

## Special CRABoard Meeting

Kittitas County Courthouse  
Ellensburg, Washington  
Auditorium Room #110

March 26, 2010  
3:00 PM – 5:00 PM

1. Call to Order – Chairman Dean Burton
2. CR-103E – Emergency Rule Making regarding RAP (Enclosure/Action)
3. Resolution 2010-002(Enclosure/Action)
4. Technical Discussion of ESSB6381 – Transportation Supplemental Budget (Enclosure)

ADJOURN



# RULE-MAKING ORDER

**CR-103E (May 2009)**  
**(Implements RCW 34.05.360)**

**Agency:** County Road Administration Board

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules**

Immediately upon filing.

Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes     No    If Yes, explain:

**Purpose:** Passage of ESSB 6381 increases appropriation amounts for the rural arterial preservation program by \$22,000,000. Amendments to WAC's 136-161-070 RAP Program Cycle and 136-161-080 Limitations on Allocations of RATA funds to counties are required for immediate expenditure in this biennium.

**Citation of existing rules affected by this order:**

Repealed:

Amended: WAC's 136-161-070 and 136-161-080

Suspended:

**Statutory authority for adoption:** 36.78

**Other authority :**

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding:

Passage of ESSB 6381 increases appropriation amounts for the rural arterial preservation program by \$22,000,000. Amendments to WAC's 136-161-070 RAP Program Cycle and 136-161-080 Limitations on Allocations of RATA funds to counties are required for immediate expenditure in this biennium.

**Date adopted:** March 26, 2010

**CODE REVISER USE ONLY**

**NAME (TYPE OR PRINT)**

Jay P. Weber

**SIGNATURE**

**TITLE**

Executive Director

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	<u>2</u>	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	<u>2</u>	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

**WAC 136-161-070 RAP program cycle--Selection and approval of projects for RATA funding.** (1) At its last regular meeting before the beginning of each biennium, the county road administration board will select projects and allocate anticipated RATA funds to projects in each region. The preliminary priority arrays as developed in WAC 136-161-060 will be updated to exclude any county which is ineligible under chapter 136-150 WAC, and projects will be selected from these arrays. Selections will be made in each region in declining priority rank order, provided that:

(a) No county shall be allocated RATA funds in excess of its regional county limit as specified in WAC 136-161-080; and

(b) Any projects which were partially funded in the prior biennium shall, unless otherwise requested by the county, be fully funded before new projects are selected. Ties in total rating points will be broken by the county road administration board in favor of the county having the lesser total amount of previously allocated RATA funds.

(2) The statewide net amount of RATA funds available for allocation to projects in the funding period will be based on the most recent state fuel tax revenue forecast prepared quarterly by the department of transportation and may include changes in appropriations~~additional appropriation amounts~~ approved by legislature, less estimated administrative costs,

and less any amounts set aside for emergent projects as described in WAC 136-163-020. The total amount of RATA funds available for allocation to projects in a region (i.e., "forecasted regional apportionment amount") will be based on the regional apportionment percentages of the statewide net amount as determined in chapter 136-100 WAC.

(3) For the funding period beginning July 1, 1995, the project program period will be the next four state fiscal years (1996, 1997, 1998 and 1999, beginning July 1, 1995, and ending June 30, 1999). For the funding period beginning July 1, 1997, the project program period will begin July 1, 1999 and end June 30, 2001.

(4) The RATA amounts allocated to projects in the first year of the biennium are limited to no more than ninety percent of the net amount estimated to be allocable to each region for the project program period, with the remaining percentage allocated at such time as deemed appropriate by the county road administration board.

(5) Acceptance of the RATA allocation for a project by the full execution of a CRAB/county contract as described in chapter 136-170 WAC constitutes agreement to complete the project in compliance with the scope, design and project limits in the final prospectus. All material changes to the scope, design or project limits must be approved by the county road administration board prior to commencement of construction.

[Statutory Authority: Chapter 36.79 RCW. 01-05-009, § 136-161-070, filed 2/8/01, effective 3/11/01; 99-01-021, § 136-161-070, filed 12/7/98, effective 1/7/99; 98-09-070, § 136-161-070, filed 4/20/98, effective 5/21/98. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-161-070, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.79.060. 94-16-111, § 136-161-070, filed 8/2/94, effective 9/2/94.]

**WAC 136-161-080 Limitations on allocations of RATA funds to counties.** Commencing with the 2009 - 2011 biennium program period, the CRABoard may allocate additional RATA funding to projects based on changes in appropriations additional-  
appropriations approved by the legislature. Commencing with the 2009 - 2011 biennium program period the following limitations apply: ~~For any project program period, None~~ county shall receive

a RATA fund allocation greater than the following maximum project RATA contribution, ~~or percentage of the forecasted regional apportionment amount:~~

(1) PSR: ~~No maximum project RATA contribution; 40% limit on both the regional apportionment of estimated fuel tax revenue and the regional apportionment of additional appropriations approved by legislature; percentage of the forecasted regional apportionment amount;~~

(2) NWR: ~~No maximum project RATA contribution; 20% twenty percent limit on both the regional apportionment of estimated~~

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~~fuel tax revenue and the regional apportionment of additional appropriations approved by legislature; percentage of the forecasted regional apportionment amount;~~

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(3) ~~NER: No maximum project RATA contribution; Mmaximum RATA contribution to each county for 2R projects is seven hundred fifty thousand dollars; 12.5%twelve and one-half percent limit on both the regional apportionment of estimated fuel tax revenue and the regional apportionment of additional appropriations approved by legislature; percentage of the forecasted regional apportionment amount;~~

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(4) ~~SWR: No maximum project RATA contribution; 15%fifteen percent limit on both the regional apportionment of estimated fuel tax revenue and the regional apportionment of additional appropriations approved by legislature; percentage of the forecasted regional apportionment amount;~~

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(5) ~~SER: No maximum project RATA contribution; Ppercentage varies by county as follows:~~

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- (a) Asotin County            ten percent
- (b) Benton County        fourteen percent
- (c) Columbia County     eleven percent
- (d) Franklin County      thirteen percent
- (e) Garfield County     ten percent
- (f) Kittitas County      thirteen percent
- (g) Klickitat County     fourteen percent
- (h) Walla Walla County   fourteen percent
- (i) Yakima County        twenty percent

[Statutory Authority: Chapter 36.78 RCW. 10-05-018, § 136-161-080, filed 2/4/10, effective 3/7/10. Statutory Authority: Chapter 36.79 RCW. 08-16-042, § 136-161-080, filed 7/29/08, effective 8/29/08; 07-17-020, § 136-161-080, filed 8/6/07, effective 9/6/07; 03-11-046, § 136-161-080, filed 5/16/03, effective 6/16/03; 99-01-021, § 136-161-080, filed 12/7/98, effective 1/7/99; 98-09-070, § 136-161-080, filed 4/20/98, effective 5/21/98. Statutory Authority: RCW 36.79.060. 94-16-111, § 136-161-080, filed 8/2/94, effective 9/2/94.]

**RESOLUTION 2010-002  
TO APPROVE NEW & SUPPLEMENT EXISTING  
RURAL ARTERIAL PROGRAM PROJECTS**

**WHEREAS** the CRABoard met on April 16, 2009, and approved new RAP projects in accordance with WAC 136-160-050, and

**WHEREAS** the CRABoard allocated 90% of estimated 2011 - 2013 revenues ( B ) at that time, and

**WHEREAS** the best available estimate of 100% of 2011 - 2013 revenues ( A ) indicates the amounts below ( C ) remain to be allocated to RAP projects in the five regions, and

**WHEREAS** turnback funds as listed below are also available for additional allocation to partially funded and new projects on the 2009 - 2011 project priority arrays, and

**WHEREAS** an additional appropriation level ( E ), as authorized in the 2010 legislature per ESSB 6381 directs the CRABoard to allocate an additional \$22,000,000 for project funding,

	A	B	C	D	E	F
	100% Revenue	90% Allocated	10% Remaining	TURNED	\$22,000,000	TOTAL
<u>REGION</u>	<u>Est. for 2011 - 2013</u>	<u>on 4/16/2009</u>	<u>to be allocated</u>	<u>BACK \$S</u>	<u>Incr. Apropriation</u>	<u>ALLOCATION</u>
Northeast	17,814,500	16,424,100	1,390,400	761,418	9,559,000	<b>11,710,818</b>
Northwest	4,567,400	4,210,920	356,480	-	2,450,800	<b>2,807,280</b>
Puget Sound	2,783,900	2,562,840	221,060	86,145	1,493,800	<b>1,801,005</b>
Southeast	9,696,500	8,943,480	753,020	1,888,959	5,203,000	<b>7,844,979</b>
Southwest	<u>6,137,700</u>	<u>5,658,660</u>	<u>479,040</u>	<u>865,382</u>	<u>3,293,400</u>	<u><b>4,637,822</b></u>
	41,000,000	37,800,000	3,200,000	3,601,904	22,000,000	<b>28,801,904</b>

**NOW THEREFORE, BE IT RESOLVED** that the County Road Administration Board approves new and increased funding in the amounts shown for those RAP projects listed below:

<u>COUNTY</u>	<u>ROAD NAME</u>	<u>BMP</u>	<u>EMP</u>	<u>PTS</u>	<u>RATA</u> <u>REQ</u>	<u>NEW</u> <u>FUNDING</u>	<u>TOTAL</u> <u>FUNDING</u>	Full or Part	AT LIMIT?
<b><u>NORTHEAST REGION:</u></b>									
SPOKANE	BIGELOW GULCH RD 4	3.70	6.63	237.12	5,987,480	751,617	5,987,480	F	No
WHITMAN	COLFAX AIRPORT ROAD	0.00	3.09	64.51	2,907,000	314,000	2,907,000	F	No
SPOKANE	FORKER ROAD	0.34	1.36	151.59	5,000,000	448,383	448,383	P	CL
CHELAN	UPPER SQUILCHUCK ROAD	0.00	2.64	103.49	2,848,500	955,426	2,848,500	F	No
FERRY	BRIDGE CREEK 10	3.00	5.80	91.12	1,800,000	1,100,000	1,800,000	F	No
DOUGLAS	MCGINNES CANYON ROAD	19.08	21.47	73.77	3,113,100	613,100	3,113,100	F	No
WHITMAN	ALMOTA ROAD 4	8.39	11.56	70.38	2,500,000	886,000	886,000	P	CL
OKANOGAN	TWIN LAKES ROAD	0.00	1.93	59.74	1,544,000	749,700	1,544,000	F	No
GRANT	11 SW ROAD	0.00	5.01	53.76	1,323,900	1,323,900	1,323,900	F	No
PEND OREILLE	FERTILE VALLEY ROAD	6.90	9.32	53.42	2,087,000	2,087,000	2,087,000	F	No
PEND OREILLE	CUSICK MEADOW ROAD	0.00	1.73	52.79	1,152,000	171,492	171,492	P	3RL
STEVENS	SWENSON ROAD	2.46	5.49	43.32	1,296,000	870,200	1,296,000	F	No
PEND OREILLE	MCKENZIE ROAD	0.00	2.27	36.29	1,710,000	1,440,000	1,710,000	F	No
<b>TOTAL NEW NE REGION FUNDING</b>						<b>11,710,818</b>			

<u>COUNTY</u>	<u>ROAD NAME</u>	<u>BMP</u>	<u>EMP</u>	<u>PTS</u>	<u>RATA REQ</u>	<u>NEW FUNDING</u>	<u>TOTAL FUNDING</u>	Full or Part	AT LIMIT?
<b><u>NORTHWEST REGION:</u></b>									
SAN JUAN	MT BAKER ROAD	0.00	1.10	80.56	2,516,000	16,000	2,516,000	F	No
JEFFERSON	PARADISE BAY 2	0.37	1.53	78.65	1,611,900	500,000	1,492,500	P	CL
KITSAP	SEABECK HWY	2.31	3.40	65.14	1,520,000	1,004,250	1,520,000	F	No
KITSAP	GLENWOOD ROAD 2	3.35	4.40	62.16	2,614,000	1,287,030	1,287,030	P	\$L
<b>TOTAL NEW NW REGION FUNDING</b>						<b>2,807,280</b>			
<b><u>PUGET SOUND REGION:</u></b>									
PIERCE	CRYSTAL MOUNTAIN BLVD	0.00	6.10	32.08	4,200,000	720,402	2,462,030	P	\$L
KING	WEST SNOQUALMIE VALLE'	3.78	4.94	25.56	4,093,020	720,402	2,820,402	P	\$L
<b>TOTAL NEW PS REGION FUNDING</b>						<b>1,440,804</b> ←	360,201	less than available	
<b><u>SOUTHEAST REGION:</u></b>									
KITTITAS	WESTSIDE ROAD	1.98	5.81	100.16	3,800,000	900,000	2,446,500	P	CL
GARFIELD	PEOLA ROAD	1.57	7.84	95.84	2,800,000	700,000	2,300,000	P	CL
FRANKLIN	R-170 ROAD	8.37	11.18	85.41	3,000,000	800,000	1,052,957	F	No
ASOTIN	SNAKE RIVER ROAD	20.55	21.97	85.10	2,399,940	700,000	1,422,000	P	CL
BENTON	NINE CANYON ROAD 2	4.85	7.50	84.20	2,543,000	1,311,060	1,759,500	P	CL
KLICKITAT	HALE ROAD	7.66	13.93	82.21	3,200,000	2,194,440	2,194,440	P	CL
COLUMBIA	SOUTH TOUCHET ROAD	0.16	1.80	82.16	1,350,000	803,000	803,000	P	CL
YAKIMA	YAKIMA VALLEY HWY	5.20	8.36	65.36	2,448,000	436,479	436,479	P	\$L
<b>TOTAL NEW SE REGION FUNDING</b>						<b>7,844,979</b>			
<b><u>SOUTHWEST REGION:</u></b>									
MASON	NORTH ISLAND DRIVE	0.31	1.31	76.19	1,233,000	155,972	1,233,000	F	No
CLARK	NW PACIFIC HWY	1.34	1.72	43.00	3,028,000	400,000	1,590,176	P	CL
COWLITZ	HAZEL DELL ROAD	0.00	1.00	85.60	1,000,000	400,000	517,243	P	CL
GRAYS HARBOR	OCEAN BEACH ROAD	7.00	7.20	82.76	693,000	400,000	484,413	P	CL
THURSTON	DELPHI ROAD	5.55	7.40	63.84	2,000,000	400,000	610,943	P	CL
WAHIAKUM	ELOCHOMAN VALLEY RD	6.10	6.60	58.30	864,000	46,270	864,000	F	No
WAHIAKUM	INGALLS ROAD	0.81	1.49	56.02	730,000	405,860	405,860	P	CL
PACIFIC	SMITH CREEK ROAD	5.80	6.83	51.20	1,000,000	881,600	881,600	P	CL
LEWIS	CENTRALIA - ALPHA	10.15	11.85	40.80	1,000,000	655,300	655,300	P	CL
SKAMANIA	WASHOUGAL RIVER ROAD	11.38	11.61	40.00	179,000	179,000	179,000	F	No
SKAMANIA	WIND RIVER ROAD	7.80	8.04	27.00	178,000	178,000	178,000	F	No
<b>TOTAL NEW SW REGION FUNDING</b>						<b>4,102,002</b> ←	535,820	less than available	
<b>TOTAL NEW STATEWIDE FUNDING</b>						<b>27,905,883</b>			

Carried forward from 2007 - 2009 Array

Adopted by the CRABoard on March 26, 2010

\_\_\_\_\_  
Chair's Signature

ATTEST: \_\_\_\_\_

1 on policy and revenue collection, if any. The joint transportation  
2 committee shall issue its evaluation, including corrective draft  
3 legislation if needed, by December 1, 2010.

4 (7) \$125,000 of the motor vehicle account--state appropriation is  
5 for the joint transportation committee to evaluate the preparation of  
6 state-level transportation plans. The evaluation must include a review  
7 of federal planning requirements, the Washington transportation plan  
8 and statewide modal plan requirements, and transportation plan  
9 requirements for regional and local entities. The evaluation must make  
10 recommendations concerning the appropriate responsibilities for  
11 preparation of plans, methods to develop plans more efficiently, and  
12 the utility of the state-level planning documents. The committee shall  
13 issue a report of its evaluation, including draft legislation if  
14 required, to the house of representatives and senate transportation  
15 committees by December 15, 2010.

16 (8) (a) \$200,000 of the motor vehicle account--state appropriation  
17 is for the joint transportation committee to evaluate funding  
18 assistance and services provided by the county road administration  
19 board, transportation improvement board, freight mobility strategic  
20 investment board, and the department of transportation's highway and  
21 local programs division. In 2010, the governor recommended  
22 consolidating small transportation agencies as part of an overall  
23 effort to streamline state government, provide economies of scale, and  
24 improve customer service. The evaluation may include recommendations  
25 on consolidating the agencies within the department of transportation,  
26 within another existing agency, or within a newly created agency. The  
27 study may also make recommendations on restructuring grant programs to  
28 generate efficiencies or other more efficient ways to distribute  
29 associated revenues.

30 (b) The joint transportation committee shall form a policy work  
31 group to oversee the evaluation. The work group must consist of  
32 legislators appointed by the joint transportation committee and a  
33 member of the governor's staff appointed by the governor.

34 (c) Any evaluation recommendations must be accompanied by a  
35 detailed implementation plan. The plan must include details on the  
36 recommended governance structure, accounts and program structure, and  
37 transition process and associated costs. The plan must include a  
38 proposed organization chart and proposed legislation to enact the

1 recommended changes. A preliminary evaluation must be made to the  
2 joint transportation committee by November 15, 2010, and a final  
3 evaluation is due on December 15, 2010.

4 (9) The joint transportation committee shall conduct the following  
5 studies by December 15, 2010:

6 (a) A comparison of medical, time-loss, vocational and disability  
7 benefits available to injured workers, and costs payable by the state  
8 of Washington and employees, under the federal Jones act and  
9 Washington's industrial insurance act. The report must include  
10 information regarding the experience of the Alaska marine highway  
11 system; and

12 (b) A comparison of the processing time of grievances and hearings  
13 at the personnel relations employment commission and the marine  
14 employee commission. The review must also investigate whether the  
15 necessary expertise exists at the personnel relations employment  
16 commission to administer the grievances and hearings currently  
17 administered by the marine employee commission.

18 (10)(a) \$50,000 of the multimodal transportation account--state  
19 appropriation is for the joint transportation committee to conduct an  
20 analysis of the storm water permit requirements issued by the  
21 department of ecology in February 2009 to determine the costs and  
22 benefits of alternative options for the department of transportation to  
23 meet the requirements. However, if the committee does not include the  
24 analysis as part of its 2009-11 fiscal biennium work plan by April 15,  
25 2010, the amount provided in this subsection lapses. The analysis must  
26 include, at a minimum, an analysis of the following:

27 (i) The department of transportation performing the functions of  
28 the permit in house;

29 (ii) The functions of the permit being consolidated within the  
30 department of ecology or otherwise centralizing efforts for all state  
31 agencies; and

32 (iii) The use of an external firm or organization to meet the  
33 requirements.

34 (b) The committee shall provide a report to the legislature by  
35 December 2010.

36 **Sec. 205.** 2009 c 470 s 205 (uncodified) is amended to read as  
37 follows:

**SUMMARY OF PROPOSED JTC 2010 INTERIM STUDIES AND PROJECTS**

		Appropriation	Planned start-date	Report due dates
<b>NEW CONSULTANT STUDIES</b>				
1	Agency consolidation – CRAB, TIB, FMSIB, WSDOT's highways and local programs	\$200,000	Early May	Prelim. report 11/15/10 Final report 12/15/10
2	Transit investments blueprints	\$350,000	Early May	December 15, 2010
3	Statewide planning evaluation	\$125,000	Mid-to-late May	December 15, 2010
4	Storm water permit requirements	\$50,000	May	December 1, 2010
<b>ON-GOING CONSULTANT STUDY</b>				
5	Ferry system studies <ul style="list-style-type: none"> <li>• Industrial insurance</li> <li>• PERC/MEC</li> </ul>	Existing funds	April	December 15, 2010
<b>STAFF STUDIES</b>				
6	Fuel tax refunds for non-highway users	Existing funds	April or May	December 31, 2010
7	Vehicle and vessel licensing rewrite – SB 6379	Existing funds	May	December 1, 2010
8	Transportation Resource Manual update	Existing funds	July	Update completed 1/11

**Joint Transportation Committee  
2010 Proposed Interim Studies and Projects**

**1. Agency consolidation – CRAB, TIB, FMSIB and WSDOT highways and local programs**

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- Evaluate funding and services provided by these four entities.
- Evaluation may include recommendations on consolidating the agencies within WSDOT, within another existing agency, or within a new agency.
- May make recommendations on restructuring grant programs to generate efficiencies
- A policy workgroup will be formed to oversee the evaluation, which must consist of JTC-appointed legislators and a member of the Governor's staff
- Detailed implementation plan must accompany recommendations. Plan must include details on
  - Recommended governance structure
  - Accounts and program structure
  - Transition process and associated costs
  - Proposed organization chart
  - Draft legislation to enact the changes
- A legislative/executive staff technical workgroup will meet periodically with the consultant

**Budget:** \$200,000

**Schedule:** Consultant to start early May; preliminary evaluation 11/15/10; final evaluation 12/15/10.

**JTC Staff:** Mary Fleckenstein, with Gene Baxstrom as back-up

**House and Senate Staff:** Christie Parker and Debbie Driver, HTC; Amanda Cecil, STC

**2. Transit investments blueprint study**

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- Establish statewide blueprint for public transportation to guide state investments in public transportation. Study to include an assessment of:
  - unmet operating and capital needs
  - the state role in funding those unmet needs
  - priorities for state investment
  - efficiency and accountability measures to inform future state investment to maximize mobility, social, economic and environmental benefits provided to the state
- Blueprint will address unmet needs to improve
  - service
  - access
  - connectivity between public providers across jurisdictional boundaries
- A transit advisory panel will be appointed by the Co-chairs to provide input.
  - Consists of four legislators, 15+ stakeholders specified in legislation
  - Will meet 3-5 times

**Budget:** \$350,000 from multimodal account

**Schedule:** Consultant to start early May; a report to be submitted by December 15, 2010

**JTC Staff:** Gene Baxstrom, with Mary Fleckenstein as back-up

**House and Senate Staff:** Kathryn Leathers, HTC; Amanda Cecil, STC