



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

May 16, 2023

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 204(3), 207(5), 208(10), 211(1), 215(3), 217(6), 218(5), 219(2), 221(18), 223(3), 224(4), 208(29), 208(31), 213(5), 214(7), 215(4), 217(10), 219(11), 219(12), 224(3), 701(1), 804, 1102(1), 1102(14), 208(17), 208(18), 208(19), and 208(33), Engrossed Substitute House Bill No. 1125 entitled:

"AN ACT Relating to transportation funding and appropriations."

Section 204(3), pages 15-16, Joint Transportation Committee, Oversight of Ferry Procurement

This section directs the Joint Transportation Committee to hire a consultant to provide oversight of ferry documents and procedures relating to the procurement of hybrid-electric ferry vessels. This extra step to require the Joint Transportation Committee to hire a consultant will create inefficiencies in the ferry procurement process. Also, because there is a third-party consultant required in Engrossed House Bill 1846, this work could be duplicative. For these reasons, I have vetoed Section 204(3). However, I am directing Washington State Ferries to regularly engage with legislators as it works to implement a new ferry vessel procurement process.

Section 207(5), page 27, Washington State Patrol

Section 208(10), page 35, Department of Licensing

Section 211(1), page 44, Department of Transportation, Facilities

Section 215(3), page 51, Department of Transportation, Public-Private Partnerships

Section 217(6), page 59, Department of Transportation, Transportation Operations

Section 218(5), page 65, Department of Transportation, Transportation Management and Support

Section 219(2), pages 65-66, Department of Transportation, Planning

Section 221(18), page 78, Department of Transportation, Public Transportation

Section 223(3), page 85, Department of Transportation, Rail

Section 224(4), page 87, Department of Transportation, Local Programs

These sections identify the Legislature's intent to monitor and adjust appropriations in the future. The proviso language suggests that agencies should hire staff beyond their appropriation authority. The law prohibits agencies from spending more than their authorized appropriation levels. For this reason, I have vetoed Sections 207(5), 208(10), 211(1), 215(3), 217(6), 218(5), 219(2), 221(18), 223(3), and 224(4).

Section 208(29), page 40, Department of Licensing, Per-Mile Fee Program Study

This section directs the Department of Licensing to study, in consultation with the Washington State Transportation Commission, the feasibility of implementing and administering a per-mile fee program. This work pre-supposes a per-mile fee program will be adopted despite the need to consider broader options for alternative funding sources for transportation. For this reason, I have vetoed Section 208(29).

Section 208(31), page 41, Department of Licensing, Vehicle Odometer Readings

This section provides appropriations to implement Engrossed Substitute House Bill 1736 (vehicle odometer readings). Previously, I vetoed ESHB 1736; therefore, the funding to implement this bill is no longer necessary. For this reason, I have vetoed Section 208(31).

Section 213(5), pages 47-48, Department of Transportation, Aviation Impacts

This section directs the Department of Transportation to evaluate and report on the operational and technological enhancements addressing the environmental impacts from commercial aviation activities. The appropriation is insufficient to conduct a thorough evaluation. For this reason, I have vetoed Section 213(5).

Section 214(7), pages 49-50, Department of Transportation, State Route 532 Surplus Parcel

This section requires the Department of Transportation to certify that the property located south of State Route 532 and west of Interstate 5 in the vicinity of the intersection of SR 532 and 19th Avenue NW is no longer needed for the state highway system, and to convey the roadway and access rights to the county. The conveyance of access rights to the state highway would improperly delegate to the county the important responsibility of ensuring the safety and operation of a state limited access facility, contrary to the department's existing statutory authority under chapter 47.52 RCW. This raises significant safety concerns of increasing access to SR 532 at this location. For this reason, I have vetoed Section 214(7).

Section 215(4), page 51, Department of Transportation, Hydrogen Refueling Stations

The department is directed to pursue federal funding for hydrogen fueling stations for passenger and light-truck vehicles as well as medium and heavy-duty vehicles. While there is a stated intent to provide state matching funds for federal grants, the budget provides no such funding nor is funding provided for staff to pursue federal grants. In addition, green hydrogen is best suited for medium and heavy-duty vehicles, rather than passenger and light-duty vehicles. For these reasons, I have vetoed Section 215(4).

Section 217(10), pages 60-61, Department of Transportation, Weigh Station Preclearance Program

Requirements in this section contradict the existing Weigh Station Strategic Plan adopted by the Washington State Patrol and Department of Transportation and the existing weigh station preclearance system. For this reason, I have vetoed Section 217(10).

Section 219(11), pages 69-70, Department of Transportation, State Route 904 Corridor Study

This section requires the Department of Transportation to plan for improvements on State Route 904. Given the limited availability of funds for the department to perform basic operations, it is not prudent for the state to undertake new work at this time. For this reason, I have vetoed Section 219(11).

Section 219(12), page 70, Department of Transportation, U.S. Highway 12 Safety Improvement Study

This section requires the Department of Transportation to perform an analysis of the state and local transportation network around an interchange on US 12. Given the limited availability of funds for the department to perform basic operations, it is not prudent for the state to undertake new work at this time. For this reason, I have vetoed Section 219(12).

Section 224(3), page 87, Department of Transportation, Active Transportation Program

This section requires the Department of Transportation to examine and report on the feasibility of creating a new program for active transportation. Although I support the department evaluating its program structures, I have vetoed Section 224(3) because it only focuses on one program. However, I am directing the department to develop options and recommendations to address the restructuring or creation of programs, particularly related to active transportation.

This work is important but should be comprehensive and funded.

Section 701(1), page 139, Washington State Patrol, Aerial Criminal Investigation Tools

This section places the purchase of replacement "aerial criminal investigation tools" for the Washington State Patrol under the oversight of the Office of the Chief Information Officer (OCIO). The term "aerial criminal investigation tools" is broad and could apply to both unmanned aerial vehicles, as well as other items such as Cessna airplanes that are funded in the budget. In addition, management of unmanned aerial vehicles or airplanes under the OCIO's information technology oversight requirements is inappropriate. For these reasons, I have vetoed Section 701(1).

Section 804, page 162, lines 11-12, 14-15, 20-25, and 32-34, and Section 1102(1), page 258, Department of Licensing, Appropriation and Repeal Section

These sections reduce appropriations for the Department of Licensing in the 2021-23 biennium. The department needs these appropriations to close the fiscal year. For this reason, I have vetoed changes to the appropriations in Section 804 and Section 1102(1). However, because this will result in more appropriation authority than the department needs to close the fiscal year, I am directing the Department of Licensing to place any excess authority in unallotted status.

Section 1102(14), page 258, Department of Transportation, 2022 Project List

This section repeals the 2022 project list and associated funding in Program I - Improvements. Repealing this section from Chapter 187, Laws of 2022 removes the department's authority to spend on capital projects for which work has already started. This authority is necessary for the department to close the current biennium. For this reason, I have vetoed Section 1102(14). However, because this will result in more appropriation authority than the department needs to close the fiscal year, I am directing the Department of Transportation to place any excess authority in unallotted status.

The following sections provided funding to the Department of Licensing to implement bills which did not pass the Legislature. Because the funding has lapsed, I have vetoed Section 208(17), Section 208(18), Section 208(19), and Section 208(33).

Section 208(17), page 36, Department of Licensing, Senate Bill 5333, State Sport Special License Plate

Section 208(18), page 36, Department of Licensing, Senate Bill 5590/House Bill 1489,

Mount St. Helens Special License Plate

**Section 208(19), page 36, Department of Licensing, Senate Bill 5738/House Bill 1829,
LeMay-America's Car Museum Special License Plate**

**Section 208(33), page 41, Department of Licensing, Substitute House Bill 1493, Impaired
Driving**

For these reasons I have vetoed Sections 204(3), 207(5), 208(10), 211(1), 215(3), 217(6), 218(5), 219(2), 221(18), 223(3), 224(4), 208(29), 208(31), 213(5), 214(7), 215(4), 217(10), 219(11), 219(12), 224(3), 701(1), 804, 1102(1), 1102(14), 208(17), 208(18), 208(19), and 208(33) of Engrossed Substitute House Bill No. 1125.

With the exception of Sections 204(3), 207(5), 208(10), 211(1), 215(3), 217(6), 218(5), 219(2), 221(18), 223(3), 224(4), 208(29), 208(31), 213(5), 214(7), 215(4), 217(10), 219(11), 219(12), 224(3), 701(1), 804, 1102(1), 1102(14), 208(17), 208(18), 208(19), and 208(33), Engrossed Substitute House Bill No. 1125 is approved.

Respectfully submitted,



Jay Inslee
Governor