
ENGROSSED SUBSTITUTE SENATE BILL 5801

State of Washington

69th Legislature

2025 Regular Session

By Senate Transportation (originally sponsored by Senators Lias, King, and Chapman)

READ FIRST TIME 03/29/25.

1 AN ACT Relating to transportation resources; amending RCW
2 82.38.030, 46.68.090, 46.17.323, 46.17.324, 46.17.040, 46.17.005,
3 82.08.020, 82.12.020, 70A.205.405, 70A.205.430, 70A.205.425,
4 46.20.161, 46.20.181, 46.68.041, 46.63.200, 46.63.110, 47.46.100,
5 47.56.245, 47.56.850, 47.56.870, 90.58.356, 77.55.181, 49.26.013,
6 36.70A.200, 36.70A.200, 47.04.380, 47.04.430, 47.04.390, 47.01.051,
7 47.01.071, 47.04.280, 81.52.050, 46.63.220, 47.04.350, 47.04.355,
8 47.60.826, 88.16.035, 46.16A.305, 47.60.322, 82.42.090, 43.19.642,
9 47.04.035, 39.114.020, 47.56.030, 47.56.031, 70A.15.4030, 81.112.130,
10 81.112.140, 36.57A.140, and 47.24.020; reenacting and amending RCW
11 46.20.117, 43.84.092, 43.84.092, 70A.65.030, 70A.65.040, 70A.65.230,
12 and 46.16A.030; adding a new section to chapter 47.60 RCW; adding a
13 new section to chapter 46.17 RCW; adding a new section to chapter
14 82.14 RCW; adding a new section to chapter 47.66 RCW; adding a new
15 section to chapter 47.04 RCW; adding a new section to chapter 72.60
16 RCW; adding new chapters to Title 82 RCW; adding a new chapter to
17 Title 36 RCW; adding a new chapter to Title 47 RCW; creating new
18 sections; repealing RCW 47.46.110, 47.01.075, 46.68.490, 46.68.500,
19 47.29.010, 47.29.020, 47.29.030, 47.29.040, 47.29.050, 47.29.060,
20 47.29.070, 47.29.080, 47.29.090, 47.29.100, 47.29.110, 47.29.120,
21 47.29.130, 47.29.140, 47.29.150, 47.29.160, 47.29.170, 47.29.180,
22 47.29.190, 47.29.200, 47.29.210, 47.29.220, 47.29.230, 47.29.240,
23 47.29.250, 47.29.260, 47.29.270, 47.29.280, and 47.29.290;

1 prescribing penalties; providing effective dates; providing
2 expiration dates; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the purpose of
5 the transportation system is to support the mobility needs of
6 Washington residents, as well as to sustain and foster the economic
7 activity and growth of the state. The legislature recognizes that the
8 transportation system has pressing near, mid, and long-term needs
9 that necessitate reliance on reliable funding resources, as well as
10 the efficient use of those resources. The legislature further
11 recognizes that the production, maintenance, and utilization of
12 transportation resources across the state is inherently a complex,
13 multifaceted issue. The legislature therefore intends to address
14 these resources needs in a comprehensive manner. As such, the
15 legislature's purpose in enacting this legislation is to address the
16 complex production, maintenance, and utilization of transportation
17 resources in Washington to achieve both short-term investment needs
18 and provide a long-range vision for transportation system
19 development.

20 **PART I**

21 **MOTOR VEHICLE FUEL TAXES, ELECTRIC VEHICLES FEES, AND OTHER VEHICLE**
22 **FEES**

23 **Sec. 101.** RCW 82.38.030 and 2015 3rd sp.s. c 44 s 103 are each
24 amended to read as follows:

25 (1) There is levied and imposed upon fuel licensees a tax at the
26 rate of (~~twenty-three~~) 23 cents per gallon of fuel.

27 (2) Beginning July 1, 2003, an additional and cumulative tax rate
28 of five cents per gallon of fuel is imposed on fuel licensees. This
29 subsection (2) expires when the bonds issued for transportation 2003
30 projects are retired.

31 (3) Beginning July 1, 2005, an additional and cumulative tax rate
32 of three cents per gallon of fuel is imposed on fuel licensees.

33 (4) Beginning July 1, 2006, an additional and cumulative tax rate
34 of three cents per gallon of fuel is imposed on fuel licensees.

35 (5) Beginning July 1, 2007, an additional and cumulative tax rate
36 of two cents per gallon of fuel is imposed on fuel licensees.

1 (6) Beginning July 1, 2008, an additional and cumulative tax rate
2 of one and one-half cents per gallon of fuel is imposed on fuel
3 licensees.

4 (7) Beginning August 1, 2015, an additional and cumulative tax
5 rate of seven cents per gallon of fuel is imposed on fuel licensees.

6 (8) Beginning July 1, 2025, an additional and cumulative tax rate
7 of six cents per gallon of fuel is imposed on fuel licensees.

8 (9) Beginning July 1, 2026, and on July 1st of each year
9 thereafter, the fuel tax imposed under this section on fuel licensees
10 must be increased by an additional inflation adjustment factor. The
11 additional inflation adjustment factor is the fuel tax rate as of
12 June 30th of the immediately preceding fiscal year increased by two
13 percent. The resulting fuel tax rate must be rounded to the nearest
14 10th cent per gallon.

15 (10) Beginning July 1, 2016, an additional and cumulative tax
16 rate of four and nine-tenths cents per gallon of fuel is imposed on
17 fuel licensees.

18 ((+9)) (11) Taxes are imposed when:

19 (a) Fuel is removed in this state from a terminal if the fuel is
20 removed at the rack unless the removal is by a licensed supplier or
21 distributor for direct delivery to a destination outside of the
22 state, or the removal is by a fuel supplier for direct delivery to an
23 international fuel tax agreement licensee under RCW 82.38.320;

24 (b) Fuel is removed in this state from a refinery if either of
25 the following applies:

26 (i) The removal is by bulk transfer and the refiner or the owner
27 of the fuel immediately before the removal is not a licensed
28 supplier; or

29 (ii) The removal is at the refinery rack unless the removal is to
30 a licensed supplier or distributor for direct delivery to a
31 destination outside of the state, or the removal is to a licensed
32 supplier for direct delivery to an international fuel tax agreement
33 licensee under RCW 82.38.320;

34 (c) Fuel enters into this state for sale, consumption, use, or
35 storage, unless the fuel enters this state for direct delivery to an
36 international fuel tax agreement licensee under RCW 82.38.320, if
37 either of the following applies:

38 (i) The entry is by bulk transfer and the importer is not a
39 licensed supplier; or

40 (ii) The entry is not by bulk transfer;

1 (d) Fuel enters this state by means outside the bulk transfer-
2 terminal system and is delivered directly to a licensed terminal
3 unless the owner is a licensed distributor or supplier;

4 (e) Fuel is sold or removed in this state to an unlicensed entity
5 unless there was a prior taxable removal, entry, or sale of the fuel;

6 (f) Blended fuel is removed or sold in this state by the blender
7 of the fuel. The number of gallons of blended fuel subject to tax is
8 the difference between the total number of gallons of blended fuel
9 removed or sold and the number of gallons of previously taxed fuel
10 used to produce the blended fuel;

11 (g) Dyed special fuel is used on a highway, as authorized by the
12 internal revenue code, unless the use is exempt from the fuel tax;

13 (h) Dyed special fuel is held for sale, sold, used, or is
14 intended to be used in violation of this chapter;

15 (i) Special fuel purchased by an international fuel tax agreement
16 licensee under RCW 82.38.320 is used on a highway; and

17 (j) Fuel is sold by a licensed fuel supplier to a fuel
18 distributor or fuel blender and the fuel is not removed from the bulk
19 transfer-terminal system.

20 **Sec. 102.** RCW 46.68.090 and 2015 3rd sp.s. c 44 s 105 are each
21 amended to read as follows:

22 (1) All moneys that have accrued or may accrue to the motor
23 vehicle fund from the fuel tax must be first expended for purposes
24 enumerated in (a) and (b) of this subsection. The remaining net tax
25 amount must be distributed monthly by the state treasurer in
26 accordance with subsections (2) through (~~(8)~~) (9) of this section.

27 (a) For payment of refunds of fuel tax that has been paid and is
28 refundable as provided by law;

29 (b) For payment of amounts to be expended pursuant to
30 appropriations for the administrative expenses of the offices of
31 state treasurer, state auditor, and the department of licensing of
32 the state of Washington in the administration of the fuel tax, which
33 sums must be distributed monthly.

34 (2) All of the remaining net tax amount collected under RCW
35 82.38.030(1) must be distributed as set forth in (a) through (j) of
36 this subsection.

37 (a) For distribution to the motor vehicle fund an amount equal to
38 44.387 percent to be expended for highway purposes of the state as
39 defined in RCW 46.68.130;

1 (b)(i) For distribution to the special category C account, hereby
2 created in the motor vehicle fund, an amount equal to 3.2609 percent
3 to be expended for special category C projects. Special category C
4 projects are category C projects that, due to high cost only, will
5 require bond financing to complete construction.

6 (ii) The following criteria, listed in order of priority, must be
7 used in determining which special category C projects have the
8 highest priority:

9 (A) Accident experience;

10 (B) Fatal accident experience;

11 (C) Capacity to move people and goods safely and at reasonable
12 speeds without undue congestion; and

13 (D) Continuity of development of the highway transportation
14 network.

15 (iii) Moneys deposited in the special category C account in the
16 motor vehicle fund may be used for payment of debt service on bonds
17 the proceeds of which are used to finance special category C projects
18 under this subsection (2)(b);

19 (c) For distribution to the Puget Sound ferry operations account
20 in the motor vehicle fund an amount equal to 2.3283 percent;

21 (d) For distribution to the Puget Sound capital construction
22 account in the motor vehicle fund an amount equal to 2.3726 percent;

23 (e) For distribution to the transportation improvement account in
24 the motor vehicle fund an amount equal to 7.5597 percent;

25 (f) For distribution to the transportation improvement account in
26 the motor vehicle fund an amount equal to 5.6739 percent and expended
27 in accordance with RCW 47.26.086;

28 (g) For distribution to the cities and towns from the motor
29 vehicle fund an amount equal to 10.6961 percent in accordance with
30 RCW 46.68.110;

31 (h) For distribution to the counties from the motor vehicle fund
32 an amount equal to 19.2287 percent: (i) Out of which there must be
33 distributed from time to time, as directed by the department of
34 transportation, those sums as may be necessary to carry out the
35 provisions of RCW 47.56.725; and (ii) less any amounts appropriated
36 to the county road administration board to implement the provisions
37 of RCW 47.56.725(4), with the balance of such county share to be
38 distributed monthly as the same accrues for distribution in
39 accordance with RCW 46.68.120;

1 (i) For distribution to the county arterial preservation account,
2 hereby created in the motor vehicle fund an amount equal to 1.9565
3 percent. These funds must be distributed by the county road
4 administration board to counties in proportions corresponding to the
5 number of paved arterial lane miles in the unincorporated area of
6 each county and must be used for improvements to sustain the
7 structural, safety, and operational integrity of county arterials.
8 The county road administration board must adopt reasonable rules and
9 develop policies to implement this program and to assure that a
10 pavement management system is used;

11 (j) For distribution to the rural arterial trust account in the
12 motor vehicle fund an amount equal to 2.5363 percent and expended in
13 accordance with RCW 36.79.020.

14 (3) The remaining net tax amount collected under RCW 82.38.030(2)
15 must be distributed to the transportation 2003 account (nickel
16 account).

17 (4) The remaining net tax amount collected under RCW 82.38.030(3)
18 must be distributed as follows:

19 (a) 8.3333 percent must be distributed to the incorporated cities
20 and towns of the state in accordance with RCW 46.68.110;

21 (b) 8.3333 percent must be distributed to counties of the state
22 in accordance with RCW 46.68.120; and

23 (c) The remainder must be distributed to the transportation
24 partnership account created in RCW 46.68.290.

25 (5) The remaining net tax amount collected under RCW 82.38.030(4)
26 must be distributed as follows:

27 (a) 8.3333 percent must be distributed to the incorporated cities
28 and towns of the state in accordance with RCW 46.68.110;

29 (b) 8.3333 percent must be distributed to counties of the state
30 in accordance with RCW 46.68.120; and

31 (c) The remainder must be distributed to the transportation
32 partnership account created in RCW 46.68.290.

33 (6) The remaining net tax amount collected under RCW 82.38.030
34 (5) and (6) must be distributed to the transportation partnership
35 account created in RCW 46.68.290.

36 (7) The remaining net tax amount collected under RCW 82.38.030
37 (7) and (~~(8)~~) (10) must be distributed to the connecting Washington
38 account created in RCW 46.68.395.

1 (8) The remaining net tax amount collected under RCW 82.38.030
2 (8) and (9) must be distributed to the move ahead WA account created
3 in RCW 46.68.510.

4 (9) Nothing in this section or in RCW 46.68.130 may be construed
5 so as to violate any terms or conditions contained in any highway
6 construction bond issues now or hereafter authorized by statute and
7 whose payment is by such statute pledged to be paid from any excise
8 taxes on fuel.

9 **Sec. 103.** RCW 46.17.323 and 2022 c 149 s 1 are each amended to
10 read as follows:

11 (1) Before accepting an application for an annual vehicle
12 registration (~~(renewal)~~) for a vehicle that both (a) uses at least
13 one method of propulsion that is capable of being reenergized by an
14 external source of electricity and (b) is capable of traveling at
15 least 30 miles using only battery power, except for electric
16 motorcycles, the department, county auditor or other agent, or
17 subagent appointed by the director must require the applicant to pay
18 a (~~(\$100)~~) \$150 Fix Our Roads (2012) electric vehicle registration
19 fee in addition to any other fees and taxes required by law. The
20 (~~(\$100)~~) fee is due (~~(only)~~) at the time of annual registration
21 (~~(renewal)~~).

22 (2) This section only applies to a vehicle that is designed to
23 have the capability to drive at a speed of more than 35 miles per
24 hour.

25 (3) (a) The (~~(fee)~~) fees under this section (~~(is)~~) are imposed to
26 provide funds to mitigate the impact of vehicles on state roads and
27 highways and for the purpose of evaluating the feasibility of
28 transitioning from a revenue collection system based on fuel taxes to
29 a road user assessment system, and (~~(is)~~) are separate and distinct
30 from other vehicle license fees. Proceeds from the (~~(fee)~~) fees must
31 be used for highway purposes, and must be deposited in the motor
32 vehicle fund created in RCW 46.68.070, (~~(subject to (b) of this~~
33 ~~subsection)) except as otherwise provided in this section.~~

34 (b) If in any year the amount of proceeds from the first \$100 of
35 the fee collected under subsection (1) of this section on
36 registration renewals exceeds \$1,000,000, the excess amount over
37 \$1,000,000 must be deposited as follows:

38 (i) Seventy percent to the motor vehicle fund created in RCW
39 46.68.070;

1 (ii) Fifteen percent to the transportation improvement account
2 created in RCW 47.26.084; and

3 (iii) Fifteen percent to the rural arterial trust account created
4 in RCW 36.79.020.

5 (c) The first \$100 of the fee collected under subsection (1) of
6 this section on original registrations must be deposited in the move
7 ahead WA account created in RCW 46.68.510.

8 (d) \$50 of the fee collected under subsection (1) of this section
9 on both original registrations and renewal registrations must be
10 deposited in the move ahead WA account created in RCW 46.68.510.

11 (4)(a) In addition to the fee established in subsection (1) of
12 this section, before accepting an application for an annual vehicle
13 registration (~~(renewal)~~) for a vehicle that both (i) uses at least
14 one method of propulsion that is capable of being reenergized by an
15 external source of electricity and (ii) is capable of traveling at
16 least 30 miles using only battery power, except for electric
17 motorcycles, the department, county auditor or other agent, or
18 subagent appointed by the director must require the applicant to pay
19 a \$50 Fix Our Roads (2015) electric vehicle registration fee.

20 (b) (~~The~~) Except as provided in subsection (7) of this section,
21 the fee required under (a) of this subsection on registration
22 renewals must be distributed as follows:

23 (i) The first \$1,000,000 raised by the fee must be deposited into
24 the multimodal transportation account created in RCW 47.66.070; and

25 (ii) Any remaining amounts must be deposited into the motor
26 vehicle fund created in RCW 46.68.070.

27 (c) Except as provided in subsection (7) of this section, the fee
28 required under (a) of this subsection on original registrations must
29 be deposited in the move ahead WA account created in RCW 46.68.510.

30 (5) Beginning November 1, 2022, before accepting an application
31 for an annual vehicle registration (~~(renewal)~~) for an electric
32 motorcycle that uses propulsion units powered solely by electricity,
33 the department, county auditor or other agent, or subagent appointed
34 by the director must require the applicant to pay a \$30 Fix Our Roads
35 electric motorcycle vehicle registration fee in addition to any other
36 fees and taxes required by law. The \$30 fee is due (~~(only)~~) at the
37 time of annual registration (~~(renewal)~~).

38 (6) (~~The~~) (a) Except as provided in subsection (7) of this
39 section, the fees collected pursuant to subsection (5) of this
40 section on registration renewals shall be deposited into the motor

1 vehicle fund created in RCW 46.68.070 and the fees collected pursuant
2 to subsection (5) of this section on original registrations shall be
3 deposited in the move ahead WA account created in RCW 46.68.510.

4 (7) Beginning July 1, 2026, and on July 1st of each year
5 thereafter, the fees under subsections (1), (4), and (5) of this
6 section must be increased by an additional inflation adjustment
7 factor. The additional inflation adjustment factor is the fee rate as
8 of June 30th of the immediately preceding fiscal year increased by
9 two percent. The result must be rounded to the nearest 20th of \$1.
10 The entire amount of the proceeds from the additional inflation
11 adjustment factor under this subsection must be deposited in the move
12 ahead WA account created in RCW 46.68.510.

13 (8) This section applies to annual vehicle ((registration
14 renewals)) registrations until the effective date of enacted
15 legislation that imposes a vehicle miles traveled fee or tax.

16 **Sec. 104.** RCW 46.17.324 and 2019 c 287 s 23 are each amended to
17 read as follows:

18 ~~((To realize the environmental benefits of electrification of the~~
19 ~~transportation system it is necessary to support the adoption of~~
20 ~~electric vehicles and other electric technology in the state by~~
21 ~~incentivizing the purchase of these vehicles, building out the~~
22 ~~charging infrastructure, developing greener transit options, and~~
23 ~~supporting clean alternative fuel infrastructure. Therefore, it is~~
24 ~~the intent of the legislature to support these activities through the~~
25 ~~imposition of new transportation electrification fees in this~~
26 ~~section.))~~

27 (1) A vehicle that both (a) uses at least one method of
28 propulsion that is capable of being reenergized by an external source
29 of electricity and (b) is capable of traveling at least ~~((thirty))~~ 30
30 miles using only battery power, is subject to an annual ~~((seventy-~~
31 ~~five dollar transportation electrification))~~ \$75 Fix Our Roads (2019)
32 electric vehicle registration fee to be collected by the department,
33 county auditor, or other agent or subagent appointed by the director,
34 in addition to any other fees and taxes required by law. For
35 administrative efficiencies, the transportation electrification fee
36 must be collected at the same time as an annual vehicle registration
37 ~~((renewals and may only be collected for vehicles that are renewing~~
38 ~~an annual vehicle registration))~~.

1 (2) Beginning October 1, 2019, in lieu of the fee in subsection
2 (1) of this section for a hybrid or alternative fuel vehicle that is
3 not required to pay the fees established in RCW 46.17.323 (1) and
4 (4), the department, county auditor, or other agent or subagent
5 appointed by the director must require that the applicant for the
6 annual vehicle registration (~~renewal~~) of such hybrid or alternative
7 fuel vehicle pay a (~~seventy-five dollar~~) \$100 Fix Our Roads hybrid
8 vehicle (~~transportation electrification~~) registration fee, in
9 addition to any other fees and taxes required by law.

10 (3) ~~The (fees required under this section must be deposited in~~
11 ~~the electric vehicle account created in RCW 82.44.200, until July 1,~~
12 ~~2025, when the fee)~~ first \$75 of the fees on renewal registrations
13 required under this section must be deposited in the motor vehicle
14 account. The remaining amounts on registration renewals and all of
15 the fees on original registrations must be deposited in the move
16 ahead WA account created in RCW 46.68.510.

17 (4) Beginning July 1, 2026, and on July 1st of each year
18 thereafter, the fees under this section must be increased by an
19 additional inflation adjustment factor. The additional inflation
20 adjustment factor is the fee rate as of June 30th of the immediately
21 preceding fiscal year increased by two percent. The result must be
22 rounded to the nearest 20th of \$1. The entire amount of the proceeds
23 from the additional inflation adjustment factor under this subsection
24 must be deposited in the move ahead WA account created in RCW
25 46.68.510.

26 (5) This section only applies to a vehicle that is designed to
27 have the capability to drive at a speed of more than (~~thirty-five~~)
28 35 miles per hour.

29 **Sec. 105.** RCW 46.17.040 and 2019 c 417 s 2 are each amended to
30 read as follows:

31 (1) The department, county auditor or other agent, or subagent
32 appointed by the director shall collect a service fee of:

33 (a) (~~Fifteen dollars~~) \$18 for changes in a certificate of
34 title, changes in ownership for nontitled vehicles, or for
35 verification of record and preparation of an affidavit of lost title
36 other than at the time of the certificate of title application or
37 transfer, in addition to any other fees or taxes due at the time of
38 application; and

1 (b) (~~Eight dollars~~) \$11 for a registration renewal, issuing a
2 transit permit, or any other service under this section, in addition
3 to any other fees or taxes due at the time of application.

4 (2) Service fees collected under this section by the department
5 or county auditor or other agent appointed by the director must be
6 credited to the capital vessel replacement account under RCW
7 47.60.322.

8 **Sec. 106.** RCW 46.17.005 and 2019 c 417 s 3 are each amended to
9 read as follows:

10 (1) A person who applies for a vehicle registration or for any
11 other right to operate a vehicle on the highways of this state shall
12 pay a (~~four dollar and fifty cent~~) \$6 filing fee in addition to any
13 other fees and taxes required by law.

14 (2) A person who applies for a certificate of title shall pay a
15 (~~five dollar and fifty cent~~) \$6.50 filing fee in addition to any
16 other fees and taxes required by law.

17 (3) The filing fees established in this section must be
18 distributed under RCW 46.68.400.

19 NEW SECTION. **Sec. 107.** Sections 105 and 106 of this act apply
20 to registrations that are due or become due on or after January 1,
21 2026, and certificate of title transactions that are processed on or
22 after January 1, 2026.

23 **PART II**

24 **LUXURY TAX ON EXPENSIVE MOTOR VEHICLES/VESSELS/AIRCRAFT, RENTAL CAR**
25 **TAX, TIRE DISPOSAL FEE, AND ELECTRIC BICYCLE SURCHARGE**

26 **Sec. 201.** RCW 82.08.020 and 2022 c 16 s 145 are each amended to
27 read as follows:

28 (1) There is levied and collected a tax equal to six and five-
29 tenths percent of the selling price on each retail sale in this state
30 of:

31 (a) Tangible personal property, unless the sale is specifically
32 excluded from the RCW 82.04.050 definition of retail sale;

33 (b) Digital goods, digital codes, and digital automated services,
34 if the sale is included within the RCW 82.04.050 definition of retail
35 sale;

1 (c) Services, other than digital automated services, included
2 within the RCW 82.04.050 definition of retail sale;

3 (d) Extended warranties to consumers; and

4 (e) Anything else, the sale of which is included within the RCW
5 82.04.050 definition of retail sale.

6 (2) (a) There is levied and collected an additional tax on each
7 retail car rental, regardless of whether the vehicle is licensed in
8 this state, equal to ~~((five and nine-tenths percent of the selling
9 price. The revenue collected under))~~:

10 (i) Eleven and nine-tenths percent of the selling price from
11 January 1, 2026, through December 31, 2026; and

12 (ii) (A) Nine and nine-tenths percent of the selling price
13 beginning January 1, 2027.

14 (B) The revenue collected from the first five and nine-tenths
15 percent of the selling price under (a) of this subsection must be
16 deposited in the multimodal transportation account created in RCW
17 47.66.070 with the remainder deposited in the move ahead WA flexible
18 account created in RCW 46.68.520.

19 (b) (i) There is levied and collected an additional tax on peer-
20 to-peer car sharing transactions equal to the selling price
21 multiplied by the rate of tax imposed in (a) of this subsection. The
22 revenue collected under this subsection (2) (b) must be deposited in
23 the move ahead WA flexible account created in RCW 46.68.520.

24 (ii) For purposes of this subsection (2) (b), "peer-to-peer car
25 sharing" has the same meaning as in RCW 46.74A.010. "Peer-to-peer car
26 sharing" does not mean:

27 (A) "Retail car rental" as defined in RCW 82.08.011; or

28 (B) "Rental car" as defined in RCW 46.04.465 or 48.115.005.

29 (3) Beginning July 1, 2003, there is levied and collected an
30 additional tax of three-tenths of one percent of the selling price on
31 each retail sale of a motor vehicle in this state, other than retail
32 car rentals taxed under subsection (2) of this section. The revenue
33 collected under this subsection must be deposited in the multimodal
34 transportation account created in RCW 47.66.070.

35 (4) (a) In addition to the taxes imposed in subsections (1) and
36 (3) of this section, there is levied and collected an additional 10
37 percent luxury vehicle tax on the sale of a passenger motor vehicle
38 if:

39 (i) The selling price of the passenger motor vehicle exceeds
40 \$100,000; or

1 (ii) In the case of a lease requiring periodic payments, the fair
2 market value of the passenger motor vehicle exceeds \$100,000 at the
3 inception of the lease.

4 (b) The additional tax imposed in this subsection applies to
5 passenger motor vehicles not used exclusively for a business purpose.

6 (c) The additional tax imposed in this subsection only applies to
7 the portion of the selling price in excess of \$100,000, or in the
8 case of a lease requiring periodic payments, the fair market value of
9 the passenger motor vehicle in excess of \$100,000 at the inception of
10 the lease.

11 (d) For purposes of this subsection, "passenger motor vehicle"
12 means any motor vehicle that is designed for carrying 10 or fewer
13 passengers, including passenger cars, light trucks, limousines,
14 motorcycles, passenger vans, and sport utility vehicles. For purposes
15 of this subsection (4), the definitions in chapter 46.04 RCW apply.

16 (e) The revenue collected under this subsection must be deposited
17 in the move ahead WA flexible account created in RCW 46.68.520.

18 (5) For purposes of subsection (3) of this section, "motor
19 vehicle" has the meaning provided in RCW 46.04.320, but does not
20 include:

21 (a) Farm tractors or farm vehicles as defined in RCW 46.04.180
22 and 46.04.181, unless the farm tractor or farm vehicle is for use in
23 the production of cannabis;

24 (b) Off-road vehicles as defined in RCW 46.04.365;

25 (c) Nonhighway vehicles as defined in RCW 46.09.310; and

26 (d) Snowmobiles as defined in RCW 46.04.546.

27 ~~((5))~~ (6) Beginning on December 8, 2005, 0.16 percent of the
28 taxes collected under subsection (1) of this section must be
29 dedicated to funding comprehensive performance audits required under
30 RCW 43.09.470. The revenue identified in this subsection must be
31 deposited in the performance audits of government account created in
32 RCW 43.09.475.

33 ~~((6))~~ (7) The taxes imposed under this chapter apply to
34 successive retail sales of the same property.

35 ~~((7))~~ (8) The rates provided in this section apply to taxes
36 imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

37 **Sec. 202.** RCW 82.12.020 and 2017 c 323 s 520 are each amended to
38 read as follows:

1 (1) There is levied and collected from every person in this state
2 a tax or excise for the privilege of using within this state as a
3 consumer any:

4 (a) Article of tangible personal property acquired by the user in
5 any manner, including tangible personal property acquired at a casual
6 or isolated sale, and including by-products used by the manufacturer
7 thereof, except as otherwise provided in this chapter, irrespective
8 of whether the article or similar articles are manufactured or are
9 available for purchase within this state;

10 (b) Prewritten computer software, regardless of the method of
11 delivery, but excluding prewritten computer software that is either
12 provided free of charge or is provided for temporary use in viewing
13 information, or both;

14 (c) Services defined as a retail sale in RCW 82.04.050 (2) (a) or
15 (g) or (6)(c), excluding services defined as a retail sale in RCW
16 82.04.050(6)(c) that are provided free of charge;

17 (d) Extended warranty; or

18 (e)(i) Digital good, digital code, or digital automated service,
19 including the use of any services provided by a seller exclusively in
20 connection with digital goods, digital codes, or digital automated
21 services, whether or not a separate charge is made for such services.

22 (ii) With respect to the use of digital goods, digital automated
23 services, and digital codes acquired by purchase, the tax imposed in
24 this subsection (1)(e) applies in respect to:

25 (A) Sales in which the seller has granted the purchaser the right
26 of permanent use;

27 (B) Sales in which the seller has granted the purchaser a right
28 of use that is less than permanent;

29 (C) Sales in which the purchaser is not obligated to make
30 continued payment as a condition of the sale; and

31 (D) Sales in which the purchaser is obligated to make continued
32 payment as a condition of the sale.

33 (iii) With respect to digital goods, digital automated services,
34 and digital codes acquired other than by purchase, the tax imposed in
35 this subsection (1)(e) applies regardless of whether or not the
36 consumer has a right of permanent use or is obligated to make
37 continued payment as a condition of use.

38 (2) The provisions of this chapter do not apply in respect to the
39 use of any article of tangible personal property, extended warranty,
40 digital good, digital code, digital automated service, or service

1 taxable under RCW 82.04.050 (2) (a) or (g) or (6)(c), if the sale to,
2 or the use by, the present user or the present user's bailor or donor
3 has already been subjected to the tax under chapter 82.08 RCW or this
4 chapter and the tax has been paid by the present user or by the
5 present user's bailor or donor.

6 (3)(a) Except as provided in this section, payment of the tax
7 imposed by this chapter or chapter 82.08 RCW by one purchaser or user
8 of tangible personal property, extended warranty, digital good,
9 digital code, digital automated service, or other service does not
10 have the effect of exempting any other purchaser or user of the same
11 property, extended warranty, digital good, digital code, digital
12 automated service, or other service from the taxes imposed by such
13 chapters.

14 (b) The tax imposed by this chapter does not apply:

15 (i) If the sale to, or the use by, the present user or his or her
16 bailor or donor has already been subjected to the tax under chapter
17 82.08 RCW or this chapter and the tax has been paid by the present
18 user or by his or her bailor or donor;

19 (ii) In respect to the use of any article of tangible personal
20 property acquired by bailment and the tax has once been paid based on
21 reasonable rental as determined by RCW 82.12.060 measured by the
22 value of the article at time of first use multiplied by the tax rate
23 imposed by chapter 82.08 RCW or this chapter as of the time of first
24 use;

25 (iii) In respect to the use of any article of tangible personal
26 property acquired by bailment, if the property was acquired by a
27 previous bailee from the same bailor for use in the same general
28 activity and the original bailment was prior to June 9, 1961; or

29 (iv) To the use of digital goods or digital automated services,
30 which were obtained through the use of a digital code, if the sale of
31 the digital code to, or the use of the digital code by, the present
32 user or the present user's bailor or donor has already been subjected
33 to the tax under chapter 82.08 RCW or this chapter and the tax has
34 been paid by the present user or by the present user's bailor or
35 donor.

36 (4)(a) Except as provided in (b) of this subsection (4), the tax
37 is levied and must be collected in an amount equal to the value of
38 the article used, value of the digital good or digital code used,
39 value of the extended warranty used, or value of the service used by

1 the taxpayer, multiplied by the applicable rates in effect for the
2 retail sales tax under RCW 82.08.020.

3 (b) In the case of a seller required to collect use tax from the
4 purchaser, the tax must be collected in an amount equal to the
5 purchase price multiplied by the applicable rate in effect for the
6 retail sales tax under RCW 82.08.020.

7 (5) For purposes of the tax imposed in this section, "person"
8 includes anyone within the definition of "buyer," "purchaser," and
9 "consumer" in RCW 82.08.010.

10 (6)(a) The tax imposed in this section at the rate provided in
11 RCW 82.08.020(4) applies to the use of a passenger motor vehicle as
12 defined in RCW 82.08.020(4) on the value of the passenger motor
13 vehicle in excess of \$100,000 at the time that it is first used in
14 this state by the consumer.

15 (b) "Value of the passenger motor vehicle" means the fair market
16 value of the passenger motor vehicle. In the case of a leased
17 passenger motor vehicle in which the consumer is required to make
18 periodic lease payments, "value of the passenger motor vehicle" means
19 the fair market value of the passenger motor vehicle at the inception
20 of the lease.

21 (c) The revenue collected under this subsection must be deposited
22 in the move ahead WA flexible account created in RCW 46.68.520.

23 NEW SECTION. Sec. 203. The additional sales and use tax imposed
24 in sections 201 and 202 of this act applies only to passenger motor
25 vehicles acquired by the purchaser on or after January 1, 2026. In
26 the case of leased passenger motor vehicles, the additional sales and
27 use tax imposed in sections 201 and 202 of this act applies only with
28 respect to leases entered into by the lessee on or after January 1,
29 2026.

30 NEW SECTION. Sec. 204. (1)(a) In addition to taxes required
31 under chapters 82.08 and 82.12 RCW, there is levied and collected an
32 electric bicycle surcharge equal to 10 percent of the selling price
33 on each retail sale in this state of new electric bicycles. The
34 electric bicycle surcharge applies to Class 1 and 2 electric-assisted
35 bicycles as defined in RCW 46.04.169 (1) and (2) without UL or EN
36 certification and Class 3 electric-assisted bicycles as defined in
37 RCW 46.04.169(3).

1 (b) All electric bicycle surcharge amounts shall be reported and
2 remitted to the department in a manner and frequency consistent with
3 the reporting and remittance of state sales taxes, and on such forms
4 as the department shall prescribe and approve.

5 (c) The tax collected by the electric bicycle retailer is deemed
6 to be held in trust until paid to the department. Any electric
7 bicycle retailer who appropriates or converts the tax collected to
8 the dealer's own use or to any use other than the payment of the tax
9 to the extent that the money required to be collected is not
10 available for payment on the due date as prescribed in this chapter
11 is guilty of a gross misdemeanor.

12 (2) The definitions in this subsection apply throughout this
13 chapter, unless the context clearly requires otherwise.

14 (a) "Electric bicycle" has the same meaning as "electric-assisted
15 bicycle" as provided in RCW 46.04.169.

16 (b) "Selling price" has the same meaning as provided in RCW
17 82.08.010.

18 NEW SECTION. **Sec. 205.** The revenue collected under this chapter
19 must be deposited in the move ahead WA flexible account created in
20 RCW 46.68.520.

21 NEW SECTION. **Sec. 206.** Chapter 82.32 RCW applies to the
22 administration of the electric bicycle surcharge authorized in this
23 chapter.

24 NEW SECTION. **Sec. 207.** (1) The electric bicycle surcharge
25 authorized in this chapter does not apply to any transaction that the
26 state is prohibited from taxing under the Constitution of this state
27 or the Constitution or laws of the United States.

28 (2) There are no other exemptions from this tax.

29 NEW SECTION. **Sec. 208.** Sections 204 through 207 of this act
30 constitute a new chapter in Title 82 RCW.

31 **Sec. 209.** RCW 70A.205.405 and 2020 c 20 s 1190 are each amended
32 to read as follows:

33 (1) There is levied a (~~one-dollar~~) \$5 per tire fee on the
34 retail sale of new replacement vehicle tires. The fee imposed in this
35 section must be paid by the buyer to the seller, and each seller

1 shall collect from the buyer the full amount of the fee. The fee
2 collected from the buyer by the seller less the (~~ten percent~~)
3 amount retained by the seller as provided in RCW 70A.205.430(1) must
4 be paid to the department of revenue in accordance with RCW
5 82.32.045.

6 (2) The department of revenue shall incorporate into the agency's
7 regular audit cycle a reconciliation of the number of tires sold and
8 the amount of revenue collected by the businesses selling new
9 replacement vehicle tires at retail. The department of revenue shall
10 collect on the business excise tax return from the businesses selling
11 new replacement vehicle tires at retail:

- 12 (a) The number of tires sold; and
- 13 (b) The fee levied in this section.

14 (3) All other applicable provisions of chapter 82.32 RCW have
15 full force and application with respect to the fee imposed under this
16 section. The department of revenue shall administer this section.

17 (4) For the purposes of this section, "new replacement vehicle
18 tires" means tires that are newly manufactured for vehicle purposes
19 and does not include retreaded vehicle tires.

20 **Sec. 210.** RCW 70A.205.430 and 2020 c 20 s 1193 are each amended
21 to read as follows:

22 (1) Every person engaged in making retail sales of new
23 replacement vehicle tires in this state shall retain (~~ten percent of~~
24 ~~the collected one dollar fee~~) 25 cents for each tire subject to the
25 fee imposed under RCW 70A.205.405. The moneys retained may be used
26 for costs associated with the proper management of the waste vehicle
27 tires by the retailer.

28 (2) The department of ecology will administer the funds for the
29 purposes specified in RCW 70A.205.010(6) including, but not limited
30 to:

31 (a) Making grants to local governments for pilot demonstration
32 projects for on-site shredding and recycling of tires from
33 unauthorized dump sites;

34 (b) Grants to local government for enforcement programs;

35 (c) Implementation of a public information and education program
36 to include posters, signs, and informational materials to be
37 distributed to retail tire sales and tire service outlets;

38 (d) Product marketing studies for recycled tires and alternatives
39 to land disposal.

1 **Sec. 211.** RCW 70A.205.425 and 2020 c 20 s 1192 are each amended
2 to read as follows:

3 (1) (~~(All receipts from)~~) The first \$600,000 of the receipts from
4 the tire fees imposed under RCW 70A.205.405 (~~(, except as provided in~~
5 ~~subsection (2) of this section,)~~) each fiscal year must be deposited
6 in the waste tire removal account created under RCW 70A.205.415 with
7 remainder distributed as provided in subsection (2) of this section.
8 Moneys in the account may be spent only after appropriation.
9 Expenditures from the account may be used for the cleanup of
10 unauthorized waste tire piles and measures that prevent future
11 accumulation of unauthorized waste tire piles.

12 (2) (~~(On September 1st of odd-numbered years, the state treasurer~~
13 ~~must transfer any cash balance in excess of one million dollars from~~
14 ~~the waste tire removal account created under RCW 70A.205.415 to)~~) (a)
15 After making the deposit required under subsection (1) of this
16 section, \$4,750,000 of the remaining net receipts from the tire fee
17 imposed under RCW 70A.205.405 each fiscal year must be deposited in
18 the motor vehicle fund for the purpose of road wear related
19 maintenance on state and local public highways.

20 (b) All remaining receipts from the tire fee imposed under RCW
21 70A.205.405 each fiscal year must be deposited in the move ahead WA
22 flexible account created in RCW 46.68.520.

23 NEW SECTION. **Sec. 212.** LARGE EVENT TRANSPORTATION ASSESSMENT.

24 (1) Beginning January 1, 2026, a large event transportation
25 assessment is imposed on large events occurring at a large event
26 facility. The amount of the assessment is \$1 per attendee of the
27 large event.

28 (2) The large event transportation assessment is a legal
29 obligation of the large event facility operator, but may be
30 separately listed for informational purposes on customer ticket or
31 billing documents. If a large event is canceled or postponed, the
32 large event assessment is not due and payable until after the large
33 event has occurred. For an event occurring over multiple days, the
34 large event transportation assessment is assessed for each day the
35 event constitutes a large event.

36 (3) The large event transportation assessment does not apply to
37 the area fairs, county fairs, community fairs, or youth shows and
38 fairs described in RCW 15.76.120 or any state fair.

1 (4) For the purposes of this chapter, the following definitions
2 apply unless the context clearly requires otherwise.

3 (a) "Attendee" means an individual admitted or attending a large
4 event by paying an admission charge, purchasing a ticket including
5 season tickets, subscription, or admitted to the large event free of
6 charge, at a reduced rate, or based on a complimentary admission. An
7 attendee also includes individuals working at the large event or
8 providing contracted services on the premises, including assisting
9 with parking.

10 (b) "Event day" means each day that a sports contest, concert,
11 trade convention, or any other similar activity, takes place.

12 (c) "Large event" means any sports contest, concert, trade
13 convention, or any other similar activity, which draws at least
14 20,000 attendees on an event day. "Large event" does not include any
15 state or local fairs, including youth shows and fairs described in
16 RCW 15.76.120.

17 (d) "Large event facility" means a facility described under RCW
18 82.29A.130 (14) or (15). "Large event facility" also includes a
19 convention center, amusement park, or any other sports facility,
20 concert venue, or similar public entertainment or spectator venue
21 that is specifically designed to accommodate or seat at least 20,000
22 attendees per event day.

23 (e) "Large event facility operator" means the owner or operator
24 of a large event facility.

25 NEW SECTION. **Sec. 213.** COLLECTION AND ADMINISTRATION. The
26 department may adopt such rules as may be necessary to enforce and
27 administer the provisions of this chapter. To the extent applicable,
28 chapter 82.32 RCW applies to the large event transportation
29 assessment imposed in this chapter.

30 NEW SECTION. **Sec. 214.** Revenues collected under this chapter
31 must be deposited in the move ahead WA flexible account created in
32 RCW 46.68.520.

33 NEW SECTION. **Sec. 215.** The provisions of RCW 82.32.805 and
34 82.32.808 do not apply to sections 212 through 214 of this act.

35 NEW SECTION. **Sec. 216.** Sections 212 through 214 of this act
36 constitute a new chapter in Title 82 RCW.

1 NEW SECTION. **Sec. 217.** (1) In addition to taxes required under
2 chapters 82.08 and 82.12 RCW, there is levied and collected an
3 additional 10 percent luxury motor home tax on the sale of a motor
4 home if:

5 (a) The selling price of the motor home exceeds \$500,000; or

6 (b) In the case of a lease requiring periodic payments, the fair
7 market value of the motor home exceeds \$500,000 at the inception of
8 the lease.

9 (c) The additional tax imposed in this subsection only applies to
10 the portion of the selling price in excess of \$500,000, or in the
11 case of a lease requiring periodic payments, the fair market value of
12 the motor home in excess of \$500,000 at the inception of the lease.

13 (2) In addition to taxes required under chapters 82.08, 82.12,
14 and 82.49 RCW, there is levied and collected an additional 10 percent
15 luxury vessel tax on the sale of a recreational vessel if:

16 (a) The selling price of the recreational vessel exceeds
17 \$500,000; or

18 (b) In the case of a lease requiring periodic payments, the fair
19 market value of the recreational vessel exceeds \$500,000 at the
20 inception of the lease.

21 (c) The additional tax imposed in this subsection only applies to
22 the portion of the selling price in excess of \$500,000, or in the
23 case of a lease requiring periodic payments, the fair market value of
24 the recreational vessel in excess of \$500,000 at the inception of the
25 lease.

26 (3) In addition to taxes required under chapters 82.08 and 82.12
27 RCW, there is levied and collected an additional 10 percent luxury
28 aircraft tax on the sale of a noncommercial aircraft if:

29 (a) The selling price of the noncommercial aircraft exceeds
30 \$500,000; or

31 (b) In the case of a lease requiring periodic payments, the fair
32 market value of the noncommercial aircraft exceeds \$500,000 at the
33 inception of the lease.

34 (c) The additional tax imposed in this subsection only applies to
35 the portion of the selling price in excess of \$500,000, or in the
36 case of a lease requiring periodic payments, the fair market value of
37 the noncommercial aircraft in excess of \$500,000 at the inception of
38 the lease.

39 (4) The definitions in this subsection apply throughout this
40 chapter, unless the context clearly requires otherwise.

- 1 (a) "Motor home" has the same meaning as provided in RCW
2 46.04.623.
- 3 (b) "Vessel" has the same meaning as provided in RCW 88.02.310.
- 4 (c) "Aircraft" has the same meaning as provided in RCW 47.68.020.
- 5 (d) "Selling price" has the same meaning as provided in RCW
6 82.08.010.

7 NEW SECTION. **Sec. 218.** (1)(a) In addition to taxes required
8 under chapters 82.08 and 82.12 RCW, there is levied and collected
9 from every person in this state a tax for the privilege of using
10 within this state as a consumer any motor home if the value of the
11 motor home exceeds \$500,000.

12 (b) The tax is levied and must be collected in an amount equal to
13 the value of the motor home that exceeds \$500,000, multiplied by 10
14 percent.

15 (2)(a) In addition to taxes required under chapters 82.08, 82.12,
16 and 82.49 RCW, there is levied and collected from every person in
17 this state a tax for the privilege of using within this state as a
18 consumer any recreational vessel if the value of the vessel exceeds
19 \$500,000.

20 (b) The tax is levied and must be collected in an amount equal to
21 the value of the vessel that exceeds \$500,000, multiplied by 10
22 percent.

23 (3)(a) In addition to taxes required under chapters 82.08 and
24 82.12 RCW, there is levied and collected from every person in this
25 state a tax for the privilege of using within this state as a
26 consumer any noncommercial aircraft if the value of the aircraft
27 exceeds \$500,000.

28 (b) The tax is levied and must be collected in an amount equal to
29 the value of the aircraft that exceeds \$500,000, multiplied by 10
30 percent.

31 (4) "Value" means the fair market value of the motor home,
32 vessel, or aircraft. In the case of a leased passenger the motor
33 home, vessel, or aircraft in which the consumer is required to make
34 periodic lease payments, "value" of the motor home, vessel, or
35 aircraft means the fair market value of the motor home, vessel, or
36 aircraft at the inception of the lease.

1 NEW SECTION. **Sec. 219.** The revenue collected under this chapter
2 must be deposited in the move ahead WA flexible account created in
3 RCW 46.68.520.

4 NEW SECTION. **Sec. 220.** Chapter 82.32 RCW applies to the
5 administration of the luxury taxes authorized in this chapter.

6 NEW SECTION. **Sec. 221.** Sections 217 through 220 of this act
7 constitute a new chapter in Title 82 RCW.

8 **PART III**

9 **DRIVER'S LICENSE FEES, WORK ZONE VIOLATIONS, TRAFFIC INFRACTIONS,**
10 **VEHICLE REGISTRATION SYSTEM FOR TRANSIT, AND CREDIT CARD SURCHARGES**
11 **FOR FERRY RIDERS**

12 **Sec. 301.** RCW 46.20.161 and 2024 c 146 s 29 are each amended to
13 read as follows:

14 (1) (a) The department, upon receipt of a fee of (~~seventy-two~~
15 ~~dollars~~) \$80, unless the driver's license is issued for a period
16 other than eight years, in which case the fee shall be (~~nine~~
17 ~~dollars~~) \$10 for each year that the license is issued, which
18 includes the fee for the required photograph, shall issue to every
19 qualifying applicant a driver's license.

20 (b) Beginning July 1, 2026, and on July 1st of each year
21 thereafter, the fee under (a) of this subsection must be increased by
22 an additional inflation adjustment factor. The additional inflation
23 adjustment factor is the fee rate as of June 30th of the immediately
24 preceding fiscal year increased by two percent. The result must be
25 rounded to the nearest 20th of \$1.

26 (c) A driver's license issued to a person under the age of
27 (~~eighteen~~) 18 is an intermediate license, subject to the
28 restrictions imposed under RCW 46.20.075, until the person reaches
29 the age of eighteen.

30 (2) The license must include:

31 (a) A distinguishing number assigned to the licensee;

32 (b) The name of record;

33 (c) Date of birth;

34 (d) Washington residence address;

35 (e) Photograph;

36 (f) A brief description of the licensee;

1 (g) Either a facsimile of the signature of the licensee or a
2 space upon which the licensee shall write the licensees' usual
3 signature with pen and ink immediately upon receipt of the license;

4 (h) If applicable, the person's status as a veteran as provided
5 in subsection (4) of this section; and

6 (i) If applicable, a medical alert designation as provided in
7 subsection (5) of this section.

8 (3) No license is valid until it has been signed by the licensee.

9 (4)(a) A veteran, as defined in RCW 41.04.007, may apply to the
10 department to obtain a veteran designation on a driver's license
11 issued under this section by providing:

12 (i) A United States department of veterans affairs identification
13 card or proof of service letter;

14 (ii) A United States department of defense discharge document, DD
15 Form 214 or DD Form 215, as it exists on June 7, 2018, or such
16 subsequent date as may be provided by the department by rule,
17 consistent with the purposes of this section, or equivalent or
18 successor discharge paperwork, that establishes the person's service
19 in the armed forces of the United States and qualifying discharge as
20 defined in RCW 73.04.005;

21 (iii) A national guard state-issued report of separation and
22 military service, NGB Form 22, as it exists on June 7, 2018, or such
23 subsequent date as may be provided by the department by rule,
24 consistent with the purposes of this section, or equivalent or
25 successor discharge paperwork, that establishes the person's active
26 duty or reserve service in the national guard and qualifying
27 discharge as defined in RCW 73.04.005; or

28 (iv) A United States uniformed services identification card, DD
29 Form 2, that displays on its face that it has been issued to a
30 retired member of any of the armed forces of the United States,
31 including the national guard and armed forces reserves.

32 (b) The department may permit a veteran, as defined in RCW
33 41.04.007, to submit alternate forms of documentation to apply to
34 obtain a veteran designation on a driver's license.

35 (5) Any person may apply to the department to obtain a medical
36 alert designation, a developmental disability designation, or a
37 deafness designation on a driver's license issued under this chapter
38 by providing:

39 (a) Self-attestation that the individual:

1 (i) Has a medical condition that could affect communication or
2 account for a driver health emergency;

3 (ii) Is deaf or hard of hearing; or

4 (iii) Has a developmental disability as defined in RCW
5 71A.10.020;

6 (b) A statement from the person that they have voluntarily
7 provided the self-attestation and other information verifying the
8 condition; and

9 (c) For persons under (~~eighteen~~) 18 years of age or who have a
10 developmental disability, the signature of a parent or legal
11 guardian.

12 (6) A self-attestation or data contained in a self-attestation
13 provided under this section:

14 (a) Shall not be disclosed;

15 (b) Is for the confidential use of the director, the chief of the
16 Washington state patrol, and law enforcement and emergency medical
17 service providers as designated by law; and

18 (c) Is subject to the privacy protections of the driver's privacy
19 protection act, 18 U.S.C. Sec. 2725.

20 **Sec. 302.** RCW 46.20.181 and 2021 c 158 s 8 are each amended to
21 read as follows:

22 (1) Except as provided in subsection (4) or (5) of this section,
23 every driver's license expires on the eighth anniversary of the
24 licensee's birthdate following the issuance of the license.

25 (2) (a) A person may renew a license on or before the expiration
26 date by submitting an application as prescribed by the department and
27 paying a fee of (~~seventy-two dollars~~) \$80.

28 (b) Beginning July 1, 2026, and on July 1st of each year
29 thereafter, the fee under (a) of this subsection must be increased by
30 an additional inflation adjustment factor. The additional inflation
31 adjustment factor is the fee rate as of June 30th of the immediately
32 preceding fiscal year increased by two percent. The result must be
33 rounded to the nearest 20th of \$1.

34 (c) This fee includes the fee for the required photograph.

35 (3) A person renewing a driver's license more than (~~sixty~~) 60
36 days after the license has expired shall pay a penalty fee of (~~ten~~
37 ~~dollars~~) \$10 in addition to the renewal fee, unless the license
38 expired when:

1 (a) The person was outside the state and the licensee renews the
2 license within (~~sixty~~) 60 days after returning to this state; or

3 (b) The person was incapacitated and the licensee renews the
4 license within (~~sixty~~) 60 days after the termination of the
5 incapacity.

6 (4) (a) The department may issue or renew a driver's license for a
7 period other than eight years, or may extend by mail or electronic
8 commerce a license that has already been issued. The fee for a
9 driver's license issued or renewed for a period other than eight
10 years, or that has been extended by mail or electronic commerce, is
11 (~~nine dollars~~) \$10 for each year that the license is issued,
12 renewed, or extended.

13 (b) Beginning July 1, 2026, and on July 1st of each year
14 thereafter, the fee under (a) of this subsection must be increased by
15 an additional inflation adjustment factor. The additional inflation
16 adjustment factor is the fee rate as of June 30th of the immediately
17 preceding fiscal year increased by two percent. The result must be
18 rounded to the nearest 20th of \$1.

19 (c) The department must offer the option to issue or renew a
20 driver's license for six years in addition to the eight year
21 issuance. The department may adopt any rules as are necessary to
22 carry out this subsection.

23 (5) A driver's license that includes a hazardous materials
24 endorsement under chapter 46.25 RCW may expire on an anniversary of
25 the licensee's birthdate other than the eighth year following
26 issuance or renewal of the license in order to match, as nearly as
27 possible, the validity of certification from the federal
28 transportation security administration that the licensee has been
29 determined not to pose a security risk. The fee for a driver's
30 license issued or renewed for a period other than eight years is
31 (~~nine dollars~~) \$9 for each year that the license is issued or
32 renewed, not including any endorsement fees. The department may
33 adjust the expiration date of a driver's license that has previously
34 been issued to conform to the provisions of this subsection if a
35 hazardous materials endorsement is added to the license subsequent to
36 its issuance. If the validity of the driver's license is extended,
37 the licensee must pay a fee of (~~nine dollars~~) \$9 for each year that
38 the license is extended.

39 (6) The department may adopt any rules as are necessary to carry
40 out this section.

1 **Sec. 303.** RCW 46.20.117 and 2024 c 315 s 4 and 2024 c 162 s 3
2 are each reenacted and amended to read as follows:

3 (1) **Issuance.** The department shall issue an identicard,
4 containing a picture, if the applicant:

5 (a) Does not hold a valid Washington driver's license;

6 (b) Proves the applicant's identity as required by RCW 46.20.035;
7 and

8 (c) Pays the required fee. Except as provided in subsection (7)
9 of this section, the fee is (~~(\$72)~~) \$80, unless an applicant is:

10 (i) A recipient of continuing public assistance grants under
11 Title 74 RCW, or a participant in the Washington women, infants, and
12 children program. Any applicant under this subsection must be
13 verified by documentation sufficient to demonstrate eligibility;

14 (ii) Under the age of 25 and does not have a permanent residence
15 address as determined by the department by rule; or

16 (iii) An individual who is scheduled to be released from an
17 institution as defined in RCW 13.40.020, a community facility as
18 defined in RCW 72.05.020, a correctional facility as defined in RCW
19 72.09.015, or other juvenile rehabilitation facility operated by the
20 department of social and health services or the department of
21 children, youth, and families; or an individual who has been released
22 from such an institution or facility within 30 calendar days before
23 the date of the application.

24 For those persons under (c)(i) through (iii) of this subsection,
25 the fee must be the actual cost of production of the identicard.

26 (2)(a) **Design and term.** The identicard must:

27 (i) Be distinctly designed so that it will not be confused with
28 the official driver's license; and

29 (ii) Except as provided in subsection (7) of this section, expire
30 on the eighth anniversary of the applicant's birthdate after
31 issuance.

32 (b) The identicard may include the person's status as a veteran,
33 consistent with RCW 46.20.161(4).

34 (c) If applicable, the identicard may include a medical alert
35 designation as provided in subsection (5) of this section.

36 (3) **Renewal.** An application for identicard renewal may be
37 submitted by means of:

38 (a) Personal appearance before the department;

1 (b) Mail or electronic commerce, if permitted by rule of the
2 department and if the applicant did not renew the identicard by mail
3 or by electronic commerce when it last expired; or

4 (c) From January 1, 2022, to June 30, 2024, electronic commerce,
5 if permitted by rule of the department.

6 An identicard may not be renewed by mail or by electronic
7 commerce unless the renewal issued by the department includes a
8 photograph of the identicard holder.

9 (4) **Cancellation.** The department may cancel an identicard if the
10 holder of the identicard used the card or allowed others to use the
11 card in violation of RCW 46.20.0921.

12 (5) Any person may apply to the department to obtain a medical
13 alert designation, a developmental disability designation, or a
14 deafness designation on an identicard issued under this chapter by
15 providing:

16 (a) Self-attestation that the individual:

17 (i) Has a medical condition that could affect communication or
18 account for a health emergency;

19 (ii) Is deaf or hard of hearing; or

20 (iii) Has a developmental disability as defined in RCW
21 71A.10.020;

22 (b) A statement from the person that they have voluntarily
23 provided the self-attestation and other information verifying the
24 condition; and

25 (c) For persons under 18 years of age or who have a developmental
26 disability, the signature of a parent or legal guardian.

27 (6) A self-attestation or data contained in a self-attestation
28 provided under this section:

29 (a) Shall not be disclosed; and

30 (b) Is for the confidential use of the director, the chief of the
31 Washington state patrol, and law enforcement and emergency medical
32 service providers as designated by law.

33 (7) **Alternative issuance/renewal/extension.** The department may
34 issue or renew an identicard for a period other than eight years, or
35 may extend by mail or electronic commerce an identicard that has
36 already been issued. The fee for an identicard issued or renewed for
37 a period other than eight years, or that has been extended by mail or
38 electronic commerce, is (~~(\$9)~~) \$10 for each year that the identicard
39 is issued, renewed, or extended. The department must offer the option
40 to issue or renew an identicard for six years in addition to the

1 eight year issuance. The department may adopt any rules as are
2 necessary to carry out this subsection.

3 (8) Identocard photos must be updated in the same manner as
4 driver's license photos under RCW 46.20.120(5).

5 (9) Beginning July 1, 2026, and on July 1st of each year
6 thereafter, the fees under subsections (1) and (7) of this section
7 must be increased by an additional inflation adjustment factor. The
8 additional inflation adjustment factor is the fee rate as of June
9 30th of the immediately preceding fiscal year increased by two
10 percent. The result must be rounded to the nearest 20th of \$1.

11 **Sec. 304.** RCW 46.68.041 and 2022 c 182 s 210 are each amended to
12 read as follows:

13 (1) Except as provided in subsections (2) (~~and (3)~~) through (5)
14 of this section, the department must forward all funds accruing under
15 the provisions of chapter 46.20 RCW together with a proper
16 identifying, detailed report to the state treasurer who must deposit
17 such moneys to the credit of the highway safety fund.

18 (2) Fifty-six percent of each fee collected by the department
19 under RCW 46.20.311 (1)(e)(ii), (2)(b)(ii), and (3)(b) must be
20 deposited in the impaired driving safety account.

21 (3) Fifty percent of the revenue from the fees imposed under RCW
22 46.20.200(2) must be deposited in the move ahead WA flexible account
23 created in RCW 46.68.520.

24 (4) Ten percent of the revenue collected from the fees imposed
25 under the following must be deposited in the move ahead WA flexible
26 account created in RCW 46.68.520:

27 (a) RCW 46.20.117 (1) and (7);

28 (b) RCW 46.20.161(1)(a); and

29 (c) RCW 46.20.181 (2)(a) and (4)(a).

30 (5) All revenue generated from the additional inflation
31 adjustment factor under the following must be deposited in the move
32 ahead WA flexible account created in RCW 46.68.520:

33 (a) RCW 42.20.161(1)(b);

34 (b) RCW 42.20.181 (2)(b) and (4)(b); and

35 (c) RCW 46.20.117(9).

36 **Sec. 305.** RCW 46.63.200 and 2024 c 308 s 4 are each amended to
37 read as follows:

1 (1) This section applies to the use of speed safety camera
2 systems in state highway work zones.

3 (2) Nothing in this section prohibits a law enforcement officer
4 from issuing a notice of infraction to a person in control of a
5 vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
6 (b), or (c).

7 (3)(a) The department of transportation is responsible for all
8 actions related to the operation and administration of speed safety
9 camera systems in state highway work zones including, but not limited
10 to, the procurement and administration of contracts necessary for the
11 implementation of speed safety camera systems, the mailing of notices
12 of infraction, and the development and maintenance of a public-facing
13 website for the purpose of educating the traveling public about the
14 use of speed safety camera systems in state highway work zones. Prior
15 to the use of a speed safety camera system to capture a violation
16 established in this section for enforcement purposes, the department
17 of transportation, in consultation with the Washington state patrol,
18 department of licensing, office of administrative hearings,
19 Washington traffic safety commission, and other organizations
20 committed to protecting civil rights, must adopt rules addressing
21 such actions and take all necessary steps to implement this section.

22 (b) The Washington state patrol is responsible for all actions
23 related to the enforcement and adjudication of speed violations under
24 this section including, but not limited to, notice of infraction
25 verification and issuance authorization, and determining which types
26 of emergency vehicles are exempt from being issued notices of
27 infraction under this section. Prior to the use of a speed safety
28 camera system to capture a violation established in this section for
29 enforcement purposes, the Washington state patrol, in consultation
30 with the department of transportation, department of licensing,
31 office of administrative hearings, Washington traffic safety
32 commission, and other organizations committed to protecting civil
33 rights, must adopt rules addressing such actions and take all
34 necessary steps to implement this section.

35 (c) When establishing rules under this subsection (3), the
36 department of transportation and the Washington state patrol may also
37 consult with other public and private agencies that have an interest
38 in the use of speed safety camera systems in state highway work
39 zones.

1 (4) (a) No person may drive a vehicle in a state highway work zone
2 at a speed greater than that allowed by traffic control devices.

3 (b) A notice of infraction may only be issued under this section
4 if a speed safety camera system captures a speed violation in a state
5 highway work zone when workers are present.

6 (5) The penalty for a speed safety camera system violation is:
7 (a) (~~(\$0)~~) \$125 for the first violation; and (b) \$248 for the second
8 violation, and for each violation thereafter.

9 (6) During the 30-day period after the first speed safety camera
10 system is put in place, the department is required to conduct a
11 public awareness campaign to inform the public of the use of speed
12 safety camera systems in state highway work zones.

13 (7) (a) A notice of infraction issued under this section may be
14 mailed to the registered owner of the vehicle within 30 days of the
15 violation, or to the renter of a vehicle within 30 days of
16 establishing the renter's name and address. The law enforcement
17 officer issuing the notice of infraction shall include with it a
18 certificate or facsimile thereof, based upon inspection of
19 photographs, microphotographs, or electronic images produced by a
20 speed safety camera stating the facts supporting the notice of
21 infraction. This certificate or facsimile is prima facie evidence of
22 the facts contained in it and is admissible in a proceeding charging
23 a violation under this section. The photographs, microphotographs, or
24 electronic images evidencing the violation must be available for
25 inspection and admission into evidence in a proceeding to adjudicate
26 the liability for the violation.

27 (b) A notice of infraction represents a determination that an
28 infraction has been committed, and the determination will be final
29 unless contested as provided under this section.

30 (c) A person receiving a notice of infraction based on evidence
31 detected by a speed safety camera system must, within 30 days of
32 receiving the notice of infraction: (i) (~~(Except for a first~~
33 ~~violation under subsection (5) (a) of this section, remit)~~) Remit
34 payment in the amount of the penalty assessed for the violation; (ii)
35 contest the determination that the infraction occurred by following
36 the instructions on the notice of infraction; or (iii) admit to the
37 infraction but request a hearing to explain mitigating circumstances
38 surrounding the infraction.

39 (d) If a person fails to respond to a notice of infraction, a
40 final order shall be entered finding that the person committed the

1 infraction and assessing monetary penalties required under subsection
2 (5) ~~((b))~~ of this section.

3 (e) If a person contests the determination that the infraction
4 occurred or requests a mitigation hearing, the notice of infraction
5 shall be referred to the office of administrative hearings for
6 adjudication consistent with chapter 34.05 RCW.

7 (f) At a hearing to contest an infraction, the agency issuing the
8 infraction has the burden of proving, by a preponderance of the
9 evidence, that the infraction was committed.

10 (g) A person may request a payment plan at any time for the
11 payment of any penalty or other monetary obligation associated with
12 an infraction under this section. The agency issuing the infraction
13 shall provide information about how to submit evidence of inability
14 to pay, how to obtain a payment plan, and that failure to pay or
15 enter into a payment plan may result in collection action or
16 nonrenewal of the vehicle registration. The office of administrative
17 hearings may authorize a payment plan if it determines that a person
18 is not able to pay the monetary obligation, and it may modify a
19 payment plan at any time.

20 (8)(a) Speed safety camera systems may only take photographs,
21 microphotographs, or electronic images of the vehicle and vehicle
22 license plate and only while a speed violation is occurring. The
23 photograph, microphotograph, or electronic image must not reveal the
24 face of the driver or any passengers in the vehicle. The department
25 of transportation shall consider installing speed safety camera
26 systems in a manner that minimizes the impact of camera flash on
27 drivers.

28 (b) The registered owner of a vehicle is responsible for a
29 traffic infraction under RCW 46.63.030 unless the registered owner
30 overcomes the presumption in RCW 46.63.075 or, in the case of a
31 rental car business, satisfies the conditions under (f) of this
32 subsection. If appropriate under the circumstances, a renter
33 identified under (f)(i) of this subsection is responsible for the
34 traffic infraction.

35 (c) Notwithstanding any other provision of law, all photographs,
36 microphotographs, or electronic images, or any other personally
37 identifying data prepared under this section are for the exclusive
38 use of the Washington state patrol and department of transportation
39 in the discharge of duties under this section and are not open to the
40 public and may not be used in court in a pending action or proceeding

1 unless the action or proceeding relates to a speed violation under
2 this section. This data may be used in administrative appeal
3 proceedings relative to a violation under this section.

4 (d) All locations where speed safety camera systems are used must
5 be clearly marked before activation of the camera system by placing
6 signs in locations that clearly indicate to a driver that they are
7 entering a state highway work zone where posted speed limits are
8 monitored by a speed safety camera system. Additionally, where
9 feasible and constructive, radar speed feedback signs will be placed
10 in advance of the speed safety camera system to assist drivers in
11 complying with posted speed limits. Signs placed in these locations
12 must follow the specifications and guidelines under the manual of
13 uniform traffic control devices for streets and highways as adopted
14 by the department of transportation under chapter 47.36 RCW.

15 (e) Imposition of a penalty for a speed violation detected
16 through the use of speed safety camera systems shall not be deemed a
17 conviction as defined in RCW 46.25.010, and shall not be part of the
18 registered owner's driving record under RCW 46.52.101 and 46.52.120.
19 Additionally, infractions generated by the use of speed safety camera
20 systems under this section shall be processed in the same manner as
21 parking infractions, including for the purposes of RCW 46.16A.120 and
22 46.20.270(2).

23 (f) If the registered owner of the vehicle is a rental car
24 business, the department of transportation shall, before a notice of
25 infraction may be issued under this section, provide a written notice
26 to the rental car business that a notice of infraction may be issued
27 to the rental car business if the rental car business does not,
28 within 30 days of receiving the written notice, provide to the
29 issuing agency by return mail:

30 (i) (A) A statement under oath stating the name and known mailing
31 address of the individual driving or renting the vehicle when the
32 speed violation occurred;

33 (B) A statement under oath that the business is unable to
34 determine who was driving or renting the vehicle at the time the
35 speed violation occurred because the vehicle was stolen at the time
36 of the violation. A statement provided under this subsection
37 (8)(f)(i)(B) must be accompanied by a copy of a filed police report
38 regarding the vehicle theft; or

39 (C) In lieu of identifying the vehicle operator, payment of the
40 applicable penalty.

1 (ii) Timely mailing of a statement to the department of
2 transportation relieves a rental car business of any liability under
3 this chapter for the notice of infraction.

4 (9) Revenue generated from the deployment of speed safety camera
5 systems must be deposited into the highway safety fund and first used
6 exclusively for the operating and administrative costs under this
7 section. The operation of speed safety camera systems is intended to
8 increase safety in state highway work zones by changing driver
9 behavior. Consequently, any revenue generated that exceeds the
10 operating and administrative costs under this section must be
11 distributed for the purpose of traffic safety including, but not
12 limited to, driver training education and local DUI emphasis patrols.

13 (10) The Washington state patrol and department of
14 transportation, in collaboration with the Washington traffic safety
15 commission, must report to the transportation committees of the
16 legislature by July 1, 2025, and biennially thereafter, on the data
17 and efficacy of speed safety camera system use in state highway work
18 zones. The final report due on July 1, 2029, must include a
19 recommendation on whether or not to continue such speed safety camera
20 system use beyond June 30, 2030.

21 (11) For the purposes of this section:

22 (a) "Speed safety camera system" means employing the use of speed
23 measuring devices and cameras synchronized to automatically record
24 one or more sequenced photographs, microphotographs, or other
25 electronic images of a motor vehicle that exceeds a posted state
26 highway work zone speed limit as detected by the speed measuring
27 devices.

28 (b) "State highway work zone" means an area of any highway with
29 construction, maintenance, utility work, or incident response
30 activities authorized by the department of transportation. A state
31 highway work zone is identified by the placement of temporary traffic
32 control devices that may include signs, channelizing devices,
33 barriers, pavement markings, and/or work vehicles with warning
34 lights. It extends from the first warning sign or high intensity
35 rotating, flashing, oscillating, or strobe lights on a vehicle to the
36 end road work sign or the last temporary traffic control device or
37 vehicle.

38 (12) This section expires June 30, 2030.

1 **Sec. 306.** RCW 46.63.110 and 2024 c 308 s 3 are each amended to
2 read as follows:

3 (1)(a) A person found to have committed a traffic infraction
4 shall be assessed a monetary penalty. No penalty may exceed \$250 for
5 each offense unless authorized by this chapter or title.

6 (b) The court may waive or remit any monetary penalty, fee, cost,
7 assessment, or other monetary obligation associated with a traffic
8 infraction unless the specific monetary obligation in question is
9 prohibited from being waived or remitted by state law.

10 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2)
11 is \$250 for each offense; (b) RCW 46.61.210(1) is \$500 for each
12 offense. No penalty assessed under this subsection (2) may be
13 reduced.

14 (3) The supreme court shall prescribe by rule a schedule of
15 monetary penalties for designated traffic infractions. This rule
16 shall also specify the conditions under which local courts may
17 exercise discretion in assessing fines and penalties for traffic
18 infractions. The legislature respectfully requests the supreme court
19 to adjust this schedule every two years for inflation.

20 (4) There shall be a penalty of \$25 for failure to respond to a
21 notice of traffic infraction except where the infraction relates to
22 parking as defined by local law, ordinance, regulation, or resolution
23 or failure to pay a monetary penalty imposed pursuant to this
24 chapter. A local legislative body may set a monetary penalty not to
25 exceed \$25 for failure to respond to a notice of traffic infraction
26 relating to parking as defined by local law, ordinance, regulation,
27 or resolution. The local court, whether a municipal, police, or
28 district court, shall impose the monetary penalty set by the local
29 legislative body.

30 (5) Monetary penalties provided for in chapter 46.70 RCW
31 (~~which~~) that are civil in nature and penalties (~~which~~) that may
32 be assessed for violations of chapter 46.44 RCW relating to size,
33 weight, and load of motor vehicles are not subject to the limitation
34 on the amount of monetary penalties which may be imposed pursuant to
35 this chapter.

36 (6) Whenever a monetary penalty, fee, cost, assessment, or other
37 monetary obligation is imposed by a court under this chapter, it is
38 immediately payable and is enforceable as a civil judgment under
39 Title 6 RCW. If the court determines that a person is not able to pay
40 a monetary obligation in full, the court shall enter into a payment

1 plan with the person in accordance with RCW 46.63.190 and standards
2 that may be set out in court rule.

3 (7) In addition to any other penalties imposed under this section
4 and not subject to the limitation of subsection (1) of this section,
5 a person found to have committed a traffic infraction shall be
6 assessed:

7 (a) A fee of \$5 per infraction. Under no circumstances shall this
8 fee be reduced or waived. Revenue from this fee shall be forwarded to
9 the state treasurer for deposit in the emergency medical services and
10 trauma care system trust account under RCW 70.168.040;

11 (b) A fee of \$10 per infraction. Under no circumstances shall
12 this fee be reduced or waived. Revenue from this fee shall be
13 forwarded to the state treasurer for deposit in the general fund;
14 (~~and~~)

15 (c) A fee of \$5 per infraction. Under no circumstances shall this
16 fee be reduced or waived. Revenue from this fee shall be forwarded to
17 the state treasurer for deposit in the traumatic brain injury account
18 established in RCW 74.31.060; and

19 (d) Beginning January 1, 2026, a fee of \$10 per infraction. Under
20 no circumstances shall this fee be reduced or waived. Revenue from
21 this fee shall be forwarded to the state treasurer for deposit in the
22 highway safety fund created in RCW 46.68.060.

23 (8)(a) In addition to any other penalties imposed under this
24 section and not subject to the limitation of subsection (1) of this
25 section, a person found to have committed a traffic infraction other
26 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional
27 penalty of \$24. The court may not reduce, waive, or suspend the
28 additional penalty unless the court finds the offender to be
29 indigent. If a court authorized community restitution program for
30 offenders is available in the jurisdiction, the court shall allow
31 offenders to offset all or a part of the penalty due under this
32 subsection (8) by participation in the court authorized community
33 restitution program.

34 (b) \$12.50 of the additional penalty under (a) of this subsection
35 shall be remitted to the state treasurer. The remaining revenue from
36 the additional penalty must be remitted under chapters 2.08, 3.46,
37 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this
38 subsection to the state treasurer must be deposited as follows: \$8.50
39 in the state general fund and \$4 in the driver licensing technology
40 support account created under RCW 46.68.067. The moneys deposited

1 into the driver licensing technology support account must be used to
2 support information technology systems used by the department to
3 communicate with the judicial information system, manage driving
4 records, and implement court orders. The balance of the revenue
5 received by the county or city treasurer under this subsection must
6 be deposited into the county or city current expense fund. Moneys
7 retained by the city or county under this subsection shall constitute
8 reimbursement for any liabilities under RCW 43.135.060.

9 (9) If a legal proceeding, such as garnishment, has commenced to
10 collect any delinquent amount owed by the person for any penalty
11 imposed by the court under this section, the person may request a
12 payment plan pursuant to RCW 46.63.190.

13 (10) The monetary penalty for violating RCW 46.37.395 is: (a)
14 \$250 for the first violation; (b) \$500 for the second violation; and
15 (c) \$750 for each violation thereafter.

16 (11) The additional monetary penalty for a violation of RCW
17 46.20.500 is not subject to assessments or fees provided under this
18 section.

19 (12) The additional monetary fine for a violation of RCW
20 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205
21 is not subject to assessments or fees provided under this section.

22 (13) The additional monetary penalties for a violation of RCW
23 46.61.165 are not subject to assessments or fees provided under this
24 section.

25 (14) The monetary penalty for a violation of RCW 46.63.200 is not
26 subject to assessments or fees provided under this section.

27 (15) The monetary penalty for a violation of RCW 46.16A.030(5)(b)
28 is not subject to assessments or fees provided under this section.

29 NEW SECTION. Sec. 307. A new section is added to chapter 47.60
30 RCW to read as follows:

31 The Washington state ferries shall implement cost recovery
32 mechanisms to recoup at least three percent in credit card and other
33 financial transaction costs related to the collection of ferry fares
34 imposed under RCW 47.60.290 and 47.60.315. As part of the cost
35 recovery mechanisms, the Washington state ferries may recover
36 transaction fees incurred through credit card transactions. The
37 Washington state ferries must notify customers of the fee at the
38 point-of-sale and itemize the fee on customer receipts. Costs

1 recovered under this section may not be considered revenue for the
2 purposes of fare setting.

3 NEW SECTION. **Sec. 308.** (1) By September 1, 2025, the department
4 of licensing in conjunction with the Washington state department of
5 transportation, along with involvement from the Washington state
6 transit association, and other relevant parties, must determine a
7 recommended method of collection and schedule to compensate the state
8 for vehicle registration and other vehicle fee-related exemption
9 impacts from vehicles owned or operated by public transit agencies
10 and regional transit authorities.

11 (2) The schedule and related provisions must calculate an
12 assessment for each bus and other motor vehicle for road use owned or
13 operated by each transit agency and the regional transit authority.
14 The fee schedule does not need to be uniform and may be different for
15 particular types or sizes of agencies, but the fee schedule must in
16 aggregate total \$4,500,000 per year. The recommended method of
17 collection must include either the collection method identified in
18 section 309 or 310 of this act, or a combination thereof.

19 (3) A final report with the recommended method of collection and
20 schedule must be submitted to the transportation committees of the
21 legislature by September 1, 2025.

22 NEW SECTION. **Sec. 309.** A new section is added to chapter 46.17
23 RCW to read as follows:

24 (1) Based on the recommended method of collection and schedule
25 resulting from the requirements of section 308 of this act, by
26 October 1, 2025, the department must begin collection, if applicable,
27 of the \$4,500,000 per year collection amount for fiscal year 2026, or
28 the appropriate portion thereof, from public transit agencies and the
29 regional transit authority using the most cost efficient collection
30 method as deemed appropriate.

31 (2) The department must then collect the \$4,500,000 collection
32 amount for each subsequent fiscal year, or the appropriate portion
33 thereof, using the most cost efficient collection method as deemed
34 appropriate.

35 (3) The assessments collected under this section must be
36 deposited in the move ahead WA flexible account created in RCW
37 46.68.520.

1 (b) Make payments required under RCW 47.56.165 and 47.46.140,
2 including insurance costs and the payment of principal and interest
3 on bonds issued for any particular toll bridge or toll bridges; and

4 (c) Repay the motor vehicle fund under RCW (~~47.46.110,~~)
5 47.56.165(~~(r)~~) and 47.46.140.

6 (4) The bond principal and interest payments, including repayment
7 of the motor vehicle fund for amounts transferred from that fund to
8 provide for such principal and interest payments, constitute a first
9 direct and exclusive charge and lien on all tolls and other revenues
10 from the toll bridge concerned, subject to operating and maintenance
11 expenses.

12 **Sec. 402.** RCW 47.56.245 and 2002 c 114 s 23 are each amended to
13 read as follows:

14 The department shall retain toll charges on all existing and
15 future facilities until all costs of investigation, financing,
16 acquisition of property, and construction advanced from the motor
17 vehicle fund, and obligations incurred under RCW 47.56.250 and
18 chapter 16, Laws of 1945 have been fully paid.

19 (1) Except as provided in subsection (2) of this section, with
20 respect to every facility completed after March 19, 1953, costs of
21 maintenance and operation shall be paid periodically out of the
22 revenues of the facility in which such costs were incurred.

23 (2) Where a state toll facility is constructed under chapter
24 47.46 RCW adjacent to or within two miles of an existing bridge that
25 was constructed under this chapter, revenue from the toll facility
26 may not be used to pay for costs of maintenance on the existing
27 bridge until after all financing obligations are satisfied on the
28 toll facility.

29 NEW SECTION. **Sec. 403.** RCW 47.46.110 (Tolls—Term, use) and 2018
30 c 195 s 3 & 2002 c 114 s 8 are each repealed.

31 **Sec. 404.** RCW 47.56.850 and 2009 c 498 s 15 are each amended to
32 read as follows:

33 (1) Unless these powers are otherwise delegated by the
34 legislature, the transportation commission is the tolling authority
35 for the state. The tolling authority shall:

36 (a) Set toll rates, establish appropriate exemptions, if any, and
37 make adjustments as conditions warrant on eligible toll facilities.

1 However, except for publicly or privately owned or operated school
2 buses, the commission may not exempt publicly or privately owned or
3 operated transit buses, vans, and ride share vehicles from tolls on
4 bridges, and must modify tolling provisions accordingly by October 1,
5 2025;

6 (b) Review toll collection policies, toll operations policies,
7 and toll revenue expenditures on the eligible toll facilities and
8 report annually on this review to the legislature.

9 (2) The tolling authority, in determining toll rates, shall
10 consider the policy guidelines established in RCW 47.56.830.

11 (3) Unless otherwise directed by the legislature, in setting and
12 periodically adjusting toll rates, the tolling authority must ensure
13 that toll rates will generate revenue sufficient to:

14 (a) Meet the operating costs of the eligible toll facilities,
15 including necessary maintenance, preservation, renewal, replacement,
16 administration, and toll enforcement by public law enforcement;

17 (b) Meet obligations for the timely payment of debt service on
18 bonds issued for eligible toll facilities, and any other associated
19 financing costs including, but not limited to, required reserves,
20 minimum debt coverage or other appropriate contingency funding,
21 insurance, and compliance with all other financial and other
22 covenants made by the state in the bond proceedings;

23 (c) Meet obligations to reimburse the motor vehicle fund for
24 excise taxes on motor vehicle and special fuels applied to the
25 payment of bonds issued for eligible toll facilities; and

26 (d) Meet any other obligations of the tolling authority to
27 provide its proportionate share of funding contributions for any
28 projects or operations of the eligible toll facilities.

29 (4) The established toll rates may include variable pricing, and
30 should be set to optimize system performance, recognizing necessary
31 trade-offs to generate revenue for the purposes specified in
32 subsection (3) of this section. Tolls may vary for type of vehicle,
33 time of day, traffic conditions, or other factors designed to improve
34 performance of the system.

35 (5) In fixing and adjusting toll rates under this section, the
36 only toll revenue to be taken into account must be toll revenue
37 pledged to bonds that includes toll receipts, and the only debt
38 service requirements to be taken into account must be debt service on
39 bonds payable from and secured by toll revenue that includes toll
40 receipts.

1 (6) The legislature pledges to appropriate toll revenue as
2 necessary to carry out the purposes of this section. When the
3 legislature has specifically identified and designated an eligible
4 toll facility and authorized the issuance of bonds for the financing
5 of the eligible toll facility that are payable from and secured by a
6 pledge of toll revenue, the legislature further agrees for the
7 benefit of the owners of outstanding bonds issued by the state for
8 eligible toll facilities to continue in effect and not to impair or
9 withdraw the authorization of the tolling authority to fix and adjust
10 tolls as provided in this section. The state finance committee shall
11 pledge the state's obligation to impose and maintain tolls, together
12 with the application of toll revenue as described in this section, to
13 the owners of any bonds.

14 **Sec. 405.** RCW 47.56.870 and 2010 c 248 s 2 are each amended to
15 read as follows:

16 (1) The initial imposition of tolls on the state route number 520
17 corridor is authorized, the state route number 520 corridor is
18 designated an eligible toll facility, and toll revenue generated in
19 the corridor must only be expended as allowed under RCW 47.56.820.

20 (2) The state route number 520 corridor consists of that portion
21 of state route number 520 between the junctions of Interstate 5 and
22 state route number 202, including any on-ramp or off-ramp within this
23 portion. (~~(The toll imposed by this section shall be charged only for~~
24 ~~travel on the floating bridge portion of the state route number 520~~
25 ~~corridor.)~~)

26 (3) (a) In setting the toll rates for the corridor pursuant to RCW
27 47.56.850, the tolling authority shall set a variable schedule of
28 toll rates to maintain travel time, speed, and reliability on the
29 corridor and generate the necessary revenue as required under (b) of
30 this subsection.

31 (b) The tolling authority shall initially set the variable
32 schedule of toll rates, which the tolling authority may adjust at
33 least annually to reflect inflation as measured by the consumer price
34 index or as necessary to meet the redemption of bonds and interest
35 payments on the bonds, to generate revenue sufficient to provide for:

36 (i) The issuance of general obligation bonds, authorized in RCW
37 47.10.879, first payable from toll revenue and then excise taxes on
38 motor vehicle and special fuels pledged for the payment of those
39 bonds in the amount necessary to fund the state route number 520

1 bridge replacement and HOV program, subject to subsection (4) of this
2 section; and

3 (ii) Costs associated with the project designated in subsection
4 (4) of this section that are eligible under RCW 47.56.820.

5 (4)(a) The proceeds of the bonds designated in subsection
6 (3)(b)(i) of this section must be used only to fund the state route
7 number 520 bridge replacement and HOV program; however, two hundred
8 million dollars of bond proceeds, in excess of the proceeds necessary
9 to complete the floating bridge segment and necessary landings, must
10 be used only to fund the state route number 520, Interstate 5 to
11 Medina bridge replacement and HOV project segment of the program, as
12 identified in applicable environmental impact statements, and may be
13 used to fund effective connections for high occupancy vehicles and
14 transit for state route number 520, but only to the extent those
15 connections benefit or improve the operation of state route number
16 520.

17 (b) The program must include the following elements within the
18 cost constraints identified in section 1, chapter 472, Laws of 2009,
19 consistent with the legislature's intent that cost savings applicable
20 to the program stay within the program and that the bridge open to
21 vehicular traffic in 2014:

22 (i) A project design, consistent with RCW 47.01.408, that
23 includes high occupancy vehicle lanes with a minimum carpool
24 occupancy requirement of three-plus persons on state route number
25 520;

26 (ii) High occupancy vehicle lane performance standards for the
27 state route number 520 corridor established by the department. The
28 department shall report to the transportation committees of the
29 legislature when average transit speeds in the two lanes that are for
30 high occupancy vehicle travel fall below forty-five miles per hour at
31 least ten percent of the time during peak hours;

32 (iii) A work group convened by the mayor and city council of the
33 city of Seattle to include sound transit, King county metro, the
34 Seattle department of transportation, the department, the University
35 of Washington, and other persons or organizations as designated by
36 the mayor or city council to study and make recommendations of
37 alternative connections for transit, including bus routes and high
38 capacity transit, to the university link light rail line. The work
39 group must consider such techniques as grade separation, additional
40 stations, and pedestrian lids to effect these connections. The

1 recommendations must be alternatives to the transit connections
2 identified in the supplemental draft environmental impact statement
3 for the state route number 520 bridge replacement and HOV program
4 released in January 2010, and must meet the requirements under RCW
5 47.01.408, including accommodating effective connections for transit.
6 The recommendations must be within the scope of the supplemental
7 draft environmental impact statement. For the purposes of this
8 section, "effective connections for transit" means a connection that
9 connects transit stops, including high capacity transit stops, that
10 serve the state route number 520/Montlake interchange vicinity to the
11 university link light rail line, with a connection distance of less
12 than one thousand two hundred feet between the stops and the light
13 rail station. The city of Seattle shall submit the recommendations by
14 October 1, 2010, to the governor and the transportation committees of
15 the legislature. However, if the city of Seattle does not convene the
16 work group required under this subsection before July 1, 2010, or
17 does not submit recommendations to the governor and the
18 transportation committees of the legislature by October 1, 2010, the
19 department must convene the work group required under this subsection
20 and meet all the requirements of this subsection that are described
21 as requirements of the city of Seattle by November 30, 2010;

22 (iv) A work group convened by the department to include sound
23 transit and King county metro to study and make recommendations
24 regarding options for planning and financing high capacity transit
25 through the state route number 520 corridor. The department shall
26 submit the recommendations by January 1, 2011, to the governor and
27 the transportation committees of the legislature;

28 (v) A plan to address mitigation as a result of the state route
29 number 520 bridge replacement and HOV program at the Washington park
30 arboretum. As part of its process, the department shall consult with
31 the governing board of the Washington park arboretum, the Seattle
32 city council and mayor, and the University of Washington to identify
33 all mitigation required by state and federal law resulting from the
34 state route number 520 bridge replacement and HOV program's impact on
35 the arboretum, and to develop a project mitigation plan to address
36 these impacts. The department shall submit the mitigation plan by
37 December 31, 2010, to the governor and the transportation committees
38 of the legislature. Wetland mitigation required by state and federal
39 law as a result of the state route number 520 bridge replacement and
40 HOV program's impacts on the arboretum must, to the greatest extent

1 practicable, include on-site wetland mitigation at the Washington
2 park arboretum, and must enhance the Washington park arboretum. This
3 subsection (4)(b)(v) does not preclude any other mitigation planned
4 for the Washington park arboretum as a result of the state route
5 number 520 bridge replacement and HOV program;

6 (vi) A work group convened by the department to include the mayor
7 of the city of Seattle, the Seattle city council, the Seattle
8 department of transportation, and other persons or organizations as
9 designated by the Seattle city council and mayor to study and make
10 recommendations regarding design refinements to the preferred
11 alternative selected by the department in the supplemental draft
12 environmental impact statement process for the state route number 520
13 bridge replacement and HOV program. To accommodate a timely
14 progression of the state route number 520 bridge replacement and HOV
15 program, the design refinements recommended by the work group must be
16 consistent with the current environmental documents prepared by the
17 department for the supplemental draft environmental impact statement.
18 The department shall submit the recommendations to the legislature
19 and governor by December 31, 2010, and the recommendations must
20 inform the final environmental impact statement prepared by the
21 department; and

22 (vii) An account, created in (~~section 5 of this act~~) RCW
23 47.56.876, into which civil penalties generated from the nonpayment
24 of tolls on the state route number 520 corridor are deposited to be
25 used to fund any project within the program, including mitigation.
26 However, this subsection (4)(b)(vii) is contingent on the enactment
27 by June 30, 2010, of (~~either~~) chapter 249, Laws of 2010 (~~or~~
28 ~~chapter . . . (Substitute House Bill No. 2897), Laws of 2010~~), but
29 if the enacted bill does not designate the department as the toll
30 penalty adjudicating agency, this subsection (4)(b)(vii) is null and
31 void.

32 (5) The department may carry out the improvements designated in
33 subsection (4) of this section and administer the tolling program on
34 the state route number 520 corridor.

35 **PART V**

36 **TRANSPORTATION PROJECT STREAMLINING**

37 **Sec. 501.** RCW 90.58.356 and 2015 3rd sp.s. c 15 s 10 are each
38 amended to read as follows:

1 (1) For purposes of this section, the following definitions
2 apply:

3 (a) "Maintenance" means the preservation of the transportation
4 facility or transit facility, including surface, shoulders,
5 roadsides, structures including, but not limited to, bridges and
6 buried structures, ditches and all stormwater treatment and
7 conveyance features, environmental mitigation sites, utilities
8 appurtenant to transportation system operations, and such traffic
9 control devices as are necessary for safe and efficient utilization
10 of the highway in a manner that substantially conforms to the
11 preexisting design, function, and location as the original except to
12 meet current engineering standards or environmental permit
13 requirements.

14 (b) "Repair" means to restore a structure or development to a
15 state comparable to its original condition including, but not limited
16 to, restoring the development's size, shape, configuration, location,
17 and external appearance, within a reasonable period after decay or
18 partial destruction. Repair of a structure or development may not
19 cause substantial adverse effects to shoreline resources or the
20 shoreline environment. Replacement of a structure or development may
21 be considered a repair if: Replacement is the common method of repair
22 for the type of structure or development; the replacement structure
23 or development is comparable to the original structure or development
24 including, but not limited to, the size, shape, configuration,
25 location, and external appearance of the original structure or
26 development; and the replacement does not cause substantial adverse
27 effects to shoreline resources or the shoreline environment.

28 (c) "Replacement" of any existing transportation facility, or
29 transit facility, including surface, shoulders, roadsides, structures
30 including, but not limited to, bridges and buried structures, ditches
31 and all stormwater treatment and conveyance features, utilities
32 appurtenant to transportation system operations, environmental
33 mitigation sites, and traffic control devices, means to replace in a
34 manner that substantially conforms to the preexisting design,
35 function, and location as the original except to meet current
36 engineering standards or environmental permit requirements.
37 Maintenance or replacement activities do not involve expansion of
38 automobile lanes, and do not result in significant negative shoreline
39 impact.

1 (2) The following department of transportation projects and
2 activities do not require a substantial development permit,
3 conditional use permit, variance, letter of exemption, or other
4 review conducted by a local government:

5 (a) Maintenance, repair, or replacement that occurs within the
6 roadway prism of a state highway as defined in RCW 46.04.560, the
7 lease or ownership area of a state ferry terminal, or the lease or
8 ownership area of a transit facility, including ancillary
9 transportation facilities such as pedestrian paths, bicycle paths, or
10 both, and bike lanes;

11 (b) Construction or installation of safety structures and
12 equipment, including pavement marking, freeway surveillance and
13 control systems, railroad protective devices not including grade
14 separated crossings, grooving, glare screen, safety barriers, energy
15 attenuators, and hazardous or dangerous tree removal;

16 (c) Maintenance occurring within the right-of-way; or

17 (d) Construction undertaken in response to unforeseen,
18 extraordinary circumstances that is necessary to prevent a decline,
19 lapse, or cessation of service from a lawfully established
20 transportation facility.

21 ~~((The department of transportation must provide written
22 notification of projects and activities authorized under this section
23 with a cost in excess of one million dollars before the design or
24 plan is finalized to all agencies with jurisdiction, agencies with
25 facilities or services that may be impacted, and adjacent property
26 owners.))~~ Construction, maintenance, repair, or replacement work on
27 transit facilities, when the work is conducted within a department of
28 transportation right-of-way, does not require a substantial
29 development permit, conditional use permit, variance, letter of
30 exemption, or other review conducted by a local government.

31 **Sec. 502.** RCW 77.55.181 and 2021 c 289 s 1 are each amended to
32 read as follows:

33 (1)(a) In order to receive the permit review and approval process
34 created in this section, a fish habitat enhancement project must meet
35 the criteria under this section and must be a project to accomplish
36 one or more of the following tasks:

37 (i) Elimination of human-made or caused fish passage barriers,
38 including:

39 (A) Culvert repair and replacement; ~~((and))~~

1 (B) Fish passage barrier removal projects that comply with the
2 forest practices rules, as the term "forest practices rules" is
3 defined in RCW 76.09.020; and

4 (C) Department of transportation fish passage barrier correction
5 projects involving structures extending onto adjoining properties
6 owned by others, where the department corrects its portion of the
7 barrier while the adjacent portion owned by another entity is left in
8 place. This section includes corrections by the department where the
9 physical connection to the adjacent structure remains a barrier to
10 fish passage;

11 (ii) Restoration of an eroded or unstable stream bank employing
12 the principle of bioengineering, including limited use of rock as a
13 stabilization only at the toe of the bank, and with primary emphasis
14 on using native vegetation to control the erosive forces of flowing
15 water;

16 (iii) Placement of woody debris or other instream structures that
17 benefit naturally reproducing fish stocks; or

18 (iv) Restoration of native kelp and eelgrass beds and restoring
19 native oysters.

20 (b) The department shall develop size or scale threshold tests to
21 determine if projects accomplishing any of these tasks should be
22 evaluated under the process created in this section or under other
23 project review and approval processes. A project proposal shall not
24 be reviewed under the process created in this section if the
25 department determines that the scale of the project raises concerns
26 regarding public health and safety.

27 (c) A fish habitat enhancement project must be approved in one of
28 the following ways in order to receive the permit review and approval
29 process created in this section:

30 (i) By the department pursuant to chapter 77.95 or 77.100 RCW;

31 (ii) By the sponsor of a watershed restoration plan as provided
32 in chapter 89.08 RCW;

33 (iii) By the department as a department-sponsored fish habitat
34 enhancement or restoration project;

35 (iv) Through the review and approval process for the jobs for the
36 environment program;

37 (v) By conservation districts as conservation district-sponsored
38 fish habitat enhancement or restoration projects;

1 (vi) Through a formal grant program established by the
2 legislature or the department for fish habitat enhancement or
3 restoration;

4 (vii) By federally recognized tribes as tribally sponsored fish
5 habitat enhancement projects or restoration projects;

6 (viii) Through the department of transportation's environmental
7 retrofit program as a stand-alone fish passage barrier correction
8 project, or the fish passage barrier correction portion of a larger
9 transportation project;

10 (ix) Through a local, state, or federally approved fish barrier
11 removal grant program designed to assist local governments in
12 implementing stand-alone fish passage barrier corrections;

13 (x) By a city or county for a stand-alone fish passage barrier
14 correction project funded by the city or county;

15 (xi) Through the approval process established for forest
16 practices hydraulic projects in chapter 76.09 RCW; or

17 (xii) Through other formal review and approval processes
18 established by the legislature.

19 (2) Fish habitat enhancement projects meeting the criteria of
20 subsection (1) of this section are expected to result in beneficial
21 impacts to the environment. Decisions pertaining to fish habitat
22 enhancement projects meeting the criteria of subsection (1) of this
23 section and being reviewed and approved according to the provisions
24 of this section are not subject to the requirements of RCW
25 43.21C.030(2)(c).

26 (3)(a) A permit is required for projects that meet the criteria
27 of subsection (1) of this section and are being reviewed and approved
28 under this section. An applicant shall use a joint aquatic resource
29 permit application form developed by the office of regulatory
30 assistance to apply for approval under this chapter. The department
31 of transportation shall use the department's online permit
32 application system or a joint aquatic resource permit application
33 form developed by the office of regulatory assistance to apply for
34 approval under this chapter. On the same day, the applicant shall
35 provide copies of the completed application form to the department
36 and to each appropriate local government. Applicants for a forest
37 practices hydraulic project that are not otherwise required to submit
38 a joint aquatic resource permit application must submit a copy of
39 their forest practices application to the appropriate local

1 government on the same day that they submit the forest practices
2 application to the department of natural resources.

3 (b) Local governments shall accept the application identified in
4 this section as notice of the proposed project. A local government
5 shall be provided with a 15-day comment period during which it may
6 transmit comments regarding environmental impacts to the department
7 or, for forest practices hydraulic projects, to the department of
8 natural resources.

9 (c) (i) Except for forest practices hydraulic projects, the
10 department shall, within 45 days, either issue a permit, with or
11 without conditions, deny approval, or make a determination that the
12 review and approval process created by this section is not
13 appropriate for the proposed project. The department shall base this
14 determination on identification during the comment period of adverse
15 impacts that cannot be mitigated by the conditioning of a permit.
16 Permitting decisions over forest practices hydraulic approvals must
17 be made consistent with chapter 76.09 RCW.

18 (ii) For department of transportation fish passage barrier
19 correction projects, the department of fish and wildlife shall,
20 within 30 days, either issue a permit, with or without conditions,
21 deny approval, or make a determination that the review and approval
22 process created by this section is not appropriate for the proposed
23 project.

24 (d) If the department determines that the review and approval
25 process created by this section is not appropriate for the proposed
26 project, the department shall notify the applicant and the
27 appropriate local governments of its determination. The applicant may
28 reapply for approval of the project under other review and approval
29 processes.

30 (e) Any person aggrieved by the approval, denial, conditioning,
31 or modification of a permit other than a forest practices hydraulic
32 project under this section may appeal the decision as provided in RCW
33 77.55.021(8). Appeals of a forest practices hydraulic project may be
34 made as provided in chapter 76.09 RCW.

35 (4) No local government may require permits or charge fees for
36 fish habitat enhancement projects that meet the criteria of
37 subsection (1) of this section and that are reviewed and approved
38 according to the provisions of this section, except that, pursuant to
39 chapter 86.16 RCW, a local government may impose such requirements,
40 or charge such fees, or both, only as may be necessary in order for

1 the local government to administer the national flood insurance
2 program regulation requirements.

3 (5) No civil liability may be imposed by any court on the state
4 or its officers and employees for any adverse impacts resulting from
5 a fish enhancement project permitted by the department or the
6 department of natural resources under the criteria of this section
7 except upon proof of gross negligence or willful or wanton
8 misconduct.

9 **Sec. 503.** RCW 49.26.013 and 1995 c 218 s 1 are each amended to
10 read as follows:

11 (1) ~~((Any))~~ Except as provided in subsection (2)(a)(ii) of this
12 section, an owner or owner's agent who allows or authorizes any
13 construction, renovation, remodeling, maintenance, repair, or
14 demolition project which has a reasonable possibility, as defined by
15 the department, of disturbing or releasing asbestos into the air,
16 shall perform or cause to be performed, using practices approved by
17 the department, a good faith inspection to determine whether the
18 proposed project will disturb or release any material containing
19 asbestos into the air.

20 Such inspections shall be conducted by persons meeting the
21 accreditation requirements of the federal toxics substances control
22 act, section 206(a) (1) and (3) (15 U.S.C. 2646(a) (1) and (3)).

23 An inspection under this section is not required if the owner or
24 owner's agent is reasonably certain that asbestos will not be
25 disturbed or assumes that asbestos will be disturbed by a project
26 which involves construction, renovation, remodeling, maintenance,
27 repair, or demolition and takes the maximum precautions as specified
28 by all applicable federal and state requirements.

29 (2) (a)(i) Except as provided in RCW 49.26.125 and (a)(ii) of this
30 subsection, the owner or owner's agent shall prepare and maintain a
31 written report describing each inspection, or a statement of
32 assumption of the presence or reasonable certainty of the absence of
33 asbestos, and shall provide a copy of the written report or statement
34 to all contractors before they apply or bid on work. ~~((In addition,~~
35 ~~upon))~~

36 (ii) The department of transportation may include a good faith
37 inspection into the scope of construction contracts for a project in
38 lieu of conducting a good faith inspection prior to contractors

1 bidding on the work if, prior to the start of demolition and
2 construction, a contractor:

3 (A) Completes the good faith inspection;

4 (B) Prepares and maintains a written report describing each
5 inspection, or a statement of assumption of the presence or
6 reasonable certainty of the absence of asbestos; and

7 (C) Provides a copy of the report or statement to the department
8 of transportation.

9 (b) Upon written or oral request, the owner or owner's agent
10 shall make a copy of the written report or statement available to:
11 ~~((1))~~ (i) The department of labor and industries; ~~((2))~~ (ii)
12 contractors; and ~~((3))~~ (iii) the collective bargaining
13 representatives or employee representatives, if any, of employees who
14 may be exposed to any asbestos or material containing asbestos.

15 (c) A copy of the report or statement shall be posted as
16 prescribed by the department in a place that is easily accessible to
17 such employees.

18 **Sec. 504.** RCW 36.70A.200 and 2023 sp.s. c 1 s 12 are each
19 amended to read as follows:

20 (1)(a) The comprehensive plan of each county and city that is
21 planning under RCW 36.70A.040 shall include a process for identifying
22 and siting essential public facilities. Essential public facilities
23 include those facilities that are typically difficult to site, such
24 as airports, state education facilities and state or regional
25 transportation facilities as defined in RCW 47.06.140, regional
26 transit authority facilities as defined in RCW 81.112.020,
27 improvements to high capacity transportation systems as defined in
28 RCW 81.104.015, state and local correctional facilities, solid waste
29 handling facilities, opioid treatment programs including both mobile
30 and fixed-site medication units, recovery residences, harm reduction
31 programs excluding safe injection sites, and inpatient facilities
32 including substance use disorder treatment facilities, mental health
33 facilities, group homes, community facilities as defined in RCW
34 72.05.020, and secure community transition facilities as defined in
35 RCW 71.09.020.

36 (b) Unless a facility is expressly listed in (a) of this
37 subsection, essential public facilities do not include facilities
38 that are operated by a private entity in which persons are detained
39 in custody under process of law pending the outcome of legal

1 proceedings but are not used for punishment, correction, counseling,
2 or rehabilitation following the conviction of a criminal offense.
3 Facilities included under this subsection (1)(b) shall not include
4 facilities detaining persons under RCW 71.09.020 (7) or (16) or
5 chapter 10.77 or 71.05 RCW.

6 (c) The department of children, youth, and families may not
7 attempt to site new community facilities as defined in RCW 72.05.020
8 east of the crest of the Cascade mountain range unless there is an
9 equal or greater number of sited community facilities as defined in
10 RCW 72.05.020 on the western side of the crest of the Cascade
11 mountain range.

12 (d) For the purpose of this section, "harm reduction programs"
13 means programs that emphasize working directly with people who use
14 drugs to prevent overdose and infectious disease transmission,
15 improve the physical, mental, and social well-being of those served,
16 and offer low threshold options for accessing substance use disorder
17 treatment and other services.

18 (2) Each county and city planning under RCW 36.70A.040 shall, not
19 later than September 1, 2002, establish a process, or amend its
20 existing process, for identifying and siting essential public
21 facilities and adopt or amend its development regulations as
22 necessary to provide for the siting of secure community transition
23 facilities consistent with statutory requirements applicable to these
24 facilities.

25 (3) Any city or county not planning under RCW 36.70A.040 shall,
26 not later than September 1, 2002, establish a process for siting
27 secure community transition facilities and adopt or amend its
28 development regulations as necessary to provide for the siting of
29 such facilities consistent with statutory requirements applicable to
30 these facilities.

31 (4) The office of financial management shall maintain a list of
32 those essential state public facilities that are required or likely
33 to be built within the next six years. The office of financial
34 management may at any time add facilities to the list.

35 (5) (a) No local comprehensive plan or development regulation may
36 preclude the siting of essential public facilities.

37 (b) A city or county precludes an essential public facility when
38 the city or county imposes conditions or costs that the city or
39 county cannot demonstrate are reasonably necessary to mitigate
40 adverse impacts directly caused by construction or operation of the

1 essential public facility. A city or county also precludes an
2 essential public facility when it imposes a permitting process that
3 is too costly or time consuming for the essential public facility to
4 reasonably comply. This subsection (5)(b) is limited exclusively to
5 those essential public facilities that are improvements to high
6 capacity transportation systems as defined in RCW 81.104.015.

7 (6) No person may bring a cause of action for civil damages based
8 on the good faith actions of any county or city to provide for the
9 siting of secure community transition facilities in accordance with
10 this section and with the requirements of chapter 12, Laws of 2001
11 2nd sp. sess. For purposes of this subsection, "person" includes, but
12 is not limited to, any individual, agency as defined in RCW
13 42.17A.005, corporation, partnership, association, and limited
14 liability entity.

15 (7) Counties or cities siting facilities pursuant to subsection
16 (2) or (3) of this section shall comply with RCW 71.09.341.

17 (8) The failure of a county or city to act by the deadlines
18 established in subsections (2) and (3) of this section is not:

19 (a) A condition that would disqualify the county or city for
20 grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

21 (b) A consideration for grants or loans provided under RCW
22 43.17.250(3); or

23 (c) A basis for any petition under RCW 36.70A.280 or for any
24 private cause of action.

25 **Sec. 505.** RCW 36.70A.200 and 2024 c 164 s 511 are each amended
26 to read as follows:

27 (1)(a) The comprehensive plan of each county and city that is
28 planning under RCW 36.70A.040 shall include a process for identifying
29 and siting essential public facilities. Essential public facilities
30 include those facilities that are typically difficult to site, such
31 as airports, state education facilities and state or regional
32 transportation facilities as defined in RCW 47.06.140, regional
33 transit authority facilities as defined in RCW 81.112.020,
34 improvements to high capacity transportation systems as defined in
35 RCW 81.104.015, state and local correctional facilities, solid waste
36 handling facilities, opioid treatment programs including both mobile
37 and fixed-site medication units, recovery residences, harm reduction
38 programs excluding safe injection sites, and inpatient facilities
39 including substance use disorder treatment facilities, mental health

1 facilities, group homes, community facilities as defined in RCW
2 72.05.020, and secure community transition facilities as defined in
3 RCW 71.09.020.

4 (b) Unless a facility is expressly listed in (a) of this
5 subsection, essential public facilities do not include facilities
6 that are operated by a private entity in which persons are detained
7 in custody under process of law pending the outcome of legal
8 proceedings but are not used for punishment, correction, counseling,
9 or rehabilitation following the conviction of a criminal offense.
10 Facilities included under this subsection (1)(b) shall not include
11 facilities detaining persons under RCW 71.09.020 (7) or (16) or
12 chapter 10.77 or 71.05 RCW.

13 (c) The department of children, youth, and families may not
14 attempt to site new community facilities as defined in RCW 72.05.020
15 east of the crest of the Cascade mountain range unless there is an
16 equal or greater number of sited community facilities as defined in
17 RCW 72.05.020 on the western side of the crest of the Cascade
18 mountain range.

19 (d) For the purpose of this section, "harm reduction programs"
20 means programs that emphasize working directly with people who use
21 drugs to prevent overdose and infectious disease transmission,
22 improve the physical, mental, and social well-being of those served,
23 and offer low threshold options for accessing substance use disorder
24 treatment and other services.

25 (2) Each county and city planning under RCW 36.70A.040 shall, not
26 later than September 1, 2002, establish a process, or amend its
27 existing process, for identifying and siting essential public
28 facilities and adopt or amend its development regulations as
29 necessary to provide for the siting of secure community transition
30 facilities consistent with statutory requirements applicable to these
31 facilities.

32 (3) Any city or county not planning under RCW 36.70A.040 shall,
33 not later than September 1, 2002, establish a process for siting
34 secure community transition facilities and adopt or amend its
35 development regulations as necessary to provide for the siting of
36 such facilities consistent with statutory requirements applicable to
37 these facilities.

38 (4) The office of financial management shall maintain a list of
39 those essential state public facilities that are required or likely

1 to be built within the next six years. The office of financial
2 management may at any time add facilities to the list.

3 (5) (a) No local comprehensive plan or development regulation may
4 preclude the siting of essential public facilities.

5 (b) A city or county precludes an essential public facility when
6 the city or county imposes conditions or costs that the city or
7 county cannot demonstrate are reasonably necessary to mitigate
8 adverse impacts directly caused by construction or operation of the
9 essential public facility. A city or county also precludes an
10 essential public facility when it imposes a permitting process that
11 is too costly or time consuming for the essential public facility to
12 reasonably comply. This subsection (5) (b) is limited exclusively to
13 those essential public facilities that are improvements to high
14 capacity transportation systems as defined in RCW 81.104.015.

15 (6) No person may bring a cause of action for civil damages based
16 on the good faith actions of any county or city to provide for the
17 siting of secure community transition facilities in accordance with
18 this section and with the requirements of chapter 12, Laws of 2001
19 2nd sp. sess. For purposes of this subsection, "person" includes, but
20 is not limited to, any individual, agency as defined in RCW
21 29B.10.030, corporation, partnership, association, and limited
22 liability entity.

23 (7) Counties or cities siting facilities pursuant to subsection
24 (2) or (3) of this section shall comply with RCW 71.09.341.

25 (8) The failure of a county or city to act by the deadlines
26 established in subsections (2) and (3) of this section is not:

27 (a) A condition that would disqualify the county or city for
28 grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

29 (b) A consideration for grants or loans provided under RCW
30 43.17.250(3); or

31 (c) A basis for any petition under RCW 36.70A.280 or for any
32 private cause of action.

33 NEW SECTION. Sec. 506. A new section is added to chapter 43.21C
34 RCW to read as follows:

35 In the event of a disagreement over the scope of a transit
36 project, state agencies, cities, and counties shall accept the
37 detailed statement prepared by the transit agency under RCW
38 43.21C.030(2)(c) as the sole environmental review document, rather
39 than conducting separate environmental reviews or preparing

1 additional detailed statements. Consistent with RCW 43.21C.150, when
2 a transit agency has previously prepared an adequate detailed
3 statement pursuant to the national environmental policy act of 1969
4 as part of a federally funded transit project, that national
5 environmental policy act document shall satisfy the requirements
6 under RCW 43.21C.030(2)(c). State agencies, cities, and counties
7 shall adopt and rely on the national environmental policy act
8 document for their environmental review and permitting processes,
9 aligning applicable local documents accordingly.

10 **PART VI**

11 **TRANSPORTATION GRANT PROGRAMS**

12 NEW SECTION. **Sec. 601.** A new county local road program is
13 established to fund the preservation and improvement of county local
14 roads. The board must:

15 (1) Adopt rules necessary to implement the provisions of this
16 chapter relating to the allocation of funds; and

17 (2) Include a program status report in the board's annual report
18 to the legislature as provided in RCW 36.78.070.

19 NEW SECTION. **Sec. 602.** The definitions in this section apply
20 throughout this chapter unless the context clearly requires
21 otherwise.

22 (1) "Board" means the county road administration board created in
23 RCW 36.78.030.

24 (2) "Community facility" means a publicly owned facility or
25 building that is primarily intended to serve the recreational,
26 educational, cultural, public health and safety, administrative, or
27 entertainment needs of the community as a whole.

28 (3) "County local road program project" means improvement
29 projects on those county roads not federally classified as an
30 arterial or collector.

31 (4) "LAG manual" means the Washington state department of
32 transportation's local agency guidelines manual or its successor
33 document.

34 (5) "Overburdened community" has the same meaning as defined in
35 RCW 70A.02.010.

1 (6) "Pedestrian facility" means a facility designed to meet the
2 needs of pedestrians in accordance with county and Americans with
3 disabilities act requirements.

4 NEW SECTION. **Sec. 603.** (1) The board shall adopt rules to
5 select preservation and improvement projects under this chapter
6 taking into consideration, at a minimum, the following priority
7 rating factors:

8 (a) Investment in overburdened communities;

9 (b) Environmental health disparities as identified in the
10 environmental health disparities map specified in RCW 43.70.815;

11 (c) Location on or providing direct access to a federally
12 recognized Indian reservation or lands;

13 (d) Sustaining the structural, safety, and operational integrity
14 of the road;

15 (e) Vehicle and pedestrian collision experience;

16 (f) Access improvements to a community facility; and

17 (g) Identified need in a state, regional, county, or community
18 plan.

19 (2) Proposed projects must be included in the respective county's
20 six-year plan as provided in RCW 36.81.121 before board approval of
21 the project.

22 NEW SECTION. **Sec. 604.** The following project types are allowed
23 under the county local road program created in this chapter:

24 (1) 2-R as defined in the LAG manual;

25 (2) 3-R as defined in the LAG manual;

26 (3) Reconstruction as defined in the LAG manual;

27 (4) Replacement of any bridge on the national bridge inventory;

28 (5) Removal of human-made or caused impediments to anadromous
29 fish passage; and

30 (6) Pedestrian facilities.

31 NEW SECTION. **Sec. 605.** Whenever a proposed county local road
32 program project is adjacent to a city or town, the appropriate city
33 or town and county officials shall jointly plan and include the
34 improvement in their respective long-range plans. Whenever a county
35 local road program project connects with and will be substantially
36 affected by a programmed construction project on a state highway, the

1 proper county officials shall jointly plan the development of such
2 project with the department of transportation district administrator.

3 NEW SECTION. **Sec. 606.** Counties receiving funds from the county
4 local road program shall provide such matching funds as established
5 by rules adopted by the board. Matching requirements must be
6 established after appropriate studies by the board and considering
7 the financial resources available to counties.

8 NEW SECTION. **Sec. 607.** (1) Only those counties that, during the
9 preceding 12 months, have spent all revenues collected for road
10 purposes only for such purposes, including removal of barriers to
11 fish passage and accompanying streambed and stream bank repair as
12 specified in RCW 36.82.070, and including traffic law enforcement as
13 allowed under Article II, section 40 of the state Constitution or RCW
14 36.82.070(2), are eligible to receive funds from the county local
15 road program, except that:

16 (a) Counties with a population of less than 8,000 are exempt from
17 this eligibility restriction;

18 (b) Counties expending revenues collected for road purposes only
19 on other governmental services after authorization from the voters of
20 that county under RCW 84.55.050 are exempt from this eligibility
21 restriction; and

22 (c) This restriction does not apply to any moneys diverted from
23 the road district levy under chapter 39.89 RCW.

24 (2) The board shall authorize county local road grant program
25 funds for the construction project portion of a project previously
26 authorized for a preliminary proposal in the sequence in which the
27 preliminary proposal has been completed and the construction project
28 is to be placed under contract. At such time the board may reserve
29 funds for expenditure in future years as may be necessary for
30 completion of preliminary proposals and construction projects to be
31 commenced in the ensuing biennium.

32 (3) Subject to the availability of amounts appropriated for this
33 specific purpose, the board may consider additional projects for
34 authorization under this chapter upon a clear and conclusive showing
35 by the submitting county that the proposed project is of an emergent
36 nature and that its need was unable to be anticipated at the time the
37 six-year plan of the county was developed. The proposed projects must

1 be evaluated on the basis of the priority rating factors specified in
2 section 603 of this act.

3 NEW SECTION. **Sec. 608.** Whenever the board approves a county
4 local road program project under this chapter it shall determine the
5 amount of county local road program funds to be allocated for such
6 project. The allocation must be based upon information submitted by
7 the county seeking approval of the project and upon such further
8 investigation as the board deems necessary. The board shall adopt
9 reasonable rules pursuant to which county local road program funds
10 allocated to a project may be increased upon a subsequent application
11 of the county constructing the project. The rules adopted by the
12 board must take into account, but are not limited to, the following
13 factors:

14 (1) The financial effect of increasing the original allocation
15 for the project upon other county local road program projects either
16 approved or requested;

17 (2) Whether the project for which an additional allocation is
18 requested can be reduced in scope while retaining a usable segment;

19 (3) Whether the original cost of the project shown in the
20 applicant's original submittal was based upon reasonable engineering
21 estimates; and

22 (4) Whether the requested additional allocation is to pay for an
23 expansion in the scope of work originally approved.

24 NEW SECTION. **Sec. 609.** Sections 601 through 608 of this act
25 constitute a new chapter in Title 36 RCW.

26 NEW SECTION. **Sec. 610.** A new section is added to chapter 47.66
27 RCW to read as follows:

28 (1)(a) The department's public transportation division shall
29 establish a transit safety and security grant program. The purpose of
30 the grant program is to aid any transit authority with safety and
31 security enhancements that may include, but are not limited to, the
32 following examples:

33 (i) Safety and security improvements to the built environment
34 such as lighting enhancements or fare gates;

35 (ii) Cleaning or replacement of damaged amenities in passenger
36 facilities;

1 (iii) Improving safety for frontline employees such as barriers
2 on rolling stock or facilities;

3 (iv) Safety personnel such as behavioral health professionals and
4 service and fare ambassadors; and

5 (v) Supporting education, training, and retraining employees and
6 customers.

7 (b) Grant funds are prohibited from usage for any expenses
8 relating to armed security.

9 (2) The department's public transportation division shall
10 identify projects and shall submit a prioritized list of all projects
11 requesting funding to the legislature by December 1st of each even-
12 numbered year. The department must report annually to the
13 transportation committees of the legislature on the grant projects
14 funded by the program created under this section.

15 (3) In order to receive transit safety grant funds for projects,
16 a transit authority must provide matching funding at a level deemed
17 appropriate by the department.

18 (4) No one entity may receive more than 35 percent of funds
19 awarded in a grant cycle.

20 (5) For purposes of this section, "transit authority" means a
21 city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a
22 county public transportation authority under chapter 36.57 RCW, a
23 metropolitan municipal corporation transit system under chapter 36.56
24 RCW, a public transportation benefit area under chapter 36.57A RCW,
25 an unincorporated transportation benefit area under RCW 36.57.100, a
26 regional transit authority under chapter 81.112 RCW, or any special
27 purpose district formed to operate a public transportation system.

28 **Sec. 611.** RCW 47.04.380 and 2024 c 106 s 1 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) The Sandy Williams connecting communities program account is
22 created in the state treasury. Moneys in the account may be spent
23 only after appropriation. Expenditures from the account may be used
24 only for the program activities described in this section.

25 (7) Beginning September 2027, by the last day of September,
26 December, March, and June of each year, the state treasurer shall
27 transfer \$3,125,000 from the move ahead WA flexible account created
28 in RCW 46.68.520 to the Sandy Williams connecting communities program
29 account created in this section.

30 **Sec. 612.** RCW 47.04.430 and 2023 c 447 s 5 are each amended to
31 read as follows:

32 (1) The department shall create a bicyclist and pedestrian grant
33 program to improve pedestrian and bicyclist safety and mobility and
34 increase active transportation trips.

35 (2) Project types may include, but are not limited to, bicycle
36 facilities such as buffered bike lanes, pedestrian facilities such as
37 sidewalks, crossing improvements for people who walk and roll, and
38 speed management.

1 (3) The department shall report on an annual basis the status of
2 projects funded as part of the bicyclist and pedestrian grant and
3 safe routes to school grant programs. The report must include, but is
4 not limited to, a list of projects selected and a brief description
5 of each project's status.

6 (4) Beginning July 1, 2027, at least 25 percent of grants awarded
7 for the bicyclist and pedestrian grant program must benefit
8 communities or census tracts with a high concentration of people over
9 the age of 65, with priority for projects that enhance safety and
10 community connectivity.

11 **Sec. 613.** RCW 47.04.390 and 2023 c 431 s 7 are each amended to
12 read as follows:

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

22 (b) Qualifying youth participating in the school-based bicycle
23 education grant program shall have an opportunity to receive a bike,
24 lock, helmet, and lights, and maintenance supplies free of cost.

25 (2)~~((a))~~ For the ~~((elementary and middle school program))~~
26 grades through three through eight and grades six through 12
27 programs, the department shall contract with a nonprofit organization
28 with relevant reach and experience, including a statewide footprint
29 and demonstrable experience deploying bicycling and road safety
30 education curriculum via a train the trainer model in schools. The
31 selected nonprofit shall identify partner schools and partner
32 organizations that serve target populations, based on the criteria in
33 subsection ~~((3))~~ (4) of this section. Partner schools shall receive
34 from the nonprofit: In-school bike and pedestrian safety education
35 curriculum, materials, equipment guidance and consultation, and
36 physical education teacher ~~((trainings. Youth grades three through~~
37 ~~eight are eligible for the program.~~

38 ~~(b) Selected school districts shall receive and maintain a fleet~~
39 ~~of bicycles for the youth in the program. Youth and families~~

1 ~~participating in the school-base bicycle education grant program~~
2 ~~shall have an opportunity to receive a bike, lock, helmet, and lights~~
3 ~~free of cost)) training. Selected school districts shall receive and~~
4 ~~maintain a fleet of bicycles for the youth in the program.~~

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

21 (4) In selecting schools and partner organizations and qualifying
22 youth receiving bikes for the school-based bicycle education grant
23 program, the department and nonprofit must consider, at a minimum,
24 the following criteria:

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

27 (b) People of color;

28 (c) People of Hispanic heritage;

29 (d) People with disabilities;

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

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

35 (g) Geographic location throughout the state;

36 (h) Crash experience involving pedestrians and bicyclists;

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

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

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

6 NEW SECTION. **Sec. 614.** A new section is added to chapter 47.04
7 RCW to read as follows:

8 The legislature finds that establishment of paved trails and
9 shared-use paths to link population centers will reduce exposure to
10 serious and fatal crashes for people using any mode of
11 transportation, provide accessibility for nondrivers, support mode
12 shift to reduce vehicle miles traveled, enhance the resiliency of the
13 state transportation system, and contribute to local economic growth.

14 To address these policy priorities and opportunities, the
15 department shall create a grant program to develop statewide active
16 transportation connectivity infrastructure. The program must
17 prioritize connecting regional trail networks, filling gaps in
18 regional active transportation systems, developing networks to serve
19 a variety of user needs, and facilitating connections to major
20 transit stops, ferry terminals, and commuter and passenger rail
21 stations. The department is encouraged to collaborate with local
22 agencies, tribes, and active transportation partners to develop the
23 structure, criteria, and eligibility for the program.

24 **PART VII**
25 **MISCELLANEOUS**

26 **Sec. 701.** RCW 47.01.051 and 2006 c 334 s 1 are each amended to
27 read as follows:

28 There is hereby created a transportation commission, which shall
29 consist of ~~((seven))~~ five voting members appointed by the governor,
30 with the consent of the senate. ~~((The present five members of the
31 highway commission shall serve as five initial members of the
32 transportation commission until their terms of office as highway
33 commission members would have expired. The additional two members
34 provided herein for the transportation commission shall be appointed
35 for initial terms to expire on June 30, 1982, and June 30, 1983.
36 Thereafter all terms))~~ The present two members of the commission
37 whose terms expire June 30, 2025, shall serve until their expiration

1 date, at which time one of those positions is eliminated. The present
2 member of the commission whose term expires June 30, 2026, shall
3 serve until the expiration date, at which time the position is
4 eliminated. The other present four members of the commission shall
5 continue serving until the expiration dates of their respective
6 current terms. Terms shall be for six years. No elective state
7 official, state officer, or state employee shall be a member of the
8 commission. At the time of appointment or thereafter during their
9 respective terms of office, (~~four~~) three members of the commission
10 shall reside in the western part of the state and (~~three~~) two
11 members shall reside in the eastern part of the state as divided
12 north and south by the summit of the Cascade mountains. No more than
13 two members of the commission shall reside in the same county;
14 however, the governor, or his or her designee, shall serve as a
15 nonvoting member of the commission. Commission appointments should
16 reflect both a wide range of transportation interests and a balanced
17 statewide geographic representation. Commissioners may be removed
18 from office by the governor before the expiration of their terms for
19 cause. No member shall be appointed for more than two consecutive
20 terms.

21 **Sec. 702.** RCW 47.01.071 and 2022 c 186 s 702 are each amended to
22 read as follows:

23 The transportation commission shall have the following functions,
24 powers, and duties:

25 ~~(1) ((To propose policies to be adopted by the governor and the~~
26 ~~legislature designed to assure the development and maintenance of a~~
27 ~~comprehensive and balanced statewide transportation system which will~~
28 ~~meet the needs of the people of this state for safe and efficient~~
29 ~~transportation services. Wherever appropriate, the policies shall~~
30 ~~provide for the use of integrated, intermodal transportation systems.~~
31 ~~The policies must be aligned with the goals established in RCW~~
32 ~~47.04.280. To this end the commission shall:~~

33 ~~(a) Develop transportation policies which are based on the~~
34 ~~policies, goals, and objectives expressed and inherent in existing~~
35 ~~state laws;~~

36 ~~(b) Inventory the adopted policies, goals, and objectives of the~~
37 ~~local and area-wide governmental bodies of the state and define the~~
38 ~~role of the state, regional, and local governments in determining~~

1 ~~transportation policies, in transportation planning, and in~~
2 ~~implementing the state transportation plan;~~

3 ~~(c) Establish a procedure for review and revision of the state~~
4 ~~transportation policy and for submission of proposed changes to the~~
5 ~~governor and the legislature; and~~

6 ~~(d) Integrate the statewide transportation plan with the needs of~~
7 ~~the elderly and persons with disabilities, and coordinate federal and~~
8 ~~state programs directed at assisting local governments to answer such~~
9 ~~needs;~~

10 ~~(2) To provide for the effective coordination of state~~
11 ~~transportation planning with national transportation policy, state~~
12 ~~and local land use policies, and local and regional transportation~~
13 ~~plans and programs;~~

14 ~~(3) In conjunction with the provisions under RCW 47.01.075, to~~
15 ~~provide for public involvement in transportation designed to elicit~~
16 ~~the public's views both with respect to adequate transportation~~
17 ~~services and appropriate means of minimizing adverse social,~~
18 ~~economic, environmental, and energy impact of transportation~~
19 ~~programs;~~

20 ~~(4) By December 2010, to prepare a comprehensive and balanced~~
21 ~~statewide transportation plan consistent with the state's growth~~
22 ~~management goals and based on the transportation policy goals~~
23 ~~provided under RCW 47.04.280 and applicable state and federal laws.~~
24 ~~The plan must reflect the priorities of government developed by the~~
25 ~~office of financial management and address regional needs, including~~
26 ~~multimodal transportation planning. The plan must, at a minimum: (a)~~
27 ~~Establish a vision for the development of the statewide~~
28 ~~transportation system; (b) identify significant statewide~~
29 ~~transportation policy issues; and (c) recommend statewide~~
30 ~~transportation policies and strategies to the legislature to fulfill~~
31 ~~the requirements of subsection (1) of this section. The plan must be~~
32 ~~the product of an ongoing process that involves representatives of~~
33 ~~significant transportation interests and the general public from~~
34 ~~across the state. Every four years, except during the 2021-2023~~
35 ~~fiscal biennium, the plan shall be reviewed and revised, and~~
36 ~~submitted to the governor and the house of representatives and senate~~
37 ~~standing committees on transportation.~~

38 ~~The plan shall take into account federal law and regulations~~
39 ~~relating to the planning, construction, and operation of~~
40 ~~transportation facilities;~~

1 ~~(5)~~) To propose to the governor and the legislature prior to the
2 convening of each regular session held in an odd-numbered year a
3 recommended budget for the operations of the commission as required
4 by RCW 47.01.061;

5 ~~((6))~~ (2) To adopt such rules as may be necessary to carry out
6 reasonably and properly those functions expressly vested in the
7 commission by statute;

8 ~~((7))~~ (3) To contract with the office of financial management
9 or other appropriate state agencies for administrative support,
10 accounting services, computer services, and other support services
11 necessary to carry out its other statutory duties;

12 ~~((8))~~ (4) To conduct transportation-related studies and policy
13 analysis to the extent directed by the legislature or governor in the
14 biennial transportation budget act, or as otherwise provided in law,
15 and subject to the availability of amounts appropriated for this
16 specific purpose; and

17 ~~((9))~~ (5) To exercise such other specific powers and duties as
18 may be vested in the transportation commission by this or any other
19 provision of law.

20 NEW SECTION. **Sec. 703.** RCW 47.01.075 (Transportation policy
21 development) and 2007 c 516 s 5, 2006 c 334 s 4, & 2005 c 319 s 6 are
22 each repealed.

23 **Sec. 704.** RCW 47.04.280 and 2021 c 153 s 1 are each amended to
24 read as follows:

25 (1) It is the intent of the legislature to establish policy goals
26 for the planning, operation, performance of, and investment in, the
27 state's transportation system. Public investments in transportation
28 should support achievement of these policy goals:

29 (a) Preservation: To maintain, preserve, and extend the life and
30 utility of prior investments in transportation systems and services,
31 including the state ferry system;

32 (b) Safety: To provide for and improve the safety and security of
33 transportation customers and the transportation system;

34 (c) Stewardship: To continuously improve the quality,
35 effectiveness, resilience, and efficiency of the transportation
36 system;

1 (d) Mobility: To improve the predictable movement of goods and
2 people throughout Washington state, including congestion relief and
3 improved freight mobility;

4 (e) Economic vitality: To promote and develop transportation
5 systems that stimulate, support, and enhance the movement of people
6 and goods to ensure a prosperous economy; and

7 (f) Environment: To enhance Washington's quality of life through
8 transportation investments that promote energy conservation, enhance
9 healthy communities, and protect the environment.

10 (2) The powers, duties, and functions of state transportation
11 agencies must be performed in a manner consistent with the policy
12 goals set forth in subsection (1) of this section with preservation
13 and safety being priorities.

14 (3) These policy goals are intended to be the basis for
15 establishing detailed and measurable objectives and related
16 performance measures.

17 (4) It is the intent of the legislature that the office of
18 financial management (~~(, in consultation with the transportation~~
19 ~~commission,)) establish objectives and performance measures for the
20 department and other state agencies with transportation-related
21 responsibilities to ensure transportation system performance at
22 local, regional, and state government levels progresses toward the
23 attainment of the policy goals set forth in subsection (1) of this
24 section. The office of financial management shall submit objectives
25 and performance measures to the legislature for its review and shall
26 provide copies of the same to the commission during each regular
27 session of the legislature during an even-numbered year thereafter.~~

28 (5) A local or regional agency engaging in transportation
29 planning may voluntarily establish objectives and performance
30 measures to demonstrate progress toward the attainment of the policy
31 goals set forth in subsection (1) of this section or any other
32 transportation policy goals established by the local or regional
33 agency. A local or regional agency engaging in transportation
34 planning is encouraged to provide local and regional objectives and
35 performance measures to be included with the objectives and
36 performance measures submitted to the legislature pursuant to
37 subsection (4) of this section.

38 (6) This section does not create a private right of action.

1 NEW SECTION. **Sec. 705.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 46.68.490 (Climate active transportation account) and
4 2023 c 472 s 711 & 2022 c 182 s 102; and

5 (2) RCW 46.68.500 (Climate transit programs account) and 2023 c
6 472 s 712 & 2022 c 182 s 103.

7 **Sec. 706.** RCW 43.84.092 and 2024 c 210 s 4 and 2024 c 168 s 12
8 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

4 **Sec. 707.** RCW 43.84.092 and 2024 c 210 s 5 and 2024 c 168 s 13
5 are each reenacted and amended to read as follows:

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

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

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

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

38 (a) The following accounts and funds shall receive their
39 proportionate share of earnings based upon each account's and fund's

1 average daily balance for the period: The abandoned recreational
2 vehicle disposal account, the aeronautics account, the Alaskan Way
3 viaduct replacement project account, the budget stabilization
4 account, the capital vessel replacement account, the capitol building
5 construction account, the Central Washington University capital
6 projects account, the charitable, educational, penal and reformatory
7 institutions account, the Chehalis basin account, the Chehalis basin
8 taxable account, the clean fuels credit account, the clean fuels
9 transportation investment account, the cleanup settlement account,
10 (~~the climate active transportation account, the climate transit~~
11 ~~programs account,~~) the Columbia river basin water supply development
12 account, the Columbia river basin taxable bond water supply
13 development account, the Columbia river basin water supply revenue
14 recovery account, the common school construction fund, the community
15 forest trust account, the connecting Washington account, the county
16 arterial preservation account, the county criminal justice assistance
17 account, the covenant homeownership account, the deferred
18 compensation administrative account, the deferred compensation
19 principal account, the department of licensing services account, the
20 department of retirement systems expense account, the developmental
21 disabilities community services account, the diesel idle reduction
22 account, the opioid abatement settlement account, the drinking water
23 assistance account, the administrative subaccount of the drinking
24 water assistance account, the early learning facilities development
25 account, the early learning facilities revolving account, the Eastern
26 Washington University capital projects account, the education
27 construction fund, the education legacy trust account, the election
28 account, the electric vehicle account, the energy freedom account,
29 the energy recovery act account, the essential rail assistance
30 account, The Evergreen State College capital projects account, the
31 fair start for kids account, the family medicine workforce
32 development account, the ferry bond retirement fund, the fish,
33 wildlife, and conservation account, the freight mobility investment
34 account, the freight mobility multimodal account, the grade crossing
35 protective fund, the higher education retirement plan supplemental
36 benefit fund, the Washington student loan account, the highway bond
37 retirement fund, the highway infrastructure account, the highway
38 safety fund, the hospital safety net assessment fund, the Interstate
39 5 bridge replacement project account, the Interstate 405 and state
40 route number 167 express toll lanes account, the judges' retirement

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

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

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

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

1 **Sec. 708.** RCW 70A.65.030 and 2023 c 475 s 1902 and 2023 c 475 s
2 936 are each reenacted and amended to read as follows:

3 (1) (~~Except as provided in subsection (4) of this section,~~
4 ~~each~~) Each year or biennium, as appropriate, when allocating funds
5 from the carbon emissions reduction account created in RCW
6 70A.65.240, the climate commitment account created in RCW 70A.65.260,
7 the natural climate solutions account created in RCW 70A.65.270, the
8 climate investment account created in RCW 70A.65.250, or the air
9 quality and health disparities improvement account created in RCW
10 70A.65.280, (~~the climate transit programs account created in RCW~~
11 ~~46.68.500, or the climate active transportation account created in~~
12 ~~RCW 46.68.490,~~) or administering grants or programs funded by the
13 accounts, agencies shall conduct an environmental justice assessment
14 consistent with the requirements of RCW 70A.02.060 and establish a
15 minimum of not less than 35 percent and a goal of 40 percent of total
16 investments that provide direct and meaningful benefits to vulnerable
17 populations within the boundaries of overburdened communities
18 through: (a) The direct reduction of environmental burdens in
19 overburdened communities; (b) the reduction of disproportionate,
20 cumulative risk from environmental burdens, including those
21 associated with climate change; (c) the support of community led
22 project development, planning, and participation costs; or (d)
23 meeting a community need identified by the community that is
24 consistent with the intent of this chapter or RCW 70A.02.010.

25 (2) The allocation of funding under subsection (1) of this
26 section must adhere to the following principles, additional to the
27 requirements of RCW 70A.02.080: (a) Benefits and programs should be
28 directed to areas and targeted to vulnerable populations and
29 overburdened communities to reduce statewide disparities; (b)
30 investments and benefits should be made roughly proportional to the
31 health disparities that a specific community experiences, with a goal
32 of eliminating the disparities; (c) investments and programs should
33 focus on creating environmental benefits, including eliminating
34 health burdens, creating community and population resilience, and
35 raising the quality of life of those in the community; and (d)
36 efforts should be made to balance investments and benefits across the
37 state and within counties, local jurisdictions, and unincorporated
38 areas as appropriate to reduce disparities by location and to ensure
39 efforts contribute to a reduction in disparities that exist based on
40 race or ethnicity, socioeconomic status, or other factors.

1 (3) (~~Except as provided in subsection (4) of this section,~~
2 state)) State agencies allocating funds or administering grants or
3 programs from the carbon emissions reduction account created in RCW
4 70A.65.240, the climate commitment account created in RCW 70A.65.260,
5 the natural climate solutions account created in RCW 70A.65.270, the
6 climate investment account created in RCW 70A.65.250, or the air
7 quality and health disparities improvement account created in RCW
8 70A.65.280, (~~the climate transit programs account created in RCW~~
9 ~~46.68.500, or the climate active transportation account created in~~
10 ~~RCW 46.68.490,~~) must:

11 (a) Report annually to the environmental justice council created
12 in RCW 70A.02.110 regarding progress toward meeting environmental
13 justice and environmental health goals;

14 (b) Consider recommendations by the environmental justice
15 council; and

16 (c) (i) If the agency is not a covered agency subject to the
17 requirements of chapter 70A.02 RCW, create and adopt a community
18 engagement plan to describe how it will engage with overburdened
19 communities and vulnerable populations in allocating funds or
20 administering grants or programs from the climate investment account.

21 (ii) The plan must include methods for outreach and communication
22 with those who face barriers, language or otherwise, to
23 participation.

24 (~~(4) During the 2023-2025 fiscal biennium:~~

25 ~~(a) The requirement of subsection (1) of this section to conduct~~
26 ~~an environmental justice assessment applies only to covered agencies~~
27 ~~as defined in RCW 70A.02.010 and to significant agency actions as~~
28 ~~defined in RCW 70A.02.010.~~

29 ~~(b) Agencies shall coordinate with the department and the office~~
30 ~~of financial management to achieve total statewide spending from the~~
31 ~~accounts listed in subsection (1) of this section of not less than 35~~
32 ~~percent and a goal of 40 percent of total investments that provide~~
33 ~~direct and meaningful benefits to vulnerable populations within the~~
34 ~~boundaries of overburdened communities as otherwise described in~~
35 ~~subsection (1) (a) through (d) of this section and in accordance with~~
36 ~~RCW 70A.65.230.~~

37 ~~(c) The requirements of subsection (3) (c) of this section for~~
38 ~~agencies other than covered agencies to create and adopt community~~
39 ~~engagement plans apply only to executive branch agencies and~~
40 ~~institutions of higher education, as defined in RCW 28B.10.016,~~

1 ~~receiving total appropriations of more than \$2,000,000 for the~~
2 ~~2023-2025 fiscal biennium from the accounts listed in subsection (1)~~
3 ~~of this section.))~~

4 **Sec. 709.** RCW 70A.65.040 and 2022 c 182 s 105 and 2022 c 181 s
5 14 are each reenacted and amended to read as follows:

6 (1) The environmental justice council created in RCW 70A.02.110
7 must provide recommendations to the legislature, agencies, and the
8 governor in the development and implementation of the program
9 established in RCW 70A.65.060 through 70A.65.210, and the programs
10 funded from the carbon emissions reduction account created in RCW
11 70A.65.240, the climate commitment account created in RCW 70A.65.260,
12 the natural climate solutions account created in RCW 70A.65.270, and
13 the climate investment account created in RCW 70A.65.250 (~~(, the~~
14 ~~climate transit programs account created in RCW 46.68.500, and the~~
15 ~~climate active transportation account created in RCW 46.68.490))~~).

16 (2) In addition to the duties and authorities granted in chapter
17 70A.02 RCW to the environmental justice council, the environmental
18 justice council must:

19 (a) Provide recommendations to the legislature, agencies, and the
20 governor in the development of:

21 (i) The program established in RCW 70A.65.060 through 70A.65.210
22 including, but not limited to, linkage with other jurisdictions,
23 protocols for establishing offset projects and securing offset
24 credits, designation of emissions-intensive and trade-exposed
25 industries under RCW 70A.65.110, and administration of allowances
26 under the program; and

27 (ii) Investment plans and funding proposals for the programs
28 funded from the climate investment account created in RCW 70A.65.250
29 for the purpose of providing environmental benefits and reducing
30 environmental health disparities within overburdened communities;

31 (b) Provide a forum to analyze policies adopted under this
32 chapter to determine if the policies lead to improvements within
33 overburdened communities;

34 (c) Recommend procedures and criteria for evaluating programs,
35 activities, or projects;

36 (d) Recommend copollutant emissions reduction goals in
37 overburdened communities;

38 (e) Evaluate the level of funding provided to assist vulnerable
39 populations, low-income individuals, and impacted workers and the

1 funding of projects and activities located within or benefiting
2 overburdened communities;

3 (f) Recommend environmental justice and environmental health
4 goals for programs, activities, and projects funded from the climate
5 investment account, and review agency annual reports on outcomes and
6 progress toward meeting these goals;

7 (g) Provide recommendations to implementing agencies for
8 meaningful consultation with vulnerable populations, including
9 community engagement plans under RCW 70A.65.020 and 70A.65.030; and

10 (h) Recommend how to support public participation through
11 capacity grants for participation.

12 (3) For the purpose of performing the duties under subsection (2)
13 of this section, two additional tribal members are added to the
14 council.

15 **Sec. 710.** RCW 70A.65.230 and 2022 c 182 s 426 and 2022 c 181 s 8
16 are each reenacted and amended to read as follows:

17 (1) It is the intent of the legislature that each year the total
18 investments made through the carbon emissions reduction account
19 created in RCW 70A.65.240, the climate commitment account created in
20 RCW 70A.65.260, the natural climate solutions account created in RCW
21 70A.65.270, and the air quality and health disparities improvement
22 account created in RCW 70A.65.280, (~~the climate transit programs~~
23 ~~account created in RCW 46.68.500, and the climate active~~
24 ~~transportation account created in RCW 46.68.490,)) achieve the
25 following:~~

26 (a) A minimum of not less than 35 percent and a goal of 40
27 percent of total investments that provide direct and meaningful
28 benefits to vulnerable populations within the boundaries of
29 overburdened communities identified under chapter 70A.02 RCW; and

30 (b) In addition to the requirements of (a) of this subsection, a
31 minimum of not less than 10 percent of total investments that are
32 used for programs, activities, or projects formally supported by a
33 resolution of an Indian tribe, with priority given to otherwise
34 qualifying projects directly administered or proposed by an Indian
35 tribe. An investment that meets the requirements of both this
36 subsection (1)(b) and (a) of this subsection may count toward the
37 minimum percentage targets for both subsections.

38 (2) The expenditure of moneys under this chapter must be
39 consistent with applicable federal, state, and local laws, and treaty

1 rights including, but not limited to, prohibitions on uses of funds
2 imposed by the state Constitution.

3 (3) For the purposes of this section, "benefits" means
4 investments or activities that:

5 (a) Reduce vulnerable population characteristics, environmental
6 burdens, or associated risks that contribute significantly to the
7 cumulative impact designation of overburdened communities;

8 (b) Meaningfully protect an overburdened community from, or
9 support community response to, the impacts of air pollution or
10 climate change; or

11 (c) Meet a community need identified by vulnerable members of the
12 overburdened community that is consistent with the intent of this
13 chapter.

14 (4) The state must develop a process by which to evaluate the
15 impacts of the investments made under this chapter, work across state
16 agencies to develop and track priorities across the different
17 eligible funding categories, and work with the environmental justice
18 council pursuant to RCW 70A.65.040.

19 NEW SECTION. **Sec. 711.** Any residual balance of funds remaining
20 in the climate transit programs account or the climate active
21 transportation account on June 30, 2025, shall be transferred by the
22 state treasurer to the carbon emissions reduction account.

23 **Sec. 712.** RCW 81.52.050 and 2013 c 23 s 301 are each amended to
24 read as follows:

25 Every person, company, or corporation having the control or
26 management of any railroad shall, outside of any corporate city or
27 town, and outside the limits of any sidetrack or switch, cause to be
28 constructed and maintained in good repair on each side of said
29 railroad, along the line of said right-of-way of such person,
30 company, or corporation operating the same, a substantial fence, and
31 at every point where any roadway or other public highway shall cross
32 said railroad, a safe and sufficient crossing must be built and
33 maintained, and on each side of such crossing and at each end of such
34 sidetrack or switch, outside of any incorporated city or town, a
35 sufficient cattle guard: PROVIDED, That any person holding land on
36 both sides of said right-of-way shall have the right to put in gates
37 for his or her own use at such places as may be convenient. This

1 section does not apply to rail right-of-way owned by the department
2 of transportation.

3 **Sec. 713.** RCW 46.63.220 and 2024 c 307 s 2 are each amended to
4 read as follows:

5 (1) Nothing in this section prohibits a law enforcement officer
6 from issuing a notice of traffic infraction to a person in control of
7 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
8 (b), or (c).

9 (2) Any city or county may authorize the use of automated traffic
10 safety cameras and must adopt an ordinance authorizing such use
11 through its local legislative authority.

12 (3) The local legislative authority must prepare an analysis of
13 the locations within the jurisdiction where automated traffic safety
14 cameras are proposed to be located before adding traffic safety
15 cameras to a new location or relocating any existing camera to a new
16 location within the jurisdiction. The analysis must include equity
17 considerations including the impact of the camera placement on
18 livability, accessibility, economics, education, and environmental
19 health when identifying where to locate an automated traffic safety
20 camera. The analysis must also show a demonstrated need for traffic
21 cameras based on one or more of the following in the vicinity of the
22 proposed camera location: Travel by vulnerable road users, evidence
23 of vehicles speeding, rates of collision, reports showing near
24 collisions, and anticipated or actual ineffectiveness or
25 infeasibility of other mitigation measures.

26 (4) Automated traffic safety cameras may not be used on an on-
27 ramp to a limited access facility as defined in RCW 47.52.010.

28 (5) A city may use automated traffic safety cameras to enforce
29 traffic ordinances in this section on state highways that are also
30 classified as city streets under chapter 47.24 RCW. A city government
31 must notify the department of transportation when it installs an
32 automated traffic safety camera to enforce traffic ordinances as
33 authorized in this subsection.

34 (6) (a) At a minimum, a local ordinance adopted pursuant to this
35 section must contain the restrictions described in this section and
36 provisions for public notice and signage. Cities and counties must
37 also post such restrictions and other automated traffic safety camera
38 policies on the city's or county's website. Cities and counties using
39 automated traffic safety cameras before July 24, 2005, are subject to

1 the restrictions described in this section, but are not required to
2 adopt an authorizing ordinance.

3 (b) (i) Cities and counties using automated traffic safety cameras
4 must post an annual report on the city's or county's website of the
5 number of traffic crashes that occurred at each location where an
6 automated traffic safety camera is located, as well as the number of
7 notices of infraction issued for each camera. Beginning January 1,
8 2026, the annual report must include the percentage of revenues
9 received from fines issued from automated traffic safety camera
10 infractions that were used to pay for the costs of the automated
11 traffic safety camera program and must describe the uses of revenues
12 that exceeded the costs of operation and administration of the
13 automated traffic safety camera program by the city or county.

14 (ii) The Washington traffic safety commission must provide an
15 annual report to the transportation committees of the legislature,
16 and post the report to its website for public access, beginning July
17 1, 2026, that includes aggregated information on the use of automated
18 traffic safety cameras in the state that includes an assessment of
19 the impact of their use, information required in city and county
20 annual reports under (b) (i) of this subsection, and information on
21 the number of automated traffic safety cameras in use by type and
22 location, with an analysis of camera placement in the context of area
23 demographics and household incomes. To the extent practicable, the
24 commission must also provide in its annual report the number of
25 traffic accidents, speeding violations, single vehicle accidents,
26 pedestrian accidents, and driving under the influence violations that
27 occurred at each location where an automated traffic safety camera is
28 located in the five years before each camera's authorization and
29 after each camera's authorization. Cities and counties using
30 automated traffic safety cameras must provide the commission with the
31 data it requests for the report required under this subsection in a
32 form and manner specified by the commission.

33 (7) All locations where an automated traffic safety camera is
34 used on roadways or intersections must be clearly marked by placing
35 signs at least 30 days prior to activation of the camera in locations
36 that clearly indicate to a driver either that: (a) The driver is
37 within an area where automated traffic safety cameras are authorized;
38 or (b) the driver is entering an area where violations are enforced
39 by an automated traffic safety camera. The signs must be readily
40 visible to a driver approaching an automated traffic safety camera.

1 Signs placed in automated traffic safety camera locations after June
2 7, 2012, must follow the specifications and guidelines under the
3 manual of uniform traffic control devices for streets and highways as
4 adopted by the department of transportation under chapter 47.36 RCW.
5 All public transportation vehicles utilizing a vehicle-mounted system
6 must post a sign on the rear of the vehicle indicating to drivers
7 that the vehicle is equipped with an automated traffic safety camera
8 to enforce bus stop zone violations.

9 (8) Automated traffic safety cameras may only record images of
10 the vehicle and vehicle license plate and only while an infraction is
11 occurring. The image must not reveal the face of the driver or of
12 passengers in the vehicle. The primary purpose of camera placement is
13 to record images of the vehicle and vehicle license plate when an
14 infraction is occurring. Cities and counties must consider installing
15 automated traffic safety cameras in a manner that minimizes the
16 impact of camera flash on drivers.

17 (9) A notice of infraction must be mailed to the registered owner
18 of the vehicle within 14 days of the violation, or to the renter of a
19 vehicle within 14 days of establishing the renter's name and address
20 under subsection (17) of this section. The notice of infraction must
21 include with it a certificate or facsimile thereof, based upon
22 inspection of photographs, microphotographs, or electronic images
23 produced by an automated traffic safety camera, stating the facts
24 supporting the notice of infraction. This certificate or facsimile is
25 prima facie evidence of the facts contained in it and is admissible
26 in a proceeding charging a violation under this chapter. The
27 photographs, microphotographs, or electronic images evidencing the
28 violation must be available for inspection and admission into
29 evidence in a proceeding to adjudicate the liability for the
30 infraction. A person receiving a notice of infraction based on
31 evidence detected by an automated traffic safety camera may respond
32 to the notice by mail.

33 (10) The registered owner of a vehicle is responsible for an
34 infraction under RCW 46.63.030(1)(d) unless the registered owner
35 overcomes the presumption in RCW 46.63.075, or, in the case of a
36 rental car business, satisfies the conditions under subsection (17)
37 of this section. If appropriate under the circumstances, a renter
38 identified under subsection (17)(a) of this section is responsible
39 for an infraction.

1 (11) Notwithstanding any other provision of law, all photographs,
2 microphotographs, or electronic images, or any other personally
3 identifying data prepared under this section are for the exclusive
4 use of authorized city or county employees, as specified in RCW
5 46.63.030(1)(d), in the discharge of duties under this section and
6 are not open to the public and may not be used in a court in a
7 pending action or proceeding unless the action or proceeding relates
8 to a violation under this section. No photograph, microphotograph, or
9 electronic image, or any other personally identifying data may be
10 used for any purpose other than enforcement of violations under this
11 section nor retained longer than necessary to enforce this section.
12 Transit authorities must provide to the appropriate local
13 jurisdiction that has authorized traffic safety camera use under RCW
14 46.63.260(~~(+2)~~) (3) any images or evidence collected establishing
15 that a violation of stopping, standing, or parking in a bus stop zone
16 has occurred for infraction processing purposes consistent with this
17 section.

18 (12) If a county or city has established an automated traffic
19 safety camera program as authorized under this section, the
20 compensation paid to the manufacturer or vendor of the equipment used
21 must be based only upon the value of the equipment and services
22 provided or rendered in support of the system and may not be based
23 upon a portion of the fine or civil penalty imposed or the revenue
24 generated by the equipment. If the contract between the city or
25 county and manufacturer or vendor of the equipment does not provide
26 for performance or quality control measures regarding camera images,
27 the city or county must perform a performance audit of the
28 manufacturer or vendor of the equipment every three years to review
29 and ensure that images produced from automated traffic safety cameras
30 are sufficient for evidentiary purposes as described in subsection
31 (9) of this section.

32 (13)(a) Except as provided in (d) of this subsection, a county or
33 a city may only use revenue generated by an automated traffic safety
34 camera program as authorized under this section for:

35 (i) Traffic safety activities related to construction and
36 preservation projects and maintenance and operations purposes
37 including, but not limited to, projects designed to implement the
38 complete streets approach as defined in RCW 47.04.010, changes in
39 physical infrastructure to reduce speeds through road design, and
40 changes to improve safety for active transportation users, including

1 improvements to access and safety for road users with mobility,
2 sight, or other disabilities; and

3 (ii) The cost to administer, install, operate, and maintain the
4 automated traffic safety cameras, including the cost of processing
5 infractions.

6 (b) Except as provided in (d) of this subsection:

7 (i) The automated traffic safety camera program revenue used by a
8 county or city with a population of 10,000 or more for purposes
9 described in (a)(i) of this subsection must include the use of
10 revenue in census tracts of the city or county that have household
11 incomes in the lowest quartile determined by the most currently
12 available census data and areas that experience rates of injury
13 crashes that are above average for the city or county. Funding
14 contributed from traffic safety program revenue must be, at a
15 minimum, proportionate to the share of the population of the county
16 or city who are residents of these low-income communities and
17 communities experiencing high injury crash rates. This share must be
18 directed to investments that provide direct and meaningful traffic
19 safety benefits to these communities. Revenue used to administer,
20 install, operate, and maintain automated traffic safety cameras,
21 including the cost of processing infractions, are excluded from
22 determination of the proportionate share of revenues under this
23 subsection (13)(b); and

24 (ii) The automated traffic safety camera program revenue used by
25 a city or county with a population under 10,000 for traffic safety
26 activities under (a)(i) of this subsection must be informed by the
27 department of health's environmental health disparities map.

28 (c) Except as provided in (d) of this subsection, beginning four
29 years after an automated traffic safety camera authorized under this
30 section is initially placed and in use after June 6, 2024, 25 percent
31 of the noninterest money received for infractions issued by such
32 cameras in excess of the cost to administer, install, operate, and
33 maintain the cameras, including the cost of processing infractions,
34 must be deposited into the Cooper Jones active transportation safety
35 account created in RCW 46.68.480.

36 (d)(i)(A) Jurisdictions with an automated traffic safety camera
37 program in effect before January 1, 2024, may continue to allocate
38 revenue generated from automated traffic safety cameras authorized
39 under RCW 46.63.230 and 46.63.250(2)(c) as determined by the

1 jurisdiction, as well as for the purposes established in (a) through
2 (c) of this subsection, by:

3 (I) Up to a 10 percent increase in the number of traffic safety
4 camera locations authorized to detect violations for automated
5 traffic safety cameras authorized under RCW 46.63.230; and

6 (II) Up to a 10 percent increase in the number of traffic safety
7 camera locations authorized to detect violations for automated
8 traffic safety cameras authorized under RCW 46.63.250(2)(c).

9 (B)(I) Any automated traffic safety camera program in effect
10 before January 1, 2024, with fewer than 10 traffic safety camera
11 locations for automated traffic safety cameras authorized under RCW
12 46.63.230, which adds automated traffic safety cameras to one
13 additional location for the use of cameras authorized under RCW
14 46.63.230, may continue to allocate revenue generated from automated
15 traffic safety cameras authorized under RCW 46.63.230 as determined
16 by the jurisdiction, as well as for the purposes established in (a)
17 through (c) of this subsection.

18 (II) Any automated traffic safety camera program in effect before
19 January 1, 2024, with fewer than 10 traffic safety camera locations
20 for automated traffic safety cameras authorized under RCW
21 46.63.250(2)(c) as of January 1, 2024, which adds automated traffic
22 safety cameras to one additional location for the use of cameras
23 authorized under RCW 46.63.250(2)(c), may continue to allocate
24 revenue generated from automated traffic safety cameras authorized
25 under RCW 46.63.250(2)(c) as determined by the jurisdiction, as well
26 as for the purposes established in (a) through (c) of this
27 subsection.

28 (C) For the purposes of this subsection (13)(d)(i), a location
29 is:

30 (I) An intersection for automated traffic safety cameras
31 authorized under RCW 46.63.230 where cameras authorized under RCW
32 46.63.230 are in use; and

33 (II) A school speed zone for automated traffic safety cameras
34 authorized under RCW 46.63.250(2)(c) where cameras authorized under
35 RCW 46.63.250(2)(c) are in use.

36 (ii) The revenue distribution requirements under (a) through
37 (d)(i) of this subsection do not apply to automated traffic safety
38 camera programs in effect before January 1, 2024, for which an
39 ordinance in effect as of January 1, 2024, directs the manner in

1 which revenue generated from automated traffic safety cameras
2 authorized under RCW 46.63.230 or 46.63.250(2)(c) must be used.

3 (14) A county or city may adopt the use of an online ability-to-
4 pay calculator to process and grant requests for reduced fines or
5 reduced civil penalties for automated traffic safety camera
6 violations.

7 (15) Except as provided in this subsection, registered owners of
8 vehicles who receive notices of infraction for automated traffic
9 safety camera-enforced infractions and are recipients of public
10 assistance under Title 74 RCW or participants in the Washington
11 women, infants, and children program, and who request reduced
12 penalties for infractions detected through the use of automated
13 traffic safety camera violations, must be granted reduced penalty
14 amounts of 50 percent of what would otherwise be assessed for a first
15 automated traffic safety camera violation and for subsequent
16 automated traffic safety camera violations issued within 21 days of
17 issuance of the first automated traffic safety camera violation.
18 Eligibility for medicaid under RCW 74.09.510 is not a qualifying
19 criterion under this subsection. Registered owners of vehicles who
20 receive notices of infraction must be provided with information on
21 their eligibility and the opportunity to apply for a reduction in
22 penalty amounts through the mail or internet.

23 (16) Infractions detected through the use of automated traffic
24 safety cameras are not part of the registered owner's driving record
25 under RCW 46.52.101 and 46.52.120. Additionally, infractions
26 generated by the use of automated traffic safety cameras under this
27 section must be processed in the same manner as parking infractions,
28 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,
29 and 46.20.270(2). The amount of the fine issued for an infraction
30 generated through the use of an automated traffic safety camera may
31 not exceed \$145, as adjusted for inflation by the office of financial
32 management every five years, beginning January 1, 2029, based upon
33 changes in the consumer price index during that time period, but may
34 be doubled for a school speed zone infraction generated through the
35 use of an automated traffic safety camera.

36 (17) If the registered owner of the vehicle is a rental car
37 business, the issuing agency must, before a notice of infraction
38 being issued under this section, provide a written notice to the
39 rental car business that a notice of infraction may be issued to the
40 rental car business if the rental car business does not, within 18

1 days of receiving the written notice, provide to the issuing agency
2 by return mail:

3 (a) A statement under oath stating the name and known mailing
4 address of the individual driving or renting the vehicle when the
5 infraction occurred; or

6 (b) A statement under oath that the business is unable to
7 determine who was driving or renting the vehicle at the time the
8 infraction occurred because the vehicle was stolen at the time of the
9 infraction. A statement provided under this subsection must be
10 accompanied by a copy of a filed police report regarding the vehicle
11 theft; or

12 (c) In lieu of identifying the vehicle operator, the rental car
13 business may pay the applicable penalty. Timely mailing of this
14 statement to the issuing agency relieves a rental car business of any
15 liability under this chapter for the notice of infraction.

16 **Sec. 714.** RCW 47.04.350 and 2019 c 287 s 3 are each amended to
17 read as follows:

18 (1) Subject to the availability of amounts appropriated for this
19 specific purpose (~~((through the 2023-2025 biennium))~~), the department's
20 public-private partnership office must develop and maintain a program
21 to support the deployment of clean alternative fuel vehicle charging
22 and refueling infrastructure that is supported by private financing.

23 (2) The department must define corridors in which bidders may
24 propose to install electric vehicle charging infrastructure or
25 hydrogen fueling stations, and may update these corridors over time
26 as needed. Alternatively, a bidder may propose a corridor in which
27 the bidder proposes to install electric vehicle infrastructure or
28 hydrogen fueling stations if the department has adopted rules
29 allowing such a proposal and establishing guidelines for how such a
30 proposal will be considered.

31 (3)(a) For bid proposals under this section, the department must
32 require the following:

33 (i) Bidders must have private sector partners contributing to the
34 project who stand to gain indirect value from development of the
35 project, such as motor vehicle manufacturers, retail stores, or
36 tourism stakeholders;

37 (ii) Bidders must demonstrate that the proposed project will be
38 valuable to clean alternative fuel vehicle drivers and will address

1 an existing gap in the state's low carbon transportation
2 infrastructure;

3 (iii) Projects must be expected to be profitable and sustainable
4 for the owner-operator and the private partner; and

5 (iv) Bidders must specify how the project captures the indirect
6 value of charging or refueling station deployment to the private
7 partner.

8 (b) The department may adopt rules that require any other
9 criteria for a successful project.

10 (4) In evaluating proposals under this section, the department
11 may use the electric vehicle financial analysis tool that was
12 developed in the joint transportation committee's study into
13 financing electric vehicle charging station infrastructure.

14 (5) (a) After selecting a successful proposer under this section,
15 the department may provide a loan or grant to the proposer.

16 (b) Grants and loans issued under this subsection must be funded
17 from the electric vehicle account created in RCW 82.44.200.

18 (c) Any project selected for support under this section is
19 eligible for only one grant or loan as a part of the program.

20 (6) The department may conduct preliminary workshops with
21 potential bidders and other potential private sector partners to
22 determine the best method of designing and maintaining the program,
23 discuss how to develop and maintain the partnerships among the
24 private sector partners that may receive indirect value, and any
25 other issues relating to the implementation and administration of
26 this section. The department should consider regional workshops to
27 engage potential business partners from across the state.

28 (7) The department must adopt rules to implement and administer
29 this section.

30 **Sec. 715.** RCW 47.04.355 and 2019 c 287 s 16 are each amended to
31 read as follows:

32 (1) Subject to the availability of amounts appropriated for this
33 specific purpose (~~((through the 2023-2025 biennium))~~), the department's
34 public-private partnership office must develop a pilot program to
35 support clean alternative fuel car sharing programs to provide clean
36 alternative fuel vehicle use opportunities to underserved communities
37 and low to moderate income members of the workforce not readily
38 served by transit or located in transportation corridors with
39 emissions that exceed federal or state emissions standards. Nonprofit

1 organizations or local governments, including housing authorities,
2 with a demonstrated history of managing or implementing low-income
3 transportation clean alternative fuel and shared mobility pilot
4 programs are eligible to participate in this program.

5 (2) The department must determine specific eligibility criteria,
6 based on the requirements of this section, the report submitted to
7 the legislature by the Puget Sound clean air agency entitled
8 facilitating low-income utilization of electric vehicles, and other
9 factors relevant to increasing clean alternative fuel vehicle use in
10 underserved and low to moderate income communities. The department
11 may adopt rules specifying the eligibility criteria it selects.

12 (3) The department may conduct preliminary workshops with
13 potential bidders and other potential partners to determine the best
14 method of designing the pilot program.

15 (4) The department must include the following elements in its
16 proposal evaluation and scoring methodology: History of successful
17 management of equity focused clean alternative fuel vehicle projects;
18 substantial level of involvement from community-based, equity focused
19 organizations in the project; plan for long-term financial
20 sustainability of the work beyond the duration of the grant period;
21 matching resources leveraged for the project; and geographical
22 diversity of the projects selected.

23 (5) After selecting successful proposals under this section, the
24 department may provide grant funding to them. The total grant amount
25 available per project may range from (~~(fifty thousand)~~) \$50,000 to
26 (~~(two hundred thousand dollars)~~) \$200,000. The grant opportunity must
27 include possible funding of vehicles, charging or refueling station
28 infrastructure, staff time, and any other expenses required to
29 implement the project. No more than (~~(ten)~~) 10 percent of grant funds
30 may be used for administrative expenses.

31 (6) (a) Any property acquired with state grant funding under this
32 section by nongovernmental participants must be used solely for
33 program purposes and, if sold, the proceeds of the sale must be used
34 solely for program purposes.

35 (b) At the termination of a program for providing alternative
36 fuel car sharing services, the state must be reimbursed for any
37 property acquired with state grant funding under this section that
38 nongovernmental participants in the program retain at the time of
39 program termination. The amount of reimbursement may under no

1 circumstances be less than the fair market value of the property at
2 the time of the termination of the program.

3 **Sec. 716.** RCW 47.60.826 and 2023 c 429 s 2 are each amended to
4 read as follows:

5 (1) (a) The department shall contract for the acquisition of up to
6 ~~((five))~~ 16 new hybrid diesel-electric ferry vessels that can carry
7 up to ~~((144))~~ 160 vehicles, using a one or two contract procurement
8 approach to potentially accelerate vessel delivery.

9 (b) The Washington state ferries shall make available the design
10 for the ~~((144))~~ 160 vehicle hybrid electric Olympic class vessel to
11 potential bidders. Incentives may be awarded by the department to
12 bidders who offer design modifications that:

13 (i) Lower the minimum number of crew needed to staff the vessel
14 in accordance with United States coast guard requirements;

15 (ii) Incorporate materials, technologies, or other features that
16 lower life-cycle maintenance and operations costs;

17 (iii) Accelerate the proposed delivery schedule; or

18 (iv) Make other improvements determined to be beneficial by the
19 department. The Washington state ferries may allow for exceptions of
20 the ~~((144))~~ 160 vehicle capacity of the vessel design in cases where
21 efficiencies outlined in (b) (i) or (ii) of this subsection are met.

22 (2) (a) The contract or contracts must be for a minimum of two
23 vessels, with options for ~~((up to five vessels in total))~~ additional
24 vessels, and are exempt from the requirements set forth in RCW
25 47.60.810 through 47.60.824.

26 (b) The contract or contracts may employ the following
27 procurement methods:

28 (i) Design-build procedure as authorized under chapter 39.10 RCW;

29 (ii) Design-bid-build as authorized under chapter 39.04 RCW or an
30 equivalent process allowed in statute as determined by the
31 department; or

32 (iii) Lease with an option to buy in accordance with RCW
33 47.60.010. The terms of any plan to pursue a lease with an option to
34 buy agreement must be approved by the governor and appropriate
35 committees of the legislature and are subject to the availability of
36 amounts appropriated for this specific purpose.

37 (c) To the extent possible, the department shall establish and
38 apply evaluation criteria beyond low price to meet best value
39 objectives.

1 (d) The department must award a credit of 13 percent of the bid
2 price for bid proposals for vessels constructed in the state of
3 Washington, which must be adjusted to reflect the proportion of the
4 construction of the vessels that occurs within the state. This credit
5 represents the:

6 (i) Amount of economic and revenue loss to the state of
7 Washington from constructing vessels outside the state of Washington,
8 as indicated by the Washington institute for public policy study
9 regarding Washington state ferry vessel procurement dated December
10 2016; and

11 (ii) Additional costs of transport, potential delay, and owner
12 oversight incurred for construction at shipyards located outside the
13 state of Washington.

14 (e) The department must require that contractors meet the
15 requirements of RCW 39.04.320 regarding apprenticeships or other
16 state law or federal law equivalents, where such equivalents exist.

17 (f) The department must require that contractors meet the
18 requirements of chapter 90.48 RCW regarding water pollution control
19 or other state law or federal law equivalents, where such equivalents
20 exist.

21 (3) For contracts eligible for the use of federal funds,
22 contractors must comply with federal disadvantaged business
23 enterprise targets as outlined by the federal agency awarding funds.

24 (4) Contractors located in the state of Washington must meet the
25 requirements of RCW 47.60.835, the small business enterprise
26 enforceable goals program.

27 (5) The department shall employ third-party experts that report
28 to the Washington state ferries to serve as a supplementary resource.
29 The third-party experts contracted by the Washington state ferries
30 shall:

31 (a) Perform project quality oversight and report to the
32 transportation committees of the legislature and the office of
33 financial management on a semiannual basis on project schedule,
34 risks, and project budget;

35 (b) Assist with the management of change order requests;

36 (c) Advise on contract and technical matters; and

37 (d) Possess knowledge of and experience with inland waterways,
38 Puget Sound vessel operations, the propulsion system of the new
39 vessels, and Washington state ferries operations.

1 NEW SECTION. **Sec. 717.** Nothing in section 716 of this act shall
2 be construed to apply to, or otherwise interfere with, vessel
3 procurements underway prior to the effective date of section 716 of
4 this act.

5 **Sec. 718.** RCW 88.16.035 and 2018 c 107 s 3 are each amended to
6 read as follows:

7 (1) The board of pilotage commissioners shall:

8 (a) Adopt rules, pursuant to chapter 34.05 RCW, necessary for the
9 enforcement and administration of this chapter;

10 (b) (i) Issue training licenses and pilot licenses to pilot
11 applicants meeting the qualifications provided for in RCW 88.16.090
12 and such additional qualifications as may be determined by the board;

13 (ii) Establish a comprehensive training program to assist in the
14 training and evaluation of pilot applicants before final licensing;
15 and

16 (iii) Establish additional training requirements, including a
17 program of continuing education developed after consultation with
18 pilot organizations, including those located within the state of
19 Washington, as required to maintain a competent pilotage service;

20 (c) Maintain a register of pilots, records of pilot accidents,
21 and other history pertinent to pilotage;

22 (d) Determine from time to time the number of pilots necessary to
23 be licensed in each district of the state to optimize the operation
24 of a safe, fully regulated, efficient, and competent pilotage service
25 in each district;

26 (e) Provide assistance to the utilities and transportation
27 commission, as requested by the utilities and transportation
28 commission, in its performance of pilotage tariff setting functions
29 under RCW 81.116.010 through 81.116.060;

30 (f) File annually with the governor and the chairs of the
31 transportation committees of the senate and house of representatives
32 a report which includes, but is not limited to, the following: The
33 number, names, ages, pilot license number, training license number,
34 and years of service as a Washington licensed pilot of any person
35 licensed by the board as a Washington state pilot or trainee; the
36 names, employment, and other information of the members of the board;
37 the total number of pilotage assignments by pilotage district,
38 including information concerning the various types and sizes of
39 vessels and the total annual tonnage; the annual earnings or stipends

1 of individual pilots and trainees before and after deduction for
2 expenses of pilot organizations, including extra compensation as a
3 separate category; the annual expenses of private pilot associations,
4 including personnel employed and capital expenditures; the status of
5 pilotage tariffs, extra compensation, and travel; the retirement
6 contributions paid to pilots and the disposition thereof; the number
7 of groundings, marine occurrences, or other incidents which are
8 reported to or investigated by the board, and which are determined to
9 be accidents, as defined by the board, including the vessel name,
10 location of incident, pilot's or trainee's name, and disposition of
11 the case together with information received before the board acted
12 from all persons concerned, including the United States coast guard;
13 the names, qualifications, time scheduled for examinations, and the
14 district of persons desiring to apply for Washington state pilotage
15 licenses; summaries of dispatch records, quarterly reports from
16 pilots, and the bylaws and operating rules of pilotage organizations;
17 the names, sizes in deadweight tons, surcharges, if any, port of
18 call, name of the pilot or trainee, and names and horsepower of tug
19 boats for any and all oil tankers subject to the provisions of RCW
20 88.16.190 together with the names of any and all vessels for which
21 the United States coast guard requires special handling pursuant to
22 their authority under the Ports and Waterways Safety Act of 1972; the
23 expenses of the board; updates on efforts to increase diversity of
24 pilots, trainees, and applicants; and any and all other information
25 which the board deems appropriate to include;

26 (g) Make available information that includes the pilotage act and
27 other statutes of Washington state and the federal government that
28 affect pilotage, including the rules of the board, together with such
29 additional information as may be informative for pilots, agents,
30 owners, operators, and masters;

31 (h) Appoint advisory committees and employ marine experts as
32 necessary to carry out its duties under this chapter;

33 (i) Provide for the maintenance of efficient and competent
34 pilotage service on all waters covered by this chapter; and do such
35 other things as are reasonable, necessary, and expedient to insure
36 proper and safe pilotage upon the waters covered by this chapter and
37 facilitate the efficient administration of this chapter.

38 (2) The board may pay stipends to pilot trainees under subsection
39 (1)(b) of this section.

1 **Sec. 719.** RCW 46.16A.305 and 2022 c 132 s 5 are each amended to
2 read as follows:

3 (1) The department, county auditor or other agent, or subagent
4 appointed by the director may grant a temporary license plate to
5 operate a vehicle for which an application for registration has been
6 made. The application for a temporary license plate must be made by
7 the owner or the owner's representative to the department, county
8 auditor or other agent, or subagent appointed by the director on a
9 form furnished by the department and must contain:

10 (a) A full description of the vehicle, including its make, model,
11 vehicle identification number, and type of body;

12 (b) The name and address of the applicant;

13 (c) The date of application; and

14 (d) Other information that the department may require.

15 (2) Temporary license plates must:

16 (a) Be consecutively numbered;

17 (b) Be displayed as described for permanent license plates in RCW
18 46.16A.200(5)(a);

19 (c) Be composed of material that must be durable and remain
20 unaltered in field conditions for a minimum of four months; and

21 (d) Remain on the vehicle only until the receipt of permanent
22 license plates.

23 (3) The application must be accompanied by the fee required under
24 RCW 46.17.400(1)(b).

25 (4) Pursuant to subsection (2) of this section, the department
26 may adopt rules for the design and display of temporary license
27 plates.

28 (5) By December 1, 2025, the department must adopt rules
29 implementing contingency extensions of the expiration date for
30 department temporary license plates in cases of shortages of
31 permanent license plates. The rules must prioritize reducing customer
32 return trips for department temporary license plates, and include a
33 communication plan with state and local law enforcement agencies
34 regarding the implementation of the contingency extensions.

35 NEW SECTION. **Sec. 720.** A new section is added to chapter 72.60
36 RCW to read as follows:

37 When the department of corrections, in conjunction with the
38 department of licensing, anticipates a projected license plate
39 shortage statewide or in particular locations, the department of

1 licensing must promptly communicate such shortage to the county
2 auditors or other agents, and subagents appointed by the director of
3 the department of licensing. The department of corrections, in
4 conjunction with the department of licensing, must also develop and
5 implement a mitigation plan to address the shortage that may include
6 the contracting with a third-party vendor for production of license
7 plates until such time as the shortage is eliminated and a sufficient
8 license plate inventory is available for the subsequent 90-day
9 period. Use of a third-party vendor may thereafter be initiated by
10 the department of corrections, the department of licensing, or
11 jointly by the two agencies.

12 **Sec. 721.** RCW 47.60.322 and 2023 c 472 s 715 are each amended to
13 read as follows:

14 (1) The capital vessel replacement account is created in the
15 motor vehicle account. All revenues generated from the vessel
16 replacement (~~(surcharge)~~) surcharges under RCW 47.60.315 (7) and (8),
17 and service fees collected by the department of licensing or county
18 auditor or other agent appointed by the director under RCW 46.17.040,
19 46.17.050, and 46.17.060, must be deposited into the account. Moneys
20 in the account may be spent only after appropriation. Expenditures
21 from the account may be used only for the construction or purchase of
22 ferry vessels and to pay the principal and interest on bonds
23 authorized for the construction or purchase of ferry vessels.
24 (~~((However, expenditures from the account must first be used to
25 support the construction or purchase, including any applicable
26 financing costs, of a ferry vessel with a carrying capacity of at
27 least one hundred forty-four cars.))~~)

28 (~~((The state treasurer may transfer moneys from the capital
29 vessel replacement account to the transportation 2003 account (nickel
30 account) for debt service on bonds issued for the construction of
31 144-car class ferry vessels.~~)

32 ~~(3))~~) The legislature may transfer from the capital vessel
33 replacement account to the connecting Washington account created
34 under RCW 46.68.395 such amounts as reflect the excess fund balance
35 of the capital vessel replacement account to be used for ferry
36 terminal construction and preservation.

37 (~~((4))~~) (3) During the 2021-2023 and 2023-2025 fiscal biennia,
38 the legislature may direct the state treasurer to make transfers of
39 moneys in the capital vessel replacement account to the

1 transportation partnership account and the connecting Washington
2 account.

3 **Sec. 722.** RCW 82.42.090 and 2017 3rd sp.s. c 25 s 42 are each
4 amended to read as follows:

5 All moneys collected by the director from the aircraft fuel
6 excise tax as provided in RCW 82.42.020 shall be transmitted to the
7 state treasurer and shall be credited to the aeronautics account
8 hereby created in the state treasury. Moneys in the account may be
9 spent only after appropriation. Expenditures from the account may be
10 used only for aviation-related purposes. Moneys collected from the
11 consumer or user of aircraft fuel from either the use tax imposed by
12 RCW 82.12.020 or the retail sales tax imposed by RCW 82.08.020 shall
13 be transmitted to the state treasurer and credited to the state
14 general fund.

15 **Sec. 723.** RCW 43.19.642 and 2023 c 472 s 703 are each amended to
16 read as follows:

17 (1) Effective June 1, 2006, for agencies complying with the
18 ultra-low sulfur diesel mandate of the United States environmental
19 protection agency for on-highway diesel fuel, agencies shall use
20 biodiesel as an additive to ultra-low sulfur diesel for lubricity,
21 provided that the use of a lubricity additive is warranted and that
22 the use of biodiesel is comparable in performance and cost with other
23 available lubricity additives. The amount of biodiesel added to the
24 ultra-low sulfur diesel fuel shall be not less than two percent.

25 (2) Except as provided in subsection (5) of this section,
26 effective June 1, 2009, state agencies are required to use a minimum
27 of 20 percent biodiesel as compared to total volume of all diesel
28 purchases made by the agencies for the operation of the agencies'
29 diesel-powered vessels, vehicles, and construction equipment.

30 (3) All state agencies using biodiesel fuel shall, beginning on
31 July 1, 2016, file annual reports with the department of enterprise
32 services documenting the use of the fuel and a description of how any
33 problems encountered were resolved.

34 (4) By December 1, 2009, the department of enterprise services
35 shall:

36 (a) Report to the legislature on the average true price
37 differential for biodiesel by blend and location; and

1 (b) Examine alternative fuel procurement methods that work to
2 address potential market barriers for in-state biodiesel producers
3 and report these findings to the legislature.

4 (5) (~~During the 2021-2023 and 2023-2025 fiscal biennia, the~~)
5 The Washington state ferries is ((required to)) exempt from the
6 requirements of this section and must use a minimum of five percent
7 biodiesel as compared to total volume of all diesel (~~purchases made~~
8 ~~by the Washington state ferries for the operation of the Washington~~
9 ~~state ferries diesel-powered vessels, as long as the price of a B5 or~~
10 ~~B10 biodiesel blend does not exceed the price of conventional diesel~~
11 ~~fuel by five percent or more)), and develop internal processes to
12 transition diesel vessels in the fleet to the highest possible
13 biofuel blend or renewable diesel by 2030.~~

14 **Sec. 724.** RCW 47.04.035 and 2022 c 182 s 418 are each amended to
15 read as follows:

16 (1) In order to improve the safety, mobility, and accessibility
17 of state highways, it is the intent of the legislature that the
18 department must incorporate the principles of complete streets with
19 facilities that provide street access with all users in mind,
20 including pedestrians, bicyclists, and public transportation users,
21 notwithstanding the provisions of RCW 47.24.020 concerning
22 responsibility beyond the curb of state rights-of-way. As such, state
23 transportation projects (a) starting design ((on or after)) between
24 July 1, 2022, and July 31, 2025, that are \$500,000 or more, and (b)
25 starting design on or after August 1, 2025, that are \$1,000,000 or
26 more, must:

27 (~~(a)~~) (i) Identify those locations on state rights-of-way that
28 do not have a complete and Americans with disabilities act accessible
29 sidewalk or shared-use path, that do not have bicycle facilities in
30 the form of a bike lane or adjacent parallel trail or shared-use
31 path, that have such facilities on a state route within a population
32 center that has a posted speed in excess of 30 miles per hour and no
33 buffer or physical separation from vehicular traffic for pedestrians
34 and bicyclists, and/or that have a design that hampers the ability of
35 motorists to see a crossing pedestrian with sufficient time to stop
36 given posted speed limits and roadway configuration;

37 (~~(b)~~) (ii) Consult with local jurisdictions to confirm existing
38 and planned active transportation connections along or across the
39 location; identification of connections to existing and planned

1 public transportation services, ferry landings, commuter and
2 passenger rail, and airports; the existing and planned facility
3 type(s) within the local jurisdiction that connect to the location;
4 and the potential use of speed management techniques to minimize
5 crash exposure and severity;

6 ~~((e))~~ (iii) Adjust the speed limit to a lower speed with
7 appropriate modifications to roadway design and operations to achieve
8 the desired operating speed in those locations where this speed
9 management approach aligns with local plans or ordinances,
10 particularly in those contexts that present a higher possibility of
11 serious injury or fatal crashes occurring based on land use context,
12 observed crash data, crash potential, roadway characteristics that
13 are likely to increase exposure, or a combination thereof, in keeping
14 with a safe system approach and with the intention of ultimately
15 eliminating serious and fatal crashes; and

16 ~~((d))~~ (iv) Plan, design, and construct facilities providing
17 context-sensitive solutions that contribute to network connectivity
18 and safety for pedestrians, bicyclists, and people accessing public
19 transportation and other modal connections, such facilities to
20 include Americans with disabilities act accessible sidewalks or
21 shared-use paths, bicyclist facilities, and crossings as needed to
22 integrate the state route into the local network.

23 (2) Projects undertaken for emergent work required to reopen a
24 state highway in the event of a natural disaster or other emergency
25 repair are not required to comply with the provisions of this
26 section.

27 (3) Maintenance of facilities constructed under this provision
28 shall be as provided under existing law.

29 (4) This section does not create a private right of action.

30 **Sec. 725.** RCW 46.16A.030 and 2019 c 459 s 3 and 2019 c 423 s 203
31 are each reenacted and amended to read as follows:

32 (1) Vehicles must be registered as required by this chapter and
33 must display license plates or decals assigned by the department.

34 (2) It is unlawful for a person to operate any vehicle on a
35 public highway of this state without having in full force and effect
36 a current and proper vehicle registration and displaying license
37 plates on the vehicle.

38 (3) Vehicle license plates or registration certificates, whether
39 original issues or duplicates, may not be issued or furnished by the

1 department until the applicant makes satisfactory application for a
2 certificate of title or presents satisfactory evidence that a
3 certificate of title covering the vehicle has been previously issued.

4 (4) Failure to make initial registration before operating a
5 vehicle on the public highways of this state is a traffic infraction.
6 A person committing this infraction must pay a fine of (~~five hundred~~
7 ~~twenty-nine dollars~~) \$529, which may not be suspended or reduced.
8 This fine is in addition to any delinquent taxes and fees that must
9 be deposited and distributed in the same manner as if the taxes and
10 fees were properly paid in a timely fashion. The (~~five hundred~~
11 ~~twenty-nine dollar~~) \$529 fine must be deposited into the vehicle
12 licensing fraud account created in the state treasury in RCW
13 46.68.250.

14 (5) (a) Failure to renew an expired registration before operating
15 a vehicle on the public highways of this state is a traffic
16 infraction.

17 (b) A law enforcement officer may issue a notice of infraction
18 for failure to renew an expired registration to the registered owner
19 of the vehicle that is parked, standing, and unoccupied on the public
20 right-of-way. Such an infraction under this subsection (5) (b) is not
21 part of the registered owner's driving record under RCW 46.52.101 and
22 46.52.120, and must be processed in the same manner as a parking
23 infraction, including for the purposes of RCW 3.50.100, 35.20.220,
24 46.16A.120, and 46.20.270(2). The penalty for failure to renew an
25 expired registration as enforced under this subsection (5) (b) is
26 \$150.

27 (6) It is a gross misdemeanor for a resident, as identified in
28 RCW 46.16A.140, to register a vehicle in another state, evading the
29 payment of any tax or vehicle license fee imposed in connection with
30 registration. It is punishable, in lieu of the fine in subsection (4)
31 of this section, as follows:

32 (a) For a first offense:

33 (i) Up to (~~three hundred sixty-four~~) 364 days in the county
34 jail;

35 (ii) Payment of a fine of (~~five hundred twenty-nine dollars~~)
36 \$529 plus any applicable assessments, which may not be suspended or
37 reduced. The fine of (~~five hundred twenty-nine dollars~~) \$529 must
38 be deposited into the vehicle licensing fraud account created in the
39 state treasury in RCW 46.68.250;

1 (iii) A fine of (~~one thousand dollars~~) \$1,000 to be deposited
2 into the vehicle licensing fraud account created in the state
3 treasury in RCW 46.68.250, which may not be suspended or reduced; and

4 (iv) The delinquent taxes and fees, which must be deposited and
5 distributed in the same manner as if the taxes and fees were properly
6 paid in a timely fashion, and which may not be suspended or reduced;

7 (b) For a second or subsequent offense:

8 (i) Up to (~~three hundred sixty-four~~) 364 days in the county
9 jail;

10 (ii) Payment of a fine of (~~five hundred twenty-nine dollars~~)
11 \$529 plus any applicable assessments, which may not be suspended or
12 reduced, except as provided in RCW 10.05.180. The fine of (~~five
13 hundred twenty-nine dollars~~) \$529 must be deposited into the vehicle
14 licensing fraud account created in the state treasury in RCW
15 46.68.250;

16 (iii) A fine of (~~five thousand dollars~~) \$5,000 to be deposited
17 into the vehicle licensing fraud account created in the state
18 treasury in RCW 46.68.250, which may not be suspended or reduced; and

19 (iv) The amount of delinquent taxes and fees, which must be
20 deposited and distributed in the same manner as if the taxes and fees
21 were properly paid in a timely fashion, and which may not be
22 suspended or reduced.

23 (7) A vehicle with an expired registration of more than
24 (~~forty-five~~) 45 days parked on a public street may be impounded by
25 a police officer under RCW 46.55.113(2).

26 **Sec. 726.** RCW 39.114.020 and 2024 c 236 s 2 are each amended to
27 read as follows:

28 (1) A local government may designate an increment area under this
29 chapter and use the tax allocation revenues to pay public improvement
30 costs, subject to the following conditions:

31 (a) The local government must adopt an ordinance designating an
32 increment area within its boundaries and describing the public
33 improvements proposed to be paid for, or financed with, tax
34 allocation revenues;

35 (b) The local government may not designate increment area
36 boundaries such that the entirety of its territory falls within an
37 increment area;

38 (c) (~~The~~) (i) Except as provided in (c)(ii) of this subsection,
39 the increment area may not have an assessed valuation of more than

1 \$200,000,000 or more than 20 percent of the sponsoring jurisdiction's
2 total assessed valuation, whichever is less, when the ordinance is
3 passed. If a sponsoring jurisdiction creates two increment areas, the
4 total combined assessed valuation in both of the two increment areas
5 may not equal more than \$200,000,000 or more than 20 percent of the
6 sponsoring jurisdiction's total assessed valuation, whichever is
7 less, when the ordinances are passed creating the increment areas.

8 (ii) A sponsoring jurisdiction may designate a single tax
9 increment area with a combined assessed valuation greater than
10 \$200,000,000 but no more than \$500,000,000 if:

11 (A) The sponsoring jurisdiction is a city with a population over
12 150,000 but less than 170,000 and is located in a county with a
13 population of over 1,500,000;

14 (B) The tax increment area is connected to Interstate 405 and the
15 transportation-related public improvements that will be funded
16 enhance the integration and connection of neighborhoods within and
17 adjacent to the increment area;

18 (C) The sponsoring jurisdiction enacted an ordinance designating
19 the increment area no later than January 1, 2029; and

20 (D) Affected port districts or public utility districts where all
21 or a portion of its levy is excluded from the definition of "regular
22 property taxes" under RCW 39.114.010(9) must approve partial or full
23 participation within the increment area to be subject to the
24 apportionment under this chapter;

25 (d) ((A)) Except as otherwise provided in (c)(ii) of this
26 subsection, a local government can create no more than two active
27 increment areas at any given time and they may not physically overlap
28 by including the same land in more than one increment area at any
29 time;

30 (e) The ordinance must set a sunset date for the increment area,
31 which may be no more than 25 years after the first year in which tax
32 allocation revenues are collected from the increment area;

33 (f) The ordinance must identify the public improvements to be
34 financed and indicate whether the local government intends to issue
35 bonds or other obligations, payable in whole or in part, from tax
36 allocation revenues to finance the public improvement costs, and must
37 estimate the maximum amount of obligations contemplated;

38 (g) The ordinance must provide that the increment area takes
39 effect on June 1st following the adoption of the ordinance in (a) of
40 this subsection;

1 (h) The sponsoring jurisdiction may not add additional public
2 improvements to the project after adoption of the ordinance creating
3 the increment area or change the boundaries of the increment area.
4 The sponsoring jurisdiction may expand, alter, or add to the original
5 public improvements when doing so is necessary to assure the
6 originally approved improvements can be constructed or operated;

7 (i) The ordinance must impose a deadline by which commencement of
8 construction of the public improvements shall begin, which deadline
9 must be at least five years into the future and for which extensions
10 shall be made available for good cause; and

11 (j) The local government must make a finding that:

12 (i) The public improvements proposed to be paid or financed with
13 tax allocation revenues are expected to encourage private development
14 within the increment area and to increase the assessed value of real
15 property within the increment area;

16 (ii) Private development that is anticipated to occur within the
17 increment area as a result of the proposed public improvements will
18 be permitted consistent with the permitting jurisdiction's applicable
19 zoning and development standards;

20 (iii) The private development would not reasonably be expected to
21 occur solely through private investment within the reasonably
22 foreseeable future without the proposed public improvements; and

23 (iv) The increased assessed value within the increment area that
24 could reasonably be expected to occur without the proposed public
25 improvements would be less than the increase in the assessed value
26 estimated to result from the proposed development with the proposed
27 public improvements.

28 (2) In considering whether to designate an increment area, the
29 legislative body of the local government must prepare a project
30 analysis that shall include, but need not be limited to, the
31 following:

32 (a) A statement of objectives of the local government for the
33 designated increment area;

34 (b) A statement as to the property within the increment area, if
35 any, that the local government may intend to acquire;

36 (c) The duration of the increment area;

37 (d) Identification of all parcels to be included in the area;

38 (e) A description of the expected private development within the
39 increment area, including a comparison of scenarios with the proposed
40 public improvements and without the proposed public improvements;

1 (f) A description of the public improvements, estimated public
2 improvement costs, and the estimated amount of bonds or other
3 obligations expected to be issued to finance the public improvement
4 costs and repaid with tax allocation revenues;

5 (g) The assessed value of real property listed on the tax roll as
6 certified by the county assessor under RCW 84.52.080 from within the
7 increment area and an estimate of the increment value and tax
8 allocation revenues expected to be generated;

9 (h) An estimate of the job creation reasonably expected to result
10 from the public improvements and the private development expected to
11 occur in the increment area;

12 (i) An assessment of any impacts on the following:

13 (i) Affordable and low-income housing;

14 (ii) The local business community;

15 (iii) The local school districts; and

16 (iv) The local fire service, public hospital service, and
17 emergency medical services; and

18 (j) The assessment of impacts under (i) of this subsection (2)
19 must include any necessary mitigation to the local fire service,
20 public hospital service, and emergency medical services; and

21 (k) An assessment of any impacts of any other junior taxing
22 districts not referenced in (i) of this subsection (2).

23 (3) The local government may charge a private developer, who
24 agrees to participate in creating the increment area, a fee
25 sufficient to cover the cost of the project analysis and establishing
26 the increment area, including staff time, professionals and
27 consultants, and other administrative costs related to establishing
28 the increment area.

29 (4) Nothing in this section prohibits a local government from
30 entering into an agreement under chapter 39.34 RCW with another local
31 government for the administration or other activities related to tax
32 increment financing authorized under this section.

33 (5) (a) If the project analysis indicates that an increment area
34 will impact at least 20 percent of the assessed value in a public
35 hospital district, fire protection district, or regional fire
36 protection service authority, or if the public hospital district's or
37 the fire service agency's annual report, or other governing board-
38 adopted capital facilities plan, demonstrates an increase in the
39 level of service directly related to the increased development in the
40 increment area, the local government must enter into negotiations for

1 a mitigation plan with the impacted public hospital district, fire
2 protection district, or regional fire protection service authority to
3 address level of service issues in the increment area.

4 (b) If the parties cannot agree pursuant to (a) of this
5 subsection (5), the parties must proceed to arbitration to determine
6 the appropriate mitigation plan. The board of arbitrators must
7 consist of three persons: One appointed by the local government
8 seeking to designate the increment area and one appointed by the
9 junior taxing district, both of whom must be appointed within 60 days
10 of the date when arbitration is requested, and a third arbitrator who
11 must be appointed by agreement of the other two arbitrators within 90
12 days of the date when arbitration is requested. If the two are unable
13 to agree on the appointment of the third arbitrator within this 90-
14 day period, then the third arbitrator must be appointed by a judge in
15 the superior court of the county within which the largest portion of
16 the increment area is located. The determination by the board of
17 arbitrators is binding on both the local government seeking to impose
18 the increment area and the junior taxing district.

19 (6) The local government may reimburse the assessor and treasurer
20 for their costs as provided in RCW 39.114.010(6)(e).

21 (7) Prior to the adoption of an ordinance authorizing creation of
22 an increment area, the local government must:

23 (a) Hold at least two public briefings for the community solely
24 on the tax increment project that include the description of the
25 increment area, the public improvements proposed to be financed with
26 the tax allocation revenues, and a detailed estimate of tax revenues
27 for the participating local governments and taxing districts,
28 including the amounts allocated to the increment public improvements.
29 The briefings must be announced at least two weeks prior to the date
30 being held, including publishing in a legal newspaper of general
31 circulation and posting information on the local government website
32 and all local government social media sites, and must occur no
33 earlier than 90 days after submitting the project analysis to the
34 office of the treasurer and all local governments and taxing
35 districts impacted by the increment area;

36 (b) Submit the project analysis to all local governments and
37 taxing districts impacted by the increment area no less than 90 days
38 prior to the adoption of the ordinance; and

39 (c) Submit the project analysis to the office of the treasurer
40 for review and consider any comments that the treasurer may provide

1 upon completion of their review of the project analysis as provided
2 under this subsection. The treasurer must complete the review within
3 90 days of receipt of the project analysis and may consult with other
4 agencies and outside experts as necessary. Upon completing their
5 review, the treasurer must promptly provide to the local government
6 any comments regarding suggested revisions or enhancements to the
7 project analysis that the treasurer deems appropriate based on the
8 requirements in subsection (2) of this section.

9 NEW SECTION. **Sec. 727.** (1) The legislature finds that a full
10 set of project procurement, contracting, financing, and funding tools
11 are needed to enable the delivery of transportation projects in a
12 manner most advantageous to the public. Current public-private
13 partnership laws have failed to spur innovative proposals from the
14 private sector or new project delivery approaches from the department
15 of transportation.

16 (2) The legislature confirms the findings from previous studies
17 that current laws and administrative processes are the primary
18 obstacle impairing the state's ability to utilize public-private
19 partnerships. The legislature finds that a new public-private
20 partnership law is needed to:

21 (a) Transparently demonstrate and deliver better value for the
22 public including, but not limited to, expedited project delivery and
23 more effective management of project life-cycle costs;

24 (b) Provide an additional option for delivering complex
25 transportation projects, including addressing a shortage of truck
26 parking;

27 (c) Incorporate private sector expertise and innovation into
28 transportation project delivery;

29 (d) Allocate project risks to the parties best able to manage
30 those risks;

31 (e) Allow new sources of private capital;

32 (f) Increase access to federal funding and financing mechanisms;

33 (g) Better align private sector incentives with public
34 priorities; and

35 (h) Provide consistency in the review and approval processes for
36 the full range of project delivery tools and contracting methods.

1 NEW SECTION. **Sec. 728.** DEFINITIONS. The definitions in this
2 section apply throughout this chapter unless the context clearly
3 requires otherwise.

4 (1) "Commission" means the transportation commission.

5 (2) "Department" means the department of transportation.

6 (3) "Eligible transportation project" means any project, whether
7 capital or operating, where the state's purpose for the project is to
8 preserve or facilitate the safe transport of people or goods via any
9 mode of travel.

10 (4) "Private sector partner" and "private partner" means a
11 person, entity, or organization that is not the federal government, a
12 state, or a political subdivision of a state.

13 (5) "Public funds" means all moneys derived from taxes, fees,
14 charges, tolls, or other levies of money from the public.

15 (6) "Public sector partner" and "public partner" means any
16 federal or state unit of government, bistrate transportation
17 organization, or any other political subdivision of any state.

18 (7) "State finance committee" means the entity created in chapter
19 43.33 RCW.

20 (8) "Unit of government" means any department or agency of the
21 federal government, any state or agency, office, or department of a
22 state, any city, county, district, commission, authority, entity,
23 port, or other public corporation organized and existing under
24 statutory law or under a voter-approved charter or initiative, and
25 any intergovernmental entity created under chapter 39.34 RCW or this
26 chapter.

27 NEW SECTION. **Sec. 729.** WASHINGTON STATE DEPARTMENT OF
28 TRANSPORTATION POWERS AND DUTIES. (1) The department shall develop
29 policies and, where appropriate, adopt rules to carry out this
30 chapter and govern the use of public-private partnerships for
31 transportation projects. At a minimum, the department's policies and
32 rules must address the following issues:

33 (a) The types of projects allowed;

34 (b) Consistent with section 735 of this act, a process and
35 methodology for determining whether a public-private partnership
36 delivery model will be in the public's interest;

37 (c) Consistent with section 740 of this act, a process and
38 methodology for determining whether a negotiated partnership
39 agreement will result in greater public value to the state than if

1 the project is delivered using other procurement and contracting
2 methods;

3 (d) The types of contracts allowed, with consideration given to
4 the best practices available;

5 (e) Minimum standards and criteria required of all proposals;

6 (f) Procedures for the proper identification, solicitation,
7 acceptance, review, and evaluation of projects, consistent with
8 existing project procurement and contracting requirements and
9 practices;

10 (g) Criteria to be considered in the evaluation and selection of
11 proposals that includes:

12 (i) Comparison with the department's internal ability to complete
13 the project that documents the advantages of completing the project
14 as a partnership versus solely as a public venture; and

15 (ii) Factors such as, but not limited to: Priority, life-cycle
16 cost, risk sharing, scheduling, innovation, and management
17 conditions;

18 (h) The protection of confidential proprietary information while
19 still meeting the need for transparency and public disclosure that is
20 consistent with section 740 of this act;

21 (i) Protection for local contractors to participate in
22 subcontracting opportunities that is consistent with section 730(3)
23 of this act;

24 (j) Specifying that maintenance issues must be resolved in a
25 manner consistent with chapter 41.80 RCW;

26 (k) Guidelines to address security and performance issues.

27 (2) During its rule-making activities, the department must
28 consult with the department's office of equity and civil rights.

29 (3) By September 1, 2026, the department must provide a report to
30 the house of representatives and senate transportation committees on
31 proposed policies and guidelines it intends to develop into
32 administrative rules. Rules adopted by the department pursuant to
33 this chapter may not take effect before January 1, 2027.

34 NEW SECTION. **Sec. 730.** APPLICABILITY OF OTHER TRANSPORTATION
35 PROJECT GOVERNING PROVISIONS.

36 (1) For any eligible transportation project that requires the
37 imposition of tolls on a state facility, the legislature must approve
38 the imposition of such tolls consistent with RCW 47.56.820.

1 (2) For any eligible transportation project that requires setting
2 or adjusting toll rates on a state facility, the commission has sole
3 responsibility consistent with RCW 47.56.850.

4 (3) (a) If federal funds are provided for an eligible
5 transportation project developed under this chapter, disadvantaged
6 business enterprise inclusion requirements, as established,
7 monitored, and administered by the department's office of equity and
8 civil rights, apply.

9 (b) If no federal funds are provided for an eligible
10 transportation project developed under this chapter, state laws,
11 rates, and rules must govern, including the public works small
12 business certification program pursuant to RCW 39.19.030(7) as
13 monitored and administered by the department's office of equity and
14 civil rights.

15 (4) All other transportation project procurement and contracting
16 governing provisions and procedures that do not conflict with this
17 chapter apply unless otherwise specified.

18 NEW SECTION. **Sec. 731.** PROJECT COST THRESHOLD FOR P3
19 EVALUATION. Any eligible transportation project with an estimated
20 cost to the state of less than \$500,000,000 may be evaluated for
21 delivery under a public-private partnership model as prescribed under
22 this chapter. Any eligible transportation project with an estimated
23 cost to the state of \$500,000,000 or more may only be evaluated for
24 delivery under a public-private partnership model pursuant to this
25 chapter if explicitly authorized by the legislature.

26 NEW SECTION. **Sec. 732.** ELIGIBLE FINANCING. (1) Subject to the
27 limitations in this section, the department may, in connection with
28 the evaluation of eligible transportation projects, consider any
29 financing mechanisms from any lawful source, either integrated as
30 part of a project proposal or as a separate, stand-alone proposal to
31 finance a project. Financing may be considered for all or part of a
32 proposed project. A project may be financed in whole or in part with:

33 (a) The proceeds of grant anticipation revenue bonds authorized
34 under 23 U.S.C. Sec. 122 and applicable state law. Legislative
35 authorization and appropriation are required to use this source of
36 financing;

37 (b) Grants, loans, loan guarantees, lines of credit, revolving
38 lines of credit, or other financing arrangements available under the

1 transportation infrastructure finance and innovation act under 23
2 U.S.C. Sec. 181 et seq., or any other applicable federal law, subject
3 to legislative authorization and appropriation as required;

4 (c) Infrastructure loans or assistance from the state
5 infrastructure bank established under RCW 82.44.195, subject to
6 legislative authorization and appropriation as required;

7 (d) Federal, state, or local revenues, subject to appropriation
8 by the applicable legislative authority;

9 (e) User fees, tolls, fares, lease proceeds, rents, gross or net
10 receipts from sales, proceeds from the sale of development rights,
11 franchise fees, or any other lawful form of consideration. However,
12 projects financed by tolls must first be authorized by the
13 legislature under RCW 47.56.820;

14 (f) Loans, pledges, or contributions of funds, including equity
15 investments, from private entities;

16 (g) Revenue bonds, subject to legislative authorization and
17 appropriation as required.

18 (2) Subject to subsection (4) of this section, the department may
19 develop a plan of finance that would require either the state or a
20 private partner, or both, to: Issue debt, equity, or other securities
21 or obligations; enter into contracts, leases, concessions, and grant
22 and loan agreements; or secure any financing with a pledge of funds
23 to be appropriated by the legislature or with a lien or exchange of
24 real property.

25 (3) As security for the payment of any financing, the revenues
26 from the project may be pledged, but no such pledge of revenues
27 constitutes in any manner or to any extent a general obligation of
28 the state, unless specifically authorized by the legislature. Any
29 financing described in this section may be structured on a senior,
30 parity, or subordinate basis to any other financing.

31 (4) The department shall not execute any agreement with respect
32 to an eligible transportation project, including any agreement that
33 could materially impact the state's debt capacity or credit rating as
34 determined by the state finance committee, without prior review and
35 approval of the plan of finance and proposed financing terms by the
36 state finance committee.

37 NEW SECTION. **Sec. 733.** USE OF FEDERAL FUNDS OR OTHER SOURCES.

38 (1) The department may accept from the United States or any of its
39 agencies such funds as are available to this state or to any other

1 unit of government for carrying out the purposes of this chapter,
2 whether the funds are made available by grant, loan, or other
3 financing arrangement. The department may enter into such agreements
4 and other arrangements with the United States or any of its agencies
5 as may be necessary, proper, and convenient for carrying out the
6 purposes of this chapter, subject to subsection (2) of this section.

7 (2) (a) The department may accept from any source any grant,
8 donation, gift, or other form of conveyance of land, money, other
9 real or personal property, or other valuable thing made to the state
10 of Washington, the department, or a local government for carrying out
11 the purposes of this chapter.

12 (b) Any eligible transportation project may be financed in whole
13 or in part by contribution of any funds or property made by any
14 private entity or public sector partner that is a party to any
15 agreement entered into under this chapter.

16 NEW SECTION. **Sec. 734.** PUBLIC INTEREST FINDING. (1) The
17 department may evaluate eligible transportation projects that are
18 already programmed for other delivery methods to determine their
19 appropriateness for delivery under a public-private partnership
20 model.

21 (2) Before entering into a formal solicitation or procurement to
22 develop a project as a public-private partnership, the department
23 must make formal findings that utilizing a public-private partnership
24 delivery method is in the public's interest. The department must
25 adopt rules detailing the process and criteria for making such
26 findings. At a minimum, the criteria must consider whether:

27 (a) Public ownership of the asset can be retained;

28 (b) Transparency during the consideration of a public-private
29 partnership agreement can be provided;

30 (c) Public oversight of the private entity's management of the
31 asset can be provided; and

32 (d) Additional criteria that reflects the legislative findings in
33 section 727 of this act.

34 (3) Before commencing any solicitation to deliver the project as
35 a public-private partnership, the department must provide an
36 opportunity for public comment on the proposed project and delivery
37 method.

38 (4) Upon a finding of public interest pursuant to subsection (2)
39 of this section, the department must provide written notification of

1 their finding of public interest and intent to deliver the project as
2 a public-private partnership to the general public, to the chairs and
3 ranking members of the transportation committees of the legislature,
4 and to the governor.

5 (5) Upon a finding of public interest pursuant to subsection (2)
6 of this section, the department may:

7 (a) Solicit concepts or proposals for the identified public-
8 private partnership project from private entities and units of
9 government;

10 (b) Evaluate the concepts or proposals received under this
11 section. The evaluation under this subsection must include
12 consultation with any appropriate unit of government; and

13 (c) Select potential projects based on the concepts or proposals.

14 NEW SECTION. **Sec. 735.** USE OF FUNDS FOR PROPOSAL PURPOSES. (1)
15 Subject to the availability of amounts appropriated for this specific
16 purpose, the department may spend such moneys as may be necessary for
17 stipends for respondents to a solicitation, the evaluation of
18 concepts or proposals for eligible transportation projects, and for
19 negotiating agreements for eligible transportation projects
20 authorized under this chapter. Expenses incurred by the department
21 under this section before the issuance of transportation project
22 bonds or other financing must be paid by the department and charged
23 to the appropriate project. The department must keep records and
24 accounts showing each charged amount.

25 (2) Unless otherwise provided in the omnibus transportation
26 appropriations act, the funds spent by the department under this
27 section in connection with the project must be repaid from the
28 proceeds of the bonds or other financing upon the sale of
29 transportation project bonds or upon obtaining other financing for an
30 eligible transportation project, as allowed by law or contract.

31 NEW SECTION. **Sec. 736.** EXPERT CONSULTATION. The department may
32 consult with legal, financial, technical, and other experts in the
33 public and private sector in the evaluation, negotiation, and
34 development of projects under this chapter.

35 NEW SECTION. **Sec. 737.** CONTRACTED STUDIES. In the absence of
36 any direct federal funding or direction, the department may contract

1 with a private developer of a selected project proposal to conduct
2 environmental impact studies and engineering and technical studies.

3 NEW SECTION. **Sec. 738.** PARTNERSHIP AGREEMENTS. (1) The
4 following provisions must be included in any transportation project
5 agreement entered into under the authority of this chapter and to
6 which the state is a party:

7 (a) For any project that proposes terms for stand alone
8 maintenance or asset management services for a public facility, those
9 services must be provided in a manner consistent with any collective
10 bargaining agreements, chapter 41.80 RCW, and civil service laws that
11 are in effect for the public facility;

12 (b) A finding of public interest, as issued by the department
13 pursuant to section 734 of this act;

14 (c) If there is a tolling component to the project, it must be
15 specified that the tolling technology used in the project must be
16 consistent with tolling technology standards adopted by the
17 department for transportation-related projects;

18 (d) Provisions for bonding, financial guarantees, deposits, or
19 the posting of other security to secure the payment of laborers,
20 subcontractors, and suppliers who perform work or provide materials
21 as part of the project;

22 (e) All projects must be financed in a manner consistent with
23 section 733 of this act.

24 (2) At a minimum, agreements between the state and private sector
25 partners entered into under this section must specifically include
26 the following contractual elements:

27 (a) The point in the project at which public and private sector
28 partners will enter the project and which partners will assume
29 responsibility for specific project elements;

30 (b) How the partners will share management of the risks of the
31 project;

32 (c) The compensation method and amount for the private partner,
33 establishing a maximum rate of return, and identifying how project
34 revenue, if any, in excess of the maximum rate of return will be
35 distributed;

36 (d) How the partners will share the costs of development of the
37 project;

38 (e) How the partners will allocate financial responsibility for
39 cost overruns;

- 1 (f) The penalties for nonperformance;
- 2 (g) The incentives for performance;
- 3 (h) The accounting and auditing standards to be used to evaluate
4 work on the project;
- 5 (i) For any project that reverts to public ownership, the
6 responsibility for reconstruction or renovations that are required
7 for a facility to meet all service standards and state of good repair
8 upon reversion of the facility to the state;
- 9 (j) Provisions and remedies for default by either party, and
10 provisions for termination of the agreement for or without cause;
- 11 (k) Provisions for public communication and participation with
12 respect to the development of the project.

13 NEW SECTION. **Sec. 739.** BEST VALUE FINDING AND AGREEMENT
14 EXECUTION. Before executing an agreement under section 738 of this
15 act, the department must make a formal finding that the negotiated
16 partnership agreement is expected to result in best value for the
17 public. The department must develop and adopt a process and criteria
18 for measuring, determining, and transparently reporting best value
19 relevant to the proposed project. At minimum, the criteria must
20 include:

21 (1) A comparison of the total cost to deliver the project,
22 including any operations and maintenance costs, as a public-private
23 partnership compared to traditional or other alternative delivery
24 methods available to the department;

25 (2) A comparison with the department's current plan, resources,
26 delivery capacity, and schedule to complete the project that
27 documents the advantages of completing the project as a public-
28 private partnership versus solely as a public venture; and

29 (3) Factors such as, but not limited to: Priority, cost, risk
30 sharing, scheduling, asset and service quality, innovation, and
31 management conditions.

32 NEW SECTION. **Sec. 740.** CONFIDENTIALITY. A proposer must
33 identify those portions of a proposal that the proposer considers to
34 be confidential, proprietary information, or trade secrets and
35 provide any justification as to why these materials, upon request,
36 should not be disclosed by the department. Patent information will be
37 covered until the patent expires. Other information, such as
38 originality of design or records of negotiation, is protected under

1 this section only until an agreement under section 739 of this act is
2 reached. Eligible transportation projects under federal jurisdiction
3 or using federal funds must conform to federal regulations under the
4 freedom of information act.

5 NEW SECTION. **Sec. 741.** PREVAILING WAGES. If public funds are
6 used to pay any costs of construction of a public facility that is
7 part of an eligible transportation project, chapter 39.12 RCW applies
8 to the entire eligible transportation project.

9 NEW SECTION. **Sec. 742.** GOVERNMENT AGREEMENTS. The state may,
10 either separately or in combination with any other public sector
11 partner, enter into working agreements, coordination agreements, or
12 similar implementation agreements, including the formation of bistate
13 transportation organizations, to carry out the joint implementation
14 and operation of an eligible transportation project selected under
15 this chapter. The state may enter into agreements with other units of
16 government or Canadian provinces for transborder transportation
17 projects.

18 NEW SECTION. **Sec. 743.** EMINENT DOMAIN. The state may exercise
19 the power of eminent domain to acquire property, easements, or other
20 rights or interests in property for projects that are necessary to
21 implement an eligible transportation project developed under this
22 chapter. Any property acquired pursuant to this section must be owned
23 in fee simple by the state.

24 NEW SECTION. **Sec. 744.** FEDERAL LAWS. Applicable federal laws,
25 rules, and regulations govern in any situation that involves federal
26 funds if the federal laws, rules, or regulations:

- 27 (1) Conflict with any provision of this chapter;
28 (2) Require procedures that are additional to or inconsistent
29 with those provided in this chapter; or
30 (3) Require contract provisions not authorized in this chapter.

31 NEW SECTION. **Sec. 745.** PUBLIC-PRIVATE PARTNERSHIPS ACCOUNT. (1)
32 The public-private partnerships account is created in the custody of
33 the state treasurer.

- 34 (2) The following moneys must be deposited into the account:
35 (a) Proceeds from bonds or other financing instruments;

1 (b) Revenues received from any transportation project developed
2 under this chapter or developed under the general powers granted to
3 the department; and

4 (c) Any other moneys that are by donation, grant, contract, law,
5 or other means transferred, allocated, or appropriated to the
6 account.

7 (3) Expenditures from the account may be used only for the
8 planning, acquisition, financing, development, design, construction,
9 reconstruction, replacement, improvement, maintenance, preservation,
10 management, repair, or operation of any eligible transportation
11 project under this chapter.

12 (4) The state treasurer may establish separate subaccounts within
13 the public-private partnerships account for each transportation
14 project that is initiated under this chapter or under the general
15 powers granted to the department. The state may pledge moneys in the
16 public-private partnerships account to secure revenue bonds or any
17 other debt obligations relating to the project for which the account
18 is established.

19 (5) Only the secretary or the secretary's designee may authorize
20 distributions from the account. The account is subject to the
21 allotment procedures under chapter 43.88 RCW, but an appropriation is
22 not required for expenditures.

23 **Sec. 746.** RCW 47.56.030 and 2023 c 429 s 6 are each amended to
24 read as follows:

25 (1) Except as permitted under chapter (~~(47.29)~~) 47.--- RCW (the
26 new chapter created in section 750 of this act) or 47.46 RCW:

27 (a) Unless otherwise delegated, and subject to RCW 47.56.820, the
28 department of transportation shall have full charge of the planning,
29 analysis, and construction of all toll bridges and other toll
30 facilities including the Washington state ferries, and the operation
31 and maintenance thereof.

32 (b) The transportation commission shall determine and establish
33 the tolls and charges thereon.

34 (c) Unless otherwise delegated, and subject to RCW 47.56.820, the
35 department shall have full charge of planning, analysis, and design
36 of all toll facilities. The department may conduct the planning,
37 analysis, and design of toll facilities as necessary to support the
38 legislature's consideration of toll authorization.

1 (d) The department shall utilize and administer toll collection
2 systems that are simple, unified, and interoperable. To the extent
3 practicable, the department shall avoid the use of toll booths. The
4 department shall set the statewide standards and protocols for all
5 toll facilities within the state, including those authorized by local
6 authorities.

7 (e) Except as provided in this section, the department shall
8 proceed with the construction of such toll bridges and other
9 facilities and the approaches thereto by contract in the manner of
10 state highway construction immediately upon there being made
11 available funds for such work and shall prosecute such work to
12 completion as rapidly as practicable. The department is authorized to
13 negotiate contracts for any amount without bid under (e) (i) and (ii)
14 of this subsection:

15 (i) Emergency contracts, in order to make repairs to ferries or
16 ferry terminal facilities or removal of such facilities whenever
17 continued use of ferries or ferry terminal facilities constitutes a
18 real or immediate danger to the traveling public or precludes prudent
19 use of such ferries or facilities; and

20 (ii) Single source contracts for vessel dry dockings, when there
21 is clearly and legitimately only one available bidder to conduct dry
22 dock-related work for a specific class or classes of vessels. The
23 contracts may be entered into for a single vessel dry docking or for
24 multiple vessel dry dockings for a period not to exceed two years.

25 (f) Any new vessel planning, construction, purchase, analysis, or
26 design work must be consistent with RCW 47.60.810, except as
27 otherwise provided in RCW 47.60.826.

28 (2) The department shall proceed with the procurement of
29 materials, supplies, services, and equipment needed for the support,
30 maintenance, and use of a ferry, ferry terminal, or other facility
31 operated by Washington state ferries, in accordance with chapter
32 43.19 RCW except as follows:

33 (a) When the secretary of the department of transportation
34 determines in writing that the use of invitation for bid is either
35 not practicable or not advantageous to the state and it may be
36 necessary to make competitive evaluations, including technical or
37 performance evaluations among acceptable proposals to complete the
38 contract award, a contract may be entered into by use of a
39 competitive sealed proposals method, and a formal request for
40 proposals solicitation. Such formal request for proposals

1 solicitation shall include a functional description of the needs and
2 requirements of the state and the significant factors.

3 (b) When purchases are made through a formal request for
4 proposals solicitation the contract shall be awarded to the
5 responsible proposer whose competitive sealed proposal is determined
6 in writing to be the most advantageous to the state taking into
7 consideration price and other evaluation factors set forth in the
8 request for proposals. No significant factors may be used in
9 evaluating a proposal that are not specified in the request for
10 proposals. Factors that may be considered in evaluating proposals
11 include but are not limited to: Price; maintainability; reliability;
12 commonality; performance levels; life-cycle cost if applicable under
13 this section; cost of transportation or delivery; delivery schedule
14 offered; installation cost; cost of spare parts; availability of
15 parts and service offered; and the following:

16 (i) The ability, capacity, and skill of the proposer to perform
17 the contract or provide the service required;

18 (ii) The character, integrity, reputation, judgment, experience,
19 and efficiency of the proposer;

20 (iii) Whether the proposer can perform the contract within the
21 time specified;

22 (iv) The quality of performance of previous contracts or
23 services;

24 (v) The previous and existing compliance by the proposer with
25 laws relating to the contract or services;

26 (vi) Objective, measurable criteria defined in the request for
27 proposal. These criteria may include but are not limited to items
28 such as discounts, delivery costs, maintenance services costs,
29 installation costs, and transportation costs; and

30 (vii) Such other information as may be secured having a bearing
31 on the decision to award the contract.

32 (c) When purchases are made through a request for proposal
33 process, proposals received shall be evaluated based on the
34 evaluation factors set forth in the request for proposal. When
35 issuing a request for proposal for the procurement of propulsion
36 equipment or systems that include an engine, the request for proposal
37 must specify the use of a life-cycle cost analysis that includes an
38 evaluation of fuel efficiency. When a life-cycle cost analysis is
39 used, the life-cycle cost of a proposal shall be given at least the
40 same relative importance as the initial price element specified in

1 the request of proposal documents. The department may reject any and
2 all proposals received. If the proposals are not rejected, the award
3 shall be made to the proposer whose proposal is most advantageous to
4 the department, considering price and the other evaluation factors
5 set forth in the request for proposal.

6 **Sec. 747.** RCW 47.56.031 and 2005 c 335 s 2 are each amended to
7 read as follows:

8 No tolls may be imposed on new or existing highways or bridges
9 without specific legislative authorization, or upon a majority vote
10 of the people within the boundaries of the unit of government
11 empowered to impose tolls. This section applies to chapter 47.56 RCW
12 and to any tolls authorized under chapter (~~47.29 RCW, the~~
13 ~~transportation innovative partnership act of 2005~~) 47.--- RCW (the
14 new chapter created in section 750 of this act).

15 **Sec. 748.** RCW 70A.15.4030 and 2020 c 20 s 1126 are each amended
16 to read as follows:

17 (1) A county, city, or town may, as part of its commute trip
18 reduction plan, designate existing activity centers listed in its
19 comprehensive plan or new activity centers as growth and
20 transportation efficiency centers and establish a transportation
21 demand management program in the designated area.

22 (a) The transportation demand management program for the growth
23 and transportation efficiency center shall be developed in
24 consultation with local transit agencies, the applicable regional
25 transportation planning organization, major employers, and other
26 interested parties.

27 (b) In order to be eligible for state funding provided for the
28 purposes of this section, designated growth and transportation
29 efficiency centers shall be certified by the applicable regional
30 transportation organization to: (i) Meet the minimum land use and
31 transportation criteria established in collaboration among local
32 jurisdictions, transit agencies, the regional transportation planning
33 organization, and other interested parties as part of the regional
34 commute trip reduction plan; and (ii) have established a
35 transportation demand management program that includes the elements
36 identified in (c) of this subsection and is consistent with the rules
37 established by the department of transportation in RCW
38 70A.15.4060(2). If a designated growth and transportation efficiency

1 center is denied certification, the local jurisdiction may appeal the
2 decision to the commute trip reduction board.

3 (c) Transportation demand management programs for growth and
4 transportation efficiency centers shall include, but are not limited
5 to: (i) Goals for reductions in the proportion of single-occupant
6 vehicle trips that are more aggressive than the state program goal
7 established by the commute trip reduction board; (ii) a sustainable
8 financial plan demonstrating how the program can be implemented to
9 meet state and regional trip reduction goals, indicating resources
10 from public and private sources that are reasonably expected to be
11 made available to carry out the plan, and recommending any innovative
12 financing techniques consistent with chapter ((47.29 RCW)) 47.--- RCW
13 (the new chapter created in section 750 of this act), including
14 public/private partnerships, to finance needed facilities, services,
15 and programs; (iii) a proposed organizational structure for
16 implementing the program; (iv) a proposal to measure performance
17 toward the goal and implementation progress; and (v) an evaluation to
18 which local land use and transportation policies apply, including
19 parking policies and ordinances, to determine the extent that they
20 complement and support the trip reduction investments of major
21 employers. Each of these program elements shall be consistent with
22 the rules established under RCW 70A.15.4060.

23 (d) A designated growth and transportation efficiency center
24 shall be consistent with the land use and transportation elements of
25 the local comprehensive plan.

26 (e) Transit agencies, local governments, and regional
27 transportation planning organizations shall identify certified growth
28 and transportation efficiency centers as priority areas for new
29 service and facility investments in their respective investment
30 plans.

31 (2) A county, city, or town that has established a growth and
32 transportation efficiency center program shall support vehicle trip
33 reduction activities in the designated area. The implementing
34 jurisdiction shall adopt policies, ordinances, and funding strategies
35 that will lead to attainment of program goals in those areas.

36 NEW SECTION. **Sec. 749.** The following acts or parts of acts are
37 each repealed:

38 (1) RCW 47.29.010 (Finding—Intent) and 2006 c 334 s 48 & 2005 c
39 317 s 1;

1 (2) RCW 47.29.020 (Definitions) and 2005 c 317 s 2;
2 (3) RCW 47.29.030 (Transportation commission powers and duties)
3 and 2005 c 317 s 3;
4 (4) RCW 47.29.040 (Purpose) and 2005 c 317 s 4;
5 (5) RCW 47.29.050 (Eligible projects) and 2005 c 317 s 5;
6 (6) RCW 47.29.060 (Eligible financing) and 2008 c 122 s 18 & 2005
7 c 317 s 6;
8 (7) RCW 47.29.070 (Use of federal funds and similar revenues) and
9 2005 c 317 s 7;
10 (8) RCW 47.29.080 (Other sources of funds or property) and 2005 c
11 317 s 8;
12 (9) RCW 47.29.090 (Project review, evaluation, and selection) and
13 2005 c 317 s 9;
14 (10) RCW 47.29.100 (Administrative fee) and 2005 c 317 s 10;
15 (11) RCW 47.29.110 (Funds for proposal evaluation and
16 negotiation) and 2005 c 317 s 11;
17 (12) RCW 47.29.120 (Expert consultation) and 2005 c 317 s 12;
18 (13) RCW 47.29.130 (Contracted studies) and 2005 c 317 s 13;
19 (14) RCW 47.29.140 (Partnership agreements) and 2005 c 317 s 14;
20 (15) RCW 47.29.150 (Public involvement and participation) and
21 2005 c 317 s 15;
22 (16) RCW 47.29.160 (Approval and execution) and 2005 c 317 s 16;
23 (17) RCW 47.29.170 (Unsolicited proposals) and 2017 c 313 s 711,
24 2015 1st sp.s. c 10 s 704, 2013 c 306 s 708, 2011 c 367 s 701, 2009 c
25 470 s 702, 2007 c 518 s 702, 2006 c 370 s 604, & 2005 c 317 s 17;
26 (18) RCW 47.29.180 (Advisory committees) and 2005 c 317 s 18;
27 (19) RCW 47.29.190 (Confidentiality) and 2005 c 317 s 19;
28 (20) RCW 47.29.200 (Prevailing wages) and 2005 c 317 s 20;
29 (21) RCW 47.29.210 (Government agreements) and 2005 c 317 s 21;
30 (22) RCW 47.29.220 (Eminent domain) and 2005 c 317 s 22;
31 (23) RCW 47.29.230 (Transportation innovative partnership
32 account) and 2005 c 317 s 23;
33 (24) RCW 47.29.240 (Use of account) and 2005 c 317 s 24;
34 (25) RCW 47.29.250 (Issuing bonds and other obligations) and 2005
35 c 317 s 25;
36 (26) RCW 47.29.260 (Study and report) and 2005 c 317 s 26;
37 (27) RCW 47.29.270 (Federal laws) and 2005 c 317 s 27;
38 (28) RCW 47.29.280 (Expert review panel on proposed project
39 agreements—Creation—Authority) and 2006 c 334 s 49; and

1 (29) RCW 47.29.290 (Expert review panel on proposed project
2 agreements—Execution of agreements) and 2006 c 334 s 50.

3 NEW SECTION. **Sec. 750.** Sections 727 through 745 of this act
4 constitute a new chapter in Title 47 RCW.

5 **Sec. 751.** RCW 81.112.130 and 1992 c 101 s 13 are each amended to
6 read as follows:

7 Notwithstanding RCW 39.36.020(1), an authority may at any time
8 contract indebtedness or borrow money for authority purposes and may
9 issue general obligation bonds in an amount not exceeding, together
10 with any existing indebtedness of the authority not authorized by the
11 voters, one and one-half percent of the value of the taxable property
12 within the boundaries of the authority; and with the assent of three-
13 fifths of the voters therein voting at an election called for that
14 purpose, may contract indebtedness or borrow money for authority
15 purposes and may issue general obligation bonds therefor, provided
16 the total indebtedness of the authority shall not exceed five percent
17 of the value of the taxable property therein. Such bonds shall be
18 issued and sold in accordance with chapter 39.46 RCW, except that the
19 maximum term of any general obligation bond issue shall be 75 years.
20 However, if an authority issues any general obligation bonds with a
21 maximum term greater than 40 years, the authority is not eligible for
22 regional mobility grant program funds.

23 The term "value of the taxable property" shall have the meaning
24 set forth in RCW 39.36.015.

25 **Sec. 752.** RCW 81.112.140 and 1992 c 101 s 14 are each amended to
26 read as follows:

27 (1) An authority may issue revenue bonds to provide funds to
28 carry out its authorized functions without submitting the matter to
29 the voters of the authority. The authority shall create a special
30 fund or funds for the sole purpose of paying the principal of and
31 interest on the bonds of each such issue, into which fund or funds
32 the authority may obligate itself to pay such amounts of the gross
33 revenue of the high capacity transportation system constructed,
34 acquired, improved, added to, or repaired out of the proceeds of sale
35 of such bonds, as the authority shall determine and may obligate the
36 authority to pay such amounts out of otherwise unpledged revenue that
37 may be derived from the ownership, use, or operation of properties or

1 facilities owned, used, or operated incident to the performance of
2 the authorized function for which such bonds are issued or out of
3 otherwise unpledged fees, tolls, charges, tariffs, fares, rentals,
4 special taxes, or other sources of payment lawfully authorized for
5 such purpose, as the authority shall determine. The principal of, and
6 interest on, such bonds shall be payable only out of such special
7 fund or funds, and the owners of such bonds shall have a lien and
8 charge against the gross revenue of such high capacity transportation
9 system or any other revenue, fees, tolls, charges, tariffs, fares,
10 special taxes, or other authorized sources pledged to the payment of
11 such bonds.

12 Such revenue bonds and the interest thereon issued against such
13 fund or funds shall be a valid claim of the owners thereof only as
14 against such fund or funds and the revenue pledged therefor, and
15 shall not constitute a general indebtedness of the authority.

16 (2) Notwithstanding subsection (1) of this section, such bonds
17 may be issued and sold in accordance with chapter 39.46 RCW, except
18 that the maximum term of any revenue bond issue shall be 75 years.
19 However, if an authority issues any revenue bonds with a maximum term
20 greater than 40 years, the authority is not eligible for regional
21 mobility grant program funds.

22 **Sec. 753.** RCW 36.57A.140 and 1991 c 318 s 17 are each amended to
23 read as follows:

24 (1) An election to authorize the annexation of territory
25 contiguous to a public transportation benefit area may be called
26 within the area to be annexed pursuant to resolution or petition in
27 the following manner:

28 (a) By resolution of a public transportation benefit area
29 authority when it determines that the best interests and general
30 welfare of the public transportation benefit area would be served.
31 The authority shall consider the question of areas to be annexed to
32 the public transportation benefit area at least once every two years.

33 (b) By petition calling for such an election signed by at least
34 four percent of the qualified voters residing within the area to be
35 annexed and filed with the auditor of the county wherein the largest
36 portion of the public transportation benefit area is located, and
37 notice thereof shall be given to the authority. Upon receipt of such
38 a petition, the auditor shall examine it and certify to the
39 sufficiency of the signatures thereon.

1 (c) By resolution of a public transportation benefit area
2 authority upon request of any city for annexation thereto.

3 (2) If the area proposed to be annexed is located within another
4 county, the petition or resolution for annexation as set forth in
5 subsection (1) of this section must be approved by the legislative
6 authority of the county if the area is unincorporated or by the
7 legislative authority of the city or town if the area is
8 incorporated. Any annexation under this subsection must involve
9 contiguous areas.

10 (3) The resolution or petition shall describe the boundaries of
11 the area to be annexed. It shall require that there also be submitted
12 to the electorate of the territory sought to be annexed a proposition
13 authorizing the inclusion of the area within the public
14 transportation benefit area and authorizing the imposition of such
15 taxes authorized by law to be collected by the authority.

16 (4) If after an annexation under this section the boundaries of a
17 public transportation benefit area include at least 75 percent of the
18 county population, then the county legislative authority may by
19 resolution expand the public transportation benefit area boundaries
20 countywide to include all territory within the boundaries of the
21 county. Upon the effective date of the resolution, taxes imposed by
22 the public transportation benefit area authority must be imposed
23 uniformly countywide. No election is required under this subsection.

24 **Sec. 754.** RCW 47.24.020 and 2018 c 100 s 1 are each amended to
25 read as follows:

26 The jurisdiction, control, and duty of the state and city or town
27 with respect to such streets is as follows:

28 (1) The department has no authority to change or establish any
29 grade of any such street without approval of the governing body of
30 such city or town, except with respect to limited access facilities
31 established by the commission;

32 (2) The city or town shall exercise full responsibility for and
33 control over any such street beyond the curbs and if no curb is
34 installed, beyond that portion of the highway used for highway
35 purposes. However, within incorporated cities and towns the title to
36 a state limited access highway vests in the state, and,
37 notwithstanding any other provision of this section, the department
38 shall exercise full jurisdiction, responsibility, and control to and
39 over such facility as provided in chapter 47.52 RCW;

1 (3) The department has authority to prohibit the suspension of
2 signs, banners, or decorations above the portion of such street
3 between the curbs or portion used for highway purposes up to a
4 vertical height of (~~twenty~~) 20 feet above the surface of the
5 roadway;

6 (4) The city or town shall at its own expense maintain all
7 underground facilities in such streets, and has the right to
8 construct such additional underground facilities as may be necessary
9 in such streets. However, pavement trenching and restoration
10 performed as part of installation of such facilities must meet or
11 exceed requirements established by the department;

12 (5) The city or town has the right to grant the privilege to open
13 the surface of any such street, but all damage occasioned thereby
14 shall promptly be repaired either by the city or town itself or at
15 its direction. Pavement trenching and restoration performed under a
16 privilege granted by the city under this subsection must meet or
17 exceed requirements established by the department;

18 (6) Except as otherwise provided in subsection (17) of this
19 section, the city or town at its own expense shall provide street
20 illumination and shall clean all such streets, including storm sewer
21 inlets and catch basins, and remove all snow, except that the state
22 shall when necessary plow the snow on the roadway. In cities and
23 towns having a population of (~~twenty-seven thousand five hundred~~)
24 27,500 or less according to the latest determination of population by
25 the office of financial management, the state, when necessary for
26 public safety, shall assume, at its expense, responsibility for the
27 stability of the slopes of cuts and fills and the embankments within
28 the right-of-way to protect the roadway itself. When the population
29 of a city or town first exceeds (~~twenty-seven thousand five~~
30 ~~hundred~~) 27,500 according to the determination of population by the
31 office of financial management, the city or town shall have three
32 years from the date of the determination to plan for additional
33 staffing, budgetary, and equipment requirements before being required
34 to assume the responsibilities under this subsection. The state shall
35 install, maintain, and operate all illuminating facilities on any
36 limited access facility, together with its interchanges, located
37 within the corporate limits of any city or town, and shall assume and
38 pay the costs of all such installation, maintenance, and operation
39 incurred after November 1, 1954;

1 (7) The department has the right to use all storm sewers on such
2 highways without cost; and if new storm sewer facilities are
3 necessary in construction of new streets by the department, the cost
4 of the facilities shall be borne by the state and/or city as may be
5 mutually agreed upon between the department and the governing body of
6 the city or town;

7 (8) Cities and towns have exclusive right to grant franchises not
8 in conflict with state laws and rules, over, beneath, and upon such
9 streets, but the department is authorized to enforce in an action
10 brought in the name of the state any condition of any franchise which
11 a city or town has granted on such street. No franchise for
12 transportation of passengers in motor vehicles may be granted on such
13 streets without the approval of the department, but the department
14 shall not refuse to approve such franchise unless another street
15 conveniently located and of strength of construction to sustain
16 travel of such vehicles is accessible;

17 (9) Every franchise or permit granted any person by a city or
18 town for use of any portion of such street by a public utility must
19 require the grantee or permittee to restore, repair, and replace any
20 portion of the street damaged or injured by it to conditions that
21 meet or exceed requirements established by the department;

22 (10) The city or town has the right to issue overload or
23 overwidth permits for vehicles to operate on such streets or roads
24 subject to regulations printed and distributed to the cities and
25 towns by the department;

26 (11) Cities and towns shall regulate and enforce all traffic and
27 parking restrictions on such streets, but all regulations adopted by
28 a city or town relating to speed, parking, and traffic control
29 devices on such streets not identical to state law relating thereto
30 are subject to the approval of the department before becoming
31 effective. All regulations pertaining to speed, parking, and traffic
32 control devices relating to such streets heretofore adopted by a city
33 or town not identical with state laws shall become null and void
34 unless approved by the department heretofore or within one year after
35 March 21, 1963;

36 (12) The department shall erect, control, and maintain at state
37 expense all route markers and directional signs, except street signs,
38 on such streets;

39 (13) Except as otherwise provided in subsection (17) of this
40 section, the department shall install, operate, maintain, and control

1 at state expense all traffic control signals, signs, and traffic
2 control devices for the purpose of regulating both pedestrian and
3 motor vehicular traffic on, entering upon, or leaving state highways
4 in cities and towns having a population of (~~twenty-seven thousand~~
5 ~~five hundred~~) 27,500 or less according to the latest determination
6 of population by the office of financial management. Such cities and
7 towns may submit to the department a plan for traffic control
8 signals, signs, and traffic control devices desired by them,
9 indicating the location, nature of installation, or type thereof, or
10 a proposed amendment to such an existing plan or installation, and
11 the department shall consult with the cities or towns concerning the
12 plan before installing such signals, signs, or devices. Cities and
13 towns having a population in excess of (~~twenty-seven thousand five~~
14 ~~hundred~~) 27,500 according to the latest determination of population
15 by the office of financial management shall install, maintain,
16 operate, and control such signals, signs, and devices at their own
17 expense, subject to approval of the department for the installation
18 and type only. When the population of a city or town first exceeds
19 (~~twenty-seven thousand five hundred~~) 27,500 according to the
20 determination of population by the office of financial management,
21 the city or town shall have three years from the date of the
22 determination to plan for additional staffing, budgetary, and
23 equipment requirements before being required to assume the
24 responsibilities under this subsection. For the purpose of this
25 subsection, striping, lane marking, and channelization are considered
26 traffic control devices;

27 (14) All revenue from parking meters placed on such streets
28 belongs to the city or town;

29 (15) Rights-of-way for such streets shall be acquired by either
30 the city or town or by the state as shall be mutually agreed upon.
31 Costs of acquiring rights-of-way may be at the sole expense of the
32 state or at the expense of the city or town or at the expense of the
33 state and the city or town as may be mutually agreed upon. Title to
34 all such rights-of-way so acquired shall vest in the city or town:
35 PROVIDED, That no vacation, sale, rental, or any other
36 nontransportation use of any unused portion of any such street may be
37 made by the city or town without the prior written approval of the
38 department; and all revenue derived from sale, vacation, rental, or
39 any nontransportation use of such rights-of-way shall be shared by

1 the city or town and the state in the same proportion as the purchase
2 costs were shared;

3 (16) If any city or town fails to perform any of its obligations
4 as set forth in this section or in any cooperative agreement entered
5 into with the department for the maintenance of a city or town street
6 forming part of the route of a state highway, the department may
7 notify the mayor of the city or town to perform the necessary
8 maintenance within (~~(thirty)~~) 30 days. If the city or town within the
9 (~~(thirty)~~) 30 days fails to perform the maintenance or fails to
10 authorize the department to perform the maintenance as provided by
11 RCW 47.24.050, the department may perform the maintenance, the cost
12 of which is to be deducted from any sums in the motor vehicle fund
13 credited or to be credited to the city or town;

14 (17) The population thresholds identified in subsections (6) and
15 (13) of this section shall be increased as follows:

16 (a) Thirty thousand on July 1, 2023;

17 (b) Thirty-two thousand five hundred on July 1, (~~(2028)~~) 2025,
18 for cities or towns having a population of 30,000 or less on January
19 1, 2025; and

20 (c) Thirty-five thousand on July 1, (~~(2033)~~) 2030.

21 **PART VIII**
22 **MISCELLANEOUS**

23 NEW SECTION. **Sec. 801.** Section 706 of this act expires July 1,
24 2028.

25 NEW SECTION. **Sec. 802.** Sections 705, 706, and 708 through 711
26 of this act are necessary for the immediate preservation of the
27 public peace, health, or safety, or support of the state government
28 and its existing public institutions, and take effect June 30, 2025.

29 NEW SECTION. **Sec. 803.** Sections 101, 102, 601 through 610, 612,
30 702 through 704, 714, 715, and 723 of this act are necessary for the
31 immediate preservation of the public peace, health, or safety, or
32 support of the state government and its existing public institutions,
33 and take effect July 1, 2025.

34 NEW SECTION. **Sec. 804.** Sections 103 and 104 and 301 through 304
35 of this act take effect October 1, 2025.

1 NEW SECTION. **Sec. 805.** Sections 105, 106, 201 through 207, 209,
2 210, 212 through 214, 305, and 505 of this act take effect January 1,
3 2026.

4 NEW SECTION. **Sec. 806.** Section 707 of this act takes effect
5 July 1, 2028.

6 NEW SECTION. **Sec. 807.** Section 504 of this act expires January
7 1, 2026.

8 NEW SECTION. **Sec. 808.** Sections 211, 307 through 310, and 701
9 of this act are necessary for the immediate preservation of the
10 public peace, health, or safety, or support of the state government
11 and its existing public institutions, and take effect immediately.

12 NEW SECTION. **Sec. 809.** Sections 727 through 749 of this act
13 take effect July 1, 2026.

14 NEW SECTION. **Sec. 810.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

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