

Multiple Agency Fiscal Note Summary

Bill Number: 6277 S SB	Title: Transportation partnerships
-------------------------------	---

Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Department of Transportation	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	0	0	0	0	0	0	0

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Department of Transportation	1.0	0	0	370,000	2.8	0	0	1,007,000	3.0	0	0	1,096,000
Department of Transportation	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Transportation Commission	Fiscal note not available											
Total \$	1.0	0	0	370,000	2.8	0	0	1,007,000	3.0	0	0	1,096,000

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Department of Transportation	.0	0	0	.0	0	0	.0	0	0
Transportation Commission	Fiscal note not available								
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Maria Thomas, OFM

Phone:

(360) 229-4717

Date Published:

Preliminary 2/21/2024

Individual State Agency Fiscal Note

Bill Number: 6277 S SB	Title: Transportation partnerships	Agency: 405-Department of Transportation
-------------------------------	---	---

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	2.0	1.0	2.8	3.0
Account					
Motor Vehicle Account-State 108 -1	0	370,000	370,000	1,007,000	1,096,000
Total \$	0	370,000	370,000	1,007,000	1,096,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Brandon Popovac	Phone: 360-786-7465	Date: 02/06/2024
Agency Preparation: Stephanie Hardin	Phone: 360-705-7545	Date: 02/21/2024
Agency Approval: Anthony Buckley	Phone: 360-7056886	Date: 02/21/2024
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 02/21/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

See attached WSDOT fiscal note.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
108-1	Motor Vehicle Account	State	0	370,000	370,000	1,007,000	1,096,000
Total \$			0	370,000	370,000	1,007,000	1,096,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		2.0	1.0	2.8	3.0
A-Salaries and Wages		258,000	258,000	709,500	774,000
B-Employee Benefits		90,000	90,000	247,500	270,000
C-Professional Service Contracts					
E-Goods and Other Services		8,000	8,000	22,000	24,000
G-Travel		2,000	2,000	4,000	4,000
J-Capital Outlays		12,000	12,000	24,000	24,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	370,000	370,000	1,007,000	1,096,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. C - Operating FTE Detail: List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
WMS3	138,000		2.0	1.0	2.8	3.0
Total FTEs			2.0	1.0	2.8	3.0

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Innovative Partnerships (K)		370,000	370,000	876,500	922,000
Transportation Management & Support (S)				129,500	174,000
Total \$		370,000	370,000	1,006,000	1,096,000

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

See attached WSDOT fiscal note.

Individual State Agency Fiscal Note

Bill Number: SSB 6277	Title: Transportation Partnerships	Agency: 405-Department of Transportation
------------------------------	---	---

Part I: Estimates

- No Fiscal Impact (Explain required in section II. A)
- Indeterminate Cash Receipts Impact (Explain in section II. B)
- Partially Indeterminate Cash Receipts Impact (Explain in section II. B)
- Indeterminate Expenditure Impact (Explain in section II. C)
- Partially Indeterminate Expenditure Impact (Explain in section II. C)

- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, **complete entire fiscal note form Parts I-V**
- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, **complete entire fiscal note form Parts I-V**
- Capital budget impact, **complete Part IV**
- Requires new rule making, **complete Part V**
- Revised

		2023-25iennium		2025-27 Biennium		2027-29 Biennium	
Expenditures		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
108-1-MOTOR VEHICLE		\$0	\$370,000	\$459,000	\$548,000	\$548,000	\$548,000
Total Expenditures		\$0	\$370,000	\$459,000	\$548,000	\$548,000	\$548,000
Biennial Totals		\$370,000		\$1,007,000		\$1,096,000	
FTEs	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
WMS3	138,000.0	0.0	2.0	2.5	3.0	3.0	3.0
Annual Average		1.0		2.8		3.0	
Objects of Expenditure		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A - SALARIES AND WAGES		\$0	\$258,000	\$322,500	\$387,000	\$387,000	\$387,000
B - EMPLOYEE BENEFITS		\$0	\$90,000	\$112,500	\$135,000	\$135,000	\$135,000
E - GOODS AND SERVICES		\$0	\$8,000	\$10,000	\$12,000	\$12,000	\$12,000
G - TRAVEL		\$0	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
J - CAPITAL OUTLAYS		\$0	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000
Expenditures by Program		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
PROGRAM K		\$0	\$370,000	\$415,500	\$461,000	\$461,000	\$461,000
PROGRAM S		\$0	\$0	\$43,500	\$87,000	\$87,000	\$87,000

Agency Assumptions

- The expenditures included in this fiscal note are the estimated costs for the Washington State Department of Transportation to develop public-private partnership policies, procedures, preliminary rules, and guidelines as required by the language of SSB 6277.
- The department assumes hiring two FTEs and consultants to develop and give the public-private partnership policies, guidelines, and preliminary rules to both the Senate and House Transportation Committees by November 30, 2026, for review and comment, prior to department adoption.
- The department plans to have quarterly meetings for updating programs about the development of public private partnership rules, policies, and guidelines by November 30, 2025 (approx. 18 months).
- Once the public private partnership rules, policies, and guidelines are in place, the department assumes hiring an added FTE and continue meeting with the programs either once a quarter or twice a year to discuss upcoming public private partnership projects (including the screening process).

Individual State Agency Fiscal Note

Agency Contacts:

Preparer: Stephanie Hardin	Phone: 360-709-8212	Date: 02/21/2024
Approval: Anthony Buckley	Phone: 360-705-7039	Date: 02/21/2024
Budget Manager: Stacey Halverstadt	Phone: 360-705-7544	Date: 02/21/2024

Part II: Narrative Explanation

II. A - Brief description of what the measure does that has fiscal impact.

The following are differences between SB 6277 and SSB 6277:

1. Section 3 (f): Language was added to stay consistent with existing project procurement and contracting requirements and practices.
2. Section 4: The language on explaining whether capital or operating projects have safe transport of people of goods via any mode of travel was removed.
3. Section 5: Equity investments were added in as types of financing and contracts were added in for developing plans for financing.
4. Section 7 (2): Replaces the word “issue” with “make”. The revised sentence is “the department must make formal findings for public-private partnership delivery method.”
5. Section 9: Adds technical to the list for hiring consultant(s).
6. Section 12: Replaces the word “issue” with “make”. The revised sentence is “the department must make a formal finding that the negotiated partnership agreement is expected to result in best value for the public.”
7. Section 15: Adds in operation for conducting the joint implementation agreements.
8. Section 17: Adds in language to include the requirements of the department’s office of equity and civil rights, regardless of receiving federal funding or not.

Section 1: The legislature recognizes the need to create a funding tool for the Washington State Department of Transportation innovative proposals from the private sector or new project delivery approaches.

Section 2: Supplies definitions to be used in proposed SSB 6277.

Section 3: Directs the department to develop policies and rules of public-private partnerships for transportation projects. At minimum, the department must address the types of projects, delivery in public interest and value, remain consistent with existing project procurement and contracting, criteria for consideration, procedures of awarding contracts, completion of the project, public disclosure, local contractors, and guidelines to address security and performance issues. The preliminary rules, policies, and guidelines developed must be given to both Senate and House Transportation Committees by November 30, 2026.

Section 4: Eligible transportation tolling projects and rates must be approved by the legislation.

Section 5: Directs the department to fund eligible projects by authorized grant anticipation revenue bonds, grants, loans, equity investments, lines of credit, revolving lines of credit, other federal funds, infrastructure loans, appropriated funds (federal, state, or local revenues), user fees, tolls, fares, lease proceeds, rents, gross or net receipts from sales, authorized toll revenue, loans, pledges, and private entities contributions. Also, the department may develop and secure funds with the approval by legislation to issue debt, equity, other securities, or other obligations (contracts, leases, concessions, grant and loan agreements, or pledge funds). These agreements are subjected to the approval of the state finance committee.

Section 6: The department may accept federal funds and other sources (grants, donation, gifts, other form of conveyance of land, money, other real or private property, or other valuable item) for financing partial or whole eligible projects.

Individual State Agency Fiscal Note

Section 7: The department may evaluate projects that are ready for delivery to decide if the delivery is applicability of the public-private partnerships. Before entering into an agreement, the department must make formal findings of the delivery model is in the public's interest. Also, the department must at a minimum consider the public ownership of the asset can be kept, transparency, public oversight, and added criteria from legislative findings from section 1. The department must supply written notification of the intent to deliver the project and public interest to the public, legislative transportation committees, and governor.

Section 8: Expenses incurred under this section before the issuance of transportation project bonds or other financing must be paid for by the department. Unless the funds are provided in the omnibus transportation appropriations act, then the department must follow those requirements. The records and accounting details of eligible projects authorized under this chapter must be kept by the department.

Section 9: The department may consult with legal, financial, technical, and other experts in the public and private sector for evaluating, negotiating, and developing of projects.

Section 10: In absence of federal direction, the department may contract with a private developer of a selected project proposal to conduct environmental impact, engineering, and technical studies.

Section 11: To enter project agreement, the department must have provisions for transportation project agreement to include consistency with collective bargaining agreements, public interest, (if needed) tolling technology standards, and financing under section 6 of this act. The state agreements with private sector must have contractual items to address who is responsible for the specific project elements, how to share management of the risks, compensation, costs, financial responsibility of cost overruns, penalties, incentives, accounting and auditing standards, responsibility for meeting all service standards and state of good repair, provisions for termination, and provisions for public communication and participation.

Section 12: The department is directed to develop and adopt a process for measuring, deciding, and transparently reporting the expected results of the transportation project agreement has best value for the public. The department must make formal findings of the negotiated agreement is best value for the public. The criteria must include comparison of the total cost to deliver the project, comparison with the department's current plan, and other factors (priority, cost, risk, sharing, scheduling, asset and service quality, innovation, and management conditions).

Section 13: Proposer must identify the confidentiality, proprietary information, or trade secrets and supply justification on why information cannot be shown. If federal funds are used for projects, the justification must follow the federal regulations under the freedom of information act.

Section 14: The department is directed to make sure eligible projects are abiding to prevailing wages (chapter 39.12 RCW).

Section 15: The department may enter into agreements with public sector partner, working agreements, coordination agreements, joint implementation and operation, or similar implementation agreements (including other states and Canadian provinces for transborder transportation projects).

Section 16: The department may use power of eminent domain to buy property, rights-of-ways, or other rights in property for projects that are necessary to implement an eligible transportation project.

Section 17: If the project is using federal funds, the department is directed to apply federal laws, rules, and regulations. Regardless of federal funding or other types of funding, the department must apply requirements from the department's office of equity and civil rights.

Individual State Agency Fiscal Note

Section 18: The department's public-private partnership account is created in the custody of the state treasurer. The money deposited into the account can be bonds or other financing issued under section 19, revenue received from any transportation project developed under this chapter or granted by the department, donations, grants, contracted, law or other means transferred, distributed, or appropriated. The expenditures from this account may only be used to repay loans or extensions of credits to or on behalf of private entities engaged in the eligible transportation project. The state treasurer may set up separate subaccounts within the public-private partnerships account for each transportation project. Only the secretary or the secretary's designee may authorize distributions from the account and are subject to allotment procedures (chapter 43.88 RCW).

Section 19: The department is directed to use the revenue from bonds to finance partial or whole transportation projects authorized from this proposed chapter. The department may request the state treasurer to issue revenue bonds on behalf of the public sector partner and payments to the bonds must come from the public-private partnership account. The money received from the issuance of revenue bonds or other debt obligations may be spent on financing the costs of the project, administrative expenses, cost of bonds, costs of credit improvements, necessary or advantageous costs connected to revenue bonds, and reimbursement costs to public sector partners related to the project.

Section 20, 21, and 22: Amends 47 RCW to include the proposals in SB 6277.

Section 23: Repeals all the sections under 47.29 RCW.

Section 24: Replaces the repealed sections with the new sections proposed in this bill.

Section 25: The effective date is January 1, 2026.

II. B – Cash Receipts Impact

Section 18b has an indeterminate fiscal impact to the department as it is unclear who is collecting the revenue and currently revenue amount is unknown. Revenue could be collected by one of the programs within the department, Office of State Treasurer, or other (i.e., Another state agency or 3rd party contactor). This would depend upon the type of negotiable terms in specific contracts and how it's collected. The department cannot determine a revenue estimate because transportation projects have not been developed under this chapter.

II. C - Expenditures

The following are differences between SB 6277 and SSB 6277:

1. Section 3 (f): Language was added to stay consistent with existing project procurement and contracting requirements and practices.
2. Section 4: The language on explaining whether capital or operating projects have safe transport of people of goods via any mode of travel was removed.
3. Section 5: Equity investments were added in as types of financing and contracts were added in for developing plans for financing.
4. Section 7 (2): Replaces the word "issue" with "make". The revised sentence is "the department must make formal findings for public-private partnership delivery method."
5. Section 9: Adds technical to the list for hiring consultant(s).
6. Section 12: Replaces the word "issue" with "make". The revised sentence is "the department must make a formal finding that the negotiated partnership agreement is expected to result in best value for the public."
7. Section 15: Adds in operation for conducting the joint implementation agreements.
8. Section 17: Adds in language to include the requirements of the department's office of equity and civil rights, regardless of receiving federal funding or not.

Individual State Agency Fiscal Note

The substitute senate bill does not change the fiscal impact to the department. However, the department was able to clarify assumptions for expected staffing support and estimated costs.

Section 3 has a fiscal impact to the department. The department estimates hiring 2 FTEs and consultants to develop a preliminary report for Public-Private Partnerships (Program K) rules, policies, and guidelines by November 30, 2026. The FTEs will be directly accountable for the following:

- Making long-term decisions in developing criteria for evaluation and choice for proposed transportation projects.
- Analyzing areas for types of innovative transportation project to include the requirements of the department's office of equity and civil rights.
- Developing rules, policies, and guidelines for making decisions to delivery in public interest and value, public disclosure, and evaluating completed projects.
- Meet quarterly with other programs within the department to update the development of the preliminary report, eligible projects, and meeting department's standards and manuals.
- After the public-private partnerships rules, policies, and guidelines are in place, the program will continue coordinating across the agency. The activities will include, but not limited to, items and topics such as updates on eligible projects, financial activities, construction-related areas, toll-related areas, tolling requirements, tolling rates, and ferries-related areas.

The consultants will be advisors for legal, financial, and specialize in types of public-private partnerships/innovative transportation projects. The department expects the consultants will be both one-time and on-going.

Section 18 has a fiscal impact to the department. After the preliminary report is completed, the department estimates hiring one WMS3 to support financial activities (including financial analysis, bond analysis, compliance, and account management) for the eligible transportation projects.

Sections 4 to 8, 10 to 17, and 19 to 24 have no fiscal impact or indeterminate to the department because of the rules, policies, and guidelines that need to be developed to accurately estimate costs.

Part III: Expenditure Detail

III. A - Expenditures by Object or Purpose

Identified Costs: Public-Private Partnerships (Program K) expects hiring two WMS3s (starting July 1, 2024) to aid with developing the preliminary report. The estimated costs for the FTEs:

- Salaries and Benefits (Object A and B) per fiscal year: \$348,000
- Goods and Services (Object E), Capital Outlays (Object J), and Travel (Object G) per fiscal year:
 - 2025 Fiscal Year: \$22,000 (includes laptop purchase)
 - Per fiscal year (on-going): \$18,000
- Total FTE estimated cost for 2025 fiscal year is \$370,000 and on-going \$732,000 per biennium.

Public-Private Partnerships (Program K) and Budget and Financial Analysis Division - Financial Planning Office (Program S) expects hiring one WMS3 (starting December 1, 2025) to support financial activities. The estimated costs for the FTEs:

- Salaries and Benefits (Object A and B) for fiscal year: \$174,000
- Goods and Services (Object E) and Capital Outlays (Object J) per fiscal year:
 - 2026 Fiscal Year: \$6,000 (includes laptop purchase)
 - Per fiscal year (on-going): \$8,000
- Total FTE estimated cost for 2026 fiscal year is \$97,000 because of start date of December 1, 2025, and on-going \$356,000 per biennium.

Individual State Agency Fiscal Note

The total FTE estimated cost for 2025 is \$370,000, 2025-27 is \$1,007,000, and on-going is \$1,096,000 per biennium. Public-Private Partnerships (Program K) plans continue growing with the number of staff for managing projects, screening projects, and working with public and private stakeholders. Also, added staff may be needed for other tasks not identified until the preliminary report is completed.

Indeterminate Costs: The consultant costs for developing the public-private partnerships rules, policies, and guidelines are currently indeterminate due to the unknown work to review, change and/or update current policies and procedures. The estimated range to complete the preliminary report is between \$1.5 million to \$2.5 million. The department expects hiring consultants after the rules, policies, and guidelines are put in place for legal, financial, technical, and other expertise to evaluate and negotiate transportation agreements in public and private sectors.

For other work provided by various programs and offices at the agency, staffing and consultant costs beyond fiscal year 2026 are indeterminate due to the unknown outcomes of the preliminary report. Estimates to project costs (evaluation, etc.) from the requirements are indeterminate.

Part IV: Capital Budget Impact

N/A

Part V: New Rule Making Required

In Section 3, directs WSDOT to develop policies and rules of public-private partnerships for transportation projects. At minimum, WSDOT must address the types of projects, delivery in public interest and value, criteria of contacts, procedures of awarding contracts, completion of the project, public disclosure, local contractors, and guidelines to address security and performance issues. The preliminary rules, policies, and guidelines developed must be sent to both Senate and House Transportation Committees by November 30, 2026. Depending on the outcome of the preliminary report, WSDOT may have to replace whole or parts of Chapter 468-600 WAC (Washington Administrative Code).