

**ESHB 1853 - S AMD 459**

By Senator Liiias

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (c) Whether the project will serve:

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

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

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

3 (iv) People with disabilities;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (b) People of color;

31 (c) People of Hispanic heritage;

32 (d) People with disabilities;

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

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

38 (g) Geographic location throughout the state;

39 (h) Crash experience involving pedestrians and bicyclists;

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 NEW SECTION. **Sec. 17.** Section 9 of this act expires July 1,  
36 2024.

1        NEW SECTION.    **Sec. 18.**    Section 10 of this act takes effect July  
2    1, 2024.

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

**ESHB 1853** - S AMD **459**  
By Senator Llias

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

EFFECT: (1) Clarifies that to qualify for transit support grants, transit agencies may not delay or suspend the collection of certain voter-approved sales taxes.

(2) Creates a new account, the clean fuels transportation investment account. Receipts to the state from clean fuel credits generated from transportation investments must be deposited into the account. The account may only be used for activities and projects that reduce greenhouse gas emissions and decarbonize the transportation sector.

--- END ---