

Freight Mobility Strategic Investment Board

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

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

Meeting will be webcast live on TVW:

<https://twv.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



FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

MEETING MINUTES

March 18, 2022 • 9 a.m. – 1 p.m. • Vancouver, WA
TVW Recording [FMSIB 13-18-22](#)

In Attendance

BOARD MEMBERS

Dan Gatchet, Chair	Anne McEnery-Ogle	Virtual:
Peter Bennett	Roger Millar	Leonard Barnes
Matt Ewers	Art Swannack	Erik Hansen
Johan Hellman	Ben Wick	
Temple Lentz	Ex officio Aaron Hunt	Not Present: None
John McCarthy		

FMSIB STAFF

Brian Ziegler, Director	Gena Workman, Immediate past
Sally See, Executive Assistant	Executive Assistant

GUEST PRESENTERS

Jason Beloso, WSDOT

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 McEnery-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% IJJA 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
Chair

Attest: Brian Ziegler
Director

FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

CURRENT BIENNIUM 21-23 Budget \$ 843,000

Expenditure Detail through: Apr 30, 2022

	Biennium Appropriation July 1, 2021 - June 30, 2023	Biennium Allotments thru Apr 30, 2022	Actual Expenditures thru Apr 30, 2022	Biennium To Date Dollar Variance
FMSIB Budget				
Salary	588,000	245,000	230,860	14,140
Travel	57,000	23,750	18,253	5,497
Goods & Services	148,000	61,667	46,931	14,736
Personal Service Contracts	50,000	25,000	25,000	0
Total Thru Apr 30, 2022	\$ 843,000	355,417	321,044	34,373
	Budgeted Expenditures July 1, 2021 - June 30, 2023	Budgeted Expenditures thru Apr 30, 2022	Actual Expenditures thru Apr 30, 2022	Biennium To Date Dollar Variance
Expenditure Detail				
Salaries:				
Staff Salary	588,000	245,000	230,860	14,140
Total Salary	\$ 588,000	245,000	230,860	14,140
Travel:				
Staff Travel	22,000	9,167	7,552	1,614
Board Travel	35,000	14,583	10,701	3,883
Total Travel	\$ 57,000	23,750	18,253	5,497
Goods & Services:				
<i>Other State Agency Services</i>				
WSDOT Labor & Svcs/TIB Svcs	25,000	10,417	4,468	5,949
WS DES Services	38,000	15,833	12,828	3,006
WS TIB - Office Rent & Utilities	42,000	17,500	14,618	2,882
WS Attorney General	2,000	833	0	833
<i>Misc. Operating Expenses</i>				
Misc. Office, Mtg, Equipment Costs	41,000	17,083	15,017	2,066
Total Goods & Services	\$ 148,000	61,667	46,931	14,736
Personal Service Contracts:				
<i>Consultant Expenses</i>				
FY22 - 2021 Annual Report (Lund)	25,000	25,000	25,000	0
FY23 - 2022 Annual Report (Lund)	25,000	-	-	0
Total Personal Service Contracts	\$ 50,000	25,000	25,000	0
Total Thru Apr 30, 2022	\$ 843,000	355,417	321,044	34,373

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

Agency	Project Title	Yr. Selected	Current FMSIB Auth	19 - 21 (Plan)	21 - 23 (Plan)	21-23 Expenditure	23 - 25	25 - 27	
18	Spokane Co	Bigelow Gulch / Forker Rd Realignment	2010	6,000	2,189	1,876	3	0	0
Subtotal					2,189	1,876	3		
1	Chelan Co	West Cashmere Bridge	2018	3,000	3,000	0	0	0	
6	Fife / WSDOT	70th Ave E - Freight Bottleneck	2018	5,000	2,500	2,500	364	0	0
10	Longview	SR 432/SR 411 Intersection Improvements	2016	2,100	2,100	0	17	0	0
12	Port of Kalama	Industrial Rail Additions	2018	3,900	0	3,900	0	0	
22	Spokane Valley	Barker Rd / BNSF Grade Separation	2013	6,000	1,000	5,835	28	0	0
23	Sumner	SR 410 Traffic Ave/E Main	2016	2,500	2,500	0	0	0	
26	Tacoma	Taylor Way Rehabilitation	2016	2,500	2,500	1,000	879	0	0
11	Marysville	SR 529/I-5 Interchange Expansion	2014	5,000	1,100	5,000	0	0	
21	Spokane Valley	Barker Rd Corridor Widening - Spokane River to SR290	2018	1,680	1,680	692	8	0	0
19	Spokane Co	Bigelow Gulch Phase 3	2018	2,270	1,134	1,136	289	0	0
	Statewide	Future Awards			0	0	22,000	28,500	
Past and Current Biennial Subtotals					19,703	20,063	1,588		
5	Fife	I-5/Port of Tacoma Road Interchange Ph 2 (south side I-5)	2010	7,533	0	5,833	1,700	0	
16	Seattle	East Marginal Way Heavy Haul Corridor	2018	6,100	0	2,000	4,100	0	
24	Sumner	Stewart Road	2018	3,700	0	2,000	1,700	0	
Future Total						31,772	29,500	28,500	
Program Total					57,283	19,703	1,588	29,500	28,500

Biennial Time Expended: **46%** **5%**
 Forecasted biennial expend: 27,515
 Forecasted biennial percent: **87%**

Revenue		Beginning Balance	23,189	12,175	2,067	776
	Freight Mobility Investment Account - 09E		13,298	11,171	13,698	14,511
	Freight Mobility Multimodal Account - 11E		-1,296	10,493	14,511	14,511
	Motor Vehicle Funds		4,907	0	0	0
Total Revenue			40,098	33,839	30,276	29,798
Expenditures						
	Freight Mobility Investment Account - 09E		17,345	16,577	1,103	13,351
	Freight Mobility Multimodal Account - 11E		5,704	15,195	452	14,571
	Highway Safety Account		81			
	Motor Vehicle Funds (Federal)		5,064			
Total Expenditures			28,194	31,772	1,555	29,500
Reappropriation			11,904	2,067	776	1,298

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

- FMSIB Award to Const. is less than 2 years
- FMSIB Award to Const. is between 2 and 4 years
- FMSIB Award to Const. is **more** than 4 years

No. of Projects

4
6
3

13

- Changes from Mar. 2022 report

	Agency	Project Title	Selected	PROJECT STATUS				
				FMSIB Award	Fully Funded	Under Const.	Open to Traffic	Fully Reimb.
<u>17-19 Biennium</u>								
18	Spokane Co	Bigelow Gulch / Forker Rd Realignment	2010				Awarded, Spring 2022 construction start	
<u>Started in 19-21 Biennium</u>								
1	Chelan Co	West Cashmere Bridge	2018				Bridge dedication June 22, 2022	
6	Fife / WSDOT	70th Ave E - Freight Bottleneck	2018					
10	Longview	SR 432/SR 411 Intersection Improvements	2016					
12	Port of Kalama	Industrial Rail Additions	2018				Could go to construction Spring 2022	
22	Spokane Valley	Barker Rd / BNSF Grade Separation	2013				Resumed work after Winter Suspension, forecasted opening Fall 2022	
23	Sumner	SR 410 Traffic Ave/E Main	2016					
26	Tacoma	Taylor Way Rehabilitation	2016					
11	Marysville/WSDOT	SR 529/I-5 Interchange Expansion	2014				Notice to Proceed issued May 11, 2022. Expenditure of FMSIB funds not expected until Fall 2024.	
21	Spokane Valley	Barker Rd Corridor Widening - Spokane River to SR290	2018					Phases 1, 2a and 3 open, 2b in design (WUTC hearing delayed to May)
19	Spokane Co	Bigelow Gulch Phase 3	2018					
<u>21-23 Biennium</u>								
5	Fife	I-5/Port of Tacoma Road Interchange Ph 2 (south side I-5)	2010				Did not receive RAISE grant Nov. 2021, Board authorized FMSIB funding for PE/ROW, received funding in 2022 transportation package.	
16	Seattle	East Marginal Way Heavy Haul Corridor	2018				Rec'd RAISE grant Nov. 2021	Presentations 3/20/20, 7/30/20, discussion 9/18/20, presentation 1/15/21, discussion 3/26/21, updated Nov. 2021, site visit 1/27/22, Fall 2022 advertisement
24	Sumner	Stewart Road	2018				Dec-22 Progressing toward 90% design. FMSIB presentation 9/18/20 and 1/15/21	

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.

FMSIB and the HEAL Act Proviso / Governor’s Executive Order / PEAR
Presentation to FMSB Board 6/2/22

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

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



FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

505 Union Avenue SE, Suite 350 • PO Box 40965 • Olympia, WA 98504-0965 • (360) 586-9695

Dan Gatchet,
Chair

September 21, 2021

Brian Ziegler,
Director

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

Board Members

Leonard Barnes

Peter Bennett

Matthew Ewers

Erik Hansen

Johan Hellman

Temple Lentz

John McCarthy

Anne McEnery-Ogle

Roger Millar

Arthur Swannack

Ben Wick

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,

Website
www.fmsib.wa.gov

Dan Gatchet
Chair

cc: Eileen Leingang
Sally See

KJISTINE LUND
JUNE 3, 2022

FMSIB 2022 Annual Report Focus

Report Approach Options

Elements 2021 - Accomplishments

Letter from Chair
About FMSIB
FMSIB by the Numbers
Active Projects
Project Selection Process/Criteria
Quotes
Board List

Options for 2022 – Freight Need

Letter from Chair
About FMSIB
Report to Legislature on Strategic
Freight List
...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...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...
Active Projects
Board List



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.

2023 Meeting Options	
January 19	<u>Olympia - Day on the Hill</u>
January 20	<u>Olympia</u>
March 17	_____
June (tbd)	Stevenson - <u>2-Day Workshop & Meeting</u>
September 15	_____
November 17	_____

Previous Board Meeting Locations

2019 Board Meetings	2020 Board Meetings	2021 Board Meetings	2022 Board Meetings
Olympia*	Olympia*	Virtual	Olympia*
Kalama*	Virtual	Virtual	Vancouver
Stevenson* Workshop	Virtual	Virtual	Stevenson*
Wenatchee	Virtual	Walla Walla Workshop	Spokane Valley
Fife*	Virtual	Tacoma	SeaTac

*= No airport

Active Project Locations

Puget Sound	Western WA	Eastern WA
Fife (2)	Port of Kalama	Chelan County
Seattle		Spokane County
Sumner		Spokane Valley (2)
WSDOT NW Region		