
ENGROSSED SUBSTITUTE HOUSE BILL 2610

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, Haugen, Hine, Zellinsky, Winsley, Nelson, Mitchell, Wang, Prentice, R. Meyers, R. King, Schmidt, Locke, Heavey, Pruitt, J. Kohl, Jacobsen, Dorn, Fraser, Appelwick, Franklin, Roland, Wineberry, Betrozoff, Cantwell, G. Cole, Belcher, Braddock, May, Valle, Ebersole, Morris, Leonard, Scott, Horn, Anderson, Vance, Basich, Kremen, Paris, G. Fisher, Ferguson and Spanel)

Read first time 02/11/92.

1 AN ACT Relating to regional transportation; amending RCW
2 81.104.010, 81.104.040, 81.104.050, 81.104.120, 81.104.150, 81.104.160,
3 81.104.170, 81.104.180, 81.104.190, 35.58.2795, 35.77.010, 36.81.121,
4 47.26.080, 47.26.084, 47.78.010, 82.14.045, 82.44.180, 82.80.010,
5 82.80.020, 82.80.030, and 82.80.050; reenacting and amending RCW
6 81.104.030 and 81.104.140; adding a new section to chapter 81.104 RCW;
7 adding a new section to chapter 53.36 RCW; adding a new chapter to
8 Title 81 RCW; adding a new chapter to Title 47 RCW; creating a new
9 section; and providing an effective date.

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

11

PART I

12

REGIONAL TRANSIT AUTHORITIES

1 NEW SECTION. **Sec. 101.** LEGISLATIVE INTENT. The Legislature
2 recognizes that existing transportation facilities in the central Puget
3 Sound area are inadequate to address mobility needs of the area. The
4 geography of the region, travel demand growth, and public resistance to
5 new roadways combine to further necessitate the rapid development of
6 alternative modes of travel.

7 The legislature finds that local governments have been effective in
8 cooperatively planning a multicounty, high capacity transportation
9 system. However, a continued multijurisdictional approach to funding,
10 construction, and operation of a multicounty high capacity
11 transportation system may impair the successful implementation of such
12 a system.

13 The legislature finds that a single agency will be more effective
14 than several local jurisdictions working collectively at planning,
15 developing, operating, and funding a high capacity transportation
16 system. The single agency's services must be carefully integrated and
17 coordinated with public transportation services currently provided.
18 Further, the single agency must coordinate its activities with other
19 agencies providing local and state roadway services, implementing
20 comprehensive planning, and implementing transportation demand
21 management programs and assist in developing infrastructure to support
22 high capacity systems including but not limited to feeder systems, park
23 and ride facilities, intermodal centers, and related roadway and
24 operational facilities. Coordination can be best achieved through
25 common governance, such as integrated governing boards.

26 It is therefore the policy of the state of Washington to empower
27 counties in the state's most populous region to create a local agency
28 for planning and implementing a high capacity transportation system
29 within that region. The authorization for such an agency, except as

1 specifically provided in this chapter, is not intended to limit the
2 powers of existing transit agencies.

3 NEW SECTION. **Sec. 102.** DEFINITIONS. Unless the context clearly
4 requires otherwise, the definitions in this section apply throughout
5 this chapter.

6 (1) "Authority" means the regional transit authority authorized
7 under this chapter.

8 (2) "Board" means the regional transit authority board.

9 (3) "Service area" or "area" means the area included within the
10 boundaries of the regional transit authority.

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

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

16 NEW SECTION. **Sec. 103.** REGIONAL TRANSIT AUTHORITY. Two or more
17 contiguous counties each having a population of four hundred thousand
18 persons or more may establish a regional transit authority to develop
19 and operate a high capacity transportation system as defined in chapter
20 81.104 RCW.

21 The authority shall be formed in the following manner:

22 (1) The joint regional policy committee created pursuant to RCW
23 81.104.040 shall adopt a system and financing plan, including the
24 definition of the service area. This action shall be completed by
25 September 1, 1992, contingent upon satisfactory completion of the
26 planning process defined in RCW 81.104.100. In addition to the
27 requirements of RCW 81.104.100, the plan for the proposed system shall
28 provide explicitly for a minimum portion of new tax revenues to be

1 allocated to local transit agencies for local feeder services and
2 facilities. Upon adoption the joint regional policy committee shall
3 immediately transmit the plan to the county legislative authorities
4 within the adopted service area.

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

9 (3) If any of the counties do not opt to participate in the
10 authority, the joint regional policy committee shall, within forty-five
11 days, redefine the system and financing plan and resubmit the adopted
12 redefined plan to the remaining county legislative authorities for
13 their decision as to whether to participate. This action shall be
14 completed within forty-five days following receipt of the redefined
15 plan.

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

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

26 (6) The authority is formally constituted at its first meeting and
27 shall begin taking steps toward implementation of the system and
28 financing plan adopted by the joint regional policy committee. The
29 authority may make minor modifications to the plan as deemed necessary
30 and shall at a minimum review local transit agencies' plans to ensure

1 feeder service/high capacity transit service integration, ensure fare
2 integration, and avoidance of parallel competitive services.

3 (7) The authority shall place on the ballot within two years of the
4 authority's formation, a single ballot proposition to ratify formation
5 of the authority, approve the system and finance plan, and authorize
6 the imposition of the taxes to support the plan within its service
7 area. In addition to the system plan requirements contained in RCW
8 81.104.100(2)(d), the system plan submitted to voters shall contain an
9 equity element which:

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

12 (b) Identifies the phasing of construction and operation of high
13 capacity system facilities, services, and benefits in each corridor;
14 and

15 (c) Identifies the degree to which revenues generated within each
16 county will benefit the residents of that county. A simple majority of
17 those voting within the boundaries of the authority is required for
18 approval. If the vote is affirmative, the authority shall begin
19 implementation of the plan.

20 (8) If the vote fails, the authority may redefine the system and
21 financing plan and make changes to the boundary of the service area and
22 to the composition of the board. If the composition of the board is
23 changed, the participating counties shall revise the membership of the
24 board accordingly.

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

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

13 All members of the board except the secretary of transportation or
14 the secretary's designee shall be elected officials and serve on the
15 legislative authority or as mayor of cities within the boundaries of
16 the authority, or on the legislative authority of the county and fifty
17 percent of the population of whose districts are within the authority
18 boundaries. When making appointments, each county executive shall
19 ensure that representation on the board includes representation from
20 the largest city in each county and assures proportional representation
21 from other cities, and unincorporated areas of each county within the
22 service area. At least one-half of all appointees from each county
23 shall serve on the governing authority of a public transportation
24 system.

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

28 The governing board shall be reconstituted, with regard to the
29 number of representatives from each county, on a population basis,
30 using the official office of financial management population estimates,

1 five years after its initial formation and, at minimum, in the year
2 following each official federal census. The board membership may be
3 reduced, maintained, or expanded to reflect population changes but
4 under no circumstances may the board membership exceed twenty-five.

5 (2) Major decisions of the authority shall require a favorable vote
6 of two-thirds of the voting members. "Major decisions" include at
7 least the following: System plan adoption and amendment; system
8 phasing decisions; annual budget adoption; authorization of
9 annexations; modification of board composition; and executive director
10 employment.

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

14 NEW SECTION. **Sec. 105.** AREA INCLUDED. (1) At the time of
15 formation, the area to be included within the boundary of the authority
16 shall be that area set forth in the system plan adopted by the joint
17 regional policy committee. The area shall be based on the service area
18 identified in the system plan, shall include, to the extent possible,
19 at least the urban growth area designated by the county under chapter
20 36.70A RCW that includes the largest population of any urban growth
21 area in the county, and shall follow election precinct lines as far as
22 practicable. The area may also include other contiguous areas that
23 would benefit from the services provided by the authority.

24 (2) After voters within the service area have approved the system
25 and financing plan, elections to add areas contiguous to the service
26 area may be called by resolution of the regional transit authority,
27 after consultation with affected transit agencies and with the
28 concurrence of the legislative authority of a city or town if the area
29 is incorporated, or with the concurrence of the county legislative

1 authority if the area is unincorporated. Only those areas that would
2 benefit from the services provided by the authority may be included and
3 services or projects proposed for the area must be consistent with the
4 regional transportation plan. The election may include a single ballot
5 proposition providing for annexation to the service area and imposition
6 of the taxes at rates already imposed in the remainder of the service
7 area.

8 NEW SECTION. **Sec. 106.** AUTHORITY POWERS. An authority shall have
9 the following powers:

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

13 (2) To appoint or provide for the appointment of, and to remove or
14 to provide for the removal of, all officers and employees of an
15 authority.

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

18 (4) To employ such engineering, legal, financial, or other
19 specialized personnel as may be necessary to accomplish the purposes of
20 an authority.

21 NEW SECTION. **Sec. 107.** GENERAL POWERS. In addition to the powers
22 specifically granted by this chapter an authority shall have all powers
23 necessary to implement a high capacity transportation system and to
24 develop revenues for system support. An authority may contract with
25 the United States or any agency thereof, any state or agency thereof,
26 any public transportation benefit area, any county, county
27 transportation authority, city, metropolitan municipal corporation,
28 special district, or governmental agency, within or without the state,

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

23 An authority may sue and be sued in its corporate capacity in all
24 courts and in all proceedings.

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

1 NEW SECTION. **Sec. 109.** ADDITIONAL POWERS--ACQUISITION OF

2 FACILITIES. An authority shall have the following powers in addition
3 to the general powers granted by this chapter:

4 (1) To carry out the planning processes set forth in RCW
5 81.104.100;

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

1 their joint use on such terms as may be fixed by agreement between the
2 agency and the authority.

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

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

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

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

1 person holding such existing certificate may require the authority to
2 initiate such purchase of those assets of such person, existing as of
3 the date of the county canvassing board certification, within sixty
4 days after the date of such certification.

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

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

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

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

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

21 NEW SECTION. **Sec. 112.** ACQUISITION OF EXISTING SYSTEM. If an
22 authority acquires any existing components of a high capacity
23 transportation system, it shall assume and observe all existing labor
24 contracts relating to the transportation system and, to the extent
25 necessary for operation of facilities, all of the employees of such
26 acquired transportation system whose duties are necessary to operate
27 efficiently the facilities acquired shall be appointed to comparable
28 positions to those which they held at the time of such transfer, and no

1 employee or retired or pensioned employee of such transportation
2 systems shall be placed in any worse position with respect to pension
3 seniority, wages, sick leave, vacation or other benefits that he or she
4 enjoyed as an employee of the transportation system prior to such
5 acquisition. At such times as may be required by such contracts, the
6 authority shall engage in collective bargaining with the duly appointed
7 representatives of any employee labor organization having existing
8 contracts with the acquired transportation system and may enter into
9 labor contracts with such employee labor organization. Facilities and
10 equipment which are acquired after July 1, 1993, related to high
11 capacity transportation services which are to be assumed by the
12 authority as specifically identified in the adopted system plan shall
13 be acquired by the authority in a manner consistent with sections 107,
14 109, 110, and 111 of this act.

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

27 All authority funds shall be paid to the treasurer and shall be
28 disbursed by the treasurer only on warrants issued by the authority
29 upon orders or vouchers approved by the board.

1 The authority may by resolution designate a person having
2 experience in financial or fiscal matters, as the auditor of the
3 authority. Such an auditor shall possess all of the powers,
4 responsibilities, and duties related to creating and maintaining funds,
5 issuing warrants, and maintaining a record of receipts and
6 disbursements.

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

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

19 The board may provide and require a reasonable bond of any other
20 person handling moneys or securities of the authority, but the
21 authority shall pay the premium on the bond.

22 NEW SECTION. **Sec. 114.** BONDING. Notwithstanding RCW
23 39.36.020(1), an authority may at any time contract indebtedness or
24 borrow money for authority purposes and may issue general obligation
25 bonds in an amount not exceeding, together with any existing
26 indebtedness of the authority not authorized by the voters, one and
27 one-half percent of the value of the taxable property in the authority;
28 and with the assent of three-fifths of the voters therein voting at an
29 election called for that purpose, may contract indebtedness or borrow

1 money for authority purposes and may issue general obligation bonds
2 therefor, provided the total indebtedness of the authority shall not
3 exceed five percent of the value of the taxable property therein. Such
4 bonds shall be issued and sold in accordance with chapter 39.46 RCW.

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

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

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

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

7 NEW SECTION. **Sec. 116.** LOCAL IMPROVEMENT DISTRICTS AUTHORIZED.

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

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

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

18 (3) Assessments shall reflect any credits given by an authority for
19 real property or property right donations made pursuant to RCW
20 47.14.030.

21 (4) The board may establish and pay moneys into a local improvement
22 guaranty fund to guarantee special assessment bonds issued by the
23 authority.

24 NEW SECTION. **Sec. 117.** COUNTY ASSESSOR'S DUTIES. It shall be the
25 duty of the assessor of each component county to certify annually to a
26 regional transit authority the aggregate assessed valuation of all
27 taxable property within the boundaries of the authority as the same
28 appears from the last assessment roll of the county.

1 NEW SECTION. **Sec. 118.** INTERIM FINANCING. A regional transit
2 authority may apply for high capacity transportation account funds and
3 for central Puget Sound account funds for high capacity transit
4 planning and system development.

5 Transit agencies contained wholly or partly within a regional
6 transit authority may make grants or loans to the authority for high
7 capacity transportation planning and system development.

8 **Sec. 119.** RCW 81.104.010 and 1991 c 318 s 1 are each amended to
9 read as follows:

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

1 NEW SECTION. **Sec. 120.** A new section is added to chapter 81.104
2 RCW to read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

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

13 (2) "Regional transit system" means a high capacity transportation
14 system under the jurisdiction of a transit agency except where a
15 regional transit authority created under chapter 81.--- RCW (sections
16 101 through 118 of this act) exists, in which case "regional transit
17 system" means the high capacity transit system under the jurisdiction
18 of a regional transit authority.

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

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

24 In any county with a population of from two hundred ten thousand to
25 less than one million that is not bordered by a county with a
26 population of one million or more, and in each county with a population
27 of less than two hundred ten thousand, (~~city-owned transit systems,~~
28 ~~county transportation authorities, metropolitan municipal corporations,~~
29 ~~and public transportation benefit areas)) transit agencies may elect to~~

1 establish high capacity transportation service. Such agencies shall
2 form a regional policy committee with proportional representation based
3 upon population distribution within the designated service area and a
4 representative of the department of transportation, or such agencies
5 may use the designated metropolitan planning organization as the
6 regional policy committee.

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

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

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

21 ~~((1))~~ Transit agencies in each county with a population of one
22 million or more, and in each county with a population of from two
23 hundred ten thousand to less than one million bordering a county with
24 a population of one million or more that are ~~((currently))~~ authorized
25 on January 1, 1991, to provide high capacity transportation planning
26 and operating services~~((, including but not limited to city-owned~~
27 ~~transit systems, county transportation authorities, metropolitan~~
28 ~~municipal corporations, and public transportation benefit areas,))~~ must
29 establish through interlocal agreements a joint regional policy

1 committee with proportional representation based upon the population
2 distribution within each agency's designated service area, as
3 determined by the parties to the agreement.

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

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

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

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

28 ~~(2) High capacity transportation planning, construction,~~
29 ~~operations, and funding shall be governed through the interlocal~~
30 ~~agreement process, including but not limited to provision for a cost~~

1 allocation and distribution formula, service corridors, station area
2 locations, right of way transfers, and feeder transportation systems.
3 The interlocal agreement shall include a mechanism for resolving
4 conflicts among parties to the agreement)) or to the regional transit
5 authority, if such authority has been formed. The authority shall
6 proceed as prescribed in section 103 of this act.

7 **Sec. 123.** RCW 81.104.050 and 1991 c 318 s 5 are each amended to
8 read as follows:

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

14 **Sec. 124.** RCW 81.104.120 and 1990 c 43 s 33 are each amended to
15 read as follows:

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

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

1 "approved by the voters" includes specific funding authorization for
2 the commuter rail project.

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

8 **Sec. 125.** RCW 81.104.140 and 1991 c 318 s 11 and 1991 c 309 s 4
9 are each reenacted and amended to read as follows:

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

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

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

3 (a) Acceptability;

4 (b) Ease of administration;

5 (c) Equity;

6 (d) Implementation feasibility;

7 (e) Revenue reliability; and

8 (f) Revenue yield.

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

13 (a) Employer tax as provided in RCW 81.104.150;

14 (b) Special motor vehicle excise tax as provided in RCW 81.104.160;

15 and

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

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

25 (5) Authorization in subsection (4) of this section shall not
26 adversely affect the funding authority of (~~((existing))~~) transit agencies
27 not provided for in this chapter. Local option funds may be used to
28 support implementation of interlocal agreements with respect to the
29 establishment of regional high capacity transportation service. Except
30 when a regional transit authority exists, local jurisdictions shall

1 retain control over moneys generated within their boundaries, although
2 funds may be commingled with those generated in other areas for
3 planning, construction, and operation of high capacity transportation
4 systems as set forth in the agreements.

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

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

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

22 (9) For any election in which voter approval is sought for a high
23 capacity transportation system plan and financing plan pursuant to RCW
24 81.104.040, a local voter's pamphlet shall be produced as provided in
25 chapter 29.81A RCW.

26 (10) Agencies providing high capacity transportation service shall
27 retain responsibility for revenue encumbrance, disbursement, and
28 bonding. Funds may be used for any purpose relating to planning,
29 construction, and operation of high capacity transportation systems,
30 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 transit authorities
7 may submit an authorizing proposition to the voters and if approved may
8 impose an excise tax of up to two dollars per month on all employers
9 located within the agency's jurisdiction, measured by the number of
10 full-time equivalent employees, solely for the purpose of providing
11 high capacity transportation service. The rate of tax shall be
12 approved by the voters. This tax may not be imposed by ~~((an))~~: (1) A
13 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 transit
15 authority when any county within the authority's boundaries is imposing
16 an excise tax pursuant to RCW 81.100.030. The agency imposing the tax
17 authorized in this section may provide for exemptions from the tax to
18 such educational, cultural, health, charitable, or religious
19 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 transit authorities may submit an authorizing proposition to
27 the voters, and if approved, may levy and collect an excise tax, at a
28 rate approved by the voters, but not exceeding eighty one-hundredths of
29 one percent on the value, under chapter 82.44 RCW, of every motor

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

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

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

22 The tax authorized pursuant to this section shall be in addition to
23 the tax authorized by RCW 82.14.030 and shall be collected from those
24 persons who are taxable by the state pursuant to chapters 82.08 and
25 82.12 RCW upon the occurrence of any taxable event within (~~such city,~~
26 ~~county transportation authority, metropolitan municipal corporation, or~~
27 ~~public transportation benefit area, as the case may be~~) the taxing
28 district. The maximum rate of such tax shall be approved by the voters
29 and shall not exceed one percent of the selling price (in the case of

1 a sales tax) or value of the article used (in the case of a use tax).
2 The maximum rate of such tax that may be imposed shall not exceed
3 nine-tenths of one percent (~~if~~) in any county that imposes a tax (~~is~~
4 ~~imposed in the county~~) under RCW 82.14.340, or within a regional
5 transit authority if any county within the authority imposes a tax
6 under RCW 82.14.340.

7 **Sec. 129.** RCW 81.104.180 and 1990 c 43 s 44 are each amended to
8 read as follows:

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

17 **Sec. 130.** RCW 81.104.190 and 1990 c 43 s 45 are each amended to
18 read as follows:

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

25 NEW SECTION. **Sec. 131.** Sections 101 through 118 of this act
26 shall constitute a new chapter in Title 81 RCW.

PART II

PUGET SOUND REGIONAL TRANSPORTATION COUNCIL

NEW SECTION. **Sec. 201.** LEGISLATIVE INTENT. The legislature

recognizes that recent legislative enactments have significantly added to the complexity of and to the potential for benefits from integrated transportation and comprehensive planning and that there is currently a unique opportunity for integration of local comprehensive plans and regional goals with state and local transportation programs. Further, approaches to transportation demand management initiatives and local and state transportation funding can be better coordinated to insure an efficient, effective transportation system that insures mobility and addresses community needs.

The legislature further finds that transportation and land use share a critical relationship that policy makers can better utilize to address regional strategies.

Prudent investment, by the state and by local governments, in highway facilities, local arterials, marine facilities, transportation facilities and systems, public transit systems, transportation system management, and the development of a high capacity transit system can help to effectively address mobility needs. Such investment can also enhance local and state objectives for effective comprehensive planning, clean air policies, and transportation demand management.

The legislature finds that addressing public initiatives regarding transportation and comprehensive planning necessitates an innovative approach. Improved integration between transportation and comprehensive planning among public institutions, particularly in the state's largest metropolitan area is considered by the state to be imperative, and to have significant benefit to the citizens of Washington. It is therefore the policy of the state of Washington to

1 ensure a single regional government council with adequate resources to
2 develop and encourage implementation of a comprehensive transportation
3 plan within the state's largest urbanized region.

4 NEW SECTION. **Sec. 202.** DEFINITIONS. Unless the context clearly
5 requires otherwise, the definitions in this section apply throughout
6 this chapter.

7 (1) "Council" means the Puget Sound regional council which, as of
8 January 1, 1992, is the organization designated by units of general
9 purpose local governments within the region as the metropolitan
10 planning organization under federal requirements and as the regional
11 transportation organization pursuant to chapter 47.80 RCW, or any
12 successor organization.

13 (2) "Project of regional significance" means those projects
14 identified by the characteristics set forth in section 208(1)(a) of
15 this act.

16 (3) "Region" means that area within the jurisdiction of the Puget
17 Sound regional council.

18 (4) "Regional plan" or "plan" means the regional transportation
19 plan prescribed in section 208 of this act.

20 NEW SECTION. **Sec. 203.** CERTIFICATION. The department of
21 transportation shall, at least every three years, certify that the
22 council is carrying out a continuing, cooperative, and comprehensive
23 regional transportation planning process that meets the requirements of
24 this chapter and of chapter 47.80 RCW.

25 NEW SECTION. **Sec. 204.** FAILURE TO DESIGNATE. If the units of
26 general purpose local government within the region fail to designate a
27 regional transportation planning organization, or the organization

1 falls below the required membership of units of general purpose local
2 government representing seventy-five percent of the counties'
3 population including the central cities, or if the organization fails
4 to carry out a continuing, cooperative, and comprehensive regional
5 transportation planning process certified by the department of
6 transportation, then no state or federal highway or transit
7 construction funds may be expended within the region until such time as
8 the regional transportation planning organization is certified by the
9 department as meeting the requirements of this chapter.

10 NEW SECTION. **Sec. 205.** EXECUTIVE BOARD MEMBERSHIP. In order to
11 qualify for state planning funds available to regional transportation
12 planning organizations, the council shall provide membership on its
13 executive board to the state department of transportation, the state
14 department of community development, and the two largest public port
15 districts within the region. It shall further assure that at least
16 fifty percent of the county and city local elected officials who serve
17 on the executive board also serve on transit agency boards or on a
18 regional transit authority.

19 NEW SECTION. **Sec. 206.** COUNCIL'S DUTIES. The council shall have
20 the following duties:

21 (1) Prepare and update periodically a regional growth and
22 transportation strategy for the region. The strategy shall address
23 alternative regional development patterns and alternative
24 transportation modes in regional corridors and shall recommend a
25 preferred regional development pattern and transportation policies to
26 implement that pattern. The strategy shall serve as a guide in
27 preparation of the regional transportation plan.

1 (2) Prepare a regional transportation plan as set forth in section
2 208 of this act.

3 (3) Certify that the transportation elements of comprehensive plans
4 adopted by counties, cities, and towns within the region conform with
5 the requirements of RCW 36.70A.070, reflect the guidelines and
6 principles developed pursuant to section 207 of this act, and are
7 consistent with the adopted regional transportation plan.

8 (4) Assure that county-wide planning policies adopted under RCW
9 36.70A.210 and the adopted regional transportation plan are consistent.

10 (5) Develop, in cooperation with the department of transportation,
11 operators of public transportation services and local governments
12 within the region, a regional transportation improvement program which
13 proposes regionally significant transportation projects. The program
14 shall include a priority list of projects, project segments and
15 programs, and a specific financial plan that demonstrates how the
16 transportation improvement program can be funded. The program shall be
17 updated at least every two years for the ensuing six-year period.
18 Inclusion in the program may represent a finding of consistency as
19 provided for in section 211 of this act.

20 (6) Establish and maintain a regional data base for use in the
21 region by local governments and the state and to support council
22 responsibilities; monitor and forecast economic, demographic, and
23 travel conditions in the region.

24 NEW SECTION. **Sec. 207.** COMPREHENSIVE PLANS, TRANSPORTATION
25 GUIDELINES, AND PRINCIPLES. The council, with cooperation from cities,
26 towns, and counties, shall establish guidelines and principles that
27 provide specific direction for the development and evaluation of the
28 transportation elements of comprehensive plans to assure that state,
29 regional, and local goals for the development of transportation systems

1 are met. These guidelines and principles shall address at a minimum
2 the relationship between transportation systems and the following
3 factors: Concentration of economic activity, residential density,
4 development corridors and urban design that supports high capacity
5 transit, freight transportation and port access, development patterns
6 that promote pedestrian and nonmotorized transportation, circulation
7 systems, access to regional systems, effective and efficient highway
8 systems, transportation demand management, joint and mixed use
9 developments, and intermodal connections.

10 The council shall also develop and conduct regional forums and
11 workshops to provide education and gain advice from officials and the
12 public. Comprehensive examples shall be published by the council to
13 assist local governments in interpreting and explaining the
14 requirements of this section.

15 NEW SECTION. **Sec. 208.** REGIONAL TRANSPORTATION PLAN. (1) The
16 council shall develop, in cooperation with the department of
17 transportation, providers of public transportation, and local
18 governments within the region, adopt, and periodically update a
19 regional transportation plan that:

20 (a) Identifies transportation facilities and programs, including
21 but not limited to major roadways including state highways and regional
22 arterials, transit services and facilities, and multimodal and
23 intermodal facilities, ports and airports, and noncapital programs
24 including transportation demand management that should function as an
25 integrated regional transportation system, giving emphasis to those
26 facilities, services, and programs that exhibit one or more of the
27 following characteristics:

28 (i) Crosses county lines;

1 (ii) Is or will be used by a significant number of people who live
2 or work outside the county in which the facility, service, or project
3 is located;

4 (iii) Significant impacts are expected to be felt in more than one
5 county within the region;

6 (iv) Potentially adverse impacts of the facility, service, project,
7 or program can be better avoided or mitigated through adherence to
8 regional policies; and

9 (v) Transportation needs addressed by a project have been
10 identified by the regional transportation planning process and the
11 remedy is deemed by the council to have regional significance;

12 (b) Includes a financial plan demonstrating how the regional
13 transportation plan can be implemented, indicating resources from
14 public and private sources that are reasonably expected to be made
15 available to carry out the plan, and recommending any innovative
16 financing techniques to finance needed projects and programs;

17 (c) Assesses regional development patterns, capital investment and
18 other measures necessary to:

19 (i) Ensure the preservation of the existing regional transportation
20 system, including requirements for operational improvements,
21 resurfacing, restoration, and rehabilitation of existing and future
22 major roadways, as well as operations, maintenance, modernization, and
23 rehabilitation of existing and future transit facilities; and

24 (ii) Make the most efficient use of existing transportation
25 facilities to relieve vehicular congestion and maximize the mobility of
26 people and goods;

27 (d) Sets forth a proposed regional transportation approach,
28 including capital investments, service improvements, and programs, to
29 guide the development of the integrated, multimodal regional
30 transportation system; and

1 (e) Sets forth the relationship of high capacity transportation
2 providers and other public transit providers with regard to
3 responsibility for, and the coordination between, services and
4 facilities.

5 (2) The council shall review the regional transportation plan
6 biennially for currency, and forward the adopted plan along with
7 documentation of the biennial review to the state department of
8 transportation.

9 (3) All transportation projects or programs within the region that
10 have an impact upon regional facilities or services must be consistent
11 with the plan and adopted regional growth and transportation
12 strategies.

13 NEW SECTION. **Sec. 209.** METROPOLITAN PLANNING FUNCTION. The
14 council shall assume the responsibility for the metropolitan planning
15 function within the region under 23 U.S.C. Sec. 134.

16 NEW SECTION. **Sec. 210.** CONDITIONS FOR FUNDING. After January 1,
17 1994:

18 (1) An agency or a political subdivision of the state may not
19 accept or expend funds from the following sources for transportation
20 projects or programs within the region if the council has made a
21 finding of inconsistency pursuant to section 211 of this act:

22 (a) Federal funds distributed under the authority of the federal
23 highway administration, the federal aviation administration, and the
24 federal transit administration;

25 (b) Planning funds provided to regional transportation planning
26 organizations under chapter 47.80 RCW;

1 (c) The central Puget Sound public transportation account and the
2 public transportation systems account created in RCW 82.44.180 (2) and
3 (3);

4 (d) The urban arterial trust account and transportation improvement
5 account created and distributed under RCW 47.26.080, 47.26.084, and
6 47.26.260;

7 (e) The high capacity transportation account created in RCW
8 47.78.010; and

9 (f) Appropriations from the motor vehicle fund for improvements to
10 marine terminals located within the region serving the state ferry
11 system.

12 (2) An agency or a political subdivision of the state may not
13 expend revenues derived from the following taxes or fees within the
14 region if the council has made a finding of inconsistency pursuant to
15 section 211 of this act:

16 (a) Taxes authorized for high capacity transportation purposes in
17 chapter 81.104 RCW; the local option fuel tax authorized in RCW
18 82.80.010, the local option vehicle license fee authorized in RCW
19 82.80.020, the commercial parking tax authorized in RCW 82.80.030, and
20 the street utility charge authorized in RCW 82.80.050 any of which are
21 imposed after January 1, 1994;

22 (b) After 1994, public port district taxes governed under section
23 218 of this act; and

24 (c) Sales and use tax rates higher than those effective January 1,
25 1994, imposed by transit agencies under RCW 82.14.045.

26 NEW SECTION. **Sec. 211.** FINDINGS OF CONSISTENCY. (1) Between the
27 effective date of this act and January 1, 1994, as cities and counties
28 prepare and adopt comprehensive plans pursuant to the state growth
29 management act, the council, in cooperation with affected state and

1 local agencies shall evaluate department of transportation plans within
2 the region, the transportation elements of local comprehensive plans,
3 and the plans of regional transit authorities, other transit agencies
4 and public port districts for their consistency with: (a) Adopted
5 regional growth and transportation strategies and plans; (b) adopted
6 state transportation policies and planning goals developed pursuant to
7 chapter 47.01 RCW; (c) transportation demand management plans and
8 strategies developed pursuant to chapter 70.94 RCW; and (d) the
9 transportation control measures of the state implementation plan for
10 air quality developed pursuant to chapter 70.94 RCW.

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

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

25 (4) By January 1, 1993, the council shall develop and make
26 available to all affected agencies guidelines and procedures under
27 which the evaluations shall be conducted.

28 **Sec. 212.** RCW 35.58.2795 and 1990 1st ex.s. c 17 s 60 are each
29 amended to read as follows:

1 By April 1st of each year, the legislative authority of each
2 municipality, as defined in RCW 35.58.272, and each regional transit
3 authority shall prepare a six-year transit development (~~((and financial~~
4 ~~program))~~ plan for that calendar year and the ensuing five years. The
5 program shall be consistent with the comprehensive plans adopted by
6 counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or
7 36.70 RCW, the inherent authority of a first class city or charter
8 county derived from its charter, or chapter 36.70A RCW. The program
9 shall contain information as to how the municipality intends to meet
10 state and local long-range priorities for public transportation,
11 capital improvements, significant operating changes planned for the
12 system, and how the municipality intends to fund program needs. The
13 six-year plan for each municipality and regional transit authority
14 lying within the jurisdiction of the Puget Sound regional
15 transportation planning organization shall specifically set forth those
16 projects of regional significance as defined in section 202 of this act
17 for inclusion in the transportation improvement program within that
18 region. Each municipality and regional transit authority shall file
19 the six-year program with the state department of transportation, the
20 transportation improvement board, and cities, counties, and regional
21 planning councils within which the municipality is located.

22 In developing its program, the municipality and the regional
23 transit authority shall consider those policy recommendations affecting
24 public transportation contained in the state transportation policy plan
25 approved by the state transportation commission and, where appropriate,
26 adopted by the legislature. The municipality shall conduct one or more
27 public hearings while developing its program and for each annual
28 update.

1 **Sec. 213.** RCW 35.77.010 and 1990 1st ex.s. c 17 s 59 are each
2 amended to read as follows:

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

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

25 The six-year plan for each city or town lying within the
26 jurisdiction of the Puget Sound regional transportation planning
27 organization shall specifically set forth those projects of regional
28 significance as defined in section 202 of this act for inclusion in the
29 transportation improvement program within that region.

1 The six-year program of each city lying within an urban area shall
2 contain a separate section setting forth the six-year program for
3 arterial street construction based upon its long range construction
4 plan and formulated in accordance with rules of the transportation
5 improvement board. The six-year program for arterial street
6 construction shall be submitted to the transportation improvement board
7 forthwith after its annual revision and adoption by the legislative
8 body of the city. The six-year program for arterial street
9 construction shall be based upon estimated revenues available for such
10 construction together with such additional sums as the legislative
11 authority may request for urban arterials from the urban arterial trust
12 account or the transportation improvement account for the six-year
13 period. The arterial street construction program shall provide for a
14 more rapid rate of completion of the long-range construction needs of
15 principal arterial streets than for minor and collector arterial
16 streets, pursuant to rules of the transportation improvement board:
17 PROVIDED, That urban arterial trust funds made available to the group
18 of incorporated cities lying outside the boundaries of federally
19 approved urban areas within each region need not be divided between
20 functional classes of arterials but shall be available for any
21 designated arterial street.

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

27 **Sec. 214.** RCW 36.81.121 and 1990 1st ex.s. c 17 s 58 are each
28 amended to read as follows:

1 (1) Before July 1st of each year, the legislative authority of each
2 county with the advice and assistance of the county road engineer, and
3 pursuant to one or more public hearings thereon, shall prepare and
4 adopt a comprehensive road program for the ensuing six calendar years.
5 If the county has adopted a comprehensive plan pursuant to chapter
6 35.63 or 36.70 RCW, the inherent authority of a charter county derived
7 from its charter, or chapter 36.70A RCW, the program shall be
8 consistent with this comprehensive plan.

9 The program shall include proposed road and bridge construction
10 work, and for those counties operating ferries shall also include a
11 separate section showing proposed capital expenditures for ferries,
12 docks, and related facilities. Copies of the program shall be filed
13 with the county road administration board and with the state secretary
14 of transportation not more than thirty days after its adoption by the
15 legislative authority. The purpose of this section is to assure that
16 each county shall perpetually have available advanced plans looking to
17 the future for not less than six years as a guide in carrying out a
18 coordinated road construction program. The program may at any time be
19 revised by a majority of the legislative authority but only after a
20 public hearing thereon.

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

1 the legislative authority of each county may request for urban
2 arterials from the urban arterial trust account or the transportation
3 improvement account for the six-year period. The arterial road
4 construction program shall provide for a more rapid rate of completion
5 of the long-range construction needs of principal arterial roads than
6 for minor and collector arterial roads, pursuant to regulations of the
7 transportation improvement board.

8 (3) Each six-year program forwarded to the secretary in compliance
9 with subsection (1) of this section shall contain information as to how
10 a county will expend its moneys, including funds made available
11 pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and
12 equestrian purposes.

13 (4) The six-year plan for each county lying within the jurisdiction
14 of the Puget Sound regional transportation planning organization shall
15 specifically set forth those projects of regional significance as
16 defined in section 202 of this act for inclusion in the transportation
17 improvement program within that region.

18 **Sec. 215.** RCW 47.26.080 and 1991 sp.s. c 32 s 32 are each amended
19 to read as follows:

20 There is hereby created in the motor vehicle fund the urban
21 arterial trust account. All moneys deposited in the motor vehicle fund
22 to be credited to the urban arterial trust account shall be expended
23 for the construction and improvement of city arterial streets and
24 county arterial roads within urban areas, for expenses of the
25 transportation improvement board, or for the payment of principal or
26 interest on bonds issued for the purpose of constructing or improving
27 city arterial streets and county arterial roads within urban areas, or
28 for reimbursement to the state, counties, cities, and towns in
29 accordance with RCW 47.26.4252 and 47.26.4254, the amount of any

1 payments made on principal or interest on urban arterial trust account
2 bonds from motor vehicle or special fuel tax revenues which were
3 distributable to the state, counties, cities, and towns.

4 The board shall not allocate funds, nor make payments of the funds
5 under RCW 47.26.260, to any county, city, or town identified by the
6 governor under RCW 36.70A.340 nor to any county, city, or town failing
7 to meet the conditions of section 210 of this act when required to do
8 so.

9 **Sec. 216.** RCW 47.26.084 and 1988 c 167 s 2 are each amended to
10 read as follows:

11 The transportation improvement account is hereby created in the
12 motor vehicle fund. The board shall adopt rules and procedures which
13 shall govern the allocation of funds in the transportation improvement
14 account at such time as funds become available.

15 The board shall allocate funds from the account by June 30 of each
16 year for the ensuing fiscal year and shall endeavor to provide
17 geographical diversity in selecting improvement projects to be funded
18 from the account.

19 Of the amount made available to the transportation improvement
20 board from the transportation improvement account for improvement
21 projects:

22 (1) Eighty-seven percent shall be allocated to counties, to cities
23 with a population of over five thousand, and to transportation benefit
24 districts. Improvement projects may include, but are not limited to,
25 multi-agency and suburban arterial improvement projects.

26 To be eligible to receive these funds, a project must be (a)
27 consistent with state, regional, and local transportation plans and
28 consideration shall be given to the project's relationship, both actual
29 and potential, with rapid mass transit (~~and at such time as a rail~~

1 ~~plan is developed by the rail development commission, projects must be~~
2 ~~consistent therewith)), (b) necessitated by existing or reasonably~~
3 foreseeable congestion levels attributable to economic development or
4 growth, and (c) partially funded by local government or private
5 contributions, or a combination of such contributions. The board
6 shall, for those projects meeting the eligibility criteria, determine
7 what percentage of each project is funded by local and/or private
8 contribution. Priority consideration shall be given to those projects
9 with the greatest percentage of local and/or private contribution.

10 Within one year after board approval of an application for funding,
11 a county, city, or transportation benefit district shall provide
12 written certification to the board of the pledged local and/or private
13 funding. Funds allocated to an applicant that does not certify its
14 funding within one year after approval may be reallocated by the board.

15 (2) Thirteen percent shall be allocated by the board to cities with
16 a population of five thousand or less for street improvement projects
17 in a manner determined by the board.

18 The distribution of funds to agencies shall be consistent with the
19 conditions of section 210 of this act.

20 **Sec. 217.** RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each
21 amended to read as follows:

22 There is hereby established in the state treasury the high capacity
23 transportation account. Money in the account shall be used, after
24 appropriation and consistent with the conditions of section 210 of this
25 act, for local high capacity transportation purposes including rail
26 freight.

27 NEW SECTION. **Sec. 218.** A new section is added to chapter 53.36
28 RCW to read as follows:

1 PORT DISTRICT LEVIES. After 1994, a port district whose boundaries
2 lie partly or wholly within the boundaries of the Puget Sound regional
3 transportation planning organization as defined in section 202 of this
4 act may not impose a tax levy under this chapter that generates an
5 amount of tax receipts greater than the amount of tax receipts
6 collected in the previous year, if that district uses any revenues from
7 tax levies to construct or operate transportation facilities of
8 regional significance included in the regional transportation plan if
9 there has been a finding of inconsistency pursuant to section 211 of
10 this act.

11 **Sec. 219.** RCW 82.14.045 and 1991 c 363 s 158 are each amended to
12 read as follows:

13 (1) The legislative body of any city pursuant to RCW 35.92.060, of
14 any county which has created an unincorporated transportation benefit
15 area pursuant to RCW 36.57.100 and 36.57.110, of any public
16 transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090,
17 of any county transportation authority established pursuant to chapter
18 36.57 RCW, and of any metropolitan municipal corporation within a
19 county with a population of one million or more pursuant to chapter
20 35.58 RCW, may, by resolution or ordinance for the sole purpose of
21 providing funds for the operation, maintenance, or capital needs of
22 public transportation systems and in lieu of the excise taxes
23 authorized by RCW 35.95.040, submit an authorizing proposition to the
24 voters or include such authorization in a proposition to perform the
25 function of public transportation and if approved by a majority of
26 persons voting thereon, fix and impose a sales and use tax in
27 accordance with the terms of this chapter: PROVIDED, That no such
28 legislative body shall impose such a sales and use tax without
29 submitting such an authorizing proposition to the voters and obtaining

1 the approval of a majority of persons voting thereon: PROVIDED
2 FURTHER, That where such a proposition is submitted by a county on
3 behalf of an unincorporated transportation benefit area, it shall be
4 voted upon by the voters residing within the boundaries of such
5 unincorporated transportation benefit area and, if approved, the sales
6 and use tax shall be imposed only within such area. Notwithstanding
7 any provisions of this section to the contrary, any county in which a
8 county public transportation plan has been adopted pursuant to RCW
9 36.57.070 and the voters of such county have authorized the imposition
10 of a sales and use tax pursuant to the provisions of section 10,
11 chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be
12 authorized to fix and impose a sales and use tax as provided in this
13 section at not to exceed the rate so authorized without additional
14 approval of the voters of such county as otherwise required by this
15 section.

16 The tax authorized pursuant to this section shall be in addition to
17 the tax authorized by RCW 82.14.030 and shall be collected from those
18 persons who are taxable by the state pursuant to chapters 82.08 and
19 82.12 RCW upon the occurrence of any taxable event within such city,
20 public transportation benefit area, county, or metropolitan municipal
21 corporation as the case may be. The rate of such tax shall be one-
22 tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-
23 tenths of one percent of the selling price (in the case of a sales tax)
24 or value of the article used (in the case of a use tax). The rate of
25 such tax shall not exceed the rate authorized by the voters unless such
26 increase shall be similarly approved and meets the conditions of
27 section 210 of this act.

28 (2)(a) In the event a metropolitan municipal corporation shall
29 impose a sales and use tax pursuant to this chapter no city, county
30 which has created an unincorporated transportation benefit area, public

1 transportation benefit area authority, or county transportation
2 authority wholly within such metropolitan municipal corporation shall
3 be empowered to levy and/or collect taxes pursuant to RCW 35.58.273,
4 35.95.040, and/or 82.14.045, but nothing herein shall prevent such city
5 or county from imposing sales and use taxes pursuant to any other
6 authorization.

7 (b) In the event a county transportation authority shall impose a
8 sales and use tax pursuant to this section, no city, county which has
9 created an unincorporated transportation benefit area, public
10 transportation benefit area, or metropolitan municipal corporation,
11 located within the territory of the authority, shall be empowered to
12 levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or
13 82.14.045.

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

20 (3) Any local sales and use tax revenue collected pursuant to this
21 section by any city or by any county for transportation purposes
22 pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally
23 generated tax revenues for the purposes of apportionment and
24 distribution, in the manner prescribed by chapter 82.44 RCW, of the
25 proceeds of the motor vehicle excise tax authorized pursuant to RCW
26 35.58.273.

27 **Sec. 220.** RCW 82.44.180 and 1991 c 199 s 224 are each amended to
28 read as follows:

1 (1) The transportation fund is created in the state treasury.
2 Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the
3 surcharge under RCW 82.50.510 shall be deposited into the fund as
4 provided in those sections.

5 Moneys in the fund may be spent only after appropriation.
6 Expenditures from the fund may be used only for transportation
7 purposes.

8 (2) There is hereby created the central Puget Sound public
9 transportation account within the transportation fund. Moneys
10 deposited into the account under RCW 82.44.150(2)(b) shall be expended
11 within the three county region from which the funds are derived,
12 subject to the conditions of section 210 of this act solely for:

13 (a) Development of high capacity transportation systems as defined
14 in RCW 81.104.010;

15 (b) Development of high occupancy vehicle lanes and related
16 facilities as defined in RCW 81.100.020; and

17 (c) Public transportation system contributions required to fund
18 projects approved by the transportation improvement board.

19 (3) There is hereby created the public transportation systems
20 account within the transportation fund. Moneys deposited into the
21 account under RCW 82.44.150(2)(c) shall be available to the public
22 transportation system from which the funds are derived, subject to the
23 conditions of section 210 of this act solely for:

24 (a) Development of high capacity transportation systems as defined
25 in RCW 81.104.010;

26 (b) Development of high occupancy vehicle lanes and related
27 facilities as defined in RCW 81.100.020;

28 (c) Other public transportation system-related roadway projects on
29 state highways, county roads, or city streets; and

1 (d) Public transportation system contributions required to fund
2 projects approved by the transportation improvement board.

3 **Sec. 221.** RCW 82.80.010 and 1991 c 339 s 12 are each amended to
4 read as follows:

5 (1) Subject to the conditions of this section and section 210 of
6 this act, any county may levy, by approval of its legislative body and
7 a majority of the registered voters of the county voting on the
8 proposition at a general or special election, additional excise taxes
9 equal to ten percent of the state-wide motor vehicle fuel tax rate
10 under RCW 82.36.025 on each gallon of motor vehicle fuel as defined in
11 RCW 82.36.010(2) and on each gallon of special fuel as defined in RCW
12 82.38.020(5) sold within the boundaries of the county. Vehicles paying
13 an annual license fee under RCW 82.38.075 are exempt from the county
14 fuel excise tax. An election held under this section must be held not
15 more than twelve months before the date on which the proposed tax is to
16 be levied. The ballot setting forth the proposition shall state the
17 tax rate that is proposed. The county's authority to levy additional
18 excise taxes under this section includes the incorporated and
19 unincorporated areas of the county. The additional excise taxes are
20 subject to the same exceptions and rights of refund as applicable to
21 other motor vehicle fuel and special fuel excise taxes levied under
22 chapters 82.36 and 82.38 RCW. The proposed tax shall not be levied
23 less than one month from the date the election results are certified by
24 the county election officer. The commencement date for the levy of any
25 tax under this section shall be the first day of January, April, July,
26 or October.

27 (2) Every person subject to the tax shall pay, in addition to any
28 other taxes provided by law, an additional excise tax to the director

1 of licensing at the rate levied by a county exercising its authority
2 under this section.

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

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

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

17 **Sec. 222.** RCW 82.80.020 and 1991 c 318 s 13 are each amended to
18 read as follows:

19 (1) Except as limited by section 210 of this act, the legislative
20 authority of a county may fix and impose an additional fee, not to
21 exceed fifteen dollars per vehicle, for each vehicle that is subject to
22 license fees under RCW 46.16.060 and is determined by the department of
23 licensing to be registered within the boundaries of the county.

24 (2) The department of licensing shall administer and collect the
25 fee. The department shall deduct a percentage amount, as provided by
26 contract, not to exceed two percent of the taxes collected, for
27 administration and collection expenses incurred by it. The remaining
28 proceeds shall be remitted to the custody of the state treasurer for
29 monthly distribution under RCW 82.80.080.

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

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

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

14 **Sec. 223.** RCW 82.80.030 and 1990 c 42 s 208 are each amended to
15 read as follows:

16 (1) Subject to the conditions of this section and section 210 of
17 this act, the legislative authority of a county or city may fix and
18 impose a parking tax on all persons engaged in a commercial parking
19 business within its respective jurisdiction. The jurisdiction of a
20 county, for purposes of this section, includes only the unincorporated
21 area of the county. The jurisdiction of a city includes only the area
22 within its incorporated boundaries.

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

27 The city or county may provide that:

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

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

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

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

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

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

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

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

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

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

1 **Sec. 224.** RCW 82.80.050 and 1991 c 141 s 2 are each amended to
2 read as follows:

3 Except as limited by section 210 of this act, a city or town
4 electing to own, construct, maintain, operate, and preserve its streets
5 as a separate street utility may levy periodic charges for the use or
6 availability of the streets in a total annual amount of up to fifty
7 percent of the actual costs for maintenance, operation, and
8 preservation of facilities under the jurisdiction of the street
9 utility. The rates charged for the use must be uniform for the same
10 class of service and all business and residential properties must be
11 subject to the utility charge. Charges imposed on businesses shall be
12 measured solely by the number of employees and shall not exceed the
13 equivalent of two dollars per full-time equivalent employee per month.
14 Charges imposed against owners or occupants of residential property
15 shall not exceed two dollars per month per housing unit as defined in
16 RCW 35.95.040. Charges authorized in this section shall not be imposed
17 against owners of property: (1) Exempt under RCW 84.36.010; (2) exempt
18 from the leasehold tax under chapter 82.29A RCW; or (3) used for
19 nonprofit or sectarian purposes, which if said property were owned by
20 such organization would qualify for exemption under chapter 84.36 RCW.
21 The charges shall not be computed on the basis of an ad valorem charge
22 on the underlying real property and improvements. This section shall
23 not be used as a basis to directly or indirectly charge transportation
24 impact fees or mitigation fees of any kind against new development. A
25 city or town may contract with any other utility or local government to
26 provide for billing and collection of the street utility charges.

27 In classifying service furnished within the general categories of
28 business and residential, the city or town legislative authority may in
29 its discretion consider any or all of the following factors: The
30 difference in cost of service to the various users or traffic

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

16 The charges shall be charges against the property and the use
17 thereof and shall become liens and be enforced in the same manner as
18 rates and charges for the use of systems of sewerage under chapter
19 35.67 RCW.

20 Any city or town ordinance or resolution creating a street utility
21 must contain a provision granting to any business a credit against any
22 street utility charge the full amount of any commuter or employer tax
23 paid for transportation purposes by that business.

24 NEW SECTION. **Sec. 225.** Sections 201 through 211 of this act
25 shall constitute a new chapter in Title 47 RCW.

26 NEW SECTION. **Sec. 226.** Part and section headings as used in
27 this act do not constitute any part of the law.

1 NEW SECTION. **Sec. 227.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 228.** This act shall take effect July 1, 1992.