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HOUSE BILL 2103

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State of Washington                      54th Legislature    1995 1st Special Session

By Representative K. Schmidt

Read first time .    Referred to Committee on .

1            AN ACT Relating to high capacity transportation; amending RCW  
2 81.104.140, 82.44.150, 81.104.015, 81.104.030, 81.104.040, 81.104.050,  
3 81.104.120, 81.104.140, 81.104.150, 81.104.170, 81.104.180, 81.104.190,  
4 35.58.2795, 47.26.121, 47.80.060, and 81.112.030; reenacting and  
5 amending RCW 81.104.160; adding a new section to chapter 81.104 RCW;  
6 adding a new section to chapter 47.46 RCW; creating a new section;  
7 repealing RCW 81.112.010, 81.112.020, 81.112.030, 81.112.040,  
8 81.112.050, 81.112.060, 81.112.070, 81.112.080, 81.112.090, 81.112.100,  
9 81.112.110, 81.112.120, 81.112.130, 81.112.140, 81.112.150, 81.112.160,  
10 81.112.170, 81.112.900, 81.112.901, and 81.112.902; providing an  
11 effective date; providing a contingent effective date; providing an  
12 expiration date; and declaring an emergency.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

14            **Sec. 1.** RCW 81.104.140 and 1992 c 101 s 25 are each amended to  
15 read as follows:

16            (1) Agencies authorized to provide high capacity transportation  
17 service, including transit agencies and regional transit authorities,  
18 are hereby granted dedicated funding sources for such systems. These  
19 dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160,

1 and 81.104.170, are authorized only for agencies located in (~~(a) each~~  
2 ~~county with a population of two hundred ten thousand or more and (b)~~  
3 ~~each county with a population of from one hundred twenty-five thousand~~  
4 ~~to less than two hundred ten thousand except for those counties that do~~  
5 ~~not border a county with a population as described under (a) of this~~  
6 ~~subsection. In any county with a population of one million or more or~~  
7 ~~in any county having a population of four hundred thousand or more~~  
8 ~~bordering a county with a population of one million or more, these~~  
9 ~~funding sources may be imposed only by a regional transit authority))~~  
10 any county that has a population of one hundred seventy-five thousand  
11 or more and has an interstate highway within its borders. A vote  
12 within the boundaries of a regional transit authority to authorize  
13 imposition of these dedicated funding sources may not occur prior to  
14 February 1, 1996.

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

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

- 20 (a) Acceptability;
- 21 (b) Ease of administration;
- 22 (c) Equity;
- 23 (d) Implementation feasibility;
- 24 (e) Revenue reliability; and
- 25 (f) Revenue yield.

26 (4) Agencies participating in regional high capacity transportation  
27 system development are authorized to levy and collect the following  
28 voter-approved local option funding sources:

- 29 (a) Employer tax as provided in RCW 81.104.150;
- 30 (b) Special motor vehicle excise tax as provided in RCW 81.104.160;
- 31 and
- 32 (c) Sales and use tax as provided in RCW 81.104.170.

33 Revenues from these taxes may be used only to support those  
34 purposes prescribed in subsection (10) of this section. Before the  
35 date of an election authorizing an agency to impose any of the taxes  
36 enumerated in this section and authorized in RCW 81.104.150,  
37 81.104.160, and 81.104.170, the agency must comply with the process  
38 prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No

1 construction on exclusive right of way may occur before the  
2 requirements of RCW 81.104.100(3) are met.

3 (5) Authorization in subsection (4) of this section shall not  
4 adversely affect the funding authority of transit agencies not provided  
5 for in this chapter. Local option funds may be used to support  
6 implementation of interlocal agreements with respect to the  
7 establishment of regional high capacity transportation service. Except  
8 when a regional transit authority exists, local jurisdictions shall  
9 retain control over moneys generated within their boundaries, although  
10 funds may be commingled with those generated in other areas for  
11 planning, construction, and operation of high capacity transportation  
12 systems as set forth in the agreements.

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

16 (7) Dedicated high capacity transportation funding sources  
17 authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be  
18 subject to voter approval by a simple majority. A single ballot  
19 proposition may seek approval for one or more of the authorized taxing  
20 sources. (~~The ballot title shall reference the document identified in~~  
21 ~~subsection (8) of this section.~~)

22 (8) (~~Agencies shall provide to the registered voters in the area~~  
23 ~~a document describing the systems plan and the financing plan set forth~~  
24 ~~in RCW 81.104.100. It shall also describe the relationship of the~~  
25 ~~system to regional issues such as development density at station~~  
26 ~~locations and activity centers, and the interrelationship of the system~~  
27 ~~to adopted land use and transportation demand management goals within~~  
28 ~~the region. This document shall be provided to the voters at least~~  
29 ~~twenty days prior to the date of the election)) When making public  
30 representations about revenues available to support a proposed project,  
31 regional transit authorities shall not assume, nor imply the  
32 availability of state funds unless those funds have been specifically  
33 authorized. Any assumptions of federal funds shall be based on  
34 authorizations in the current six-year transportation authorization  
35 law.~~

36 (9) For any election in which voter approval is sought for a high  
37 capacity transportation system plan and financing plan pursuant to RCW  
38 81.104.040, a local voter's pamphlet shall be produced as provided in  
39 chapter 29.81A RCW.

1 (10) Agencies providing high capacity transportation service shall  
2 retain responsibility for revenue encumbrance, disbursement, and  
3 bonding. Funds may be used for any purpose relating to planning,  
4 construction, and operation of high capacity transportation systems and  
5 commuter rail systems, personal rapid transit, busways, bus sets, and  
6 entrained and linked buses.

7 **Sec. 2.** RCW 82.44.150 and 1994 c 241 s 1 are each amended to read  
8 as follows:

9 (1) The director of licensing shall, on the twenty-fifth day of  
10 February, May, August, and November of each year, advise the state  
11 treasurer of the total amount of motor vehicle excise taxes imposed by  
12 RCW 82.44.020 (1) and (2) remitted to the department during the  
13 preceding calendar quarter ending on the last day of March, June,  
14 September, and December, respectively, except for those payable under  
15 RCW 82.44.030, from motor vehicle owners residing within each  
16 municipality which has levied a tax under RCW 35.58.273, which amount  
17 of excise taxes shall be determined by the director as follows:

18 The total amount of motor vehicle excise taxes remitted to the  
19 department, except those payable under RCW 82.44.020(3) and 82.44.030,  
20 from each county shall be multiplied by a fraction, the numerator of  
21 which is the population of the municipality residing in such county,  
22 and the denominator of which is the total population of the county in  
23 which such municipality or portion thereof is located. The product of  
24 this computation shall be the amount of excise taxes from motor vehicle  
25 owners residing within such municipality or portion thereof. Where the  
26 municipality levying a tax under RCW 35.58.273 is located in more than  
27 one county, the above computation shall be made by county, and the  
28 combined products shall provide the total amount of motor vehicle  
29 excise taxes from motor vehicle owners residing in the municipality as  
30 a whole. Population figures required for these computations shall be  
31 supplied to the director by the office of financial management, who  
32 shall adjust the fraction annually.

33 (2) On the first day of the months of January, April, July, and  
34 October of each year, the state treasurer based upon information  
35 provided by the department shall, from motor vehicle excise taxes  
36 deposited in the general fund, under RCW 82.44.110(1)(g), make the  
37 following deposits:

1 (a) To the high capacity transportation account created in RCW  
2 47.78.010, a sum equal to four and five-tenths percent of the special  
3 excise tax levied under RCW 35.58.273 by those municipalities  
4 authorized to levy a special excise tax within ~~((i))~~ each county  
5 ~~((with a population of two hundred ten thousand or more and (ii) each~~  
6 ~~county with a population of from one hundred twenty five thousand to~~  
7 ~~less than two hundred ten thousand except for those counties that do~~  
8 ~~not border a county with a population as described in subsection (i) of~~  
9 ~~this subsection))~~ that has a population of one hundred seventy-five  
10 thousand or more and has an interstate highway within its borders;  
11 except that in a case of a municipality located in a county that has a  
12 population of one hundred seventy-five thousand or more that does not  
13 have an interstate highway located within its borders, that sum shall  
14 be deposited in the passenger ferry account;

15 (b) To the central Puget Sound public transportation account  
16 created in RCW 82.44.180, for revenues distributed after December 31,  
17 1992, within a county with a population of one million or more and a  
18 county with a population of from two hundred thousand to less than one  
19 million bordering a county with a population of one million or more, a  
20 sum equal to the difference between (i) the special excise tax levied  
21 and collected under RCW 35.58.273 by those municipalities authorized to  
22 levy and collect a special excise tax subject to the requirements of  
23 subsections (3) and (4) of this section and (ii) the special excise tax  
24 that the municipality would otherwise have been eligible to levy and  
25 collect at a tax rate of .815 percent and been able to match with  
26 locally generated tax revenues, other than the excise tax imposed under  
27 RCW 35.58.273, budgeted for any public transportation purpose. Before  
28 this deposit, the sum shall be reduced by an amount equal to the amount  
29 distributed under (a) of this subsection for each of the municipalities  
30 within the counties to which this subsection (2)(b) applies; however,  
31 any transfer under this subsection (2)(b) must be greater than zero;

32 (c) To the public transportation systems account created in RCW  
33 82.44.180, for revenues distributed after December 31, 1992, within  
34 counties not described in (b) of this subsection, a sum equal to the  
35 difference between (i) the special excise tax levied and collected  
36 under RCW 35.58.273 by those municipalities authorized to levy and  
37 collect a special excise tax subject to the requirements of subsections  
38 (3) and (4) of this section and (ii) the special excise tax that the  
39 municipality would otherwise have been eligible to levy and collect at

1 a tax rate of .815 percent and been able to match with locally  
2 generated tax revenues, other than the excise tax imposed under RCW  
3 35.58.273, budgeted for any public transportation purpose. Before this  
4 deposit, the sum shall be reduced by an amount equal to the amount  
5 distributed under (a) of this subsection for each of the municipalities  
6 within the counties to which this subsection (2)(c) applies; however,  
7 any transfer under this subsection (2)(c) must be greater than zero;  
8 and

9 (d) To the general fund, for revenues distributed after June 30,  
10 1993, and to the transportation fund, for revenues distributed after  
11 June 30, 1995, a sum equal to the difference between (i) the special  
12 excise tax levied and collected under RCW 35.58.273 by those  
13 municipalities authorized to levy and collect a special excise tax  
14 subject to the requirements of subsections (3) and (4) of this section  
15 and (ii) the special excise tax that the municipality would otherwise  
16 have been eligible to levy and collect at a tax rate of .815 percent  
17 notwithstanding the requirements set forth in subsections (3) through  
18 (6) of this section, reduced by an amount equal to distributions made  
19 under (a), (b), and (c) of this subsection and RCW 82.14.046.

20 (3) On the first day of the months of January, April, July, and  
21 October of each year, the state treasurer, based upon information  
22 provided by the department, shall remit motor vehicle excise tax  
23 revenues imposed and collected under RCW 35.58.273 as follows:

24 (a) The amount required to be remitted by the state treasurer to  
25 the treasurer of any municipality levying the tax shall not exceed in  
26 any calendar year the amount of locally-generated tax revenues,  
27 excluding (i) the excise tax imposed under RCW 35.58.273 for the  
28 purposes of this section, which shall have been budgeted by the  
29 municipality to be collected in such calendar year for any public  
30 transportation purposes including but not limited to operating costs,  
31 capital costs, and debt service on general obligation or revenue bonds  
32 issued for these purposes; and (ii) the sales and use tax equalization  
33 distributions provided under RCW 82.14.046; and

34 (b) In no event may the amount remitted in a single calendar  
35 quarter exceed the amount collected on behalf of the municipality under  
36 RCW 35.58.273 during the calendar quarter next preceding the  
37 immediately preceding quarter, excluding the sales and use tax  
38 equalization distributions provided under RCW 82.14.046.

1 (4) At the close of each calendar year accounting period, but not  
2 later than April 1, each municipality that has received motor vehicle  
3 excise taxes under subsection (3) of this section shall transmit to the  
4 director of licensing and the state auditor a written report showing by  
5 source the previous year's budgeted tax revenues for public  
6 transportation purposes as compared to actual collections. Any  
7 municipality that has not submitted the report by April 1 shall cease  
8 to be eligible to receive motor vehicle excise taxes under subsection  
9 (3) of this section until the report is received by the director of  
10 licensing. If a municipality has received more or less money under  
11 subsection (3) of this section for the period covered by the report  
12 than it is entitled to receive by reason of its locally-generated  
13 collected tax revenues, the director of licensing shall, during the  
14 next ensuing quarter that the municipality is eligible to receive motor  
15 vehicle excise tax funds, increase or decrease the amount to be  
16 remitted in an amount equal to the difference between the locally-  
17 generated budgeted tax revenues and the locally-generated collected tax  
18 revenues. In no event may the amount remitted for a calendar year  
19 exceed the amount collected on behalf of the municipality under RCW  
20 35.58.273 during that same calendar year excluding the sales and use  
21 tax equalization distributions provided under RCW 82.14.046. At the  
22 time of the next fiscal audit of each municipality, the state auditor  
23 shall verify the accuracy of the report submitted and notify the  
24 director of licensing of any discrepancies.

25 (5) The motor vehicle excise taxes imposed under RCW 35.58.273 and  
26 required to be remitted under this section and RCW 82.14.046 shall be  
27 remitted without legislative appropriation.

28 (6) Any municipality levying and collecting a tax under RCW  
29 35.58.273 which does not have an operating, public transit system or a  
30 contract for public transportation services in effect within one year  
31 from the initial effective date of the tax shall return to the state  
32 treasurer all motor vehicle excise taxes received under subsection (3)  
33 of this section.

34 NEW SECTION. **Sec. 3.** The following acts or parts of acts are each  
35 repealed:

36 (1) RCW 81.112.010 and 1992 c 101 s 1;

37 (2) RCW 81.112.020 and 1992 c 101 s 2;

- 1 (3) RCW 81.112.030 and 1994 c 44 s 1, 1993 sp.s. c 23 s 62, & 1992  
2 c 101 s 3;
- 3 (4) RCW 81.112.040 and 1994 c 109 s 1 & 1992 c 101 s 4;
- 4 (5) RCW 81.112.050 and 1992 c 101 s 5;
- 5 (6) RCW 81.112.060 and 1992 c 101 s 6;
- 6 (7) RCW 81.112.070 and 1992 c 101 s 7;
- 7 (8) RCW 81.112.080 and 1992 c 101 s 8;
- 8 (9) RCW 81.112.090 and 1992 c 101 s 9;
- 9 (10) RCW 81.112.100 and 1992 c 101 s 10;
- 10 (11) RCW 81.112.110 and 1992 c 101 s 11;
- 11 (12) RCW 81.112.120 and 1992 c 101 s 12;
- 12 (13) RCW 81.112.130 and 1992 c 101 s 13;
- 13 (14) RCW 81.112.140 and 1992 c 101 s 14;
- 14 (15) RCW 81.112.150 and 1992 c 101 s 15;
- 15 (16) RCW 81.112.160 and 1992 c 101 s 16;
- 16 (17) RCW 81.112.170 and 1992 c 101 s 17;
- 17 (18) RCW 81.112.900 and 1992 c 101 s 33;
- 18 (19) RCW 81.112.901 and 1992 c 101 s 34; and
- 19 (20) RCW 81.112.902 and 1992 c 101 s 35.

20 **Sec. 4.** RCW 81.104.015 and 1992 c 101 s 19 are each amended to  
21 read as follows:

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

24 (1) "High capacity transportation system" means a system of public  
25 transportation services within an urbanized region operating  
26 principally on exclusive rights of way, and the supporting services and  
27 facilities necessary to implement such a system, including interim  
28 express services and high occupancy vehicle lanes, which taken as a  
29 whole, provides a substantially higher level of passenger capacity,  
30 speed, and service frequency than traditional public transportation  
31 systems operating principally in general purpose roadways.

32 (2) "Regional transit system" means a high capacity transportation  
33 system under the jurisdiction of one or more transit agencies (~~except~~  
34 ~~where a regional transit authority created under chapter 81.112 RCW~~  
35 ~~exists, in which case "regional transit system" means the high capacity~~  
36 ~~transportation system under the jurisdiction of a regional transit~~  
37 ~~authority~~)).

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

4 **Sec. 5.** RCW 81.104.030 and 1993 c 428 s 1 are each amended to read  
5 as follows:

6 (1) In any county (~~with a population of from two hundred ten~~  
7 ~~thousand to less than one million that is not bordered by a county with~~  
8 ~~a population of one million or more, and in each county with a~~  
9 ~~population of less than two hundred ten thousand~~) that has a  
10 population of one hundred seventy-five thousand or more and has an  
11 interstate highway within its borders, except for any county having a  
12 population of more than one million or a county that has a population  
13 more than four hundred thousand and is adjacent to a county with a  
14 population of more than one million, transit agencies may elect to  
15 establish high capacity transportation service. Such agencies shall  
16 form a regional policy committee with proportional representation based  
17 upon population distribution within the designated service area and a  
18 representative of the department of transportation, or such agencies  
19 may use the designated metropolitan planning organization as the  
20 regional policy committee.

21 Transit agencies participating in joint regional policy committees  
22 shall seek voter approval within their own service boundaries of a high  
23 capacity transportation system plan and financing plan. For transit  
24 agencies in counties adjoining state or international boundaries where  
25 the high capacity transportation system plan and financing plan propose  
26 a bi-state or international high capacity transportation system, such  
27 voter approval shall be required from only those voters residing within  
28 the service area in the state of Washington.

29 (2) Transit agencies in counties adjoining state or international  
30 boundaries are authorized to participate in the regional high capacity  
31 transportation programs of an adjoining state or Canadian province.

32 **Sec. 6.** RCW 81.104.040 and 1992 c 101 s 21 are each amended to  
33 read as follows:

34 Transit agencies in each county with a population of one million or  
35 more, and in each county with a population of from (~~two~~) four hundred  
36 (~~ten~~) thousand to less than one million bordering a county with a  
37 population of one million or more (~~that are authorized on January 1,~~

1 1991, to provide high capacity transportation planning and operating  
2 services must)) may establish through interlocal agreements a ((joint  
3 regional policy committee with proportional representation based upon  
4 the population distribution within each agency's designated service  
5 area, as determined by the parties to the agreement.

6 (1) ~~The membership of the joint regional policy committee shall~~  
7 ~~consist of locally elected officials who serve on the legislative~~  
8 ~~authority of the existing transit systems and a representative from the~~  
9 ~~department of transportation. Nonvoting membership for elected~~  
10 ~~officials from adjoining counties may be allowed at the committee's~~  
11 ~~discretion.~~

12 (2) ~~The joint regional policy committee shall be responsible for~~  
13 ~~the preparation and adoption of)) process to jointly prepare a regional  
14 high capacity transportation implementation program, which shall  
15 include the system plan, project plans, and a financing plan. This  
16 program shall be in conformance with the regional transportation  
17 planning organization's regional transportation plan and consistent  
18 with RCW 81.104.080.~~

19 ((~~(3) The joint regional policy committee shall present an adopted~~  
20 ~~high capacity transportation system plan and financing plan to the~~  
21 ~~boards of directors of the transit agencies within the service area or~~  
22 ~~to the regional transit authority, if such authority has been formed.~~  
23 ~~The authority shall proceed as prescribed in RCW 81.112.030))).~~

24 Transit agencies are encouraged to utilize this process and the  
25 process in RCW 81.104.170 in order to better coordinate high-capacity  
26 transit services and to provide for more effective utilization of  
27 transportation resources.

28 **Sec. 7.** RCW 81.104.050 and 1992 c 101 s 22 are each amended to  
29 read as follows:

30 Regional high capacity transportation service may be expanded  
31 beyond the established district boundaries through interlocal  
32 agreements among the transit agencies ((~~and any regional transit~~  
33 ~~authorities in existence)))).~~

34 **Sec. 8.** RCW 81.104.120 and 1993 c 428 s 2 are each amended to read  
35 as follows:

36 (1) Transit agencies ((~~and regional transit authorities~~)) may  
37 operate or contract for commuter rail service where it is deemed to be

1 a reasonable alternative transit mode. A reasonable alternative is one  
2 whose (~~passenger~~) costs per passenger mile, including costs of  
3 trackage, equipment, maintenance, operations, and administration are  
4 equal to or less than comparable bus, entrained bus, trolley, or  
5 personal rapid transit systems.

6 (2) A county may use funds collected under RCW 81.100.030 or  
7 81.100.060 to contract with one or more transit agencies (~~or regional~~  
8 ~~transit authorities~~) for planning, operation, and maintenance of  
9 commuter rail projects which: (a) Are consistent with the regional  
10 transportation plan; (b) have met the project planning and oversight  
11 requirements of RCW 81.104.100 and 81.104.110; and (c) have been  
12 approved by the voters within the service area of each transit agency  
13 (~~or regional transit authority~~) participating in the project. For  
14 transit agencies in counties adjoining state or international  
15 boundaries where the high capacity transportation system plan and  
16 financing plan propose a bi-state or international high capacity  
17 transportation system, such voter approval shall be required from only  
18 those voters residing within the service area in the state of  
19 Washington. The phrase "approved by the voters" includes specific  
20 funding authorization for the commuter rail project.

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

26 **Sec. 9.** RCW 81.104.140 and 1992 c 101 s 25 are each amended to  
27 read as follows:

28 (1) Transit agencies authorized to provide high capacity  
29 transportation service(~~, including transit agencies and regional~~  
30 ~~transit authorities,~~) are hereby granted dedicated funding sources for  
31 such systems. These dedicated funding sources, as set forth in RCW  
32 81.104.150, 81.104.160, and 81.104.170, are authorized only for  
33 agencies located in (~~(a) each county with a population of two hundred~~  
34 ~~ten thousand or more and (b) each county with a population of from one~~  
35 ~~hundred twenty five thousand to less than two hundred ten thousand~~  
36 ~~except for those counties that do not border a county with a population~~  
37 ~~as described under (a) of this subsection. In any county with a~~  
38 ~~population of one million or more or in any county having a population~~

1 ~~of four hundred thousand or more bordering a county with a population~~  
2 ~~of one million or more, these funding sources may be imposed only by a~~  
3 ~~regional transit authority)) any county that has a population of one~~  
4 ~~hundred seventy-five thousand or more and has an interstate highway~~  
5 ~~within its borders.~~

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

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

- 11 (a) Acceptability;
- 12 (b) Ease of administration;
- 13 (c) Equity;
- 14 (d) Implementation feasibility;
- 15 (e) Revenue reliability; and
- 16 (f) Revenue yield.

17 (4) Agencies participating in regional high capacity transportation  
18 system development are authorized to levy and collect the following  
19 voter-approved local option funding sources:

- 20 (a) Employer tax as provided in RCW 81.104.150;
- 21 (b) Special motor vehicle excise tax as provided in RCW 81.104.160;
- 22 and
- 23 (c) Sales and use tax as provided in RCW 81.104.170.

24 Revenues from these taxes may be used only to support those  
25 purposes prescribed in subsection (10) of this section. Before the  
26 date of an election authorizing an agency to impose any of the taxes  
27 enumerated in this section and authorized in RCW 81.104.150,  
28 81.104.160, and 81.104.170, the agency must comply with the process  
29 prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No  
30 construction on exclusive right of way may occur before the  
31 requirements of RCW 81.104.100(3) are met.

32 (5) Authorization in subsection (4) of this section shall not  
33 adversely affect the funding authority of transit agencies not provided  
34 for in this chapter. Local option funds may be used to support  
35 implementation of interlocal agreements with respect to the  
36 establishment of regional high capacity transportation service.  
37 (~~Except when a regional transit authority exists,)) Local~~  
38 ~~jurisdictions shall retain control over moneys generated within their~~  
39 ~~boundaries, although funds may be commingled with those generated in~~

1 other areas for planning, construction, and operation of high capacity  
2 transportation systems as set forth in the agreements.

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

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

12 (8) (~~Agencies shall provide to the registered voters in the area~~  
13 ~~a document describing the systems plan and the financing plan set forth~~  
14 ~~in RCW 81.104.100. It shall also describe the relationship of the~~  
15 ~~system to regional issues such as development density at station~~  
16 ~~locations and activity centers, and the interrelationship of the system~~  
17 ~~to adopted land use and transportation demand management goals within~~  
18 ~~the region. This document shall be provided to the voters at least~~  
19 ~~twenty days prior to the date of the election)) When making public  
20 representations about revenues available to support a proposed project  
21 transit agencies, shall not assume, nor imply the availability of state  
22 funds unless those funds have been specifically authorized. Any  
23 assumptions of federal funds shall be based on authorizations in the  
24 current six-year transportation authorization law.~~

25 (9) For any election in which voter approval is sought for a high  
26 capacity transportation system plan and financing plan pursuant to RCW  
27 81.104.040, a local voter's pamphlet shall be produced as provided in  
28 chapter 29.81A RCW.

29 (10) Agencies providing high capacity transportation service shall  
30 retain responsibility for revenue encumbrance, disbursement, and  
31 bonding. Funds may be used for any purpose relating to planning,  
32 construction, and operation of high capacity transportation systems and  
33 commuter rail systems, personal rapid transit, busways, bus sets, and  
34 entrained and linked buses.

35 **Sec. 10.** RCW 81.104.150 and 1992 c 101 s 26 are each amended to  
36 read as follows:

37 Cities that operate transit systems, county transportation  
38 authorities, metropolitan municipal corporations, and public

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

15 **Sec. 11.** RCW 81.104.160 and 1992 c 194 s 13 and 1992 c 101 s 27  
16 are each reenacted and amended to read as follows:

17 (1) Cities that operate transit systems, county transportation  
18 authorities, metropolitan municipal corporations, and public  
19 transportation benefit areas(~~(, and regional transit authorities)~~) may  
20 submit an authorizing proposition to the voters, and if approved, may  
21 levy and collect an excise tax, at a rate approved by the voters, but  
22 not exceeding eighty one-hundredths of one percent on the value, under  
23 chapter 82.44 RCW, of every motor vehicle owned by a resident of the  
24 taxing district, solely for the purpose of providing high capacity  
25 transportation service. In any county imposing a motor vehicle excise  
26 tax surcharge pursuant to RCW 81.100.060, the maximum tax rate under  
27 this section shall be reduced to a rate equal to eighty one-hundredths  
28 of one percent on the value less the equivalent motor vehicle excise  
29 tax rate of the surcharge imposed pursuant to RCW 81.100.060. This  
30 rate shall not apply to vehicles licensed under RCW 46.16.070 except  
31 vehicles with an unladen weight of six thousand pounds or less, RCW  
32 46.16.079, (~~(46.16.080,)~~) 46.16.085, or 46.16.090.

33 (2) An agency imposing a tax under subsection (1) of this section  
34 may also impose a sales and use tax solely for the purpose of providing  
35 high capacity transportation service, in addition to the tax authorized  
36 by RCW 82.14.030, upon retail car rentals within the agency's  
37 jurisdiction that are taxable by the state under chapters 82.08 and  
38 82.12 RCW. The rate of tax shall bear the same ratio to the rate

1 imposed under RCW 82.08.020(2) as the excise tax rate imposed under  
2 subsection (1) of this section bears to the excise tax rate imposed  
3 under RCW 82.44.020 (1) and (2). The base of the tax shall be the  
4 selling price in the case of a sales tax or the rental value of the  
5 vehicle used in the case of a use tax. The revenue collected under  
6 this subsection shall be used in the same manner as excise taxes under  
7 subsection (1) of this section.

8 **Sec. 12.** RCW 81.104.170 and 1992 c 101 s 28 are each amended to  
9 read as follows:

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

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

28 **Sec. 13.** RCW 81.104.180 and 1992 c 101 s 29 are each amended to  
29 read as follows:

30 Cities that operate transit systems, county transportation  
31 authorities, metropolitan municipal corporations, and public  
32 transportation benefit areas(~~(, and regional transit authorities)~~) are  
33 authorized to pledge revenues from the employer tax authorized by RCW  
34 81.104.150, the special motor vehicle excise tax authorized by RCW  
35 81.104.160, and the sales and use tax authorized by RCW 81.104.170, to  
36 retire bonds issued solely for the purpose of providing high capacity  
37 transportation service.

1       **Sec. 14.** RCW 81.104.190 and 1992 c 101 s 30 are each amended to  
2 read as follows:

3       Cities that operate transit systems, county transportation  
4 authorities, metropolitan municipal corporations, and public  
5 transportation benefit areas(~~(, and regional transit systems)~~) may  
6 contract with the state department of revenue or other appropriate  
7 entities for administration and collection of any tax authorized by RCW  
8 81.104.150, 81.104.160, and 81.104.170.

9       **Sec. 15.** RCW 35.58.2795 and 1994 c 158 s 6 are each amended to  
10 read as follows:

11       By April 1st of each year, the legislative authority of each  
12 municipality, as defined in RCW 35.58.272, (~~and each regional transit~~  
13 ~~authority~~) shall prepare a six-year transit development plan for that  
14 calendar year and the ensuing five years. The program shall be  
15 consistent with the comprehensive plans adopted by counties, cities,  
16 and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the  
17 inherent authority of a first class city or charter county derived from  
18 its charter, or chapter 36.70A RCW. The program shall contain  
19 information as to how the municipality intends to meet state and local  
20 long-range priorities for public transportation, capital improvements,  
21 significant operating changes planned for the system, and how the  
22 municipality intends to fund program needs. The six-year plan for each  
23 municipality (~~and regional transit authority~~) shall specifically set  
24 forth those projects of regional significance for inclusion in the  
25 transportation improvement program within that region. Each  
26 municipality (~~and regional transit authority~~) shall file the six-year  
27 program with the state department of transportation, the transportation  
28 improvement board, and cities, counties, and regional planning councils  
29 within which the municipality is located.

30       In developing its program, the municipality (~~and the regional~~  
31 ~~transit authority~~) shall consider those policy recommendations  
32 affecting public transportation contained in the state transportation  
33 policy plan approved by the state transportation commission and, where  
34 appropriate, adopted by the legislature. The municipality shall  
35 conduct one or more public hearings while developing its program and  
36 for each annual update.

1       **Sec. 16.** RCW 47.26.121 and 1995 c 269 s 2603 are each amended to  
2 read as follows:

3       (1) There is hereby created a transportation improvement board of  
4 twenty-one members, six of whom shall be county members and six of whom  
5 shall be city members. The remaining members shall be: (a) One  
6 representative appointed by the governor who shall be a state employee  
7 with responsibility for transportation policy, planning, or funding;  
8 (b) two representatives from the department of transportation; (c) two  
9 representatives of public transit systems; (d) a private sector  
10 representative; (e) a member representing the ports; (f) a member  
11 representing nonmotorized transportation; and (g) a member representing  
12 special needs transportation.

13       (2) Of the county members of the board, one shall be a county  
14 engineer or public works director; one shall be the executive director  
15 of the county road administration board; one shall be a county planning  
16 director or planning manager; one shall be a county executive,  
17 councilmember, or commissioner from a county with a population of one  
18 hundred twenty-five thousand or more; one shall be a county executive,  
19 councilmember, or commissioner of a county who serves on the board of  
20 a public transit system; and one shall be a county executive,  
21 councilmember, or commissioner from a county with a population of less  
22 than one hundred twenty-five thousand. All county members of the  
23 board, except the executive director of the county road administration  
24 board, shall be appointed. Not more than one county member of the  
25 board shall be from any one county. No more than two of the three  
26 county-elected officials may represent counties located in either the  
27 eastern or western part of the state as divided north and south by the  
28 summit of the Cascade mountains.

29       (3) Of the city members of the board one shall be a chief city  
30 engineer, public works director, or other city employee with  
31 responsibility for public works activities, of a city with a population  
32 of twenty thousand or more; one shall be a chief city engineer, public  
33 works director, or other city employee with responsibility for public  
34 works activities, of a city of less than twenty thousand population;  
35 one shall be a city planning director or planning manager; one shall be  
36 a mayor, commissioner, or city councilmember of a city with a  
37 population of twenty thousand or more; one shall be a mayor,  
38 commissioner, or city councilmember of a city who serves on the board  
39 of a public transit system; and one shall be a mayor, commissioner, or

1 councilmember of a city of less than twenty thousand population. All  
2 of the city members shall be appointed. Not more than one city member  
3 of the board shall be from any one city. No more than two of the three  
4 city-elected officials may represent cities located in either the  
5 eastern or western part of the state as divided north and south by the  
6 summit of the Cascade mountains.

7 (4) Of the transit members, at least one shall be a general  
8 manager, executive director, or transit director of a public transit  
9 system in an urban area with a population over two hundred thousand and  
10 at least one representative from a rural or small urban transit system  
11 in an area with a population less than two hundred thousand.

12 (5) The private sector member shall be a citizen with business,  
13 management, and transportation related experience and shall be active  
14 in a business community-based transportation organization.

15 (6) The public member shall have professional experience in  
16 transportation or land use planning, a demonstrated interest in  
17 transportation issues, and involvement with community groups or grass  
18 roots organizations.

19 (7) The port member shall be a commissioner or senior staff person  
20 of a public port.

21 (8) The nonmotorized transportation member shall be a citizen with  
22 a demonstrated interest and involvement with a nonmotorized  
23 transportation group.

24 (9) The specialized transportation member shall be a citizen with  
25 a demonstrated interest and involvement with a state-wide specialized  
26 needs transportation group.

27 (10) Appointments of county, city, Washington department of  
28 transportation, transit, port, nonmotorized transportation, special  
29 needs transportation, private sector, and public representatives shall  
30 be made by the secretary of the department of transportation.  
31 Appointees shall be chosen from a list of two persons for each position  
32 nominated by the Washington state association of counties for county  
33 members, the association of Washington cities for city members, the  
34 Washington state transit association for the transit members, and the  
35 Washington public ports association for the port member. The private  
36 sector, public, nonmotorized transportation, and special needs members  
37 shall be sought through classified advertisements in selected  
38 newspapers collectively serving all urban areas of the state, and other  
39 appropriate means. Persons applying for the private sector,

1 nonmotorized transportation, special needs transportation, or the  
2 public member position must provide a letter of interest and a resume  
3 to the secretary of the department of transportation. In the case of  
4 a vacancy, the appointment shall be only for the remainder of the  
5 unexpired term in which the vacancy has occurred. A vacancy shall be  
6 deemed to have occurred on the board when any member elected to public  
7 office completes that term of office or is removed therefrom for any  
8 reason or when any member employed by a political subdivision  
9 terminates such employment for whatsoever reason or when a private  
10 sector, nonmotorized transportation, special needs transportation, or  
11 public member resigns or is unable or unwilling to serve.

12 (11) Appointments shall be for terms of four years. Terms of all  
13 appointed members shall expire on June 30th of even-numbered years.  
14 The initial term of appointed members may be for less than four years.  
15 No appointed member may serve more than two consecutive four-year  
16 terms.

17 (12) The board shall elect a chair from among its members for a  
18 two-year term.

19 (13) Expenses of the board shall be paid in accordance with RCW  
20 47.26.140.

21 (14) For purposes of this section, "public transit system" means a  
22 city-owned transit system, county transportation authority,  
23 metropolitan municipal corporation, or public transportation benefit  
24 area(~~(, or regional transit authority)~~).

25 **Sec. 17.** RCW 47.80.060 and 1992 c 101 s 31 are each amended to  
26 read as follows:

27 In order to qualify for state planning funds available to regional  
28 transportation planning organizations, the regional transportation  
29 planning organizations containing any county with a population in  
30 excess of one million shall provide voting membership on its executive  
31 board to the state transportation commission, the state department of  
32 transportation, and the three largest public port districts within the  
33 region as determined by gross operating revenues. It shall further  
34 assure that at least fifty percent of the county and city local elected  
35 officials who serve on the executive board also serve on transit agency  
36 boards (~~(or on a regional transit authority)~~).

1        NEW SECTION.     **Sec. 18.**     (1) Every regional transit authority

2 created under chapter 81.112 RCW is hereby abolished.

3        (2)(a) All reports, documents, surveys, books, records, files,  
4 papers, or written material in the possession of any regional transit  
5 authority created under chapter 81.112 RCW shall be delivered to the  
6 custody of the transit agencies within the boundaries of the regional  
7 transit authority. All cabinets, furniture, office equipment, motor  
8 vehicles, and other tangible property employed by any regional transit  
9 authority created under chapter 81.112 RCW shall be made available to  
10 the transit agencies within the boundaries of the regional transit  
11 authority. All funds, credits, or other assets held by any regional  
12 transit authority created under chapter 81.112 RCW shall be assigned to  
13 the transit agencies within the boundaries of the regional transit  
14 authority.

15        (b) Any appropriations or grants made to any regional transit  
16 authority created under chapter 81.112 RCW and any funds in the custody  
17 of any regional transit authority created under chapter 81.112 RCW  
18 shall, on the effective date of this section, be transferred and  
19 credited to the transit agencies within the boundaries of the regional  
20 transit authority.

21        (c) If any question or dispute arises as to the transfer of any  
22 personnel, funds, books, documents, records, papers, files, equipment,  
23 or other tangible property used or held in the exercise of the powers  
24 and the performance of the duties and functions transferred, the  
25 director of financial management shall make a determination as to the  
26 proper allocation and certify the same to the state agencies concerned.

27        (3) All rules and all pending business before any regional transit  
28 authority created under chapter 81.112 RCW shall be continued and acted  
29 upon by the transit agencies within the boundaries of the regional  
30 transit authority. All existing contracts and obligations shall remain  
31 in full force and shall be performed by the transit agencies within the  
32 boundaries of the regional transit authority.

33        (4) The transfer of the duties, functions, and personnel of any  
34 regional transit authority created under chapter 81.112 RCW shall not  
35 affect the validity of any act performed before the effective date of  
36 this section.

37        (5) If apportionments of budgeted funds are required because of the  
38 transfers directed by this section, the director of financial  
39 management shall certify the apportionments to the agencies affected,

1 the state auditor, and the state treasurer. Each of these shall make  
2 the appropriate transfer and adjustments in funds and appropriation  
3 accounts and equipment records in accordance with the certification.

4 (6) Nothing contained in this section may be construed to alter any  
5 existing collective bargaining unit or the provisions of any existing  
6 collective bargaining agreement until the agreement has expired or  
7 until the bargaining unit has been modified by action of the personnel  
8 board as provided by law.

9 (7) The transit agencies within the boundaries of the regional  
10 transit authority shall apportion equitably among themselves any assets  
11 or liabilities remaining after the regional transit authority is  
12 abolished.

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

15 Transit agencies entering into local agreements under RCW  
16 81.104.040 shall include, as part of their process to prepare a high  
17 capacity transportation program, a comprehensive treatment of mobility  
18 in the entire region which their program addresses. It shall consider  
19 existing and future technological alternatives under development  
20 demonstrating the capacity for addressing regional transportation  
21 problems into the twenty-first century.

22 The evaluation shall address trips throughout the region including  
23 city-to-city, city-to-suburb, and suburb-to-suburb, considering steps  
24 necessary to reduce congestion, especially addressing peak period  
25 traffic. The program shall be destination oriented, addressing not  
26 only the service needs of urban areas but those of less populated areas  
27 throughout the region. It shall include necessary freeway expansion,  
28 including the use of special purpose lanes to expedite commerce and for  
29 other purposes. It shall also consider programs developed for certain  
30 areas such as fare-free programs, and tax incentives for business and  
31 individuals designed to reduce trips, in order to reduce traffic  
32 congestion and to ensure mobility.

33 The process shall include input from cities and counties, public  
34 ports, large employers in the area, the department of transportation,  
35 and the legislature.

36 NEW SECTION. **Sec. 20.** Section 1, chapter . . . , Laws of 1995 1st  
37 sp. sess. (this act) shall expire on May 31, 1996.

1       **Sec. 21.** RCW 81.112.030 and 1994 c 44 s 1 are each amended to read  
2 as follows:

3       Two or more contiguous counties each having a population of four  
4 hundred thousand persons or more may establish a regional transit  
5 authority to develop and operate a high capacity transportation system  
6 as defined in chapter 81.104 RCW.

7       The authority shall be formed in the following manner:

8       (1) The joint regional policy committee created pursuant to RCW  
9 81.104.040 shall adopt a system and financing plan, including the  
10 definition of the service area. This action shall be completed by  
11 September 1, 1992, contingent upon satisfactory completion of the  
12 planning process defined in RCW 81.104.100. The final system plan  
13 shall be adopted no later than June 30, 1993. In addition to the  
14 requirements of RCW 81.104.100, the plan for the proposed system shall  
15 provide explicitly for a minimum portion of new tax revenues to be  
16 allocated to local transit agencies for interim express services. Upon  
17 adoption the joint regional policy committee shall immediately transmit  
18 the plan to the county legislative authorities within the adopted  
19 service area.

20       (2) The legislative authorities of the counties within the service  
21 area shall decide by resolution whether to participate in the  
22 authority. This action shall be completed within forty-five days  
23 following receipt of the adopted plan or by August 13, 1993, whichever  
24 comes first.

25       (3) Each county that chooses to participate in the authority shall  
26 appoint its board members as set forth in RCW 81.112.040 and shall  
27 submit its list of members to the secretary of the Washington state  
28 department of transportation. These actions must be completed within  
29 thirty days following each county's decision to participate in the  
30 authority.

31       (4) The secretary shall call the first meeting of the authority, to  
32 be held within thirty days following receipt of the appointments. At  
33 its first meeting, the authority shall elect officers and provide for  
34 the adoption of rules and other operating procedures.

35       (5) The authority is formally constituted at its first meeting and  
36 the board shall begin taking steps toward implementation of the system  
37 and financing plan adopted by the joint regional policy committee. If  
38 the joint regional policy committee fails to adopt a plan by June 30,  
39 1993, the authority shall proceed to do so based on the work completed

1 by that date by the joint regional policy committee. Upon formation of  
2 the authority, the joint regional policy committee shall cease to  
3 exist. The authority may make minor modifications to the plan as  
4 deemed necessary and shall at a minimum review local transit agencies'  
5 plans to ensure feeder service/high capacity transit service  
6 integration, ensure fare integration, and ensure avoidance of parallel  
7 competitive services. The authority shall also conduct a minimum  
8 thirty-day public comment period.

9 (6) If the authority determines that major modifications to the  
10 plan are necessary before the initial ballot proposition is submitted  
11 to the voters, the authority may make those modifications with a  
12 favorable vote of two-thirds of the entire membership. Any such  
13 modification shall be subject to the review process set forth in RCW  
14 81.104.110. The modified plan shall be transmitted to the legislative  
15 authorities of the participating counties. The legislative authorities  
16 shall have forty-five days following receipt to act by motion or  
17 ordinance to confirm or rescind their continued participation in the  
18 authority.

19 (7) If any county opts to not participate in the authority, but two  
20 or more contiguous counties do choose to continue to participate, the  
21 authority's board shall be revised accordingly. The authority shall,  
22 within forty-five days, redefine the system and financing plan to  
23 reflect elimination of one or more counties, and submit the redefined  
24 plan to the legislative authorities of the remaining counties for their  
25 decision as to whether to continue to participate. This action shall  
26 be completed within forty-five days following receipt of the redefined  
27 plan.

28 (8) The authority shall place on the ballot within two years of the  
29 authority's formation, a single ballot proposition to authorize the  
30 imposition of taxes to support the implementation of an appropriate  
31 phase of the plan within its service area. In addition to the system  
32 plan requirements contained in RCW 81.104.100(2)(d), the system plan  
33 approved by the authority's board before the submittal of a proposition  
34 to the voters shall identify the system, and an estimate of the cost of  
35 that system, of which the phase is a component and also contain an  
36 equity element which:

37 (a) Identifies revenues anticipated to be generated by corridor and  
38 by county within the authority's boundaries;

1 (b) Identifies the phasing of construction and operation of high  
2 capacity system facilities, services, and benefits in each corridor.  
3 Phasing decisions should give priority to jurisdictions which have  
4 adopted transit-supportive land use plans; and

5 (c) Identifies the degree to which revenues generated within each  
6 county will benefit the residents of that county, and identifies when  
7 such benefits will accrue.

8 A simple majority of those voting within the boundaries of the  
9 authority is required for approval. If the vote is affirmative, the  
10 authority shall begin implementation of the projects identified in the  
11 proposition. However, the authority may not submit any authorizing  
12 proposition for voter-approved taxes prior to July 1, 1993, nor a  
13 second proposition prior to February 1, 1996; nor may the authority  
14 issue bonds or form any local improvement district prior to (~~July 1,~~  
15 ~~1993~~) February 1, 1996.

16 (9) If the vote on a proposition fails, the board may redefine the  
17 proposition, make changes to the authority boundaries, and make  
18 corresponding changes to the composition of the board. If the  
19 composition of the board is changed, the participating counties shall  
20 revise the membership of the board accordingly. The board may then  
21 submit the revised proposition or a different proposition to the  
22 voters. No single proposition may be submitted to the voters more than  
23 twice. The authority may place additional propositions on the ballot  
24 to impose taxes to support additional phases of plan implementation.

25 If the authority is unable to achieve a positive vote on a  
26 proposition within two years from the date of the first election on a  
27 proposition, the board may, by resolution, reconstitute the authority  
28 as a single-county body. With a two-thirds vote of the entire  
29 membership of the voting members, the board may also dissolve the  
30 authority.

31 NEW SECTION. Sec. 22. A new section is added to chapter 47.60 RCW  
32 to read as follows:

33 There is hereby established in the transportation fund the  
34 passenger ferry account. Money in the account shall be used for  
35 capital improvements for passenger ferry projects including, but not  
36 limited to, pedestrian and transit facilities at ferry terminals and  
37 passenger-only ferry vessels. Moneys in the account shall be expended  
38 with legislative appropriation.

1        NEW SECTION.    **Sec. 23.**    Sections 3 through 20 of this act shall  
2 take effect the earlier of: (1) May 31, 1996, unless a high capacity  
3 transportation system plan, with funding, as authorized under RCW  
4 81.104.140 is approved by a majority of the voters within the  
5 boundaries of a regional transit authority, authorized under chapter  
6 81.112 RCW, by May 31, 1996, then sections 3 through 20 of this act  
7 shall not take effect; or (2) the last day of the month following the  
8 month in which a high capacity transportation system plan, with  
9 funding, as authorized under RCW 81.104.140 is rejected by a majority  
10 of the voters within the boundaries of a regional transit authority,  
11 authorized under chapter 81.112 RCW, after January 31, 1996.

12        NEW SECTION.    **Sec. 24.**    If any provision of this act or its  
13 application to any person or circumstance is held invalid, the  
14 remainder of the act or the application of the provision to other  
15 persons or circumstances is not affected.

16        NEW SECTION.    **Sec. 25.**    Except for sections 3 through 20 of this  
17 act, this act is necessary for the immediate preservation of the public  
18 peace, health, or safety, or support of the state government and its  
19 existing public institutions, and shall take effect July 1, 1995.

--- END ---