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HOUSE BILL 2610

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State of Washington

52nd Legislature

1992 Regular Session

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 01/22/92. Referred to Committee on Transportation.

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, 47.80.020, 47.80.030, 35.58.2795,  
4 35.77.010, 36.81.121, 47.26.080, 47.26.084, 47.78.010, 82.14.045,  
5 82.44.180, 82.80.010, 82.80.020, 82.80.030, and 82.80.050; reenacting  
6 and amending RCW 81.104.030 and 81.104.140; adding a new section to  
7 chapter 81.104 RCW; adding a new section to chapter 53.36 RCW; adding  
8 a new chapter to Title 81 RCW; adding a new chapter to Title 47 RCW;  
9 creating a new 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.    Coordination can be best achieved through common  
22 governance, such as integrated governing boards.

23        It is therefore the policy of the state of Washington to empower  
24 counties in the state's most populous region to create a local agency  
25 for planning and implementing a high capacity transportation system  
26 within that region.    The authorization for such an agency, except as  
27 specifically provided in this chapter, is not intended to limit the  
28 powers of existing transit agencies.

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

4        (1) "Authority" means the regional transit authority authorized  
5 under this chapter.

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

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

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

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

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

19       The authority shall be formed in the following manner:

20       (1) The joint regional policy committee created pursuant to RCW  
21 81.104.040 shall adopt a system and financing plan, including the  
22 definition of the service area.    This action shall be completed by  
23 September 1, 1992, contingent upon satisfactory completion of the  
24 planning process defined in RCW 81.104.100.    Upon adoption the joint  
25 regional policy committee shall immediately transmit the plan to the  
26 county legislative authorities within the adopted service area.

27       (2) The legislative authorities of the counties within the service  
28 area shall decide by resolution whether to participate in the

1 authority. This action shall be completed within forty-five days  
2 following receipt of the adopted plan.

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

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

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

20 (6) The authority is formally constituted at its first meeting and  
21 shall begin taking steps toward implementation of the system and  
22 financing plan adopted by the joint regional policy committee. The  
23 authority may make minor modifications to the plan as deemed necessary.

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

1 (8) If the vote fails, the authority has five years to achieve an  
2 affirmative vote in two or more counties. During this time, the  
3 authority may redefine the system and financing plan and make changes  
4 to the boundary of the service area and to the composition of the  
5 board. If the composition of the board is changed, the participating  
6 counties shall revise the membership of the board accordingly.

7 If the authority is unable to achieve a positive vote within this  
8 five-year period, the board shall, by resolution, (a) reconstitute the  
9 authority as a single-county body, or (b) dissolve the authority.

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

23 All members of the board except the secretary of transportation or  
24 the secretary's designee shall be elected officials and serve on the  
25 legislative authority or as mayor of cities within the boundaries of  
26 the authority, or on the legislative authority of the county, and fifty  
27 percent of the population of whose districts are within the authority  
28 boundaries. When making appointments, each county executive shall  
29 ensure that representation on the board includes representation from

1 the largest city in each county and reflects population from other  
2 cities, and unincorporated areas of each county within the service  
3 area. At least one-half of all appointees from each county shall serve  
4 on the governing authority of a public transportation system.

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

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

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

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

24 NEW SECTION. **Sec. 105.** AREA INCLUDED. (1) At the time of  
25 formation, the area to be included within the boundary of the authority  
26 shall be that area set forth in the system plan adopted by the joint  
27 regional policy committee. The area shall be based on the service area  
28 identified in the system plan, shall include, to the extent possible,  
29 at least the urban growth area designated by the county under chapter

1 36.70A RCW that includes the largest population of any urban growth  
2 area in the county, and shall follow election precinct lines as far as  
3 practicable. The area may also include other contiguous areas that  
4 would benefit from the services provided by the authority.

5 (2) After voters within the service area have approved the system  
6 and financing plan, elections to add areas contiguous to the service  
7 area may be called by resolution of the regional transit authority,  
8 after consultation with affected transit agencies and with the  
9 concurrence of the legislative authority of a city or town if the area  
10 is incorporated, or with the concurrence of the county legislative  
11 authority if the area is unincorporated. Only those areas that would  
12 benefit from the services provided by the authority may be included and  
13 services or projects proposed for the area must be consistent with the  
14 regional transportation plan. The election may include a single ballot  
15 proposition providing for annexation to the service area and imposition  
16 of the taxes at rates already imposed in the remainder of the service  
17 area.

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

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

23 (2) To appoint or provide for the appointment of, and to remove or  
24 to provide for the removal of, all officers and employees of an  
25 authority.

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

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

4 NEW SECTION. **Sec. 107.** GENERAL POWERS. In addition to the powers  
5 specifically granted by this chapter an authority shall have all powers  
6 necessary to implement a high capacity transportation system and to  
7 develop revenues for system support. An authority may contract with  
8 the United States or any agency thereof, any state or agency thereof,  
9 any public transportation benefit area, any county, county  
10 transportation authority, city, metropolitan municipal corporation,  
11 special district, or governmental agency, within or without the state,  
12 and any private person, firm, or corporation for: (1) The purpose of  
13 receiving gifts or grants or securing loans or advances for preliminary  
14 planning and feasibility studies; (2) the design, construction, or  
15 operation of high capacity transportation system transportation  
16 facilities; or (3) the provision or receipt of services, facilities, or  
17 property rights to provide revenues for the system. An authority shall  
18 have the power to contract pursuant to RCW 39.33.050. In addition, an  
19 authority may contract with any governmental agency or with any private  
20 person, firm, or corporation for the use by either contracting party of  
21 all or any part of the facilities, structures, lands, interests in  
22 lands, air rights over lands and rights of way of all kinds which are  
23 owned, leased, or held by the other party and for the purpose of  
24 planning, constructing, or operating any facility or performing any  
25 service that the authority may be authorized to operate or perform, on  
26 such terms as may be agreed upon by the contracting parties. Before  
27 any contract for the lease or operation of any authority facilities is  
28 let to any private person, firm, or corporation, a general schedule of  
29 rental rates for equipment with or without operators applicable to all



1 private certificated carriers shall be publicly posted, and for other  
2 facilities competitive bids shall first be called upon such notice,  
3 bidder qualifications and bid conditions as the board shall determine.

4 An authority may sue and be sued in its corporate capacity in all  
5 courts and in all proceedings.

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

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

13 (1) To carry out the planning processes set forth in RCW  
14 81.104.100;

15 (2) To acquire by purchase, condemnation, gift, or grant and to  
16 lease, construct, add to, improve, replace, repair, maintain, operate,  
17 and regulate the use of high capacity transportation facilities and  
18 properties within authority boundaries including surface, underground,  
19 or overhead railways, tramways, buses, or other means of local  
20 transportation except taxis, and including escalators, moving  
21 sidewalks, or other people-moving systems, passenger terminal and  
22 parking facilities and properties, and such other facilities and  
23 properties as may be necessary for passenger and vehicular access to  
24 and from such people-moving systems, terminal and parking facilities  
25 and properties, together with all lands, rights of way, property,  
26 equipment, and accessories necessary for such high capacity  
27 transportation systems. The right of eminent domain shall be exercised  
28 by the authority in the same manner and by the same procedure as or may

1 be provided by law for cities of the first class, except insofar as  
2 such laws may be inconsistent with the provisions of this chapter.  
3 Public transportation facilities and properties which are owned by any  
4 city, county, county transportation authority, public transportation  
5 benefit area, or metropolitan municipal corporation may be acquired or  
6 used by the authority only with the consent of the agency owning such  
7 facilities. Such agencies are hereby authorized to convey or lease  
8 such facilities to an authority or to contract for their joint use on  
9 such terms as may be fixed by agreement between the agency and the  
10 authority.

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

16 (3) To dispose of any real or personal property acquired in  
17 connection with any authority function and that is no longer required  
18 for the purposes of the authority, in the same manner as provided for  
19 cities of the first class. When the authority determines that a  
20 facility or any part thereof that has been acquired from any public  
21 agency without compensation is no longer required for authority  
22 purposes, but is required by the agency from which it was acquired, the  
23 authority shall by resolution transfer it to such agency.

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

28 In the event any person holding a certificate of public convenience  
29 and necessity from the Washington utilities and transportation  
30 commission under RCW 81.68.040 has operated under such certificate for

1 a continuous period of one year prior to the date of certification and  
2 is offering service within the authority boundary on the date of the  
3 certification by the county canvassing board that a majority of votes  
4 cast authorize a tax to be levied and collected by the authority, such  
5 authority may by purchase or condemnation acquire at the fair market  
6 value, from the person holding the existing certificate for providing  
7 the services, that portion of the operating authority and equipment  
8 representing the services within the area of public operation. The  
9 person holding such existing certificate may require the authority to  
10 initiate such purchase of those assets of such person, existing as of  
11 the date of the county canvassing board certification, within sixty  
12 days after the date of such certification.

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

22 The authority and any person or corporation legally operating a  
23 high capacity transportation service wholly within or partly within and  
24 partly without the authority boundary on the date the authority begins  
25 high capacity transportation service may enter into an agreement under  
26 which such person or corporation may continue to operate such service  
27 or any part thereof for such time and upon such terms and conditions as  
28 provided in such agreement. Such agreement shall provide for a  
29 periodic review of the terms and conditions contained therein. Where

1 any such high capacity transportation service will be required to cease  
2 to operate within the authority boundary, the authority may agree with  
3 the owner of such service to purchase the assets used in providing such  
4 service, or if no agreement can be reached, the authority shall condemn  
5 such assets in the manner and by the same procedure as is or may be  
6 provided by law for the condemnation of other properties for cities of  
7 the first class, except insofar as such laws may be inconsistent with  
8 this chapter.

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

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

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

1        NEW SECTION.    **Sec. 112.**    ACQUISITION OF EXISTING SYSTEM.    If an  
2 authority acquires any existing components of a high capacity  
3 transportation system, it shall assume and observe all existing labor  
4 contracts relating to the transportation system and, to the extent  
5 necessary for operation of facilities, all of the employees of such  
6 acquired transportation system whose duties are necessary to operate  
7 efficiently the facilities acquired shall be appointed to comparable  
8 positions to those which they held at the time of such transfer, and no  
9 employee or retired or pensioned employee of such transportation  
10 systems shall be placed in any worse position with respect to pension  
11 seniority, wages, sick leave, vacation or other benefits that he or she  
12 enjoyed as an employee of the transportation system prior to such  
13 acquisition.    At such times as may be required by such contracts, the  
14 authority shall engage in collective bargaining with the duly appointed  
15 representatives of any employee labor organization having existing  
16 contracts with the acquired transportation system and may enter into  
17 labor contracts with such employee labor organization.

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

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

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

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

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

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

25 NEW SECTION. **Sec. 114.** BONDING. Notwithstanding RCW  
26 39.36.020(1), regional transit authorities are limited to an  
27 indebtedness amount not exceeding one and one-half percent of the value  
28 of the taxable property in such regional transit authorities without  
29 the assent of three-fifths of the voters therein voting at an election

1 held for that purpose, and with that assent regional transit  
2 authorities are limited to a total indebtedness of five percent of the  
3 value of the taxable property therein.

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

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

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

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

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

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



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

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

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

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

25 NEW SECTION. **Sec. 118.** INTERIM FINANCING. High capacity  
26 transportation account funds appropriated for high capacity  
27 transportation planning by transit agencies whose high capacity  
28 transportation planning function has been transferred to a regional

1 transit authority shall revert to the authority on the date of the  
2 authority's formation.

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

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

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

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

1 Unless the context clearly requires otherwise, the definitions in  
2 this section apply throughout this chapter.

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

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

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

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

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

1 upon population distribution within the designated service area and a  
2 representative of the department of transportation, or such agencies  
3 may use the designated metropolitan planning organization as the  
4 regional policy committee.

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

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

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

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

1 the population distribution within each agency's designated service  
2 area, as determined by the parties to the agreement.

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

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

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

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

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

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

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

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

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

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

20       (2) A county may use funds collected under RCW 81.100.030 or  
21 81.100.060 to contract with one or more transit agencies or regional  
22 transit authority for planning, operation, and maintenance of commuter  
23 rail projects which: (a) Are consistent with the regional  
24 transportation plan; (b) have met the project planning and oversight  
25 requirements of RCW 81.104.100 and 81.104.110; and (c) have been  
26 approved by the voters within the service area of each transit agency  
27 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. Notwithstanding RCW  
17 39.36.020(1), regional transit authorities are limited to an  
18 indebtedness amount not exceeding two percent of the value of the  
19 taxable property in such regional transit authorities without the  
20 assent of three-fifths of the voters therein voting at an election held  
21 for that purpose, and with that assent regional transit authorities are  
22 limited to a total indebtedness of five percent of the value of the  
23 taxable property therein.

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

26 Cities that operate transit systems, county transportation  
27 authorities, metropolitan municipal corporations, ((and)) public  
28 transportation benefit areas, and regional transit systems may contract

1 with the state department of revenue or other appropriate entities for  
2 administration and collection of any tax authorized by RCW 81.104.150,  
3 81.104.160, and 81.104.170.

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

6 PART II

7 PUGET SOUND REGIONAL TRANSPORTATION COUNCIL

8 NEW SECTION. **Sec. 201.** LEGISLATIVE INTENT. The legislature  
9 recognizes that recent legislative enactments have significantly added  
10 to the complexity of and to the potential for benefits from integrated  
11 transportation and comprehensive planning and that there is currently  
12 a unique opportunity for integration of local comprehensive plans and  
13 regional goals with state and local transportation programs. Further,  
14 approaches to transportation demand management initiatives and local  
15 and state transportation funding can be better coordinated to insure an  
16 efficient, effective transportation system that insures mobility and  
17 addresses community needs.

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

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

1       The legislature finds that addressing public initiatives regarding  
2 transportation and comprehensive planning necessitates an innovative  
3 approach.       Improved integration between transportation and  
4 comprehensive planning among public institutions, particularly in the  
5 state's largest metropolitan area is considered by the state to be  
6 imperative, and to have significant benefit to the citizens of  
7 Washington. It is therefore the policy of the state of Washington to  
8 establish a single regional government council with adequate resources  
9 to develop and encourage implementation of a comprehensive  
10 transportation plan within the state's largest urbanized region and  
11 that the plan implements regional comprehensive land use decisions.

12       NEW SECTION.   **Sec. 202.**   DEFINITIONS. Unless the context clearly  
13 requires otherwise, the definitions in this section apply throughout  
14 this chapter.

15       (1) "Council" means the Puget Sound regional transportation  
16 council.

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

20       (3) "Region" means that area within the jurisdiction of the Puget  
21 Sound regional transportation council.

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

24       NEW SECTION.   **Sec. 203.**   COUNCIL ESTABLISHED. There is hereby  
25 established the Puget Sound regional transportation council. The  
26 jurisdiction of the council shall encompass the five contiguous  
27 counties abutting Puget Sound with the largest populations according to  
28 the 1990 federal census.

1        NEW SECTION.    **Sec. 204.**    GOVERNANCE.    (1) The council shall be  
2 composed of twenty-three members.    Twenty-one members shall be  
3 appointed by the governor and confirmed by the senate.    In addition,  
4 the secretary of transportation and the director of community  
5 development or their respective designees shall serve as ex officio  
6 members.

7        The governor shall appoint a chair who shall be the presiding  
8 officer of the council.    Of the remaining appointments by the governor,  
9 eight shall be from the largest county, four each shall be from each of  
10 the next two largest counties, two each shall be from the remaining  
11 counties, and one shall be a commissioner of a public port district all  
12 or the largest portion of which is within the jurisdiction of the  
13 council.    All members except the chair shall be local elected officials  
14 and, except for the public port district commissioner, shall be members  
15 of a county legislative authority or a city or town legislative  
16 authority, or be a county executive or a mayor.    At least one  
17 appointment from each county shall be an elected county official and at  
18 least one from each county shall be an elected city or town official  
19 from a city or town all or the largest portion of which is within the  
20 county.    At least one-half of the appointees from each county shall  
21 serve on the governing board of a public transit agency or the regional  
22 transportation authority.    Appointees shall also be knowledgeable about  
23 comprehensive planning under chapter 36.70A RCW.

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

27        (2) Members shall be compensated as provided in RCW 43.03.250.  
28 Members shall be reimbursed for travel expenses as provided in RCW  
29 43.03.050 and 43.03.060.

1        NEW SECTION.    **Sec. 205.**    COUNCIL'S DUTIES.    The council shall have  
2 the following duties:

3        (1) Prepare and update periodically a regional growth and  
4 transportation strategy for the region.    The strategy shall address  
5 alternative regional development patterns and alternative  
6 transportation modes in regional corridors and shall recommend a  
7 preferred regional development pattern and transportation policies to  
8 implement that pattern.    The strategy shall serve as a guide in  
9 preparation of the regional transportation plan.

10       (2) Prepare a regional transportation plan as set forth in section  
11 208 of this act.

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

17       (4) Certify that county-wide planning policies adopted under RCW  
18 36.70A.210 are consistent with the adopted regional transportation  
19 plan.

20       (5) Develop, in cooperation with the department of transportation,  
21 operators of public transportation services and local governments  
22 within the region, a regional transportation improvement program which  
23 proposes regionally significant transportation projects.    The program  
24 shall include a priority list of projects, project segments and  
25 programs, and a specific financial plan that demonstrates how the  
26 transportation improvement program can be funded.    The program shall be  
27 updated at least every two years for the ensuing six-year period.  
28 Inclusion in the program may represent a finding of consistency as  
29 provided for in section 212 of this act.



1        NEW SECTION.    **Sec. 206.**    GENERAL POWERS.    In addition to the powers  
2 specifically granted by this chapter, the council shall have all powers  
3 necessary to carry out the purposes of the council.    The council may  
4 contract with the United States or any agency thereof, any state or  
5 agency thereof, any public transportation benefit area, any county,  
6 city, metropolitan municipal corporation, special district, or  
7 governmental agency, within or without the state, and any private  
8 person, firm, or corporation for the purpose of receiving gifts or  
9 grants or securing loans or advances for planning and feasibility  
10 studies, for the production of a regional transportation plan or for  
11 performing any service that the council may be authorized to perform,  
12 on such terms as may be agreed upon by the contracting parties.

13        The council may sue and be sued in its corporate capacity in all  
14 courts and in all proceedings.

15        NEW SECTION.    **Sec. 207.**    COMPREHENSIVE PLANS, TRANSPORTATION  
16 GUIDELINES, AND PRINCIPLES.    The council, with cooperation from cities,  
17 towns, and counties, shall establish guidelines and principles that  
18 provide specific direction for the development and evaluation of  
19 comprehensive plans and their transportation element to assure that  
20 state, regional, and local goals for the development of land use and  
21 transportation systems are met.    These guidelines and principles shall  
22 address at a minimum the following factors:    Concentration of economic  
23 activity, residential density, development corridors and urban design  
24 that supports high capacity transit, freight transportation and port  
25 access, development patterns that promote pedestrian and nonmotorized  
26 transportation, circulation systems, access to regional systems,  
27 transportation concurrency, transportation demand management, joint and  
28 mixed use developments, and intermodal connections.

1       The council shall also develop and conduct regional forums and  
2 workshops to provide education and gain advice from officials and the  
3 public. Comprehensive examples shall be published by the council to  
4 assist local governments in interpreting and explaining the  
5 requirements of this section.

6       NEW SECTION.   **Sec. 208.**   REGIONAL TRANSPORTATION PLAN.   (1) The  
7 council shall develop, in cooperation with the department of  
8 transportation, providers of public transportation, and local  
9 governments within the region, adopt, and periodically update a  
10 regional transportation plan that:

11       (a) Identifies transportation facilities and programs, including  
12 but not limited to major roadways, transit services and facilities, and  
13 multimodal and intermodal facilities, ports and airports, and  
14 noncapital programs including transportation demand management that  
15 should function as an integrated regional transportation system, giving  
16 emphasis to those facilities, services, and programs that exhibit one  
17 or more of the following characteristics:

18       (i) Crosses county lines;

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

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

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

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

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

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

8 (i) Ensure the preservation of the existing regional transportation  
9 system, including requirements for operational improvements,  
10 resurfacing, restoration, and rehabilitation of existing and future  
11 major roadways, as well as operations, maintenance, modernization, and  
12 rehabilitation of existing and future transit facilities; and

13 (ii) Make the most efficient use of existing transportation  
14 facilities to relieve vehicular congestion and maximize the mobility of  
15 people and goods; and

16 (d) Sets forth a proposed regional transportation approach,  
17 including capital investments, service improvements, and programs, to  
18 guide the development of the regional transportation system.

19 (2) The council shall review the regional transportation plan  
20 biennially for currency, and forward the adopted plan along with  
21 documentation of the biennial review to the state department of  
22 transportation.

23 (3) All transportation projects or programs within the region that  
24 have an impact upon regional facilities or services must be consistent  
25 with the plan and adopted regional growth and transportation  
26 strategies.

27 NEW SECTION. **Sec. 209.** TRANSPORTATION ADVISORY COMMITTEES. The  
28 council shall establish such advisory committees as are necessary to  
29 carry out the purposes of this chapter and to ensure adequate public

1 participation in the development of council policies and plans.  
2 Members of such committees may receive per diem and necessary expenses,  
3 in accordance with RCW 43.03.050 and 43.03.060.

4 NEW SECTION. **Sec. 210.** METROPOLITAN PLANNING FUNCTION. The  
5 council shall assume the responsibility for the metropolitan planning  
6 function within the region under 23 U.S.C. Sec. 134.

7 NEW SECTION. **Sec. 211.** CONDITIONS FOR FUNDING. (1) An agency or  
8 a political subdivision of the state may accept or expend funds from  
9 the following sources for transportation projects or programs within  
10 the region during a fiscal year only after the council has made a  
11 finding of consistency pursuant to section 212 of this act:

12 (a) Federal funds distributed under the authority of the federal  
13 highway administration, the federal aviation administration, and the  
14 federal transit administration;

15 (b) Planning funds provided under chapter 47.80 RCW;

16 (c) The accounts created in RCW 82.44.180 (2) and (3);

17 (d) The accounts created and distributed under RCW 47.26.080,  
18 47.26.084, and 47.26.260;

19 (e) The account created in RCW 47.78.010; and

20 (f) Appropriations from the motor vehicle fund for improvements to  
21 marine terminals located within the region serving the state ferry  
22 system.

23 (2) An agency or a political subdivision of the state may levy and  
24 collect the following taxes or fees within the region only after the  
25 council has made a finding of consistency pursuant to section 212 of  
26 this act:

1 (a) Taxes authorized in chapter 81.104 RCW; taxes or fees  
2 authorized in RCW 82.80.010, 82.80.020, 82.80.030, and 82.80.050 which  
3 are imposed after July 1, 1992;

4 (b) After 1992, taxes governed under section 221 of this act; and

5 (c) Tax rates higher than those effective July 1, 1992, imposed  
6 under RCW 82.14.045.

7 NEW SECTION. **Sec. 212.** FINDINGS OF CONSISTENCY. The council  
8 annually shall evaluate local comprehensive plans and transportation  
9 plan elements and plans of other agencies and political subdivisions  
10 for consistency with each other and for their consistency with: (1)  
11 Adopted regional growth and transportation strategies and plans; (2)  
12 adopted state growth and transportation policies and planning goals  
13 developed pursuant to chapters 36.70A and 47.01 RCW; (3) transportation  
14 demand management plans and strategies developed pursuant to chapter  
15 70.94 RCW; and (4) the transportation control measures of the state  
16 implementation plan for air quality developed pursuant to chapter 70.94  
17 RCW.

18 After such evaluation, the council shall make a finding as to  
19 whether the plans of the agency or political subdivision are  
20 consistent. If the finding is that the plans are not consistent the  
21 council shall notify the agency as to the cause of such finding. The  
22 agency or political subdivision may resubmit such plan to the council.

23 **Sec. 213.** RCW 47.80.020 and 1990 1st ex.s. c 17 s 54 are each  
24 amended to read as follows:

25 The legislature hereby authorizes creation of regional  
26 transportation planning organizations within the state. Except for the  
27 regional transportation council established by chapter 47.--- RCW  
28 (sections 201 through 212 of this act), which is designated as the

1 regional transportation planning organization for that area, each  
2 regional transportation planning organization shall be formed through  
3 the voluntary association of local governments within a county, or  
4 within geographically contiguous counties. Each organization shall:

5 (1) Encompass at least one complete county;

6 (2) Have a population of at least one hundred thousand, or contain  
7 a minimum of three counties; and

8 (3) Have as members all counties within the region, and at least  
9 sixty percent of the cities and towns within the region representing a  
10 minimum of seventy-five percent of the cities' and towns' population.

11 The state department of transportation must verify that each  
12 regional transportation planning organization conforms with the  
13 requirements of this section.

14 In urbanized areas, the regional transportation planning  
15 organization or the regional transportation council created in chapter  
16 47.--- RCW (sections 201 through 212 of this act) is the same as the  
17 metropolitan planning organization designated for federal  
18 transportation planning purposes.

19 **Sec. 214.** RCW 47.80.030 and 1990 1st ex.s. c 17 s 55 are each  
20 amended to read as follows:

21 (1) Each regional transportation planning organization shall:

22 (a) Certify that the transportation elements of comprehensive plans  
23 adopted by counties, cities, and towns within the region conform with  
24 the requirements of RCW 36.70A.070, and are consistent with regional  
25 transportation plans as provided for in (b) of this subsection;

26 (b) Develop and adopt a regional transportation plan that is  
27 consistent with county, city, and town comprehensive plans and state  
28 transportation plans. Regional transportation planning organizations  
29 are encouraged to use county, city, and town comprehensive plans that

1 existed prior to July 1, 1990, as the basis of its regional  
2 transportation plan whenever possible. Such plans shall address  
3 existing or planned transportation facilities and services that exhibit  
4 one or more of the following characteristics:

5 (i) Physically crosses member county lines;

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

9 (iii) Significant impacts are expected to be felt in more than one  
10 county;

11 (iv) Potentially adverse impacts of the facility, service, or  
12 project can be better avoided or mitigated through adherence to  
13 regional policies;

14 (v) Transportation needs addressed by a project have been  
15 identified by the regional transportation planning process and the  
16 remedy is deemed to have regional significance;

17 (c) Designate a lead planning agency to coordinate preparation of  
18 the regional transportation plan. The lead planning agency may be a  
19 regional council, a county, city, or town agency, or a Washington state  
20 department of transportation district;

21 (d) Review the regional transportation plan biennially for  
22 currency; and

23 (e) Forward the adopted plan, and documentation of the biennial  
24 review of it, to the state department of transportation.

25 (2) All transportation projects within the region that have an  
26 impact upon regional facilities or services must be consistent with the  
27 plan.

28 (3) In order to ensure state-wide consistency in the regional  
29 transportation planning process, the state department of transportation  
30 shall:

1 (a) In cooperation with regional transportation planning  
2 organizations including the Puget Sound regional transportation  
3 council, establish minimum standards for development of a regional  
4 transportation plan;

5 (b) Facilitate coordination between regional transportation  
6 planning organizations; and

7 (c) Through the regional transportation planning process, and  
8 through state planning efforts as required by RCW 47.01.071, identify  
9 and jointly plan improvements and strategies within those corridors  
10 important to moving people and goods on a regional or state-wide basis.

11 **Sec. 215.** RCW 35.58.2795 and 1990 1st ex.s. c 17 s 60 are each  
12 amended to read as follows:

13 By April 1st of each year, the legislative authority of each  
14 municipality, as defined in RCW 35.58.272, and each regional transit  
15 authority shall prepare a six-year transit development and financial  
16 program for that calendar year and the ensuing five years. The program  
17 shall be consistent with the comprehensive plans adopted by counties,  
18 cities, and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the  
19 inherent authority of a first class city or charter county derived from  
20 its charter, or chapter 36.70A RCW. The program shall contain  
21 information as to how the municipality intends to meet state and local  
22 long-range priorities for public transportation, capital improvements,  
23 significant operating changes planned for the system, and how the  
24 municipality intends to fund program needs. The six-year plan for each  
25 municipality and regional transit authority lying within the  
26 jurisdiction of the Puget Sound regional transportation council shall  
27 specifically set forth those projects of regional significance as  
28 defined in section 202 of this act for inclusion in the transportation  
29 improvement program within that region. Each municipality and regional



1 transit authority shall file the six-year program with the state  
2 department of transportation, the transportation improvement board, and  
3 cities, counties, and regional planning councils within which the  
4 municipality is located.

5 In developing its program, the municipality shall consider those  
6 policy recommendations affecting public transportation contained in the  
7 state transportation policy plan approved by the state transportation  
8 commission and, where appropriate, adopted by the legislature. The  
9 municipality shall conduct one or more public hearings while developing  
10 its program and for each annual update.

11 **Sec. 216.** RCW 35.77.010 and 1990 1st ex.s. c 17 s 59 are each  
12 amended to read as follows:

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

20 The program shall be filed with the secretary of transportation not  
21 more than thirty days after its adoption. Annually thereafter the  
22 legislative body of each city and town shall review the work  
23 accomplished under the program and determine current city street needs.  
24 Based on these findings each such legislative body shall prepare and  
25 after public hearings thereon adopt a revised and extended  
26 comprehensive street program before July 1st of each year, and each  
27 one-year extension and revision shall be filed with the secretary of  
28 transportation not more than thirty days after its adoption. The  
29 purpose of this section is to assure that each city and town shall

1 perpetually have available advanced plans looking to the future for not  
2 less than six years as a guide in carrying out a coordinated street  
3 construction program. The program may at any time be revised by a  
4 majority of the legislative body of a city or town, but only after a  
5 public hearing.

6 The six-year plan for each city or town lying within the  
7 jurisdiction of the Puget Sound regional transportation council shall  
8 specifically set forth those projects of regional significance as  
9 defined in section 202 of this act for inclusion in the transportation  
10 improvement program within that region.

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

1 functional classes of arterials but shall be available for any  
2 designated arterial street.

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

8 **Sec. 217.** RCW 36.81.121 and 1990 1st ex.s. c 17 s 58 are each  
9 amended to read as follows:

10 (1) Before July 1st of each year, the legislative authority of each  
11 county with the advice and assistance of the county road engineer, and  
12 pursuant to one or more public hearings thereon, shall prepare and  
13 adopt a comprehensive road program for the ensuing six calendar years.  
14 If the county has adopted a comprehensive plan pursuant to chapter  
15 35.63 or 36.70 RCW, the inherent authority of a charter county derived  
16 from its charter, or chapter 36.70A RCW, the program shall be  
17 consistent with this comprehensive plan.

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

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

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

23           (4) The six-year plan for each county lying within the jurisdiction  
24 of the Puget Sound regional transportation council shall specifically  
25 set forth those projects of regional significance as defined in section  
26 202 of this act for inclusion in the transportation improvement program  
27 within that region.

28           **Sec. 218.** RCW 47.26.080 and 1991 sp.s. c 32 s 32 are each amended  
29 to read as follows:

1       There is hereby created in the motor vehicle fund the urban  
2 arterial trust account. All moneys deposited in the motor vehicle fund  
3 to be credited to the urban arterial trust account shall be expended  
4 for the construction and improvement of city arterial streets and  
5 county arterial roads within urban areas, for expenses of the  
6 transportation improvement board, or for the payment of principal or  
7 interest on bonds issued for the purpose of constructing or improving  
8 city arterial streets and county arterial roads within urban areas, or  
9 for reimbursement to the state, counties, cities, and towns in  
10 accordance with RCW 47.26.4252 and 47.26.4254, the amount of any  
11 payments made on principal or interest on urban arterial trust account  
12 bonds from motor vehicle or special fuel tax revenues which were  
13 distributable to the state, counties, cities, and towns.

14       The board shall not allocate funds, nor make payments of the funds  
15 under RCW 47.26.260, to any county, city, or town identified by the  
16 governor under RCW 36.70A.340 nor to any county, city, or town failing  
17 to meet the conditions of section 211 of this act when required to do  
18 so.

19       **Sec. 219.** RCW 47.26.084 and 1988 c 167 s 2 are each amended to  
20 read as follows:

21       The transportation improvement account is hereby created in the  
22 motor vehicle fund. The board shall adopt rules and procedures which  
23 shall govern the allocation of funds in the transportation improvement  
24 account at such time as funds become available.

25       The board shall allocate funds from the account by June 30 of each  
26 year for the ensuing fiscal year and shall endeavor to provide  
27 geographical diversity in selecting improvement projects to be funded  
28 from the account.

1 Of the amount made available to the transportation improvement  
2 board from the transportation improvement account for improvement  
3 projects:

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

8 To be eligible to receive these funds, a project must be (a)  
9 consistent with state, regional, and local transportation plans and  
10 consideration shall be given to the project's relationship, both actual  
11 and potential, with rapid mass transit (~~and at such time as a rail  
12 plan is developed by the rail development commission, projects must be  
13 consistent therewith~~), (b) necessitated by existing or reasonably  
14 foreseeable congestion levels attributable to economic development or  
15 growth, and (c) partially funded by local government or private  
16 contributions, or a combination of such contributions. The board  
17 shall, for those projects meeting the eligibility criteria, determine  
18 what percentage of each project is funded by local and/or private  
19 contribution. Priority consideration shall be given to those projects  
20 with the greatest percentage of local and/or private contribution.

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

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

29 The distribution of funds to agencies shall be consistent with the  
30 conditions of section 211 of this act.

1       **Sec. 220.** RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each  
2 amended to read as follows:

3       There is hereby established in the state treasury the high capacity  
4 transportation account. Money in the account shall be used, after  
5 appropriation and consistent with the conditions of section 211 of this  
6 act, for local high capacity transportation purposes including rail  
7 freight.

8       NEW SECTION. **Sec. 221.** A new section is added to chapter 53.36  
9 RCW to read as follows:

10       PORT DISTRICT LEVIES. After 1992, a port district whose boundaries  
11 lie partly or wholly within the boundaries of the regional  
12 transportation council established under section 203 of this act may  
13 not impose a tax levy under this chapter that generates an amount of  
14 tax receipts greater than the amount of tax receipts collected in the  
15 previous year, if that district uses any revenues from tax levies to  
16 construct or operate transportation facilities of regional significance  
17 included in the regional transportation plan unless there has been a  
18 finding of consistency made pursuant to section 212 of this act.

19       **Sec. 222.** RCW 82.14.045 and 1991 c 363 s 158 are each amended to  
20 read as follows:

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

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

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



1 tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-  
2 tenths of one percent of the selling price (in the case of a sales tax)  
3 or value of the article used (in the case of a use tax). The rate of  
4 such tax shall not exceed the rate authorized by the voters unless such  
5 increase shall be similarly approved and meets the conditions of  
6 section 211 of this act.

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

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

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

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

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

6 **Sec. 223.** RCW 82.44.180 and 1991 c 199 s 224 are each amended to  
7 read as follows:

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

12 Moneys in the fund may be spent only after appropriation.  
13 Expenditures from the fund may be used only for transportation  
14 purposes.

15 (2) There is hereby created the central Puget Sound public  
16 transportation account within the transportation fund. Moneys  
17 deposited into the account under RCW 82.44.150(2)(b) shall be expended  
18 within the three county region from which the funds are derived,  
19 subject to the conditions of section 211 of this act solely for:

20 (a) Development of high capacity transportation systems as defined  
21 in RCW 81.104.010;

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

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

26 (3) There is hereby created the public transportation systems  
27 account within the transportation fund. Moneys deposited into the  
28 account under RCW 82.44.150(2)(c) shall be available to the public

1 transportation system from which the funds are derived, subject to the  
2 conditions of section 211 of this act solely for:

3 (a) Development of high capacity transportation systems as defined  
4 in RCW 81.104.010;

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

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

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

11 **Sec. 224.** RCW 82.80.010 and 1991 c 339 s 12 are each amended to  
12 read as follows:

13 (1) Subject to the conditions of this section and section 211 of  
14 this act, any county may levy, by approval of its legislative body and  
15 a majority of the registered voters of the county voting on the  
16 proposition at a general or special election, additional excise taxes  
17 equal to ten percent of the state-wide motor vehicle fuel tax rate  
18 under RCW 82.36.025 on each gallon of motor vehicle fuel as defined in  
19 RCW 82.36.010(2) and on each gallon of special fuel as defined in RCW  
20 82.38.020(5) sold within the boundaries of the county. Vehicles paying  
21 an annual license fee under RCW 82.38.075 are exempt from the county  
22 fuel excise tax. An election held under this section must be held not  
23 more than twelve months before the date on which the proposed tax is to  
24 be levied. The ballot setting forth the proposition shall state the  
25 tax rate that is proposed. The county's authority to levy additional  
26 excise taxes under this section includes the incorporated and  
27 unincorporated areas of the county. The additional excise taxes are  
28 subject to the same exceptions and rights of refund as applicable to  
29 other motor vehicle fuel and special fuel excise taxes levied under

1 chapters 82.36 and 82.38 RCW. The proposed tax shall not be levied  
2 less than one month from the date the election results are certified by  
3 the county election officer. The commencement date for the levy of any  
4 tax under this section shall be the first day of January, April, July,  
5 or October.

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

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

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

18 (5) The department of licensing shall administer and collect the  
19 county fuel taxes. The department shall deduct a percentage amount, as  
20 provided by contract, for administrative, collection, refund, and audit  
21 expenses incurred. The remaining proceeds shall be remitted to the  
22 custody of the state treasurer for monthly distribution under RCW  
23 82.80.080.

24 **Sec. 225.** RCW 82.80.020 and 1991 c 318 s 13 are each amended to  
25 read as follows:

26 (1) Except as limited by section 211 of this act, the legislative  
27 authority of a county may fix and impose an additional fee, not to  
28 exceed fifteen dollars per vehicle, for each vehicle that is subject to

1 license fees under RCW 46.16.060 and is determined by the department of  
2 licensing to be registered within the boundaries of the county.

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

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

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

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

22 **Sec. 226.** RCW 82.80.030 and 1990 c 42 s 208 are each amended to  
23 read as follows:

24 (1) Subject to the conditions of this section and section 211 of  
25 this act, the legislative authority of a county or city may fix and  
26 impose a parking tax on all persons engaged in a commercial parking  
27 business within its respective jurisdiction. The jurisdiction of a  
28 county, for purposes of this section, includes only the unincorporated

1 area of the county. The jurisdiction of a city includes only the area  
2 within its incorporated boundaries.

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

7 The city or county may provide that:

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

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

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

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

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

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

21 (3) "Commercial parking business" as used in this section, means  
22 the ownership, lease, operation, or management of a commercial parking  
23 lot in which fees are charged. "Commercial parking lot" means a  
24 covered or uncovered area with stalls for the purpose of parking motor  
25 vehicles.

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

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

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

10 **Sec. 227.** RCW 82.80.050 and 1991 c 141 s 2 are each amended to  
11 read as follows:

12 Except as limited by section 211 of this act, a city or town  
13 electing to own, construct, maintain, operate, and preserve its streets  
14 as a separate street utility may levy periodic charges for the use or  
15 availability of the streets in a total annual amount of up to fifty  
16 percent of the actual costs for maintenance, operation, and  
17 preservation of facilities under the jurisdiction of the street  
18 utility. The rates charged for the use must be uniform for the same  
19 class of service and all business and residential properties must be  
20 subject to the utility charge. Charges imposed on businesses shall be  
21 measured solely by the number of employees and shall not exceed the  
22 equivalent of two dollars per full-time equivalent employee per month.  
23 Charges imposed against owners or occupants of residential property  
24 shall not exceed two dollars per month per housing unit as defined in  
25 RCW 35.95.040. Charges authorized in this section shall not be imposed  
26 against owners of property: (1) Exempt under RCW 84.36.010; (2) exempt  
27 from the leasehold tax under chapter 82.29A RCW; or (3) used for  
28 nonprofit or sectarian purposes, which if said property were owned by  
29 such organization would qualify for exemption under chapter 84.36 RCW.

1 The charges shall not be computed on the basis of an ad valorem charge  
2 on the underlying real property and improvements. This section shall  
3 not be used as a basis to directly or indirectly charge transportation  
4 impact fees or mitigation fees of any kind against new development. A  
5 city or town may contract with any other utility or local government to  
6 provide for billing and collection of the street utility charges.

7 In classifying service furnished within the general categories of  
8 business and residential, the city or town legislative authority may in  
9 its discretion consider any or all of the following factors: The  
10 difference in cost of service to the various users or traffic  
11 generators; location of the various users or traffic generators within  
12 the city or town; the difference in cost of maintenance, operation,  
13 construction, repair, and replacement of the various parts of the  
14 enterprise and facility; the different character of the service  
15 furnished to various users or traffic generators within the city or  
16 town; the size and quality of the street service furnished; the time of  
17 use or traffic generation; capital contributions made to the facility  
18 including but not limited to special assessments; and any other matters  
19 that present a reasonable difference as a ground for distinction, or  
20 the entire category of business or residential may be established as a  
21 single class. The city or town may reduce or exempt charges on  
22 residential properties to the extent of their occupancy by low-income  
23 senior citizens and low-income disabled citizens as provided in RCW  
24 74.38.070(1), or to the extent of their occupancy by the needy or  
25 infirm.

26 The charges shall be charges against the property and the use  
27 thereof and shall become liens and be enforced in the same manner as  
28 rates and charges for the use of systems of sewerage under chapter  
29 35.67 RCW.



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

5 NEW SECTION. **Sec. 228.** Sections 201 through 212 of this act shall  
6 constitute a new chapter in Title 47 RCW.

7 NEW SECTION. **Sec. 229.** Part and section headings as used in this  
8 act do not constitute any part of the law.

9 NEW SECTION. **Sec. 230.** If any provision of this act or its  
10 application to any person or circumstance is held invalid, the  
11 remainder of the act or the application of the provision to other  
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 231.** This act shall take effect July 1, 1992.