

2 **ESHB 2610** - S COMM AMD
3 By Committee on Transportation

4 ADOPTED AS AMENDED 3/56/92

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

7 "NEW SECTION. **Sec. 1.** LEGISLATIVE INTENT. The legislature
8 recognizes that existing transportation facilities in the central Puget
9 Sound area are inadequate to address mobility needs of the area. The
10 geography of the region, travel demand growth, and public resistance to
11 new roadways combine to further necessitate the rapid development of
12 alternative modes of travel.

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

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

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

6 It is therefore the policy of the state of Washington to empower
7 counties in the state's most populous region to create a local agency
8 for planning and implementing a high capacity transportation system
9 within that region. The authorization for such an agency, except as
10 specifically provided in this chapter, is not intended to limit the
11 powers of existing transit agencies."

12 "NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly
13 requires otherwise, the definitions in this section apply throughout
14 this chapter.

15 (1) "Authority" means a regional transit authority authorized under
16 this chapter.

17 (2) "Board" means the board of a regional transit authority.

18 (3) "Service area" or "area" means the area included within the
19 boundaries of a regional transit authority.

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

22 (5) "Facilities" means any lands, interest in land, air rights over
23 lands, and improvements thereto including vessel terminals, and any
24 equipment, vehicles, vessels, and other components necessary to support
25 the system."

26 "NEW SECTION. Sec. 3. REGIONAL TRANSIT AUTHORITY. Two or more
27 contiguous counties each having a population of four hundred thousand
28 persons or more may establish a regional transit authority to develop

1 and operate a high capacity transportation system as defined in chapter
2 81.104 RCW.

3 The authority shall be formed in the following manner:

4 (1) The joint regional policy committee created pursuant to RCW
5 81.104.040 shall adopt a system and financing plan, including the
6 definition of the service area. This action shall be completed by
7 September 1, 1992, contingent upon satisfactory completion of the
8 planning process defined in RCW 81.104.100. In addition to the
9 requirements of RCW 81.104.100, the plan for the proposed system shall
10 provide explicitly for a minimum portion of new tax revenues to be
11 allocated to local transit agencies for interim express services. Upon
12 adoption the joint regional policy committee shall immediately transmit
13 the plan to the county legislative authorities within the adopted
14 service area.

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

19 (3) If any of the counties does not opt to participate in the
20 authority, the joint regional policy committee shall, within forty-five
21 days, redefine the system and financing plan and resubmit the adopted
22 redefined plan to the remaining county legislative authorities for
23 their decision as to whether to participate. This action shall be
24 completed within forty-five days following receipt of the redefined
25 plan.

26 (4) Each county that chooses to participate in the authority shall
27 appoint its board members as set forth in section 4 of this act and
28 shall submit its list of members to the secretary of the Washington
29 state department of transportation. These actions must be completed

1 within thirty days following each county's decision to participate in
2 the authority.

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

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

16 (7) The authority shall place on the ballot within two years of the
17 authority's formation, a single ballot proposition to ratify formation
18 of the authority, approve the system and finance plan, and authorize
19 the imposition of the taxes to support the plan within its service
20 area. In addition to the system plan requirements contained in RCW
21 81.104.100(2)(d), the system plan submitted to voters shall contain an
22 equity element which:

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

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

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

4 A simple majority of those voting within the boundaries of the
5 authority is required for approval. If the vote is affirmative, the
6 authority shall begin implementation of the plan. However, the
7 authority may not submit any authorizing proposition for voter-approved
8 taxes prior to July 1, 1993; nor may the authority issue bonds or form
9 any local improvement district prior to July 1, 1993.

10 (8) If the vote fails, the board may redefine the system and
11 financing plan, make changes to the authority boundaries, and make
12 corresponding changes to the composition of the board. If the
13 composition of the board is changed, the participating counties shall
14 revise the membership of the board accordingly. The board may then
15 submit the revised plan to voters. No single system and financing plan
16 may be submitted to the voters more than twice.

17 If the authority is unable to achieve a positive vote within two
18 years from the date of the first election on a system plan, the board
19 may, by resolution, reconstitute the authority as a single-county body.
20 With a two-thirds vote of the entire membership of the voting members,
21 the board may also dissolve the authority."

22 "NEW SECTION. **Sec. 4.** GOVERNANCE. (1) The regional transit
23 authority shall be governed by a board consisting of representatives
24 appointed by the county executive and confirmed by the council or other
25 legislative authority of each member county. Membership shall be based
26 on population from that portion of each county which lies within the
27 service area. Board members shall be appointed initially on the basis
28 of one for each one hundred forty-five thousand population within the
29 county. Such appointments shall be made following consultation with

1 city and town jurisdictions within the service area. In addition, the
2 secretary of transportation or the secretary's designee shall serve as
3 a member of the board and may have voting status with approval of a
4 majority of the other members of the board.

5 Each member of the board except the secretary of transportation or
6 the secretary's designee shall be an elected official who serves on the
7 legislative authority of or as mayor of a city within the boundaries of
8 the authority, or on the legislative authority of the county and fifty
9 percent of the population of whose district is within the authority
10 boundaries. When making appointments, each county executive shall
11 ensure that representation on the board includes an elected city
12 official representing the largest city in each county and assures
13 proportional representation from other cities, and representation from
14 unincorporated areas of each county within the service area. At least
15 one-half of all appointees from each county shall serve on the
16 governing authority of a public transportation system.

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

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

27 (2) Major decisions of the authority shall require a favorable vote
28 of two-thirds of the entire membership of the voting members. "Major
29 decisions" include at least the following: System plan adoption and
30 amendment; system phasing decisions; annual budget adoption;

1 authorization of annexations; modification of board composition; and
2 executive director employment.

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

6 "NEW SECTION. **Sec. 5.** AREA INCLUDED. (1) At the time of
7 formation, the area to be included within the boundary of the authority
8 shall be that area set forth in the system plan adopted by the joint
9 regional policy committee. Prior to submitting the system and
10 financing plan to the voters, the authority may make adjustments to the
11 boundaries as deemed appropriate but must assure that, to the extent
12 possible, the boundaries: (a) Include the largest-population urban
13 growth area designated by each county under chapter 36.70A RCW; and (b)
14 follow election precinct boundaries. If a portion of any city is
15 determined to be within the service area, the entire city must be
16 included within the boundaries of the authority.

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

1 "NEW SECTION. **Sec. 6.** AUTHORITY POWERS. An authority shall have
2 the following powers:

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

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

9 (3) To fix the salaries, wages, and other compensation of all
10 officers and employees of the authority.

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

14 "NEW SECTION. **Sec. 7.** GENERAL POWERS. In addition to the powers
15 specifically granted by this chapter an authority shall have all powers
16 necessary to implement a high capacity transportation system and to
17 develop revenues for system support. An authority may contract with
18 the United States or any agency thereof, any state or agency thereof,
19 any public transportation benefit area, any county, county
20 transportation authority, city, metropolitan municipal corporation,
21 special district, or governmental agency, within or without the state,
22 and any private person, firm, or corporation for: (1) The purpose of
23 receiving gifts or grants or securing loans or advances for preliminary
24 planning and feasibility studies; (2) the design, construction, or
25 operation of high capacity transportation system facilities; or (3) the
26 provision or receipt of services, facilities, or property rights to
27 provide revenues for the system. An authority shall have the power to
28 contract pursuant to RCW 39.33.050. In addition, an authority may
29 contract with any governmental agency or with any private person, firm,

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

15 "NEW SECTION. **Sec. 8.** ADDITIONAL POWERS--ACQUISITION OF
16 FACILITIES. An authority shall have the following powers in addition
17 to the general powers granted by this chapter:

18 (1) To carry out the planning processes set forth in RCW
19 81.104.100;

20 (2) To acquire by purchase, condemnation, gift, or grant and to
21 lease, construct, add to, improve, replace, repair, maintain, operate,
22 and regulate the use of high capacity transportation facilities and
23 properties within authority boundaries including surface, underground,
24 or overhead railways, tramways, busways, buses, bus sets, entrained and
25 linked buses, ferries, or other means of local transportation except
26 taxis, and including escalators, moving sidewalks, personal rapid
27 transit systems or other people-moving systems, passenger terminal and
28 parking facilities and properties, and such other facilities and
29 properties as may be necessary for passenger, vehicular, and vessel

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

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

24 (3) To dispose of any real or personal property acquired in
25 connection with any authority function and that is no longer required
26 for the purposes of the authority, in the same manner as provided for
27 cities of the first class. When an authority determines that a
28 facility or any part thereof that has been acquired from any public
29 agency without compensation is no longer required for authority

1 purposes, but is required by the agency from which it was acquired, the
2 authority shall by resolution transfer it to such agency.

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

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

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

1 the first class, except insofar as such laws may be inconsistent with
2 this chapter.

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

7 "NEW SECTION. **Sec. 10.** TRANSFER OF LOCAL GOVERNMENT POWERS TO
8 AUTHORITY. An authority shall have and exercise all rights with
9 respect to the construction, acquisition, maintenance, operation,
10 extension, alteration, repair, control and management of high capacity
11 transportation system facilities that are identified in the system plan
12 developed pursuant to RCW 81.104.100 that any city, county, county
13 transportation authority, metropolitan municipal corporation, or public
14 transportation benefit area within the authority boundary has been
15 previously empowered to exercise and such powers shall not thereafter
16 be exercised by such agencies without the consent of the authority.
17 Nothing in this chapter shall restrict development, construction, or
18 operation of a personal rapid transit system by a city or county.

19 An authority may adopt, in whole or in part, and may complete,
20 modify, or terminate any planning, environmental review, or procurement
21 processes related to the high capacity transportation system that had
22 been commenced by a joint regional policy committee or a city, county,
23 county transportation authority, metropolitan municipality, or public
24 transportation benefit area prior to the formation of the authority."

25 "NEW SECTION. **Sec. 11.** ACQUISITION OF EXISTING SYSTEM. If an
26 authority acquires any existing components of a high capacity
27 transportation system, it shall assume and observe all existing labor
28 contracts relating to the transportation system and, to the extent

1 necessary for operation of facilities, all of the employees of such
2 acquired transportation system whose duties are necessary to operate
3 efficiently the facilities acquired shall be appointed to comparable
4 positions to those which they held at the time of such transfer, and no
5 employee or retired or pensioned employee of such transportation
6 systems shall be placed in any worse position with respect to pension
7 seniority, wages, sick leave, vacation or other benefits that he or she
8 enjoyed as an employee of the transportation system prior to such
9 acquisition. At such times as may be required by such contracts, the
10 authority shall engage in collective bargaining with the duly appointed
11 representatives of any employee labor organization having existing
12 contracts with the acquired transportation system and may enter into
13 labor contracts with such employee labor organization. Facilities and
14 equipment which are acquired after July 1, 1993, related to high
15 capacity transportation services which are to be assumed by the
16 authority as specifically identified in the adopted system plan shall
17 be acquired by the authority in a manner consistent with sections 7
18 through 10 of this act."

19 "NEW SECTION. **Sec. 12.** AUTHORITY FINANCES. The board of an
20 authority, by resolution, shall designate a person having experience in
21 financial or fiscal matters as treasurer of the authority. The board
22 may designate, with the concurrence of the treasurer, the treasurer of
23 a county within which the authority is located. Such a treasurer shall
24 possess all of the powers, responsibilities, and duties the county
25 treasurer possesses for a public transportation benefit area authority
26 related to investing surplus authority funds. The board shall require
27 a bond with a surety company authorized to do business in the state of
28 Washington in an amount and under the terms and conditions the board,
29 by resolution, from time to time finds will protect the authority

1 against loss. The premium on any such bond shall be paid by the
2 authority.

3 All authority funds shall be paid to the treasurer and shall be
4 disbursed by the treasurer only on warrants issued by the authority
5 upon orders or vouchers approved by the board.

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

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

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

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

27 "NEW SECTION. **Sec. 13.** BONDING. Notwithstanding RCW
28 39.36.020(1), an authority may at any time contract indebtedness or
29 borrow money for authority purposes and may issue general obligation

1 bonds in an amount not exceeding, together with any existing
2 indebtedness of the authority not authorized by the voters, one and
3 one-half percent of the value of the taxable property within the
4 boundaries of the authority; and with the assent of three-fifths of the
5 voters therein voting at an election called for that purpose, may
6 contract indebtedness or borrow money for authority purposes and may
7 issue general obligation bonds therefor, provided the total
8 indebtedness of the authority shall not exceed five percent of the
9 value of the taxable property therein. Such bonds shall be issued and
10 sold in accordance with chapter 39.46 RCW.

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

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

1 of such special fund or funds, and the owners of such bonds shall have
2 a lien and charge against the gross revenue of such high capacity
3 transportation system or any other revenue, fees, tolls, charges,
4 tariffs, fares, special taxes, or other authorized sources pledged to
5 the payment of such bonds.

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

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

12 "NEW SECTION. **Sec. 15.** LOCAL IMPROVEMENT DISTRICTS AUTHORIZED.

13 (1) An authority may form a local improvement district to provide any
14 transportation improvement it has the authority to provide, impose
15 special assessments on all property specially benefited by the
16 transportation improvements, and issue special assessment bonds or
17 revenue bonds to fund the costs of the transportation improvement.
18 Local improvement districts shall be created and assessments shall be
19 made and collected pursuant to chapters 35.43, 35.44, 35.49, 35.50,
20 35.51, 35.53, and 35.54 RCW.

21 (2) The board shall by resolution establish for each special
22 assessment bond issue the amount, date, terms, conditions,
23 denominations, maximum fixed or variable interest rate or rates,
24 maturity or maturities, redemption rights, registration privileges, if
25 any, covenants, and form, including registration as to principal and
26 interest, registration as to principal only, or bearer. Registration
27 may include, but not be limited to: (a) A book entry system of
28 recording the ownership of a bond whether or not physical bonds are
29 issued; or (b) recording the ownership of a bond together with the

1 requirement that the transfer of ownership may only be effected by the
2 surrender of the old bond and either the reissuance of the old bond or
3 the issuance of a new bond to the new owner. Facsimile signatures may
4 be used on the bonds and any coupons. The maximum term of any special
5 assessment bonds shall not exceed thirty years beyond the date of
6 issue. Special assessment bonds issued pursuant to this section shall
7 not be an indebtedness of the authority issuing the bonds, and the
8 interest and principal on the bonds shall only be payable from special
9 assessments made for the improvement for which the bonds were issued
10 and any local improvement guaranty fund that the authority has created.
11 The owner or bearer of a special assessment bond or any interest coupon
12 issued pursuant to this section shall not have any claim against the
13 authority arising from the bond or coupon except for the payment from
14 special assessments made for the improvement for which the bonds were
15 issued and any local improvement guaranty fund the authority has
16 created. The authority issuing the special assessment bonds is not
17 liable to the owner or bearer of any special assessment bond or any
18 interest coupon issued pursuant to this section for any loss occurring
19 in the lawful operation of its local improvement guaranty fund. The
20 substance of the limitations included in this subsection shall be
21 plainly printed, written, or engraved on each special assessment bond
22 issued pursuant to this section.

23 (3) Assessments shall reflect any credits given by the authority
24 for real property or property right donations made pursuant to RCW
25 47.14.030.

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

1 "NEW SECTION. **Sec. 16.** COUNTY ASSESSOR'S DUTIES. It shall be the
2 duty of the assessor of each component county to certify annually to a
3 regional transit authority the aggregate assessed valuation of all
4 taxable property within the boundaries of the authority as the same
5 appears from the last assessment roll of the county."

6 "NEW SECTION. **Sec. 17.** INTERIM FINANCING. A regional transit
7 authority may apply for high capacity transportation account funds and
8 for central Puget Sound account funds for high capacity transit
9 planning and system development.

10 Transit agencies contained wholly or partly within a regional
11 transit authority may make grants or loans to the authority for high
12 capacity transportation planning and system development."

13 "**Sec. 18.** RCW 81.104.010 and 1991 c 318 s 1 are each amended to
14 read as follows:

15 Increasing congestion on Washington's roadways calls for
16 identification and implementation of high capacity transportation
17 system alternatives. (~~("High capacity transportation system" means a~~
18 ~~system of public transportation services within an urbanized region~~
19 ~~operating principally on exclusive rights of way, and the supporting~~
20 ~~services and facilities necessary to implement such a system, including~~
21 ~~high occupancy vehicle lanes, which taken as a whole, provides a~~
22 ~~substantially higher level of passenger capacity, speed, and service~~
23 ~~frequency than traditional public transportation systems operating~~
24 ~~principally in general purpose roadways.)) The legislature believes
25 that local jurisdictions should coordinate and be responsible for high
26 capacity transportation policy development, program planning, and
27 implementation. The state should assist by working with local agencies
28 on issues involving rights of way, partially financing projects meeting~~

1 established state criteria including development and completion of the
2 high occupancy vehicle lane system, authorizing local jurisdictions to
3 finance high capacity transportation systems through voter-approved tax
4 options, and providing technical assistance and information."

5 "NEW SECTION. Sec. 19. A new section is added to chapter 81.104
6 RCW to read as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "High capacity transportation system" means a system of public
10 transportation services within an urbanized region operating
11 principally on exclusive rights of way, and the supporting services and
12 facilities necessary to implement such a system, including interim
13 express services and high occupancy vehicle lanes, which taken as a
14 whole, provides a substantially higher level of passenger capacity,
15 speed, and service frequency than traditional public transportation
16 systems operating principally in general purpose roadways.

17 (2) "Regional transit system" means a high capacity transportation
18 system under the jurisdiction of one or more transit agencies except
19 where a regional transit authority created under chapter 81.--- RCW
20 (sections 1 through 17 of this act) exists, in which case "regional
21 transit system" means the high capacity transportation system under the
22 jurisdiction of a regional transit authority.

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

26 **"Sec. 20.** RCW 81.104.030 and 1991 c 318 s 3 and 1991 c 309 s 2 are
27 each reenacted and amended to read as follows:

1 (1) In any county with a population of from two hundred ten
2 thousand to less than one million that is not bordered by a county with
3 a population of one million or more, and in each county with a
4 population of less than two hundred ten thousand, (~~city-owned transit~~
5 ~~systems, county transportation authorities, metropolitan municipal~~
6 ~~corporations, and public transportation benefit areas~~) transit
7 agencies may elect to establish high capacity transportation service.
8 Such agencies shall form a regional policy committee with proportional
9 representation based upon population distribution within the designated
10 service area and a representative of the department of transportation,
11 or such agencies may use the designated metropolitan planning
12 organization as the regional policy committee.

13 (~~City-owned transit systems, county transportation authorities,~~
14 ~~metropolitan municipal corporations, and public transportation benefit~~
15 ~~areas~~) Transit agencies participating in joint regional policy
16 committees shall seek voter approval within their own service
17 boundaries of a high capacity transportation system plan and financing
18 plan.

19 (2) (~~City-owned transit systems, county transportation~~
20 ~~authorities, metropolitan municipal corporations, and public~~
21 ~~transportation benefit areas~~) Transit agencies in counties adjoining
22 state or international boundaries are authorized to participate in the
23 regional high capacity transportation programs of an adjoining state or
24 Canadian province."

25 "**Sec. 21.** RCW 81.104.040 and 1991 c 318 s 4 are each amended to
26 read as follows:

27 (~~(1)~~) Transit agencies in each county with a population of one
28 million or more, and in each county with a population of from two
29 hundred ten thousand to less than one million bordering a county with

1 a population of one million or more that are (~~currently~~) authorized
2 on January 1, 1991, to provide high capacity transportation planning
3 and operating services(~~(, including but not limited to city-owned~~
4 ~~transit systems, county transportation authorities, metropolitan~~
5 ~~municipal corporations, and public transportation benefit areas,~~)) must
6 establish through interlocal agreements a joint regional policy
7 committee with proportional representation based upon the population
8 distribution within each agency's designated service area, as
9 determined by the parties to the agreement.

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

16 ((~~b~~)) (2) The joint regional policy committee shall be
17 responsible for the preparation and adoption of a regional high
18 capacity transportation implementation program, which shall include the
19 system plan, project plans, and a financing plan. This program shall
20 be in conformance with the regional transportation planning
21 organization's regional transportation plan and consistent with RCW
22 81.104.080.

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

27 (~~d~~) Transit agencies shall present the adopted high capacity
28 transportation system plan and financing plan for voter approval within
29 four years of the execution of the interlocal agreements. A simple
30 majority vote is required for approval of the high capacity

1 transportation system plan and financing plan in any service district
2 within each county. The implementation program may proceed in any
3 service area approving the system and financing plans.

4 (2) High capacity transportation planning, construction,
5 operations, and funding shall be governed through the interlocal
6 agreement process, including but not limited to provision for a cost
7 allocation and distribution formula, service corridors, station area
8 locations, right of way transfers, and feeder transportation systems.
9 The interlocal agreement shall include a mechanism for resolving
10 conflicts among parties to the agreement)) or to the regional transit
11 authority, if such authority has been formed. The authority shall
12 proceed as prescribed in section 3 of this act."

13 "Sec. 22. RCW 81.104.050 and 1991 c 318 s 5 are each amended to
14 read as follows:

15 Regional high capacity transportation service ((boundaries)) may be
16 expanded beyond the established ((service)) district boundaries through
17 interlocal agreements among the transit agencies and ((the local
18 jurisdictions within which such expanded service is proposed)) any
19 regional transit authorities in existence."

20 "Sec. 23. RCW 81.104.100 and 1991 sp.s. c 15 s 68 are each amended
21 to read as follows:

22 To assure development of an effective high capacity transportation
23 system, local authorities shall follow the following planning process:

24 (1) Regional, multimodal transportation planning is the ongoing
25 urban transportation planning process conducted in each urbanized area
26 by its regional transportation planning organization. During this
27 process, regional transportation goals are identified, travel patterns
28 are analyzed, and future land use and travel are projected. The

1 process provides a comprehensive view of the region's transportation
2 needs but does not select specified modes to serve those needs. The
3 process shall identify a priority corridor or corridors for further
4 study of high capacity transportation facilities if it is deemed
5 feasible by local officials.

6 (2) High capacity transportation system planning is the detailed
7 evaluation of a range of high capacity transportation system options,
8 including: Do nothing, low capital, and ranges of higher capital
9 facilities. To the extent possible this evaluation shall take into
10 account the urban mass transportation administration's requirements
11 identified in subsection (3) of this section.

12 High capacity transportation system planning shall proceed as
13 follows:

14 (a) Organization and management. The responsible local transit
15 agency or agencies shall define roles for various local agencies,
16 review background information, provide for public involvement, and
17 develop a detailed work plan for the system planning process.

18 (b) Development of options. Options to be studied shall be
19 developed to ensure an appropriate range of technologies and service
20 policies can be evaluated. A do-nothing option and a low capital
21 option that maximizes the current system shall be developed. Several
22 higher capital options that consider a range of capital expenditures
23 for several candidate technologies shall be developed.

24 (c) Analysis methods. The local transit agency shall develop
25 reports describing the analysis and assumptions for the estimation of
26 capital costs, operating and maintenance costs, methods for travel
27 forecasting, a financial plan and an evaluation methodology.

28 (d) The system plan submitted to the voters pursuant to RCW
29 81.104.140 shall address, but is not limited to the following issues:

1 (i) Identification of level and types of high capacity
2 transportation services to be provided;

3 (ii) A plan of high occupancy vehicle lanes to be constructed;

4 (iii) Identification of route alignments and station locations with
5 sufficient specificity to permit calculation of costs, ridership, and
6 system impacts;

7 (iv) Performance characteristics of technologies in the system
8 plan;

9 (v) Patronage forecasts;

10 (vi) A financing plan describing: Phasing of investments; capital
11 and operating costs and expected revenues; cost-effectiveness
12 represented by a total cost per system rider and new rider estimate;
13 estimated ridership and the cost of service for each individual high
14 capacity line (~~{lane}~~); and identification of the operating revenue
15 to operating expense ratio.

16 The financing plan shall specifically differentiate the proposed
17 use of funds between high capacity transportation facilities and
18 services, and high occupancy vehicle facilities(~~(, and expanded~~
19 ~~local/feeder service)~~);

20 (vii) Description of the relationship between the high capacity
21 transportation system plan and adopted land use plans;

22 (viii) An assessment of social, economic, and environmental
23 impacts; and

24 (ix) Mobility characteristics of the system presented, including
25 but not limited to: Qualitative description of system/service
26 philosophy and impacts; qualitative system reliability; travel time and
27 number of transfers between selected residential, employment, and
28 activity centers; and system and activity center mode splits.

29 (3) High capacity transportation project planning is the detailed
30 identification of alignments, station locations, equipment and systems,

1 construction schedules, environmental effects, and costs. High
2 capacity transportation project planning shall proceed as follows: The
3 local transit agency shall analyze and produce information needed for
4 the preparation of environmental impact statements. The impact
5 statements shall address the impact that development of such a system
6 will have on abutting or nearby property owners. The process of
7 identification of alignments and station locations shall include
8 notification of affected property owners by normal legal publication.
9 At minimum, such notification shall include notice on the same day for
10 at least three weeks in at least two newspapers of general circulation
11 in the county where such project is proposed. Special notice of
12 hearings by the conspicuous posting of notice, in a manner designed to
13 attract public attention, in the vicinity of areas identified for
14 station locations or transfer sites shall also be provided.

15 In order to increase the likelihood of future federal funding, the
16 project planning processes shall follow the urban mass transportation
17 administration's requirements as described in "Procedures and Technical
18 Methods for Transit Project Planning", published by the United States
19 department of transportation, urban mass transportation administration,
20 September 1986, or the most recent edition. Nothing in this subsection
21 shall be construed to preclude detailed evaluation of more than one
22 corridor in the planning process.

23 The department of transportation shall provide system and project
24 planning review and monitoring in cooperation with the expert review
25 panel identified in RCW 81.104.110. In addition, the local transit
26 agency shall maintain a continuous public involvement program and seek
27 involvement of other government agencies."

28 **"Sec. 24.** RCW 81.104.120 and 1990 c 43 s 33 are each amended to
29 read as follows:

1 (1) (~~City-owned transit service, county transportation~~
2 ~~authorities, metropolitan municipal corporations, and public~~
3 ~~transportation benefit areas~~) Transit agencies and regional transit
4 authorities may operate or contract for commuter rail service where it
5 is deemed to be a reasonable alternative transit mode. A reasonable
6 alternative is one whose passenger costs per mile, including costs of
7 trackage, equipment, maintenance, operations, and administration are
8 equal to or less than comparable bus, entrained bus, trolley, or
9 personal rapid transit systems.

10 (2) A county may use funds collected under RCW 81.100.030 or
11 81.100.060 to contract with one or more transit agencies or regional
12 transit authorities for planning, operation, and maintenance of
13 commuter rail projects which: (a) Are consistent with the regional
14 transportation plan; (b) have met the project planning and oversight
15 requirements of RCW 81.104.100 and 81.104.110; and (c) have been
16 approved by the voters within the service area of each transit agency
17 or regional transit authority participating in the project. The phrase
18 "approved by the voters" includes specific funding authorization for
19 the commuter rail project.

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

25 **"Sec. 25.** RCW 81.104.140 and 1991 c 318 s 11 and 1991 c 309 s 4
26 are each reenacted and amended to read as follows:

27 (1) Agencies authorized to provide high capacity transportation
28 service, including (~~city-owned transit systems, county transportation~~
29 ~~authorities, metropolitan municipal corporations and public~~

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

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

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

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

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

- 29 (a) Employer tax as provided in RCW 81.104.150;

1 (b) Special motor vehicle excise tax as provided in RCW 81.104.160;
2 and

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

4 Revenues from these taxes may be used only to support those
5 purposes prescribed in subsection (10) of this section. Before the
6 date of an election authorizing an agency to impose any of the taxes
7 enumerated in this section and authorized in RCW 81.104.150,
8 81.104.160, and 81.104.170, the agency must comply with the process
9 prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No
10 construction on exclusive right of way may occur before the
11 requirements of RCW 81.104.100(3) are met.

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

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

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

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

9 (9) For any election in which voter approval is sought for a high
10 capacity transportation system plan and financing plan pursuant to RCW
11 81.104.040, a local voter's pamphlet shall be produced as provided in
12 chapter 29.81A RCW.

13 (10) Agencies providing high capacity transportation service shall
14 retain responsibility for revenue encumbrance, disbursement, and
15 bonding. Funds may be used for any purpose relating to planning,
16 construction, and operation of high capacity transportation
17 systems(~~(7)~~) and commuter rail systems, (~~and feeder transportation~~
18 ~~systems~~) personal rapid transit, busways, bus sets, and entrained and
19 linked buses."

20 "Sec. 26. RCW 81.104.150 and 1990 c 43 s 41 are each amended to
21 read as follows:

22 Cities that operate transit systems, county transportation
23 authorities, metropolitan municipal corporations, (~~and~~) public
24 transportation benefit areas, (~~solely for the purpose of providing~~
25 ~~high capacity transportation service~~) and regional transit authorities
26 may submit an authorizing proposition to the voters and if approved may
27 impose an excise tax of up to two dollars per month per employee on all
28 employers located within the agency's jurisdiction, measured by the
29 number of full-time equivalent employees, solely for the purpose of

1 providing high capacity transportation service. The rate of tax shall
2 be approved by the voters. This tax may not be imposed by ~~((an))~~: (1)
3 A transit agency when the county within which it is located is imposing
4 an excise tax pursuant to RCW 81.100.030; or (2) a regional transit
5 authority when any county within the authority's boundaries is imposing
6 an excise tax pursuant to RCW 81.100.030. The agency imposing the tax
7 authorized in this section may provide for exemptions from the tax to
8 such educational, cultural, health, charitable, or religious
9 organizations as it deems appropriate."

10 "Sec. 27. RCW 81.104.160 and 1991 c 318 s 12 are each amended to
11 read as follows:

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

1 46.16.070 except vehicles with an unladen weight of six thousand pounds
2 or less, RCW 46.16.079, 46.16.080, 46.16.085, or 46.16.090."

3 "Sec. 28. RCW 81.104.170 and 1990 2nd ex.s. c 1 s 902 are each
4 amended to read as follows:

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

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

27 "Sec. 29. RCW 81.104.180 and 1990 c 43 s 44 are each amended to
28 read as follows:

1 Cities that operate transit systems, county transportation
2 authorities, metropolitan municipal corporations, ((and)) public
3 transportation benefit areas, and regional transit authorities are
4 authorized to pledge revenues from the employer tax authorized by RCW
5 81.104.150, the special motor vehicle excise tax authorized by RCW
6 81.104.160, and the sales and use tax authorized by RCW 81.104.170, to
7 retire bonds issued solely for the purpose of providing high capacity
8 transportation service."

9 "Sec. 30. RCW 81.104.190 and 1990 c 43 s 45 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, and regional transit systems may contract
14 with the state department of revenue or other appropriate entities for
15 administration and collection of any tax authorized by RCW 81.104.150,
16 81.104.160, and 81.104.170."

17 "NEW SECTION. Sec. 31. A new section is added to chapter 47.80
18 RCW to read as follows:

19 EXECUTIVE BOARD MEMBERSHIP. In order to qualify for state planning
20 funds available to regional transportation planning organizations, the
21 regional transportation planning organizations containing any county
22 with a population in excess of one million shall provide voting
23 membership on its executive board to the state transportation
24 commission, the state department of transportation, and the three
25 largest public port districts within the region as determined by gross
26 operating revenues. It shall further assure that at least fifty
27 percent of the county and city local elected officials who serve on the

1 executive board also serve on transit agency boards or on a regional
2 transit authority."

3 "NEW SECTION. **Sec. 32.** Sections 1 through 17 of this act shall
4 constitute a new chapter in Title 81 RCW."

5 "NEW SECTION. **Sec. 33.** Section headings as used in this act do
6 not constitute any part of the law."

7 "NEW SECTION. **Sec. 34.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected."

11 "NEW SECTION. **Sec. 35.** This act shall take effect July 1,
12 1992."

13 **ESHB 2610** - S COMM AMD
14 By Committee on Transportation

ADOPTED 3/6/92

15
16 On page 1, line 1 of the title, after "transportation;" strike the
17 remainder of the title and insert "amending RCW 81.104.010, 81.104.040,
18 81.104.050, 81.104.100, 81.104.120, 81.104.150, 81.104.160, 81.104.170,
19 81.104.180, and 81.104.190; reenacting and amending RCW 81.104.030 and
20 81.104.140; adding a new section to chapter 81.104 RCW; adding a new
21 section to chapter 47.80 RCW; adding a new chapter to Title 81 RCW;
22 creating a new section; and providing an effective date."