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SENATE BILL 5890

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State of Washington                      52nd Legislature                      1991 Regular Session

By Senator A. Smith.

Read first time March 1, 1991.                      Referred to Committee on  
Transportation.

1            AN ACT Relating to transportation; amending RCW 81.104.010,  
2 81.104.070, 81.104.100, 82.44.150, 82.36.025, and 46.68.090; adding a  
3 new section to chapter 46.68 RCW; adding a new section to chapter 47.04  
4 RCW; adding a new section to chapter 39.12 RCW; and adding a new  
5 chapter to Title 43 RCW.

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

7            **Sec. 1.** RCW 81.104.010 and 1990 c 43 s 22 are each amended to read  
8 as follows:

9            Increasing congestion on Washington's roadways calls for  
10 identification and implementation of high capacity transportation  
11 system alternatives. "High capacity transportation system" means a  
12 system of transportation services, (~~operating principally on exclusive~~  
13 ~~rights of way,~~) which taken as a whole, provides a substantially  
14 higher level of passenger capacity, speed, and service frequency than  
15 traditional public transportation systems operating principally on

1 general purpose roadway rights of way. The legislature believes that  
2 local jurisdictions should coordinate and be responsible for high  
3 capacity transportation policy development, program planning, and  
4 implementation. The state should assist by working with local agencies  
5 on issues involving rights of way, partially financing projects meeting  
6 established state criteria, authorizing local jurisdictions to finance  
7 high capacity transportation systems through voter-approved tax  
8 options, and providing technical assistance and information.

9 **Sec. 2.** RCW 81.104.070 and 1990 c 43 s 28 are each amended to read  
10 as follows:

11 (1) The state (~~((shall not become an operating agent for regional~~  
12 ~~high capacity transportation systems))~~ of Washington shall construct  
13 and develop an intrastate rapid rail transportation system.

14 (2) Agencies providing high capacity transportation service are  
15 responsible for planning, construction, operations, and funding  
16 including station area design and development, and parking facilities.  
17 Agencies may implement necessary contracts, joint development  
18 agreements, and interlocal government agreements. Agencies providing  
19 service shall consult with affected local jurisdictions and cooperate  
20 with comprehensive planning processes.

21 **Sec. 3.** RCW 81.104.100 and 1990 c 43 s 31 are each amended to read  
22 as follows:

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

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

1 travel are projected. The system planning process provides a  
2 comprehensive view of the region's transportation needs but does not  
3 select a specified mode to serve those needs. System planning shall  
4 identify a priority corridor for further study of high capacity  
5 transportation facilities ~~((if it is deemed feasible by local  
6 officials))~~.

7 (2)(a) Project planning is the detailed evaluation of a range of  
8 transportation options, including (i) do nothing, (ii) low capital, and  
9 (iii) ranges of higher capital facilities.

10 (b) Project planning shall proceed as follows:

11 (i) Organization and management. The responsible local transit  
12 agency or agencies shall define roles for various local agencies,  
13 review background information, provide for public involvement, and  
14 develop a detailed work plan for the project planning process.

15 (ii) Development of options. Options to be studied shall be  
16 developed to ensure an appropriate range of technologies and service  
17 policies can be evaluated. ~~((A do nothing option and a low capital  
18 option that maximizes the current system shall be developed.))~~ Several  
19 higher capital options that consider several candidate technologies  
20 shall be developed.

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

25 ~~(iv) ((Study of options. The local transit agency shall use the  
26 methods described in (iii) of this subsection to produce impact  
27 information needed for project evaluation and for the preparation of an  
28 environmental impact statement. The impact evaluation shall address  
29 the impact that such a project will have on abutting or nearby  
30 residential or commercial property owners. The process of~~

1 ~~identification of corridors shall include notification of affected~~  
2 ~~property owners by normal legal publication. At minimum, such~~  
3 ~~notification shall include notice on the same day for at least three~~  
4 ~~weeks in at least two newspapers of general circulation in the county~~  
5 ~~where such project is proposed. Special notice of hearings by the~~  
6 ~~conspicuous posting of notice, in a manner designed to attract public~~  
7 ~~attention, in the vicinity of areas identified for station locations or~~  
8 ~~transfer sites shall also be provided.~~

9 (v)) Review and monitor. The department of transportation shall  
10 provide project review and monitoring in cooperation with the expert  
11 review panel identified in RCW 81.104.110. In addition, the local  
12 transit agency shall maintain a continuous public involvement program  
13 and seek involvement of other government agencies.

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

23 NEW SECTION. **Sec. 4.** Upon the determination that a  
24 transportation corridor is likely to be converted to use as a major  
25 transportation system, and prior to the construction of the system,  
26 affected cities and counties shall conduct an audit of community  
27 resources and follow a land use planning process, to be known as the  
28 local government review process, for property located within one mile  
29 along each side of the corridor. Actions such as preparation of a

1 draft environmental impact statement or hearings by a local governing  
2 body shall be considered evidence that an audit and planning process is  
3 required. A detailed statement of the results of this process shall be  
4 included in the final environmental impact statement required by RCW  
5 43.21C.030(2)(c).

6 NEW SECTION. **Sec. 5.** The department of community development  
7 shall administer grants to local jurisdictions to conduct the review  
8 process required by this chapter and to conduct the community  
9 assessment process required by section 8 of this act. The department  
10 shall have rule-making authority concerning the administration of  
11 grants, community assessment surveys, and the local government review  
12 process required by this chapter.

13 NEW SECTION. **Sec. 6.** The community assessment fund is hereby  
14 established in the custody of the state treasurer. The department of  
15 community development shall deposit in the fund all moneys received  
16 from the distribution of funds under RCW 82.44.150(2). Moneys in the  
17 fund may be spent only for administration and funding of the grant  
18 program established by this chapter. Disbursements from the fund shall  
19 be on authorization of the director of community development or the  
20 director's designee. The fund is subject to the allotment procedure  
21 provided under chapter 43.88 RCW, but no appropriation is required for  
22 disbursements.

23 NEW SECTION. **Sec. 7.** The local government review process  
24 required by section 4 of this act shall include at a minimum the  
25 following elements:

26 (1) Consideration of the preservation of open space lands.

1 (2) Consideration of the preservation of historic properties and  
2 properties that are deemed to be significant assets to the community.

3 (3) Consideration of zoning standards.

4 (4) Consideration of infrastructure requirements.

5 (5) Consideration of comprehensive planning.

6 (6) Consideration of the results of the community assessment  
7 process established by section 8 of this act.

8 NEW SECTION. **Sec. 8.** (1) The department of community  
9 development shall establish and administer the community assessment  
10 process. The department shall contract with local governments to  
11 perform the community assessment survey.

12 (2) Notice of the pendency of the community assessment process  
13 shall be published at least twice in major newspapers of general  
14 circulation in the jurisdiction, and in addition the local government  
15 may provide notice through other media.

16 (3) The survey required by this section shall solicit the opinions  
17 of citizens on the impact of the proposed major transportation corridor  
18 on the following:

19 (a) The preservation of open space lands.

20 (b) The preservation of historic properties and properties that are  
21 deemed to be assets to the community.

22 (c) Zoning standards.

23 (d) Infrastructure requirements.

24 (e) Comprehensive planning.

25 (4) Results of the survey shall be reported to affected local  
26 governments and the department of community development, and shall be  
27 included in the local government review process.

1       **Sec. 9.** RCW 82.44.150 and 1990 c 42 s 308 are each amended to read  
2 as follows:

3       (1) The director of licensing shall, on the twenty-fifth day of  
4 February, May, August, and November of each year, advise the state  
5 treasurer of the total amount of motor vehicle excise taxes remitted to  
6 the department during the preceding calendar quarter ending on the last  
7 day of March, June, September, and December, respectively, except for  
8 those payable under RCW 82.44.030, from motor vehicle owners residing  
9 within each municipality which has levied a tax under RCW 35.58.273,  
10 which amount of excise taxes shall be determined by the director as  
11 follows:

12       The total amount of motor vehicle excise taxes remitted to the  
13 department, except those payable under RCW 82.44.030, from each county  
14 shall be multiplied by a fraction, the numerator of which is the  
15 population of the municipality residing in such county, and the  
16 denominator of which is the total population of the county in which  
17 such municipality or portion thereof is located. The product of this  
18 computation shall be the amount of excise taxes from motor vehicle  
19 owners residing within such municipality or portion thereof. Where the  
20 municipality levying a tax under RCW 35.58.273 is located in more than  
21 one county, the above computation shall be made by county, and the  
22 combined products shall provide the total amount of motor vehicle  
23 excise taxes from motor vehicle owners residing in the municipality as  
24 a whole. Population figures required for these computations shall be  
25 supplied to the director by the office of financial management, who  
26 shall adjust the fraction annually.

27       (2) On the first day of the months of January, April, July, and  
28 October of each year, the state treasurer based upon information  
29 provided by the department shall, from motor vehicle excise taxes

1 deposited in the general fund, under RCW 82.44.110(7), make the  
2 following deposits:

3 (a) To the high capacity transportation account created in RCW  
4 47.78.010, a sum equal to four and five-tenths percent of the special  
5 excise tax levied under RCW 35.58.273 by those municipalities  
6 authorized to levy a special excise tax within a class AA county, or  
7 within a class A county contiguous to a class AA county, or within a  
8 second class county contiguous to a class A county that is contiguous  
9 to a class AA county;

10 (b) To the community assessment fund under section 6 of this act a  
11 sum equal to one percent of the motor vehicle excise taxes;

12 (c) To the central Puget Sound public transportation account  
13 created in RCW 82.44.180, for revenues distributed after December 31,  
14 1992, within a class AA county or within a class A county contiguous to  
15 a class AA county, a sum equal to the difference between (i) the  
16 special excise tax levied and collected under RCW 35.58.273 by those  
17 municipalities authorized to levy and collect a special excise tax  
18 subject to the requirements of subsections (3) and (4) of this section  
19 and (ii) the special excise tax that the municipality would otherwise  
20 have been eligible to levy and collect at a tax rate of .815 percent  
21 and been able to match with locally generated tax revenues, other than  
22 the excise tax imposed under RCW 35.58.273, budgeted for any public  
23 transportation purpose. Before this deposit, the sum shall be reduced  
24 by an amount equal to the amount distributed under (a) and (b) of this  
25 subsection for each of the municipalities within the counties to which  
26 this subsection (2)((~~b~~))(c) applies; however, any transfer under this  
27 subsection (2)((~~b~~))(c) must be greater than zero;

28 ((~~e~~)) (d) To the public transportation systems account created in  
29 RCW 82.44.180, for revenues distributed after December 31, 1992, within  
30 counties not described in ((~~b~~)) (c) of this subsection, a sum equal

1 to the difference between (i) the special excise tax levied and  
2 collected under RCW 35.58.273 by those municipalities authorized to  
3 levy and collect a special excise tax subject to the requirements of  
4 subsections (3) and (4) of this section and (ii) the special excise tax  
5 that the municipality would otherwise have been eligible to levy and  
6 collect at a tax rate of .815 percent and been able to match with  
7 locally generated tax revenues, other than the excise tax imposed under  
8 RCW 35.58.273, budgeted for any public transportation purpose. Before  
9 this deposit, the sum shall be reduced by an amount equal to the amount  
10 distributed under (a) of this subsection for each of the municipalities  
11 within the counties to which this subsection ~~(2)(e)~~ (d) applies;  
12 however, any transfer under this subsection ~~(2)(e)~~ (d) must be  
13 greater than zero; and

14 ~~(d)~~ (e) To the transportation fund created in RCW 82.44.180,  
15 for revenues distributed after June 30, 1991, a sum equal to the  
16 difference between (i) the special excise tax levied and collected  
17 under RCW 35.58.273 by those municipalities authorized to levy and  
18 collect a special excise tax subject to the requirements of subsections  
19 (3) and (4) of this section and (ii) the special excise tax that the  
20 municipality would otherwise have been eligible to levy and collect at  
21 a tax rate of .815 percent notwithstanding the requirements set forth  
22 in subsections (3) through (6) of this section, reduced by an amount  
23 equal to distributions made under (a), ~~(b)~~ (c), and ~~(e)~~ (d) of  
24 this subsection.

25 (3) On the first day of the months of January, April, July, and  
26 October of each year, the state treasurer, based upon information  
27 provided by the department, shall remit motor vehicle excise tax  
28 revenues imposed and collected under RCW 35.58.273 as follows:

29 (a) The amount required to be remitted by the state treasurer to  
30 the treasurer of any municipality levying the tax shall not exceed in

1 any calendar year the amount of locally-generated tax revenues,  
2 excluding the excise tax imposed under RCW 35.58.273 for the purposes  
3 of this section, which shall have been budgeted by the municipality to  
4 be collected in such calendar year for any public transportation  
5 purposes including but not limited to operating costs, capital costs,  
6 and debt service on general obligation or revenue bonds issued for  
7 these purposes; and

8 (b) In no event may the amount remitted in a single calendar  
9 quarter exceed the amount collected on behalf of the municipality under  
10 RCW 35.58.273 during the calendar quarter next preceding the  
11 immediately preceding quarter.

12 (4) At the close of each calendar year accounting period, but not  
13 later than April 1, each municipality that has received motor vehicle  
14 excise taxes under subsection (3) of this section shall transmit to the  
15 director of licensing and the state auditor a written report showing by  
16 source the previous year's budgeted tax revenues for public  
17 transportation purposes as compared to actual collections. Any  
18 municipality that has not submitted the report by April 1 shall cease  
19 to be eligible to receive motor vehicle excise taxes under subsection  
20 (3) of this section until the report is received by the director of  
21 licensing. If a municipality has received more or less money under  
22 subsection (3) of this section for the period covered by the report  
23 than it is entitled to receive by reason of its locally-generated  
24 collected tax revenues, the director of licensing shall, during the  
25 next ensuing quarter that the municipality is eligible to receive motor  
26 vehicle excise tax funds, increase or decrease the amount to be  
27 remitted in an amount equal to the difference between the locally-  
28 generated budgeted tax revenues and the locally-generated collected tax  
29 revenues. In no event may the amount remitted for a calendar year  
30 exceed the amount collected on behalf of the municipality under RCW

1 35.58.273 during that same calendar year. At the time of the next  
2 fiscal audit of each municipality, the state auditor shall verify the  
3 accuracy of the report submitted and notify the director of licensing  
4 of any discrepancies.

5 (5) The motor vehicle excise taxes imposed under RCW 35.58.273 and  
6 required to be remitted under this section shall be remitted without  
7 legislative appropriation.

8 (6) Any municipality levying and collecting a tax under RCW  
9 35.58.273 which does not have an operating, public transit system or a  
10 contract for public transportation services in effect within one year  
11 from the initial effective date of the tax shall (~~return to the state~~  
12 ~~treasurer~~) have all motor vehicle excise taxes received under  
13 subsection (3) of this section impounded by the state treasurer.

14 **Sec. 10.** RCW 82.36.025 and 1990 c 42 s 101 are each amended to  
15 read as follows:

16 The motor vehicle fuel tax rate shall be computed as the sum of the  
17 tax rate provided in subsection (1) of this section and the additional  
18 tax rates provided in subsections (2) through (~~(+5)~~) (6) of this  
19 section.

20 (1) A motor vehicle fuel tax rate of seventeen cents per gallon  
21 shall apply to the sale, distribution, or use of motor vehicle fuel.

22 (2) An additional motor vehicle fuel tax rate of one-third cent per  
23 gallon shall apply to the sale, distribution, or use of motor vehicle  
24 fuel, and the proceeds from this additional tax rate, reduced by an  
25 amount equal to the sum of the payments under RCW 46.68.090 (1) (a) and  
26 (b) multiplied by the additional tax rate prescribed by this subsection  
27 divided by the motor vehicle fuel tax rate provided in this section,  
28 shall be deposited in the rural arterial trust account in the motor  
29 vehicle fund for expenditures under RCW 36.79.020.

1 (3) An additional motor vehicle fuel tax rate of one-third cent per  
2 gallon shall apply to the sale, distribution, or use of motor vehicle  
3 fuel, and the proceeds from this additional tax rate, reduced by an  
4 amount equal to the sum of the payments under RCW 46.68.090 (1) (a) and  
5 (b) multiplied by the additional tax rate prescribed by this subsection  
6 divided by the motor vehicle fuel tax rate provided in this section,  
7 shall be deposited in the urban arterial trust account in the motor  
8 vehicle fund.

9 (4) An additional motor vehicle fuel tax rate of one-third cent per  
10 gallon shall be applied to the sale, distribution, or use of motor  
11 vehicle fuel, and the proceeds from this additional tax rate, reduced  
12 by an amount equal to the sum of the payments under RCW 46.68.090 (1)  
13 (a) and (b) multiplied by the additional tax rate prescribed by this  
14 subsection divided by the motor vehicle fuel tax rate provided in this  
15 section, shall be deposited in the motor vehicle fund to be expended  
16 for highway purposes of the state as defined in RCW 46.68.130.

17 (5) An additional motor vehicle fuel tax rate of four cents per  
18 gallon from April 1, 1990, through March 31, 1991, and five cents per  
19 gallon from April 1, 1991, applies to the sale, distribution, or use of  
20 motor vehicle fuel. The proceeds from the additional tax rate under  
21 this subsection, reduced by an amount equal to the sum of the payments  
22 under RCW 46.68.090 (1) (a) and (b) multiplied by the additional tax  
23 rate prescribed by this subsection divided by the motor fuel tax rate  
24 provided in this section, shall be deposited in the motor vehicle fund  
25 and shall be distributed by the state treasurer according to RCW  
26 46.68.095.

27 (6) An additional motor vehicle fuel tax rate of one cent per  
28 gallon shall be applied to the sale, distribution, or use of motor  
29 vehicle fuel, and the proceeds from this additional tax rate, reduced  
30 by an amount equal to the sum of the payments under RCW 46.68.090

1 (1)(a) and (b) multiplied by the additional tax rate prescribed by this  
2 subsection divided by the motor vehicle fuel tax rate provided in this  
3 section, shall be deposited in the intrastate rapid rail account in the  
4 motor vehicle fund.

5 **Sec. 11.** RCW 46.68.090 and 1990 c 42 s 102 are each amended to  
6 read as follows:

7 (1) All moneys that have accrued or may accrue to the motor vehicle  
8 fund from the motor vehicle fuel tax and special fuel tax shall be  
9 first expended for the following purposes:

10 (a) For payment of refunds of motor vehicle fuel tax and special  
11 fuel tax that has been paid and is refundable as provided by law;

12 (b) For payment of amounts to be expended pursuant to  
13 appropriations for the administrative expenses of the offices of state  
14 treasurer, state auditor, and the department of licensing of the state  
15 of Washington in the administration of the motor vehicle fuel tax and  
16 the special fuel tax, which sums shall be distributed monthly;

17 (c) For distribution to the rural arterial trust account in the  
18 motor vehicle fund, an amount as provided in RCW 82.36.025(2) and  
19 46.68.095(3);

20 (d) For distribution to the urban arterial trust account in the  
21 motor vehicle fund, an amount as provided in RCW 82.36.025(3);

22 (e) For distribution to the transportation improvement account in  
23 the motor vehicle fund, an amount as provided in RCW 46.68.095(1);

24 (f) For distribution to the special category C account, hereby  
25 created in the motor vehicle fund, an amount as provided in RCW  
26 46.68.095(2);

27 (g) For distribution to the county arterial preservation account,  
28 hereby created in the motor vehicle fund, an amount as provided in RCW  
29 46.68.095(4);

1 (h) For distribution to the motor vehicle fund to be allocated to  
2 cities and towns as provided in RCW 46.68.110, an amount as provided in  
3 RCW 46.68.095(5);

4 (i) For distribution to the motor vehicle fund to be allocated to  
5 counties as provided in RCW 46.68.120, an amount as provided in RCW  
6 46.68.095(6);

7 (j) For expenditure for highway purposes of the state as defined in  
8 RCW 46.68.130, an amount as provided in RCW 82.36.025(4) and  
9 46.68.095(7);

10 (k) For payments to the intrastate rapid rail account in the motor  
11 vehicle fund, an amount as provided in RCW 82.36.025(6).

12 (2) The amount accruing to the motor vehicle fund by virtue of the  
13 motor vehicle fuel tax and the special fuel tax and remaining after  
14 payments, distributions, and expenditures as provided in this section  
15 shall, for the purposes of this chapter, be referred to as the "net tax  
16 amount."

17 NEW SECTION. Sec. 12. A new section is added to chapter 46.68 RCW  
18 to read as follows:

19 The intrastate rapid rail account is created in the motor vehicle  
20 fund of the state treasury. All receipts as directed by RCW  
21 82.36.025(6) shall be deposited in the account. This fund shall be  
22 used exclusively for development and construction of intrastate rapid  
23 rail transportation, and may not be used for planning purposes.

24 NEW SECTION. Sec. 13. A new section is added to chapter 47.04 RCW  
25 to read as follows:

26 Intrastate rapid rail transportation is declared a public highway,  
27 to be part of the highway system as administered by the department of  
28 transportation.

1        NEW SECTION.    **Sec. 14.**    A new section is added to chapter 39.12 RCW  
2 to read as follows:

3        The prevailing rate of wage as determined by this chapter shall be  
4 paid on all public works projects for the development and construction  
5 of intrastate rapid rail transportation.

6        NEW SECTION.    **Sec. 15.**        Sections 4 through 8 of this act shall  
7 constitute a new chapter in Title 43 RCW.