fiscal biennium.

(9) \$16,800,000 of the climate active transportation account—state appropriation is provided solely for the statewide school-based bicycle education grant program (L1000309). The department may partner with a statewide nonprofit to deliver programs.

(10) \$25,000,000 of the climate active transportation account—state appropriation is provided solely for the Sandy Williams connecting communities pilot program (L1000308) to deliver projects to reconnect communities that have been bifurcated by state highways. Priority must be given to historically marginalized or overburdened communities. The department may consult with the Cooper Jones active transportation safety council to identify geographic locations where there are high incidences of serious injuries and fatalities of active transportation users among vulnerable populations.

(11) \$14,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the Guemes Ferry Boat Replacement project (L4000124).

(12) \$6,500,000 of the move ahead WA flexible account—state appropriation is provided solely for development of an

applied sustainable aviation evaluation center (L2021135). Snohomish county, in partnership with Washington State University, shall plan and establish facilities to evaluate, qualify or certify, and research technologies that can minimize the impact of aviation on human health and the environment. Funds may be used for, but are not limited to, planning, construction, and land acquisition for sustainable aviation fuel (SAF) qualification testing (ASTM D4054), research on the impact of SAF on the environment and human health, and SAF storage for the purpose of advancing sustainable aviation. At a minimum, three sustainable aviation platforms must be considered:

(a) Sustainable aviation fuel (SAF);  
 (b) Hydrogen; and  
 (c) Battery electric energy storage mechanisms.

(13) The legislature intends to fund the Ballard and Magnolia Bridge project (L4000123) and the Aurora Avenue North Safety Improvements project (L4000154), as described in section 911(18) and (19) of this act.

(14) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the Seattle office of planning and community development to update and add to the 2020 I-5 Lid Feasibility Study with additional test cases with ramp changes and removals in downtown Seattle and alternative assumptions with regards to parking, expansion of Freeway Park, affordable housing, and commercial real estate (L2021140). The Seattle office of planning and community development shall conduct ongoing community engagement with underrepresented constituencies to support the technical work of this study and raise public awareness of opportunities of I-5 lids. Focus should be given to low-income households living and working in the I-5 lid study areas in central Seattle.

(15) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to award grants to local jurisdictions to implement network-wide traffic conflict screening programs using video analytics in controlled intersections with a disproportionate number of traffic violations and injuries to active transportation users (L2021149). Grants must be awarded proportionally across the state and include controlled intersections in both urban and rural environments and along state highways and county roads. Grant recipients must report back to the department all traffic violation and active transportation facility data acquired during the grant period and provide the department with appropriate next steps for the state and the local jurisdiction to improve traffic safety for active transportation users in such intersections. The department must report such findings and recommendations to the transportation committees of the legislature by December 1, 2024.

(16) (a) (i) \$5,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to establish a program for

providing rebates to qualifying persons who purchase e-bikes and qualifying equipment and services from a qualifying retailer. Of this amount, \$3,000,000 is for rebate amounts as described under (a)(iii)(A) of this subsection, and \$2,000,000 is for rebate amounts as described under (a)(iii)(B) of this subsection.

(ii) To qualify for and use the rebate under this subsection, a person must be a resident of Washington state and purchase an e-bike and qualifying equipment and services, if any, from a qualifying retailer in this state. Qualifying equipment and services must be purchased as part of the same transaction as the e-bike.

(iii)(A) For persons who are at least 16 years of age and reside in households with incomes at or below 80 percent of the county area median income, the amount of the rebate is up to \$1,200 on the sale of an e-bike and any qualifying equipment and services.

(B) For all other persons who are at least 16 years of age, the amount of the rebate is up to \$300 on the sale of an e-bike and any qualifying equipment and services.

(C) No more than one rebate may be awarded per household.

(iv)(A) The department must establish application procedures for e-bike retailers to participate in the rebate program, and application and award procedures for applicants to participate in the program. If an applicant qualifies for a rebate amount and there is sufficient funds to award the applicant with the appropriate rebate amount, the department must provide the qualifying individual the rebate amount in a format that can be redeemed at the time of purchase at a qualifying retailer.

(B) An applicant must provide contact information, including a physical address, email address, and phone number, and demographic information, including the applicant's age, gender, race, and ethnicity, to the department on a form provided by the department at the time of applying for the rebate. The department may share or provide access to such information with the University of Washington to provide the University of Washington an opportunity to ask program applicants and recipients to fill out a survey collecting information only to the extent to inform its report described under (d) of this subsection.

(v) A qualifying retailer must register with the department before participating in the rebate program. A qualifying retailer must:

(A) Verify the identity of the qualifying individual at the time of purchase; and

(B) Calculate and apply the rebate at the time of purchase.

(vi) The department must reimburse a qualifying retailer that accepts a rebate from a qualifying individual no later than 30 days after the rebate is redeemed.

(vii) For purposes of this subsection (16)(a):

(A) "E-bike" means an electric assisted bicycle as defined in RCW 46.04.169, but does not include mountain bikes.

(B) "Qualifying equipment and services" means a bicycle helmet, safety vest, bicycle light, or bicycle lock, and any maintenance

or other services agreed upon by the qualifying retailer and qualifying individual at the time of purchase.

(C) "Qualifying retailer" means a retail business establishment with one or more physical retail locations in this state that provides on-site e-bike sales, service, and repair and has registered with the department to participate in the rebate program established under this subsection.

(b) For fiscal year 2025, \$2,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to establish an e-bike lending library and ownership grant program. The department may accept grant applications from other state entities, local governments, and tribes that administer or plan to administer an e-bike lending library or ownership program for their employees for commute trip reduction purposes. The department may also accept grant applications from nonprofit organizations or tribal governments that serve persons who are low-income or reside in overburdened communities and that administer or plan to administer an e-bike lending library or ownership program for qualifying persons. Grant recipients must report program information and participation data to the University of Washington to inform its report described under (d) of this subsection.

(c) It is the intent of the legislature that funding provided in (a) and (b) of this subsection continue to be appropriated in the 2025-2027 and 2027-2029 fiscal biennia.

(d) Of the amounts provided in this subsection (16), \$90,000 is for the department to contract with the University of Washington's sustainable transportation lab to publish a general policy brief that provides innovative e-bike rebate and lending library or ownership grant program models and recommendations, a report on survey results based on data and demographic information collected under the e-bike rebate program established in (a) of this subsection, and a report on program information and data collected under the e-bike lending library and ownership grant program established in (b) of this subsection. An initial brief and report must be submitted to the transportation committees of the legislature by July 1, 2024, with the final policy brief and report due to the transportation committees of the legislature by July 1, 2025.

(e) The department may not collect more than five percent of appropriated amounts to administer the programs under (a) and (b) of this subsection.

(17) \$21,098,000 of the freight mobility investment account—state appropriation and \$22,728,000 of the freight mobility multimodal account—state appropriation are provided solely for freight mobility strategic investment board projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(18) \$4,150,000 of the motor vehicle account—state appropriation is provided solely for matching funds for federal funds to reconstruct Grant county and Adams county

bridges as part of the Odessa groundwater replacement program (L1000322).

(19) \$9,240,000 of the connecting Washington account—state appropriation is provided solely for the Aberdeen US 12 Highway-Rail Separation project (L1000331).

(20) \$750,000 of the motor vehicle account—state appropriation is provided solely for the Grady Way overpass at Rainier Avenue South I-405 BRT Access study (L1000333).

(21) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this fiscal biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2023-2025 fiscal biennium in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Connecting Washington account—state, and move ahead WA account—state; and

(d) The office of financial management must provide notice of allotment modifications authorized under this subsection within 10 working days to the transportation committees of the legislature. By December 1, 2023, and December 1, 2024, the department must submit a report to the transportation committees of the legislature regarding the actions taken to date under this subsection.

**NEW SECTION. Sec. 311. ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

As part of its annual budget submittal, the department of transportation shall provide an update to the report provided to the legislature in the prior fiscal year in a manner consistent with past practices as specified in section 312, chapter 333, Laws of 2021.

**NEW SECTION. Sec. 312. QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees a report for all capital projects in a manner consistent with past practices as specified in section 313, chapter 186, Laws of 2022.

**NEW SECTION. Sec. 313. NOTIFICATION REQUIREMENTS FOR PAUSES AND CANCELLATIONS**

(1) The department of transportation shall notify the transportation committees of the legislature when it intends to pause for a significant length of time or not proceed with operating items or capital projects included as budget provisos or on project lists. When feasible, this notification shall be provided prior to the pause or cancellation and at least seven days in advance of any public announcement related to such a pause or cancellation.

(2) At the time of notification, the department shall provide an explanation for the reason or reasons for the pause or cancellation for each operating budget item and capital project. The explanation shall include specific reasons for each pause or cancellation, in addition to a statement of the broad rationale for the pause or cancellation.

(3) When feasible, the department shall make best efforts to keep the transportation committees of the legislature informed of an evaluation process underway for selecting operating budget items and capital projects to be paused or canceled, providing updates as its selection efforts proceed.

(4) When exigent circumstances prevent prior notice of a pause or cancellation from being provided to the transportation committees of the legislature, the department shall provide the information required under this section to the transportation committees of the legislature as soon as is practicable.

**NEW SECTION. Sec. 314. FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION—FUNDS MANAGEMENT**

As part of the department's 2024 supplemental and 2025-2027 biennial budget requests, the department shall also report on:

(1) The federal grant programs it has applied for; and

(2) The federal competitive grant programs it could have applied for but did not and the reason or reasons it did not apply.

(End of part)

**TRANSFERS AND DISTRIBUTIONS**

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Transportation Partnership Account—State	
Appropriation. . . . .	\$1,101,000
Connecting Washington Account—State	
Appropriation. . . . .	\$11,951,000
Special Category C Account—State	
Appropriation. . . . .	\$922,000
Highway Bond Retirement Account—State	
Appropriation. . . . .	\$1,470,291,000
Ferry Bond Retirement Account—State	
Appropriation. . . . .	\$4,616,000



Transportation Improvement Board Bond Retirement Account—State Appropriation. \$10,895,000  
 Nondebt-Limit Reimbursable Bond Retirement Account—State Appropriation. . . . . \$28,606,000  
 Toll Facility Bond Retirement Account—State Appropriation. . . . . \$76,372,000  
**TOTAL APPROPRIATION..... \$1,604,754,000**

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation Partnership Account—State Appropriation. . . . . \$220,000  
 Transportation Improvement Account—State Appropriation. . . . . \$20,000  
 Connecting Washington Account—State Appropriation. . . . . \$2,391,000  
 Special Category C Account—State Appropriation. . . . . \$183,000  
**TOTAL APPROPRIATION..... \$2,814,000**

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax statutory distributions to cities and counties. . . . . \$465,354,000  
 Multimodal Transportation Account—State Appropriation: For distribution to cities and counties. . . . . \$26,786,000  
 Motor Vehicle Account—State Appropriation: For distribution to cities and counties. \$23,438,000  
**TOTAL APPROPRIATION..... \$515,578,000**

**NEW SECTION. Sec. 404. FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and statutory transfers. . . . . \$1,969,182,000

**NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and transfers. \$246,480,000

**NEW SECTION. Sec. 406. FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

(1) (a) Pilotage Account—State Appropriation: For transfer to the Multimodal Transportation Account—State. . . . . \$200,000  
 (b) The amount transferred in this subsection represents partial repayment of prior biennium transfers to cover self-insurance liability premiums.  
 (2) Transportation Partnership Account—State Appropriation: For transfer to the Motor Vehicle Account—State. . . . . \$175,000,000

(3) Connecting Washington Account—State Appropriation: For transfer to the Move Ahead WA Account—State. . . . . \$200,000,000  
 (4) Electric Vehicle Account—State appropriation: For transfer to the Move Ahead WA Flexible Account—State. . . . . \$29,200,000  
 (5) Electric Vehicle Account—State Appropriation: For transfer to the Multimodal Transportation Account—State. . . . . \$23,330,000  
 (6) Washington State Aviation Account—State Appropriation: For transfer to the Aeronautics Account—State. . . . . \$150,000  
 (7) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Climate Active Transportation Account—State. . \$178,885,000  
 (8) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Climate Transit Programs Account—State. . . . . \$408,000,000  
 (9) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State. . . . . \$4,200,000  
 (10) Move Ahead WA Flexible Account—State Appropriation: For transfer to the Move Ahead WA Account—State. . . . . \$100,000,000  
 (11) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the Motor Vehicle Account—State. . . \$25,000,000  
 (12) Highway Safety Account—State Appropriation: For transfer to the State Patrol Highway Account—State. . . . . \$77,000,000  
 (13) (a) Transportation Partnership Account—State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State. . . . . \$6,611,000  
 (b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases. An equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.  
 (14) Motor Vehicle Account—State Appropriation: For transfer to the State Patrol Highway Account—State. . . . . \$1,500,000  
 (15) Motor Vehicle Account—State Appropriation: For transfer to the County Arterial Preservation Account—State. . . . . \$4,844,000  
 (16) Motor Vehicle Account—State Appropriation: For transfer to the Freight Mobility Investment

Account—State. . . . . \$8,511,000  
 (17) Motor Vehicle Account—State  
 Appropriation: For  
 transfer to the Rural Arterial Trust Account  
 —State. . . . . \$4,844,000  
 (18) Motor Vehicle Account—State  
 Appropriation:  
 For transfer to the Transportation  
 Improvement  
 Account—State. . . . . \$9,688,000  
 (19) (a) State Route Number 520 Civil  
 Penalties  
 Account—State Appropriation: For transfer to  
 the Motor  
 Vehicle Account—State. . . . . \$1,000,000  
 (b) The transfer in this subsection is to  
 repay moneys loaned to the state route  
 number 520 civil penalties account in the  
 2019-2021 fiscal biennium.  
 (20) State Route Number 520 Civil  
 Penalties  
 Account—State Appropriation: For transfer to  
 the  
 State Route Number 520 Corridor Account—  
 State. . . . . \$560,000  
 (21) (a) Capital Vessel Replacement  
 Account—State  
 Appropriation: For transfer to the  
 Connecting Washington  
 Account—State. . . . . \$29,000,000  
 (b) It is the intent of the legislature  
 that this transfer is temporary, for the  
 purpose of minimizing the use of bonding in  
 the connecting Washington account.  
 (22) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the Complete  
 Streets  
 Grant Program Account—State. . . \$14,670,000  
 (23) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the Highway  
 Safety  
 Account—State. . . . . \$3,000,000  
 (24) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the Motor  
 Vehicle  
 Account—State. . . . . \$15,000,000  
 (25) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the Freight  
 Mobility  
 Multimodal Account—State. . . . . \$8,511,000  
 (26) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the Move  
 Ahead WA Flexible  
 Account—State. . . . . \$11,790,000  
 (27) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the Puget  
 Sound Capital  
 Construction Account—State. . . \$175,000,000  
 (28) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the Puget  
 Sound  
 Ferry Operations Account—State. \$38,500,000  
 (29) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the Regional  
 Mobility  
 Grant Program Account—State. . . \$27,679,000

(30) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the Rural  
 Mobility  
 Grant Program Account—State. . . \$12,223,000  
 (31) Multimodal Transportation Account—  
 State  
 Appropriation: For transfer to the State  
 Patrol Highway  
 Account—State. . . . . \$59,000,000  
 (32) (a) Alaskan Way Viaduct Replacement  
 Project  
 Account—State Appropriation: For transfer to  
 the  
 Transportation Partnership Account—State. .  
 \$47,899,000  
 (b) \$22,899,000 of the amount transferred  
 in this subsection represents repayment of  
 debt service incurred for the construction  
 of the SR 99/Alaskan Way Viaduct Replacement  
 project (809936Z).  
 (33) Tacoma Narrows Toll Bridge Account—  
 State  
 Appropriation: For transfer to the Motor  
 Vehicle  
 Account—State. . . . . \$543,000  
 (34) (a) General Fund Account—State  
 Appropriation:  
 For transfer to the State Patrol Highway  
 Account—State. . . . . \$625,000  
 (b) The state treasurer shall transfer  
 the funds only after receiving notification  
 from the Washington state patrol under  
 section 207 of this act.  
 (35) Puget Sound Ferry Operations Account  
 —State  
 Appropriation: For transfer to the Puget  
 Sound Capital  
 Construction Account—State. . . \$121,828,000  
 (36) Move Ahead WA Account—State  
 Appropriation:  
 For transfer to the Puget Sound Ferry  
 Operations  
 Account—State. . . . . \$120,000,000

**NEW SECTION. Sec. 407. FOR THE STATE  
 TREASURER—BOND RETIREMENT AND INTEREST, AND  
 ONGOING BOND REGISTRATION AND TRANSFER  
 CHARGES: FOR DEBT TO BE PAID BY STATUTORILY  
 PRESCRIBED REVENUE**

Toll Facility Bond Retirement Account—  
 Federal  
 Appropriation. . . . . \$194,241,000  
 Toll Facility Bond Retirement Account—State  
 Appropriation. . . . . \$25,372,000  
**TOTAL APPROPRIATION. . . . . \$219,613,000**

The appropriations in this section are  
 subject to the following conditions and  
 limitations: \$35,250,000 of the toll  
 facility bond retirement account—federal  
 appropriation may be used to prepay certain  
 outstanding bonds if sufficient debt service  
 savings can be obtained.

(End of part)

**COMPENSATION**

**NEW SECTION. Sec. 501. COLLECTIVE  
 BARGAINING AGREEMENTS NOT IMPAIRED**

Nothing in this act prohibits the  
 expenditure of any funds by an agency or

institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

**NEW SECTION. Sec. 502. COLLECTIVE BARGAINING AGREEMENTS**

(1) In accordance with chapters 41.80, 41.56, and 47.64 RCW, agreements have been reached between the governor and organizations representing state employee bargaining units for the 2023-2025 fiscal biennium and funding is provided in this act for agreements and awards with the following organizations:

- (a) Washington federation of state employees, general government;
- (b) Washington public employees association, general government;
- (c) Professional and technical engineers, local 17;
- (d) The coalition of unions;
- (e) Washington state patrol troopers association;
- (f) Washington state patrol lieutenants and captains association;
- (g) Office and professional employees international union local 8;
- (h) Ferry agents, supervisors, and project administrators association;
- (i) Service employees international union local 6;
- (j) Pacific northwest regional council of carpenters;
- (k) Puget Sound metal trades council;
- (l) Marine engineers' beneficial association unlicensed engine room employees;
- (m) Marine engineers' beneficial association licensed engineer officers;
- (n) Marine engineers' beneficial association port engineers;
- (o) Masters, mates, and pilots - mates;
- (p) Masters, mates, and pilots - masters;
- (q) Masters, mates, and pilots - watch center supervisors; and
- (r) Inlandboatmen's union of the Pacific;

(2) Expenditures for agreements in this section may also be funded from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

**NEW SECTION. Sec. 503. COMPENSATION—INSURANCE BENEFITS**

(1)(a) An agreement was reached for the 2023-2025 fiscal biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies are sufficient to implement the provisions of the 2023-2025 collective bargaining agreement.

(b) Appropriations for state agencies in this act are sufficient for represented employees outside the coalition and for nonrepresented state employee health benefits.

(2) The appropriations for state agencies in this act for benefits provided by the public employees' benefits board are subject

to conditions and limitations as provided in the omnibus operating appropriations act.

**NEW SECTION. Sec. 504. GENERAL WAGE INCREASES AND LUMP SUM PAYMENTS**

(1)(a) Appropriations for state agency employee compensation in this act are sufficient to provide general wage increases to state agency employees and employees of institutions of higher education, who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(b) Appropriations for state agency employee compensation in this act are sufficient to provide a retention lump sum payment and a lump sum COVID-19 booster incentive to state agency employees who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(2) Funding is provided for a four percent general wage increase effective July 1, 2023, for all classified employees as specified in subsection (1)(a) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a four percent salary increase effective July 1, 2023, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) Funding is provided for a three percent general wage increase effective July 1, 2024, for all classified employees as specified in subsection (1)(a) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a three percent salary increase effective July 1, 2024, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4) Funding is provided for a retention lump sum payment of \$1,000 for all employees as specified in subsection (1)(b) of this section who were employed on or before July 1, 2022, and continuously employed through July 1, 2023.

(5) Funding is provided for a COVID-19 booster incentive payment of \$1,000 for all employees as specified in subsection (1)(b) of this section who provide verification, beginning January 1, 2023, through December 31, 2023, that they are up-to-date with the COVID-19 vaccine booster.

**NEW SECTION. Sec. 505. COMPENSATION—PENSION CONTRIBUTIONS**

Appropriations in this act for state agencies are adjusted to reflect pension contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board and as otherwise

provided in the omnibus operating appropriations act.

(End of part)

**IMPLEMENTING PROVISIONS**

**NEW SECTION. Sec. 601. MANAGEMENT OF TRANSPORTATION FUNDS WHEN THE LEGISLATURE IS NOT IN SESSION**

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document 2023-1 as developed April 21, 2023, which consists of a list of specific projects by fund source and amount over multiple biennia. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a 16-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2023-2025 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers to a project may not occur if that project is a programmatic funding item described in broad general terms on the applicable project list without referencing a specific state route number;

(f) Transfers may not be made while the legislature is in session;

(g) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(h) Except for transfers made under (1) of this subsection, transfers may only be made in fiscal year 2024;

(i) The total amount of transfers under this section may not exceed \$50,000,000;

(j) Except as otherwise provided in (1) of this subsection, transfers made to a single project may not cumulatively total more than \$20,000,000 per fiscal biennium;

(k) Each transfer between projects may only occur if the director of the office of

financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature; and

(1) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount to a single project does not exceed \$250,000 or 10 percent of the total project per fiscal biennium, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section, including any effects to the total project budgets and schedules beyond the current fiscal biennium.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and address any concerns raised by the chairs and ranking members of the transportation committees.

(5) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section, including any effects to the total project budgets and schedules beyond the current fiscal biennium.

**NEW SECTION. Sec. 602. BOND REIMBURSEMENT**

To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, state route number 520 corridor account, connecting Washington account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the

legislature declares that any such expenditures made before the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

**NEW SECTION. Sec. 603. BELATED CLAIMS**

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 604. REAPPROPRIATIONS REPORTING**

(1) As part of its 2024 supplemental budget submittal, the department of transportation shall provide a report to the legislature and the office of financial management that:

(a) Identifies, by capital project, the amount of state funding that has been reappropriated from the 2021-2023 fiscal biennium into the 2023-2025 fiscal biennium; and

(b) Identifies, for each project, the amount of cost savings or increases in funding that have been identified as compared to the 2021 enacted omnibus transportation appropriations act.

(2) As part of the agency request for capital programs, the department shall load reappropriations separately from funds that were assumed to be required for the 2023-2025 fiscal biennium into budgeting systems.

**NEW SECTION. Sec. 605. WEBSITE REPORTING REQUIREMENTS**

The department of transportation shall post on its website every report that is due from the department to the legislature during the 2023-2025 fiscal biennium on one web page in a manner consistent with past practices as specified in section 605, chapter 333, Laws of 2021.

**NEW SECTION. Sec. 606. TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING**

By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, in a manner consistent with past practices as specified in section 602, chapter 186, Laws of 2022.

**NEW SECTION. Sec. 607. PROJECT SCOPE CHANGES**

(1) During the 2023-2025 fiscal biennium, while the legislature is not in session, the director of the office of financial management may approve project scope change requests to connecting Washington projects and move ahead WA projects in the highway

improvements program, provided that the requests meet the criteria outlined in RCW 47.01.480 if a connecting Washington project, and are subject to the limitations in this section.

(2) At the time the department of transportation submits a request for a project scope change under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(3) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested project scope changes.

(4) No fewer than 10 days after the receipt of a scope change request, the director of the office of financial management must provide written notification to the department of any decision regarding project scope changes, with copies submitted to the transportation committees of the legislature.

(5) As part of its annual budget submittal, the department of transportation must report on all approved scope change requests from the prior year, including a comparison of the scope before and after the requested change.

**NEW SECTION. Sec. 608. TOLL CREDITS**

The department of transportation may provide up to \$5,000,000 in toll credits to Kitsap transit for its role in delivering capital projects related to Kitsap transit public transportation services including, but not limited to, ferry service. The number of toll credits provided must be equal to, but no more than, the number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but must not exceed the amount authorized in this section.

**NEW SECTION. Sec. 609. LOCAL PARTNER COOPERATIVE AGREEMENTS**

(1) If a transportation project, where the Washington state department of transportation is the lead and the project is scheduled to be delivered or completed in the 2023-2025 fiscal biennium as shown on the LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, is in jeopardy of being delayed because the department is unable to deliver or complete the project within the 2023-2025 fiscal biennium and other local jurisdictions are able to deliver or complete the work, the department must coordinate with the appropriate local jurisdictions to determine if a potential local partner is ready, willing, and able to execute delivery and completion of the project within the 2023-2025 fiscal biennium.

(2) The department must compile a list of projects under this section, including the timing under which the local partner agency can deliver or complete the projects within the 2023-2025 and 2025-2027 fiscal biennia. The department must submit the compiled list of projects to the governor and the

transportation committees of the legislature by November 1, 2023.

(End of part)

**MISCELLANEOUS 2023-2025 FISCAL BIENNIUM**

**NEW SECTION. Sec. 701. INFORMATION TECHNOLOGY OVERSIGHT**

The following transportation projects are subject to the conditions, limitations, and review provided in section 701(2) through (12), chapter . . . (Engrossed Substitute Senate Bill No. 5187), Laws of 2023 (omnibus operating appropriations act):

(1) For the Washington state patrol: Aerial criminal investigation tools;

(2) For the department of licensing: Website accessibility and usability, and to upgrade and improve prorated and fuel tax system; and

(3) For the department of transportation: Linear referencing system (LRS) and highway performance monitoring system (HPMS) replacement, transportation reporting and accounting information system (TRAINS) upgrade and PROPEL - WSDOT support of one Washington, and capital systems replacement.

**NEW SECTION. Sec. 702. DEVELOPMENT OF CLIMATE COMMITMENT ACT EVALUATION TOOLS**

The department of transportation shall cooperate and provide assistance, as requested, in the joint transportation committee's development of program delivery evaluation tools and methodologies provided under section 204 of this act for programs, projects, and other activities that receive funding from the carbon emissions reduction account.

**Sec. 703.** RCW 43.19.642 and 2021 c 333 s 703 are each amended to read as follows:

(1) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(2) Except as provided in subsection (5) of this section, effective June 1, 2009, state agencies are required to use a minimum of ~~((twenty))~~ 20 percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2016, file annual reports with the department of enterprise services documenting the use of the fuel and a description of how any problems encountered were resolved.

(4) By December 1, 2009, the department of enterprise services shall:

(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and

(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

(5) During the ~~((2019-2021—and))~~ 2021-2023 and 2023-2025 fiscal biennia, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels, as long as the price of a B5 or B10 biodiesel blend does not exceed the price of conventional diesel fuel by five percent or more.

**Sec. 704.** RCW 46.20.745 and 2021 c 333 s 704 are each amended to read as follows:

(1) The ignition interlock device revolving account program is created within the department to assist in covering the monetary costs of installing, removing, and leasing an ignition interlock device, and applicable licensing, for indigent persons who are required under RCW 46.20.385, 46.20.720, and 46.61.5055 to install an ignition interlock device in all vehicles owned or operated by the person. For purposes of this subsection, "indigent" has the same meaning as in RCW 10.101.010, as determined by the department. During the ~~((2019-2021—and))~~ 2021-2023 and 2023-2025 fiscal biennia, the ignition interlock device revolving account program also includes ignition interlock enforcement work conducted by the Washington state patrol.

(2) A pilot program is created within the ignition interlock device revolving account program for the purpose of monitoring compliance by persons required to use ignition interlock devices and by ignition interlock companies and vendors.

(3) The department, the state patrol, and the Washington traffic safety commission shall coordinate to establish a compliance pilot program that will target at least one county from eastern Washington and one county from western Washington, as determined by the department, state patrol, and Washington traffic safety commission.

(4) At a minimum, the compliance pilot program shall:

(a) Review the number of ignition interlock devices that are required to be installed in the targeted county and the number of ignition interlock devices actually installed;

(b) Work to identify those persons who are not complying with ignition interlock requirements or are repeatedly violating ignition interlock requirements; and

(c) Identify ways to track compliance and reduce noncompliance.

(5) As part of monitoring compliance, the Washington traffic safety commission shall also track recidivism for violations of RCW 46.61.502 and 46.61.504 by persons required to have an ignition interlock driver's license under RCW 46.20.385 and 46.20.720.

**Sec. 705.** RCW 46.68.060 and 2022 c 182 s 434 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which must be deposited all moneys directed by law to be deposited therein. This fund must be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010, chapters 46.72 and 46.72A RCW, and RCW 47.04.410. ~~((During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the highway safety fund to the Puget Sound ferry operations account, the motor vehicle fund, and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund.))~~ During the ~~((2017-2019, 2019-2021, and))~~ 2021-2023 ~~and 2023-2025~~ fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the highway safety fund to the multimodal transportation account and the state patrol highway account.

**Sec. 706.** RCW 46.68.063 and 2021 c 333 s 714 are each amended to read as follows:

The department of licensing technology improvement and data management account is created in the highway safety ~~((fund))~~ account. All receipts from fees collected under RCW 46.12.630(5) must be deposited into the account. Expenditures from the account may be used only for investments in technology and data management at the department. During the ~~((2019-2021 and))~~ 2021-2023 ~~and 2023-2025~~ fiscal biennia, the account may also be used for responding to public records requests. Moneys in the account may be spent only after appropriation.

**Sec. 707.** RCW 46.68.290 and 2022 c 157 s 16 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the motor vehicle ~~((fund))~~ account. 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))~~ 30 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.~~

~~((12))~~ During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the transportation partnership account to ~~((the connecting Washington account,))~~ the motor vehicle ~~((fund,))~~ account and the Tacoma Narrows toll bridge account ~~((, and the capital vessel replacement account)).~~

**Sec. 708.** RCW 46.68.300 and 2021 c 333 s 711 are each amended to read as follows:

The freight mobility investment account is hereby created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for freight mobility projects that have been approved by the freight mobility strategic investment board in RCW 47.06A.020 and may include any principal and interest on bonds authorized for the projects or improvements. During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the expenditures from the account may also be used for the administrative expenses of the freight mobility strategic investment board.

**Sec. 709.** RCW 46.68.370 and 2021 c 333 s 710 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.17.015 must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the license plate technology account to the highway safety fund such amounts as reflect the excess fund balance of the license plate technology account. During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025



fiscal biennia, the account may also be used for the maintenance of recently modernized information technology systems for vehicle registrations.

**Sec. 710.** RCW 46.68.395 and 2020 c 219 s 707 are each amended to read as follows:

(1) The connecting Washington account is created in the motor vehicle ~~((fund))~~ account. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as connecting Washington projects or improvements in a transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) Moneys in the connecting Washington account may not be expended on the state route number 99 Alaskan Way viaduct replacement project.

(3) During the ~~((2019-2021))~~ 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the connecting Washington account to the ~~((motor vehicle fund))~~ move ahead WA account.

**Sec. 711.** RCW 46.68.490 and 2022 c 182 s 102 are each amended to read as follows:

(1) The climate active transportation account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the following active transportation grant programs: Safe routes to schools, school-based bike program, bicycle and pedestrian grant program, complete streets grants program, and connecting communities grant program, as well as pedestrian and bicycle or other active transportation projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2023, the state treasurer shall annually transfer 24 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate active transportation account. This subsection does not apply during the 2023-2025 fiscal biennium.

**Sec. 712.** RCW 46.68.500 and 2022 c 182 s 103 are each amended to read as follows:

(1) The climate transit programs account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the following transit grant programs: Transit support grant program, tribal transit mobility grants, transit coordination grants, special needs transit grants, bus and bus facility grant program, green transit grants, and transportation demand management grants, as well as transit projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2023, the state treasurer shall annually transfer 56 percent of the revenues accruing annually to the

carbon emissions reduction account created in RCW 70A.65.240 to the climate transit programs account. This subsection does not apply during the 2023-2025 fiscal biennium.

**Sec. 713.** RCW 47.56.876 and 2022 c 157 s 17 are each amended to read as follows:

(1) A special account to be known as the state route number 520 civil penalties account is created in the state treasury. All state route number 520 bridge replacement and HOV program civil penalties generated from the nonpayment of tolls on the state route number 520 corridor must be deposited into the account, as provided under RCW 47.56.870(4)(b)(vii). Moneys in the account may be spent only after appropriation. Expenditures from the account must be used to fund legal obligations associated with bonds and loans associated with the construction and operation of state route number 520 under circumstances where the toll revenue collections at the time are not sufficient to fully cover such legal obligations, and then may be used to fund any project within the state route number 520 bridge replacement and HOV program, including mitigation. The legislature may direct the state treasurer to make transfers of moneys in the state route number 520 civil penalties account to the state route number 520 corridor account. During the 2021-2023 and 2023-2025 fiscal ~~((biennium))~~ biennia, the legislature may direct the state treasurer to transfer moneys in the state route number 520 civil penalties account to the motor vehicle account.

(2) For purposes of this section, "legal obligations associated with bonds and loans" includes, but is not limited to, debt service and all other activities necessary to comply with financial covenants associated with state route number 520, costs associated with the civil penalties program, and operation and maintenance costs.

**Sec. 714.** RCW 47.60.315 and 2021 c 333 s 716 are each amended to read as follows:

(1) The commission shall adopt fares and pricing policies by rule, under chapter 34.05 RCW, according to the following schedule:

(a) Each year the department shall provide the commission a report of its review of fares and pricing policies, with recommendations for the revision of fares and pricing policies for the ensuing year;

(b) By September 1st of each year, beginning in 2008, the commission shall adopt by rule fares and pricing policies for the ensuing year.

(2) The commission may adopt by rule fares that are effective for more or less than one year for the purposes of transitioning to the fare schedule in subsection (1) of this section.

(3) The commission may increase ferry fares included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

(4) The chief executive officer of the ferry system may authorize the use of promotional, discounted, and special event

fares to the general public and commercial enterprises for the purpose of maximizing capacity use and the revenues collected by the ferry system. The department shall report to the commission a summary of the promotional, discounted, and special event fares offered during each fiscal year and the financial results from these activities.

(5) Fare revenues and other revenues deposited in the Puget Sound ferry operations account created in RCW 47.60.530 may not be used to support the Puget Sound capital construction account created in RCW 47.60.505, unless the support for capital is separately identified in the fare or except as provided in section 715, chapter 333, Laws of 2021 during the 2021-2023 biennium and section 716, chapter . . ., Laws of 2023 (this act) during the 2023-2025 fiscal biennium.

(6) The commission may not raise fares until the fare rules contain pricing policies developed under RCW 47.60.290, or September 1, 2009, whichever is later.

(7) The commission shall impose a vessel replacement surcharge of ~~((twenty-five))~~ 25 cents on every one-way and round-trip ferry fare sold, including multiride and monthly pass fares. This surcharge must be clearly indicated to ferry passengers and drivers and, if possible, on the fare media itself.

(8) Except as provided in subsection (10) of this section, beginning May 1, 2020, the commission shall impose an additional vessel replacement surcharge in an amount sufficient to fund ~~((twenty-five))~~ 25 year debt service on one 144-auto hybrid vessel taking into account funds provided in chapter 417, Laws of 2019 or chapter . . . (SSB 5419), Laws of 2019. The department of transportation shall provide to the commission vessel and debt service cost estimates. Information on vessels constructed or purchased with revenue from the surcharges must be publicly posted including, but not limited to, the commission website.

(9) The vessel replacement surcharges imposed in this section may only be used for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of new ferry vessels.

(10) The commission shall not impose the additional vessel replacement surcharge in subsection (8) of this section if doing so would increase fares by more than ~~((ten))~~ 10 percent.

(11) For the 2023-2025 fiscal biennium, any ferry fuel surcharge imposed by the commission may not go into effect until after the ensuing regular legislative session. If a fuel surcharge is imposed as provided under this subsection, the commission must reevaluate the need for the surcharge on at least a quarterly basis to determine if the surcharge is still needed to cover increased fuel costs, and revoke the surcharge if the determination is that the surcharge is no longer needed for this purpose.

**Sec. 715.** RCW 47.60.322 and 2021 c 333 s 712 are each amended to read as follows:

(1) The capital vessel replacement account is created in the motor vehicle ~~((fund))~~ account. All revenues generated from the vessel replacement surcharge under RCW 47.60.315(7) and service fees collected by the department of licensing or county auditor or other agent appointed by the director under RCW 46.17.040, 46.17.050, and 46.17.060 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of ferry vessels. However, expenditures from the account must first be used to support the construction or purchase, including any applicable financing costs, of a ferry vessel with a carrying capacity of at least one hundred forty-four cars.

(2) The state treasurer may transfer moneys from the capital vessel replacement account to the transportation 2003 account (nickel account) for debt service on bonds issued for the construction of 144-car class ferry vessels.

(3) The legislature may transfer from the capital vessel replacement account to the connecting Washington account created under RCW 46.68.395 such amounts as reflect the excess fund balance of the capital vessel replacement account to be used for ferry terminal construction and preservation.

(4) ~~During the ((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the capital vessel replacement account to the transportation partnership account and the connecting Washington account.

**Sec. 716.** RCW 47.60.530 and 2021 c 333 s 715 are each amended to read as follows:

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

(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.~~

~~(6) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the Puget Sound ferry operations account to the connecting Washington account.~~

(7)) During the 2021-2023 and 2023-2025 fiscal ((biennium))biennia, the legislature may direct the state treasurer to make transfers of moneys in the Puget Sound ferry operations account to the Puget Sound capital construction account.

Sec. 717. RCW 47.66.120 and 2022 c 182 s 439 are each amended to read as follows:

(1) (a) The department's public transportation division shall establish a green transportation capital grant program. The purpose of the grant program is to aid any transit authority in funding cost-effective capital projects to reduce the carbon intensity of the Washington transportation system, examples of which include: Electrification of vehicle fleets, including battery and fuel cell electric vehicles; modification or replacement of capital facilities in order to facilitate fleet electrification and/or hydrogen refueling; necessary upgrades to electrical transmission and distribution systems; and construction of charging and fueling stations. The department's public transportation division shall identify projects and shall submit a prioritized list of all projects requesting funding to the legislature by December 1st of each even-numbered year.

(b) The department's public transportation division shall select projects based on a competitive process that considers the following criteria:

(i) The cost-effectiveness of the reductions in carbon emissions provided by the project; and

(ii) The benefit provided to transitioning the entire state to a transportation system with lower carbon intensity.

(c) During the 2023-2025 fiscal biennium, the department must incorporate principles into the grant selection process with the goal of increasing the distribution of funding to communities based on addressing environmental harms and providing environmental benefits for overburdened communities, as defined in RCW 70A.02.010, and vulnerable populations.

(2) The department's public transportation division must establish an advisory committee to assist in identifying projects under subsection (1) of this section. The advisory committee must include representatives from the department of ecology, the department of commerce, the utilities and transportation commission, and at least one transit authority.

(3) In order to receive green transportation capital grant program funding for a project, a transit authority must provide matching funding for that project that is at least equal to ((twenty))20 percent of the total cost of the project.

(4) The department's public transportation division must report annually to the transportation committees of the legislature on the status of any grant projects funded by the program created under this section.

(5) For purposes of this section, "transit authority" means a city transit system under RCW 35.58.2721 or chapter

35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, a regional transit authority under chapter 81.112 RCW, or any special purpose district formed to operate a public transportation system.

(6) During the 2021-2023 fiscal biennium, the department may provide up to 20 percent of the total green transportation capital grant program funding for zero emissions capital transition planning projects. During the 2023-2025 fiscal biennium, the department may provide up to 10 percent of the total green transportation capital grant program funding for zero emissions capital transition planning projects.

Sec. 718. RCW 82.44.200 and 2022 c 187 s 501 are each amended to read as follows:

The electric vehicle account is created in the transportation infrastructure account. Proceeds from the principal and interest payments made on loans from the account must be deposited into the account. Expenditures from the account may be used only for the purposes specified in RCW 47.04.350, 82.08.9999, and 82.12.9999, and the support of other transportation electrification and alternative fuel related purposes, including RCW 47.01.520. Moneys in the account may be spent only after appropriation. During the 2021-2023 and 2023-2025 fiscal ((biennium))biennia, the legislature may direct the state treasurer to make transfers of moneys in the electric vehicle account to the move ahead WA flexible account and multimodal transportation account.

(End of part)

**2021-2023 FISCAL BIENNIUM  
TRANSPORTATION AGENCIES—OPERATING**

Sec. 801. 2022 c 186 s 205 (unmodified) is amended to read as follows:

**FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account—State Appropriation.	
\$3,804,000	
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation.	
\$127,000	
State Route Number 520 Corridor Account—State	
Appropriation. . . . .	\$276,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation. . . . .	\$180,000
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation. . . . .	\$172,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$4,559,000</b>

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

(1) (a) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall periodically

report to the steering committee with updates on activities undertaken in accordance with the federal grant awarded July 2020 ("Forward Drive"). A year-end update on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2022, and by January 1, 2023. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(b) The commission shall coordinate with the department of transportation to jointly seek federal funds available through the federal strategic innovations in revenue collection grant program, applying toll credits for meeting match requirements. One or more grant applications may be developed that, at a minimum, propose to:

(i) Assess the impact of a road usage charge, incentives, and other factors on consumer purchase of electric vehicles and conduct a test with drivers to fully assess impacts;

(ii) Assess delivery vehicle fleets and how a road usage charge may be applied, identifying potential impacts to fleet operations and costs, and state transportation revenues, and conducting a pilot test to further inform the identification of potential impacts from a road usage charge;

(iii) Review the process for changing vehicle ownership and determine the considerations and possible implications with a road usage charge system, identifying the processes and structure needed for reconciling a road usage charge owed between sellers and purchasers of used vehicles; and

(iv) Identify opportunities for achieving large-scale data integration to support road usage charge service provisions that could be offered by private-sector service providers, conducting a pilot test to determine the ability of such service providers to support automated mileage reporting and periodic payment services.

(2) \$127,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$276,000 of the state route number 520 corridor account—state appropriation, \$180,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$172,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(3) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the commission to conduct a full planning-level traffic and revenue study of the Hood River Bridge to determine the viability of toll revenues to support future financing of improvements and possible replacement of the bridge, considering prior work and studies conducted. The commission shall coordinate this work with the

department of transportation, the Port of Hood River, the Oregon department of transportation, and other entities as needed. The results of the assessment must be submitted to the house and senate transportation committees by June 30, 2023.

(4) Within the parameters established by RCW 47.56.880, the commission shall review toll revenue performance on the Interstate 405 and state route number 167 corridor and adjust Interstate 405 tolls as appropriate to increase toll revenue to provide sufficient funds for payments of future debt pursuant to RCW 47.10.896 and to support improvements to the corridor. The commission may consider adjusting maximum toll rates, minimum toll rates, time-of-day rates, restricting direct access ramps to transit and HOV vehicles only, or any combination thereof, in setting tolls to increase toll revenue.

**Sec. 802.** 2022 c 186 s 206 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State  
Appropriation. . . . . ((\$843,000))  
\$895,000

The appropriations in this section are subject to the following conditions and limitations: Within appropriated funds, the freight mobility strategic investment board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2022 annual report to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

**Sec. 803.** 2022 c 186 s 207 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State  
Appropriation. . . . . ((\$524,348,000))  
\$523,903,000

State Patrol Highway Account—Federal  
Appropriation. . . . . ((\$16,433,000))  
\$19,578,000

State Patrol Highway Account—Private/Local  
Appropriation. . . . . \$4,314,000

Highway Safety Account—State Appropriation.  
\$1,292,000

Ignition Interlock Device Revolving Account—  
State  
Appropriation. . . . . \$2,243,000

Multimodal Transportation Account—State  
Appropriation. . . . . \$293,000

State Route Number 520 Corridor Account—  
State  
Appropriation. . . . . \$433,000

Tacoma Narrows Toll Bridge Account—State  
Appropriation. . . . . \$77,000

I-405 and SR 167 Express Toll Lanes Account—  
State  
Appropriation. . . . . \$1,348,000

**TOTAL APPROPRIATION. . . . . (\$550,781,000))**  
**\$553,481,000**

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

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2021, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since January 1, 2021, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since January 1, 2021, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406, chapter 333, Laws of 2021.

(3) \$4,000,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2023.

(4) By December 1st of each year during the 2021-2023 biennium, the Washington state patrol must report to the house and senate transportation committees on the status of recruitment and retention activities as follows:

(a) A summary of recruitment and retention strategies;

(b) The number of transportation funded staff vacancies by major category;

(c) The number of applicants for each of the positions by these categories;

(d) The composition of workforce;

(e) Other relevant outcome measures with comparative information with recent comparable months in prior years; and

(f) Activities related to the implementation of the agency's workforce diversity plan, including short-term and long-term, specific comprehensive outreach and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(5) \$493,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification, and is subject to the conditions, limitations, and review requirements of section 701, chapter 333, Laws of 2021.

(6) (~~(\$6,422,000)~~) \$4,353,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities. Beginning January 1, 2022, the Washington state patrol must report semiannually to the office of the state chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the state chief information officer, this report shall be transmitted to the office of financial management and the house and senate transportation committees.

(7) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(8) \$1,348,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$433,000 of the state route number 520 corridor account—state appropriation, and \$77,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(9) \$289,000 of the state patrol highway account—state appropriation is provided solely for the replacement of 911 workstations.

(10) \$35,000 of the state patrol highway account—state appropriation is provided solely for the replacement of bomb response equipment.

(11) \$713,000 of the state patrol highway account—state appropriation is provided solely for information technology infrastructure maintenance.

(12) The Washington state patrol must provide a report to the office of financial management and the house and senate transportation committees on its plan for implementing a transition to cloud computing and storage with its 2023-2025 budget submittal.

(13) \$945,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 329, Laws of 2021 (custodial interrogations).

(14) \$46,000 of the state patrol highway account—state appropriation is provided

solely for implementation of chapter 320, Laws of 2021 (peace officer tactics).

(15) \$46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 324, Laws of 2021 (use of force by officers).

(16)(a) The legislature finds that the water connection extension constructed by the Washington state patrol from the city of Shelton's water facilities to the Washington state patrol academy was necessary to meet the water supply needs of the academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington state patrol's ongoing use of the water connection extension.

(b) \$2,220,000 of the transfer from the waste tire removal account to the motor vehicle ((fund))account, as required under RCW 70A.205.425, reimburses the motor vehicle ((fund))account for the portion of the water project costs assigned by the agreement to properties, other than the Washington state patrol academy, that make use of the water connection while the agreement remains in effect. This reimbursement to the motor vehicle ((fund))account is intended to address any possibility that the termination of this agreement could be determined to result in the unconstitutional use of 18th amendment designated funds for nonhighway purposes under the constitution of the state of Washington; however, this transfer is not intended to indicate that the incidental use of this infrastructure by these properties necessarily requires such reimbursement under the state Constitution. Immediately following the transfer of funds, Washington state patrol and the city of Shelton shall meet to formally update the terms of their "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" executed on June 12, 2017, to reflect the intent of the proviso.

(17) The appropriations in this section provide sufficient funding for state patrol staffing assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the 2023 supplemental budget to restore funding as authorized staffing levels are achieved.

(18) \$331,000 of the state patrol highway account—state appropriation is provided solely for the state patrol's diversity, equity, and inclusion program and a contract with an external psychologist to perform exams. If chapter 146, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(19) \$793,000 of the state patrol highway account—state appropriation is provided solely for the tenant improvements and higher than expected equipment costs for the toxicology lab in Federal Way, and preparing a report on the current cost recovery mechanisms and opportunities for expanding these cost recovery mechanisms in the future. The report must be submitted to the

governor and the transportation committees of the legislature by November 1, 2022.

(20) \$14,788,000 of the state patrol highway account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of commissioned and noncommissioned staff vacancies. Potential uses of the funding include, but are not limited to, the following: Operating a miniacademy and training opportunities for lateral transfers from other agencies; increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the state patrol must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection. The report must also include a description of the miniacademy training, including the number of lateral transfers that entered the training, the number which completed training, the cost of the miniacademy, and a comparison of how the training was different from a conventional academy class.

(21) \$122,000 of the state patrol highway account—state appropriation, \$1,000 of the highway safety account—state appropriation, and \$4,000 of the ignition interlock account—state appropriation are provided solely for implementation of chapter . . . (House Bill No. 1804), Laws of 2022 (interruptive military service credit for members of the state retirement systems). If chapter . . . (House Bill No. 1804), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(22) \$250,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 80, Laws of 2022 (peace officers/use of force). If chapter 80, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(23) \$949,000 of the state patrol highway account—state is provided solely for vehicle identification number inspection staff to reduce the backlog of inspections and a study of how to incorporate best practices into the program, including the timeliness of inspections.

(24) \$595,000 of the state patrol highway account—state appropriation is provided solely for legal expenses associated with McClain v. Washington State Patrol.

**Sec. 804.** 2022 c 186 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**  
Department of Licensing Technology Improvement and  
Data Management Account—State

<u>Appropriation. . . . .</u>	<u>\$874,000</u>
Marine Fuel Tax Refund Account—State	
Appropriation. . . . .	\$34,000
Motorcycle Safety Education Account—State	
Appropriation. . . . .	\$5,016,000
Limited Fish and Wildlife Account—State	
Appropriation. . . . .	\$922,000

Highway Safety Account—State Appropriation. (( <del>\$242,712,000</del> ))	<u>\$241,996,000</u>
Highway Safety Account—Federal Appropriation	\$1,294,000
Motor Vehicle Account—State Appropriation. (( <del>\$80,449,000</del> ))	<u>\$79,969,000</u>
Motor Vehicle Account—Federal Appropriation	\$400,000
Motor Vehicle Account—Private/Local Appropriation. . . . .	\$1,336,000
Ignition Interlock Device Revolving Account— State Appropriation. . . . .	\$6,123,000
Department of Licensing Services Account— State Appropriation. . . . .	(( <del>\$7,964,000</del> )) <u>\$7,916,000</u>
License Plate Technology Account—State Appropriation	(( <del>\$4,092,000</del> )) <u>\$4,068,000</u>
Abandoned Recreational Vehicle <u>Disposal</u> Account—	
State Appropriation. . . . .	\$3,078,000
Limousine Carriers Account—State Appropriation. . . . .	\$110,000
Electric Vehicle Account—State Appropriation	\$425,000
(DOL Technology Improvement & Data Management Account—State Appropriation—	(( <del>\$874,000</del> ))
Agency Financial Transaction Account—State Appropriation. . . . .	(( <del>\$22,257,000</del> )) <u>\$21,360,000</u>
<u>Move Ahead WA Flexible Account—State</u> <u>Appropriation. . . . .</u>	<u>\$1,260,000</u>
<b>TOTAL APPROPRIATION. . . . .</b>	<b><del>(\$377,086,000)</del> <u>\$376,181,000</u></b>

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

(1) \$1,100,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(2) The appropriations in this section assume implementation by the department of cost recovery mechanisms to recoup at least \$21,257,000 during the 2021-2023 biennium in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(3) (a) For the 2021-2023 biennium, the department shall charge \$1,336,000 for the administration and collection of a motor vehicle excise tax on behalf of a regional transit authority, as authorized under RCW 82.44.135. The amount in this subsection

must be deducted before distributing any revenues to a regional transit authority.

(b) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to work with the regional transit authority imposing a motor vehicle excise tax pursuant to RCW 81.104.160 and transportation benefit districts imposing vehicle fees pursuant to RCW 82.80.140, and other relevant parties, to determine cost recovery options for the administration and collection of the taxes and fees. The options must include:

(i) Full cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;

(ii) Marginal cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;

(iii) The estimated costs if the regional transit authority or transportation benefit districts had to contract out the entire collection and administrative activity with a nongovernmental entity.

(4) \$12,000 of the motorcycle safety education account—state appropriation, \$2,000 of the limited fish and wildlife account—state appropriation, \$728,000 of the highway safety account—state appropriation, \$238,000 of the motor vehicle account—state appropriation, \$10,000 of the ignition interlock device revolving account—state appropriation, and \$10,000 of the department of licensing services account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701, chapter 333, Laws of 2021.

(5) \$28,636,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

(6) \$500,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material

that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally responsive fashion.

(7) \$523,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 158, Laws of 2021 (DOL issued documents).

(8) \$929,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 240, Laws of 2021 (suspension of licenses for traffic infractions).

(9) \$23,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 10, Laws of 2021 (restoring voter eligibility after felony conviction).

(10) \$3,074,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(11)(a) \$54,000 of the motor vehicle account—state appropriation is provided solely for the issuance of nonemergency medical transportation vehicle decals to implement the high occupancy vehicle lane access pilot program established in section 216, chapter 333, Laws of 2021. A for hire nonemergency medical transportation vehicle is a vehicle that is a "for hire vehicle" under RCW 46.04.190 that provides nonemergency medical transportation, including for life-sustaining transportation purposes, to meet the medical transportation needs of individuals traveling to medical practices and clinics, cancer centers, dialysis facilities, hospitals, and other care providers.

(b) As part of this pilot program, the owner of a for hire nonemergency medical transportation vehicle may apply to the department, county auditor or other agent, or subagent appointed by the director, for a high occupancy vehicle exempt decal for a for hire nonemergency medical transportation vehicle. The high occupancy vehicle exempt decal allows the for hire nonemergency medical transportation vehicle to use a high occupancy vehicle lane as specified in RCW 46.61.165 and 47.52.025 during the 2021-2023 fiscal biennium.

(c) For the exemption in this subsection to apply to a for hire nonemergency medical transportation vehicle, the decal:

(i) Must be displayed on the vehicle so that it is clearly visible from outside the vehicle;

(ii) Must identify that the vehicle is exempt from the high occupancy vehicle requirements; and

(iii) Must be visible from the rear of the vehicle.

(d) The owner of a for hire nonemergency medical transportation vehicle or the owner's representative must apply for a high occupancy vehicle exempt decal on a form provided or approved by the department. The application must include:

(i) The name and address of the person who is the owner of the vehicle;

(ii) A full description of the vehicle, including its make, model, year, and the vehicle identification number;

(iii) The purpose for which the vehicle is principally used;

(iv) An attestation signed by the vehicle's owner or the owner's representative that the vehicle's owner has a minimum of one contract or service agreement to provide for hire transportation services for medical purposes with one or more of the following entities: A health insurance company; a hospital, clinic, dialysis center, or other medical institution; a day care center, retirement home, or group home; a federal, state, or local agency or jurisdiction; or a broker who negotiates these services on behalf of one or more of these entities; and

(v) Other information as required by the department upon application.

(e) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under (f) of this subsection when issuing a high occupancy vehicle exempt decal.

(f) The department, county auditor or other agent, or subagent, is required to collect a \$5 fee when issuing a decal under this subsection, in addition to any other fees and taxes required by law.

(g) A high occupancy vehicle exempt decal expires June 30, 2023, and must be marked to indicate its expiration date. The decal may be renewed if the pilot program is continued past the date of a decal's expiration. The status as an exempt vehicle continues until the high occupancy vehicle exempt decal is suspended or revoked for misuse, the vehicle is no longer used as a for hire nonemergency medical transportation vehicle, or the pilot program established in section 216, chapter 333, Laws of 2021 is terminated.

(h) The department may adopt rules to implement this subsection.

(12) \$434,000 of the highway safety account—state appropriation is provided solely for the implementation of the Thurston county superior court order in *Pierce et al. v. Department of Licensing*.

(13) The department shall consult with the department of corrections and state board for community and technical colleges to develop a pilot program that allows incarcerated individuals who are not prohibited by state or federal law from receiving a commercial driver's license upon release to participate in a prerelease commercial driver training program. The department must submit a report to the legislature by June 30, 2023, detailing the status of the program.



(14) \$100,000 of the highway safety account—state appropriation is provided solely for the department to lead a study on the potential impacts that current licensing requirements, including required training hours, and testing requirements may have on the shortage of commercial drivers, and whether adjustments to these requirements may be warranted to help alleviate the shortage. In completing the study, the department must consult with the workforce training board, state board for community and technical colleges, federal motor carrier safety officials, organizations representing veterans, organizations representing commercial drivers, and organizations representing businesses or government entities that rely on commercial drivers. The report must be submitted to the governor and the transportation committees of the legislature by December 1, 2022.

(15) \$965,000 of the motor vehicle account—state appropriation is provided solely for the increased costs associated with delays in the production of license plates, and to provide a report detailing license plate inventory practices and whether those practices should be changed to guard against potential future plate production delays. The report must be submitted to the governor and the transportation committees of the legislature by December 1, 2022.

(16) \$28,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 96, Laws of 2022 (state leadership board) and making improvements to the annual information submitted by special license plate sponsoring organizations pursuant to RCW 46.18.120(2). The improvements must include, but are not limited to, the following: An annual budget for the sponsoring organization's activities in the preceding year; information regarding private and other governmental support for the activities of the sponsoring organization; and a description of the number of people served or services delivered, as appropriate, by the sponsoring organization in the preceding year. If chapter 96, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(17) \$268,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Senate Bill No. 5054), Laws of 2022 (impaired driving). If chapter . . . (Engrossed Senate Bill No. 5054), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(18) \$113,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 51, Laws of 2022 (human trafficking disqualification for a commercial driver's license). If chapter 51, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(19) \$18,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 239, Laws of 2022 (Patches pal special license plates). If chapter 239, Laws of 2022 is not enacted

by June 30, 2022, the amount provided in this subsection lapses.

(20) \$350,000 of the highway safety account—state appropriation is provided solely to expand driver's license assistance and support services in King county with an existing provider that is already providing these services to low-income immigrant and refugee women. By March 1, 2023, the contracted provider must submit information on the annual budget in the preceding year; information regarding private and other governmental support for the activities of the provider; and a description of the number of people served, services delivered, and outcome measures.

(21) \$6,139,000 of the highway safety account—state appropriation, \$1,849,000 of the motor vehicle account—state appropriation, \$203,000 of the department of licensing services account—state appropriation, and \$105,000 of the department of licensing technology improvement and data management account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies and agency operations and customer service levels. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department shall submit a report to the governor and the legislative transportation committees detailing the specific expenditures made from the contingency funding provided in this subsection.

(22) \$28,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 191, Laws of 2022 (veterans and military suicide). If chapter 191, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(23) \$83,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 36, Laws of 2022 (vehicle registration certificate addresses). If chapter 36, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(24) \$57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 40, Laws of 2022 (off-road vehicles fees). If chapter 40, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(25) \$18,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 117, Laws of 2022 (wine special license plate). If chapter 117, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(26) \$316,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 132, Laws of 2022 (temporary license plates). If chapter 132, Laws of 2022 is not

enacted by June 30, 2022, the amount provided in this subsection lapses.

(27) \$251,000 of the highway safety account—state appropriation is provided solely for the department to: (a) Provide each driver's license, identicard, instruction permit, intermediate license, and commercial driver's license applicant with written materials regarding the contents and requirements of RCW 46.61.212, the slow down and move over law, at the completion of the applicant's licensing transaction; (b) place signage in each of the licensing service offices that provide background on the written materials that the applicant will receive regarding the slow down and move over law; and (c) initiate the development of an appropriate training module relating to the requirements of RCW 46.61.212, for inclusion in all new driver training curricula.

(28) \$550,000 of the move ahead WA flexible account—state appropriation is provided solely for an interagency transfer to the department of children, youth, and families to provide driver's license support to a larger population of foster youth than is currently being served. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(29) \$569,000 of the move ahead WA flexible account—state appropriation and \$103,000 of the agency financial transaction account—state appropriation are provided solely for estimated implementation costs associated with new revenues.

(30) \$141,000 of the move ahead WA flexible account—state appropriation is provided solely for chapter 57, Laws of 2022 (homeless identicard).

Sec. 805. 2022 c 186 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B**

State Route Number 520 Corridor Account—State	Appropriation. . . . .	<del>(\$58,356,000)</del>
		<u>\$55,324,000</u>
State Route Number 520 Civil Penalties Account—State	Appropriation. . . . .	\$4,163,000
Tacoma Narrows Toll Bridge Account—State	Appropriation. . . . .	<del>(\$31,102,000)</del>
		<u>\$33,330,000</u>
Alaskan Way Viaduct Replacement Project Account—	State Appropriation. . .	<del>(\$21,806,000)</del>
		<u>\$23,725,000</u>
Interstate 405 and State Route Number 167 Express	Toll Lanes Account—State Appropriation.	
	<del>(\$24,647,000)</del>	<u>\$23,146,000</u>
	<b>TOTAL APPROPRIATION. ....</b>	<del><b>(\$140,074,000)</b></del>
		<u><b>\$139,688,000</b></u>

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

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$12,484,000 of the state route number 520

corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide annual reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3) (a) ~~(\$1,189,000)~~ \$875,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, ~~(\$2,783,000)~~ \$2,049,000 of the state route number 520 corridor account—state appropriation, ~~(\$1,218,000)~~ \$903,000 of the Tacoma Narrows toll bridge account—state appropriation, and ~~(\$1,568,000)~~ \$1,155,000 of the Alaskan Way viaduct

replacement project account—state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back office system from the 2019-2021 biennium.

(b) The office of financial management shall place the amounts provided in this subsection in unallotted status until the department submits a detailed progress report on the progress of the new tolling back office system. The director of the office of financial management or their designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(4) \$121,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$288,000 of the state route number 520 corridor account—state appropriation, \$128,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$163,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to contract with the state auditor's office for a performance audit of the department's project to replace its electronic toll collection system. The audit should include an evaluation of the department's project planning, vendor procurement, contract management and project oversight. The final report is to be issued by December 31, 2022. The state auditor will transmit copies of the report to the jurisdictional committees of the legislature and the department.

(5) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's web site on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and express toll lane systems, and an itemized depiction of the use of that revenue.

(6) During the 2021-2023 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(7) \$19,908,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility stabilizes and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(8) The department shall submit a plan to the legislature for the Interstate 405 and state route number 167 express toll lanes account detailing how bond proceeds can cover the proposed construction plan on the Interstate 405 and state route number 167 express toll lane corridor outlined on LEAP Transportation Document 2021-1 as developed April 23, 2021, by January 1, 2022.

(9) ~~(\$4,554,000)~~ \$5,779,000 of the state route number 520 corridor account—state appropriation and ~~(\$580,000)~~ \$744,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the increased costs of insurance for the state route number 520 floating bridge and the Tacoma Narrows bridge, respectively. The department shall conduct an evaluation of the short and long-term costs and benefits including risk mitigation of self-insurance as compared to the commercial insurance option for the state route number 520 floating bridge, as allowed under the terms of the state route number 520 master bond resolution. By December 15, 2021, the

department shall report to the legislature on the results of this evaluation.

(10) As part of the department's 2023-2025 biennial budget request, the department shall update the cost allocation recommendations that assign appropriate costs to each of the toll funds for services provided by relevant Washington state department of transportation programs, the Washington state patrol, and the transportation commission. The recommendations shall be based on updated traffic and toll transaction patterns and other relevant factors.

(11) All amounts provided for operations and maintenance expenses on the SR 520 facility from the state route number 520 corridor account during the 2021-2023 fiscal biennium in this act, up to a maximum of \$59,567,000, are derived from the receipt of federal American rescue plan act of 2021 funds and not toll revenues.

(12) \$14,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$32,000 of the state route number 520 corridor account—state appropriation, \$22,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$27,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely to implement chapter 132, Laws of 2022 (temporary license plates). If chapter 132, Laws of 2022 is not enacted by June 30, 2022, the amounts provided in this subsection lapse.

**Sec. 806.** 2022 c 186 s 210 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION— INFORMATION TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State	
Appropriation. . . . .	\$1,461,000
Motor Vehicle Account—State Appropriation.	
(( <del>\$101,010,000</del> ))	
	<u>\$101,020,000</u>
Puget Sound Ferry Operations Account—State	
Appropriation. . . . .	\$307,000
Multimodal Transportation Account—State	
Appropriation. . . . .	\$7,013,000
Transportation 2003 Account (Nickel Account)	
—State	
Appropriation. . . . .	\$1,461,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>((<del>\$111,252,000</del>))</b>
	<u>\$111,262,000</u>

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

(1) \$4,273,000 of the multimodal transportation account—state appropriation and \$4,273,000 of the motor vehicle account—state appropriation are provided solely for the department's cost related to the one Washington project, and is subject to the conditions, limitations, and review requirements of section 701, chapter 333, Laws of 2021.

(2) \$2,404,000 of the motor vehicle account—state appropriation and \$119,000 of the multimodal transportation account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative

impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

**Sec. 807.** 2022 c 186 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION— FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING**

Motor Vehicle Account—State Appropriation.	
(( <del>\$36,843,000</del> ))	
	<u>\$37,921,000</u>
State Route Number 520 Corridor Account—	
State	
Appropriation. . . . .	\$34,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>((<del>\$36,877,000</del>))</b>
	<u>\$37,955,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$780,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

**Sec. 808.** 2022 c 186 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION— TRANSPORTATION EQUIPMENT FUND—PROGRAM E**

Motor Vehicle Account—State Appropriation.	
(( <del>\$12,396,000</del> ))	
	<u>\$13,860,000</u>

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

(1) ((~~\$10,396,000~~)) \$11,860,000 of the motor vehicle account—state appropriation is provided solely for the department's costs related to replacing obsolete transportation equipment. The appropriations to the department in this section must be expended to maximize the amount of obsolete equipment replaced in the 2021-2023 biennium.

(2) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for the department's costs related to replacing snow removal equipment. The appropriations to the department in this section must be expended to maximize the amount of snow removal equipment replaced in the 2021-2023 biennium.

**Sec. 809.** 2022 c 186 s 213 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F**  
Aeronautics Account—State Appropriation. ((\$8,127,000))

	<u>\$9,129,000</u>
Aeronautics Account—Federal Appropriation.	
\$3,916,000	
Aeronautics Account—Private/Local Appropriation. . . . .	\$60,000
Multimodal Transportation Account—State Appropriation. . . . .	\$150,000
Move Ahead WA Flexible Account—State Appropriation. . . . .	<u>\$10,000</u>
<b>TOTAL APPROPRIATION. . . . .</b>	<b>(\$12,253,000)</b>
	<u>\$13,265,000</u>

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

(1) \$2,888,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) \$257,000 of the aeronautics account—state appropriation is provided solely for supporting the commercial aviation coordinating commission, pursuant to section 718, chapter 333, Laws of 2021.

(3) \$280,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 131, Laws of 2021 (unpiloted aircraft system state coordinator). If chapter 131, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(4)(a) \$150,000 of the multimodal transportation account—state appropriation is provided solely for the aviation program to continue the community engagement associated with the work of the commercial aviation coordinating commission to increase aviation capacity and provide a single preferred location for a new primary commercial aviation facility by June 15, 2023. The work of the commission shall include, but is not limited to, recommendations to the legislature on future Washington state long-range commercial aviation facility needs including possible additional aviation facilities or expansion of current aviation facilities.

(b) Community engagement efforts may include:

(i) Raising awareness among aviation stakeholders and the public on the complex issues that must be addressed by the commission;

(ii) Obtaining input from a representative cross section of the public on the construction of a new airport and the expansion of existing airports to meet future aviation demand;

(iii) Keeping people informed as the commission's work progresses, including diverse communities that are often underrepresented in processes to inform decision making;

(iv) Providing opportunities for members of the public to provide direct input to the commission during the pandemic that limits opportunities for direct social contact;

(v) Using surveys, open houses, focus groups, translation services, informational handouts, advertisements, social media, and other appropriate means of communicating with the public; and

(vi) Providing a focus on the demographics or people in the geographical areas most impacted by expanding aviation capacity or developing a new aviation facility.

(c) The department may use a communications consultant or community-based organizations to assist with community engagement efforts in (b) of this subsection.

(5) \$10,000 of the move ahead WA flexible account—state appropriation is provided solely for the creation of a sustainable aviation grant program for airports. The purpose of the grant program is to support adoption of zero emissions aircraft and sustainable aviation fuels, reduce harmful aviation-related emissions, and reduce the aviation industry's reliance on fossil fuels. Sustainable aviation projects may include, but are not limited to: (a) Sustainable aviation fuel storage; (b) electrification of ground support equipment; (c) electric aircraft charging infrastructure; (d) airport clean power production; or (e) electric vehicle charging stations whose infrastructure also supports ground support equipment and electric aircraft charging. The department must select projects, which may include planning, to propose to the legislature for funding. The department shall submit a report to the transportation committees of the legislature by December 1, 2022, identifying the initial selection of sustainable aviation projects for funding by the legislature and recommended changes to modify and sustain the program.

(6) \$1,000,000 of the aeronautics account—state appropriation is provided solely for move ahead WA aviation grants.

**Sec. 810.** 2022 c 186 s 214 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H**  
Motor Vehicle Account—State Appropriation. ((\$58,254,000))

	<u>\$57,864,000</u>
Motor Vehicle Account—Federal Appropriation	
. . . . .	\$500,000
Multimodal Transportation Account—State Appropriation. . . . .	\$758,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>(\$59,512,000)</b>
	<u>\$59,122,000</u>

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

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the

trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) The department shall report to the transportation committees of the legislature by December 1, 2021, on the status of its efforts to consolidate franchises for broadband facilities across the state, including plans for increasing the number of consolidated franchises in the future.

(4) During the 2021-2023 biennium, if the department takes possession of the property situated in the city of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property is still no longer needed for transportation purposes, the department shall provide the city of Edmonds with the right of first purchase at fair market value in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

(5) ~~(\$535,000)~~ \$125,000 of the motor vehicle account—state appropriation is

provided solely for the implementation of chapter 217, Laws of 2021 (noxious weeds).

(6) ~~(\$1,026,000)~~ \$526,000 of the motor vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation ~~(~~is~~)~~ are provided solely for the implementation of chapter 314, Laws of 2021 (environmental justice task force).

(7) \$2,399,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(8) The department shall offer to sell the northern parcel of site 14 on the Puget Sound Gateway Program SR 509 Completion Project Surplus Property list, located immediately south of S. 216th Street and adjacent to the Barnes Creek Nature Trail in Des Moines, to Seattle Goodwill Industries, a nonprofit organization with tax ID 91-05688708, located at 700 Dearborn Place S., Seattle, WA 98144, in accordance with RCW 47.12.063 at fair market value because the legislature finds it in the public interest to do so for the public benefit that will result from Goodwill's redevelopment of the property it owns at Rainier Ave. South and South Dearborn Street to increase the supply of affordable housing.

**Sec. 811.** 2022 c 186 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**

Motor Vehicle Account—State Appropriation.	\$685,000
Electric Vehicle Account—State Appropriation	..... (( <del>\$11,900,000</del> ))
	<u>\$9,164,000</u>
Multimodal Transportation Account—State	
Appropriation. . . . .	(( <del>\$3,290,000</del> ))
	<u>\$2,790,000</u>
<u>Multimodal Transportation Account—Federal</u>	
<u>Appropriation. . . . .</u>	<u>\$500,000</u>
<b>TOTAL APPROPRIATION. . . . .</b>	<b>((<del>\$15,875,000</del>))</b>
	<u>\$13,139,000</u>

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

(1) The public-private partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(2) ~~(\$10,900,000)~~ \$9,154,000 of the electric vehicle account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws

of 2019 (advancing green transportation adoption).

(3) \$2,400,000 of the multimodal transportation account—state appropriation is provided solely for the pilot program established under chapter 287, Laws of 2019 (advancing green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. Consistent with the geographical diversity element described in RCW 47.04.355(4), the legislature strongly encourages the department to consider implementing the pilot in both urban and rural communities if possible, to obtain valuable information on the needs of underserved communities located in different geographical locations in Washington.

(4) ~~(\$1,000,000 of the electric vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation are provided solely for a colocated DC fast charging and hydrogen fueling station near the Wenatchee or East Wenatchee area near a state route or near or on a publicly owned facility to service passenger, light-duty and heavy-duty vehicles. The hydrogen fueling station must include a DC fast charging station colocated at the hydrogen fueling station site. Funds may be used for one or more fuel cell electric vehicles that would utilize the fueling stations. The department must contract with a public utility district that produces hydrogen in the area to own and/or manage and provide technical assistance for the design, planning, permitting, construction, maintenance and operation of the hydrogen fueling station. The department and public utility district are encouraged to collaborate with and seek contributions from additional public and private partners for the fueling station.~~

~~(5))~~ \$140,000 of the multimodal transportation account—state appropriation is provided solely for the purpose of conducting an assessment of options for the development, including potential features and costs, for a publicly available mapping and forecasting tool that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and usage across Washington state as described in chapter 300, Laws of 2021 (preparedness for a zero emissions transportation future).

~~((6-))~~(5) \$250,000 of the multimodal transportation account—state appropriation is provided solely to fund the design of an electric charging mega-site project at Mount Vernon library commons.

(6) \$500,000 of the multimodal transportation account—federal appropriation and \$10,000 of the electric vehicle account—state appropriation are provided solely to implement the national electric vehicle program, established in the federal infrastructure investment and jobs act (P.L. 117-58), as directed by the interagency electric vehicle coordinating council

created in chapter 43.392 RCW. The amounts provided in this subsection include staff support for the council. The funding provided in this subsection may be used to support the publicly available mapping and forecasting tool under RCW 47.01.520, but only to the extent not funded in the omnibus appropriations act.

**Sec. 812.** 2022 c 186 s 216 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation. (( <del>\$505,015,000</del> ))	<u>\$508,000,000</u>
Motor Vehicle Account—Federal Appropriation . . . . .	\$7,000,000
Motor Vehicle Account— <u>Private/Local</u> Appropriation. . . . .	\$17,000
State Route Number 520 Corridor Account—State Appropriation. . . . .	\$4,657,000
Tacoma Narrows Toll Bridge Account—State Appropriation. . . . .	\$1,560,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation. . . . .	\$8,611,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation.	\$2,594,000
Waste Tire Removal Account—State Appropriation. . . . .	\$5,000,000
<u>Move Ahead WA Account—State Appropriation.</u>	<u>\$47,000,000</u>
<b>TOTAL APPROPRIATION. . . . .</b>	<b><u>((<del>\$534,454,000</del>))</u></b>
	<b><u>\$584,439,000</u></b>

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

(1) \$7,529,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435, Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(2) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(3) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019, to be administered in conjunction with subsection (9) of this section. The department must

maintain a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(4) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma, to be administered in conjunction with subsection (9) of this section. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

(5) The department must continue a pilot program for the 2021-2023 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2022, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

(6) \$686,000 of the motor vehicle account—state appropriation is provided solely for reimbursing the Oregon department of transportation (ODOT) for the department's share of increased maintenance costs of six highway bridges over the Columbia River that are maintained by ODOT.

(7) \$8,290,000 of the motor vehicle account—state appropriation is provided solely for increased costs of highway maintenance materials.

(8) \$5,816,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for repairing damages to highways caused by known and unknown third parties. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for third-party damage repair and will begin using the contingency pool funding.

(9)(a) \$3,000,000 of the motor vehicle account—state appropriation and \$5,000,000 of the waste tire removal account—state appropriation are provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way. The department must coordinate and work

with local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way, and may reimburse the organizations doing this outreach assistance who transition people into treatment or housing or for debris clean up on highway rights-of-way. A minimum of \$2,000,000 of this appropriation must be used to provide more frequent removal of litter on the highway rights-of-way that is generated by unsheltered people and may be used to hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are providing enhanced safety to department staff during debris cleanup or during efforts to prevent future encampments from forming on highway rights-of-way.

(b) Beginning November 1, 2022, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the house and senate transportation committees of the legislature on the status of these efforts, including:

(i) A detailed breakout of the size, location, risk level categorization, and number of encampments on or near department-owned rights-of-way, compared to the levels during the quarter being reported;

(ii) A summary of the activities in that quarter related to addressing these encampments, including information on arrangements with local governments or other entities related to these activities;

(iii) A description of the planned activities in the ensuing quarter to further address the emergency hazards and risks along state highway rights-of-way; and

(iv) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.

(10)(a) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for the department to contract with the city of Fife to address the risks to safety and public health associated with homeless encampments on department-owned rights-of-way along the SR 167/SR 509 Puget Sound Gateway project corridor in and adjacent to the city limits.

(b) The city must coordinate and work with the department and local governments and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way. State funds may be used to reimburse the organizations doing this outreach assistance who transition people into treatment or housing that is not on the rights-of-way or for debris clean up on highway rights-of-way.

(c) The department may hire crews specializing in collecting and disposing of



garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees.

(d) Funds may also be used to reimburse local law enforcement costs or the Washington state patrol if they are participating as part of a state or local government agreement to provide enhanced safety related activities along state highway rights-of-way.

(e) It is the intent of the legislature that the city and collaborating partners should place particular emphasis on utilizing available funds for addressing large scale and multiple homeless encampments that impact public safety and health. Funding for initiatives associated with such encampments may include targeted assistance to local governments and social service organizations, directing moneys toward not only initial efforts to clear encampments, clean up debris and restore sightlines, but to ongoing work, monitoring, and maintenance of efforts to place individuals in housing, treatment and services, and to better ensure individuals experiencing homelessness receive needed assistance while sites remain safe and secure for the traveling public.

(11) \$12,096,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

~~(12) ((\$5,400,000 of the motor vehicle account—state appropriation is provided solely for replacement of traffic signs and to increase the visibility of road pavement markings. Investments must replace traffic signs that do not meet the department's standards or that are faded, lacking in reflectivity, cracked, illegible, or damaged. Investments must also increase the visibility of road pavement markings during periods of low light conditions and during precipitation with pavement marking products that contain all weather optical reflectivity capability. The request for proposals and subsequent competitive procurement for the signs shall be performed following state specifications and standards.~~

(13)) \$17,000 of the motor vehicle account—local appropriation is provided solely to update existing signs along Interstate 5 in the vicinity of Seattle center. The department must install new Seattle center logos with a redesigned logo that recognizes climate pledge arena, but is not responsible for design or fabrication of the logo or new sign.

~~((14))~~ (13) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to install fencing to delineate between the privately leased property owned by the department and the public right-of-way property maintained by the city of Seattle. The parameters of the adjacent properties located under the Interstate 5 corridor, south of milepost 165, are south Jackson street and south King street going north and south, and 8th avenue south and 9th avenue south going west to east in the international district.

~~((15))~~ (14) (a) \$2,500,000 of the motor vehicle account—state appropriation is provided solely for:

(i) Additional resources for operations, maintenance, facility replacements, security, and upgrades to safety rest areas to ensure that safety rest areas owned and operated by the department are open for use except for seasonal closures or cleaning, maintenance, and repair; and

(ii) Reconfiguration of maintenance operations pursuant to chapter 262, Laws of 2022 (safety rest areas).

(b) The department may use the funds for additional labor, services, materials, or equipment needed to allow commercial vehicle parking stalls to remain open when rest areas might otherwise be closed.

(c) It is the intent of the legislature that these funds are additional resources for the department and not meant to supplant underlying resources for the maintenance and operations of safety rest areas.

(d) The department must make a report to the transportation committees of the legislature regarding the additional operations and maintenance activities made at safety rest areas to ensure that rest areas stayed open by January 15, 2023. The report must include the status per safety rest area of openings and closures that were impacted by the additional activities; the additional activities, including security efforts, that were performed at the rest areas; and an update on the status and a review of the safety rest area strategic plan.

~~((16))~~ (15) (a) \$50,000 of the motor vehicle account—state appropriation is provided solely for the department to install and inspect monthly human trafficking informational posters in every rest room in every safety rest area owned and operated by the department.

(b) In developing the informational posters, the department shall consult with human trafficking victim advocates to determine content.

(c) The posters must:

(i) Be printed in a variety of languages;

(ii) Include contact information for seeking help, which may include toll-free telephone numbers a person may call for assistance, including the number for the national human trafficking resource center and the number for the Washington state office of crime victims advocacy; and

(iii) Be made of durable material and permanently affixed.

(d) The department shall install the informational posters in every restroom at

every safety rest area owned and operated by the department by December 31, 2022.

(e) Beginning January 1, 2023, or one month after installation of informational posters, whichever is sooner, the department shall inspect the informational posters as part of its monthly maintenance activities to ensure that the posters are in fair condition and remain legible.

(f) The department must make a report to the transportation committees of the legislature regarding the installation of informational posters at safety rest areas by January 15, 2023. The report must include the number of informational posters installed, the location of the poster installations, and the completion date of the poster installations.

Sec. 813. 2022 c 186 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING**

Motor Vehicle Account—State Appropriation.	
((\$73,760,000))	
	<u>\$73,968,000</u>
Motor Vehicle Account—Federal Appropriation	
.....	\$2,050,000
Motor Vehicle Account—Private/Local	
Appropriation.....	\$295,000
State Route Number 520 Corridor Account—	
State	
Appropriation.....	\$225,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation.....	\$40,000
Alaskan Way Viaduct Replacement Project	
Account—	
State Appropriation.....	\$1,112,000
Interstate 405 and State Route Number 167	
Express	
Toll Lanes Account—State Appropriation.	
\$20,000	
Agency Financial Transaction Account—State	
Appropriation.....	\$100,000
Move Ahead WA Account—State Appropriation.	
<u>\$1,850,000</u>	
<b>TOTAL APPROPRIATION.....</b>	<b><u>(\$77,602,000)</u></b>
	<b><u>\$79,660,000</u></b>

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

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2) (a) During the 2021-2023 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto

transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(d) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

(e) The department shall expand the high occupancy vehicle lane access pilot program to for hire nonemergency medical transportation vehicles, when in use for medical purposes, as described in section 208, chapter 333, Laws of 2021. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, nonemergency medical transportation vehicles that meet

the requirements identified in section 208, chapter 333, Laws of 2021 must be authorized to use the reserved portion of the highway.

(f) Nothing in this subsection (2) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

(3) \$2,574,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(4) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$100,000 in credit card and other financial transaction costs related to the collection of fees imposed under RCW 46.44.0941 for driver and vehicle fee transactions beginning January 1, 2023. The department may recover transaction fees incurred through credit card transactions. At the direction of the office of financial management, the department shall develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues. In consultation with the office of financial management, the department shall notify the office of the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in RCW 46.01.385 on a quarterly basis. The department shall also submit, as part of its 2023-2025 budget submittal, an overview of the credit card cost recovery approach, including fee rates and the amount of revenue expected to be generated in the 2021-2023 and 2023-2025 biennia.

(5) The department shall promote safety messages encouraging drivers to slow down and move over and pay attention when emergency lights are flashing on the side of the road and other suitable safety messages on electronic message boards the department operates across the state. The messages must be promoted multiple times each month through June 30, 2023. The department may coordinate such messaging with any statewide public awareness campaigns being developed by the department of licensing or the Washington state traffic safety commission or both.

(6) \$1,850,000 of the move ahead WA—state appropriation is provided solely for traffic operations enhancements. It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$30,000,000 for this purpose.

**FOR THE DEPARTMENT OF TRANSPORTATION—  
TRANSPORTATION MANAGEMENT AND SUPPORT—  
PROGRAM S**

Motor Vehicle Account—State Appropriation.	
(( <del>\$37,365,000</del> ))	
	<u>\$37,371,000</u>
Motor Vehicle Account—Federal Appropriation	
.....	\$780,000
Motor Vehicle Account—Private/Local	
Appropriation.....	\$500,000
Puget Sound Ferry Operations Account—State	
Appropriation.....	\$266,000
Multimodal Transportation Account—State	
Appropriation.....	\$5,129,000
State Route Number 520 Corridor Account—	
State	
Appropriation.....	\$186,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation.....	\$150,000
Alaskan Way Viaduct Replacement Project	
Account—	
State Appropriation.....	\$121,000
Interstate 405 and State Route Number 167	
Express	
Toll Lanes Account—State Appropriation.	
\$77,000	
<u>Move Ahead WA Flexible Account—State</u>	
<u>Appropriation.....</u>	<u>\$2,000,000</u>
<b>TOTAL APPROPRIATION.....</b>	<b><u>((<del>\$44,574,000</del>))</u></b>
	<b><u>\$46,580,000</u></b>

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

(1) \$4,000,000 of the multimodal transportation account—state appropriation is provided solely for efforts to increase diversity in the transportation construction workforce through: (a) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; (b) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program. At a minimum, \$1,000,000 of the total appropriation in this subsection shall be directed toward the efforts outlined in (b) of this subsection. The provider(s) chosen to complete the work in this subsection shall be selected through a competitive bidding process. The program shall be administered by the Washington state department of transportation's office of equal opportunity.

(2) \$1,446,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and

other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(3) \$774,000 of the motor vehicle account—state appropriation and \$266,000 of the Puget Sound ferry operations account—state appropriation are provided solely for the department to hire a workforce development consultant to develop, track, and monitor the progress of community workforce agreements, and to hire staff to assist with the development and implementation of internal diversity, equity, and inclusion efforts and serve as subject matter experts on federal and state civil rights provisions. The department shall engage with relevant stakeholders, and provide a progress report on the implementation of efforts under this subsection to the transportation committees of the legislature and the governor by December 1, 2022.

(4) For Washington state department of transportation small works roster projects under RCW 39.04.155, the department may only allow firms certified as small business enterprises, under 49 C.F.R. 26.39, to bid on the contract, unless the department determines there would be insufficient bidders for a particular project. The department shall report on the effectiveness of this policy to the transportation committees of the legislature by January 31, 2023.

(5) \$2,000,000 of the move ahead WA flexible account—state appropriation is provided solely for efforts to increase diversity in the transportation construction and maritime workforce. Of this amount:

(a) \$500,000 of the move ahead WA flexible account—state appropriation is provided solely for: (i) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; and (ii) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program.

(b) \$1,500,000 of the move ahead WA flexible account—state appropriation is provided solely for expansion of the PASS program to support apprenticeships and workforce development in the maritime industry through preapprenticeship training for inland waterways trades and support

services to obtain necessary documents and coast guard certification.

**Sec. 815.** 2022 c 186 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
TRANSPORTATION PLANNING, DATA, AND RESEARCH—  
PROGRAM T**

Motor Vehicle Account—State Appropriation.	(( <del>\$26,483,000</del> ))
	\$26,502,000
Motor Vehicle Account—Federal Appropriation	\$34,865,000
Motor Vehicle Account—Private/Local	
Appropriation. . . . .	\$400,000
Multimodal Transportation Account—State	
Appropriation. . . . .	(( <del>\$1,902,000</del> ))
	\$1,322,000
Multimodal Transportation Account—Federal	
Appropriation. . . . .	\$2,809,000
Multimodal Transportation Account—Private/	
Local	
Appropriation. . . . .	\$100,000
State Route Number 520 Corridor Account—	
State	
Appropriation. . . . .	\$451,000
Interstate 405 and State Route Number 167	
Express	
Toll Lanes Account—State Appropriation.	\$2,879,000
Move Ahead WA Flexible Account—State	
Appropriation. . . . .	\$1,500,000
Move Ahead WA Flexible Account—Federal	
Appropriation. . . . .	\$1,000,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>((<del>\$69,889,000</del>))</b>
	<b>\$71,828,000</b>

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

(1) \$4,080,000 of the motor vehicle account—federal appropriation is provided solely for the Forward Drive road usage charge research project overseen by the transportation commission using a portion of the amount of the federal grant award. The purpose of the Forward Drive road usage charge research project is to advance research in key policy areas related to road usage charge including assessing impacts of future mobility shifts on road usage charge revenues, conducting an equity analysis, updating and assessing emerging mileage reporting methods, determining opportunities to reduce cost of collection, conducting small-scale pilot tests, and identifying a long-term, detailed phase-in plan.

(2) \$2,879,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for completion of updating the state route number 167 master plan.

(3) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the department to partner with the department of commerce in developing vehicle miles traveled targets for the counties in Washington state with (a) a population density of at least 100 people per square mile and a population of at least 200,000; or (b) a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of

financial management. Given land use patterns are key factors in travel demand and should be taken into consideration when developing the targets, the department and the department of commerce shall partner with local jurisdictions, regional transportation planning organizations and other stakeholders to inventory existing laws and rules that promote transportation and land use, identify gaps and make recommendations for changes in laws, rules and agency guidance, and establish a framework for considering underserved and rural communities in the evaluation. The department and the department of commerce shall provide an initial technical report by December 31, 2021, an interim report by June 22, 2022, and a final report to the governor and appropriate committees of the legislature by June 30, 2023, that includes a process for establishing vehicle miles traveled reduction targets, a recommended suite of options for local jurisdictions to achieve the targets, and funding requirements for state and local jurisdictions.

(4) \$451,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to contract with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction, maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study shall examine testing methodologies and project timelines and costs. A draft report must be submitted to the transportation committees of the legislature and the governor by March 1, 2022. A final report must be submitted to the transportation committees of the legislature and the governor by December 31, 2022.

(5) \$5,900,000 of the motor vehicle account—federal appropriation and \$400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects.

(6) \$800,000 of the motor vehicle account—state appropriation is provided solely for WSDOT to do a corridor study of SR 302 (Victor Area) to recommend safety and infrastructure improvements to address current damage and prevent future roadway collapse and landslides that have caused road closures.

(7) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for a study on the need for additional connectivity in the area between SR 161, SR 7, SR 507, and I-5 in South Pierce County.

(8) \$1,654,000 of the motor vehicle account—state appropriation and \$108,000 of the multimodal transportation account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding

include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(9) \$450,000 of the motor vehicle account—state appropriation is provided solely for the department to complete a performance-based project evaluation model based on the initial work done for section 218(7), chapter 219, Laws of 2020, in a way that operationalizes the six transportation policy goals in RCW 47.04.280. This work should first include clarification of the transportation policy goals through development of objectives and criteria that reflect system priorities based on outcomes of community engagement. After a framework is established by which goals can be more directly related to outcomes, the project evaluation model should leverage the department's existing experts and best practices used for prioritizing programmatic funds to develop procedures by which evaluators could consistently score and rank all types of projects. The department must issue a report by June 30, 2023, summarizing the new project evaluation model, and provide recommendations for how this process could be implemented in coordination with the legislative work cycle.

(10)(a) ~~(\$250,000)~~ \$70,000 of the multimodal transportation account—state appropriation is provided solely for Thurston regional planning council (TRPC) to conduct a study examining options for multimodal high capacity transportation (HCT) to serve travelers on the I-5 corridor between central Thurston county (Olympia area) and Pierce county.

(b) The study will include an assessment of travelsheds and ridership potential and identify and provide an evaluation of options to enhance connectivity and accessibility for the greater south Puget Sound region with an emphasis on linking to planned or existing commuter or regional light rail. The study must account for previous and ongoing efforts by transit agencies and the department. The study will emphasize collaboration with a diverse community of interests, including but not limited to transit, business, public agencies, tribes, and providers and users of transportation who because of age, income, or ability may face barriers and challenges. TRPC will provide to the transportation committees of the legislature a study outline and recommendations of deliverables by December 1, 2022.

(11) ~~(\$600,000)~~ \$200,000 of the multimodal transportation account—state appropriation is provided solely for the city of Seattle's office of planning and community development to support an equitable development initiative to reconnect the South Park neighborhood, currently divided by State Route 99.

(a) The support work must include:

(i) A public engagement and visioning process led by a neighborhood-based, community organization; and

(ii) A feasibility study of decommissioning SR 99 in the South Park neighborhood to include, but not be limited to, traffic studies, environmental impact analysis, and development of alternatives, including the transfer of the land to a neighborhood-led community land trust.

(b) The support work must be conducted in coordination and partnership with neighborhood residents, neighborhood industrial and commercial representatives, the state department of transportation, and other entities and neighborhoods potentially impacted by changes to the operation of SR 99.

(c) The city must provide a report on the plan that includes recommendations to the Seattle city council, state department of transportation, and the transportation committees of the legislature by January 1, 2025.

(12) \$1,500,000 of the move ahead WA flexible account—state appropriation and \$1,000,000 of the move ahead WA flexible account—federal appropriation are provided solely for an Interstate 5 planning and environmental linkage study. This study will serve as a next step toward a statewide Interstate 5 master plan, building upon existing work underway in the corridor. It is the intent of the legislature to direct \$40,000,000 to complete the planning and environmental linkage study over the course of the 16-year move ahead WA investment program.

(a) The study must meet planning and environmental linkages requirements to assess strategies and actions to address preservation and safety needs; climate change; improve corridor efficiency and person-throughput; and operate managed lanes effectively in the long-term. The study must include a robust public engagement program; and must assess multimodal transportation system impacts as well as economic, revenue and equity considerations. The outcome of this work will provide a basis for preliminary project planning, design, and environmental work.

(b) The department shall conduct initial stakeholder listening sessions and submit an interim report on the Interstate 5 planning and environmental linkage study to the joint transportation committee by June 30, 2023. The interim report will set study limits; outline milestones and deliverables for environmental analysis; define committee structure and equitable engagement approaches; define subsequent phases of the study; and determine final scope, budget, and workforce needs.

(c) As an initial element of the study, the department must identify and prepare recommendations for near-term actions to improve HOV lane system-wide performance. The study should identify steps required to convert HOV lanes to a different managed lane operating concept such as express toll lanes, including detailed analysis and environmental process. The recommendations must include the planning, design, environmental review, equity considerations,

community engagement, traffic and revenue analysis, rate setting, and related engineering considerations necessary for a full I-5 HOV system conversion. The department shall submit an interim report on near-term recommendations to the legislative transportation committees by June 30, 2023.

(d) By December 1, 2022, the department must also submit a recommended approach and funding request to:

(i) Assess the seismic risk of the I-5 causeway from Boeing field to Lake City Way; and

(ii) Recommendations for future work to mitigate seismic risk on the causeway, including estimated costs.

**Sec. 816.** 2022 c 186 s 220 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U**

Aeronautics Account—State Appropriation.	\$1,000
Transportation Partnership Account—State Appropriation. . . . .	\$25,000
Motor Vehicle Account—State Appropriation.	\$101,849,000
Puget Sound Ferry Operations Account—State Appropriation. . . . .	\$244,000
State Route Number 520 Corridor Account—State Appropriation. . . . .	\$26,000
Connecting Washington Account—State Appropriation. . . . .	\$203,000
Multimodal Transportation Account—State Appropriation. . . . .	\$4,968,000
Tacoma Narrows Toll Bridge Account—State Appropriation. . . . .	\$19,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation. . . . .	\$14,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation.	\$15,000
Move Ahead WA Flexible Account—State Appropriation. . . . .	\$450,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>(\$107,364,000)</b>
	<b>\$107,814,000</b>

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

(1) Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds five million dollars, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) Beginning October 1, 2021, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim

and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) Beginning October 1, 2021, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

(5) \$450,000 of the move ahead WA flexible account—state appropriation is provided solely for enhanced funding to the office of minority and women's business enterprises to increase the number of certified women and minority-owned contractors in the transportation sector.

**Sec. 817.** 2022 c 186 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account—State	
Appropriation. . . . .	\$784,000
Regional Mobility Grant Program Account—State	
Appropriation. . . . .	<del>(\$115,488,000)</del>
	\$81,988,000
Rural Mobility Grant Program Account—State	
Appropriation. . . . .	\$33,283,000
Multimodal Transportation Account—State	
Appropriation. . . . .	<del>(\$134,754,000)</del>
	\$128,845,000
Multimodal Transportation Account—Federal	
Appropriation. . . . .	\$3,574,000
Multimodal Transportation Account—Private/Local	
Appropriation. . . . .	\$100,000
Climate Transit Programs Account—State	
Appropriation. . . . .	\$53,436,000
<b>TOTAL APPROPRIATION. . . . .</b>	<del><b>(\$287,983,000)</b></del>
	<b>\$302,010,000</b>

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

(1) \$67,821,000 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) \$15,568,000 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. Fuel type may not be a factor in the grant selection process.

(b) \$52,253,000 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 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. Fuel type may not be a factor in the grant selection process.

(2) \$33,283,000 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. Fuel type may not be a factor in the grant selection process.

(3) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for a public transit rideshare grant program for: (a) Public transit agencies to add or replace rideshare vehicles; and (b) incentives and outreach to increase rideshare use. The grant program for public transit agencies may 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 shall encourage grant applicants and recipients to leverage funds other than state funds. Fuel type may not be a factor in the grant selection process.

(4) \$37,809,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2022-2))~~ 2023-2 ALL PROJECTS as developed ~~((March 9, 2022))~~ April 21, 2023, Program - Public Transportation Program (V).

(5) (a) ~~(\$77,679,000)~~ \$44,179,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2022-2))~~ 2023-2 ALL PROJECTS as developed ~~((March 9, 2022))~~ April 21, 2023, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be

reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2021, and December 15, 2022, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2023-2025 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee unless all other funding is awarded. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant. Fuel type may not be a factor in the grant selection process.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2021-2023 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$6,500,000 of the multimodal transportation account—state appropriation and \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Fuel type may not be a factor in the grant selection process. Of this amount:

(a) \$30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her assigned state worksite using a public transit system

currently participating in the STAR pass program.

(b) \$800,000 of the multimodal transportation account—state appropriation is provided solely for continuation of the first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8)(a) Except as provided otherwise in this subsection, (~~(\$29,030,000)~~)\$26,030,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document (~~(2022-2)~~)2023-2 ALL PROJECTS as developed (~~(March 9, 2022)~~)April 21, 2023. It is the intent of the legislature that entities identified to receive funding in the LEAP transportation document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP transportation document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(b) Within the amount provided in this subsection, (~~(\$900,000)~~)\$150,000 of the multimodal transportation account—state appropriation is provided solely to complete work on Martin Luther King Way, Rainier Ave improvements (G2000040).

(9) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(10) (~~(\$23,349,000)~~)\$20,849,000 of the multimodal transportation account—state appropriation is provided solely for the green transportation capital grant program established in chapter 287, Laws of 2019 (advancing green transportation adoption).

(11) \$555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. The Washington State University extension energy program shall prepare a report regarding the utilization of the program and provide this report to the transportation committees of the legislature by November 15, 2021.

(12) The department must provide telework assistance to employers as part of its CTR activities. The objectives of telework assistance include improving transportation system performance, supporting economic vitality, and increasing equity and access to opportunity.



(13) \$150,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

(14) (a) ~~(((\$500,000))~~\$100,000 of the multimodal transportation account—state appropriation is provided solely for King county metro to develop a pilot program to place teams including human services personnel along routes that are enduring significant public safety issues and various disruptive behavior in south King county. The team would be available to deescalate disruptions, provide immediate access to transit resources, and refer customers to community resources to break cycles of inappropriate behavior. The teams must be individuals trained in deescalation and outreach. The function and duties should be cocreated with community stakeholders.

(b) ~~((King county metro must provide a report to the transportation committees of the legislature by June 30, 2023, regarding the effectiveness of the program, any suggestions for improving its efficacy, and any modifications that might be necessary for other transit providers to institute similar programs.~~

(e)) If King county metro does not provide at least \$500,000 to develop the pilot program funded by this subsection, the amount provided in this subsection lapses.

(15) (a) \$250,000 of the multimodal transportation account—state appropriation is provided solely for the department, in consultation with the joint transportation committee, to conduct a study of statewide transit service benchmarks. Elements of the study include:

(i) Development of definitions of frequent fixed route transit and accessible frequent fixed route transit; and

(ii) Identification of, to the extent possible using existing data, current gaps in frequent fixed route transit and accessible walking routes to frequent fixed route transit stops.

(b) An initial report is due by December 15, 2022, that proposes a definition of frequent transit and documents how many people in Washington live within one half mile walk of frequent transit. A final report is due by June 30, 2023, that identifies gaps in accessible frequent transit, analyzed for disparities in race, age, and disability, and develops funding scenarios to address the identified gaps.

(16) Within existing resources, the department shall prepare a report regarding the funding, implementation, and operation of the grant management system or systems utilized by the public transportation division. In preparing this report, the department must survey and report on all grant recipients experience with the operation of this system or systems. The department shall provide this report to the transportation committees of the legislature by November 15, 2022.

(17) \$14,120,000 of the climate transit programs account—state appropriation is provided solely for newly selected special needs grants. Of this amount:

(a) \$3,248,000 of the climate transit programs 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) \$10,872,000 of the climate transit programs 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 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than 30 percent of these distributions.

(18) \$33,606,000 of the climate transit programs account—state appropriation is provided solely for transit support grants. To be eligible for transit support grant distribution, transit agencies must submit documentation of fare-free policy for 18 years and under by October 1, 2022, to be eligible for the 2023-2025 biennium. Transit agencies that submit fare policy documentation following the October 1, 2022, deadline shall become eligible for the next biennial distribution.

(19) \$4,710,000 of the climate transit programs account—state appropriation is provided solely for newly selected green transportation grants.

(20) \$1,000,000 of the climate transit programs account—state appropriation is provided solely for newly selected transit coordination grants. The department shall give priority to grant proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities.

(21) It is the intent of the legislature that \$520,000 will be provided for the Sauk-Suiattle Commuter Bus Project (L1000318) in the 2023-2025 fiscal biennium.

(22) It is the intent of the legislature that \$1,760,000 of regional mobility grant program account—state funds be added to the 2023-2025 fiscal biennium for city of Kent: Rapid Ride Facility Passenger Amenities & Access project (20190004), and the LEAP transportation document referenced in subsection (4) of this section be changed accordingly.

**Sec. 818.** 2022 c 186 s 222 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—MARINE PROGRAM X**

Multimodal Transportation Account—State	
Appropriation. . . . .	\$1,009,000
Puget Sound Ferry Operations Account—State	
Appropriation. . . . .	(((\$430,388,000))
	\$444,799,000

Puget Sound Ferry Operations Account—Federal  
 Appropriation. . . . . ~~(\$156,789,000)~~  
\$155,934,000

Puget Sound Ferry Operations Account—  
 Private/Local  
 Appropriation. . . . . \$121,000

**TOTAL APPROPRIATION. . . . . ~~(\$587,298,000)~~**  
**\$601,863,000**

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

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2021-2023 supplemental and 2023-2025 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs. The data in the tables in the report must be supplied in a digital file format.

(2) For the 2021-2023 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) \$32,905,000 of the Puget Sound ferry operations account—federal appropriation and ~~(\$53,794,000)~~ \$65,539,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2021-2023 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) \$500,000 of the Puget Sound ferry operations account—state appropriation is ~~((provided—solely))~~ for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(5) \$2,400,000 of the Puget Sound ferry operations account—state appropriation and \$2,000,000 of the Puget Sound ferry operations account—federal appropriation are ~~((provided—solely))~~ for staffing and overtime expenses incurred by engine and deck crewmembers. The department must provide updated staffing cost estimates for fiscal years 2022 and 2023 with its annual budget submittal and updated estimates by January 1, 2022.

(6) \$688,000 of the Puget Sound ferry operations account—state appropriation and \$697,000 of the Puget Sound ferry operations account—federal appropriation are ~~((provided—solely))~~ for new employee training. The department must work to increase its outreach and recruitment of populations

underrepresented in maritime careers and continue working to expand apprenticeship and internship programs, with an emphasis on programs that are shown to improve recruitment for positions with the state ferry system.

(7) The department must request reimbursement from the federal transit administration for the maximum amount of ferry operating expenses eligible for reimbursement under federal law.

(8) \$484,000 of the Puget Sound ferry operations account—federal is ~~((provided—solely))~~ for the department to contract for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

(9) \$336,000 of the Puget Sound ferry operations account—state appropriation is ~~((provided—solely))~~ for evacuation slide training.

(10) \$336,000 of the Puget Sound ferry operations account—state appropriation is ~~((provided—solely))~~ for fall restraint labor and industries inspections.

(11) \$735,000 of the Puget Sound ferry operations account—state appropriation and \$410,000 of the Puget Sound ferry operations account—federal appropriation are ~~((provided—solely))~~ for familiarization for new assignments of engine crew and terminal staff.

(12) \$160,000 of the Puget Sound ferry operations account—state appropriation is ~~((provided—solely))~~ for electronic navigation training.

(13) ~~(\$250,000)~~ \$75,000 of the Puget Sound ferry operations account—state appropriation is ~~((provided—solely))~~ for Washington State Ferries to conduct a study of passenger demographics. The study must include:

(a) Information on age, race, gender, income level of passengers by route in summer and winter seasons;

(b) Composition of passengers by travel purpose, such as commute, tourism, or commerce; and

(c) Frequency of passenger trips by mode and fare products utilized.

The study may be included as part of a larger origin and destination study. The department shall report study results to the transportation committees of the legislature by December 1, 2023.

(14) (a) \$8,419,000 of the Puget Sound ferry operations account—federal appropriation is ~~((provided—solely))~~ for Washington state ferries to:

(i) Continuously recruit and hire deck, engine, and terminal staff;

(ii) Contract with an external recruitment firm to increase recruitment efforts both locally and nationally with an emphasis on attracting maritime workers from communities underrepresented in the ferry system;

(iii) Enhance employee retention by standardizing on-call worker schedules;

(iv) Increase training and development opportunities for employees; and

(v) Make improvements to hiring processes by establishing additional positions to support timely hiring of employees.

(b) It is the intent of the legislature to continue funding for the activities outlined in this section as part of the move ahead WA package.

(15) \$248,000 of the Puget Sound ferry operations account—federal appropriation is (~~provided solely~~) for labor at the Vashon terminal.

(16) \$194,000 of the Puget Sound ferry operations account—federal appropriation is (~~provided solely~~) for operating costs at the Mukilteo terminal.

(17) \$294,000 of the Puget Sound ferry operations account—federal appropriation is (~~provided solely~~) for deck and engine internships.

(18) By December 1, 2022, the department must report on the status of efforts to increase training and development opportunities for employees. The report must include a description of the new training and career advancement programs for able-bodied sailors, mates, and engineers; the numbers of employees participating in each program; the number of employees completing each program; the number of open positions that the program is designed to fill; and the anticipated number of employee promotions as a result of program completion. The department must provide the report to the office of financial management and the transportation committees of the legislature.

(19) For the Mukilteo multimodal terminal, the department must submit a report showing for a 12-month period, on a monthly basis, how much electricity is generated by solar power generated on-site, electricity usage, and actual electricity cost savings. The report is due to the transportation committees of the legislature by June 30, 2023.

(20) \$93,000 of the Puget Sound ferry operations account—state appropriation is (~~provided solely~~) for Washington state ferries to partner with local community colleges and universities to secure housing for workforce training sessions and to pay in advance for the costs of transportation worker identification credentials for incoming ferry system employees and trainees.

(21) (a) (~~(\$300,000)~~) \$150,000 of the Puget Sound ferry operations account—state appropriation is (~~provided solely~~) for the department, in consultation with the joint transportation committee, to oversee a consultant study to identify and recommend cost-effective strategies to maximize walk-on passenger ridership of the Anacortes - San Juan ferry routes. The study must also identify available public funding sources to support these strategies. Reducing the need for passengers to bring their cars on the ferries will increase the capacity of each ferry run to transport more people.

(b) The evaluated options may include, but not be limited to:

(i) Increased public funding or other support for transit or shuttle service between ferry landings on Orcas, Lopez, San Juan, and Anacortes and nearby major town centers or connecting transit hubs;

(ii) Options to increase availability of taxi and rideshare services at each of the landings;

(iii) Short-term electric vehicle rentals at ferry landings, including electric bicycles and scooters;

(iv) Public funding or other support to increase the available locations for additional parking and reduce the cost for short-term parking near each landing;

(v) Marketing of the availability of options through the Washington state ferries reservation system website, on ferries and at ferry landings and ticketing facilities.

(c) Outreach for the study, including on the feasibility and effectiveness of each strategy evaluated, must include outreach to representatives of:

(i) Washington state ferries;  
(ii) San Juan county council;  
(iii) Anacortes and San Juan Islands ferry advisory committee members;

(iv) San Juan economic development council;

(v) City of Anacortes;  
(vi) City of Friday Harbor;

(vii) Skagit transit;

(viii) Skagit RTPO;

(ix) Eastsound;

(x) Lopez Village;

(xi) Transit dependent populations; and

(xii) Others as deemed appropriate by the committee.

(d) A report with recommendations on the most feasible and cost-effective strategies to maximize walk-on passenger ridership of the Anacortes - San Juan and Anacortes - Sidney ferry routes is due to the transportation committees of the legislature by January 6, 2023.

(22) (a) During negotiations of the 2023-2025 collective bargaining agreements, the department must conduct a review and analysis of the collective bargaining agreements governing state ferry employees, to identify provisions that create barriers for, or contribute to creating a disparate impact on, newly hired ferry employees, including those who are women, people of color, veterans, and other employees belonging to communities that have historically been underrepresented in the workforce. The review and analysis must include, but not be limited to, provisions regarding seniority, work assignments, and work shifts. The review and analysis must also include consultation with the governor's office of labor relations, the governor's office of equity, and the attorney general's office.

(b) For future negotiations or modifications of the collective bargaining agreements, it is the intent of the legislature that the collective bargaining representatives for the state and ferry employee organizations may consider the findings of the review and analysis required in (a) of this subsection and negotiate in a manner to remove identified barriers and address identified impacts so as not to perpetuate negative impacts.

(23) To the extent that an activity funded by federal funds in this section is not eligible for federal reimbursement, the department may transfer expenditure authority between state and federal appropriations provided in this section.

(24) \$1,700,000 of the Puget Sound ferry operations account—state appropriation is for the able-bodied sailor to mate program.

(25) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for costs related to the MV Walla Walla.

**Sec. 819.** 2022 c 186 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING**

Multimodal Transportation Account—State	
Appropriation. . . . .	(( <del>\$68,430,000</del> ))
	\$66,181,000
Multimodal Transportation Account—Private/Local	
Appropriation. . . . .	\$46,000
Multimodal Transportation Account—Federal	
Appropriation. . . . .	\$500,000
<b>TOTAL APPROPRIATION.....</b>	<b>((<del>\$68,976,000</del>))</b>
	<b>\$66,727,000</b>

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

(1) The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

(2) Consistent with the ongoing planning and service improvement for the intercity passenger rail program, \$500,000 of the multimodal transportation account—state is provided solely for the Cascades service development plan. This funding is to be used to analyze current and future market conditions and to develop a structured assessment of service options and goals based on anticipated demand and the results of the state and federally required 2019 state rail plan, including identifying implementation alternatives to meet the future service goals for the Amtrak Cascades route. The work must be consistent with federal railroad administration guidance and direction on developing service development plans. It must also leverage the \$500,000 in federal funding appropriated for development of a service development plan and comply with the planning and grant award obligations of the consolidated rail infrastructure and safety improvements (CRISI) program. A status report must be

provided to the transportation committees of the legislature by June 30, 2022.

(3) ~~((~~\$4,000,000~~))~~ \$1,750,000 of the multimodal transportation account—state appropriation is provided solely for the continued coordination, engagement, and planning for a new ultra high-speed ground transportation corridor with participation from Washington, Oregon, and British Columbia. This funding is contingent on meaningful financial contributions for this effort by Oregon or British Columbia. "Ultra high-speed" means a maximum testing speed of at least 250 miles per hour. These efforts are to support and advance activities and must abide by the memorandum of understanding signed by the governors of Washington and Oregon, and the premier of the province of British Columbia in November 2021. The department shall establish a policy committee with participation from Washington, Oregon, and British Columbia, including representation from the two largest caucuses of each chamber of the Washington state legislature, and coordinate the activities of the policy committee to include:

(a) Developing an organizational framework that facilitates input in decision-making from all parties;

(b) Developing a public engagement approach with a focus on equity, inclusion, and meaningful engagement with communities, businesses, federal, state, provincial, and local governments including indigenous communities;

(c) Developing and leading a collaborative approach to prepare and apply for potential future federal, state, and provincial funding opportunities, including development of strategies for incorporating private sector participation and private sector contributions to funding, including through the possible use of public-private partnerships;

(d) Beginning work on scenario analysis addressing advanced transportation technologies, land use and growth assumptions, and an agreed to and defined corridor vision statement; and

(e) Developing a recommendation on the structure and membership of a formal coordinating entity that will be responsible for advancing the project through the project initiation stage to project development and recommended next steps for establishment of the coordinating entity. Project development processes must include consideration of negative and positive impacts on communities of color, low-income households, indigenous peoples, and other disadvantaged communities.

By June 30, 2023, the department shall provide to the governor and the transportation committees of the legislature a report detailing the work conducted by the policy committee and recommendations for establishing a coordinating entity. The report must also include an assessment of current activities and results relating to stakeholder engagement, planning, and any federal funding application. As applicable, the assessment should also be sent to the executive and legislative branches of government in Oregon and appropriate

government bodies in the province of British Columbia.

(4) The department shall consider applying for federal grant opportunities that support the development of the Amtrak Cascades service. Grant submittals must align with the department's federally required service development plan and state rail plans and partnership agreements with Amtrak as the service provider and BNSF Railway as the host railroad.

Sec. 820. 2022 c 186 s 224 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING**

Motor Vehicle Account—State Appropriation. ((\$12,451,000))

	<u>\$12,454,000</u>
Motor Vehicle Account—Federal Appropriation	\$2,567,000
Multiuse Roadway Safety Account—State Appropriation. . . . .	((\$900,000))
	<u>\$450,000</u>
Multimodal Transportation Account—State Appropriation. . . . .	\$250,000
<b>TOTAL APPROPRIATION.....</b>	<b>(\$16,168,000)</b>
	<u>\$15,721,000</u>

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

(1) The entire multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

(a) Twenty-five percent of the amounts provided are reserved for counties that each have a population of fifteen thousand persons or less; and

(b)(i) Seventy-five percent of the amounts provided are reserved for counties that each have a population exceeding fifteen thousand persons; and

(ii) No county that receives a grant or grants under (a) of this subsection may receive more than sixty thousand dollars in total grants.

(2) \$1,023,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, and assess which barriers share the same stream system as state-owned fish passage barriers;

(b) Streamline and update the county road administration board's data dashboard, county reporting systems, and program management software to provide a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties; and

(c) Conduct a study of the use of county road right-of-way as a potential source of revenue for county road operating and maintenance needs with recommendations on their feasibility statewide.

(End of part)

**TRANSPORTATION AGENCIES—CAPITAL**

Sec. 901. 2022 c 186 s 301 (uncodified) is amended to read as follows: **FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State Appropriation. . . . .	((\$17,769,000))
	<u>\$4,331,000</u>
Freight Mobility Multimodal Account—State Appropriation. . . . .	((\$14,004,000))
	<u>\$5,296,000</u>
<b>TOTAL APPROPRIATION.....</b>	<b>(\$31,773,000)</b>
	<u>\$9,627,000</u>

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

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed ((March 9, 2022))April 21, 2023, Freight Mobility Strategic Investment Board (FMSIB).

(2) Until directed by the legislature, the board may not initiate a new call for projects.

(3) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities. To that end, and in coordination with WSDOT as it updates its federally-compliant freight plan, the board is directed to identify the highest priority freight investments for the state, across freight modes, state and local jurisdictions, and regions of the state. By December 1, 2021, the board must submit a preliminary report providing a status update on the process and methodology for identifying and prioritizing investments. By December 1, 2022, the board must submit a prioritized list of freight investments that are geographically balanced across the state and can proceed to construction in a timely manner. The prioritized freight project list for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects.

(4)(a) For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and support the efficient and timely delivery of all projects in the program. The office of financial management may authorize a transfer of appropriation authority between projects under the following conditions and limitations:

(i) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(ii) Each transfer between projects may only occur if the director of the office of

financial management finds that any resulting change will not hinder the completion of the projects on LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed ((March 9, 2022))April 21, 2023;

(iii) Transfers between projects may be made by the board without the formal written approval provided under this subsection (3) (a), provided that the transfer amount does not exceed \$250,000 or 10 percent of the total project, whichever is less. These transfers must be reported to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees; and

(iv) Except for transfers made under (a) (iii) of this subsection, transfers may only be made in fiscal year 2023.

(b) At the time the board submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(c) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and consider any concerns raised by the chairs and ranking members of the transportation committees.

(d) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the board of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

**Sec. 902.** 2022 c 186 s 302 (uncodified) is amended to read as follows:  
**FOR THE WASHINGTON STATE PATROL**  
 State Patrol Highway Account—State  
 Appropriation. . . . . ((\$4,803,000))  
\$4,203,000

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

- (1) \$695,000 of the state patrol highway account—state appropriation is provided solely for roof replacement.
- (2) (((\$3,501,000))\$3,508,000 of the state patrol highway account—state appropriation is provided solely for the following projects:
  - (a) \$250,000 for emergency repairs;
  - (b) \$350,000 for fuel tank decommissioning;
  - (c) (((\$750,000))\$250,000 for generator and electrical replacement;
  - (d) \$195,000 for the exterior envelope of the Yakima office;
  - (e) \$466,000 for equipment shelters;
  - (f) (((\$650,000))\$550,000 for the weatherization projects;
  - (g) \$200,000 for roof replacements reappropriation; and
  - (h) \$640,000 for water and fire suppression systems reappropriation and \$607,000 for additional water and fire suppression systems.

(3) The Washington state patrol may transfer funds between projects specified in this subsection to address cash flow requirements. If a project specified in this subsection is completed for less than the amount provided, the remainder may be transferred to another project specified in this subsection not to exceed the total appropriation provided in this subsection.

**Sec. 903.** 2022 c 186 s 303 (uncodified) is amended to read as follows:  
**FOR THE COUNTY ROAD ADMINISTRATION BOARD**  
 Rural Arterial Trust Account—State  
 Appropriation. . . . . ((\$55,028,000))  
\$47,908,000  
 Motor Vehicle Account—State Appropriation.  
 \$1,456,000  
 County Arterial Preservation Account—State  
 Appropriation. . . . . ((\$44,653,000))  
\$45,666,000  
Move Ahead WA Account—State Appropriation.  
\$10,000,000  
**TOTAL APPROPRIATION. . . . . ((\$101,137,000))**  
\$105,030,000

The appropriation in this section is subject to the following conditions and limitations: The entire move ahead WA account—state appropriation is provided solely for additional preservation funding allocations to counties through the county arterial preservation program.

**Sec. 904.** 2021 c 333 s 304 (uncodified) is amended to read as follows:  
**FOR THE TRANSPORTATION IMPROVEMENT BOARD**  
 Small City Pavement and Sidewalk Account—  
 State  
 Appropriation. . . . . \$4,100,000  
 Transportation Improvement Account—State  
 Appropriation. . . . . ((\$201,000,000))  
\$171,000,000  
 Complete Streets Grant Program Account—State  
 Appropriation. . . . . \$14,670,000  
Move Ahead WA Account—State Appropriation.  
\$10,000,000  
Climate Active Transportation Account—State  
Appropriation. . . . . \$3,000,000  
**TOTAL APPROPRIATION. . . . . ((\$219,770,000))**  
\$202,770,000

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

- (1) \$2,500,000 of the transportation improvement account—state appropriation is provided solely for the Relight Washington Program. The transportation improvement board shall conduct a comparative analysis of expanding the Relight Washington Program to all cities that are not currently eligible compared to utilizing the same funding amount for other preservation programs administered by the transportation improvement board. If needed to perform this analysis, the transportation improvement board shall gather additional information on the demand and return on investment from a follow up survey to cities currently ineligible for the Relight Washington Program. The transportation improvement board shall report the results of the analysis to the governor and the

transportation committees of the legislature by January 1, 2022.

(2) The entire climate active transportation account—state appropriation is provided solely for newly selected complete streets grants.

(3) The entire move ahead WA account—state appropriation is provided solely for additional preservation funding to cities.

**Sec. 905.** 2022 c 186 s 304 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION—ONLY PROJECTS)—CAPITAL**

Motor Vehicle Account—State Appropriation. ((~~\$16,076,000~~))

\$15,743,000

Connecting Washington Account—State Appropriation. . . . . \$3,667,000

**TOTAL APPROPRIATION..... ((~~\$19,743,000~~))**

**\$19,410,000**

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

(1) ((~~\$3,289,000~~)) \$3,667,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2) (a) ((~~\$4,325,000~~)) \$4,025,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract issued pursuant to chapter 39.94 RCW for the department facility located at 15700 Dayton Ave N in Shoreline.

(b) Payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract in (a) of this subsection must be deposited into the motor vehicle account.

**Sec. 906.** 2022 c 186 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

Transportation 2003 Account (Nickel Account)—State

Appropriation. . . . . ((~~\$482,000~~))  
\$486,000

Transportation Partnership Account—State Appropriation. . . . . ((~~\$232,566,000~~))

\$173,980,000

Motor Vehicle Account—State Appropriation. ((~~\$246,948,000~~))

\$234,148,000

Motor Vehicle Account—Federal Appropriation . . . . . ((~~\$251,835,000~~))

\$262,688,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation. . . . . ((~~\$400,000,000~~))  
\$100,000,000

Motor Vehicle Account—Private/Local Appropriation. . . . . ((~~\$56,192,000~~))

\$88,263,000

Connecting Washington Account—State Appropriation. . . . . ((~~\$2,063,783,000~~))

\$1,644,899,000

Special Category C Account—State Appropriation. . . . . ((~~\$86,198,000~~))

\$71,101,000

Multimodal Transportation Account—State Appropriation. . . . . ((~~\$10,792,000~~))

\$4,779,000

Puget Sound Gateway Facility Account—State Appropriation. . . . . \$8,400,000

State Route Number 520 Corridor Account—State

Appropriation. . . . . \$70,886,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation. ((~~\$217,282,000~~))

\$34,028,000

Move Ahead WA Account—State Appropriation. ((~~\$10,771,000~~))

\$60,793,000

Move Ahead WA Account—Federal Appropriation . . . . . ((~~\$7,200,000~~))

\$52,312,000

**TOTAL APPROPRIATION... ((~~\$3,663,335,000~~))**

**\$2,806,763,000**

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

(1) Except as provided otherwise in this section, the entire move ahead WA account—state appropriation, the entire connecting Washington account—state appropriation, and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2022-1)) 2023-1 as developed ((~~March 9, 2022~~)) April 21, 2023, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 ((~~chapter 333, Laws of 2021~~)) of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2022-2)) 2023-2 ALL PROJECTS as developed ((~~March 9, 2022~~)) April 21, 2023, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (OBI4001) ((~~as long as the application of the funds is not inconsistent with subsection (26) of this section~~)).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer ((~~funds~~)) appropriation authority between programs I and P, except for ((~~funds~~)) appropriation authority that ((~~are~~)) is otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature

and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

~~(4) ((The connecting Washington account—state appropriation includes up to \$326,594,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.~~

~~(5))~~ The special category C account—state appropriation includes up to \$51,460,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

~~((6))~~ (5) The transportation partnership account—state appropriation includes up to ~~(((\$124,629,000))~~ \$32,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

~~((7) \$161,792,000)~~ (6) \$106,947,000 of the transportation partnership account—state appropriation, \$3,882,000 of the motor vehicle account—private/local appropriation, ~~(((\$9,000,000))~~ \$4,880,000 of the motor vehicle account—state appropriation, ~~(((\$1,000 of the transportation 2003 account (nickel account)—state appropriation,))~~ and ~~(((\$985,000))~~ \$987,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project be used to repay project cost increases paid from the transportation partnership account—state funds and motor vehicle account—state funds.

~~((8) \$186,820,000)~~ (7) \$168,663,000 of the connecting Washington account—state appropriation and \$488,000 of the motor vehicle account—local appropriation are provided solely for the US 395 North Spokane Corridor project (M00800R). If the department expects the original scope of this project to be completed under budget when a final design is approved for the interchange with I-90 and nearby on ramp access, then the scope of work for this project must also include constructing a land bridge in the vicinity of Liberty Park in Spokane, if appropriations are sufficient. It is the intent of the legislature, consistent with the move ahead WA proposal, to advance future funding for this project in order to accelerate delivery by up to two years.

~~((9))~~ (8) (a) ~~(((\$177,982,000))~~ \$20,962,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project.

(b) The department may advance the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) and construct the project earlier than is scheduled in the LEAP transportation document referenced in

subsection (2) of this section if additional funding is identified and submitted through the existing unanticipated receipts process by September 1, 2021. The department and the state treasurer shall pursue alternatives to toll revenue funding including but not limited to federal loan and grant programs. The department shall explore phasing and modifying the project to attempt to align project completion with the anticipated deployment of bus rapid transit on the corridor in the 2023-2025 biennium. The department shall report back to the transportation committees of the legislature on this work by September 15, 2021.

~~((10))~~ (9) (a) ~~(((\$329,681,000))~~ \$309,774,000 of the connecting Washington account—state appropriation, \$70,886,000 of the state route number 520 corridor account—state appropriation, and ~~(((\$1,021,000))~~ \$1,411,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), the department shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(c) Of the amounts provided in this subsection ~~((10))~~ (9), \$100,000 of the state route number 520 corridor account—state appropriation is provided solely for noise mitigation activities. ~~((It is the intent of the legislature to provide an additional \$1,000,000 for noise mitigation activities over the course of the 16-year move ahead WA funding package.~~

~~((11) \$361,296,000)~~ (10) \$296,965,000 of the connecting Washington account—state appropriation, ~~(((\$4,800,000))~~ \$2,145,000 of the multimodal transportation account—state appropriation, ~~(((\$13,725,000))~~ \$4,242,000 of the motor vehicle account—private/local appropriation, \$4,000 of the motor vehicle account—state appropriation, \$7,200,000 of the move ahead WA account—federal appropriation, \$8,400,000 of the Puget Sound Gateway facility account—state appropriation, and ~~(((\$85,015,000))~~ \$84,515,000 of the motor vehicle account—federal appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall continue to collaborate with the affected stakeholders as it implements the corridor construction and implementation plan for state route number 167 and state route number 509. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed



on avoiding gaps in fund expenditures for either project.

(c) It is the legislature's intent that the department shall consult with the joint executive committee and joint steering committee to determine the most appropriate interchange at the junction of state route number 161 (Meridian avenue) and state route number 167.

(d) Of the amounts provided in this subsection, ~~(((\$2,300,000))~~ \$2,145,000 of the multimodal transportation account—state appropriation is provided solely for ~~((the))~~:

(i) ~~The~~ design phase of the Puyallup to Tacoma multiuse trail along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park(~~(-~~

~~(e) Of the amounts provided in this subsection, \$2,500,000 of the multimodal transportation account—state appropriation is provided solely for segment))~~; and

(ii) Segment 2 of the state route number 167 completion project shared-use path to provide connections to the interchange of state route number 167 at 54th to the intersection of state route number 509 and Taylor Way in Tacoma.

~~(((\$12))~~ (11) ~~(a)~~ (\$25,378,000) \$25,379,000 of the motor vehicle account—state appropriation, \$10,000,000 of the move ahead WA account—state appropriation, and ~~(((\$413,000))~~ \$36,414,000 of the motor vehicle account—private/local appropriation are provided solely to support a project office and the continued work toward the I-5 Interstate Bridge Replacement project ~~(((\$2000370))~~ (L4000054). The legislature finds that the replacement of the I-5 Columbia river bridge is a project of national significance and is critical for the movement of freight. One span is now 104 years old, at risk for collapse in the event of a major earthquake, and no longer satisfies the needs of commerce and travel. Replacing the aging interstate bridge with a modern, seismically resilient, multimodal structure that provides improved mobility for people, goods, and services is a high priority. Therefore, the legislature intends to support the replacement of the I-5 Columbia river bridge with an investment of \$1,000,000,000 over the 16-year move ahead WA investment program.

(b) The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

(c) During the 2021-2023 biennium, the department shall have as a goal to:

(i) Conduct all work necessary to prepare and publish a draft SEIS;

(ii) Coordinate with regulatory agencies to begin the process of obtaining environmental approvals and permits;

(iii) Identify a locally preferred alternative; and

(iv) Begin preparing a final SEIS.

The department shall aim to provide progress reports on these activities to the governor and the transportation committees of the legislature by December 1, 2021, June 1, 2022, and December 1, 2022.

~~(((\$13))~~ (12) ~~(a)~~ (\$400,000,000) \$100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation, ~~(((\$25,327,000))~~ \$167,194,000 of the connecting Washington account—state appropriation, \$35,263,000 of the motor vehicle account—federal appropriation, \$45,112,000 of the move ahead WA account—federal appropriation, \$5,618,000 of the motor vehicle account—local appropriation, \$9,016,000 of the transportation partnership account—state appropriation, \$38,021,000 of the move ahead WA account—state appropriation, and \$149,776,000 of the motor vehicle account—state appropriation are provided solely for the Fish Passage Barrier Removal project (OBI4001) ~~((with the intent of fully complying with the federal U.S. v. Washington court injunction by 2030))~~.

(b) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$2,435,000,000 for fish passage barrier removal with the intent of fully complying with the federal U.S. v. Washington court injunction by 2030. Furthermore, it is the intent of the legislature that funding provided for this purpose may be used to jointly leverage state and local funds for match requirements in applying for competitive federal aid grants provided in the infrastructure investment and jobs act for removals of fish passage barriers under the national culvert removal, replacement, and restoration program. State funds used for the purpose described in this subsection must not compromise fully complying with the court injunction by 2030.

(c) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts. The department and Brian Abbott fish barrier removal board must provide updates on the implementation of the statewide culvert remediation plan to the legislature by November 1, 2021, and June 1, 2022.

~~(((\$e))~~ (d) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

~~(((\$d))~~ (e) Of the amount provided in this subsection, \$142,923,000 of the motor vehicle account—federal appropriation reflects the department's portion of the unrestricted funds from the coronavirus response and relief supplemental

appropriations act of 2021. If the final amount from this act changes while the legislature is not in session, the department shall follow the existing unanticipated receipt process and adjust the list referenced in subsection (1) of this section accordingly, supplanting state funds with federal funds if possible as directed in section 601, chapter 333, Laws of 2021.

~~((14) \$14,367,000))~~ (13) \$13,542,000 of the connecting Washington account—state appropriation ~~(, \$311,000 of the motor vehicle account—state appropriation,)~~ and ~~((3,149,000))~~ \$4,285,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard - Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the \$20,900,000 of state appropriation provided for the total project on the list referenced in subsection (1) of this section.

~~((15) \$16,984,000))~~ (14) \$17,071,000 of the motor vehicle account—federal appropriation, ~~((269,000))~~ \$177,000 of the motor vehicle account—state appropriation, \$1,700,000 of the transportation partnership account—state appropriation, \$5,000 of the motor vehicle account—private/local appropriation, and ~~((17,900,000))~~ \$13,666,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

~~((16) \$18,915,000))~~ (15) \$17,019,000 of the Special Category C account—state appropriation is provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

~~((17) \$2,500,000))~~ (16) \$2,000,000 of the connecting Washington account—state appropriation is provided solely for the North Lewis County transportation study. The study shall examine new, alternate routes for vehicular and truck traffic at the Harrison interchange (Exit 82) in North Centralia and shall allow for a site and configuration to be selected and feasibility to be conducted for final design, permitting, and construction of the I-5/North Lewis county Interchange project (L2000204). It is the intent of the legislature to advance future funding for this project to accelerate delivery by up to two years.

~~((18) \$1,237,000))~~ (17) \$148,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343).

~~((19) \$2,197,000))~~ (18) (a) \$1,223,000 of the motor vehicle account—state appropriation ~~(and \$749,000 of the connecting Washington account—state appropriation are)~~ is provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI).

(b) The department must consider reserving portions of state route number 522, including designated lanes or ramps, for the exclusive or preferential use of public transportation vehicles, privately owned buses, motorcycles, private motor vehicles carrying not less than a specified number of passengers, or private transportation provider vehicles pursuant to RCW 47.52.025.

~~((20) \$1,455,000))~~ (19) \$1,382,000 of the motor vehicle account—federal appropriation ~~((is))~~ and \$73,000 of the motor vehicle account—state appropriation are provided solely for the US 101/Morse Creek Safety Barrier project (L1000247).

~~((21) \$1,000,000))~~ (20) \$780,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276).

~~((22) \$7,185,000))~~ (21) \$1,892,000 of the connecting Washington account—state appropriation ~~((is))~~ \$2,000 of the motor vehicle account—private/local appropriation, and \$7,000 of the motor vehicle account—state appropriation are provided solely for the US Hwy 2 Safety project (N00200R).

~~((23))~~ (22) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((24))~~ (23) Any advisory group that the department convenes during the 2021-2023 fiscal biennium must consider the interests of the entire state of Washington.

~~((25))~~ (24) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a

primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled concrete materials are exempt from chapter 173-350 WAC.

~~((26))~~ (25) \$2,738,000 of the motor vehicle account—state appropriation is provided solely for the US 97 Wildlife Crossing Improvements project (L2021117). It is the intent of the legislature that, to the extent possible, the department use this funding as match for competitive federal funding to make additional wildlife crossing improvements on the corridor. The department must report to the transportation committees of the legislature with additional corridors that could benefit from wildlife crossing improvements and that are likely to successfully compete for federal funding.

~~((27) —\$12,635,000)~~ (26) \$2,830,000 of the connecting Washington account—state appropriation is provided solely for the SR 3 Freight Corridor (T30400R) project. The legislature intends to provide a total of \$78,910,000 for this project, including an increase of \$12,000,000 in future biennia to safeguard against inflation and supply/labor interruptions and ensure that:

(a) The northern terminus remains at Lake Flora Road and the southern terminus at the intersection of SR 3/SR 302;

(b) Multimodal safety improvements at the southern terminus remain in the project to provide connections to North Mason school district and provide safe routes to schools; and

(c) Intersections on the freight corridor are constructed at Romance Hill and Log Yard road.

~~((28) —\$450,000 of the motor vehicle account state appropriation is provided solely for the SR 900 Safety Improvements project (L2021118). The department must: (a) Work in collaboration with King county and Skyway coalition to align community assets, transportation infrastructure needs, and initial design for safety improvements along SR 900; and (b) work with the Skyway coalition to lead community planning engagement and active transportation activities.~~

~~(29) —\$5,694,000)~~ (27) \$3,686,000 of the connecting Washington account—state appropriation is provided solely for the I-5/Chamber Way Interchange Vicinity Improvements project (L2000223).

~~((30) —\$500,000)~~ (28) \$166,000 of the motor vehicle account—state appropriation is provided solely for SR 162/SR 161 Additional Connectivity in South Pierce County project (L1000312) to conduct a study on the need for additional connectivity in the area between SR 162, south of Military Road East and north of Orting, and SR 161 in South Pierce county.

(29) \$3,000,000 of the move ahead WA—state appropriation is provided solely for the US 2 Trestle Capacity Improvements & Westbound Trestle Replacement project (L4000056). It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$210,541,000 for planning, design, right-of-way acquisition, interim improvements, and

initial construction. It is the further intent of the legislature that this project enhance multimodal mobility options on the US 2 Trestle. The planning, design and engineering work must consider options to enhance transit and multimodal mobility, including bus rapid transit. The department must report to the legislature with its preliminary analysis of these options by June 30, 2023.

(30) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$74,298,000 for the SR 3/Gorst Area - Widening project (L4000017). Tribal consultation with the Suquamish tribe must begin at the earliest stage of planning, including without limitation on all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required by state law, or by a state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from the Suquamish tribe. Regularly scheduled tribal consultation meetings with the Suquamish tribe must continue throughout the duration of any funding program and proposed project approval.

(31)(a) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$500,000,000 for the stormwater retrofits and improvements project (L4000040).

(b) The department shall ensure that \$6,000,000 is provided to the Urban Stormwater Partnership - I-5 Ship-Canal Bridge Pilot (Seattle) project from the \$500,000,000 provided from stormwater retrofits and improvements over the 16-year move ahead WA investment program.

(c) The funding provided for stormwater retrofits and improvements must enhance stormwater runoff treatment from existing roads and infrastructure with an emphasis on green infrastructure retrofits. Projects must be prioritized based on benefits to salmon recovery and ecosystem health, reducing toxic pollution, addressing health disparities, and cost-effectiveness. The department must submit progress reports on its efforts to reduce the toxicity of stormwater runoff from existing infrastructure, recommendations for addressing barriers to innovative solutions, and anticipated demand for funding each biennium.

**Sec. 907.** 2022 c 186 s 306 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P**  
Recreational Vehicle Account—State  
Appropriation. . . . . \$1,520,000

Transportation 2003 Account (Nickel Account) —State Appropriation. . . . .	\$53,911,000
Transportation Partnership Account—State Appropriation. . . . .	(( <del>\$21,441,000</del> )) <u>\$23,038,000</u>
Motor Vehicle Account—State Appropriation. (( <del>\$111,174,000</del> ))	<u>\$121,099,000</u>
Motor Vehicle Account—Federal Appropriation . . . . .	(( <del>\$545,560,000</del> )) <u>\$583,466,000</u>
Motor Vehicle Account—Private/Local Appropriation. . . . .	(( <del>\$13,735,000</del> )) <u>\$13,734,000</u>
Connecting Washington Account—State Appropriation. . . . .	(( <del>\$224,342,000</del> )) <u>\$129,001,000</u>
State Route Number 520 Corridor Account— State Appropriation. . . . .	(( <del>\$2,143,000</del> )) <u>\$812,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation. . . . .	(( <del>\$5,676,000</del> )) <u>\$3,578,000</u>
Alaskan Way Viaduct Replacement Project Account— State Appropriation. . . . .	(( <del>\$391,000</del> )) <u>\$251,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation. (( <del>\$12,830,000</del> ))	<u>\$9,216,000</u> <del>(\$992,723,000)</del> <u>\$939,626,000</u>
<b>TOTAL APPROPRIATION. ....</b>	

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2022-1))2023-1 as developed ((~~March 9, 2022~~))April 21, 2023, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601((~~, chapter 333, Laws of 2021~~))of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed ((~~March 9, 2022~~))April 21, 2023, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (OBI4001)((~~, as long as the application of the funds is not inconsistent with subsection (10) of this section~~)).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer ((~~funds~~))appropriation authority between programs I and P, except for ((~~funds~~))appropriation authority that ((~~are~~))is otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) \$8,531,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701, chapter 333, Laws of 2021. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund (L2000290). The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

(6) \$11,679,000 of the motor vehicle account—federal appropriation is provided solely for preservation projects within project L1100071 that ensure the reliable movement of freight on the national highway freight system. The department shall give priority to those projects that can be advertised by September 30, 2021.

(7) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(8) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

~~((9) \$1,700,000 of the motor vehicle account state appropriation is provided solely for the SR 109/88 Corner Roadway project (G2000106).)~~

**Sec. 908.** 2022 c 186 s 307 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation. ~~(\$9,618,000)~~ \$9,473,000  
Motor Vehicle Account—Federal Appropriation . . . . . \$11,215,000  
Motor Vehicle Account—Private/Local Appropriation. . . . . \$500,000  
Interstate 405 and State Route Number 167 Express  
Toll Lanes Account—State Appropriation. \$900,000  
Move Ahead WA Account—State Appropriation. \$611,000  
**TOTAL APPROPRIATION. . . . . ((~~\$22,233,000~~) \$22,699,000)**

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

(1) ~~(\$579,000)~~ \$580,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338).

(2) \$1,001,000 of the motor vehicle account—state appropriation, \$611,000 of the move ahead WA account—state appropriation, and ~~(\$2,060,000)~~ \$2,018,000 of the motor vehicle account—federal appropriation are provided solely for the Challenge Seattle project (000009Q). The department shall provide a progress report on this project to the transportation committees of the legislature by January 15, 2022.

**Sec. 909.** 2022 c 186 s 308 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W**

Move Ahead WA Account—State Appropriation. \$2,804,000  
Puget Sound Capital Construction Account—State  
Appropriation. . . . . ~~(\$167,533,000)~~ \$141,382,000  
Puget Sound Capital Construction Account—Federal  
Appropriation. . . . . ~~(\$180,571,000)~~ \$154,634,000  
Puget Sound Capital Construction Account—Private/Local Appropriation ~~(\$2,181,000)~~ \$1,844,000  
Transportation Partnership Account—State

Appropriation. . . . . ~~(\$9,432,000)~~ \$3,759,000  
Connecting Washington Account—State Appropriation. . . . . ~~(\$99,141,000)~~ \$97,904,000  
Capital Vessel Replacement Account—State Appropriation. . . . . ~~(\$45,668,000)~~ \$5,769,000  
~~((Motor Vehicle Account—State Appropriation \$1,000))~~  
Transportation 2003 Account (Nickel Account)—State  
Appropriation. . . . . \$987,000  
**TOTAL APPROPRIATION. . . . . ((~~\$505,514,000~~) \$409,083,000)**

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ~~((2022-2))~~ 2023-2 ALL PROJECTS as developed ((March 9, 2022)) April 21, 2023, Program - Washington State Ferries Capital Program (W).

(2) For the 2021-2023 biennium, the marine division shall provide to the office of financial management and the legislative transportation committees the following reports on ferry capital projects:

(a) On a semiannual basis the report must include a status update on projects with funding provided in subsections (4), (5), (6), and (8) of this section including, but not limited to, the following:

- (i) Anticipated cost increases and cost savings;
- (ii) Anticipated cash flow and schedule changes; and
- (iii) Explanations for the changes.

(b) On an annual basis the report must include a status update on vessel and terminal preservation and improvement plans including, but not limited to, the following:

- (i) What work has been done;
- (ii) How have schedules shifted; and
- (iii) Associated changes in funding among projects, accompanied by explanations for the changes.

(c) On an annual basis the report must include an update on the implementation of the maintenance management system with recommendations for using the system to improve the efficiency of project reporting under this subsection.

(3) ~~(\$12,232,000)~~ \$19,940,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(4) ~~(\$2,385,000)~~ \$2,384,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA card next generation project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(5) ~~(\$28,134,000)~~ \$3,656,000 of the Puget Sound capital construction account—state appropriation is provided solely for

the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(6) ~~((45,668,000))~~ \$5,769,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). In 2019 the legislature amended RCW 47.60.810 to direct the department to modify an existing vessel construction contract to provide for an additional five ferries. As such, it is the intent of the legislature that the department award the contract for the hybrid electric Olympic class vessel #5 (L2000329) in a timely manner. In addition, the legislature intends to minimize costs and maximize construction efficiency by providing sufficient funding for construction of all five vessels, including funding for long lead time materials procured at the lowest possible prices. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690. If the department elects not to execute a new modification to an existing option contract for one or more additional 144-auto ferries under RCW 47.60.810(4), the department shall proceed with development of a new design-build request for proposals in accordance with RCW 47.60.810, 47.60.812, 47.60.814, 47.60.815, 47.60.816, 47.60.818, 47.60.820, 47.60.822, 47.60.824, and 47.60.8241. Of the amounts provided in this section, \$200,000 is provided solely for hiring an independent owner's representative to perform quality oversight, manage the change order process, and ensure contract compliance.

(7) ~~((The capital vessel replacement account state appropriation includes up to \$45,468,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.~~

(8) ~~(\$4,200,000))~~ \$2,838,000 of the connecting Washington account—state appropriation is provided solely for ferry vessel and terminal preservation (L2000110). The funds provided in this subsection must be used for unplanned preservation needs

before shifting funding from other preservation projects.

**Sec. 910.** 2022 c 186 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL**

Essential Rail Assistance Account—State	
Appropriation. . . . .	\$1,108,000
Transportation Infrastructure Account—State	
Appropriation. . . . .	<del>((6,218,000))</del>
	<u>\$6,219,000</u>
Multimodal Transportation Account—State	
Appropriation. . . . .	<del>((118,320,000))</del>
	<u>\$57,518,000</u>
Multimodal Transportation Account—Federal	
Appropriation. . . . .	<del>((6,567,000))</del>
	<u>\$7,885,000</u>
Multimodal Transportation Account—Private/Local	
Appropriation. . . . .	\$13,000
Motor Vehicle Account—State Appropriation.	
	\$1,810,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b><del>((134,036,000))</del></b>
	<b><u>\$74,553,000</u></b>

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ~~((2022-2))~~ 2023-2 ALL PROJECTS as developed ~~((March 9, 2022))~~ April 21, 2023, Program - Rail Program (Y).

(2) \$5,089,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued. FRIB program loans may be recommended by the department for 2022 supplemental transportation appropriations up to the amount provided in this appropriation that has not been provided for the projects listed in ~~((2021-2 ALL PROJECTS, as))~~ the LEAP transportation document referenced in subsection (1) of this section. The department shall submit a prioritized list for any loans recommended to the office of financial management and the transportation committees of the legislature by November 15, 2021.

(3) \$7,041,000 of the multimodal transportation account—state appropriation is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline

Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5) (a) \$1,008,000 of the essential rail assistance account—state appropriation is provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2022, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) (~~(\$32,996,000)~~) \$672,000 of the multimodal transportation account—state appropriation is provided solely for Passenger Rail Equipment Replacement (project 700010C). The appropriation in this subsection include insurance proceeds received by the state. The department must use these funds only to purchase replacement equipment that has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) It is the intent of the legislature to encourage the department to pursue federal grant opportunities leveraging up to \$6,696,000 in connecting Washington programmed funds to be used as a state match to improve the state-owned Palouse river and Coulee City system. The amount listed in this subsection is not a commitment for future legislatures, but is the legislature's intent that future

legislatures will work to approve biennial appropriations up to a state match share not to exceed \$6,696,000 of a grant award.

(9) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the Chelatchie Prairie railroad for track improvement activities on the northern part of the railroad (L1000311).

**Sec. 911.** 2022 c 186 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL**

<u>Freight Mobility Investment Account—State</u>	
<u>Appropriation. . . . .</u>	<u>\$5,875,000</u>
<u>Freight Mobility Multimodal Account—State</u>	
<u>Appropriation. . . . .</u>	<u>\$910,000</u>
Highway Infrastructure Account—State	
Appropriation. . . . .	\$1,744,000
Highway Infrastructure Account—Federal	
Appropriation	
. . . . .	\$2,935,000
Transportation Partnership Account—State	
Appropriation. . . . .	<del>(\$1,000,000)</del>
	<u>\$500,000</u>
Motor Vehicle Account—State Appropriation.	
<del>(\$25,101,000)</del>	
	<u>\$21,481,000</u>
Motor Vehicle Account—Federal Appropriation	
. . . . .	<del>(\$79,306,000)</del>
	<u>\$44,945,000</u>
Motor Vehicle Account—Private/Local	
Appropriation. . . . .	\$6,600,000
Connecting Washington Account—State	
Appropriation. . . . .	<del>(\$178,464,000)</del>
	<u>\$134,915,000</u>
Multimodal Transportation Account—State	
Appropriation. . . . .	<del>(\$96,975,000)</del>
	<u>\$62,362,000</u>
<u>Move Ahead WA Account—State Appropriation.</u>	<u>\$4,000,000</u>
<u>Move Ahead WA Flexible Account—State</u>	
<u>Appropriation. . . . .</u>	<u>\$3,000,000</u>
<u>Climate Active Transportation Account—State</u>	
<u>Appropriation. . . . .</u>	<u>\$12,182,000</u>
<b>TOTAL APPROPRIATION. . . . .</b>	<b><del>(\$392,125,000)</del></b>
	<b><u>\$301,449,000</u></b>

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((2022-2) 2023-2 ALL PROJECTS as developed ((~~March 9, 2022~~) April 21, 2023, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) (i) (~~(\$46,163,000)~~) \$29,870,000 of the multimodal transportation account—state appropriation is provided solely for pedestrian and bicycle safety program projects (L2000188).

(ii) The state route 99/Aurora Avenue North Planning Study funded in this subsection (2)(a) must prioritize designs that ensure slow vehicle speeds and

systematic improvement to the quality of multimodal access, and must be fully completed by September 30, 2023, in order to ensure construction of improvements begin no later than March 1, 2024.

(b) ~~(\$26,086,000)~~ \$18,349,000 of the motor vehicle account—federal appropriation and ~~(\$21,656,000)~~ \$16,562,000 of the multimodal transportation account—state appropriation are provided solely for safe routes to school projects (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2021, and December 1, 2022, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status. In its December 1, 2021, report the department must also include recommended changes to the pedestrian safety/safe routes to school grant program application and selection processes to increase utilization by a greater diversity of jurisdictions.

(4) ~~(\$11,987,000)~~ \$9,537,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,000,000 in federal funds during the 2021-2023 fiscal biennium.

(6) ~~(\$17,438,000)~~ \$16,438,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016 (L1000169).

(7) When the department updates its federally-compliant freight plan, it shall consult the freight mobility strategic investment board on the freight plan update and on the investment plan component that describes how the estimated funding allocation for the national highway freight program for federal fiscal years 2022-2025 will be invested and matched. The investment plan component for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects. The department shall complete the freight plan update in compliance with federal requirements and deadlines and shall provide an update on the development of the freight plan, including the investment plan

component, when submitting its 2022 supplemental appropriations request.

(8) ~~(\$35,411,000)~~ \$10,137,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department will identify projects through its current national highway system asset management call for projects with applications due in February 2021. The department shall give priority to those projects that can be obligated by September 30, 2021.

(9) ~~(\$400,000)~~ \$300,000 of the multimodal transportation account—state appropriation is provided solely for a grant to the Northwest Seaport Alliance (NWSA) to lead the creation and coordination of a multistakeholder zero emissions truck collaborative that will: (a) Facilitate the development and implementation of one or more zero-emissions drayage truck demonstration projects in Washington state; and (b) develop a roadmap for transitioning the entire fleet of approximately 4,500 drayage trucks that serve the NWSA cargo gateway to zero-emissions vehicles by 2050 or sooner.

(10) ~~(\$8,524,000)~~ \$2,900,000 of the connecting Washington account—state appropriation is provided solely for the I-5/Mellen Street Connector project.

(11) ~~(\$500,000)~~ \$100,000 of the motor vehicle account—state appropriation is provided solely for the 166th/SR 410 Interchange.

(12) ~~(\$1,063,000)~~ \$263,000 of the motor vehicle account—state appropriation is provided solely for repairs and rehabilitation of the Pierce county ferry landings at Anderson Island and Steilacoom.

(13) ~~(\$300,000)~~ \$150,000 of the motor vehicle account—state appropriation is provided solely for the city of Spokane for preliminary engineering of the US 195/Inland Empire Way project. Funds may be used for predesign environmental assessment work, community engagement, design, and project cost estimation.

(14) \$6,686,000 of the climate active transportation account—state appropriation is provided solely for newly selected safe routes to school grants.

(15) \$5,496,000 of the climate active transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle grants.

(16) It is the intent of the legislature that up to \$14,000,000 will be provided for the Guemes Ferry Boat Replacement project (L4000124).

(17) \$3,000,000 of the move ahead WA flexible account—state appropriation is provided solely for railroad crossing grant awards which match federal funds for city and county projects which eliminate at-grade highway-rail crossings.

(18) It is the intent of the legislature that \$25,000,000 will be provided as part of the move ahead WA investment package in a future biennium, as indicated on the list identified in subsection (1) of this section, for the Ballard and Magnolia Bridge



project (L4000123). As part of the project, the Seattle department of transportation (SDOT) must consult with an independent engineering firm to verify that the costs for the type, size, and location preliminary design report (TS&L), environmental impact statement (EIS), and 60 percent design work are within industry cost range standards in advance of moving forward with construction. SDOT must ensure that funds are maximized by limiting the percentage for TS&L, EIS, and 60 percent design work to 10 percent of the total cost of the project. Of the \$25,000,000, \$12,500,000 must remain in unallotted status, and may be distributed to SDOT only upon determination by the office of financial management that SDOT's cost estimates have been verified by an independent engineering firm as within industry cost range standards, and SDOT has secured the additional matching funding needed to complete the TS&L, EIS, and 60 percent design work.

(19)(a) It is the intent of the legislature, over the first five years of the move ahead WA program, that \$50,000,000 will be provided to SDOT to implement Aurora Avenue North Safety Improvements (L4000154). Under this program, SDOT will be required to implement strategic transportation investments for the Aurora Ave N Corridor from N 90th St to N 105th St that ensure slow vehicle speeds, walkability, multimodal mobility, safe routes to local schools, and safety for residents, which will demonstrate the benefits of similar transportation investments for other locations along Aurora Avenue and elsewhere. SDOT must convene a neighborhood oversight board consisting of residents of communities of the Aurora Ave N Corridor to prioritize investments and monitor project implementation. The oversight board should be composed of an equitable representation of local communities along the Aurora Ave N Corridor, including residents with disabilities. SDOT will ensure that the oversight board is consulted on a bimonthly basis during the prioritization process.

(b) The legislature intends, upon completion of the State Route 99/Aurora Avenue North Planning Study, that projects recommended in the study will be funded by this program. A specific focus must be on access management to consolidate driveways and improve safety for vulnerable users. This work must also include installation of full curb and sidewalks to improve safety, mobility, transit ridership, equity, and work towards the goals set forth in vision zero, target zero, and the Washington state active transportation plan. SDOT must ensure the design and implementation of an accessible sidewalk network to support users with mobility limitations, convenient and accessible transit stops, all-ages-and-abilities bicycle facilities, and safe pedestrian-activated crosswalks that puts safety over speed, balances the needs of different modes, reduces the level of traffic stress experienced by pedestrians and cyclists, connects to existing bicycle and transit networks, creates safe walking and bicycling routes to local schools including crosswalks, improves human and environmental health, and supports the

surrounding neighborhoods. SDOT must coordinate with the Washington state department of transportation and King county metro in implementing the investments. SDOT must ensure that funds are maximized by limiting the percentage for planning, predesign, design, permitting, and environmental review to 10 percent of the total cost of each project.

(c) The legislature intends that all Aurora Avenue North Safety Improvement projects funded in this program be completed by December 31, 2029, and that no funds may be expended for this purpose after this date.

(20) \$800,000 of the motor vehicle account—state appropriation is provided solely for the SR 109/88 Corner Roadway project (G2000106).

(21) The entire move ahead WA account—state appropriation is provided solely for the Move Ahead WA - Road and Highway Projects as listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023.

(End of part)

**TRANSFERS AND DISTRIBUTIONS**

**Sec. 1001.** 2022 c 186 s 401 (uncodified) is amended to read as follows:

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

Transportation Partnership Account—State	
Appropriation. . . . .	(((\$794,000))
	\$273,000
((Connecting Washington Account—State	
Appropriation. . . . .	\$1,633,000))
Special Category C Account—State	
Appropriation. . . . .	(((\$257,000))
	\$74,000
Highway Bond Retirement Account—State	
Appropriation. . . . .	(((\$1,408,622,000))
	\$1,406,513,000
Ferry Bond Retirement Account—State	
Appropriation. . . . .	\$17,150,000
Transportation Improvement Board Bond	
Retirement	
Account—State Appropriation.	
(((\$18,152,000))	
	\$18,055,000
Nondebt-Limit Reimbursable Bond Retirement	
Account—	
State Appropriation. . . . .	(((\$26,278,000))
	\$29,238,000
Toll Facility Bond Retirement Account—State	
Appropriation. . . . .	\$76,376,000
<b>TOTAL APPROPRIATION..</b>	<b>(((\$1,542,811,000))</b>
	<b>\$1,547,679,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$6,451,550 of the transportation improvement board bond retirement account—state appropriation is provided solely for the prepayment of certain outstanding bonds and debt service.

**Sec. 1002.** 2022 c 186 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES; FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation Partnership Account—State  
 Appropriation. . . . . ((\$150,000))  
\$51,000  
 ((Connecting Washington Account—State  
 Appropriation. . . . . \$327,000))  
 Special Category C Account—State  
 Appropriation. . . . . ((\$51,000))  
\$18,000  
 Transportation Improvement Account—State  
 Appropriation. . . . . \$20,000  
**TOTAL APPROPRIATION.....** ((\$548,000))  
\$89,000

**Sec. 1003.** 2022 c 186 s 403 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account—State Appropriation:  
 For motor vehicle fuel tax statutory distributions to cities and counties. . . ((\$474,003,000))  
\$467,037,000  
 Multimodal Transportation Account—State  
 Appropriation: For distribution to cities and counties. . . . . \$26,786,000  
 Motor Vehicle Account—State Appropriation:  
 For distribution to cities and counties.  
 \$23,438,000

**Sec. 1004.** 2022 c 186 s 404 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation:  
 For motor vehicle fuel tax refunds and statutory transfers. . . . . ((\$2,000,419,000))  
\$1,971,401,000

**Sec. 1005.** 2022 c 186 s 405 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation:  
 For motor vehicle fuel tax refunds and transfers.  
 ((\$240,330,000))  
\$264,160,000

**Sec. 1006.** 2023 c 2 s 2 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

(1) Highway Safety Account—State  
 Appropriation:  
 For transfer to the State Patrol Highway Account—State. . . . . ((\$47,000,000))  
\$52,000,000  
 (2) (a) Transportation Partnership Account—State  
 Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State \$30,293,000  
 (b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases. An equivalent reimbursing transfer is to occur after the debt service

and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

(3) (a) Motor Vehicle Account—State  
 Appropriation:  
 For transfer to Alaskan Way Viaduct Replacement Project  
 Account—State. . . . . \$6,000,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when traffic on the toll facility has recovered from the COVID-19 pandemic.

(4) Motor Vehicle Account—State  
 Appropriation:  
 For transfer to the County Arterial Preservation Account—State. . . . . \$7,666,000

(5) Motor Vehicle Account—State  
 Appropriation:  
 For transfer to the Freight Mobility Investment Account—State. . . . . \$5,511,000

(6) Motor Vehicle Account—State  
 Appropriation:  
 For transfer to the Rural Arterial Trust Account—State. . . . . ((\$9,331,000))  
\$4,844,000

(7) Motor Vehicle Account—State  
 Appropriation:  
 For transfer to the Transportation Improvement Account—State. . . . . \$9,688,000

(8) Rural Mobility Grant Program Account—State  
 Appropriation: For transfer to the Multimodal Transportation Account—State. . . \$3,000,000

(9) (a) State Route Number 520 Civil Penalties  
 Account—State Appropriation: For transfer to the Motor Vehicle Account—State. . . \$2,000,000

(b) The transfer in this subsection is to repay moneys loaned to the state route number 520 civil penalties account in the 2019-2021 fiscal biennium.

(10) State Route Number 520 Civil Penalties  
 Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State. . . . . ((\$1,532,000))  
\$1,508,000

(11) Capital Vessel Replacement Account—State  
 Appropriation: For transfer to the Connecting Washington Account—State. . . . \$35,000,000

(12) (a) Capital Vessel Replacement Account—State  
 Appropriation: For transfer to the Transportation Partnership Account—State. . . . \$35,547,000

(b) The amount transferred in this subsection represents proceeds from the sale of bonds authorized in the 2019-2021 biennium in RCW 47.10.873.

(13) Multimodal Transportation Account—State

Appropriation: For transfer to the Complete Streets Grant Program Account—State. . . \$14,670,000  
 (14) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Connecting Washington Account—State. . . \$200,000,000  
 (15) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Freight Mobility Multimodal Account—State. . . \$4,011,000  
 (16) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Ignition Interlock Device Revolving Account—State. . . \$600,000  
 (17) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Pilotage Account—State. . . \$2,000,000  
 (18) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Puget Sound Capital Construction Account—State. ((~~\$816,700,000~~))  
 \$30,000,000  
 (19) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Regional Mobility Grant Program Account—State. . . \$27,679,000  
 (20) Multimodal Transportation Account—State  
 Appropriation: For transfer to the Rural Mobility Grant Program Account—State. . . \$15,223,000  
 (21) (a) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the Transportation Partnership Account—State. \$22,884,000  
 (b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).  
 (22) Tacoma Narrows Toll Bridge Account—State  
 Appropriation: For transfer to the Motor Vehicle Account—State. . . \$950,000  
 (23) Puget Sound Ferry Operations Account—State  
 Appropriation: For transfer to the Puget Sound Capital Construction Account—State. \$60,000,000  
 (24) (a) General Fund Account—State  
 Appropriation: For transfer to the State Patrol Highway Account—State. . . \$625,000  
 (b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(2), chapter 333, Laws of 2021.  
 (25) ((~~Motor Vehicle Account—State~~))  
 Appropriation: For transfer to the Puget Sound Capital Construction Account—State. \$30,000,000

~~(26))~~ Multimodal Transportation Account—State  
 Appropriation: For transfer to the I-405 and SR 167 Express Toll Lanes Account—State \$268,433,000  
 ((~~+27~~)) (26) Multimodal Transportation Account—  
 State Appropriation: For transfer to the Move Ahead WA Account—State. . . . . ((~~\$874,081,000~~))  
 \$1,660,781,000  
 ((~~+28~~)) (27) Multimodal Transportation Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State \$70,786,000  
 ((~~+29~~)) ~~Motor Vehicle Account—State~~  
 Appropriation: For transfer to the Connecting Washington Account—State. . . . . \$80,000,000  
~~(30))~~ (28) Move Ahead WA Account—State  
 Appropriation: For transfer to the Connecting Washington Account—State. . . . . ((~~\$600,000,000~~))  
 \$510,000,000  
 ((~~+31~~)) (29) Transportation Improvement Account—State  
 Appropriation: For transfer to the Transportation Improvement Board Bond Retirement Account—State. . . . . ((~~\$6,451,550~~))  
 \$6,452,000  
(30) Carbon Emissions Reduction Account—State  
Appropriation: For transfer to the Puget Sound Ferry Operations Account—State. . . \$600,000  
The amount transferred in this subsection represents an estimate of fare replacement revenue to account for the implementation of 18 and under fare-free policies.  
(31) Motor Vehicle Account—State  
Appropriation: For transfer to the Move Ahead WA Account—State \$3,607,000  
(32) Electric Vehicle Account—State  
Appropriation: For transfer to the Move Ahead WA Flexible Account—State. . . . . \$16,064,000  
(33) Carbon Emissions Reduction Account—State  
Appropriation: For transfer to the Climate Active Transportation Account—State. \$15,182,000  
(34) Carbon Emissions Reduction Account—State  
Appropriation: For transfer to the Climate Transit Programs Account—State. \$53,436,000

**Sec. 1007.** 2021 c 333 s 407 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**  
 Toll Facility Bond Retirement Account—Federal  
 Appropriation . . . . . ((~~\$199,129,000~~))  
 \$199,040,000  
 Toll Facility Bond Retirement Account—State  
 Appropriation . . . . . \$25,372,000  
**TOTAL APPROPRIATION. . . . . ((~~\$224,501,000~~))**  
**\$224,412,000**

(End of part)

**MISCELLANEOUS 2021-2023 FISCAL BIENNIUM**

NEW SECTION. **Sec. 1101.** A new section is added to 2022 c 186 (uncodified) to read as follows:

The appropriations to the department of transportation in chapter 333, Laws of 2021, chapters 186 and 187, Laws of 2022, and this act must be expended for the programs and in the amounts specified in chapter 333, Laws of 2021, chapters 186 and 187, Laws of 2022, and this act. However, after May 1, 2023, unless specifically prohibited, the department may transfer state appropriations authority for the 2021-2023 fiscal biennium among operating programs upon approval by the director of the office of financial management. However, the department shall not transfer state moneys that are provided solely for a specific purpose. The department shall not transfer appropriations authority, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of the office of financial management shall notify the appropriate transportation committees of the legislature before approving any allotment modifications or transfers under this section.

NEW SECTION. **Sec. 1102.** The following acts or parts of acts are each repealed:

- (1) 2022 c 187 s 201 (uncodified);
- (2) 2022 c 187 s 202 (uncodified);
- (3) 2022 c 187 s 203 (uncodified);
- (4) 2022 c 187 s 204 (uncodified);
- (5) 2022 c 187 s 205 (uncodified);
- (6) 2022 c 187 s 206 (uncodified);
- (7) 2022 c 187 s 207 (uncodified);
- (8) 2022 c 187 s 208 (uncodified);
- (9) 2022 c 187 s 209 (uncodified);
- (10) 2022 c 187 s 210 (uncodified);
- (11) 2022 c 187 s 211 (uncodified);
- (12) 2022 c 187 s 301 (uncodified);
- (13) 2022 c 187 s 302 (uncodified);
- (14) 2022 c 187 s 303 (uncodified);
- (15) 2022 c 187 s 304 (uncodified);
- (16) 2022 c 187 s 305 (uncodified);
- (17) 2022 c 187 s 306 (uncodified);
- (18) 2022 c 187 s 307 (uncodified);
- (19) 2022 c 187 s 308 (uncodified); and
- (20) 2022 c 187 s 401 (uncodified).

(End of part)

**MISCELLANEOUS**

NEW SECTION. **Sec. 1201.** 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. 1202.** 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."

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 43.19.642, 46.20.745, 46.68.060, 46.68.063, 46.68.290, 46.68.300, 46.68.370, 46.68.395, 46.68.490, 46.68.500, 47.56.876, 47.60.315, 47.60.322, 47.60.530, 47.66.120, and 82.44.200; amending 2022 c 186 ss 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, and 405 (uncodified); amending 2021 c 333 ss 304 and 407 (uncodified); amending 2023 c 2 s 2 (uncodified); adding a new section to 2022 c 186 (uncodified); creating new sections; repealing 2022 c 187 ss 201-211, 301-308, and 401 (uncodified); making appropriations and authorizing expenditures for capital improvements; providing a contingent effective date; and declaring an emergency."

and that the conference committee amendment (S-3376.1/23) be further amended as follows:

On page 102, after line 39, insert the following:

"(23) \$5,000,000 of the motor vehicle account—state appropriation, \$5,000,000 of the connecting Washington account—state appropriation, and \$5,000,000 of the move ahead WA account—state appropriation are provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI), specifically for design of, preliminary engineering, and right-of-way acquisition for the interchange and widening as a single project. The department must consider reserving portions of state route 522, including designated lanes or ramps, for the exclusive or preferential use of public transportation vehicles, privately owned buses, motorcycles, private motor vehicles carrying not less than a specified number of passengers, or private transportation provider vehicles pursuant to RCW 47.52.025."

and that the bill do pass as recommended by the Conference Committee:

Senators King, Lias, Shewmake  
Representatives Barkis, Fey, Paul

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125 and advanced the bill as recommended by the conference committee to final passage.

**FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED  
BY CONFERENCE COMMITTEE**

Representatives Riccelli, Robertson, Paul, Low, Donaghy, Hutchins, Timmons, Barkis and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed

Substitute House Bill No. 1125, as recommended by conference committee.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1125, as recommended by the conference committee, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125, as recommended by the conference committee, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Fey thanked the staff of the Office of Program Research for all of their long hours and hard work during session.

There being no objection, the House adjourned until 12:30 p.m., Sunday, April 23, 2023, the 105th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

1018	Messages. . . . .	1	5369	Messages. . . . .	1
1050-S	Messages. . . . .	1		Amendment Offered. . . . .	17
1056-S	Messages. . . . .	1		Third Reading Final Passage. . . . .	18
1125-S	Committee Report Conference. . . . .	40		Other Action. . . . .	17, 18
	Final Passage. . . . .	140		Messages. . . . .	17
1148-S	Messages. . . . .	18	5536-S2	Other Action. . . . .	2
1163-S	Messages. . . . .	1		Messages. . . . .	1
1258-S	Messages. . . . .	1	5765	Messages. . . . .	1
1267-S	Messages. . . . .	1	5768	Messages. . . . .	1
1308	Messages. . . . .	1		HOUSE OF REPRESENTATIVES (Representative Bronoske presiding)	
1318-S	Messages. . . . .	1		Point of Personal Privilege Representative Fey. . . . .	141
1324	Final Passage. . . . .	4		HOUSE OF REPRESENTATIVES (Representative Stonier presiding)	
	Messages. . . . .	2		Committee Appointments. . . . .	1
1425-S2	Messages. . . . .	1			
1431-S	Messages. . . . .	1			
1436-S	Final Passage. . . . .	10			
	Messages. . . . .	5			
1447-S2	Final Passage. . . . .	14			
	Messages. . . . .	10			
1521-S	Final Passage. . . . .	16			
	Messages. . . . .	15			
1533-S	Messages. . . . .	1			
1559-S2	Messages. . . . .	1			
1573	Messages. . . . .	1			
1638-S	Messages. . . . .	1			
1711-S	Messages. . . . .	1			
1715-S2	Final Passage. . . . .	40			
	Messages. . . . .	23			
1756-S	Messages. . . . .	1			
1762-S2	Final Passage. . . . .	23			
	Messages. . . . .	18			
1764-S	Messages. . . . .	1			
1812	Messages. . . . .	1			
1850-S	Messages. . . . .	1			
1853-S	Messages. . . . .	1			
1860	Introduction & 1st Reading. . . . .	1			
5120-S2	Messages. . . . .	1			
5123-S	Messages. . . . .	1			
5258-S2	Messages. . . . .	18			
5293-S	Messages. . . . .	18			
5315-S2	Messages. . . . .	18			
5316					