

# the Courthouse Journal

W A C O U N T I E S . O R G

**March 19, 2010**

**Issue No. 10**  
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Courthouse Journal*

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*Washington Association of County Officials  
Washington State Association of Counties*

## **Washington State's Counties Well Represented at NACO Annual Legislative Conference**

Some 25 WSAC Members and county officials attended the National Association of Counties Annual Legislative Conference in Washington, D.C. The first two days focused on Steering Committee meetings where discussions on NACo Policy, federal legislation, and interaction with the executive branch agencies dominated meeting agendas. Washington has 34 representatives on NACo steering committees, including several vice chairs, and sub committee chairs.

The deliberations of NACo's 11 Steering Committee lead to new policy positions and the presentation of 40 policy resolutions to the Board of Directors for its consideration. Included were a hard-crafted compromise on counties and so-called "climate legislative initiatives," and stiff opposition to online travel agencies' attempts to preempt local taxing authority.

The third and fourth conference days were a combination of speakers and workshop sessions. House Speaker Nancy Pelosi and Obama Administration Cabinet secretaries Kathleen Sebelius (Health and Human Services) and Tom Vilsack (Agriculture) led the list of administration and congressional leaders who addressed NACo members.

Finally, WSAC leadership and members met with the Washington State Congressional delegation and their staff throughout the conference. We focused our conversations on the issues, challenges and successes for Washington States' 39 Counties and asking how we could help them better represent and serve us in DC. WSAC President Merrill Ott (Stevens County), Secretary Treasurer Paul Pearce (Skamania County) and Past President Lynda Ring Erickson (Mason County) lead the effort to make sure our WSAC members met with each Representative and Senator personally.

For more information on NACo, please visit <http://www.naco.org/> or contact WSAC Executive Director Eric Johnson.

**Job announcements & links to County Employment pages at:**

<http://wacounties.org/>

## **the Courthouse Journal**

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and the **Washington State Association of Counties**

(WSAC) [wacounties.org/wsac](http://wacounties.org/wsac)

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## **Auditors Bring One Home**

*by James McMahan, WACO Staff*

In the midst of a \$2.8 billion state deficit, County Auditors were able to pass legislation this year to give more local flexibility regarding ballot return envelopes. **HB 1880**, sponsored by Representative Mike Armstrong (R-Wenatchee), passed the Legislature with strong bipartisan support and is expected to be signed by the Governor this afternoon.

Current law requires that County Auditors use ballot return envelopes that have a “secrecy flap” that covers the signature and optional telephone number of voters returning their ballots by mail. As it turns out, a voter’s signature is a public record that is already open for inspection and copying under the State’s open public records law, and specialized envelopes with a secrecy flap are substantially more expensive than traditional ballot return envelopes. King County underwent a review of the potential cost savings of eliminating this requirement and determined that eliminating the secrecy flap would:

- Reduce ballot insert production time by as much as two weeks.
- Increase inkjet printer speed for printing the addressing and voter data on ballot return envelopes by an estimated 30 to 40 percent.
- Reduce additional staffing costs by as little as \$15,000 (if **HB 1880** had been in place for the August 2009 election) or as much as \$33,000 (if **HB 1880** had been in place for the November 2008 election.)

Had **HB 1880** been law during the three recent large elections in King County, the county would have saved \$74,000 in the November 2008 election, \$56,000 in the August 2009 election, and \$25,000 in the November 2009 election. While not all counties have undergone a review as extensive as the King County review, **HB 1880** will provide the opportunity for additional local control, additional cost savings and additional election efficiencies in all 39 counties. **HB 1880** enables County Auditors the choice whether to cover a voter’s signature or not, and how to cover that signature, if they choose to cover it. Auditors should be proud to have brought more local control to the elections process and eliminated an expensive requirement that secrecy be provided to a public record.

**NOTE:** **HB 1880** was amended in the Senate to include an emergency clause, making the bill effective upon the Governor’s signature rather than the standard 90 days after adjournment of the legislative session from which the bill passed. After consultation with Auditors, it has been determined that there is no county that expects to order “flapless” ballot return envelopes prior to the standard effective date of the bill. Auditors have advised the Governor’s Office that the emergency clause is not necessary, and we expect her to veto the emergency clause today. A veto on the emergency clause affects no other portion of the bill other than the effective date. If the Governor vetoes the emergency clause, **HB 1880** will take effect June 9, 2010.

### **Legislative Committee Schedules and Agendas:**

<http://www.leg.wa.gov/wsladm/calendar.cfm>

**Bill Information:** [www.leg.wa.gov](http://www.leg.wa.gov)

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## ***Budget, Finance and Taxes***

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### **The End of Days**

*by Bob Carlton, WACO Staff*

“It was the best of times; it was the worst of times.” This quote still rings true today. Here we are, on day five of the Special Legislative Session for 2010. But is it the last day, or is it even close to the last day?

There appears at this juncture to be a bit of an impasse between the two Houses on how to fund the budget that is needed. Consequently, there really doesn't seem to be much going on, but is that really the case?

One of the benefits of at least this Special Session is that all bills that were originally introduced but didn't make the first cut now magically reappear with the stroke of a pen. A second “bite of the apple” so to speak. So bills that were effectively dead now lurk with new life and a second chance.

Probably most notable, simply because it represents a drastic change in policy, would have to be **SSB 6766** Fire Patrol Assessments. This bill apparently represents a huge shift in public policy on how to fund the Department of Natural Resources and Fire Patrol in general. Now, under this bill, everybody with a “taxable parcel of land” will be required to pay a \$4.95 Assessment to fund Fire Patrol. Also, in certain areas that actually have timber or that are “nonforested, unimproved and outside a fire protection district boundary” will be tagged either a \$.27 or \$.29 per acre Assessment on their parcels.

So, every business in downtown Seattle where they own a “taxable parcel of land” will be tagged a \$4.95 assessment. And every homeowner in King County will be tagged \$4.95. And everyone else that owns a taxable parcel of land in the State of Washington will be tagged the \$4.95 assessment. Or will they? If a residence does not own the land upon which the residence resides, maybe they don't pay the tax. Or the owner of a condominium that doesn't own the land on which it sits may not be taxed. Or that trailer in the mobile home park may not be taxed.

Some may view this as a subsidy provided at taxpayer expense for rural timber land owners. It will be interesting to hear the explanations when these tax bills, approximately 2.5 million new ones, reach taxpayers that don't have a clue as to what Fire Patrol is and they start asking questions. One of the questions might be something like this. “This parcel is under saltwater tides most of the time, and unusable and unbuildable 100% of the time. Why am I paying Fire Patrol on this parcel?” Another question might be that “I got a Fire Patrol Assessment on my house, but the guy down the road in the trailer park didn't, how come?” Or the question “Now that I have Fire Patrol, can I quit paying that expensive levy to the Fire District?” Another really good question would be “To whom do I complain to at the County to get this tax thing taken off? The only answer to that at this time is that no one at the county level has the authority on these to do anything other than bill and collect. The Department of Natural Resources is the only one authorized to address these issues. So, in all cases county staff will have to refer them to DNR, because county staff doesn't have the authority to change anything.

It would seem that if we truly wanted to spread the load, we ought to be looking maybe at a State Levy like the State School Levy dedicated to funding Fire Patrol across the state. That way, in place exemptions for Seniors Citizens could be applied, and it would be applied against all real and personal property in the state. It would actually be cheaper and more cost effective to administer doing it that way rather than creating a new special assessment that will require at the very least the gathering of a lot of data from the counties, and a whole lot of questions from taxpayers when they get the bill.

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# Courts, Public Safety, Law & Justice

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## Bills Passed the Legislature

Governor Christine Gregoire has five days to take action on any bill passed the Legislature providing adjournment does not occur during that time. If the Governor takes no action, a bill automatically becomes law. The following bills passed the Legislature. Dates set for action and signed bills are indicated:

**SB 6561**, juvenile records, will allow offenders to petition the court to have Class A felony convictions sealed if certain conditions have been met and has not been set for action yet.

**SB 6430**, Forensic Investigations Council, adds a member of the defense bar to the Council, is on the bill action list for today, Friday, March 19.

**HB 2424**, child pornography, delivered to the Governor.

**HB 1913**, provides process servers are at least 18 and state residents, was signed on Thursday, March 18.

**HB 2465**, relating to breath test instruments used by state toxicologist, signed March 15.

**HB 2861**, allows court reporters to administer oaths and affirmations, signed March 17.

**SB 5516**, relating to drug overdose prevention, signed March 10.

**SB 6202**, reporting to coroners and medical examiners of deaths of vulnerable adults suspected to be from abuse, is scheduled for action by the Governor today.

## Regarding Interest on Judgments

**SB 6192** allows the portion of the juvenile offender's disposition related to restitution to be modified as to amount, terms, and conditions for up to a maximum of ten years after the juvenile's 18th birthday. Restitution may include the costs of counseling reasonably related to the offense. If the court orders that a juvenile offender's record be sealed, the court's jurisdiction regarding restitution ends. The juvenile can petition the court to have his or her record sealed as long as the juvenile has paid the full amount of restitution ordered

**SB 6764** deals with accrual of interest on judgment resulting from the tortuous, or wrongful, conduct of a public agency. Judgments resulting from tortuous conduct of an agency bear interest from the date of entry of the judgment at two percentage points above the equivalent coupon issue yield of the average bill rate for 26 week treasury bills, as determined at the first bill market auction conducted during the calendar month immediately preceding the date of entry. Judgments other than those founded on written contracts, judgments for unpaid child support that have accrued under a superior court order, and judgments founded on the tortuous conduct of a public agency as defined in statute bear interest from the date of entry at two percentage points above the prime rate, as published by the Board of Governors of the Federal Reserve System on the first business day of the calendar month immediately preceding the date of entry. This act will apply to judgments entered on or after the effective date and judgments entered before the effective date that are still accruing interest. Governor Gregoire is scheduled to take action on **SB 6764** this afternoon.

## The Strange Adventure of Court Surcharges

**SB 6871**, court funding, used a few more of its nine lives this week when it was reintroduced in its new life-form, **HB 2365**. It had failed to pass the Senate as **SB 6871**, was amended into a title-only bill **HB 2365**, but again did not gain enough votes in committee. It got yet another resurrection in the House Ways and Means Committee on Thursday when it came up on Executive Session again. Its new life was short-lived after the committee caucused on the matter and the committee was unexpectedly adjourned. **HB 2365** aka **SB 6871** would have increased district court fees, made the Judicial Stabilization Account surcharge in Superior Court from the 2009 session permanent and split the surcharge with the state and the county current expense fund. Currently the surcharge all goes to the state. It is likely the provision to assess \$2 annually on auto insurance policies to fund the auto theft prevention authority killed the bill when several insurance company lobbyists objected. Until the Legislature leaves town, **HB 2365** could still emerge at any time.

## Other Court Surcharges That Didn't Really Die

The passage of House Concurrent Resolution 4409 established the rules for the Special Session and allowed the reintroduction of all bills that had not passed in the Regular Session. There has been no activity on them to date but they include:

**SB 5912** which would have levied a \$3 surcharge on certain County Clerk functions to fund Supreme Court campaigns. **SB 6508**, wrongful death, which provided a \$10 surcharge, later removed, that would have been directed to a fund to assist local governments sued under the expanded wrongful death.

## E-911 by Any Other Name

A third bill to enhance Emergency 911 service by a tax on cell phones was introduced yesterday. **HB 3216**, sponsored by Representative Jeff Morris, mirrors the provisions of **SB 4836**. Earlier, **HB 2351** was introduced in the House. It appears that if any E-911 measure passes, it will be **HB 3216**.

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# Elections, Licensing & Recordings

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## Public Records Request Responses

**Senate Bill 6367, Chapter 69, Laws of 2010**, was signed by Governor Christine Gregoire this week and provides that in addition to providing a record in response to a public records request, an agency may provide an Internet address and link on the agency's website to the specific records requested. If the requester informs the agency that he or she cannot access records through the Internet, the agency must provide hard copies or allow the requester to view copies on the agency computer. The bill is effective June 10, 2010.

## Heritage Center Hangs In There

**SB 6881** would have levied an \$8 surcharge on assignments or substitutions of previously recorded deeds of trust, died at Sine Die of the Regular Session but was resurrected on Monday on the first day of Special Session. **SB 6881** splits the surcharge between the Washington State Heritage Account (67 percent) and the Local Government Archives Account (33 percent). The bill died at Sine Die and was returned to Rules. The County Auditors and WACO oppose the additional surcharge but prime sponsor Senator Karen Fraser has made it her number one priority for the Special Session. **SB 6881** is still in Senate Rules as of this writing.

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# General Government Issues

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## Great Wolf Tax Case Begins in Federal Court

*from The Daily Olympian, by Christian Hill; Staff writer, 3/19/2010*

A federal judge heard oral arguments Thursday in the lawsuit brought by the Chehalis Indian tribe to prevent Thurston County from collecting property taxes on the Great Wolf Lodge.

The case pits the right of state and local governments to levy and collect taxes to provide [public services](#) against the sovereignty of Indian tribes and their efforts to expand economic activity beyond casinos.

The ruling could significantly affect the feasibility of future joint projects between tribes and nontribal companies.

U.S. District Judge Benjamin Settle is set to issue his ruling in a week or so. He also will decide whether the trial, scheduled to begin next month, is needed.

In 2005, the Chehalis Indian tribe and Great Wolf Resorts Inc., a publicly traded company, formed CTGW LLC under Delaware law to develop and operate the lodge, which includes an indoor water park, a hotel and a [conference center](#). The tribe is the majority owner in the limited-liability company and leases its tribal land to CTGW. The lodge is on a 43-acre parcel between Interstate 5 and Old Highway 99 in South Thurston County.

No one argues that the tribal land isn't exempt from property taxes, but there's disagreement whether the improvements on it are subject to taxes.

The tribe sued Thurston County in September 2008 after Assessor Patricia Costello tried to levy property taxes on the improvements. Costello argues the lodge is subject to property taxation, and the exemption the tribe seeks would shift the tax burden to other property owners. She estimates the lodge would bring in about \$1 million a year in taxes.

Federal pre-emption severely limits the ability of states to impose taxes in Indian Country. An exception can be made if the state's interest in taxation outweighs the federal and tribal interests against taxation.

The so-called Bracker analysis, originating from a 1980 U.S Supreme Court case, is a legal test to determine whether such state authority would violate federal law, and it provided the foundation for legal arguments heard Thursday.

The analysis hinges on several factors: the interests of the tribe and state, the degree of federal regulation involved and the level of services provided to the entity proposed for taxation.

Harold Chesnin, the attorney representing the tribe, said the analysis tips in favor of a tax exemption. The tribe has made a significant financial commitment in the lodge and has a substantial level of control in the joint venture, he said, arguing that the amount of public services provided to the lodge is nominal, and those agencies are compensated.

Deputy prosecuting attorney Jane Futterman argued that Chesnin's statement that the lodge is a tribal resource exaggerates.

## **New Law Protects Families in Foreclosure**

*Consumer protection bills signed during National Consumer Protection Week*

While the foreclosure crisis continues to swell, the Washington Attorney General's Office is commemorating [National Consumer Protection Week](#) with the passage of a new law that shields families who have lost homes from further harm.

Gov. Chris Gregoire signed Attorney General Rob McKenna's consumer protection bills on Friday, March 12 in her conference room at the Capital. One bill protects foreclosure victims and the other guards used car buyers.

[House Bill 2428](#) protects the pocketbooks of families who have lost their homes due to an inability to pay their property taxes. The new law, which was prime-sponsored by Rep. Dean Takko, D-Longview, regulates firms and individuals who contact owners of foreclosed properties offering to obtain money remaining after the auction on their behalf – in return for a cut.

"As foreclosures have increased, we've seen an uptick in get-rich-quick schemes that prey on those who have lost their homes," Attorney General Rob McKenna said. "This new law is part of our [ongoing efforts](#) to help financially strapped families keep the little money they have left."

Lewis County Treasurer Rose Bowman was a strong proponent of the bill. As Legislative Chair of the Washington State Association of County Treasurers, she and her colleagues had been searching for a solution to a growing problem.

“We were looking for a way to protect our most vulnerable population – people who, for whatever reason, have lost their property to tax foreclosure – and figure out how we can get their money to them and not to others who are trying to claim it.”

The bill places a five percent cap on such finder’s fees, the same amount allowed for other kinds of unclaimed funds. Previously, individuals who provided such services kept as much as 50-70 percent of the former homeowner’s money.

Bowman said many of the “finders” use shady tactics, including hounding the original homeowner to sign a paper or trying to convince county officials that they are a relative of the original homeowner, and therefore entitled to the money.

“It’s amazing the lengths they go to try to intercept these funds,” she said.

Bowman said it’s easy – and free – for former property owners to receive surplus funds available after a foreclosure. They just need to fill out a form and have it notarized. A notary at the county will provide the service for no charge.

McKenna’s other requested bill, [House Bill 2429](#), protects used car buyers. The Attorney General’s Office discovered that used car dealers were obtaining “lemon” vehicles at auctions and reselling them in Washington. [Washington’s Lemon Law](#) already required dealerships that sell new cars to disclose whether a vehicle was ever bought back from a manufacturer under another state’s Lemon Law program. But used car dealers weren’t required to make those disclosures.

The new law, sponsored by Rep. Alex Wood, D-Spokane, ensures that used car dealers inform potential buyers that the car’s title will include a comment that that the vehicle was previously returned to the manufacturer and that this may affect the vehicle’s future resale value.

Both bills passed unanimously in the House and Senate.

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## **Association News**

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### **NACo Accepting Applications for the 2010 County Courthouse Awards**

Applications for the 2010 NACo County Courthouse Awards program are [now available](#). The County Courthouse Awards program is sponsored by Siemens and recognizes innovative governance by county elected officials from NACo Member counties. Award winners will receive an engraved plaque that they can display in their county, recognition at the 2010 NACo Annual Conference and a \$5000 college scholarship to present to a graduating high school senior. Awards will be given out in three categories: rural, suburban and urban. All NACo members are encouraged to apply. Applications must be received by May 7, 2010.

Contact: Dalen Harris or Erik Johnston at (202) 393-6226 / [dharris@naco.org](mailto:dharris@naco.org) or [ejohnston@naco.org](mailto:ejohnston@naco.org).

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## **Training & Upcoming Events**

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**Washington Counties** – [wacounties.org/Calendar of Events](http://wacounties.org/Calendar%20of%20Events)

**County Training Institute** – [www.countytraininginstitute.org](http://www.countytraininginstitute.org)

### **The National Mass Fatalities Institute is coming back to Washington!**

NMFI and the Washington State Department of Health, Emergency Preparedness Unit have teamed up to offer two mass fatalities incident planning courses for the emergency management response community as well as hospital and public health professionals. Detailed operational plans for the management of fatalities in large life loss incidents are still relatively scarce across the U.S. today. In addition, the need for specific planning guidance in fatality management for natural disease outbreaks has become a high priority within the public health community. That's why this Mass Fatalities Workshop will address the essential elements of the planning process and promote multi-agency, multi-jurisdictional approaches that integrate government agencies, hospitals and health care entities, private sector and non-governmental organizations. It is designed for stakeholders with fatality management planning and administrative responsibilities in the larger scope of disaster preparedness. The course will be hosted by the Washington State Department of Health.

#### **Course Highlights**

- Overview of Mass Fatalities Incidents
- Overview of Washington Authorities & Laws
- Pan Flu Preparedness & Hospital Impacts
- Recovery Operations
- Forensic Services & Morgue Operations
- Family Assistance Services
- Local Logistical Challenges & Federal Aid
- Family & Responder Support
- A Planning Scenario and An Exercise
- Staff & Volunteer Management
- Management of Contaminated Remains
- Facilitated Discussion on Community Planning and Next Steps in Plan Development

**April 26-27, 2010**

**Clover Park Technical College**

McGavick Student and Conference Center

4500 Steilacoom Blvd SW Bldg 23

Lakewood WA 98499-4004

**April 29-30, 2010**

**Jamison's Event Center**

605 E Nelson Rd

Moses Lake WA 98837-2339

**Who should attend:** local public health, local emergency management, coroners, medical examiners, funeral home personnel, chaplains, hospital staff, Red Cross, EMS, law enforcement, tribes, others with mass fatality planning responsibilities.

**Why attend:** Specific plans for the management of mass fatalities are critically deficient in most community disaster response plans. The National Mass Fatalities Institute's programming addresses the essential elements of planning for response to a mass fatalities event. It is designed to assist planning-level officials from various governmental jurisdictions, public service, private sector business, and voluntary organizations to understand the concepts of a multi-faceted, integrated response plan. These plans must promote multi-disciplinary, multi-agency and multi-jurisdictional response efforts that are thoroughly integrated at all levels of government.

Registration is **FREE** on-line at [www.nmfi.org/requestclassinfo.php](http://www.nmfi.org/requestclassinfo.php) by April 15, 2010, for more information contact: Kim Butowicz, 360-236-4090, for additional information or questions regarding these courses.

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## ***Courthouse Ramblings***

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Secretary of State **Sam Reed** has been diagnosed with kidney cancer and will undergo surgery at Virginia Mason Medical Center in Seattle on Monday, March 22. He is expected to make a full recovery and will return to work after a brief recuperation. Reed, 69, is in his third term as Washington's 14<sup>th</sup> secretary of state and is the senior Republican statewide elected official.

\* \* \* \* \*



WSAC is sad to hear that **Gordon Reed**, retired Commissioner from Asotin County, passed away on March 10, 2010 in Yakima at the age of 80. Mr. Reed served as Commissioner from 1994 to 2002.

He served in the Air Force and was an active community volunteer throughout his life. Mr. Reed is survived by his son, Rex, several grandchildren, and his siblings.

A celebration of his life will be at noon today at the First Presbyterian Church in Clarkston WA. 1122 Diagonal St.

Services are pending with Merchant Funeral Home in Clarkston WA. Please sign the online guest book at [www.merchantfuneralhome.com](http://www.merchantfuneralhome.com).

Memorial donations can be made to the Boy Scouts of America or Alzheimer's Association.

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## Attachments

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### Welcome to the U.S. Communities Purchasing & Finance Agency

#### (U.S. Communities) website <http://www.uscommunities.org/>

The Association of School Business Officials International (ASBO), the National Association of Counties (NACo), the National Institute of Governmental Purchasing (NIGP), the National League of Cities (NLC), and the United States Conference of Mayors (USCM), jointly sponsor the

#### U.S. Communities Government Purchasing Alliance (U.S. Communities)

Designed in cooperation with an Advisory Board of local government purchasing officials, U.S. Communities pools the purchasing power of public agencies, achieves bulk volume discounts on behalf of public agencies, competitively solicits quality products through a lead public agency and provides a purchasing forum for public agencies nationwide.

You can obtain information on how to contact all U.S. Communities suppliers by telephoning (866) 472-7467 or by sending an email to [info@uscommunities.org](mailto:info@uscommunities.org)

U.S. Communities | 2175 North California Blvd., Suite 550, Walnut Creek, CA 94596

(866) 472-7467 | [info@uscommunities.org](mailto:info@uscommunities.org)

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"Results from our internal customer satisfaction survey show that our customers want two things from Purchasing. First save us time in the procurement process and second save us money. When Kansas City, Missouri uses a U.S. Communities contract we save both time and money for our customers."

**Ray Burnett,**  
**Commissioner of Purchases and Supplies**  
**Kansas City, MO.**

# AN INVITATION



*Please join us for*

## **RICK MOCKLER'S RETIREMENT RECEPTION**

WHERE: SNOHOMISH HEALTH DISTRICT ATRIUM  
3020 RUCKER AVENUE, EVERETT [MAP](#)

WHEN: APRIL 14, 2010

TIME: 4:00PM - 6:00PM

RSVP: [tquigley@shd.snohomish.wa.gov](mailto:tquigley@shd.snohomish.wa.gov) or 425.339.5210 by March 30

*Cards welcomed, no gifts please*





Washington State  
Department of Transportation

## Highways & Local Programs Division

Serving the local agencies in Washington for over 60 years  
Spring 2010

### American Recovery and Reinvestment Act

#### Status of ARRA highway projects as of March 1<sup>st</sup>.

The 2009 American Recovery and Reinvestment Act (ARRA) program totaling \$492 million was completely obligated a week earlier than the federal deadline of March 2<sup>nd</sup>.



For Washington State:

- Total FHWA ARRA funds received \$492 million (\$340 million state, \$152 million local)
- 206 projects certified by the Governor for utilizing ARRA funds (47 state, 159 local)
- 91 projects completed to date (21 state, 70 local).
- 177 projects awarded or are under construction (34 state, 143 local).

**Low Bids Allow Funding for Additional Projects** – Washington has been applying federal stimulus funds to a second and third tier of projects for both WSDOT and local lead projects. The low bids reverse a trend from 2004 to 2008, when inflation in the cost of highway project construction caused cost escalations of 42 percent.

**100 Percent ARRA Funds Obligated Nationwide** – On March 1<sup>st</sup>, Vice President Biden and Secretary LaHood announced that all states met the goal. “Only 12 months and more than 12,000 obligated projects later, two things are clear: 33,000 miles of American roadway have been improved and the Recovery Act has saved or created two million jobs for American workers.”

### ARRA TIGER Grants

Senator Patty Murray and Governor Chris Gregoire announced that Washington State received \$65 million in stimulus funds through a national \$1.5 billion competitive grant process. The North Spokane Corridor grant, valued at \$35 million, will complete the southbound lanes for 3.7 miles between Francis Avenue and Farwell Road. The Seattle Mercer Street project grant, valued at \$30 million, will help fund a city project to address a major bottleneck. The US Department of Transportation’s Transportation Investment Generating Economic Recovery (TIGER) program awarded 51 grants for surface transportation improvements nationwide on February 17<sup>th</sup>, the anniversary of the Recovery Act’s passage. The USDOT received 1,380 applications seeking \$56.5 billion, including 49 applications totaling almost \$1.66 billion from Washington.

More information about the grants that received funding can be found at <http://www.dot.gov/recovery/>.

## **Federal Transportation FFY 2010 Budget**

It has been an interesting March.

**Authorization** – On February 28<sup>th</sup>, the last extension expired, leaving USDOT, including FHWA unfunded. FHWA was limited to only working on ARRA projects since ARRA was funded with general funds.

On March 2<sup>nd</sup>, the US Senate passed a 30-day extension previously passed by the US House, and President Obama signed the continuing resolution, keeping federal highway programs operating through March 28<sup>th</sup>.

House and Senate members are expected to negotiate their differences and approve a modified H.I.R.E. (Hiring Incentives to Restore Employment) Act (aka Reid jobs bill), which extends SAFETEA-LU through December 2010. The bill restores the 2010 funding level to the originally authorized 2009 level without the funding cuts made at the end of FFY 2009.

**New National Discretionary Program** – In the FFY 2010 Appropriations bill, USDOT has a section entitled National Infrastructure Investments. This section provides \$600 million nationwide for discretionary grants. USDOT expects to release the criteria, guidance, etc., at the end of March.

The legislation is similar to the previous TIGER legislation which is why some are calling it TIGER II. Below is a link to the appropriations bill. [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:h3288enr.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h3288enr.txt.pdf)

**Jobs Bill** – The H.I.R.E. act (aka Reid jobs bill) does not include an ARRA-like transportation funding program that was in the Grassley-Baucus Jobs bill. However, an ARRA-like program is expected to be included in a second jobs bill the Senate MAY act on in coming weeks.

**Reauthorization** – Senate Environment and Public Works Chair Boxer announced the committee will draft a bill and attempt to pass it into law this year. They will use the House draft reauthorization bill as their starting point. The committee has held the first of a series of hearings on the issue. USDOT announced it will release a set of principles for authorization within 90 days. They will not draft a bill, and will not support a gas tax increase.

## **High Speed Passenger Rail (ARRA Discretionary)**

On January 27<sup>th</sup>, WSDOT received notification that Washington State had been awarded \$590 million in American Recovery & Reinvestment Act (ARRA) stimulus funds through the High Speed Intercity Passenger Rail (HSIPR) Program. The award is based on the over \$1.3 billion application that Washington State submitted to the HSIPR program in October 2009 for the Pacific Northwest Rail Corridor (PNWRC).

A total of 31 states received a portion of the \$8 billion, with California receiving the largest amount of \$2.25 billion, nearly 28 percent. The new program represents the federal government's first significant investment in the nation's passenger rail transportation network. This funding will serve as a down-payment on developing or laying the groundwork for 13 new, large-scale, high-speed rail corridors across the country.

As a result of this funding, two additional daily round trips may be added between Seattle and Portland, for a total of six; travel time will be reduced by at least five percent; and on-time performance will increase substantially: from 62 to over 90 percent. Washington will benefit from critical infrastructure investments that will improve mobility in congested areas along the corridor, create and preserve jobs, foster economic growth, and improve air quality across our state. For additional details go to: <http://www.wsdot.wa.gov/Funding/stimulus/passengerail.htm>

## **Calls for Projects**

Highways and Local Programs has announced the following calls for projects:

### **Bridge Program**

The Bridge Program call was announced in March of 2010 in the amount of \$70 million, based on the funds available from FHWA. The projects will include replacement, rehabilitation, scour, seismic, and paint and will be funded at 80 percent federal funds with a 20 percent local match. The final selection will be announced in November 2010.

### **Pedestrian and Bicycle Safety**

The Pedestrian/Bike Safety call was announced in January 2010 in the amount of approximately \$7 million, based on historic state funding levels. There will be an invitation process to apply for Pedestrian and Bicycle Safety grants based on

known risk locations. Priority is given to projects that include matching funds; however, matching funds are not required.

Final project selection will be made by the Legislature during the 2011 session.

### **Safe Routes to School**

The Safe Routes to School call was announced in January of 2010 in the amount of approximately \$4 million, based on historic state and federal funding levels. The Safe Routes to School grants will be an open competitive process and give priority to projects that combine engineering, enforcement, and educational elements. Priority is given to projects that include matching funds; however, matching funds are not required. Final project selection will be made by the Legislature during the 2011 session.

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## **Programs Under Development**

Highways and Local Programs Division is currently developing an approach for the following safety programs:

### **Rural Safety Program**

The Rural Safety Program invitational call is planned for Summer 2010. This will be a follow-up to last year's High Risk Rural Roads Program (HRRRP) call. With agreement from the county engineers, these funds are expected to be distributed in a similar manner to last year's program. The focus will continue to be on low-cost, widespread improvements to reduce run-off-the-road crashes. In the last five years, run-off-the-road crashes account for 65 percent of all fatal and serious injury crashes on rural county roads. Funds would be distributed to counties based on run-off-the-road fatal and serious injury crash rates (per mile and per million vehicle miles traveled). This spring, a small team will evaluate options for future funding. The small team includes representatives from 5-10 counties, along with WSACE and H&LP representatives. The team will discuss funding levels, program focus, and timing for future rural safety programs.

### **Urban Safety Program**

The Urban Safety Program invitational call is planned for late 2010. This will be a follow-up to last year's Highway Safety Improvement Program (HSIP) call. Detailed crash data analysis is underway, highlighting top crash types such as entering at an angle and crashes involving pedestrians. This data will be analyzed per agency to determine how funding might be allocated. In addition, the crash data is being analyzed for similarities and differences between top crash types on city-operated state routes, city streets, and urban county roads to determine if the same issues are present on all of these urban facilities. Once the top crash types and agencies are determined, an allocation process will be developed to prioritize funding to most effectively reduce these crashes. Feedback will be sought from cities and counties once the analysis is complete. Stay tuned for more details in coming months.

## **Updates to the Local Agency Guidelines**

We are working on several updates to the LAG Manual to clarify requirements and provide additional guidance. Major items include the following:

LAG, Chapter 24 (Environmental) recently underwent a few noteworthy changes. First, nearly all of the discussion pertaining to environmental discipline prepared for NEPA has been removed. Instead, readers needing information on environmental discipline reports are directed to the *Local Programs Environmental Classification Guidebook* (<http://www.wsdot.wa.gov/NR/rdonlyres/87901EB4-008A-43A0-9DB7-2179E0BC939F/0/ECSGuidebooksecure.pdf>). This change will help H&LP to provide local agencies with up-to-date, thorough, and consistent guidance on environmental documentation requirements. The other significant change to Chapter 24 is that the process for NEPA Environmental Impact Statements has been updated to reflect the latest process changes required by SAFETEA-LU 6002.

LAG, Chapter 25 (Right of Way) is being modified to clarify requirements for right of way purchased prior to completion of the environmental process and additional guidance for documentation is being added.

LAG, Chapter 61 (Local Agency Force Projects) is being modified to clarify requirements of use of non-competitive bidding and use of agency labor for construction to address issues identified through recent program reviews.

## **Staffing updates**

It is my pleasure to announce that we have a new staff member coming to the HQ H&LP team. Ed Spilker is H&LP's new Local Planning and GIS Specialist. His background, experience, and technical skills in planning, architecture and historic preservation, and data and policy analysis will be an asset to our staff and our partners. In this role, Ed will work within Engineering Services branch to provide support to Region Local Programs Engineers, other staff in HQ, and other partners working to improve multi-modal transportation systems that are sensitive to community values. He will coordinate GIS applications for the Division, play a lead role in implementing the Scenic and Recreational Highways Plan, and support other Community Design Assistance programs.

You can contact Ed by phone at: 360-705-7387 or via email at [SpilkeE@wsdot.wa.gov](mailto:SpilkeE@wsdot.wa.gov). He will be starting his duties officially on March 16, 2010.

## **School Walk and Bike Routes: A Guide for Planning and Improving Walk and Bike to School Options for Students**

The Washington State Department of Transportation (WSDOT), in conjunction with the Washington Traffic Safety Commission (WTSC), and the Office of Superintendent of Public Instruction (OSPI), sponsored the completion of the Guide. It is a revision and update of the School Administrator's Guide to School Walk Routes and Student Pedestrian Safety, July 2003

The Guidebook:

- explains the laws and liabilities associated with school walk route plans and student pedestrian and bicycle safety
- identifies potential partnerships and responsibilities for improving student pedestrian and bicycle safety
- suggests processes for developing and maintaining school walk and bike routes
- recommends procedures that can be used to create a pedestrian and/or bicycle safety improvement plan and begin implementing needed improvements including education, encouragement, enforcement and engineering efforts.

The purpose of the guide is to provide technical assistance and support for student pedestrian and bicycle safety issues in compliance with related WAC's and RCW's. It provides guidance for schools and their communities to move toward more supportive environments for school children and their families to walk and bicycle. An electronic version will be available on March 26<sup>th</sup>, 2010 at <http://www.wsdot.wa.gov/NR/rdonlyres/5463FD69-F7B9-477D-B9AA-D21CEEFCF722/0/SWABRGuide.pdf>, for additional information contact, Charlotte Claybrooke 360-705-7302.

## For More Information

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