

1 NEW SECTION. **Sec. 101.** LEGISLATIVE INTENT. The Legislature
2 recognizes that existing transportation facilities in the central Puget
3 Sound area are inadequate to address mobility needs of the area. The
4 geography of the region, travel demand growth, and public resistance to
5 new roadways combine to further necessitate the rapid development of
6 alternative modes of travel.

7 The legislature finds that local governments have been effective in
8 cooperatively planning a multicounty, high capacity transportation
9 system. However, a continued multijurisdictional approach to funding,
10 construction, and operation of a multicounty high capacity
11 transportation system may impair the successful implementation of such
12 a system.

13 The legislature finds that a single agency will be more effective
14 than several local jurisdictions working collectively at planning,
15 developing, operating, and funding a high capacity transportation
16 system. The single agency's services must be carefully integrated and
17 coordinated with public transportation services currently provided.
18 Further, the single agency must coordinate its activities with other
19 agencies providing local and state roadway services, implementing
20 comprehensive planning, and implementing transportation demand
21 management programs and assist in developing infrastructure to support
22 high capacity systems including but not limited to feeder systems, park
23 and ride facilities, intermodal centers, and related roadway and
24 operational facilities. Coordination can be best achieved through
25 common governance, such as integrated governing boards.

26 It is therefore the policy of the state of Washington to empower
27 counties in the state's most populous region to create a local agency
28 for planning and implementing a high capacity transportation system
29 within that region. The authorization for such an agency, except as

1 specifically provided in this chapter, is not intended to limit the
2 powers of existing transit agencies.

3 NEW SECTION. **Sec. 102.** DEFINITIONS. Unless the context clearly
4 requires otherwise, the definitions in this section apply throughout
5 this chapter.

6 (1) "Authority" means the regional transit authority authorized
7 under this chapter.

8 (2) "Board" means the regional transit authority board.

9 (3) "Service area" or "area" means the area included within the
10 boundaries of the regional transit authority.

11 (4) "System" means a regional transit system authorized under this
12 chapter and under the jurisdiction of a regional transit authority.

13 (5) "Facilities" means any lands, interest in land, air rights over
14 lands, and improvements thereto, and any equipment, vehicles, and other
15 components necessary to support the system.

16 NEW SECTION. **Sec. 103.** REGIONAL TRANSIT AUTHORITY. Two or more
17 contiguous counties each having a population of four hundred thousand
18 persons or more may establish a regional transit authority to develop
19 and operate a high capacity transportation system as defined in chapter
20 81.104 RCW.

21 The authority shall be formed in the following manner:

22 (1) The joint regional policy committee created pursuant to RCW
23 81.104.040 shall adopt a system and financing plan, including the
24 definition of the service area. This action shall be completed by
25 September 1, 1992, contingent upon satisfactory completion of the
26 planning process defined in RCW 81.104.100. In addition to the
27 requirements of RCW 81.104.100, the plan for the proposed system shall
28 provide explicitly for a minimum portion of new tax revenues to be

1 allocated to local transit agencies for local feeder services and
2 facilities. Upon adoption the joint regional policy committee shall
3 immediately transmit the plan to the county legislative authorities
4 within the adopted service area.

5 (2) The legislative authorities of the counties within the service
6 area shall decide by resolution whether to participate in the
7 authority. This action shall be completed within forty-five days
8 following receipt of the adopted plan.

9 (3) If any of the counties do not opt to participate in the
10 authority, the joint regional policy committee shall, within forty-five
11 days, redefine the system and financing plan and resubmit the adopted
12 redefined plan to the remaining county legislative authorities for
13 their decision as to whether to participate. This action shall be
14 completed within forty-five days following receipt of the redefined
15 plan.

16 (4) Each county that chooses to participate in the authority shall
17 appoint its board members as set forth in section 104 of this act and
18 shall submit its list of members to the secretary of the Washington
19 state department of transportation. These actions must be completed
20 within thirty days following each county's decision to participate in
21 the authority.

22 (5) The secretary shall call the first meeting of the authority, to
23 be held within thirty days following receipt of the appointments. At
24 its first meeting, the authority shall elect officers and provide for
25 the adoption of rules and other operating procedures.

26 (6) The authority is formally constituted at its first meeting and
27 shall begin taking steps toward implementation of the system and
28 financing plan adopted by the joint regional policy committee. The
29 authority may make minor modifications to the plan as deemed necessary
30 and shall at a minimum review local transit agencies' plans to ensure

1 feeder service/high capacity transit service integration, ensure fare
2 integration, and avoidance of parallel competitive services.

3 (7) The authority shall place on the ballot within two years of the
4 authority's formation, a single ballot proposition to ratify formation
5 of the authority, approve the system and finance plan, and authorize
6 the imposition of the taxes to support the plan within its service
7 area. A simple majority of those voting within the boundaries of the
8 authority is required for approval. If the vote is affirmative, the
9 authority shall begin implementation of the plan.

10 (8) If the vote fails, the authority may redefine the system and
11 financing plan and make changes to the boundary of the service area and
12 to the composition of the board. If the composition of the board is
13 changed, the participating counties shall revise the membership of the
14 board accordingly.

15 If the authority is unable to achieve a positive vote on the second
16 or subsequent attempt, the board may, by resolution, (a) reconstitute
17 the authority as a single-county body, if two years have passed, or (b)
18 dissolve the authority.

19 NEW SECTION. **Sec. 104.** GOVERNANCE. (1) The regional transit
20 authority shall be governed by a board consisting of representatives
21 appointed by the county executive and confirmed by the council or other
22 legislative authority of each member county. Membership shall be based
23 on population from that portion of each county which lies within the
24 service area. Board members shall be appointed initially on the basis
25 of one for each one hundred forty-five thousand population within the
26 county. Such appointments shall be made following consultation with
27 city and town jurisdictions within the service area. In addition, the
28 secretary of transportation or the secretary's designee shall serve as

1 a member of the board and may have voting status with approval of a
2 majority of the other members of the board.

3 All members of the board except the secretary of transportation or
4 the secretary's designee shall be elected officials and serve on the
5 legislative authority or as mayor of cities within the boundaries of
6 the authority, or on the legislative authority of the county and fifty
7 percent of the population of whose districts are within the authority
8 boundaries. When making appointments, each county executive shall
9 ensure that representation on the board includes representation from
10 the largest city in each county and assures proportional representation
11 from other cities, and unincorporated areas of each county within the
12 service area. At least one-half of all appointees from each county
13 shall serve on the governing authority of a public transportation
14 system.

15 Members appointed from each county shall serve staggered four-year
16 terms. Vacancies shall be filled by appointment for the remainder of
17 the unexpired term of the position being vacated.

18 The governing board shall be reconstituted, with regard to the
19 number of representatives from each county, on a population basis,
20 using the official office of financial management population estimates,
21 five years after its initial formation and, at minimum, in the year
22 following each official federal census. The board membership may be
23 reduced, maintained, or expanded to reflect population changes but
24 under no circumstances may the board membership exceed twenty-five.

25 (2) Major decisions of the authority shall require a favorable vote
26 of two-thirds of the voting members. "Major decisions" include at
27 least the following: System plan adoption and amendment; system
28 phasing decisions; annual budget adoption; authorization of
29 annexations; modification of board composition; and executive director
30 employment.

1 (3) Each member of the board is eligible to be reimbursed for
2 travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to
3 receive compensation as provided in RCW 43.03.250.

4 NEW SECTION. **Sec. 105.** AREA INCLUDED. (1) At the time of
5 formation, the area to be included within the boundary of the authority
6 shall be that area set forth in the system plan adopted by the joint
7 regional policy committee. The area shall be based on the service area
8 identified in the system plan, shall include, to the extent possible,
9 at least the urban growth area designated by the county under chapter
10 36.70A RCW that includes the largest population of any urban growth
11 area in the county, and shall follow election precinct lines as far as
12 practicable. The area may also include other contiguous areas that
13 would benefit from the services provided by the authority.

14 (2) After voters within the service area have approved the system
15 and financing plan, elections to add areas contiguous to the service
16 area may be called by resolution of the regional transit authority,
17 after consultation with affected transit agencies and with the
18 concurrence of the legislative authority of a city or town if the area
19 is incorporated, or with the concurrence of the county legislative
20 authority if the area is unincorporated. Only those areas that would
21 benefit from the services provided by the authority may be included and
22 services or projects proposed for the area must be consistent with the
23 regional transportation plan. The election may include a single ballot
24 proposition providing for annexation to the service area and imposition
25 of the taxes at rates already imposed in the remainder of the service
26 area.

27 NEW SECTION. **Sec. 106.** AUTHORITY POWERS. An authority shall have
28 the following powers:

1 (1) To establish offices, departments, boards, and commissions that
2 are necessary to carry out the purposes of an authority, and to
3 prescribe the functions, powers, and duties thereof.

4 (2) To appoint or provide for the appointment of, and to remove or
5 to provide for the removal of, all officers and employees of an
6 authority.

7 (3) To fix the salaries, wages, and other compensation of all
8 officers and employees of an authority.

9 (4) To employ such engineering, legal, financial, or other
10 specialized personnel as may be necessary to accomplish the purposes of
11 an authority.

12 NEW SECTION. **Sec. 107.** GENERAL POWERS. In addition to the powers
13 specifically granted by this chapter an authority shall have all powers
14 necessary to implement a high capacity transportation system and to
15 develop revenues for system support. An authority may contract with
16 the United States or any agency thereof, any state or agency thereof,
17 any public transportation benefit area, any county, county
18 transportation authority, city, metropolitan municipal corporation,
19 special district, or governmental agency, within or without the state,
20 and any private person, firm, or corporation for: (1) The purpose of
21 receiving gifts or grants or securing loans or advances for preliminary
22 planning and feasibility studies; (2) the design, construction, or
23 operation of high capacity transportation system facilities; or (3) the
24 provision or receipt of services, facilities, or property rights to
25 provide revenues for the system. An authority shall have the power to
26 contract pursuant to RCW 39.33.050. In addition, an authority may
27 contract with any governmental agency or with any private person, firm,
28 or corporation for the use by either contracting party of all or any
29 part of the facilities, structures, lands, interests in lands, air

1 rights over lands and rights of way of all kinds which are owned,
2 leased, or held by the other party and for the purpose of planning,
3 constructing, or operating any facility or performing any service that
4 the authority may be authorized to operate or perform, on such terms as
5 may be agreed upon by the contracting parties. Before any contract for
6 the lease or operation of any authority facilities is let to any
7 private person, firm, or corporation, a general schedule of rental
8 rates for equipment with or without operators applicable to all private
9 certificated carriers shall be publicly posted, and for other
10 facilities competitive bids shall first be called upon such notice,
11 bidder qualifications, and bid conditions as the board shall determine.
12 This shall allow use of negotiated procurements.

13 An authority may sue and be sued in its corporate capacity in all
14 courts and in all proceedings.

15 NEW SECTION. **Sec. 108.** LIBERAL CONSTRUCTION. The rule of strict
16 construction shall have no application to this chapter, but the same
17 shall be liberally construed in all respects in order to carry out the
18 purposes and objects for which this chapter is intended.

19 NEW SECTION. **Sec. 109.** ADDITIONAL POWERS--ACQUISITION OF
20 FACILITIES. An authority shall have the following powers in addition
21 to the general powers granted by this chapter:

22 (1) To carry out the planning processes set forth in RCW
23 81.104.100;

24 (2) To acquire by purchase, condemnation, gift, or grant and to
25 lease, construct, add to, improve, replace, repair, maintain, operate,
26 and regulate the use of high capacity transportation facilities and
27 properties within authority boundaries including surface, underground,
28 or overhead railways, tramways, buses, or other means of local

1 transportation except taxis, and including escalators, moving
2 sidewalks, or other people-moving systems, passenger terminal and
3 parking facilities and properties, and such other facilities and
4 properties as may be necessary for passenger and vehicular access to
5 and from such people-moving systems, terminal and parking facilities
6 and properties, together with all lands, rights of way, property,
7 equipment, and accessories necessary for such high capacity
8 transportation systems. When developing specifications for high
9 capacity transportation system operating equipment, the authority shall
10 take into account efforts to establish or sustain a domestic
11 manufacturing capacity for such equipment. The right of eminent domain
12 shall be exercised by the authority in the same manner and by the same
13 procedure as or may be provided by law for cities of the first class,
14 except insofar as such laws may be inconsistent with the provisions of
15 this chapter. Public transportation facilities and properties which
16 are owned by any city, county, county transportation authority, public
17 transportation benefit area, or metropolitan municipal corporation may
18 be acquired or used by the authority only with the consent of the
19 agency owning such facilities. Such agencies are hereby authorized to
20 convey or lease such facilities to an authority or to contract for
21 their joint use on such terms as may be fixed by agreement between the
22 agency and the authority.

23 The facilities and properties of an authority whose vehicles will
24 operate primarily within the rights of way of public streets, roads, or
25 highways, may be acquired, developed, and operated without the corridor
26 and design hearings that are required by RCW 35.58.273 for mass transit
27 facilities operating on a separate right of way;

28 (3) To dispose of any real or personal property acquired in
29 connection with any authority function and that is no longer required
30 for the purposes of the authority, in the same manner as provided for

1 cities of the first class. When the authority determines that a
2 facility or any part thereof that has been acquired from any public
3 agency without compensation is no longer required for authority
4 purposes, but is required by the agency from which it was acquired, the
5 authority shall by resolution transfer it to such agency.

6 (4) To fix rates, tolls, fares, and charges for the use of such
7 facilities and to establish various routes and classes of service.
8 Fares or charges may be adjusted or eliminated for any distinguishable
9 class of users.

10 In the event any person holding a certificate of public convenience
11 and necessity from the Washington utilities and transportation
12 commission under RCW 81.68.040 has operated under such certificate for
13 a continuous period of one year prior to the date of certification and
14 is offering service within the authority boundary on the date of the
15 certification by the county canvassing board that a majority of votes
16 cast authorize a tax to be levied and collected by the authority, such
17 authority may by purchase or condemnation acquire at the fair market
18 value, from the person holding the existing certificate for providing
19 the services, that portion of the operating authority and equipment
20 representing the services within the area of public operation. The
21 person holding such existing certificate may require the authority to
22 initiate such purchase of those assets of such person, existing as of
23 the date of the county canvassing board certification, within sixty
24 days after the date of such certification.

25 NEW SECTION. **Sec. 110.** AGREEMENTS WITH OPERATORS OF HIGH CAPACITY
26 TRANSPORTATION SERVICES. Except in accordance with an agreement made
27 as provided in this section or in accordance with the provisions of
28 section 109 of this act, upon the date the authority begins high
29 capacity transportation service, no person or private corporation may

1 operate a high capacity transportation service within the authority
2 boundary with the exception of services owned or operated by any
3 corporation or organization solely for the purposes of the corporation
4 or organization and for the use of which no fee or fare is charged.

5 The authority and any person or corporation legally operating a
6 high capacity transportation service wholly within or partly within and
7 partly without the authority boundary on the date the authority begins
8 high capacity transportation service may enter into an agreement under
9 which such person or corporation may continue to operate such service
10 or any part thereof for such time and upon such terms and conditions as
11 provided in such agreement. Such agreement shall provide for a
12 periodic review of the terms and conditions contained therein. Where
13 any such high capacity transportation service will be required to cease
14 to operate within the authority boundary, the authority may agree with
15 the owner of such service to purchase the assets used in providing such
16 service, or if no agreement can be reached, the authority shall condemn
17 such assets in the manner and by the same procedure as is or may be
18 provided by law for the condemnation of other properties for cities of
19 the first class, except insofar as such laws may be inconsistent with
20 this chapter.

21 Wherever a privately owned public carrier operates wholly or partly
22 within an authority boundary, the Washington utilities and
23 transportation commission shall continue to exercise jurisdiction over
24 such operation as provided by law.

25 NEW SECTION. **Sec. 111.** TRANSFER OF LOCAL GOVERNMENT POWERS TO
26 AUTHORITY. The authority shall have and exercise all rights with
27 respect to the construction, acquisition, maintenance, operation,
28 extension, alteration, repair, control and management of high capacity
29 transportation system facilities that are identified in the system plan

1 developed pursuant to RCW 81.104.100 that any city, county, county
2 transportation authority, metropolitan municipal corporation, or public
3 transportation benefit area within the authority boundary has been
4 previously empowered to exercise and such powers shall not thereafter
5 be exercised by such agencies without the consent of the authority.

6 The authority may adopt, in whole or in part, and may complete,
7 modify, or terminate any planning, environmental review, or procurement
8 processes related to the high capacity transportation system that had
9 been commenced by a joint regional policy committee or a city, county,
10 county transportation authority, metropolitan municipality, or public
11 transportation benefit area prior to the formation of the authority.

12 NEW SECTION. **Sec. 112.** ACQUISITION OF EXISTING SYSTEM. If an
13 authority acquires any existing components of a high capacity
14 transportation system, it shall assume and observe all existing labor
15 contracts relating to the transportation system and, to the extent
16 necessary for operation of facilities, all of the employees of such
17 acquired transportation system whose duties are necessary to operate
18 efficiently the facilities acquired shall be appointed to comparable
19 positions to those which they held at the time of such transfer, and no
20 employee or retired or pensioned employee of such transportation
21 systems shall be placed in any worse position with respect to pension
22 seniority, wages, sick leave, vacation or other benefits that he or she
23 enjoyed as an employee of the transportation system prior to such
24 acquisition. At such times as may be required by such contracts, the
25 authority shall engage in collective bargaining with the duly appointed
26 representatives of any employee labor organization having existing
27 contracts with the acquired transportation system and may enter into
28 labor contracts with such employee labor organization. Facilities and
29 equipment which are acquired after July 1, 1993, related to high

1 capacity transportation services which are to be assumed by the
2 authority as specifically identified in the adopted system plan shall
3 be acquired by the authority in a manner consistent with sections 107,
4 109, 110, and 111 of this act.

5 NEW SECTION. **Sec. 113.** AUTHORITY FINANCES. The board, by
6 resolution, shall designate a person having experience in financial or
7 fiscal matters as treasurer of the authority. The board may designate,
8 with the concurrence of the treasurer, the treasurer of a county within
9 which the authority is located. Such a treasurer shall possess all of
10 the powers, responsibilities, and duties the county treasurer possesses
11 for a public transportation benefit area authority related to investing
12 surplus authority funds. The board shall require a bond with a surety
13 company authorized to do business in the state of Washington in an
14 amount and under the terms and conditions the board, by resolution,
15 from time to time finds will protect the authority against loss. The
16 premium on any such bond shall be paid by the authority.

17 All authority funds shall be paid to the treasurer and shall be
18 disbursed by the treasurer only on warrants issued by the authority
19 upon orders or vouchers approved by the board.

20 The authority may by resolution designate a person having
21 experience in financial or fiscal matters, as the auditor of the
22 authority. Such an auditor shall possess all of the powers,
23 responsibilities, and duties related to creating and maintaining funds,
24 issuing warrants, and maintaining a record of receipts and
25 disbursements.

26 The treasurer shall establish a special fund, into which shall be
27 paid all authority funds, and the treasurer shall maintain such special
28 accounts as may be created by the authority into which shall be placed
29 all money as the board may, by resolution, direct.

1 If the treasurer of the authority is a treasurer of the county, all
2 authority funds shall be deposited with the county depository under the
3 same restrictions, contracts, and security as provided for county
4 depositories. If the treasurer of the authority is some other person,
5 all funds shall be deposited in such bank or banks authorized to do
6 business in this state that have qualified for insured deposits under
7 any federal deposit insurance act as the board, by resolution, shall
8 designate.

9 The board may provide and require a reasonable bond of any other
10 person handling moneys or securities of the authority, but the
11 authority shall pay the premium on the bond.

12 NEW SECTION. **Sec. 114.** BONDING. Notwithstanding RCW
13 39.36.020(1), an authority may at any time contract indebtedness or
14 borrow money for authority purposes and may issue general obligation
15 bonds in an amount not exceeding, together with any existing
16 indebtedness of the authority not authorized by the voters, one and
17 one-half percent of the value of the taxable property in the authority;
18 and with the assent of three-fifths of the voters therein voting at an
19 election called for that purpose, may contract indebtedness or borrow
20 money for authority purposes and may issue general obligation bonds
21 therefor, provided the total indebtedness of the authority shall not
22 exceed five percent of the value of the taxable property therein. Such
23 bonds shall be issued and sold in accordance with chapter 39.46 RCW.

24 The term "value of the taxable property" shall have the meaning set
25 forth in RCW 39.36.015.

26 NEW SECTION. **Sec. 115.** REVENUE BONDS. (1) An authority may
27 issue revenue bonds to provide funds to carry out its authorized
28 functions without submitting the matter to the voters of the authority.

1 The authority shall create a special fund or funds for the sole purpose
2 of paying the principal of and interest on the bonds of each such
3 issue, into which fund or funds the authority may obligate itself to
4 pay such amounts of the gross revenue of the high capacity
5 transportation system constructed, acquired, improved, added to, or
6 repaired out of the proceeds of sale of such bonds, as the authority
7 shall determine and may obligate the authority to pay such amounts out
8 of otherwise unpledged revenue that may be derived from the ownership,
9 use, or operation of properties or facilities owned, used, or operated
10 incident to the performance of the authorized function for which such
11 bonds are issued or out of otherwise unpledged fees, tolls, charges,
12 tariffs, fares, rentals, special taxes, or other sources of payment
13 lawfully authorized for such purpose, as the authority shall determine.
14 The principal of, and interest on, such bonds shall be payable only out
15 of such special fund or funds, and the owners of such bonds shall have
16 a lien and charge against the gross revenue of such high capacity
17 transportation system or any other revenue, fees, tolls, charges,
18 tariffs, fares, special taxes, or other authorized sources pledged to
19 the payment of such bonds.

20 Such revenue bonds and the interest thereon issued against such
21 fund or funds shall be a valid claim of the owners thereof only as
22 against such fund or funds and the revenue pledged therefor, and shall
23 not constitute a general indebtedness of the authority.

24 (2) Notwithstanding subsection (1) of this section, such bonds may
25 be issued and sold in accordance with chapter 39.46 RCW.

26 NEW SECTION. **Sec. 116.** LOCAL IMPROVEMENT DISTRICTS AUTHORIZED.

27 (1) An authority may form a local improvement district to provide any
28 transportation improvement it has the authority to provide, impose
29 special assessments on all property specially benefited by the

1 transportation improvements, and issue special assessment bonds or
2 revenue bonds to fund the costs of the transportation improvement.
3 Local improvement districts shall be created and assessments shall be
4 made and collected pursuant to chapters 35.43, 35.44, 35.49, 35.50,
5 35.51, 35.53, and 35.54 RCW.

6 (2) The board shall by resolution establish for each special
7 assessment bond issue the amount, date, terms, conditions,
8 denominations, maximum fixed or variable interest rate or rates,
9 maturity or maturities, redemption rights, registration privileges, if
10 any, covenants, and form, including registration as to principal and
11 interest, registration as to principal only, or bearer. Registration
12 may include, but not be limited to: (a) A book entry system of
13 recording the ownership of a bond whether or not physical bonds are
14 issued; or (b) recording the ownership of a bond together with the
15 requirement that the transfer of ownership may only be effected by the
16 surrender of the old bond and either the reissuance of the old bond or
17 the issuance of a new bond to the new owner. Facsimile signatures may
18 be used on the bonds and any coupons. The maximum term of any special
19 assessment bonds shall not exceed thirty years beyond the date of
20 issue. Special assessment bonds issued pursuant to this section shall
21 not be an indebtedness of the authority issuing the bonds, and the
22 interest and principal on the bonds shall only be payable from special
23 assessments made for the improvement for which the bonds were issued
24 and any local improvement guaranty fund that the authority has created.
25 The owner or bearer of a special assessment bond or any interest coupon
26 issued pursuant to this section shall not have any claim against the
27 authority arising from the bond or coupon except for the payment from
28 special assessments made for the improvement for which the bonds were
29 issued and any local improvement guaranty fund the authority has
30 created. The authority issuing the special assessment bonds is not

1 liable to the owner or bearer of any special assessment bond or any
2 interest coupon issued pursuant to this section for any loss occurring
3 in the lawful operation of its local improvement guaranty fund. The
4 substance of the limitations included in this subsection shall be
5 plainly printed, written, or engraved on each special assessment bond
6 issued pursuant to this section.

7 (3) Assessments shall reflect any credits given by an authority for
8 real property or property right donations made pursuant to RCW
9 47.14.030.

10 (4) The board may establish and pay moneys into a local improvement
11 guaranty fund to guarantee special assessment bonds issued by the
12 authority.

13 NEW SECTION. **Sec. 117.** COUNTY ASSESSOR'S DUTIES. It shall be the
14 duty of the assessor of each component county to certify annually to a
15 regional transit authority the aggregate assessed valuation of all
16 taxable property within the boundaries of the authority as the same
17 appears from the last assessment roll of the county.

18 NEW SECTION. **Sec. 118.** INTERIM FINANCING. A regional transit
19 authority may apply for high capacity transportation account funds and
20 for central Puget Sound account funds for high capacity transit
21 planning and system development.

22 Transit agencies contained wholly or partly within a regional
23 transit authority may make grants or loans to the authority for high
24 capacity transportation planning and system development.

25 **Sec. 119.** RCW 81.104.010 and 1991 c 318 s 1 are each amended to
26 read as follows:

1 Increasing congestion on Washington's roadways calls for
2 identification and implementation of high capacity transportation
3 system alternatives. (~~("High capacity transportation system" means a~~
4 ~~system of public transportation services within an urbanized region~~
5 ~~operating principally on exclusive rights of way, and the supporting~~
6 ~~services and facilities necessary to implement such a system, including~~
7 ~~high occupancy vehicle lanes, which taken as a whole, provides a~~
8 ~~substantially higher level of passenger capacity, speed, and service~~
9 ~~frequency than traditional public transportation systems operating~~
10 ~~principally in general purpose roadways.)) The legislature believes
11 that local jurisdictions should coordinate and be responsible for high
12 capacity transportation policy development, program planning, and
13 implementation. The state should assist by working with local agencies
14 on issues involving rights of way, partially financing projects meeting
15 established state criteria including development and completion of the
16 high occupancy vehicle lane system, authorizing local jurisdictions to
17 finance high capacity transportation systems through voter-approved tax
18 options, and providing technical assistance and information.~~

19 NEW SECTION. **Sec. 120.** A new section is added to chapter 81.104
20 RCW to read as follows:

21 Unless the context clearly requires otherwise, the definitions in
22 this section apply throughout this chapter.

23 (1) "High capacity transportation system" means a system of public
24 transportation services within an urbanized region operating
25 principally on exclusive rights of way, and the supporting services and
26 facilities necessary to implement such a system, including feeder
27 systems and facilities and high occupancy vehicle lanes, which taken as
28 a whole, provides a substantially higher level of passenger capacity,

1 speed, and service frequency than traditional public transportation
2 systems operating principally in general purpose roadways.

3 (2) "Regional transit system" means a high capacity transportation
4 system under the jurisdiction of a transit agency except where a
5 regional transit authority created under chapter 81.--- RCW (sections
6 101 through 118 of this act) exists, in which case "regional transit
7 system" means the high capacity transit system under the jurisdiction
8 of a regional transit authority.

9 (3) "Transit agency" means city-owned transit systems, county
10 transportation authorities, metropolitan municipal corporations, and
11 public transportation benefit areas.

12 **Sec. 121.** RCW 81.104.030 and 1991 c 318 s 3 and 1991 c 309 s 2 are
13 each reenacted and amended to read as follows:

14 In any county with a population of from two hundred ten thousand to
15 less than one million that is not bordered by a county with a
16 population of one million or more, and in each county with a population
17 of less than two hundred ten thousand, (~~city-owned transit systems,~~
18 ~~county transportation authorities, metropolitan municipal corporations,~~
19 ~~and public transportation benefit areas~~)) transit agencies may elect to
20 establish high capacity transportation service. Such agencies shall
21 form a regional policy committee with proportional representation based
22 upon population distribution within the designated service area and a
23 representative of the department of transportation, or such agencies
24 may use the designated metropolitan planning organization as the
25 regional policy committee.

26 (~~City-owned transit systems, county transportation authorities,~~
27 ~~metropolitan municipal corporations, and public transportation benefit~~
28 ~~areas~~)) Transit agencies participating in joint regional policy
29 committees shall seek voter approval within their own service

1 boundaries of a high capacity transportation system plan and financing
2 plan.

3 (2) (~~City-owned transit systems, county transportation~~
4 ~~authorities, metropolitan municipal corporations, and public~~
5 ~~transportation benefit areas~~) Transit agencies in counties adjoining
6 state or international boundaries are authorized to participate in the
7 regional high capacity transportation programs of an adjoining state or
8 Canadian province.

9 **Sec. 122.** RCW 81.104.040 and 1991 c 318 s 4 are each amended to
10 read as follows:

11 (~~(1)~~) Transit agencies in each county with a population of one
12 million or more, and in each county with a population of from two
13 hundred ten thousand to less than one million bordering a county with
14 a population of one million or more that are (~~currently~~) authorized
15 on January 1, 1991, to provide high capacity transportation planning
16 and operating services, including but not limited to (~~city-owned~~
17 ~~transit systems, county transportation authorities, metropolitan~~
18 ~~municipal corporations, and public transportation benefit areas~~)
19 transit agencies, must establish through interlocal agreements a joint
20 regional policy committee with proportional representation based upon
21 the population distribution within each agency's designated service
22 area, as determined by the parties to the agreement.

23 (~~(a)~~) (1) The membership of the joint regional policy committee
24 shall consist of locally elected officials who serve on the legislative
25 authority of the existing transit systems and a representative from the
26 department of transportation. Nonvoting membership for elected
27 officials from adjoining counties may be allowed at the committee's
28 discretion.

1 (~~(b)~~) (2) The joint regional policy committee shall be
2 responsible for the preparation and adoption of a regional high
3 capacity transportation implementation program, which shall include the
4 system plan, project plans, and a financing plan. This program shall
5 be in conformance with the regional transportation planning
6 organization's regional transportation plan and consistent with RCW
7 81.104.080.

8 (~~(c)~~) (3) The joint regional policy committee shall present (~~(a)~~)
9 an adopted high capacity transportation system plan and financing plan
10 to the boards of directors of the transit agencies within the service
11 area (~~for adoption.~~

12 ~~(d) Transit agencies shall present the adopted high capacity~~
13 ~~transportation system plan and financing plan for voter approval within~~
14 ~~four years of the execution of the interlocal agreements. A simple~~
15 ~~majority vote is required for approval of the high capacity~~
16 ~~transportation system plan and financing plan in any service district~~
17 ~~within each county. The implementation program may proceed in any~~
18 ~~service area approving the system and financing plans.~~

19 ~~(2) High capacity transportation planning, construction,~~
20 ~~operations, and funding shall be governed through the interlocal~~
21 ~~agreement process, including but not limited to provision for a cost~~
22 ~~allocation and distribution formula, service corridors, station area~~
23 ~~locations, right of way transfers, and feeder transportation systems.~~
24 ~~The interlocal agreement shall include a mechanism for resolving~~
25 ~~conflicts among parties to the agreement)) or to the regional transit~~
26 ~~authority, if such authority has been formed. The authority shall~~
27 ~~proceed as prescribed in section 103 of this act.~~

28 **Sec. 123.** RCW 81.104.050 and 1991 c 318 s 5 are each amended to
29 read as follows:

1 Regional high capacity transportation service (~~(boundaries)~~) may be
2 expanded beyond the established (~~(service)~~) district boundaries through
3 interlocal agreements among the transit agencies and (~~(the local~~
4 ~~jurisdictions within which such expanded service is proposed)~~) any
5 regional transit authorities in existence.

6 **Sec. 124.** RCW 81.104.120 and 1990 c 43 s 33 are each amended to
7 read as follows:

8 (1) (~~(City-owned transit service, county transportation~~
9 ~~authorities, metropolitan municipal corporations, and public~~
10 ~~transportation benefit areas)~~) Transit agencies and regional transit
11 authorities may operate or contract for commuter rail service where it
12 is deemed to be a reasonable alternative transit mode.

13 (2) A county may use funds collected under RCW 81.100.030 or
14 81.100.060 to contract with one or more transit agencies or regional
15 transit authorities for planning, operation, and maintenance of
16 commuter rail projects which: (a) Are consistent with the regional
17 transportation plan; (b) have met the project planning and oversight
18 requirements of RCW 81.104.100 and 81.104.110; and (c) have been
19 approved by the voters within the service area of each transit agency
20 or regional transit authority participating in the project. The phrase
21 "approved by the voters" includes specific funding authorization for
22 the commuter rail project.

23 (3) The utilities and transportation commission shall maintain
24 safety responsibility for passenger rail service operating on freight
25 rail lines. Agencies providing passenger rail service on lines other
26 than freight rail lines shall maintain safety responsibility for that
27 service.

1 **Sec. 125.** RCW 81.104.140 and 1991 c 318 s 11 and 1991 c 309 s 4

2 are each reenacted and amended to read as follows:

3 (1) Agencies authorized to provide high capacity transportation
4 service, including (~~(city-owned transit systems, county transportation~~
5 ~~authorities, metropolitan municipal corporations and public~~
6 ~~transportation benefit areas)) transit agencies and regional transit
7 authorities, are hereby granted dedicated funding sources for such
8 systems. These dedicated funding sources, as set forth in RCW
9 81.104.150, 81.104.160, and 81.104.170, are authorized only for
10 agencies located in (a) each county with a population of two hundred
11 ten thousand or more and (b) each county with a population of from one
12 hundred twenty-five thousand to less than two hundred ten thousand
13 except for those counties that do not border a county with a population
14 as described under (a) of this subsection. In any county with a
15 population of one million or more or in any county having a population
16 of two hundred ten thousand or more bordering a county with a
17 population of one million or more, these funding sources may be imposed
18 only by a regional transit authority.~~

19 (2) Agencies planning to construct and operate a high capacity
20 transportation system should also seek other funds, including federal,
21 state, local, and private sector assistance.

22 (3) Funding sources should satisfy each of the following criteria
23 to the greatest extent possible:

- 24 (a) Acceptability;
- 25 (b) Ease of administration;
- 26 (c) Equity;
- 27 (d) Implementation feasibility;
- 28 (e) Revenue reliability; and
- 29 (f) Revenue yield.

1 (4) Agencies participating in regional high capacity transportation
2 system development (~~((through interlocal agreements))~~) are authorized to
3 levy and collect the following voter-approved local option funding
4 sources:

5 (a) Employer tax as provided in RCW 81.104.150;

6 (b) Special motor vehicle excise tax as provided in RCW 81.104.160;
7 and

8 (c) Sales and use tax as provided in RCW 81.104.170.

9 Revenues from these taxes may be used only to support those
10 purposes prescribed in subsection (10) of this section. Before the
11 date of an election authorizing an agency to impose any of the taxes
12 enumerated in this section and authorized in RCW 81.104.150,
13 81.104.160, and 81.104.170, the agency must comply with the process
14 prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No
15 construction on exclusive right of way may occur before the
16 requirements of RCW 81.104.100(3) are met.

17 (5) Authorization in subsection (4) of this section shall not
18 adversely affect the funding authority of (~~((existing))~~) transit agencies
19 not provided for in this chapter. Local option funds may be used to
20 support implementation of interlocal agreements with respect to the
21 establishment of regional high capacity transportation service. Except
22 when a regional transit authority exists, local jurisdictions shall
23 retain control over moneys generated within their boundaries, although
24 funds may be commingled with those generated in other areas for
25 planning, construction, and operation of high capacity transportation
26 systems as set forth in the agreements.

27 (6) Agencies planning to construct and operate high capacity
28 transportation systems may contract with the state for collection and
29 transference of voter-approved local option revenue.

1 (7) Dedicated high capacity transportation funding sources
2 authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be
3 subject to voter approval by a simple majority. A single ballot
4 proposition may seek approval for one or more of the authorized taxing
5 sources. The ballot title shall reference the document identified in
6 subsection (8) of this section.

7 (8) Agencies shall provide to the registered voters in the area a
8 document describing the systems plan and the financing plan set forth
9 in RCW 81.104.100. It shall also describe the relationship of the
10 system to regional issues such as development density at station
11 locations and activity centers, and the interrelationship of the system
12 to adopted land use and transportation demand management goals within
13 the region. This document shall be provided to the voters at least
14 twenty days prior to the date of the election.

15 (9) For any election in which voter approval is sought for a high
16 capacity transportation system plan and financing plan pursuant to RCW
17 81.104.040, a local voter's pamphlet shall be produced as provided in
18 chapter 29.81A RCW.

19 (10) Agencies providing high capacity transportation service shall
20 retain responsibility for revenue encumbrance, disbursement, and
21 bonding. Funds may be used for any purpose relating to planning,
22 construction, and operation of high capacity transportation systems,
23 commuter rail systems, and feeder transportation systems.

24 **Sec. 126.** RCW 81.104.150 and 1990 c 43 s 41 are each amended to
25 read as follows:

26 Cities that operate transit systems, county transportation
27 authorities, metropolitan municipal corporations, ~~((and))~~ public
28 transportation benefit areas, ~~((solely for the purpose of providing
29 high capacity transportation service))~~ and regional transit authorities

1 may submit an authorizing proposition to the voters and if approved may
2 impose an excise tax of up to two dollars per month on all employers
3 located within the agency's jurisdiction, measured by the number of
4 full-time equivalent employees, solely for the purpose of providing
5 high capacity transportation service. The rate of tax shall be
6 approved by the voters. This tax may not be imposed by ~~((an))~~: (1) A
7 transit agency when the county within which it is located is imposing
8 an excise tax pursuant to RCW 81.100.030; or (2) a regional transit
9 authority when any county within the authority's boundaries is imposing
10 an excise tax pursuant to RCW 81.100.030. The agency imposing the tax
11 authorized in this section may provide for exemptions from the tax to
12 such educational, cultural, health, charitable, or religious
13 organizations as it deems appropriate.

14 **Sec. 127.** RCW 81.104.160 and 1991 c 318 s 12 are each amended to
15 read as follows:

16 ~~((Any city that operates a))~~ Cities that operate transit systems,
17 county transportation ~~((authority))~~ authorities, metropolitan municipal
18 corporations, ~~((or))~~ public transportation benefit areas, ~~((solely for~~
19 ~~the purpose of providing high capacity transportation service))~~ and
20 regional transit authorities may submit an authorizing proposition to
21 the voters, and if approved, may levy and collect an excise tax, at a
22 rate approved by the voters, but not exceeding eighty one-hundredths of
23 one percent on the value, under chapter 82.44 RCW, of every motor
24 vehicle owned by a resident of ~~((such city, county transportation~~
25 ~~authority, metropolitan municipal corporation, or public transportation~~
26 ~~benefit area))~~ the taxing district, solely for the purpose of providing
27 high capacity transportation service. In any county imposing a motor
28 vehicle excise tax surcharge pursuant to RCW 81.100.060, the maximum
29 tax rate under this section shall be reduced to a rate equal to eighty

1 one-hundredths of one percent on the value less the equivalent motor
2 vehicle excise tax rate of the surcharge imposed pursuant to RCW
3 81.100.060. This rate shall not apply to vehicles licensed under RCW
4 46.16.070 except vehicles with an unladen weight of six thousand pounds
5 or less, RCW 46.16.079, 46.16.080, 46.16.085, or 46.16.090.

6 **Sec. 128.** RCW 81.104.170 and 1990 2nd ex.s. c 1 s 902 are each
7 amended to read as follows:

8 (~~The legislative bodies of~~) Cities that operate transit systems,
9 county transportation authorities, metropolitan municipal corporations,
10 (~~and~~) public transportation benefit areas, (~~solely for the purpose~~
11 ~~of providing high capacity transportation service~~) and regional
12 transit authorities may submit an authorizing proposition to the voters
13 and if approved by a majority of persons voting, fix and impose a sales
14 and use tax in accordance with the terms of this chapter, solely for
15 the purpose of providing high capacity transportation service.

16 The tax authorized pursuant to this section shall be in addition to
17 the tax authorized by RCW 82.14.030 and shall be collected from those
18 persons who are taxable by the state pursuant to chapters 82.08 and
19 82.12 RCW upon the occurrence of any taxable event within (~~such city,~~
20 ~~county transportation authority, metropolitan municipal corporation, or~~
21 ~~public transportation benefit area, as the case may be~~) the taxing
22 district. The maximum rate of such tax shall be approved by the voters
23 and shall not exceed one percent of the selling price (in the case of
24 a sales tax) or value of the article used (in the case of a use tax).
25 The maximum rate of such tax that may be imposed shall not exceed
26 nine-tenths of one percent (~~if~~) in any county that imposes a tax (~~is~~
27 ~~imposed in the county~~) under RCW 82.14.340, or within a regional
28 transit authority if any county within the authority imposes a tax
29 under RCW 82.14.340.

1 a unique opportunity for integration of local comprehensive plans and
2 regional goals with state and local transportation programs. Further,
3 approaches to transportation demand management initiatives and local
4 and state transportation funding can be better coordinated to insure an
5 efficient, effective transportation system that insures mobility and
6 addresses community needs.

7 The legislature further finds that transportation and land use
8 share a critical relationship that policy makers can better utilize to
9 address regional strategies.

10 Prudent investment, by the state and by local governments, in
11 highway facilities, local arterials, marine facilities, transportation
12 facilities and systems, public transit systems, transportation system
13 management, and the development of a high capacity transit system can
14 help to effectively address mobility needs. Such investment can also
15 enhance local and state objectives for effective comprehensive
16 planning, clean air policies, and transportation demand management.

17 The legislature finds that addressing public initiatives regarding
18 transportation and comprehensive planning necessitates an innovative
19 approach. Improved integration between transportation and
20 comprehensive planning among public institutions, particularly in the
21 state's largest metropolitan area is considered by the state to be
22 imperative, and to have significant benefit to the citizens of
23 Washington. It is therefore the policy of the state of Washington to
24 ensure a single regional government council with adequate resources to
25 develop and encourage implementation of a comprehensive transportation
26 plan within the state's urbanized region.

27 NEW SECTION. **Sec. 202.** DEFINITIONS. Unless the context clearly
28 requires otherwise, the definitions in this section apply throughout
29 this chapter.

1 (1) "Council" means the Puget Sound regional council which, as of
2 January 1, 1992, is the organization designated by units of general
3 purpose local governments within the region as the metropolitan
4 planning organization under federal requirements and as the regional
5 transportation organization pursuant to chapter 47.80 RCW, or any
6 successor organization.

7 (2) "Project of regional significance" means those projects
8 identified by the characteristics set forth in section 208(1)(a) of
9 this act.

10 (3) "Region" means that area within the jurisdiction of the Puget
11 Sound regional council.

12 (4) "Regional plan" or "plan" means the regional transportation
13 plan prescribed in section 208 of this act.

14 NEW SECTION. **Sec. 203.** CERTIFICATION. The department of
15 transportation shall, at least every three years, certify that the
16 council is carrying out a continuing, cooperative, and comprehensive
17 regional transportation planning process that meets the requirements of
18 this chapter and of chapter 47.80 RCW.

19 NEW SECTION. **Sec. 204.** FAILURE TO DESIGNATE. If the units of
20 general purpose local government within the region fail to designate a
21 regional transportation planning organization, or the organization
22 falls below the required membership of units of general purpose local
23 government representing seventy-five percent of the counties'
24 population including the central cities, or if the organization fails
25 to carry out a continuing, cooperative, and comprehensive regional
26 transportation planning process certified by the department of
27 transportation, then no state or federal highway or transit
28 construction funds may be expended within the region until such time as

1 the regional transportation planning organization is certified by the
2 department as meeting the requirements of this chapter.

3 NEW SECTION. **Sec. 205.** EXECUTIVE BOARD MEMBERSHIP. In order to
4 qualify for state planning funds available to regional transportation
5 planning organizations, the council shall provide membership on its
6 executive board to the state department of transportation, the state
7 department of community development, and the two largest public port
8 districts within the region. It shall further assure that at least
9 fifty percent of the county and city local elected officials who serve
10 on the executive board also serve on transit agency boards or on a
11 regional transit authority.

12 NEW SECTION. **Sec. 206.** COUNCIL'S DUTIES. The council shall have
13 the following duties:

14 (1) Prepare and update periodically a regional growth and
15 transportation strategy for the region. The strategy shall address
16 alternative regional development patterns and alternative
17 transportation modes in regional corridors and shall recommend a
18 preferred regional development pattern and transportation policies to
19 implement that pattern. The strategy shall serve as a guide in
20 preparation of the regional transportation plan.

21 (2) Prepare a regional transportation plan as set forth in section
22 208 of this act.

23 (3) Certify that the transportation elements of comprehensive plans
24 adopted by counties, cities, and towns within the region conform with
25 the requirements of RCW 36.70A.070, reflect the guidelines and
26 principles developed pursuant to section 207 of this act, and are
27 consistent with the adopted regional transportation plan.

1 (4) Certify that county-wide planning policies adopted under RCW
2 36.70A.210 are consistent with the adopted regional transportation
3 plan.

4 (5) Develop, in cooperation with the department of transportation,
5 operators of public transportation services and local governments
6 within the region, a regional transportation improvement program which
7 proposes regionally significant transportation projects. The program
8 shall include a priority list of projects, project segments and
9 programs, and a specific financial plan that demonstrates how the
10 transportation improvement program can be funded. The program shall be
11 updated at least every two years for the ensuing six-year period.
12 Inclusion in the program may represent a finding of consistency as
13 provided for in section 211 of this act.

14 (6) Establish and maintain a regional data base for use in the
15 region by local governments and the state and to support council
16 responsibilities; monitor and forecast economic, demographic, and
17 travel conditions in the region.

18 NEW SECTION. **Sec. 207.** COMPREHENSIVE PLANS, TRANSPORTATION
19 GUIDELINES, AND PRINCIPLES. The council, with cooperation from cities,
20 towns, and counties, shall establish guidelines and principles that
21 provide specific direction for the development and evaluation of the
22 transportation elements of comprehensive plans to assure that state,
23 regional, and local goals for the development of transportation systems
24 are met. These guidelines and principles shall address at a minimum
25 the relationship between transportation systems and the following
26 factors: Concentration of economic activity, residential density,
27 development corridors and urban design that supports high capacity
28 transit, freight transportation and port access, development patterns
29 that promote pedestrian and nonmotorized transportation, circulation

1 systems, access to regional systems, effective and efficient highway
2 systems, transportation concurrency, transportation demand management,
3 joint and mixed use developments, and intermodal connections.

4 The council shall also develop and conduct regional forums and
5 workshops to provide education and gain advice from officials and the
6 public. Comprehensive examples shall be published by the council to
7 assist local governments in interpreting and explaining the
8 requirements of this section.

9 NEW SECTION. **Sec. 208.** REGIONAL TRANSPORTATION PLAN. (1) The
10 council shall develop, in cooperation with the department of
11 transportation, providers of public transportation, and local
12 governments within the region, adopt, and periodically update a
13 regional transportation plan that:

14 (a) Identifies transportation facilities and programs, including
15 but not limited to major roadways including state highways and regional
16 arterials, transit services and facilities, and multimodal and
17 intermodal facilities, ports and airports, and noncapital programs
18 including transportation demand management that should function as an
19 integrated regional transportation system, giving emphasis to those
20 facilities, services, and programs that exhibit one or more of the
21 following characteristics:

22 (i) Crosses county lines;

23 (ii) Is or will be used by a significant number of people who live
24 or work outside the county in which the facility, service, or project
25 is located;

26 (iii) Significant impacts are expected to be felt in more than one
27 county within the region;

1 (iv) Potentially adverse impacts of the facility, service, project,
2 or program can be better avoided or mitigated through adherence to
3 regional policies; and

4 (v) Transportation needs addressed by a project have been
5 identified by the regional transportation planning process and the
6 remedy is deemed by the council to have regional significance;

7 (b) Includes a financial plan demonstrating how the regional
8 transportation plan can be implemented, indicating resources from
9 public and private sources that are reasonably expected to be made
10 available to carry out the plan, and recommending any innovative
11 financing techniques to finance needed projects and programs;

12 (c) Assesses regional development patterns, capital investment and
13 other measures necessary to:

14 (i) Ensure the preservation of the existing regional transportation
15 system, including requirements for operational improvements,
16 resurfacing, restoration, and rehabilitation of existing and future
17 major roadways, as well as operations, maintenance, modernization, and
18 rehabilitation of existing and future transit facilities; and

19 (ii) Make the most efficient use of existing transportation
20 facilities to relieve vehicular congestion and maximize the mobility of
21 people and goods;

22 (d) Sets forth a proposed regional transportation approach,
23 including capital investments, service improvements, and programs, to
24 guide the development of the integrated, multimodal regional
25 transportation system; and

26 (e) Sets forth the relationship of high capacity transportation
27 providers and other public transit providers with regard to
28 responsibility for, and the coordination between, services and
29 facilities.

1 (2) The council shall review the regional transportation plan
2 biennially for currency, and forward the adopted plan along with
3 documentation of the biennial review to the state department of
4 transportation.

5 (3) All transportation projects or programs within the region that
6 have an impact upon regional facilities or services must be consistent
7 with the plan and adopted regional growth and transportation
8 strategies.

9 NEW SECTION. **Sec. 209.** METROPOLITAN PLANNING FUNCTION. The
10 council shall assume the responsibility for the metropolitan planning
11 function within the region under 23 U.S.C. Sec. 134.

12 NEW SECTION. **Sec. 210.** CONDITIONS FOR FUNDING. After January 1,
13 1994:

14 (1) An agency or a political subdivision of the state may not
15 accept or expend funds from the following sources for transportation
16 projects or programs within the region if the council has made a
17 finding of inconsistency pursuant to section 211 of this act:

18 (a) Federal funds distributed under the authority of the federal
19 highway administration, the federal aviation administration, and the
20 federal transit administration;

21 (b) Planning funds provided to regional transportation planning
22 organizations under chapter 47.80 RCW;

23 (c) The central Puget Sound public transportation account and the
24 public transportation systems account created in RCW 82.44.180 (2) and
25 (3);

26 (d) The urban arterial trust account and transportation improvement
27 account created and distributed under RCW 47.26.080, 47.26.084, and
28 47.26.260;

1 (e) The high capacity transportation account created in RCW
2 47.78.010; and

3 (f) Appropriations from the motor vehicle fund for improvements to
4 marine terminals located within the region serving the state ferry
5 system.

6 (2) An agency or a political subdivision of the state may not levy
7 or collect the following taxes or fees within the region if the council
8 has made a finding of inconsistency pursuant to section 211 of this
9 act:

10 (a) Taxes authorized for high capacity transportation purposes in
11 chapter 81.104 RCW; the local option fuel tax authorized in RCW
12 82.80.010, the local option vehicle license fee authorized in RCW
13 82.80.020, the commercial parking tax authorized in RCW 82.80.030, and
14 the street utility charge authorized in RCW 82.80.050 any of which are
15 imposed after January 1, 1994;

16 (b) After 1994, public port district taxes governed under section
17 218 of this act; and

18 (c) Sales and use tax rates higher than those effective January 1,
19 1994, imposed by transit agencies under RCW 82.14.045.

20 NEW SECTION. **Sec. 211.** FINDINGS OF CONSISTENCY. (1) Between the
21 effective date of this act and January 1, 1994, as cities and counties
22 prepare and adopt comprehensive plans pursuant to the state growth
23 management act, the council, in cooperation with affected state and
24 local agencies shall evaluate department of transportation plans within
25 the region, the transportation elements of local comprehensive plans,
26 and the plans of regional transit authorities, other transit agencies
27 and public port districts for their consistency with: (a) Adopted
28 regional growth and transportation strategies and plans; (b) adopted
29 state transportation policies and planning goals developed pursuant to

1 chapter 47.01 RCW; (c) transportation demand management plans and
2 strategies developed pursuant to chapter 70.94 RCW; and (d) the
3 transportation control measures of the state implementation plan for
4 air quality developed pursuant to chapter 70.94 RCW.

5 (2) Plans and amendments to plans adopted after January 1, 1994,
6 shall be evaluated in the same manner as that set forth in subsection
7 (1) of this section.

8 (3) After such evaluation and no later than sixty days after
9 receipt of the plan adopted by the local agency, or receipt of any
10 adopted amendments thereto, the council shall determine whether the
11 plans of the agency or political subdivision are consistent. If the
12 council fails to make a finding within sixty days, the plan shall be
13 deemed consistent. If the council determines that the plans are not
14 consistent it shall notify the agency as to the cause of such finding.
15 Notwithstanding the limitations imposed under RCW 36.70A.280, the
16 agency or political subdivision may appeal the council's finding to the
17 growth planning hearings board in the manner prescribed in chapter
18 36.70A RCW.

19 (4) By January 1, 1993, the council shall develop and make
20 available to all affected agencies guidelines and procedures under
21 which the evaluations shall be conducted.

22 **Sec. 212.** RCW 35.58.2795 and 1990 1st ex.s. c 17 s 60 are each
23 amended to read as follows:

24 By April 1st of each year, the legislative authority of each
25 municipality, as defined in RCW 35.58.272, and each regional transit
26 authority shall prepare a six-year transit development (~~and financial~~
27 ~~program~~) plan for that calendar year and the ensuing five years. The
28 program shall be consistent with the comprehensive plans adopted by
29 counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or

1 36.70 RCW, the inherent authority of a first class city or charter
2 county derived from its charter, or chapter 36.70A RCW. The program
3 shall contain information as to how the municipality intends to meet
4 state and local long-range priorities for public transportation,
5 capital improvements, significant operating changes planned for the
6 system, and how the municipality intends to fund program needs. The
7 six-year plan for each municipality and regional transit authority
8 lying within the jurisdiction of the Puget Sound regional
9 transportation planning organization shall specifically set forth those
10 projects of regional significance as defined in section 202 of this act
11 for inclusion in the transportation improvement program within that
12 region. Each municipality and regional transit authority shall file
13 the six-year program with the state department of transportation, the
14 transportation improvement board, and cities, counties, and regional
15 planning councils within which the municipality is located.

16 In developing its program, the municipality and the regional
17 transit authority shall consider those policy recommendations affecting
18 public transportation contained in the state transportation policy plan
19 approved by the state transportation commission and, where appropriate,
20 adopted by the legislature. The municipality shall conduct one or more
21 public hearings while developing its program and for each annual
22 update.

23 **Sec. 213.** RCW 35.77.010 and 1990 1st ex.s. c 17 s 59 are each
24 amended to read as follows:

25 (1) The legislative body of each city and town, pursuant to one or
26 more public hearings thereon, shall prepare and adopt a comprehensive
27 street program for the ensuing six calendar years. If the city or town
28 has adopted a comprehensive plan pursuant to chapter 35.63 or 35A.63
29 RCW, the inherent authority of a first class city derived from its

1 charter, or chapter 36.70A RCW, the program shall be consistent with
2 this comprehensive plan.

3 The program shall be filed with the secretary of transportation not
4 more than thirty days after its adoption. Annually thereafter the
5 legislative body of each city and town shall review the work
6 accomplished under the program and determine current city street needs.
7 Based on these findings each such legislative body shall prepare and
8 after public hearings thereon adopt a revised and extended
9 comprehensive street program before July 1st of each year, and each
10 one-year extension and revision shall be filed with the secretary of
11 transportation not more than thirty days after its adoption. The
12 purpose of this section is to assure that each city and town shall
13 perpetually have available advanced plans looking to the future for not
14 less than six years as a guide in carrying out a coordinated street
15 construction program. The program may at any time be revised by a
16 majority of the legislative body of a city or town, but only after a
17 public hearing.

18 The six-year plan for each city or town lying within the
19 jurisdiction of the Puget Sound regional transportation planning
20 organization shall specifically set forth those projects of regional
21 significance as defined in section 202 of this act for inclusion in the
22 transportation improvement program within that region.

23 The six-year program of each city lying within an urban area shall
24 contain a separate section setting forth the six-year program for
25 arterial street construction based upon its long range construction
26 plan and formulated in accordance with rules of the transportation
27 improvement board. The six-year program for arterial street
28 construction shall be submitted to the transportation improvement board
29 forthwith after its annual revision and adoption by the legislative
30 body of the city. The six-year program for arterial street

1 construction shall be based upon estimated revenues available for such
2 construction together with such additional sums as the legislative
3 authority may request for urban arterials from the urban arterial trust
4 account or the transportation improvement account for the six-year
5 period. The arterial street construction program shall provide for a
6 more rapid rate of completion of the long-range construction needs of
7 principal arterial streets than for minor and collector arterial
8 streets, pursuant to rules of the transportation improvement board:
9 PROVIDED, That urban arterial trust funds made available to the group
10 of incorporated cities lying outside the boundaries of federally
11 approved urban areas within each region need not be divided between
12 functional classes of arterials but shall be available for any
13 designated arterial street.

14 (2) Each six-year program forwarded to the secretary in compliance
15 with subsection (1) of this section shall contain information as to how
16 a city or town will expend its moneys, including funds made available
17 pursuant to chapter 47.30 RCW, for bicycle, pedestrian, and equestrian
18 purposes.

19 **Sec. 214.** RCW 36.81.121 and 1990 1st ex.s. c 17 s 58 are each
20 amended to read as follows:

21 (1) Before July 1st of each year, the legislative authority of each
22 county with the advice and assistance of the county road engineer, and
23 pursuant to one or more public hearings thereon, shall prepare and
24 adopt a comprehensive road program for the ensuing six calendar years.
25 If the county has adopted a comprehensive plan pursuant to chapter
26 35.63 or 36.70 RCW, the inherent authority of a charter county derived
27 from its charter, or chapter 36.70A RCW, the program shall be
28 consistent with this comprehensive plan.

1 The program shall include proposed road and bridge construction
2 work, and for those counties operating ferries shall also include a
3 separate section showing proposed capital expenditures for ferries,
4 docks, and related facilities. Copies of the program shall be filed
5 with the county road administration board and with the state secretary
6 of transportation not more than thirty days after its adoption by the
7 legislative authority. The purpose of this section is to assure that
8 each county shall perpetually have available advanced plans looking to
9 the future for not less than six years as a guide in carrying out a
10 coordinated road construction program. The program may at any time be
11 revised by a majority of the legislative authority but only after a
12 public hearing thereon.

13 (2) The six-year program of each county having an urban area within
14 its boundaries shall contain a separate section setting forth the six-
15 year program for arterial road construction based upon its long-range
16 construction plan and formulated in accordance with regulations of the
17 transportation improvement board. The six-year program for arterial
18 road construction shall be submitted to the transportation improvement
19 board forthwith after its annual revision and adoption by the
20 legislative authority of each county. The six-year program for
21 arterial road construction shall be based upon estimated revenues
22 available for such construction together with such additional sums as
23 the legislative authority of each county may request for urban
24 arterials from the urban arterial trust account or the transportation
25 improvement account for the six-year period. The arterial road
26 construction program shall provide for a more rapid rate of completion
27 of the long-range construction needs of principal arterial roads than
28 for minor and collector arterial roads, pursuant to regulations of the
29 transportation improvement board.

1 (3) Each six-year program forwarded to the secretary in compliance
2 with subsection (1) of this section shall contain information as to how
3 a county will expend its moneys, including funds made available
4 pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and
5 equestrian purposes.

6 (4) The six-year plan for each county lying within the jurisdiction
7 of the Puget Sound regional transportation planning organization shall
8 specifically set forth those projects of regional significance as
9 defined in section 202 of this act for inclusion in the transportation
10 improvement program within that region.

11 **Sec. 215.** RCW 47.26.080 and 1991 sp.s. c 32 s 32 are each amended
12 to read as follows:

13 There is hereby created in the motor vehicle fund the urban
14 arterial trust account. All moneys deposited in the motor vehicle fund
15 to be credited to the urban arterial trust account shall be expended
16 for the construction and improvement of city arterial streets and
17 county arterial roads within urban areas, for expenses of the
18 transportation improvement board, or for the payment of principal or
19 interest on bonds issued for the purpose of constructing or improving
20 city arterial streets and county arterial roads within urban areas, or
21 for reimbursement to the state, counties, cities, and towns in
22 accordance with RCW 47.26.4252 and 47.26.4254, the amount of any
23 payments made on principal or interest on urban arterial trust account
24 bonds from motor vehicle or special fuel tax revenues which were
25 distributable to the state, counties, cities, and towns.

26 The board shall not allocate funds, nor make payments of the funds
27 under RCW 47.26.260, to any county, city, or town identified by the
28 governor under RCW 36.70A.340 nor to any county, city, or town failing

1 to meet the conditions of section 210 of this act when required to do
2 so.

3 **Sec. 216.** RCW 47.26.084 and 1988 c 167 s 2 are each amended to
4 read as follows:

5 The transportation improvement account is hereby created in the
6 motor vehicle fund. The board shall adopt rules and procedures which
7 shall govern the allocation of funds in the transportation improvement
8 account at such time as funds become available.

9 The board shall allocate funds from the account by June 30 of each
10 year for the ensuing fiscal year and shall endeavor to provide
11 geographical diversity in selecting improvement projects to be funded
12 from the account.

13 Of the amount made available to the transportation improvement
14 board from the transportation improvement account for improvement
15 projects:

16 (1) Eighty-seven percent shall be allocated to counties, to cities
17 with a population of over five thousand, and to transportation benefit
18 districts. Improvement projects may include, but are not limited to,
19 multi-agency and suburban arterial improvement projects.

20 To be eligible to receive these funds, a project must be (a)
21 consistent with state, regional, and local transportation plans and
22 consideration shall be given to the project's relationship, both actual
23 and potential, with rapid mass transit (~~and at such time as a rail~~
24 ~~plan is developed by the rail development commission, projects must be~~
25 ~~consistent therewith)), (b) necessitated by existing or reasonably~~
26 foreseeable congestion levels attributable to economic development or
27 growth, and (c) partially funded by local government or private
28 contributions, or a combination of such contributions. The board
29 shall, for those projects meeting the eligibility criteria, determine

1 what percentage of each project is funded by local and/or private
2 contribution. Priority consideration shall be given to those projects
3 with the greatest percentage of local and/or private contribution.

4 Within one year after board approval of an application for funding,
5 a county, city, or transportation benefit district shall provide
6 written certification to the board of the pledged local and/or private
7 funding. Funds allocated to an applicant that does not certify its
8 funding within one year after approval may be reallocated by the board.

9 (2) Thirteen percent shall be allocated by the board to cities with
10 a population of five thousand or less for street improvement projects
11 in a manner determined by the board.

12 The distribution of funds to agencies shall be consistent with the
13 conditions of section 210 of this act.

14 **Sec. 217.** RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each
15 amended to read as follows:

16 There is hereby established in the state treasury the high capacity
17 transportation account. Money in the account shall be used, after
18 appropriation and consistent with the conditions of section 210 of this
19 act, for local high capacity transportation purposes including rail
20 freight.

21 NEW SECTION. **Sec. 218.** A new section is added to chapter 53.36
22 RCW to read as follows:

23 PORT DISTRICT LEVIES. After 1992, a port district whose boundaries
24 lie partly or wholly within the boundaries of the Puget Sound regional
25 transportation planning organization as defined in section 202 of this
26 act may not impose a tax levy under this chapter that generates an
27 amount of tax receipts greater than the amount of tax receipts
28 collected in the previous year, if that district uses any revenues from

1 tax levies to construct or operate transportation facilities of
2 regional significance included in the regional transportation plan if
3 there has been a finding of inconsistency pursuant to section 211 of
4 this act.

5 **Sec. 219.** RCW 82.14.045 and 1991 c 363 s 158 are each amended to
6 read as follows:

7 (1) The legislative body of any city pursuant to RCW 35.92.060, of
8 any county which has created an unincorporated transportation benefit
9 area pursuant to RCW 36.57.100 and 36.57.110, of any public
10 transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090,
11 of any county transportation authority established pursuant to chapter
12 36.57 RCW, and of any metropolitan municipal corporation within a
13 county with a population of one million or more pursuant to chapter
14 35.58 RCW, may, by resolution or ordinance for the sole purpose of
15 providing funds for the operation, maintenance, or capital needs of
16 public transportation systems and in lieu of the excise taxes
17 authorized by RCW 35.95.040, submit an authorizing proposition to the
18 voters or include such authorization in a proposition to perform the
19 function of public transportation and if approved by a majority of
20 persons voting thereon, fix and impose a sales and use tax in
21 accordance with the terms of this chapter: PROVIDED, That no such
22 legislative body shall impose such a sales and use tax without
23 submitting such an authorizing proposition to the voters and obtaining
24 the approval of a majority of persons voting thereon: PROVIDED
25 FURTHER, That where such a proposition is submitted by a county on
26 behalf of an unincorporated transportation benefit area, it shall be
27 voted upon by the voters residing within the boundaries of such
28 unincorporated transportation benefit area and, if approved, the sales
29 and use tax shall be imposed only within such area. Notwithstanding

1 any provisions of this section to the contrary, any county in which a
2 county public transportation plan has been adopted pursuant to RCW
3 36.57.070 and the voters of such county have authorized the imposition
4 of a sales and use tax pursuant to the provisions of section 10,
5 chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be
6 authorized to fix and impose a sales and use tax as provided in this
7 section at not to exceed the rate so authorized without additional
8 approval of the voters of such county as otherwise required by this
9 section.

10 The tax authorized pursuant to this section shall be in addition to
11 the tax authorized by RCW 82.14.030 and shall be collected from those
12 persons who are taxable by the state pursuant to chapters 82.08 and
13 82.12 RCW upon the occurrence of any taxable event within such city,
14 public transportation benefit area, county, or metropolitan municipal
15 corporation as the case may be. The rate of such tax shall be one-
16 tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-
17 tenths of one percent of the selling price (in the case of a sales tax)
18 or value of the article used (in the case of a use tax). The rate of
19 such tax shall not exceed the rate authorized by the voters unless such
20 increase shall be similarly approved and meets the conditions of
21 section 210 of this act.

22 (2)(a) In the event a metropolitan municipal corporation shall
23 impose a sales and use tax pursuant to this chapter no city, county
24 which has created an unincorporated transportation benefit area, public
25 transportation benefit area authority, or county transportation
26 authority wholly within such metropolitan municipal corporation shall
27 be empowered to levy and/or collect taxes pursuant to RCW 35.58.273,
28 35.95.040, and/or 82.14.045, but nothing herein shall prevent such city
29 or county from imposing sales and use taxes pursuant to any other
30 authorization.

1 (b) In the event a county transportation authority shall impose a
2 sales and use tax pursuant to this section, no city, county which has
3 created an unincorporated transportation benefit area, public
4 transportation benefit area, or metropolitan municipal corporation,
5 located within the territory of the authority, shall be empowered to
6 levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or
7 82.14.045.

8 (c) In the event a public transportation benefit area shall impose
9 a sales and use tax pursuant to this section, no city, county which has
10 created an unincorporated transportation benefit area, or metropolitan
11 municipal corporation, located wholly or partly within the territory of
12 the public transportation benefit area, shall be empowered to levy or
13 collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

14 (3) Any local sales and use tax revenue collected pursuant to this
15 section by any city or by any county for transportation purposes
16 pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally
17 generated tax revenues for the purposes of apportionment and
18 distribution, in the manner prescribed by chapter 82.44 RCW, of the
19 proceeds of the motor vehicle excise tax authorized pursuant to RCW
20 35.58.273.

21 **Sec. 220.** RCW 82.44.180 and 1991 c 199 s 224 are each amended to
22 read as follows:

23 (1) The transportation fund is created in the state treasury.
24 Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the
25 surcharge under RCW 82.50.510 shall be deposited into the fund as
26 provided in those sections.

27 Moneys in the fund may be spent only after appropriation.
28 Expenditures from the fund may be used only for transportation
29 purposes.

1 (2) There is hereby created the central Puget Sound public
2 transportation account within the transportation fund. Moneys
3 deposited into the account under RCW 82.44.150(2)(b) shall be expended
4 within the three county region from which the funds are derived,
5 subject to the conditions of section 210 of this act solely for:

6 (a) Development of high capacity transportation systems as defined
7 in RCW 81.104.010;

8 (b) Development of high occupancy vehicle lanes and related
9 facilities as defined in RCW 81.100.020; and

10 (c) Public transportation system contributions required to fund
11 projects approved by the transportation improvement board.

12 (3) There is hereby created the public transportation systems
13 account within the transportation fund. Moneys deposited into the
14 account under RCW 82.44.150(2)(c) shall be available to the public
15 transportation system from which the funds are derived, subject to the
16 conditions of section 210 of this act solely for:

17 (a) Development of high capacity transportation systems as defined
18 in RCW 81.104.010;

19 (b) Development of high occupancy vehicle lanes and related
20 facilities as defined in RCW 81.100.020;

21 (c) Other public transportation system-related roadway projects on
22 state highways, county roads, or city streets; and

23 (d) Public transportation system contributions required to fund
24 projects approved by the transportation improvement board.

25 **Sec. 221.** RCW 82.80.010 and 1991 c 339 s 12 are each amended to
26 read as follows:

27 (1) Subject to the conditions of this section and section 210 of
28 this act, any county may levy, by approval of its legislative body and
29 a majority of the registered voters of the county voting on the

1 proposition at a general or special election, additional excise taxes
2 equal to ten percent of the state-wide motor vehicle fuel tax rate
3 under RCW 82.36.025 on each gallon of motor vehicle fuel as defined in
4 RCW 82.36.010(2) and on each gallon of special fuel as defined in RCW
5 82.38.020(5) sold within the boundaries of the county. Vehicles paying
6 an annual license fee under RCW 82.38.075 are exempt from the county
7 fuel excise tax. An election held under this section must be held not
8 more than twelve months before the date on which the proposed tax is to
9 be levied. The ballot setting forth the proposition shall state the
10 tax rate that is proposed. The county's authority to levy additional
11 excise taxes under this section includes the incorporated and
12 unincorporated areas of the county. The additional excise taxes are
13 subject to the same exceptions and rights of refund as applicable to
14 other motor vehicle fuel and special fuel excise taxes levied under
15 chapters 82.36 and 82.38 RCW. The proposed tax shall not be levied
16 less than one month from the date the election results are certified by
17 the county election officer. The commencement date for the levy of any
18 tax under this section shall be the first day of January, April, July,
19 or October.

20 (2) Every person subject to the tax shall pay, in addition to any
21 other taxes provided by law, an additional excise tax to the director
22 of licensing at the rate levied by a county exercising its authority
23 under this section.

24 (3) The state treasurer shall distribute monthly to the levying
25 county and cities contained therein the proceeds of the additional
26 excise taxes collected under this section, after the deductions for
27 payments and expenditures as provided in RCW 46.68.090 (1) and (2) and
28 under the conditions and limitations provided in RCW 82.80.080.

1 (4) The proceeds of the additional excise taxes levied under this
2 section shall be used strictly for transportation purposes in
3 accordance with RCW 82.80.070.

4 (5) The department of licensing shall administer and collect the
5 county fuel taxes. The department shall deduct a percentage amount, as
6 provided by contract, for administrative, collection, refund, and audit
7 expenses incurred. The remaining proceeds shall be remitted to the
8 custody of the state treasurer for monthly distribution under RCW
9 82.80.080.

10 **Sec. 222.** RCW 82.80.020 and 1991 c 318 s 13 are each amended to
11 read as follows:

12 (1) Except as limited by section 210 of this act, the legislative
13 authority of a county may fix and impose an additional fee, not to
14 exceed fifteen dollars per vehicle, for each vehicle that is subject to
15 license fees under RCW 46.16.060 and is determined by the department of
16 licensing to be registered within the boundaries of the county.

17 (2) The department of licensing shall administer and collect the
18 fee. The department shall deduct a percentage amount, as provided by
19 contract, not to exceed two percent of the taxes collected, for
20 administration and collection expenses incurred by it. The remaining
21 proceeds shall be remitted to the custody of the state treasurer for
22 monthly distribution under RCW 82.80.080.

23 (3) The proceeds of this fee shall be used strictly for
24 transportation purposes in accordance with RCW 82.80.070.

25 (4) A county imposing this fee shall delay the effective date at
26 least six months from the date the ordinance is enacted to allow the
27 department of licensing to implement administration and collection of
28 the fee.

1 (5) The legislative authority of a county may develop and initiate
2 a refund process of the fifteen dollar fee to the registered owners of
3 vehicles residing within the boundaries of the county who are sixty-one
4 years old or older at the time of payment of the fee and whose
5 household income for the previous calendar year is eighteen thousand
6 dollars or less or who has a physical disability and who has paid the
7 fifteen dollar additional fee.

8 **Sec. 223.** RCW 82.80.030 and 1990 c 42 s 208 are each amended to
9 read as follows:

10 (1) Subject to the conditions of this section and section 210 of
11 this act, the legislative authority of a county or city may fix and
12 impose a parking tax on all persons engaged in a commercial parking
13 business within its respective jurisdiction. The jurisdiction of a
14 county, for purposes of this section, includes only the unincorporated
15 area of the county. The jurisdiction of a city includes only the area
16 within its incorporated boundaries.

17 (2) In lieu of the tax in subsection (1) of this section, a city or
18 a county in its unincorporated area may fix and impose a tax for the
19 act or privilege of parking a motor vehicle in a facility operated by
20 a commercial parking business.

21 The city or county may provide that:

22 (a) The tax is paid by the operator or owner of the motor vehicle;

23 (b) The tax applies to all parking for which a fee is paid, whether
24 paid or leased, including parking supplied with a lease of
25 nonresidential space;

26 (c) The tax is collected by the operator of the facility and
27 remitted to the city or county;

28 (d) The tax is a fee per vehicle or is measured by the parking
29 charge;

1 (e) The tax rate varies with zoning or location of the facility,
2 the duration of the parking, the time of entry or exit, the type or use
3 of the vehicle, or other reasonable factors; and

4 (f) Tax exempt carpools, vehicles with handicapped decals, or
5 government vehicles are exempt from the tax.

6 (3) "Commercial parking business" as used in this section, means
7 the ownership, lease, operation, or management of a commercial parking
8 lot in which fees are charged. "Commercial parking lot" means a
9 covered or uncovered area with stalls for the purpose of parking motor
10 vehicles.

11 (4) The rate of the tax under subsection (1) of this section may be
12 based either upon gross proceeds or the number of vehicle stalls
13 available for commercial parking use. The rates charged must be
14 uniform for the same class or type of commercial parking business.

15 (5) The county or city levying the tax provided for in subsection
16 (1) or (2) of this section may provide for its payment on a monthly,
17 quarterly, or annual basis. Each local government may develop by
18 ordinance or resolution rules for administering the tax, including
19 provisions for reporting by commercial parking businesses, collection,
20 and enforcement.

21 (6) The proceeds of the commercial parking tax fixed and imposed
22 under subsection (1) or (2) of this section shall be used strictly for
23 transportation purposes in accordance with RCW 82.80.070.

24 **Sec. 224.** RCW 82.80.050 and 1991 c 141 s 2 are each amended to
25 read as follows:

26 Except as limited by section 210 of this act, a city or town
27 electing to own, construct, maintain, operate, and preserve its streets
28 as a separate street utility may levy periodic charges for the use or
29 availability of the streets in a total annual amount of up to fifty

1 percent of the actual costs for maintenance, operation, and
2 preservation of facilities under the jurisdiction of the street
3 utility. The rates charged for the use must be uniform for the same
4 class of service and all business and residential properties must be
5 subject to the utility charge. Charges imposed on businesses shall be
6 measured solely by the number of employees and shall not exceed the
7 equivalent of two dollars per full-time equivalent employee per month.
8 Charges imposed against owners or occupants of residential property
9 shall not exceed two dollars per month per housing unit as defined in
10 RCW 35.95.040. Charges authorized in this section shall not be imposed
11 against owners of property: (1) Exempt under RCW 84.36.010; (2) exempt
12 from the leasehold tax under chapter 82.29A RCW; or (3) used for
13 nonprofit or sectarian purposes, which if said property were owned by
14 such organization would qualify for exemption under chapter 84.36 RCW.
15 The charges shall not be computed on the basis of an ad valorem charge
16 on the underlying real property and improvements. This section shall
17 not be used as a basis to directly or indirectly charge transportation
18 impact fees or mitigation fees of any kind against new development. A
19 city or town may contract with any other utility or local government to
20 provide for billing and collection of the street utility charges.

21 In classifying service furnished within the general categories of
22 business and residential, the city or town legislative authority may in
23 its discretion consider any or all of the following factors: The
24 difference in cost of service to the various users or traffic
25 generators; location of the various users or traffic generators within
26 the city or town; the difference in cost of maintenance, operation,
27 construction, repair, and replacement of the various parts of the
28 enterprise and facility; the different character of the service
29 furnished to various users or traffic generators within the city or
30 town; the size and quality of the street service furnished; the time of

1 use or traffic generation; capital contributions made to the facility
2 including but not limited to special assessments; and any other matters
3 that present a reasonable difference as a ground for distinction, or
4 the entire category of business or residential may be established as a
5 single class. The city or town may reduce or exempt charges on
6 residential properties to the extent of their occupancy by low-income
7 senior citizens and low-income disabled citizens as provided in RCW
8 74.38.070(1), or to the extent of their occupancy by the needy or
9 infirm.

10 The charges shall be charges against the property and the use
11 thereof and shall become liens and be enforced in the same manner as
12 rates and charges for the use of systems of sewerage under chapter
13 35.67 RCW.

14 Any city or town ordinance or resolution creating a street utility
15 must contain a provision granting to any business a credit against any
16 street utility charge the full amount of any commuter or employer tax
17 paid for transportation purposes by that business.

18 NEW SECTION. **Sec. 225.** Sections 201 through 211 of this act
19 shall constitute a new chapter in Title 47 RCW.

20 NEW SECTION. **Sec. 226.** Part and section headings as used in
21 this act do not constitute any part of the law.

22 NEW SECTION. **Sec. 227.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected.

26 NEW SECTION. **Sec. 228.** This act shall take effect July 1, 1992.