

## Analysis of SSB 5165 Freight Provisos

4/23/21

### **SSB 5165, Sec. 301(3):**

*“In **coordination** with WSDOT as it updates its federally-compliant freight plan, the board is directed to identify the highest priority freight investments for the state, across freight modes, state and local jurisdictions, and regions of the state.”*

- “Highest priority” over what planning horizon?
- “Freight investments” vs. “Prioritized freight project list” (see below)
- “Freight Modes” are State-Owned and State-Interest. Are private assets eligible?

*“By December 1, 2021, the board must submit a **preliminary report** providing a status update on the process and methodology for identifying and prioritizing investments:*

- “Identifying investments”
  - Is this just a different name for a “Call for Projects?”
  - Work through the MPO’s/RTPO’s, like Road-Rail Conflicts process?
  - Work through the Associations and project sponsors, like FMSIB’s Call for Projects?
- “Prioritizing investments”
  - Like FMSIB’s successful process, “prioritization” should be Cross-modal, Collaborative, Transparent, Consensus-based.
  - Eligibility: T1/T2, NMFN
  - Project Criteria: FMSIB or Final WAFAC Criteria?
  - Should criteria change if it’s federal or state funded?
  - Other?

*“By December 1, 2022, the board must submit a **prioritized list** of freight investments that are geographically balanced across the state and can proceed to construction in a timely manner.”*

- “Geographically balanced”
  - East/West
  - FMSIB Statutes (PS, EW, WW)
- “Construct in a timely manner”
  - “Last dollar” emphasis, but exclusively?
  - Does “timely” change with state or federal funding?

*“The **prioritized freight project list** for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects.”*

### **SSB 5165, Sec. 311(7):**

*“When the department updates its federally-compliant freight plan, it shall **consult** the freight mobility strategic investment board on the freight plan update and on the investment plan component that describes how the estimated funding allocation for the national highway freight program for federal fiscal years 2022-2025 will be invested and matched. “*

*“The **investment plan component** for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects.”*

*“The department shall complete the freight plan update in compliance with federal requirements and deadlines and shall provide an update on the development of the freight plan, including the investment plan component, when submitting its 2022 supplemental appropriations request.”*

**Legislative Staff Interpretation**

There are two tasks here: FMSIB is being directed to identify a high-level, strategic list of the most important freight projects (across modes) for the state and WSDOT’s task for the NHFP will be to identify a shorter-term list of immediate investments in highway freight routes. The general idea is that FMSIB and WSDOT should not do these in isolation but should be cognizant of what the other is doing, so that there is consistency. As for the specific word choices, since the budget does not direct the convening of a FAC, WSDOT is directed to consult with FMSIB on its task of NHFP project identification. As for FMSIB being told to “coordinate” with WSDOT, I think it is really to ensure that the strategic look at freight needs is consistent with not only the NHFP project identification, but also the update of the freight plan.