Freight Mobility Strategic Investment Board

June 3, 2022
9:00 a.m. to 1:05 p.m.

Skamania Lodge - Jefferson Conference Room - 1131 SW Skamania Lodge Way, Stevenson

Meeting will be webcast live on TVW:
https://tvw.org/video/freight-mobility-strategic-investment-board-2022061016/?eventID=2022061016

(For Zoom meeting option, please contact sees@fmsib.wa.gov for meeting link)

Note: Chair may adjust agenda topics and timing

AGENDA

9:00 AM  1 Welcome/Introductions          Dan Gatchet          Informational
9:05 AM  2 PUBLIC COMMENT
9:10 AM  3 Appreciation                   Dan Gatchet          Informational
9:20 AM  4 Meeting Minutes (March 18, 2022)  Dan Gatchet          Action
9:30 AM  5 FMSIB Budgets                  Brian Ziegler        Informational
10:00 AM 6 Director’s Report              Brian Ziegler        Informational
10:20 AM 7 Board Member Reports           Board Members        Informational
10:35 AM 8 Phase 2 Proviso Report - Actions from Workshop  Dan Gatchet        Informational/Action
11:05 AM 9 HEAL Act Proviso / Governor's Executive Order  Brian Ziegler        Informational/Action
11:20 AM 10 WSDOT NHFP Project Selection Update  Jason Beloso        Informational
11:40 AM 11 Director’s COLA Adjustment     Dan Gatchet          Action
11:45 AM 12 2022 Annual Report            Kjris Lund           Informational
12:00 PM 13 Working Lunch
12:30 PM 14 FMSIB 2023 Committee Appointments  All                Action
12:45 PM 15 FMSIB 2023 Meeting Schedule  All                Action
1:00 PM 16 Next Meeting: September 16 - Spokane Valley  Dan Gatchet        Action
1:05 PM  Adjourn                          Dan Gatchet          Action
Meeting Convenes

Chair Dan Gatchet convened the meeting at 9 a.m. and stated this board meeting is being conducted in accordance with state and local health guidelines regarding COVID-19 and public meetings. Some members of the public and some participants may choose not to participate in person, so the meeting is being conducted via Zoom teleconferencing software. The meeting is also live-streamed on TVW, and archives of the broadcast will be available shortly after today’s meeting. This is an open public meeting and all provisions of the Open Public Meetings Act (OPMA) apply, as amended by recent orders of the Governor.

Board members introduced themselves, and the new Executive Assistant, Sally See, was introduced and welcomed by the Board.

Review of March 17, 2022, Board Tours

The Board expressed appreciation to Mayor McEnerny-Ogle for coordinating the Port of Vancouver and the I-5 Bridge Tours.
Approval of Meeting Minutes

**Board Action Item:** Adoption of the January 14, 2022, Board Meeting Minutes.

**MOTION:**
Chair Gatchet entertained a motion to adopt the January 14, 2022, meeting minutes as presented. Mr. Ewers so moved to adopt the minutes and Mayor McEnerny-Ogle seconded. 

**MOTION CARRIED**

**FMSIB Budgets**

Director Ziegler reviewed the Operating and Capital Budgets.

*Operating Budget:* FMSIB is on track with the Operating Budget and there were no changes from the 2022 Legislature.

*Capital Budget:*

2021-23 Capital Budget Chart – The Legislature authorized the $1.5 million increase to the Port of Kalama project, as proposed by the Board. The Port of Kalama is still on track to deliver by June 2023. FMSIB’s portion is funded up front. Director Ziegler suggested the Board consider a tour of the Port of Kalama in 2023. As requested at the January board meeting, notes on Board approvals for changes have been included on this chart.

Project Status (delivery milestones) Chart – Spokane County has started construction on last phase of the Bigelow Gulch project. FMSIB funded five phases of this project. West Cashmere Bridge will be complete June 2022 and the Port of Kalams will begin construction this spring. Spokane Valley, Barker Road Widening, has been a challenge to deliver, pending an agreement with the UP railroad.

**Director’s Report**

Please see the Board meeting packet for the complete report on Director Ziegler’s activities since the January 14, 2022, Board meeting. A few key points are as follows:

**Freight Policy Advisory Committee (FPAC)**

This FMSIB Committee was formed to develop recommendations to the Board regarding the provisos in FMSIB’s 2021-23 Budget. The Committee members include Committee Chair Mayor Ben Wick, Commissioner John McCarthy, Matt Ewers, Mayor Anne McEnerny-Ogle, and Temple Lentz. FMSIB Chair Gatchet has been attending meetings, as well as Ron Pate and Jason Beloso from WSDOT.

The FPAC met every two weeks between April 26 and September 7. In those 10 meetings, the Committee has reviewed the proviso language, developed guiding principles, developed a framework for identifying and prioritizing freight investments, addressed specific proviso issues (like the definition of “freight,” what “geographic equity” means, and what level of project readiness the Legislature expects). The Committee also recently began discussing potential freight project eligibility and prioritization criteria.

At the September 16 Board workshop, members heard Representative Fey’s views on the proviso. The next day, the Board discussed several new ideas and asked the FPAC to continue working and
report to the Board on their progress. The FPAC met four more times. The last meeting was held on November 8.

At the November 19 meeting, the Board adopted a draft report, which was finalized by FPAC members in the ensuing days and approved by FPAC on November 29. The final Phase 1 Report to the Legislature and Governor was submitted November 30. No response was received from the Legislature.

FMSIB staff prepared a work plan for Phase 2 and presented it to Chair Gatchet and FPAC Chair Wick on December 15. They both approved the direction of the work plan and requested an additional FPAC meeting before the January 14 Board meeting. The FPAC and WSDOT staff met on January 6. Revisions were made to the draft Workplan, which was approved at the January 14 Board meeting.

FPAC met February 14 to discuss important elements of the Phase 2 work in preparation for a February 22 presentation to the MPO/RTPO Coordinating Committee meeting. The Coordinating Committee met to review FPAC’s recommendations to date and to offer suggested improvements. Those organizations present agreed to assist FMSIB in developing freight project investment ideas based on their adopted regional transportation plans. After the meeting, the Coordinating Committee developed a point of contact list for each of the 18 organizations and shared it with FMSIB staff.

FPAC met February 28 to review the feedback from the Coordinating Committee and made edits to the important elements of the Phase 2 work. That February 28 FPAC work product is included in the March Board packet. The FPAC meets one more time before the Board meeting and will present an updated work product.

2022 Legislative Session

FMSIB staff has been busy tracking various versions of the agency’s budget and meeting with stakeholders to discuss developments. Today’s meeting agenda will include a detailed report of the legislative budget proposals and subsequent amendments.

2021 Annual Report

An annual report is required by statute and was completed in January. The final report was emailed to 755 recipients and printed copies mailed to four recipients.

Board Terms

Director Ziegler reminded Board members whose terms expire June 30 to apply online for reappointment.

Board Member Reports

Chair Gatchet and Mr. Bennett – Ms. Megan Hoyt, SDOT, gave Chair Gatchet, Mr. Bennett and Director Ziegler a tour of the East Marginal Way project. Mr. Bennett commented on how much we underappreciate what people are doing to help improve freight.

Mr. Ewers & Ms. Sheri Call (WTA) – Trucking issues are not going away. Retirees are not being backfilled by younger employees. Parking and safe places to stay overnight are still a significant problem. WTA promotes training programs for high school students. There is $2.5 million in funding to help develop driver training programs.
Mr. Hansen – The budget included funding for DOL to review commercial driver’s licensing barriers.

Mr. Hellman – The Salmon Bay/Ballard Bridge is in need of a lot of maintenance in order to accommodate taller ships. This project is moving forward, and Mr. Hellman will continue to provide updates.

Secretary Millar – WSDOT has been working with a small shipper who imports from India and has had significant problems with demurrage and port costs. In 2020, the cost per container was $850 and as of January, it is now over $6,000. WSDOT has been working with NWSA to resolve. Some larger businesses can create a supply chain process to get them through, but not small shippers who can’t get information. Maybe FMSIB needs to be looking at this problem.

Commissioner Swannack – Agriculture is being heavily impacted by the supply chain problems. Fertilizer costs have tripled since last summer, a lot of which comes from Russia and Asia.

Commissioner McCarthy - Attended a maritime conference and had the opportunity to talk to federal maritime employees. They predict the supply chain problem will last throughout year. Continue to see challenges with data sharing.

Phase 2 Proviso Report - Update

Director Ziegler reviewed the updates to the FMSIB 2022 Statewide Freight Project Identification Process.

FPAC Chair Wick provided an update on the FPAC proviso work. Since the Legislature did not provide feedback after submitting the Phase 1 Report, FPAC is assuming FMSIB is on the right path. Phase 2 of the report is a prioritized list of investments, and they are targeting to have an interim list by the June board meeting. MPOs/RTPOs have been asked to provide information from their existing plans by May 15.

Board Discussion

After Board discussion, FPAC Chair Wick stated FPAC focus on the following priorities: intermodal facilities, truck parking, systems improvements, and a list of projects.

Councilor Lentz suggested FPAC bring back three key priorities to the Board in June.

Future Agenda Item: FPAC will provide Phase 2 Proviso Report Update in June.

Legislative and Budget Update

Director Ziegler provided a summary of the 16-year new law revenue budget proposals and the current law revenue proposals related to FMSIB issues. A detailed report is provided in the Board packet.

There is an unprecedented amount of money coming to Transportation from the General Fund; however, nothing for local governments.

Director provided the below Conference Committee changes since the mailing of the Board packet:

- HEAL Act requirement reinstated with language allowing FMSIB, CRAB, and TIB to opt into the Act requirements.
• $10 million per entity is provided for CRAB and TIB for additional preservation (funded at $80 million over the 16-yr Move Ahead WA plan).
• $5 million from at-grade rail crossing is moved from FMSIB to WSDOT – Local (and funded for 5 years in the Move Ahead WA plan).

FMSIB’s LEAP list has been adopted for the next two bienna.

**WSDOT Freight Plan Update**

Mr. Jason Beloso, WSDOT Strategic Planning Manager, provided an update to the Board on WSDOT’s efforts to develop a State Freight Plan and to allocate federal freight formula funding. Here is a summary of the project requests WSDOT received:

- **No. of projects:** 47
- **No. of “intermodal” projects:** 23 (almost 50%, exceeds 30% IIJA cap)
- **Total cost of projects:** $181 million
- **Average request of NHFP funds:** $3.8 million ($181 million / 47 projects)
- **Available NHFP funds - FFY 2022-25 (“Leg mandated FFY 21 funding”):** $50 million / $12.5 million per year

WSDOT is in process of collecting a lot of info from experts and looking at ways to effectively present that information. Jason would be happy to provide an update at the June meeting. WSDOT did not ask MPOs/RTPOs for a prioritized list. FMSIB county representatives Councilor Lentz and Commissioner Swannack and have been asked to serve on the Project Selection Committee.

**Future Agenda Item:** Mr. Beloso will provide a Freight Plan update in June.

**June Workshop Agenda**

Chair Gatchet shared a list of past FMSIB workshop topics, annual topics, and suggested several new topics for the Board to consider for the June workshop.

**Board Discussion**

After Board discussion, the Board agreed on the following topics for the June 2, 2022, workshop and to bring in subject experts when possible:

1. Strategic priorities, modes
2. Next Phase of proviso report ("Strategic Investments")
   a. Truck Parking
   b. Systems
   c. Intermodal Facilities (NWSA?)
   d. List of FMSIB-like investments? (The other seven!)
3. Off-dock discussions reaching a crescendo (e.g., POT Maytown Facility). Maybe more interest in today’s environment (possibly John Wolfe)
4. Include Class 1 Railroad long range plans
5. Class 1’s need a business model that works for them, some customer expectations are pretty high (e.g., Rail-Ex)
6. FMSIB could be the catalyst with the Legislature for reducing on-dock congestion
7. Need a summary of what is causing supply chain congestion (AAPA graphic?)
8. Supply chain disruptions have been episodic and isolated in the past, current issues are more expansive, global and could be permanent. Will outcome be more local-based supply chains?
9. What are the VMT impacts of additional package delivery vehicles on roadways?
10. JTC Truck Parking study, WSDOT Truck Parking pilot
11. Contact Bob Watters regarding off-dock container yard in EWA (Richland)

**FMSIB Funding History**

Due to time constraints, this presentation was not completed. Chair Gatchet commented that it was important to get through this at the June Workshop.

**Next Meeting**

**Board Action Item:** Adopt to hold the June 2 FMSIB workshop and the June 3, 2022, Board meeting in Stevenson, WA.

**MOTION:** Chair Gatchet entertained a motion to hold the next workshop and board meeting on June 2-3, 2022, in Stevenson, WA. Commissioner Swannack so moved and Councilmember Wick seconded.

**MOTION CARRIED**

**Meeting Adjourned**

Chair Gatchet adjourned the meeting at 1 p.m.

**Summary of Board Motions:**

1) Adoption of January 14, 2022, Board Meeting Minutes. (page 1)
2) Adoption to hold the June 2 FMSIB workshop and the June 3, 2022, Board meeting in Stevenson, WA. (page 6)

**Summary of Future Agenda Items:**

1) FPAC will provide Phase 2 Proviso Report Update at the June meeting. (page 4)
2) Mr. Beloso will provide a Freight Plan update at the June meeting. (page 5)
3) See June workshop topics. (page 5-6)

______________________________________________________________
Dan Gatchet Attest: Brian Ziegler
Chair Director
## FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

### CURRENT BIENNUM 21-23 Budget $843,000

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<th>Biennium Appropriation</th>
<th>Biennium Allotments thru Apr 30, 2022</th>
<th>Actual Expenditures thru Apr 30, 2022</th>
<th>Biennium To Date Dollar Variance</th>
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<td><strong>Total Thru Apr 30, 2022</strong></td>
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<td>355,417</td>
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### Expenditure Detail through: Apr 30, 2022

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<th>Budgeted Expenditures July 1, 2021 - June 30, 2023</th>
<th>Budgeted Expenditures thru Apr 30, 2022</th>
<th>Actual Expenditures thru Apr 30, 2022</th>
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<td><strong>Total Salary</strong></td>
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<td><strong>Travel:</strong></td>
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<tr>
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<td><strong>Goods &amp; Services:</strong></td>
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<td>Other State Agency Services</td>
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<td>Misc. Operating Expenses</td>
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<td><strong>Total Goods &amp; Services</strong></td>
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<td><strong>Personal Service Contracts:</strong></td>
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<td>Consultant Expenses</td>
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</tbody>
</table>
## Freight Mobility Strategic Investment Board

### 2021-23 Capital Budget - Sorted by Biennium - Effective June 3, 2022

**Likelihood to expend 21-23 biennial appropriation:**
- High
- Medium
- Low
- Under Agreement

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<tr>
<th>Agency</th>
<th>Project Title</th>
<th>Yr. Selected</th>
<th>Current FMSIB Auth</th>
<th>19 - 21 (Plan)</th>
<th>21 - 23 (Plan)</th>
<th>21-23 Expenditure</th>
<th>23 - 25</th>
<th>25 - 27</th>
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<td>18 Spokane Co</td>
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<td>6,000</td>
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<td>1,876</td>
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<td>1 Chelan Co</td>
<td>West Cashmere Bridge</td>
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<td>0</td>
<td>0</td>
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<tr>
<td>6 Fife / WSDOT</td>
<td>70th Ave E - Freight Bottleneck</td>
<td>2018</td>
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<td>10 Longview</td>
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**Past and Current Biennial Subtotals**

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<tbody>
<tr>
<td></td>
<td>19,703</td>
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<tr>
<td>5 Fife</td>
<td>I-5/Port of Tacoma Road Interchange Ph 2 (south side I-5)</td>
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<tr>
<td>16 Seattle</td>
<td>East Marginal Way Heavy Haul Corridor</td>
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<tr>
<td>24 Sumner</td>
<td>Stewart Road</td>
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<td></td>
<td><strong>Future Total</strong></td>
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<td><strong>Program Total</strong></td>
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**Biennial Time Expended:**
- 46%
- 5%

**Forecasted biennial expend:**
- 27,515

**Forecasted biennial percent:**
- 87%

### Revenue

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<td>Freight Mobility Multimodal Account - 11E</td>
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<td>Motor Vehicle Funds</td>
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<td><strong>Total Revenue</strong></td>
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### Expenditures

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<td>Freight Mobility Multimodal Account - 11E</td>
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<td>Highway Safety Account</td>
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<td>Motor Vehicle Funds (Federal)</td>
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<td>Freight Mobility Multimodal Account - 11E</td>
<td></td>
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<tr>
<td>Highway Safety Account</td>
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</tr>
<tr>
<td>Motor Vehicle Funds (Federal)</td>
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<tr>
<td><strong>Total Reappropriation</strong></td>
<td>11,904</td>
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</tbody>
</table>
**FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Active Projects - Sorted by biennium - Status Effective June 3, 2022

### Likelihood to expend 2021-23 biennial appropriation:

- **High**
- **Medium**
- **Low**
- Under Agreement

### No. of Projects

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Projects</th>
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<tr>
<td>Under Agreement</td>
<td>13</td>
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<tr>
<td>FMSIB Award to Const. is less than 2 years</td>
<td>4</td>
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<tr>
<td>FMSIB Award to Const. is between 2 and 4 years</td>
<td>6</td>
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<tr>
<td>FMSIB Award to Const. is more than 4 years</td>
<td>3</td>
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- Changes from Mar. 2022 report

### PROJECT STATUS

<table>
<thead>
<tr>
<th>Agency</th>
<th>Project Title</th>
<th>Selected Biennium</th>
<th>FMSIB Award</th>
<th>Fully Funded</th>
<th>Under Const.</th>
<th>Open to Traffic</th>
<th>Fully Reimb.</th>
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<tbody>
<tr>
<td><strong>17-19 Biennium</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Spokane Co</td>
<td>Bigelow Gulch / Forker Rd Realignment</td>
<td>2010</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td><strong>Started in 19-21 Biennium</strong></td>
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<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Chelan Co</td>
<td>West Cashmere Bridge</td>
<td>2018</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Bridge dedication June 22, 2022</td>
</tr>
<tr>
<td>Fife / WSDOT</td>
<td>70th Ave E - Freight Bottleneck</td>
<td>2018</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Longview</td>
<td>SR 432/SR 411 Intersection Improvements</td>
<td>2016</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Port of Kalama</td>
<td>Industrial Rail Additions</td>
<td>2018</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Could go to construction Spring 2022</td>
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<tr>
<td>Spokane Valley</td>
<td>Barker Rd / BNSF Grade Separation</td>
<td>2013</td>
<td></td>
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<tr>
<td>Sumner</td>
<td>SR 410 Traffic Ave/E Main</td>
<td>2016</td>
<td></td>
<td></td>
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<td>Tacoma</td>
<td>Taylor Way Rehabilitation</td>
<td>2016</td>
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<td>Spokane Valley</td>
<td>Barker Rd Corridor Widening - Spokane River to SR290</td>
<td>2018</td>
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<tr>
<td>Sumner</td>
<td>Bigelow Gulch Phase 3</td>
<td>2018</td>
<td></td>
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<td></td>
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<td></td>
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<tr>
<td><strong>21-23 Biennium</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Fife</td>
<td>I-5/Port of Tacoma Road Interchange Ph 2 (south side I-5)</td>
<td>2010</td>
<td></td>
<td></td>
<td></td>
<td>Did not receive RAISE grant Nov. 2021, Board authorized FMSIB funding for PE/ROW, received funding in 2022 transportation package.</td>
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<tr>
<td>Sumner</td>
<td>Stewart Road</td>
<td>2018</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dec-22. Progressing toward 90% design. FMSIB presentation 9/18/20 and 1/15/21</td>
</tr>
</tbody>
</table>

J:\Budget 2009-Current\21-23 Budget\202123 Budget Tables 81721ver. 2

Return to Agenda
FMSIB Director’s Report
June 3, 2022
(Last Report: March 18, 2022)

Freight Policy Advisory Committee (FPAC)
This FMSIB Committee was formed to develop recommendations to the Board regarding the provisos in FMSIB’s 2021-23 Budget. The Committee members include Committee Chair Ben Wick, Commissioner John McCarthy, Matt Ewers, Mayor Anne McEnerny-Ogle, and Councilmember Temple Lentz (replacing Bob Watters). FMSIB Chair Dan Gatchet has been attending meetings, as well as Ron Pate and Jason Beloso from WSDOT.

The FPAC met every two weeks between April 26, 2021 and September 7, 2021. In those 10 meetings, the Committee reviewed the proviso language, developed guiding principles, developed a framework for identifying and prioritizing freight investments, addressed specific proviso issues (like the definition of “freight,” what “geographic equity” means, and what level of project readiness the Legislature expects). The Committee also developed potential freight project eligibility and prioritization criteria.

At the September 16 Board workshop, members heard Rep. Fey’s views on the Proviso. The next day, the Board discussed several new ideas and asked the FPAC to continue working and report to the Board on their progress. The FPAC met four more times in 2021. Their last meeting was held on November 8.

At the November 19 meeting, the Board adopted a Draft Phase 1 Report to the Legislature, which was finalized by FPAC members in the ensuing days and approved by FPAC on November 29. The Final Phase 1 Report to the Legislature and Governor was delivered November 30, one day before the deadline.

FMSIB staff prepared a 2022 Workplan for Phase 2 and presented it to Chair Gatchet and FPAC Chair Wick on December 15. They both approved the direction of the work plan and requested an additional FPAC meeting before the January 14 Board meeting. The FPAC and WSDOT staff met on January 6, 2022. Revisions were made to the draft Workplan, which was approved at the January 14 Board meeting.

FPAC then met February 14, 2022 to discuss important elements of the Phase 2 work in preparation for a February 22 presentation to the MPO/RTPO Coordinating Committee meeting. The Coordinating Committee met to review FPAC’s recommendations to date and to offer suggested improvements. Those organizations present agreed to assist FMSIB in developing freight project investment ideas based on their adopted regional transportation plans. After the meeting, the Coordinating Committee developed a point of contact list for each of the 18 organizations and shared it with FMSIB staff.

FPAC met February 28, 2022 to review the feedback from the Coordinating Committee and made edits to the important elements of the Phase 2 work. The FPAC met one more time (March 14) and presented an updated work product to the March 2022 Board meeting. The FPAC summarized the Board’s direction and said that FPAC will focus on the following priorities: intermodal facilities, truck parking, systems improvements, and a list of projects.
The FPAC went to work on those priorities and on March 28 reviewed a draft spreadsheet tool to guide the MPOs and RTPOs in identifying and submitting their project investment ideas. The FPAC approved this spreadsheet tool at their April 11 meeting, and it was mailed to the 18 MPOs/RTPOs on April 20.

The most recent three FPAC meetings were focused on Truck Parking (April 25), Inland Intermodal Facilities (May 9), and Zero Emissions (May 23).

FMSIB and WPPA collaborated on a video blog (recorded May 18) to assist port districts in participating in this project investment process as well. That video blog was distributed to the 75 ports in Washington on May 24.

**2022 Annual Report**

State law requires FMSIB to develop an annual report and send it to the Governor and the Legislature each year. Historically, the report has been a summary of project accomplishments in the given year and identification of important freight trends in Washington.

Given the unique situation of FMSIB with a declining project portfolio and a new freight investment planning assignment from the Legislature, FMSIB staff met with our annual report consultant to identify alternative annual report concepts and formats. This item will be an important issue of discussion during today’s Board meeting.

**Freight Mobility Outreach (Meetings, Conferences and Events)**

To better understand the freight mobility issues affecting our customers, FMSIB staff attended and/or facilitated the following meetings, conferences, and events:

- **Note:** The five FPAC meetings staffed between the March and June Board meetings are described earlier in this briefing paper.
- Mar. 24 – Presented FMSIB legislative summary to the Spring meeting of the Washington State Good Roads and Transportation Association (WSGRTA).
- Mar. 30 – Attended the freight subgroup meeting of the SR 167 Master Plan Technical Advisory Committee.
- April 5 – Attended PNWA’s Federal Webinar Series on freight rail issues in Washington.
- April 6 – Attended the Federal Railroad Association (FRA) Listening Session on the new Railroad Crossing Elimination Program (RCEP).
- April 13-15 – Attended APWA Spring Conference.
- April 13 – Attended Legislature’s Supply Chain Caucus meeting.
- April 27 – Attended WSGRTA planning meeting for November Annual Meeting.
- April 27 – Attended Puget Sound Gateway Executive Committee meeting.
- May 3 – Met with Andrew Johnsen, former Governors Office representative to the FMSIB and recent BNSF Government Affairs Director.
- May 4-6 – Attended WPPA Spring Meeting and presented on the freight project outreach efforts being conducted by the Board.
- May 10 – Provided update on FMSIB’s Phase 2 budget proviso work to the MPO/RTPO/WSDOT Coordinating Committee.
- May 11 – Met with James Thompson to discuss WPPA transitions.
• May 12 – Met with Jill Satran, Senior Policy Analyst at the Transportation Commission and former FMSIB Board member to discuss incorporation of FMSIB’s prioritized freight investment list into the Commission’s 2050 transportation plan update.
• May 13 – Discussed Richland Intermodal Facility with Diahann Howard, Port of Benton.
• May 16 – Met with Debbie Driver, Governor’s Office to provide her an update on FMSIB activities.
• May 17 – Along with CRAB, TIB, and WSDOT, provided a legislative update to the Transportation Commission meeting.
• May 18 – Attended Supply Chain Caucus meeting.
• May 18 – Recorded WPPA video describing FMSIB’s Phase 2 budget proviso work.
• May 23 – Attended Transportation Commission’s Road Usage Charge (RUC) Virtual Spotlight meeting.
Purpose:
To provide an update on recent diversity, equity, and inclusion (DEI) requirements for state agencies.

Background:
Over the last couple years, the Legislature has passed bills to provide more focus on environmental health and disparities that exist in Washington. Recently, the HEAL Act (Health Equity for All) required seven state agencies to take specific actions regarding environmental health disparities. Though FMSIB was not one of the agencies, the Board has discussed this issue at previous meetings. FMSIB and other transportation granting agencies can review current agency policies and evaluate ways each granting agency can reduce environmental health disparities Environmental Health Disparities (EHD).

FMSIB staff conducted an analysis of FMSIB projects to identify possible connections with the current mapping of EHD in Washington and shared the results with the Board. The results indicate that FMSIB’s project selection process generates priority projects in disadvantaged areas. Local governments account for 95 percent of FMSIB applicants, two-thirds of those projects are on state routes. Of the 100 projects in FMSIB’s portfolio, 56 are in the worst zones in the state.

The Board discussed this topic in November 2021. Members acknowledged the huge and positive impact grade separations have had. Members also pointed out that grade separations create equity for communities. Other members counseled about reading too much into the results and this might be a great opportunity for FMSIB to be more creative in their future decisions. Another member pointed out that freight generates income and that people who live in those areas want to work in those areas.

Current Situation:
Two recent events cast additional light on this topic. Both the Legislature (in the 2022 budget) and the Governor (via Executive Order) have provided additional direction. The Legislature passed FMSIB’s budget in March 2022 with the following proviso:

ESSB 5689 (2022 Session):
Sec. 206. 2021 c 333 s 206 (uncodified) is amended to read as follows:
FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD Freight Mobility Investment Account—
State Appropriation. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . ((831,000))
843,000

The appropriations in this section are subject to the following conditions and limitations:
Within appropriated funds, the freight mobility strategic investment board may opt in as provided under
RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies
under chapter 70A.02 RCW. The board shall include in its 2022 annual report to the legislature a
progress report on opting into the healthy environment for all act and a status report on diversity,
equity, and inclusion within the board's jurisdiction.
Here is the relevant RCW citation referenced in the budget proviso:

**RCW 70A.02.030**

**Authority of other agencies to opt into environmental justice obligations.**

(1) Any state agency, as the term "agency" is defined in RCW 34.05.010, including the governor's office and the office of the attorney general but excluding local governmental entities, may opt in to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW at any time by notifying the council established in RCW 70A.02.110.

(2) An agency that opts in to assume all of the substantive and procedural requirements of chapter 70A.02 RCW is not subject to the deadlines or timelines established in RCW 70A.02.040, 70A.02.050, 70A.02.060, 70A.02.080, and 70A.02.110.

[ 2021 c 314 § 11 ]

Chapter 70A.02 RCW

**ENVIRONMENTAL JUSTICE**

**Sections**

70A.02.005  Purpose.
70A.02.010  Definitions.
70A.02.020  Environmental justice obligations for all agencies.
70A.02.030  Authority of other agencies to opt into environmental justice obligations.
70A.02.040  Incorporating environmental justice into agency strategic plans.
70A.02.050  Equitable community engagement and public participation.
70A.02.060  Environmental justice assessment.
70A.02.070  Obligation of a covered agency—Does not trigger chapter 43.21C RCW requirements.
70A.02.080  Environmental justice obligations of agencies relating to budgets and funding.
70A.02.090  Reporting requirements.
70A.02.100  Tribal consultation.
70A.02.110  Environmental justice council.
70A.02.120  Legal obligations.
70A.02.130  Appeals.

**Governor’s Executive Order 22-04 (“Implementing the Washington State Pro-Equity Anti-Racism Plan and Playbook”)**

This was issued March 21, 2022 and directs the Office of Equity to implement the Executive Order and directs affected state agency actions on how to comply with the Order. Lastly, the Order also contains the following provision:

“I invite other statewide elected officials, institutions of higher education, agencies of the judiciary, agencies of the Legislature, and other boards and commissions to follow the provisions of this Executive Order.”

In April, the Office of Equity issued preliminary FAQ’s and Best Practice examples to assist agencies who are covered by the Order.
Analysis:
The 2022 budget proviso includes key language:
- “within appropriated funds”,
- “may opt”, and
- “substantive and procedural requirements”.
This proviso language provides flexibility for the Board to determine the desired level of involvement. The proviso also directs FMSIB to “include in the 2022 Annual Report” an update on progress. This proviso is contained in a supplemental budget bill, which means it expires June 30, 2023 (unless renewed).
The Governor’s Executive Order is a requirement for agencies who report directly to the Governor. It is optional for Boards and Commissions.

Staff Recommendations:
Convene a subcommittee of Board members to:
1. Discuss options for responding to the budget proviso and Executive Order.
2. Develop a recommendation for Board consideration.
Alternatively, this could be assigned to an existing FMSIB Subcommittee.
Cost of Living (COLA) Adjustments for FMSIB Staff
June 3, 2022

Background: The state Legislature approved the state Transportation Budget earlier this spring, which included FMSIB’s 2021-23 supplemental operating and capital budgets. All state employee received salary and benefit adjustments, which were made in the General Fund budget.

Issue: The FMSIB Director can approve, and has approved, the COLA adjustment for the Executive Assistant, which she will receive July 1, 2022:

- **COLA Salary increase for general service, WMS, EMS and exempt positions:**
  - 3% effective July 1, 2022

- **Monthly Medical Premiums** did not increase substantially this biennium.

Action: No Board action is required for the Executive Assistant’s COLA. However, if the Board chooses to provide a 2022 COLA for the Director, starting July 1, a Board action is required (Motion and Approval).

Note: See Board action from the Sept. 17, 2021, meeting below. A sample approval letter is included in the Board packet.

**Director’s Salary Adjustment (excerpt from Board Meeting Minutes (9/17/21))**

**Board Action Item:** Board to consider a cost-of-living adjustment (COLA) for Director Ziegler. Effective July 1, 2021, the Legislature authorized a 3 percent COLA salary increase for general service, WMS, EMS, and exempt positions. Director Ziegler provided the below options for the Board to consider if they chose to provide a COLA increase:

1. Approve 2021 COLA only, starting Oct. 1 (the first pay cycle after Board action).
2. Approve 2021 COLA only, retroactive to July 1, 2021.
3. Approve 2021 and 2022 COLAs, effective Oct. 1 (the first pay cycle after Board action).
4. Approve 2021 and 2022 COLAs, retroactive to July 1, 2021. The Board chose this option in Sept. 2019 (see attached approval letter from the Chair).
5. Approve 2021 and 2022 COLAs, retroactive to July 1, 2021, and all future COLA’s authorized by the Legislature

**Board Discussion**

Secretary Millar noted that no 2022 COLAs have been authorized. Erik Hansen suggested the Board take action every year and approve option number 2.

**MOTION:** Secretary Millar moved to adopt above option number 2—Approve 2021 COLA only for Director Ziegler, retroactive to July 1, 2021. Matt Ewers seconded.

**MOTION CARRIED**

**Staff Action Item:** Director Ziegler will prepare letter for Chair Gatchet to send to WSDOT Human Resources requesting the Board approved salary adjustment.
September 21, 2021

Heidi E. Mabbott  
Classification and Compensation Manager  
WSDOT Office of Human Resources and Safety  
310 Maple Park Ave SE  
Olympia WA, 98501

Dear Heidi Mabbott:

At the September 17, 2021, Freight Mobility Strategic Investment Board meeting, the Board approved Director Brian Ziegler’s 2021 COLA implemented by the Legislature.

The effective date of this 3 percent COLA increase is retroactive to July 1, 2021. Please process the necessary paperwork to provide this salary adjustment for Brian Ziegler.

Thank you for your assistance.

Cordially,

Dan Gatchet  
Chair

cc: Eileen Leingang  
Sally See
<table>
<thead>
<tr>
<th>Elements 2021 - Accomplishments</th>
<th>Options for 2022 – Freight Need</th>
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<tbody>
<tr>
<td>Letter from Chair About FMSIB</td>
<td>Letter from Chair About FMSIB</td>
</tr>
<tr>
<td>FMSIB by the Numbers</td>
<td>Report to Legislature on Strategic Freight List</td>
</tr>
<tr>
<td>Active Projects</td>
<td>...the board is directed to identify the highest priority freight</td>
</tr>
<tr>
<td>Project Selection Process/Criteria</td>
<td>investments for the state, across freight modes, state and local</td>
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<tr>
<td>Quotes</td>
<td>jurisdictions, and regions of the state...By December 1, 2022, the</td>
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<tr>
<td>Board List</td>
<td>board must submit a prioritized list of freight investments that</td>
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<tr>
<td></td>
<td>are geographically balanced across the state and can proceed to</td>
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<td>construction in a timely manner...</td>
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<td>Active Projects</td>
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<td>Board List</td>
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Additional Content Ideas

FMSIB’s Expertise

HEAL Act

Supply Chain

Emerging issues with modes and system
2021-22 FMSIB Committees

**Board**
Chair ~ Dan Gatchet  
Leonard Barnes  
Peter Bennett  
Matt Ewers  
Erik Hansen  
Johan Hellman  
Temple Lentz  
Anne McEnerny-Ogle  
John McCarthy  
Roger Millar  
Arthur Swannack  
Ben Wick  
Aaron Hunt, Ex-Officio

**Legislative**
Chair ~ Leonard Barnes  
Matt Ewers  
Dan Gatchet  
Johan Hellman  
Roger Millar  
Ben Wick

**Freight Policy Advisory Committee (FPAC)**
Chair ~ Ben Wick  
Matt Ewers  
Anne McEnerny-Ogle  
John McCarthy  
Temple Lentz

**Administrative**
Chair ~ Dan Gatchet  
Leonard Barnes  
Art Swannack  
John McCarthy

**WA Freight Advisory Committee**
Convened 2013 through 2017.  
Currently inactive.
Action Item: 2023 FMSIB Meeting Schedule

FMSIB meetings are traditionally scheduled on the third Friday of every odd-numbered month.

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<thead>
<tr>
<th>2023 Meeting Options</th>
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<tr>
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<td>January 20</td>
</tr>
<tr>
<td>March 17</td>
</tr>
<tr>
<td>June (tbd)</td>
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<tr>
<td>September 15</td>
</tr>
<tr>
<td>November 17</td>
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Previous Board Meeting Locations

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<th>2019 Board Meetings</th>
<th>2020 Board Meetings</th>
<th>2021 Board Meetings</th>
<th>2022 Board Meetings</th>
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<tbody>
<tr>
<td>Olympia*</td>
<td>Olympia*</td>
<td>Virtual</td>
<td>Olympia*</td>
</tr>
<tr>
<td>Kalama*</td>
<td>Virtual</td>
<td>Virtual</td>
<td>Vancouver</td>
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<tr>
<td>Stevenson* Workshop</td>
<td>Virtual</td>
<td>Virtual</td>
<td>Stevenson*</td>
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<tr>
<td>Wenatchee</td>
<td>Virtual</td>
<td>Walla Walla Workshop</td>
<td>Spokane Valley</td>
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<tr>
<td>Fife*</td>
<td>Virtual</td>
<td>Tacoma</td>
<td>SeaTac</td>
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* = No airport

Active Project Locations

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<tr>
<th>Puget Sound</th>
<th>Western WA</th>
<th>Eastern WA</th>
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<tbody>
<tr>
<td>Fife (2)</td>
<td>Port of Kalama</td>
<td>Chelan County</td>
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<tr>
<td>Seattle</td>
<td></td>
<td>Spokane County</td>
</tr>
<tr>
<td>Sumner</td>
<td></td>
<td>Spokane Valley (2)</td>
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<tr>
<td>WSDOT NW Region</td>
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