

2 **SHB 2610 - H AMD 0186 FAILED 2/17/92**

3 By Representatives Betrozoff, Mitchell and Horn

4

5 Strike everything after the enacting clause and insert the
6 following:

7

"PART I

8

REGIONAL TRANSPORTATION AUTHORITIES"

9

"NEW SECTION. **Sec. 101.** LEGISLATIVE INTENT. The Legislature

10 recognizes that existing transportation facilities in the central Puget
11 Sound area are inadequate to address mobility needs of the area. The
12 geography of the region, travel demand growth, and public resistance to
13 new roadways combine to further necessitate the rapid development of
14 alternative modes of travel.

15 The legislature finds that local governments have been effective in
16 cooperatively planning a multicounty, high capacity transportation
17 system. However, a continued multijurisdictional approach to funding,
18 construction, and operation of a multicounty high capacity
19 transportation system may impair the successful implementation of such
20 a system.

21 The legislature finds that a single agency will be more effective
22 than several local jurisdictions working collectively at planning,
23 developing, operating, and funding a high capacity transportation
24 system. The single agency's services must be carefully integrated and
25 coordinated with public transportation services currently provided.
26 Further, the single agency must coordinate its activities with other
27 agencies providing local and state roadway services, implementing

1 comprehensive planning, and implementing transportation demand
2 management programs and assist in developing infrastructure to support
3 high capacity systems including but not limited to feeder systems, park
4 and ride facilities, intermodal centers, and related roadway and
5 operational facilities. Coordination can be best achieved through
6 common governance, such as integrated governing boards.

7 The legislature further finds that transportation services and
8 facilities can best be coordinated through a regional transportation
9 plan. A single regional authority should be established to insure such
10 coordination.

11 It is therefore the policy of the state of Washington to empower
12 counties in the state's most populous region to create a local agency
13 for planning and implementing a high capacity transportation system
14 within that region and for insuring integration and coordination of
15 implementation of transportation projects and programs of regional
16 significance. The authorization for such an agency, except as
17 specifically provided in this chapter, is not intended to limit the
18 powers of existing transit agencies."

19 "NEW SECTION. Sec. 102. DEFINITIONS. Unless the context clearly
20 requires otherwise, the definitions in this section apply throughout
21 this chapter.

22 (1) "Authority" means the regional transportation authority
23 authorized under this chapter.

24 (2) "Board" means the regional transportation authority board.

25 (3) "Service area" or "area" means the area included within the
26 boundaries of the regional transportation authority.

27 (4) "System" means a regional transit system authorized under this
28 chapter and under the jurisdiction of a regional transportation
29 authority.

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

4 "NEW SECTION. Sec. 103. Regional transportation authority. Two
5 or more contiguous counties each having a population of four hundred
6 thousand persons or more may establish a regional transportation
7 authority to develop and operate a high capacity transportation system
8 as defined in chapter 81.104 RCW.

9 The authority shall be formed in the following manner:

10 (1) The joint regional policy committee created pursuant to RCW
11 81.104.040 shall adopt a system and financing plan, including the
12 definition of the service area. This action shall be completed by
13 September 1, 1992, contingent upon satisfactory completion of the
14 planning process defined in RCW 81.104.100. In addition to the
15 requirements of RCW 81.104.100, the plan for the proposed system shall
16 provide explicitly for a minimum portion of new tax revenues to be
17 allocated to local transit agencies for local feeder services and
18 facilities. Upon adoption the joint regional policy committee shall
19 immediately transmit the plan to the county legislative authorities
20 within the adopted service area.

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

25 (3) If any of the counties do not opt to participate in the
26 authority, the joint regional policy committee shall, within forty-five
27 days, redefine the system and financing plan and resubmit the adopted
28 redefined plan to the remaining county legislative authorities for
29 their decision as to whether to participate. This action shall be

1 completed within forty-five days following receipt of the redefined
2 plan.

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

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

13 (6) The authority is formally constituted at its first meeting and
14 shall begin taking steps toward implementation of the system and
15 financing plan adopted by the joint regional policy committee. The
16 authority may make minor modifications to the plan as deemed necessary
17 and shall at a minimum review local transit agencies' plans to ensure
18 feeder service/high capacity transit service integration, ensure fare
19 integration, and avoidance of parallel competitive services.

20 (7) The authority shall place on the ballot within two years of the
21 authority's formation, a single ballot proposition to ratify formation
22 of the authority, approve the system and finance plan, and authorize
23 the imposition of the taxes to support the plan within its service
24 area. A simple majority of those voting within the boundaries of the
25 authority is required for approval. If the vote is affirmative, the
26 authority shall begin implementation of the plan.

27 (8) If the vote fails, the authority may redefine the system and
28 financing plan and make changes to the boundary of the service area and
29 to the composition of the board. If the composition of the board is

1 changed, the participating counties shall revise the membership of the
2 board accordingly.

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

7 "NEW SECTION. **Sec. 104.** GOVERNANCE. (1) The regional
8 transportation authority shall be governed by a board consisting of
9 representatives appointed by the county executive and confirmed by the
10 council or other legislative authority of each member county.
11 Membership shall be based on population within each county within the
12 authority. Board members shall be appointed initially on the basis of
13 one for each one hundred forty-five thousand population within the
14 county. Such appointments shall be made following consultation with
15 city and town jurisdictions within the county. In addition, the
16 secretary of transportation or the secretary's designee shall serve as
17 a member of the board and may have voting status with approval of a
18 majority of the other members of the board.

19 All members of the board except the secretary of transportation or
20 the secretary's designee shall be elected officials and serve on the
21 legislative authority or as mayor of cities within the boundaries of
22 the authority, or on the legislative authority of the county. When
23 making appointments, each county executive shall ensure that
24 representation on the board includes representation from the largest
25 city in each county and assures proportional representation from other
26 cities, and unincorporated areas of each county. At least one-half of
27 all appointees from each county shall serve on the governing authority
28 of a public transportation system.

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

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

11 (2) Major decisions of the authority shall require a favorable vote
12 of two-thirds of the voting members. "Major decisions" include at
13 least the following: System plan adoption and amendment; system
14 phasing decisions; annual budget adoption; authorization of
15 annexations; modification of board composition; and executive director
16 employment.

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

20 "NEW SECTION. Sec. 105. AREA INCLUDED. (1) At the time of
21 formation, the area to be included within the boundary of the authority
22 shall be all of the area within each county that chooses to participate
23 in the authority.

24 (2) After voters within the service area have approved the system
25 and financing plan, elections to add a county contiguous to the
26 authority may be called by resolution of the regional transportation
27 authority, with the concurrence of the county legislative authority of
28 the county which is to be added to the authority. The election may
29 include a single ballot proposition providing for annexation to the

1 service area and imposition of the taxes at rates already imposed in
2 the remainder of the service area."

3 "NEW SECTION. Sec. 106. AUTHORITY POWERS. An authority shall
4 have the following powers:

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

8 (2) To appoint or provide for the appointment of, and to remove or
9 to provide for the removal of, all officers and employees of an
10 authority.

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

13 (4) To employ such engineering, legal, financial, or other
14 specialized personnel as may be necessary to accomplish the purposes of
15 an authority."

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

1 provide revenues for the system. An authority shall have the power to
2 contract pursuant to RCW 39.33.050. In addition, an authority may
3 contract with any governmental agency or with any private person, firm,
4 or corporation for the use by either contracting party of all or any
5 part of the facilities, structures, lands, interests in lands, air
6 rights over lands and rights of way of all kinds which are owned,
7 leased, or held by the other party and for the purpose of planning,
8 constructing, or operating any facility or performing any service that
9 the authority may be authorized to operate or perform, on such terms as
10 may be agreed upon by the contracting parties. Before any contract for
11 the lease or operation of any authority facilities is let to any
12 private person, firm, or corporation, a general schedule of rental
13 rates for equipment with or without operators applicable to all private
14 certificated carriers shall be publicly posted, and for other
15 facilities competitive bids shall first be called upon such notice,
16 bidder qualifications, and bid conditions as the board shall determine.
17 This shall allow use of negotiated procurements.

18 An authority may sue and be sued in its corporate capacity in all
19 courts and in all proceedings."

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

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

27 (1) To carry out the planning processes set forth in RCW
28 81.104.100;

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

28 The facilities and properties of an authority whose vehicles will
29 operate primarily within the rights of way of public streets, roads, or
30 highways, may be acquired, developed, and operated without the corridor

1 and design hearings that are required by RCW 35.58.273 for mass transit
2 facilities operating on a separate right of way;

3 (3) To dispose of any real or personal property acquired in
4 connection with any authority function and that is no longer required
5 for the purposes of the authority, in the same manner as provided for
6 cities of the first class. When the authority determines that a
7 facility or any part thereof that has been acquired from any public
8 agency without compensation is no longer required for authority
9 purposes, but is required by the agency from which it was acquired, the
10 authority shall by resolution transfer it to such agency.

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

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

1 "NEW SECTION. **Sec. 110.** AGREEMENTS WITH OPERATORS OF HIGH
2 CAPACITY TRANSPORTATION SERVICES. Except in accordance with an
3 agreement made as provided in this section or in accordance with the
4 provisions of section 109 of this act, upon the date the authority
5 begins high capacity transportation service, no person or private
6 corporation may operate a high capacity transportation service within
7 the authority boundary with the exception of services owned or operated
8 by any corporation or organization solely for the purposes of the
9 corporation or organization and for the use of which no fee or fare is
10 charged.

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

27 Wherever a privately owned public carrier operates wholly or partly
28 within an authority boundary, the Washington utilities and
29 transportation commission shall continue to exercise jurisdiction over
30 such operation as provided by law."

1 "NEW SECTION. Sec. 111. TRANSFER OF LOCAL GOVERNMENT POWERS TO
2 AUTHORITY. The authority shall have and exercise all rights with
3 respect to the construction, acquisition, maintenance, operation,
4 extension, alteration, repair, control and management of high capacity
5 transportation system facilities that are identified in the system plan
6 developed pursuant to RCW 81.104.100 that any city, county, county
7 transportation authority, metropolitan municipal corporation, or public
8 transportation benefit area within the authority boundary has been
9 previously empowered to exercise and such powers shall not thereafter
10 be exercised by such agencies without the consent of the authority.

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

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

1 authority shall engage in collective bargaining with the duly appointed
2 representatives of any employee labor organization having existing
3 contracts with the acquired transportation system and may enter into
4 labor contracts with such employee labor organization. Facilities and
5 equipment which are acquired after July 1, 1993, related to high
6 capacity transportation services which are to be assumed by the
7 authority as specifically identified in the adopted system plan shall
8 be acquired by the authority in a manner consistent with sections 107,
9 109, 110, and 111 of this act."

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

22 All authority funds shall be paid to the treasurer and shall be
23 disbursed by the treasurer only on warrants issued by the authority
24 upon orders or vouchers approved by the board.

25 The authority may by resolution designate a person having
26 experience in financial or fiscal matters, as the auditor of the
27 authority. Such an auditor shall possess all of the powers,
28 responsibilities, and duties related to creating and maintaining funds,

1 issuing warrants, and maintaining a record of receipts and
2 disbursements.

3 The treasurer shall establish a special fund, into which shall be
4 paid all authority funds, and the treasurer shall maintain such special
5 accounts as may be created by the authority into which shall be placed
6 all money as the board may, by resolution, direct.

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

15 The board may provide and require a reasonable bond of any other
16 person handling moneys or securities of the authority, but the
17 authority shall pay the premium on the bond."

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

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

3 "NEW SECTION. **Sec. 115.** REVENUE BONDS. (1) An authority may
4 issue revenue bonds to provide funds to carry out its authorized
5 functions without submitting the matter to the voters of the authority.
6 The authority shall create a special fund or funds for the sole purpose
7 of paying the principal of and interest on the bonds of each such
8 issue, into which fund or funds the authority may obligate itself to
9 pay such amounts of the gross revenue of the high capacity
10 transportation system constructed, acquired, improved, added to, or
11 repaired out of the proceeds of sale of such bonds, as the authority
12 shall determine and may obligate the authority to pay such amounts out
13 of otherwise unpledged revenue that may be derived from the ownership,
14 use, or operation of properties or facilities owned, used, or operated
15 incident to the performance of the authorized function for which such
16 bonds are issued or out of otherwise unpledged fees, tolls, charges,
17 tariffs, fares, rentals, special taxes, or other sources of payment
18 lawfully authorized for such purpose, as the authority shall determine.
19 The principal of, and interest on, such bonds shall be payable only out
20 of such special fund or funds, and the owners of such bonds shall have
21 a lien and charge against the gross revenue of such high capacity
22 transportation system or any other revenue, fees, tolls, charges,
23 tariffs, fares, special taxes, or other authorized sources pledged to
24 the payment of such bonds.

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

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

3 "NEW SECTION. Sec. 116. LOCAL IMPROVEMENT DISTRICTS AUTHORIZED.

4 (1) An authority may form a local improvement district to provide any
5 transportation improvement it has the authority to provide, impose
6 special assessments on all property specially benefited by the
7 transportation improvements, and issue special assessment bonds or
8 revenue bonds to fund the costs of the transportation improvement.
9 Local improvement districts shall be created and assessments shall be
10 made and collected pursuant to chapters 35.43, 35.44, 35.49, 35.50,
11 35.51, 35.53, and 35.54 RCW.

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

1 and any local improvement guaranty fund that the authority has created.
2 The owner or bearer of a special assessment bond or any interest coupon
3 issued pursuant to this section shall not have any claim against the
4 authority arising from the bond or coupon except for the payment from
5 special assessments made for the improvement for which the bonds were
6 issued and any local improvement guaranty fund the authority has
7 created. The authority issuing the special assessment bonds is not
8 liable to the owner or bearer of any special assessment bond or any
9 interest coupon issued pursuant to this section for any loss occurring
10 in the lawful operation of its local improvement guaranty fund. The
11 substance of the limitations included in this subsection shall be
12 plainly printed, written, or engraved on each special assessment bond
13 issued pursuant to this section.

14 (3) Assessments shall reflect any credits given by an authority for
15 real property or property right donations made pursuant to RCW
16 47.14.030.

17 (4) The board may establish and pay moneys into a local improvement
18 guaranty fund to guarantee special assessment bonds issued by the
19 authority."

20 "NEW SECTION. **Sec. 117.** COUNTY ASSESSOR'S DUTIES. It shall be
21 the duty of the assessor of each component county to certify annually
22 to a regional transportation authority the aggregate assessed valuation
23 of all taxable property within the boundaries of the authority as the
24 same appears from the last assessment roll of the county."

25 "NEW SECTION. **Sec. 118.** INTERIM FINANCING. A regional
26 transportation authority may apply for high capacity transportation
27 account funds and for central Puget Sound account funds for high
28 capacity transit planning and system development.

1 Transit agencies contained wholly or partly within a regional
2 transportation authority may make grants or loans to the authority for
3 high capacity transportation planning and system development."

4 "Sec. 119. RCW 81.104.010 and 1991 c 318 s 1 are each amended to
5 read as follows:

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

24 "NEW SECTION. Sec. 120. A new section is added to chapter 81.104
25 RCW to read as follows:

26 Unless the context clearly requires otherwise, the definitions in
27 this section apply throughout this chapter.

1 (1) "High capacity transportation system" means a system of public
2 transportation services within an urbanized region operating
3 principally on exclusive rights of way, and the supporting services and
4 facilities necessary to implement such a system, including feeder
5 systems and facilities and high occupancy vehicle lanes, which taken as
6 a whole, provides a substantially higher level of passenger capacity,
7 speed, and service frequency than traditional public transportation
8 systems operating principally in general purpose roadways.

9 (2) "Regional transit system" means a high capacity transportation
10 system under the jurisdiction of a transit agency except where a
11 regional transportation authority created under chapter 81.--- RCW
12 (sections 101 through 118, 201, and 202 of this act) exists, in which
13 case "regional transit system" means the high capacity transit system
14 under the jurisdiction of a regional transportation authority.

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

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

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

1 may use the designated metropolitan planning organization as the
2 regional policy committee.

3 ~~((City-owned transit systems, county transportation authorities,~~
4 ~~metropolitan municipal corporations, and public transportation benefit~~
5 ~~areas))~~ Transit agencies participating in joint regional policy
6 committees shall seek voter approval within their own service
7 boundaries of a high capacity transportation system plan and financing
8 plan.

9 (2) ~~((City-owned transit systems, county transportation~~
10 ~~authorities, metropolitan municipal corporations, and public~~
11 ~~transportation benefit areas))~~ Transit agencies in counties adjoining
12 state or international boundaries are authorized to participate in the
13 regional high capacity transportation programs of an adjoining state or
14 Canadian province."

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

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

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

7 ~~((b))~~ (2) The joint regional policy committee shall be
8 responsible for the preparation and adoption of a regional high
9 capacity transportation implementation program, which shall include the
10 system plan, project plans, and a financing plan. This program shall
11 be in conformance with the regional transportation planning
12 organization's regional transportation plan and consistent with RCW
13 81.104.080.

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

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

25 ~~(2) High capacity transportation planning, construction,~~
26 ~~operations, and funding shall be governed through the interlocal~~
27 ~~agreement process, including but not limited to provision for a cost~~
28 ~~allocation and distribution formula, service corridors, station area~~
29 ~~locations, right of way transfers, and feeder transportation systems.~~
30 ~~The interlocal agreement shall include a mechanism for resolving~~

1 ~~conflicts among parties to the agreement))~~ or to the regional
2 transportation authority, if such authority has been formed. The
3 authority shall proceed as prescribed in section 103 of this act."

4 "Sec. 123. RCW 81.104.050 and 1991 c 318 s 5 are each amended to
5 read as follows:

6 Regional high capacity transportation service (~~boundaries~~) may be
7 expanded beyond the established (~~service~~) district boundaries through
8 interlocal agreements among the transit agencies and (~~the local~~
9 ~~jurisdictions within which such expanded service is proposed~~) any
10 regional transportation authorities in existence."

11 "Sec. 124. RCW 81.104.120 and 1990 c 43 s 33 are each amended to
12 read as follows:

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

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

1 (3) The utilities and transportation commission shall maintain
2 safety responsibility for passenger rail service operating on freight
3 rail lines. Agencies providing passenger rail service on lines other
4 than freight rail lines shall maintain safety responsibility for that
5 service."

6 "Sec. 125. RCW 81.104.140 and 1991 c 318 s 11 and 1991 c 309 s 4
7 are each reenacted and amended to read as follows:

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

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

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

29 (a) Acceptability;

- 1 (b) Ease of administration;
- 2 (c) Equity;
- 3 (d) Implementation feasibility;
- 4 (e) Revenue reliability; and
- 5 (f) Revenue yield.

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

- 10 (a) Employer tax as provided in RCW 81.104.150;
- 11 (b) Special motor vehicle excise tax as provided in RCW 81.104.160;
- 12 and
- 13 (c) Sales and use tax as provided in RCW 81.104.170.

14 Revenues from these taxes may be used only to support those
15 purposes prescribed in subsection (10) of this section. Before the
16 date of an election authorizing an agency to impose any of the taxes
17 enumerated in this section and authorized in RCW 81.104.150,
18 81.104.160, and 81.104.170, the agency must comply with the process
19 prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No
20 construction on exclusive right of way may occur before the
21 requirements of RCW 81.104.100(3) are met.

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

1 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 a
13 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.

20 (9) For any election in which voter approval is sought for a high
21 capacity transportation system plan and financing plan pursuant to RCW
22 81.104.040, a local voter's pamphlet shall be produced as provided in
23 chapter 29.81A RCW.

24 (10) Agencies providing high capacity transportation service shall
25 retain responsibility for revenue encumbrance, disbursement, and
26 bonding. Funds may be used for any purpose relating to planning,
27 construction, and operation of high capacity transportation systems,
28 commuter rail systems, and feeder transportation systems."

1 **"Sec. 126.** RCW 81.104.150 and 1990 c 43 s 41 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, ~~((solely for the purpose of providing
6 high capacity transportation service))~~ and regional transportation
7 authorities may submit an authorizing proposition to the voters and if
8 approved may impose an excise tax of up to two dollars per month on all
9 employers located within the agency's jurisdiction, measured by the
10 number of full-time equivalent employees, solely for the purpose of
11 providing high capacity transportation service. The rate of tax shall
12 be approved by the voters. This tax may not be imposed by ~~((an))~~: (1)
13 A transit agency when the county within which it is located is imposing
14 an excise tax pursuant to RCW 81.100.030; or (2) a regional
15 transportation authority when any county within the authority's
16 boundaries is imposing an excise tax pursuant to RCW 81.100.030. The
17 agency imposing the tax authorized in this section may provide for
18 exemptions from the tax to such educational, cultural, health,
19 charitable, or religious organizations as it deems appropriate."

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

22 ~~((Any city that operates a))~~ Cities that operate transit systems,
23 county transportation ((authority)) authorities, metropolitan municipal
24 corporations, ((or)) public transportation benefit areas, ((solely for
25 the purpose of providing high capacity transportation service)) and
26 regional transportation authorities may submit an authorizing
27 proposition to the voters, and if approved, may levy and collect an
28 excise tax, at a rate approved by the voters, but not exceeding eighty
29 one-hundredths of one percent on the value, under chapter 82.44 RCW, of

1 every motor vehicle owned by a resident of (~~such city, county~~
2 ~~transportation authority, metropolitan municipal corporation, or public~~
3 ~~transportation benefit area~~) the taxing district, solely for the
4 purpose of providing high capacity transportation service. In any
5 county imposing a motor vehicle excise tax surcharge pursuant to RCW
6 81.100.060, the maximum tax rate under this section shall be reduced to
7 a rate equal to eighty one-hundredths of one percent on the value less
8 the equivalent motor vehicle excise tax rate of the surcharge imposed
9 pursuant to RCW 81.100.060. This rate shall not apply to vehicles
10 licensed under RCW 46.16.070 except vehicles with an unladen weight of
11 six thousand pounds or less, RCW 46.16.079, 46.16.080, 46.16.085, or
12 46.16.090."

13 "Sec. 128. RCW 81.104.170 and 1990 2nd ex.s. c 1 s 902 are each
14 amended to read as follows:

15 (~~The legislative bodies of~~) Cities that operate transit systems,
16 county transportation authorities, metropolitan municipal corporations,
17 (~~and~~) public transportation benefit areas, (~~solely for the purpose~~
18 ~~of providing high capacity transportation service~~) and regional
19 transportation authorities may submit an authorizing proposition to the
20 voters and if approved by a majority of persons voting, fix and impose
21 a sales and use tax in accordance with the terms of this chapter,
22 solely for the purpose of providing high capacity transportation
23 service.

24 The tax authorized pursuant to this section shall be in addition to
25 the tax authorized by RCW 82.14.030 and shall be collected from those
26 persons who are taxable by the state pursuant to chapters 82.08 and
27 82.12 RCW upon the occurrence of any taxable event within (~~such city,~~
28 ~~county transportation authority, metropolitan municipal corporation, or~~
29 ~~public transportation benefit area, as the case may be~~) the taxing

1 district. The maximum rate of such tax shall be approved by the voters
2 and shall not exceed one percent of the selling price (in the case of
3 a sales tax) or value of the article used (in the case of a use tax).
4 The maximum rate of such tax that may be imposed shall not exceed
5 nine-tenths of one percent ((if)) in any county that imposes a tax ((is
6 imposed in the county)) under RCW 82.14.340, or within a regional
7 transportation authority if any county within the authority imposes a
8 tax under RCW 82.14.340."

9 "Sec. 129. RCW 81.104.180 and 1990 c 43 s 44 are each amended to
10 read as follows:

11 ((~~Cities that operate transit systems, county transportation~~
12 ~~authorities, metropolitan municipal corporations, and public~~
13 ~~transportation benefit areas~~)) Transit agencies and regional
14 transportation authorities are authorized to pledge revenues from the
15 employer tax authorized by RCW 81.104.150, the special motor vehicle
16 excise tax authorized by RCW 81.104.160, and the sales and use tax
17 authorized by RCW 81.104.170, to retire bonds issued solely for the
18 purpose of providing high capacity transportation service."

19 "Sec. 130. RCW 81.104.190 and 1990 c 43 s 45 are each amended to
20 read as follows:

21 Cities that operate transit systems, county transportation
22 authorities, metropolitan municipal corporations, ((and)) public
23 transportation benefit areas, and regional transit systems may contract
24 with the state department of revenue or other appropriate entities for
25 administration and collection of any tax authorized by RCW 81.104.150,
26 81.104.160, and 81.104.170."

1 "PART II

2 REGIONAL TRANSPORTATION PLANNING"

3 "NEW SECTION. **Sec. 201.** FINDINGS OF CONSISTENCY. (1) Between the
4 effective date of this act and January 1, 1994, as cities and counties
5 prepare and adopt comprehensive plans pursuant to the state growth
6 management act, the authority, in cooperation with affected state and
7 local agencies shall evaluate department of transportation plans within
8 the region, the transportation elements of local comprehensive plans,
9 the authorities' high capacity transit plans and the plans of other
10 transit agencies and of public port districts for their consistency
11 with the regional transportation plan and the transportation
12 improvement program adopted by the regional transportation planning
13 organization within the region.

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

17 (3) After such evaluation and no later than sixty days after
18 receipt of the plan adopted by the local agency, or receipt of any
19 adopted amendments thereto, the authority shall determine whether the
20 plans of the agency or political subdivision are consistent. If the
21 authority fails to make a finding within sixty days, the plan shall be
22 deemed consistent. If the authority determines that the plans are not
23 consistent it shall notify the agency as to the cause of such finding.
24 Notwithstanding the limitations imposed under RCW 36.70A.280, the
25 agency or political subdivision may appeal the authority's finding to
26 the growth planning hearings board in the manner prescribed in chapter
27 36.70A RCW.

1 (4) By January 1, 1993, the authority shall develop and make
2 available to all affected agencies guidelines and procedures under
3 which the evaluations shall be conducted."

4 "NEW SECTION. **Sec. 202.** CONDITIONS FOR FUNDING. An agency or a
5 political subdivision of the state may not levy or collect the
6 following taxes or fees within the region if the authority has made a
7 finding of inconsistency pursuant to section 201 of this act:

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

14 (2) After 1994, public port district taxes governed under section
15 206 of this act; and

16 (3) Sales and use tax rates higher than those effective January 1,
17 1994, imposed by transit agencies under RCW 82.14.045."

18 "**Sec. 203.** RCW 35.58.2795 and 1990 1st ex.s. c 17 s 60 are each
19 amended to read as follows:

20 By April 1st of each year, the legislative authority of each
21 municipality, as defined in RCW 35.58.272, and each regional
22 transportation authority shall prepare a six-year transit development
23 ~~((and financial program))~~ plan for that calendar year and the ensuing
24 five years. The program shall be consistent with the comprehensive
25 plans adopted by counties, cities, and towns, pursuant to chapter
26 35.63, 35A.63, or 36.70 RCW, the inherent authority of a first class
27 city or charter county derived from its charter, or chapter 36.70A RCW.
28 The program shall contain information as to how the municipality

1 intends to meet state and local long-range priorities for public
2 transportation, capital improvements, significant operating changes
3 planned for the system, and how the municipality intends to fund
4 program needs. The six-year plan for each municipality and regional
5 transportation authority lying within the jurisdiction of the Puget
6 Sound regional transportation planning organization shall specifically
7 set forth those projects of regional significance as defined in RCW
8 47.80.030(1)(b) for inclusion in the transportation improvement program
9 within that region. Each municipality and regional transportation
10 authority shall file the six-year program with the state department of
11 transportation, the transportation improvement board, and cities,
12 counties, and regional planning councils within which the municipality
13 is located.

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

21 **"Sec. 204.** RCW 35.77.010 and 1990 1st ex.s. c 17 s 59 are each
22 amended to read as follows:

23 (1) The legislative body of each city and town, pursuant to one or
24 more public hearings thereon, shall prepare and adopt a comprehensive
25 street program for the ensuing six calendar years. If the city or town
26 has adopted a comprehensive plan pursuant to chapter 35.63 or 35A.63
27 RCW, the inherent authority of a first class city derived from its
28 charter, or chapter 36.70A RCW, the program shall be consistent with
29 this comprehensive plan.

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

16 The six-year plan for each city or town lying within the
17 jurisdiction of the Puget Sound regional transportation planning
18 organization shall specifically set forth those projects of regional
19 significance as defined in RCW 47.80.030(1)(b) for inclusion in the
20 transportation improvement program within that region.

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

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

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

17 **"Sec. 205.** RCW 36.81.121 and 1990 1st ex.s. c 17 s 58 are each
18 amended to read as follows:

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

27 The program shall include proposed road and bridge construction
28 work, and for those counties operating ferries shall also include a
29 separate section showing proposed capital expenditures for ferries,

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

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

27 (3) Each six-year program forwarded to the secretary in compliance
28 with subsection (1) of this section shall contain information as to how
29 a county will expend its moneys, including funds made available

1 pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and
2 equestrian purposes.

3 (4) The six-year plan for each county lying within the jurisdiction
4 of the Puget Sound regional transportation planning organization shall
5 specifically set forth those projects of regional significance as
6 defined in RCW 47.80.030(1)(b) for inclusion in the transportation
7 improvement program within that region."

8 "NEW SECTION. Sec. 206. A new section is added to chapter 53.36
9 RCW to read as follows:

10 PORT DISTRICT LEVIES. After 1994, a port district whose boundaries
11 lie partly or wholly within the boundaries of the Puget Sound regional
12 transportation planning organization may not impose a tax levy under
13 this chapter that generates an amount of tax receipts greater than the
14 amount of tax receipts collected in the previous year, if that district
15 uses any revenues from tax levies to construct or operate
16 transportation facilities of regional significance included in the
17 regional transportation plan if there has been a finding of
18 inconsistency pursuant to section 201 of this act."

19 "**Sec. 207.** RCW 82.14.045 and 1991 c 363 s 158 are each amended to
20 read as follows:

21 (1) The legislative body of any city pursuant to RCW 35.92.060, of
22 any county which has created an unincorporated transportation benefit
23 area pursuant to RCW 36.57.100 and 36.57.110, of any public
24 transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090,
25 of any county transportation authority established pursuant to chapter
26 36.57 RCW, and of any metropolitan municipal corporation within a
27 county with a population of one million or more pursuant to chapter
28 35.58 RCW, may, by resolution or ordinance for the sole purpose of

1 providing funds for the operation, maintenance, or capital needs of
2 public transportation systems and in lieu of the excise taxes
3 authorized by RCW 35.95.040, submit an authorizing proposition to the
4 voters or include such authorization in a proposition to perform the
5 function of public transportation and if approved by a majority of
6 persons voting thereon, fix and impose a sales and use tax in
7 accordance with the terms of this chapter: PROVIDED, That no such
8 legislative body shall impose such a sales and use tax without
9 submitting such an authorizing proposition to the voters and obtaining
10 the approval of a majority of persons voting thereon: PROVIDED
11 FURTHER, That where such a proposition is submitted by a county on
12 behalf of an unincorporated transportation benefit area, it shall be
13 voted upon by the voters residing within the boundaries of such
14 unincorporated transportation benefit area and, if approved, the sales
15 and use tax shall be imposed only within such area. Notwithstanding
16 any provisions of this section to the contrary, any county in which a
17 county public transportation plan has been adopted pursuant to RCW
18 36.57.070 and the voters of such county have authorized the imposition
19 of a sales and use tax pursuant to the provisions of section 10,
20 chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be
21 authorized to fix and impose a sales and use tax as provided in this
22 section at not to exceed the rate so authorized without additional
23 approval of the voters of such county as otherwise required by this
24 section.

25 The tax authorized pursuant to this section shall be in addition to
26 the tax authorized by RCW 82.14.030 and shall be collected from those
27 persons who are taxable by the state pursuant to chapters 82.08 and
28 82.12 RCW upon the occurrence of any taxable event within such city,
29 public transportation benefit area, county, or metropolitan municipal
30 corporation as the case may be. The rate of such tax shall be one-

1 tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-
2 tenths of one percent of the selling price (in the case of a sales tax)
3 or value of the article used (in the case of a use tax). The rate of
4 such tax shall not exceed the rate authorized by the voters unless such
5 increase shall be similarly approved and meets the conditions of
6 section 202 of this act.

7 (2)(a) In the event a metropolitan municipal corporation shall
8 impose a sales and use tax pursuant to this chapter no city, county
9 which has created an unincorporated transportation benefit area, public
10 transportation benefit area authority, or county transportation
11 authority wholly within such metropolitan municipal corporation shall
12 be empowered to levy and/or collect taxes pursuant to RCW 35.58.273,
13 35.95.040, and/or 82.14.045, but nothing herein shall prevent such city
14 or county from imposing sales and use taxes pursuant to any other
15 authorization.

16 (b) In the event a county transportation authority shall impose a
17 sales and use tax pursuant to this section, no city, county which has
18 created an unincorporated transportation benefit area, public
19 transportation benefit area, or metropolitan municipal corporation,
20 located within the territory of the authority, shall be empowered to
21 levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or
22 82.14.045.

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

29 (3) Any local sales and use tax revenue collected pursuant to this
30 section by any city or by any county for transportation purposes

1 pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally
2 generated tax revenues for the purposes of apportionment and
3 distribution, in the manner prescribed by chapter 82.44 RCW, of the
4 proceeds of the motor vehicle excise tax authorized pursuant to RCW
5 35.58.273."

6 "Sec. 208. RCW 82.80.010 and 1991 c 339 s 12 are each amended to
7 read as follows:

8 (1) Subject to the conditions of this section and section 202 of
9 this act, any county may levy, by approval of its legislative body and
10 a majority of the registered voters of the county voting on the
11 proposition at a general or special election, additional excise taxes
12 equal to ten percent of the state-wide motor vehicle fuel tax rate
13 under RCW 82.36.025 on each gallon of motor vehicle fuel as defined in
14 RCW 82.36.010(2) and on each gallon of special fuel as defined in RCW
15 82.38.020(5) sold within the boundaries of the county. Vehicles paying
16 an annual license fee under RCW 82.38.075 are exempt from the county
17 fuel excise tax. An election held under this section must be held not
18 more than twelve months before the date on which the proposed tax is to
19 be levied. The ballot setting forth the proposition shall state the
20 tax rate that is proposed. The county's authority to levy additional
21 excise taxes under this section includes the incorporated and
22 unincorporated areas of the county. The additional excise taxes are
23 subject to the same exceptions and rights of refund as applicable to
24 other motor vehicle fuel and special fuel excise taxes levied under
25 chapters 82.36 and 82.38 RCW. The proposed tax shall not be levied
26 less than one month from the date the election results are certified by
27 the county election officer. The commencement date for the levy of any
28 tax under this section shall be the first day of January, April, July,
29 or October.

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

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

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

13 (5) The department of licensing shall administer and collect the
14 county fuel taxes. The department shall deduct a percentage amount, as
15 provided by contract, for administrative, collection, refund, and audit
16 expenses incurred. The remaining proceeds shall be remitted to the
17 custody of the state treasurer for monthly distribution under RCW
18 82.80.080."

19 "**Sec. 209.** RCW 82.80.020 and 1991 c 318 s 13 are each amended to
20 read as follows:

21 (1) Except as limited by section 202 of this act, the legislative
22 authority of a county may fix and impose an additional fee, not to
23 exceed fifteen dollars per vehicle, for each vehicle that is subject to
24 license fees under RCW 46.16.060 and is determined by the department of
25 licensing to be registered within the boundaries of the county.

26 (2) The department of licensing shall administer and collect the
27 fee. The department shall deduct a percentage amount, as provided by
28 contract, not to exceed two percent of the taxes collected, for
29 administration and collection expenses incurred by it. The remaining

1 proceeds shall be remitted to the custody of the state treasurer for
2 monthly distribution under RCW 82.80.080.

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

5 (4) A county imposing this fee shall delay the effective date at
6 least six months from the date the ordinance is enacted to allow the
7 department of licensing to implement administration and collection of
8 the fee.

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

16 **"Sec. 210.** RCW 82.80.030 and 1990 c 42 s 208 are each amended to
17 read as follows:

18 (1) Subject to the conditions of this section and section 202 of
19 this act, the legislative authority of a county or city may fix and
20 impose a parking tax on all persons engaged in a commercial parking
21 business within its respective jurisdiction. The jurisdiction of a
22 county, for purposes of this section, includes only the unincorporated
23 area of the county. The jurisdiction of a city includes only the area
24 within its incorporated boundaries.

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

29 The city or county may provide that:

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

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

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

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

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

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

14 (3) "Commercial parking business" as used in this section, means
15 the ownership, lease, operation, or management of a commercial parking
16 lot in which fees are charged. "Commercial parking lot" means a
17 covered or uncovered area with stalls for the purpose of parking motor
18 vehicles.

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

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

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

4 "Sec. 211. RCW 82.80.050 and 1991 c 141 s 2 are each amended to
5 read as follows:

6 Except as limited by section 202 of this act, a city or town electing
7 to own, construct, maintain, operate, and preserve its streets as a
8 separate street utility may levy periodic charges for the use or
9 availability of the streets in a total annual amount of up to fifty
10 percent of the actual costs for maintenance, operation, and
11 preservation of facilities under the jurisdiction of the street
12 utility. The rates charged for the use must be uniform for the same
13 class of service and all business and residential properties must be
14 subject to the utility charge. Charges imposed on businesses shall be
15 measured solely by the number of employees and shall not exceed the
16 equivalent of two dollars per full-time equivalent employee per month.
17 Charges imposed against owners or occupants of residential property
18 shall not exceed two dollars per month per housing unit as defined in
19 RCW 35.95.040. Charges authorized in this section shall not be imposed
20 against owners of property: (1) Exempt under RCW 84.36.010; (2) exempt
21 from the leasehold tax under chapter 82.29A RCW; or (3) used for
22 nonprofit or sectarian purposes, which if said property were owned by
23 such organization would qualify for exemption under chapter 84.36 RCW.
24 The charges shall not be computed on the basis of an ad valorem charge
25 on the underlying real property and improvements. This section shall
26 not be used as a basis to directly or indirectly charge transportation
27 impact fees or mitigation fees of any kind against new development. A
28 city or town may contract with any other utility or local government to
29 provide for billing and collection of the street utility charges.

1 In classifying service furnished within the general categories of
2 business and residential, the city or town legislative authority may in
3 its discretion consider any or all of the following factors: The
4 difference in cost of service to the various users or traffic
5 generators; location of the various users or traffic generators within
6 the city or town; the difference in cost of maintenance, operation,
7 construction, repair, and replacement of the various parts of the
8 enterprise and facility; the different character of the service
9 furnished to various users or traffic generators within the city or
10 town; the size and quality of the street service furnished; the time of
11 use or traffic generation; capital contributions made to the facility
12 including but not limited to special assessments; and any other matters
13 that present a reasonable difference as a ground for distinction, or
14 the entire category of business or residential may be established as a
15 single class. The city or town may reduce or exempt charges on
16 residential properties to the extent of their occupancy by low-income
17 senior citizens and low-income disabled citizens as provided in RCW
18 74.38.070(1), or to the extent of their occupancy by the needy or
19 infirm.

20 The charges shall be charges against the property and the use
21 thereof and shall become liens and be enforced in the same manner as
22 rates and charges for the use of systems of sewerage under chapter
23 35.67 RCW.

24 Any city or town ordinance or resolution creating a street utility
25 must contain a provision granting to any business a credit against any
26 street utility charge the full amount of any commuter or employer tax
27 paid for transportation purposes by that business."

28 "NEW SECTION. Sec. 212. Sections 101 through 118, 201, and 202
29 of this act shall constitute a new chapter in Title 81 RCW."

1 "NEW SECTION. Sec. 213. Part and section headings as used in
2 this act do not constitute any part of the law."

3 "NEW SECTION. Sec. 214. If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected."

7 "NEW SECTION. Sec. 215. This act shall take effect July 1,
8 1992."

9 SHB 2610 - H AMD
10 By Representatives Betrozoff and Mitchell

11
12 On page 1, line 1 of the title, after "transportation;" strike the
13 remainder of the title and insert "amending RCW 81.104.010, 81.104.040,
14 81.104.050, 81.104.120, 81.104.150, 81.104.160, 81.104.170, 81.104.180,
15 81.104.190, 35.58.2795, 35.77.010, 36.81.121, 82.14.045, 82.80.010,
16 82.80.020, 82.80.030, and 82.80.050; reenacting and amending RCW
17 81.104.030 and 81.104.140; adding a new section to chapter 81.104 RCW;
18 adding a new section to chapter 53.36 RCW; adding a new chapter to
19 Title 81 RCW; creating a new section; and providing an effective date."