
SUBSTITUTE SENATE BILL 5239

State of Washington

63rd Legislature

2013 Regular Session

By Senate Transportation (originally sponsored by Senators Eide, Benton, King, Hobbs, Mullet, and Shin; by request of Freight Mobility Strategic Investment Board)

READ FIRST TIME 02/11/13.

1 AN ACT Relating to project selection by the freight mobility
2 strategic investment board; and amending RCW 47.06A.020, 47.06A.050,
3 46.68.300, and 46.68.310.

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

5 **Sec. 1.** RCW 47.06A.020 and 2005 c 319 s 125 are each amended to
6 read as follows:

7 (1) The board shall:

8 (a) Adopt rules and procedures necessary to implement the freight
9 mobility strategic investment program;

10 (b) Solicit from public entities proposed projects that meet
11 eligibility criteria established in accordance with subsection (4) of
12 this section; and

13 (c) Review and evaluate project applications based on criteria
14 established under this section, and prioritize and select projects
15 comprising a portfolio to be funded in part with grants from state
16 funds appropriated for the freight mobility strategic investment
17 program. In determining the appropriate level of state funding for a
18 project, the board shall ensure that state funds are allocated to
19 leverage the greatest amount of partnership funding possible. ((After

1 ~~selecting projects comprising the portfolio, the board shall submit~~
2 ~~them as part of its budget request to the office of financial~~
3 ~~management and the legislature.))~~ The board shall ensure that projects
4 ~~((submitted as part of))~~ included in the portfolio are not more
5 appropriately funded with other federal, state, or local government
6 funding mechanisms or programs. The board shall reject those projects
7 that appear to improve overall general mobility with limited
8 enhancement for freight mobility.

9 The board shall provide periodic progress reports on its activities
10 to the office of financial management and the senate and house
11 transportation committees.

12 (2) The board may:

13 (a) Accept from any state or federal agency, loans or grants for
14 the financing of any transportation project and enter into agreements
15 with any such agency concerning the loans or grants;

16 (b) Provide technical assistance to project applicants;

17 (c) Accept any gifts, grants, or loans of funds, property, or
18 financial, or other aid in any form from any other source on any terms
19 and conditions which are not in conflict with this chapter;

20 (d) Adopt rules under chapter 34.05 RCW as necessary to carry out
21 the purposes of this chapter; and

22 (e) Do all things necessary or convenient to carry out the powers
23 expressly granted or implied under this chapter.

24 (3) The board shall designate strategic freight corridors within
25 the state. The board shall update the list of designated strategic
26 corridors not less than every two years, and shall establish a method
27 of collecting and verifying data, including information on city and
28 county-owned roadways.

29 (4) The board shall utilize threshold project eligibility criteria
30 that, at a minimum, includes the following:

31 (a) The project must be on a strategic freight corridor;

32 (b) The project must meet one of the following conditions:

33 (i) It is primarily aimed at reducing identified barriers to
34 freight movement with only incidental benefits to general or personal
35 mobility; or

36 (ii) It is primarily aimed at increasing capacity for the movement
37 of freight with only incidental benefits to general or personal
38 mobility; or

1 (iii) It is primarily aimed at mitigating the impact on communities
2 of increasing freight movement, including roadway/railway conflicts;
3 and

4 (c) The project must have a total public benefit/total public cost
5 ratio of equal to or greater than one.

6 (5) From June 11, 1998, through the biennium ending June 30, 2001,
7 the board shall use the multicriteria analysis and scoring framework
8 for evaluating and ranking eligible freight mobility and freight
9 mitigation projects developed by the freight mobility project
10 prioritization committee and contained in the January 16, 1998, report
11 entitled "Project Eligibility, Priority and Selection Process for a
12 Strategic Freight Investment Program." The prioritization process
13 shall measure the degree to which projects address important program
14 objectives and shall generate a project score that reflects a project's
15 priority compared to other projects. The board shall assign scoring
16 points to each criterion that indicate the relative importance of the
17 criterion in the overall determination of project priority. After June
18 30, 2001, the board may supplement and refine the initial project
19 priority criteria and scoring framework developed by the freight
20 mobility project prioritization committee as expertise and experience
21 is gained in administering the freight mobility program.

22 (6) It is the intent of the legislature that each freight mobility
23 project contained in the project portfolio (~~submitted~~) approved by
24 the board utilize the greatest amount of nonstate funding possible.
25 The board shall adopt rules that give preference to projects that
26 contain the greatest levels of financial participation from nonprogram
27 fund sources. The board shall consider twenty percent as the minimum
28 partnership contribution, but shall also ensure that there are
29 provisions allowing exceptions for projects that are located in areas
30 where minimal local funding capacity exists or where the magnitude of
31 the project makes the adopted partnership contribution financially
32 unfeasible.

33 (7) The board shall develop and recommend policies that address
34 operational improvements that primarily benefit and enhance freight
35 movement, including, but not limited to, policies that reduce
36 congestion in truck lanes at border crossings and weigh stations and
37 provide for access to ports during nonpeak hours.

1 **Sec. 2.** RCW 47.06A.050 and 1998 c 175 s 6 are each amended to read
2 as follows:

3 (1) For the purpose of allocating funds for the freight mobility
4 strategic investment program, the board shall allocate the first fifty-
5 five percent of funds to the highest priority projects, without regard
6 to location.

7 (2) The remaining funds shall be allocated equally among three
8 regions of the state, defined as follows:

9 (a) The Puget Sound region includes King, Pierce, and Snohomish
10 counties;

11 (b) The western Washington region includes Clallam, Jefferson,
12 Island, Kitsap, San Juan, Skagit, Whatcom, Clark, Cowlitz, Grays
13 Harbor, Lewis, Mason, Pacific, Skamania, Thurston, and Wahkiakum
14 counties; and

15 (c) The eastern Washington region includes Adams, Chelan, Douglas,
16 Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens,
17 Whitman, Asotin, Benton, Columbia, Franklin, Garfield, Kittitas,
18 Klickitat, Walla Walla, and Yakima counties.

19 (3) If a region does not have enough qualifying projects to utilize
20 its allocation of funds, the funds will be made available to the next
21 highest priority project, without regard to location.

22 (4) In the event that a proposal contains projects in more than one
23 region, for purposes of assuring that equitable geographic
24 distributions are made under subsection (2) of this section, the board
25 shall evaluate the proposal and proportionally assign the benefits that
26 are attributable to each region.

27 (5) If the board identifies a project for funding, but later
28 determines that the project is not ready to proceed (~~at the time the~~
29 ~~legislature's funding decision is pending~~), the board shall recommend
30 removing the project from consideration and the next highest priority
31 project shall be substituted in the project portfolio. Any project
32 removed from funding consideration because it is not ready to proceed
33 shall retain its position on the priority project list (~~and is~~
34 ~~eligible to be recommended for funding in the next project portfolio~~
35 ~~submitted by the board~~)).

36 **Sec. 3.** RCW 46.68.300 and 2005 c 314 s 105 are each amended to
37 read as follows:

1 The freight mobility investment account is hereby created in the
2 state treasury. Money in the account may be spent only after
3 appropriation. Expenditures from the account may be used only for
4 freight mobility projects (~~(identified in the omnibus transportation~~
5 ~~appropriations act, including)~~) that have been approved by the freight
6 mobility strategic investment board in RCW 47.06A.020 and may include
7 any principal and interest on bonds authorized for the projects or
8 improvements.

9 **Sec. 4.** RCW 46.68.310 and 2006 c 337 s 7 are each amended to read
10 as follows:

11 The freight mobility multimodal account is created in the state
12 treasury. Money in the account may be spent only after appropriation.
13 Expenditures from the account may be used only for freight mobility
14 projects (~~(identified in the omnibus transportation appropriations act,~~
15 ~~including)~~) that have been approved by the freight mobility strategic
16 investment board in RCW 47.06A.020 and may include any principal and
17 interest on bonds authorized for the projects or improvements.

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