

# HOUSE BILL REPORT

## SHB 1396

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### As Amended by the Senate

**Title:** An act relating to a single ballot proposition for regional transportation investment districts and regional transit authorities at the 2007 general election.

**Brief Description:** Providing a single ballot proposition for regional transportation investment districts and regional transit authorities at the 2007 general election.

**Sponsors:** By House Committee on Transportation (originally sponsored by Representatives Flannigan, Jarrett, B. Sullivan, Upthegrove, Rodne, Eddy, Kagi, Chase and Schual-Berke).

### Brief History:

#### Committee Activity:

Transportation: 2/1/07, 2/14/07 [DPS].

#### Floor Activity:

Passed House: 2/28/07, 96-1.

Senate Amended.

Passed Senate: 4/10/07, 43-5.

### Brief Summary of Substitute Bill

- Requires Sound Transit and the Regional Transportation Investment District (RTID) to submit to regional voters their respective transit and highway improvement plans in the form of a single ballot measure, rather than as two separate ballot measures.
- Maintains the current ballot measure contingency requirement by requiring support of the single measure by both a majority of Sound Transit voters and a majority of RTID voters.
- Provides an expedited review process for any constitutional challenges to the single ballot measure.

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### HOUSE COMMITTEE ON TRANSPORTATION

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 24 members: Representatives Clibborn, Chair; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton, Armstrong, Campbell, Curtis, Dickerson, Eddy, Ericksen, Hailey, Hankins, Hudgins, Kristiansen, Lovick, Rodne, Rolfes, Sells, Springer, B. Sullivan, Takko, Upthegrove, Wallace and Wood.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Simpson.

**Staff:** Kathryn Leathers (786-7114).

**Background:**

*Regional Transportation Investment Districts*

In 2002, the Legislature authorized the creation of regional transportation investment districts (RTID) for the purpose of planning and financing regional transportation improvements within a multi-county region. A RTID is required to include at least two contiguous counties, one of which must have a population of over 1.5 million and any adjoining counties must have a population over 500,000. The boundaries should also include at least the contiguous areas within the regional transit authority serving the counties. The only currently proposed RTID consists of King, Pierce, and Snohomish counties.

A RTID is granted several local voter-approved funding options to fund the improvements, including a sales and use tax, vehicle license fee, parking tax, motor vehicle excise tax, employer tax, local option fuel tax, and vehicle tolls. Eligible projects include capital improvements to highways of statewide significance, including associated multimodal capital improvements, and, under limited circumstances, certain local street, road, and highway improvements. Additionally, operational expenses (e.g., transit services) are allowed for project construction mitigation related to the RTID-funded projects.

*Regional Transit Authorities*

In 1992, the Legislature authorized creation of regional transit authorities (RTA) for the purpose of developing and operating high capacity transportation systems. An RTA must consist of two or more contiguous counties, each having a population of 400,000 persons or more. A high capacity transportation system is an urban public transportation system that operates principally on exclusive rights-of-way and provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating mainly on general purpose roadways.

In 1993, the King, Pierce, and Snohomish County Councils voted to establish the Central Puget Sound Regional Transit Authority (now known as Sound Transit). Sound Transit is vested with high capacity transportation system development authority in the three-county area, including the imposition of voter-approved taxes for development and operation of such transportation systems.

In 1996, voters in the urban areas of King, Pierce, and Snohomish counties approved a plan and authorized funding to provide high capacity transportation services for the central Puget Sound region.

*2007 Sound Transit-RTID Joint Ballot*

During the 2006 legislative session, the Legislature enacted ESHB 2871, which requires, among other things, that Sound Transit and the RTID submit to regional voters at the 2007 general election the agencies' respective transit and highway improvement plans. More specifically, the RTID measure must ask the district's voters to approve formation of the district, the investment plan, and the revenue sources necessary to finance the plan. The Sound Transit measure must ask voters within its boundaries to support additional implementation phases of the authority's system and financing plan. The legislation also requires that the RTID and Sound Transit measures be separate ballot measures. Furthermore, passage of each measure was made contingent on the passage of the other measure, thereby requiring both ballot measures to pass in order for either to pass.

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**Summary of Substitute Bill:**

At the 2007 general election, Sound Transit and the RTID must submit to regional voters their respective transit and highway improvement plans in the form of a single ballot proposition, rather than as two separate ballot measures. The contingency requirement established in ESHB 2871 is maintained by requiring support of the single ballot measure by both a majority of voters in the Sound Transit taxing district and a majority of the voters in the RTID taxing district. The text of the ballot proposition is codified in statute, and requires that the ballot measure submitted to the voters take substantially the same form as the codified language. In addition, the ballot measure must include language stating that each taxing district may only impose taxes within its respective boundaries. An expedited appeal process is provided for any constitutional challenges to the bill. Finally, an emergency clause is included, making the bill effective immediately.

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**EFFECT OF SENATE AMENDMENT(S):**

Requires Sound Transit, as part of the single ballot proposition submitted to voters in November 2007, to include assurances in its plan that it will not sign any agreement that restricts the type of transit hub serving the West end of the state route 520 bridge.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:**

(In support) In speaking with the public throughout the region, Sound Transit has learned that the original legislation requiring two separate ballot measures has caused the public great confusion. Attorneys for Sound Transit, the Regional Transportation Investment District (RTID), and the respective counties have worked together to develop this new single ballot measure approach, referred to as the "dual majority" ballot approach. There is a basis in law for the dual majority ballot, as a similar type of single ballot was used to form King County Metro in 1958. This approach will give Sound Transit and RTID a slight advantage in succeeding on this already large and complicated ballot measure.

Keep Washington Rolling, a coalition of businesses, the environmental community, and labor, has been very concerned about the fall ballot. One of the issues that has surfaced is the need to have a single proposition put before the voters. This legislation is vital to the success of the November vote, as it could make a difference by three or four positive points in the final election tally. There is particular support for the expedited review provision in the bill, because it is abundantly clear that it is necessary to avoid all possible delays in order to finalize the transportation project packages, educate the public, and get the ballot to the people within the short-time frame allotted.

(Opposed) None.

**Persons Testifying:** Joni Earl, Sound Transit; and Duke Schaub, Associated General Contractors and Keep Washington Rolling.

**Persons Signed In To Testify But Not Testifying:** None.