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HOUSE BILL 2577

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State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives Heavey, Vance, Valle and Paris

Read first time 01/22/92. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to transit security personnel; and amending RCW  
2 35.58.240 and 36.57A.090.

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

4            **Sec. 1.** RCW 35.58.240 and 1981 c 25 s 1 are each amended to read  
5 as follows:

6            If a metropolitan municipal corporation shall be authorized to  
7 perform the function of metropolitan transportation, it shall have the  
8 following powers in addition to the general powers granted by this  
9 chapter:

10            (1) To prepare, adopt, and carry out a general comprehensive plan  
11 for public transportation service which will best serve the residents  
12 of the metropolitan area and to amend said plan from time to time to  
13 meet changed conditions and requirements.

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 metropolitan transportation facilities and  
4 properties within or without the metropolitan area, including systems  
5 of surface, underground, or overhead railways, tramways, buses, or any  
6 other means of local transportation except taxis, and including  
7 escalators, moving sidewalks, or other people-moving systems, passenger  
8 terminal and parking facilities and properties, and such other  
9 facilities and properties as may be necessary for passenger and  
10 vehicular access to and from such people-moving systems, terminal and  
11 parking facilities and properties, together with all lands, rights of  
12 way, property, equipment, and accessories necessary for such systems  
13 and facilities. Public transportation facilities and properties which  
14 are owned by any city may be acquired or used by the metropolitan  
15 municipal corporation only with the consent of the city council of the  
16 city owning such facilities. Cities are hereby authorized to convey or  
17 lease such facilities to metropolitan corporations or to contract for  
18 their joint use on such terms as may be fixed by agreement between the  
19 city council of such city and the metropolitan council, without  
20 submitting the matter to the voters of such city.

21           The facilities and properties of a metropolitan public  
22 transportation system whose vehicles will operate primarily within the  
23 rights of way of public streets, roads, or highways, may be acquired,  
24 developed and operated without the corridor and design hearings which  
25 are required by RCW 35.58.273 for mass transit facilities operating on  
26 a separate right of way.

27           (3) To fix rates, tolls, fares, and charges for the use of such  
28 facilities and to establish various routes and classes of service.  
29 Fares or charges may be adjusted or eliminated for any distinguishable  
30 class of users including, but not limited to, senior citizens,

1 handicapped persons, and students. Classes of service and fares will  
2 be maintained in the several parts of the metropolitan area at such  
3 levels as will provide, insofar as reasonably practicable, that the  
4 portion of any annual transit operating deficit of the metropolitan  
5 municipal corporation attributable to the operation of all routes,  
6 taken as a whole, which are located within the central city is  
7 approximately in proportion to the portion of total taxes collected by  
8 or on behalf of the metropolitan municipal corporation for transit  
9 purposes within the central city, and that the portion of such annual  
10 transit operating deficit attributable to the operation of all routes,  
11 taken as a whole, which are located outside the central city, is  
12 approximately in proportion to the portion of such taxes collected  
13 outside the central city.

14 (4) To appoint transit security personnel who, upon being appointed  
15 and duly sworn, have full police powers, including but not limited to  
16 the power to arrest, for the purpose of enforcing violations of  
17 applicable federal, state, or local government statutes, rules,  
18 regulations, or ordinances that affect the metropolitan municipal  
19 corporation's operations or that occur on or about the facilities,  
20 property, vehicles, and equipment involved in the metropolitan  
21 municipal corporation's operations. Transit security personnel have  
22 the power to pursue and arrest violators beyond the metropolitan  
23 municipal corporation's facilities, properties, vehicles, and  
24 equipment. Transit security personnel must have graduated from a  
25 recognized professional police academy or training institution. The  
26 metropolitan municipal corporation is entitled to a seventy-five  
27 percent share of costs or penalties collected by local governments as  
28 a result of their prosecution of violators cited or arrested by these  
29 transit security personnel.

1 In the event any metropolitan municipal corporation shall extend  
2 its metropolitan transportation function to any area or service already  
3 offered by any company holding a certificate of public convenience and  
4 necessity from the Washington utilities and transportation commission  
5 under RCW 81.68.040, it shall by purchase or condemnation acquire at  
6 the fair market value, from the person holding the existing certificate  
7 for providing the services, that portion of the operating authority and  
8 equipment representing the services within the area of public  
9 operation.

10 **Sec. 2.** RCW 36.57A.090 and 1981 c 25 s 4 are each amended to read  
11 as follows:

12 A public transportation benefit area authority shall have the  
13 following powers in addition to the general powers granted by this  
14 chapter:

15 (1) To prepare, adopt, and carry out a general comprehensive plan  
16 for public transportation service which will best serve the residents  
17 of the public transportation benefit area and to amend said plan from  
18 time to time to meet changed conditions and requirements.

19 (2) To acquire by purchase, condemnation, gift, or grant and to  
20 lease, construct, add to, improve, replace, repair, maintain, operate,  
21 and regulate the use of transportation facilities and properties within  
22 or without the public transportation benefit area or the state,  
23 including systems of surface, underground, or overhead railways,  
24 tramways, buses, or any other means of local transportation except  
25 taxis, and including escalators, moving sidewalks, or other people-  
26 moving systems, passenger terminal and parking facilities and  
27 properties, and such other facilities and properties as may be  
28 necessary for passenger and vehicular access to and from such people-  
29 moving systems, terminal and parking facilities and properties,

1 together with all lands, rights of way, property, equipment, and  
2 accessories necessary for such systems and facilities. Public  
3 transportation facilities and properties which are owned by any city  
4 may be acquired or used by the public transportation benefit area  
5 authority only with the consent of the city council of the city owning  
6 such facilities. Cities are hereby authorized to convey or lease such  
7 facilities to a public transportation benefit area authority or to  
8 contract for their joint use on such terms as may be fixed by agreement  
9 between the city council of such city and the public transportation  
10 benefit area authority, without submitting the matter to the voters of  
11 such city.

12 The facilities and properties of a public transportation benefit  
13 area system whose vehicles will operate primarily within the rights of  
14 way of public streets, roads, or highways, may be acquired, developed,  
15 and operated without the corridor and design hearings which are  
16 required by RCW 35.58.273, as now or hereafter amended, for mass  
17 transit facilities operating on a separate right of way.

18 (3) To fix rates, tolls, fares, and charges for the use of such  
19 facilities and to establish various routes and classes of service.  
20 Fares or charges may be adjusted or eliminated for any distinguishable  
21 class of users including, but not limited to, senior citizens,  
22 handicapped persons, and students.

23 (4) To appoint transit security personnel who, upon being appointed  
24 and duly sworn, have full police powers, including but not limited to  
25 the power to arrest, for the purpose of enforcing violations of  
26 applicable federal, state, or local government statutes, rules,  
27 regulations, or ordinances that affect the authority's operations or  
28 that occur on or about the facilities, property, vehicles, and  
29 equipment involved in the authority's operations. Transit security  
30 personnel have the power to pursue and arrest violators beyond the

1 authority's facilities, properties, vehicles, and equipment. Transit  
2 security personnel must have graduated from a recognized professional  
3 police academy or training institution. The authority is entitled to  
4 a seventy-five percent share of costs or penalties collected by local  
5 governments as a result of their prosecution of violators cited or  
6 arrested by these transit security personnel.

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