
SUBSTITUTE SENATE BILL 5972

State of Washington

66th Legislature

2019 Regular Session

By Senate Transportation (originally sponsored by Senators Hobbs, King, Saldaña, Sheldon, Cleveland, Fortunato, Randall, Zeiger, Palumbo, Takko, Nguyen, Wilson, C., Mullet, Lias, Padden, Lovelett, Das, Conway, and Wagoner)

1 AN ACT Relating to additive transportation funding and
2 appropriations; creating new sections; making appropriations; and
3 declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** (1) An additive transportation budget of
6 the state is hereby adopted and, subject to the provisions set forth,
7 the several amounts specified, or as much thereof as may be necessary
8 to accomplish the purposes designated, are hereby appropriated from
9 the several accounts and funds named to the designated state agencies
10 and offices for employee compensation and other expenses, for capital
11 projects, and for other specified purposes, including the payment of
12 any final judgments arising out of such activities, for the period
13 ending June 30, 2021.

14 (2) It is the intent of the legislature that the funding levels
15 specified in LEAP Transportation Document 2019 NL-2 as developed
16 March 5, 2019, represents a commitment to provide appropriations to
17 the agencies, programs, and activities at the amounts identified
18 therein through fiscal year 2029.

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

- 1 (a) "Fiscal year 2020" or "FY 2020" means the fiscal year ending
 2 June 30, 2020.
- 3 (b) "Fiscal year 2021" or "FY 2021" means the fiscal year ending
 4 June 30, 2021.
- 5 (c) "FTE" means full-time equivalent.
- 6 (d) "Lapse" or "revert" means the amount shall return to an
 7 unappropriated status.
- 8 (e) "Provided solely" means the specified amount may be spent
 9 only for the specified purpose. Unless otherwise specifically
 10 authorized in this act, any portion of an amount provided solely for
 11 a specified purpose that is not expended subject to the specified
 12 conditions and limitations to fulfill the specified purpose shall
 13 lapse.
- 14 (f) "Reappropriation" means appropriation and, unless the context
 15 clearly provides otherwise, is subject to the relevant conditions and
 16 limitations applicable to appropriations.
- 17 (g) "LEAP" means the legislative evaluation and accountability
 18 program committee.

19 **2019-2021 FISCAL BIENNIUM**
 20 **TRANSPORTATION AGENCIES—OPERATING**

21 NEW SECTION. **Sec. 201. FOR THE DEPARTMENT OF TRANSPORTATION—**
 22 **FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION—PROGRAM D**
 23 Forward Washington Account—State Appropriation. \$2,000,000

24 NEW SECTION. **Sec. 202. FOR THE DEPARTMENT OF TRANSPORTATION—**
 25 **HIGHWAY MAINTENANCE—PROGRAM M**
 26 Forward Washington Account—State Appropriation. \$50,000,000

27 NEW SECTION. **Sec. 203. FOR THE DEPARTMENT OF TRANSPORTATION—**
 28 **TRAFFIC OPERATIONS—PROGRAM Q**
 29 Forward Washington Account—State Appropriation \$5,000,000

30 NEW SECTION. **Sec. 204. FOR THE DEPARTMENT OF TRANSPORTATION—**
 31 **TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T**
 32 Forward Washington Account—State Appropriation \$100,000

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

1 (1) \$100,000 of the forward Washington—state account is provided
2 solely for the department to study the possible different governance
3 structures for a bridge authority that would provide for the joint
4 administration of the bridges over the Columbia river between Oregon
5 and Washington. As part of this study, the department must examine
6 the feasibility and necessity of an interstate compact in conjunction
7 with the national center for interstate compacts. The department must
8 report back the results of the study to the transportation committees
9 of the legislature by December 1, 2019.

10 (2) State transportation planning funds for regional
11 transportation planning organizations may be provided only to those
12 organizations that provide a reasonable opportunity for voting
13 membership to federally recognized tribes within the respective
14 organization's planning area, as described in chapter . . . (Senate
15 Bill No. 5778 (S-1113/19)), Laws of 2019.

16 NEW SECTION. **Sec. 205. FOR THE DEPARTMENT OF TRANSPORTATION—**
17 **PUBLIC TRANSPORTATION—PROGRAM V**

18 Rural Mobility Grant Program Account—State

19	Appropriation.	\$11,000,000
20	Forward Flexible Account—State Appropriation.	\$58,000,000
21	TOTAL APPROPRIATION.	\$69,000,000

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

24 (1) \$20,000,000 of the forward flexible account—state
25 appropriation is provided solely for a grant program for special
26 needs transportation provided by transit agencies and nonprofit
27 providers of transportation.

28 (2) \$11,000,000 of the rural mobility grant program account—state
29 appropriation is provided solely for grants to aid small cities in
30 rural areas as prescribed in RCW 47.66.100.

31 (3) \$3,000,000 of the forward flexible account—state
32 appropriation is provided solely for a vanpool grant program for: (a)
33 Public transit agencies to add vanpools or replace vans; and (b)
34 incentives for employers to increase employee vanpool use. The grant
35 program for public transit agencies must cover capital costs only.
36 Operating costs for public transit agencies are not eligible for
37 funding under this grant program.

1 (4) \$500,000 of the forward flexible account—state appropriation
2 is provided solely for transit coordination grants.

3 (5) \$30,000,000 of the forward flexible account—state
4 appropriation is provided solely for bus and bus facility grants. It
5 is the intent of the legislature, over the ten-year new investment
6 program, that this grant program will provide \$25,000,000 in state
7 funds for Division Street High Performance Transit Infrastructure.

8 (6) \$4,500,000 of the forward flexible account—state
9 appropriation is provided solely for expanded transportation demand
10 management. The department shall employ strategies to incentivize the
11 use of transportation demand management at the local level. The
12 department may partner with public, private, and nonprofit groups
13 whose missions include topical areas such as social equity, public
14 health, land use planning, transit oriented development, and active
15 transportation.

16 NEW SECTION. **Sec. 206. FOR THE DEPARTMENT OF COMMERCE**

17 Forward Flexible Account—State Appropriation. \$45,000,000

18 \$45,000,000 of the forward flexible account—state appropriation
19 is provided solely for transportation grid electrification grants.
20 The purpose of the grant program is to aid public entities in funding
21 projects that improve the connectivity and efficiency of our
22 transportation system. The department shall identify cost-effective
23 projects and submit a prioritized list of all projects requesting
24 funding to the legislature by December 1st of each year.

25 **TRANSPORTATION AGENCIES—CAPITAL**

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

28 Freight Mobility Investment Account—State Appropriation. . \$2,500,000
29 Freight Mobility Multimodal Account—State Appropriation. . \$2,500,000
30 TOTAL APPROPRIATION. \$5,000,000

31 The appropriations in this section are subject to the following
32 conditions and limitations: The entire freight mobility investment
33 account—state appropriation and the entire freight mobility
34 multimodal account—state appropriation are provided solely to enhance

1 the grant and allocation programs administered by the freight
2 mobility investment board.

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

4	Transportation Improvement Account—State Appropriation. . .	\$9,000,000
5	Forward Flexible Account—State Appropriation.	\$9,000,000
6	TOTAL APPROPRIATION.	\$18,000,000

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

9 (1) The entire forward flexible account—state appropriation is
10 provided solely to enhance the complete streets program.

11 (2) The entire transportation improvement account—state
12 appropriation is to enhance the existing city grant and allocation
13 programs administered by the transportation improvement board.

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

15	Rural Arterial Trust Account—State Appropriation.	\$3,500,000
16	County Arterial Preservation Account—State Appropriation.	\$3,500,000
17	TOTAL APPROPRIATION.	\$7,000,000

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

20 (1) \$1,000,000 of the rural arterial trust account—state
21 appropriation and \$1,000,000 of the county arterial preservation
22 account—state appropriation are provided solely for deposit into the
23 county road administration board emergency loan revolving account
24 created in section 501 of this act for emergency loans to certain
25 counties. The board may create an emergency revolving loan program
26 through which the board may award emergency loans to counties with a
27 population of less than eight hundred thousand as of April 1, 2019,
28 from the funds available in the county road administration board
29 emergency loan revolving account. The loans must be repaid with
30 interest of not more than three percent and any negotiated
31 administrative charges. The repayment of any loan made from the
32 county road administration board emergency loan revolving account
33 must be paid into the county road administration board emergency loan
34 revolving account. An application for loan funds under this section
35 must be made in the form and manner as the board may prescribe. The
36 board shall submit a report to the legislature by December 1, 2020,
37 identifying each project that received money from the county road

1 administration board emergency loan revolving account, the amount of
2 the loan, the repayment terms of the loan, the expected date of
3 repayment, and the loan repayment status. For purposes of this
4 subsection, "emergency loans" are loans that:

5 (a) Cover work resulting from a sudden natural or human caused
6 event which results in the destruction or severe damage to county
7 roadway sections or structures such that, in the consideration of
8 public safety and use, the roadway sections or structures must be
9 immediately closed or substantially restricted to normal traffic;

10 (b) Cover work of either a temporary or permanent nature, which
11 restores roads and bridges to a preemergency condition and may
12 include reconstruction to current design standards;

13 (c) Cover work of an emergency nature that is beyond the scope of
14 work done by a county in repairing damages normally or reasonably
15 expected from seasonal or other natural conditions, and is beyond
16 what would be considered maintenance, regardless of how extensive the
17 maintenance may be; and

18 (d) Cover work in area included in a county, state, or federal
19 emergency proclamation related to the event that caused the damage
20 the emergency project intends to correct.

21 (2) \$2,500,000 of the rural arterial trust account—state
22 appropriation and \$2,500,000 of the county arterial preservation
23 account—state appropriation are provided solely to enhance the rural
24 arterial and the county arterial preservation programs.

25 NEW SECTION. **Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION—**
26 **IMPROVEMENTS—PROGRAM I**

27 Forward Washington Account—State Appropriation. . . . \$795,940,000

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

30 (1) The entire forward Washington account appropriation is
31 provided solely for the projects and activities as listed by fund,
32 project, and amount in LEAP Transportation Document 2019 NL-1 as
33 developed March 5, 2019, Highway Improvements Program (I).

34 (2) The forward Washington account—state appropriation includes
35 up to \$289,698,000 in proceeds from the sale of bonds authorized in
36 chapter . . . (Senate Bill No. 5970 (S-1390/19)), Laws of 2019.

37 (3) \$350,000,000 of the forward Washington account—state
38 appropriation is provided solely for the removal of fish culverts

1 using a watershed approach to maximize habitat gain by replacing both
2 state and local culverts. Of this amount, the department must replace
3 the culvert impacted by the US 101/Lower Hoh Road Intersection
4 Improvements project (L2000279) in the 2019-2021 biennium.

5 (4) \$50,000,000 of the forward Washington account—state
6 appropriation is provided solely for storm water retrofits and
7 improvements.

8 (5) It is the legislature's intent that the SR 18 Widening -
9 Issaquah/Hobart Rd to Raging River project (L1000199) include
10 headlight shields from oncoming traffic and adequate highway lighting
11 in order to improve safety on the corridor.

12 NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION—**
13 **PRESERVATION—PROGRAM P**

14 Forward Washington Account—State Appropriation. . . . \$100,000,000

15 The appropriation in this section is subject to the following
16 conditions and limitations: The entire forward Washington account
17 appropriation is provided solely for the projects and activities as
18 listed by fund, project, and amount in LEAP Transportation Document
19 2019 NL-1 as developed March 5, 2019, Highway Preservation Program
20 (P).

21 NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION—**
22 **WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W**

23 Forward Washington Account—State Appropriation. . . . \$167,000,000

24 The appropriation in this section is subject to the following
25 conditions and limitations: The entire forward Washington account
26 appropriation in this section is provided solely for the projects and
27 activities as listed in LEAP Transportation Document 2019 NL-1 as
28 developed March 5, 2019, Washington State Ferries Capital Program
29 (W).

30 NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION—**
31 **RAIL—PROGRAM Y**

32 Forward Flexible Account—State Appropriation. . . . \$15,000,000

33 The appropriation in this section is subject to the following
34 conditions and limitations: The entire appropriation in this section
35 is provided solely for the projects and activities as listed in LEAP

1 Transportation Document 2019 NL-1 as developed March 5, 2019, Rail
2 Capital Program (Y).

3 NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION—**
4 **LOCAL PROGRAMS—PROGRAM Z**

5 Forward Flexible Account—State Appropriation.	\$32,500,000
6 Forward Washington Account—State Appropriation.	\$23,658,000
7 TOTAL APPROPRIATION.	\$56,158,000

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

10 (1) \$23,658,000 forward Washington account—state appropriation is
11 provided solely for the projects and activities as listed by fund,
12 project, and amount in LEAP Transportation Document 2019 NL-1 as
13 developed March 5, 2019, Local Program (Z).

14 (2) \$10,000,000 of the forward flexible account—state
15 appropriation is provided solely for a Washington ports grant
16 program. It is the intent of the legislature, over the ten-year new
17 investment program, that this grant program will provide \$9,000,000
18 in state funds for the Spokane airport Transload facility.

19 (3) \$16,500,000 of the forward flexible account—state
20 appropriation is provided solely for newly selected pedestrian and
21 bicycle safety program projects.

22 (4) \$6,000,000 of the forward flexible account—state
23 appropriation is provided solely for newly selected safe routes to
24 school projects.

25 **TRANSFERS AND DISTRIBUTIONS**

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

28 (1) Forward Flexible Account—State Appropriation:
29 For transfer to the Freight Mobility Multimodal
30 Account—State. \$2,500,000

31 (2) Forward Flexible Account—State Appropriation:
32 For transfer to the Rural Mobility Grant
33 Program Account—State. \$11,000,000

34 (3) (a) Forward Flexible Account—State Appropriation:
35 For transfer to the General Fund—State. \$10,000,000

36 (b) The transfer in this subsection is solely for

1 reimbursement of eligible alternative fuel tax credits.

2 (4) Forward Washington Account—State Appropriation:

3 For transfer to the Freight Mobility Investment

4 Account—State. \$2,500,000

5 (5) Forward Washington Account—State Appropriation:

6 For transfer to the Rural Arterial Trust Account

7 —State. \$3,500,000

8 (6) Forward Washington Account—State Appropriation:

9 For transfer to the Transportation Improvement

10 Account—State. \$9,000,000

11 (7) Forward Washington Account—State Appropriation:

12 For transfer to the County Arterial Preservation

13 Account—State. \$3,500,000

14 NEW SECTION. **Sec. 402. FOR THE STATE TREASURER—STATE REVENUES**

15 **FOR DISTRIBUTION TO CITIES AND COUNTIES**

16 Forward Flexible Account—State Appropriation:

17 For distribution to cities and counties. \$37,500,000

18 The appropriation in this section is subject to the following

19 conditions and limitations: The amount provided must be allocated

20 between cities and counties using proportionate shares that are

21 consistent with the total amount of fuel tax revenue distributed

22 under RCW 46.68.090 to cities and counties. Funds credited to cities

23 must be allocated under RCW 46.68.110(4). Funds credited to counties

24 must be allocated under RCW 46.68.120(4). Expenditures from these

25 funds may be used only for transportation purposes.

26 NEW SECTION. **Sec. 403. FOR THE STATE TREASURER—BOND RETIREMENT**

27 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**

28 **BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND**

29 **TRANSPORTATION FUND REVENUE**

30 Forward Washington—State Appropriation \$1,448,000

31 Highway Bond Retirement Account—State Appropriation. . . \$20,348,000

32 TOTAL APPROPRIATION. \$21,796,000

33 NEW SECTION. **Sec. 404. FOR THE STATE TREASURER—BOND RETIREMENT**

34 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**

35 **BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

36 Forward Washington—State Appropriation \$290,000

1 **MISCELLANEOUS**

2 NEW SECTION. **Sec. 501.** The county road administration board
3 emergency loan revolving account is created in the custody of the
4 state treasurer. All receipts from moneys collected under section 303
5 of this act must be deposited into the account. Expenditures from the
6 account may be used only for the purposes described in section 303 of
7 this act. Only the county road administration board or its designee
8 may authorize expenditures from the account. The account is subject
9 to allotment procedures under chapter 43.88 RCW, but an appropriation
10 is not required for expenditures.

11 NEW SECTION. **Sec. 502.** The legislature intends that the
12 following projects be designated as projects of statewide
13 significance and be provided the benefit of the project facilitation
14 and coordination specified in chapter . . . (Senate Bill No. 5847
15 (S-0669/19)), Laws of 2019 (significant transportation projects):

- 16 (1) US 2 Trestle replacement;
- 17 (2) I-5 Bridge over the Columbia River replacement;
- 18 (3) Fish passage barrier removal projects;
- 19 (4) Hood River Bridge replacement;
- 20 (5) Bridge of the Gods replacement;
- 21 (6) All future bridges over the Columbia River that connect
22 Washington with Oregon.

23 NEW SECTION. **Sec. 503.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

27 NEW SECTION. **Sec. 504.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of
29 the state government and its existing public institutions, and takes
30 effect immediately.

(End of Bill)

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