
SENATE BILL 5948

State of Washington 52nd Legislature 1991 Regular Session

By Senators Patterson, McDonald, Skratek, Erwin, Murray, Gaspard, Madsen, Bailey and von Reichbauer.

Read first time March 21, 1991. Referred to Committee on Transportation.

1 AN ACT Relating to high capacity transportation systems; and
2 amending RCW 81.104.010, 81.104.020, 81.104.040, 81.104.050,
3 81.104.060, 81.104.080, 81.104.090, 81.104.100, 81.104.110, 81.104.140,
4 and 81.104.160.

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

6 **Sec. 1.** RCW 81.104.010 and 1990 c 43 s 22 are each amended to read
7 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 and facilities, operating
12 principally on exclusive rights of way, and supporting services
13 necessary to implement such a system, including high occupancy vehicle
14 lanes, which taken as a whole, provides a substantially higher level of
15 passenger capacity, speed, and service frequency than traditional

1 public transportation systems operating principally ~~((on))~~ in general
2 purpose ~~((roadway rights of way))~~ roadways. The legislature believes
3 that local jurisdictions should coordinate and be responsible for high
4 capacity transportation policy development, program planning, and
5 implementation. The state should assist by working with local agencies
6 on issues involving rights of way, partially financing projects meeting
7 established state criteria including expediting development and
8 completion of high occupancy vehicle lanes, authorizing local
9 jurisdictions to finance high capacity transportation systems through
10 voter-approved tax options, and providing technical assistance and
11 information.

12 **Sec. 2.** RCW 81.104.020 and 1990 c 43 s 23 are each amended to read
13 as follows:

14 The department of transportation's current policy role in transit
15 is expanded to include other high capacity transportation development
16 as part of a multimodal transportation system.

17 (1) The department of transportation shall implement a program for
18 high capacity transportation coordination, planning, and technical
19 studies with appropriations from the high capacity transportation
20 account.

21 (2) The department shall assist local jurisdictions and
22 ~~((metropolitan))~~ regional transportation planning organizations, or
23 their successor agencies, with high capacity transportation planning
24 efforts.

25 **Sec. 3.** RCW 81.104.040 and 1990 c 43 s 25 are each amended to read
26 as follows:

27 (1) Agencies in a class AA county and in class A counties bordering
28 a class AA county that are currently authorized to provide high

1 capacity transportation planning and operating services, including but
2 not limited to city-owned transit systems, county transportation
3 authorities, metropolitan municipal corporations, and public
4 transportation benefit areas, must establish through interlocal
5 agreements a joint regional policy committee with proportional
6 representation based upon the population distribution within each
7 agency's designated service area, as determined by the parties to the
8 agreement.

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

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

22 (c) Interlocal agreements shall be executed within two years of
23 March 14, 1990. The joint regional policy committee shall present a
24 high capacity transportation system plan and local funding program to
25 the boards of directors of the transit agencies within the service area
26 for adoption.

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

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

4 (2) If interlocal agreements have not been executed within two
5 years from March 14, 1990, the designated ((metropolitan)) regional
6 transportation planning organization shall convene within one hundred
7 eighty days a conference to be attended by an elected representative
8 selected by the legislative authority of each city and county in a
9 class AA county and in class A counties bordering a class AA county.

10 (a) Public notice of the conference shall occur thirty days before
11 the date of the conference.

12 (b) The purpose of the conference is to evaluate the need for
13 developing high capacity transportation service in a class AA county
14 and in class A counties bordering a class AA county and to determine
15 the desirability of a regional approach to developing such service.

16 (c) The conference may elect to continue high capacity
17 transportation efforts on a subregional basis through existing transit
18 planning and operating agencies.

19 (d) The conference may elect to pursue regional development by
20 creating a multicounty interim regional high capacity transportation
21 authority. Conference members shall determine the structure and
22 composition of any interim regional authority.

23 (i) The interim regional authority shall propose a permanent
24 authority or authorities for voter approval. Permanent regional
25 authorities shall become the responsible agencies for planning,
26 construction, operations, and funding of high capacity transportation
27 systems within their service boundaries. Funding sources for a
28 regional high capacity transportation authority or authorities are
29 separate from currently authorized funding sources for city-owned

1 transit systems, county transportation authorities, metropolitan
2 municipal authorities, or public transportation benefit areas.

3 (ii) State and local jurisdictions, county transportation
4 authorities, metropolitan municipal corporations, or public
5 transportation benefit areas shall retain responsibility for existing
6 facilities and/or services, unless the responsibility is transferred to
7 the high capacity transportation authority or authorities by interlocal
8 agreement.

9 (3) If, within four years of the execution of the interlocal
10 agreements, a high capacity transportation system plan and financing
11 program has been approved by a simple majority vote within a
12 participating jurisdiction, that jurisdiction may proceed with high
13 capacity transportation project development. If within four years of
14 the execution of the interlocal agreements, a high capacity
15 transportation system plan and funding program (~~(has)~~) have not been
16 approved by a simple majority vote within one or more of the
17 participating jurisdictions, the (~~(joint regional policy committee)~~)
18 regional transportation planning organization shall convene within one
19 hundred eighty days, a conference to be attended by participating
20 jurisdictions within which a high capacity transportation system plan
21 and financing program have not been approved. Such a conference shall
22 be for the same purpose and shall be subject to the same conditions as
23 described in subsection (2) of this section.

24 (4) High capacity transportation service planning, construction,
25 operations, and funding shall be governed through the interlocal
26 agreement process, including but not limited to provision for a cost
27 allocation and distribution formula, service corridors, station area
28 locations, right of way transfers, and feeder transportation systems.
29 The interlocal agreement shall include a mechanism for resolving
30 conflicts among parties to the agreement.

1 **Sec. 4.** RCW 81.104.050 and 1990 c 43 s 26 are each amended to read
2 as follows:

3 Regional high capacity transportation service boundaries may be
4 expanded beyond the established service district through interlocal
5 agreements among the transit agencies and local jurisdictions.

6 **Sec. 5.** RCW 81.104.060 and 1990 c 43 s 27 are each amended to read
7 as follows:

8 The state's planning role in high capacity transportation
9 development as one element of a multimodal transportation system should
10 facilitate cooperative state and local planning efforts.

11 (1) The department of transportation may serve as a contractor for
12 high capacity transportation system and project design, administer
13 construction, and assist agencies authorized to provide service in the
14 acquisition, preservation, and joint use of rights of way.

15 (2) The department and local jurisdictions shall continue to
16 cooperate with respect to the development of park-and-ride facilities,
17 associated roadways, transfer stations, people mover systems developed
18 either by the public or private sector, and other related projects.

19 (3) The department in cooperation with local jurisdictions shall
20 develop policies which enhance the development of high speed intercity
21 systems by both the private and the public sector. These policies may
22 address joint use of rights of way, identification and preservation of
23 transportation corridors, and joint development of stations and other
24 facilities.

25 **Sec. 6.** RCW 81.104.080 and 1990 c 43 s 29 are each amended to read
26 as follows:

27 Regional transportation plans ~~((should))~~ shall be ~~((considered))~~
28 included in ~~((adopting))~~ local comprehensive land use plans. Regional

1 transportation plans and local land use plans (~~((should))~~) shall address
2 the (~~((impacts of))~~) relationship between urban growth (~~((on))~~) and an
3 effective high capacity transportation (~~((planning and development))~~)
4 system plan, and provide for cooperation between local jurisdictions
5 and transit agencies.

6 (1) Regional high capacity transportation plans shall be included
7 in the designated (~~((metropolitan))~~) regional transportation planning
8 organization's regional transportation plan review and update process
9 to facilitate development of a coordinated multimodal transportation
10 system and to meet federal funding requirements.

11 (2) (~~((The state))~~) Interlocal agreements between transit authorities
12 and local jurisdictions shall (~~((cooperate in encouraging))~~) set forth
13 conditions for assuring integrated high capacity and land (~~((uses~~
14 ~~compatible with development of high capacity transportation systems))~~)
15 use implementing actions. These include developing sufficient land use
16 densities through local actions in high capacity transportation
17 corridors and near passenger stations, preserving transit rights of
18 way, and protecting the region's environmental quality. Siting of high
19 capacity transportation facilities shall favor local jurisdictions with
20 supportive land use plans. In developing local actions intended to
21 carry out these policies local governments shall insure the opportunity
22 for public comment and participation in the siting of such facilities,
23 including stations or transfer facilities. Agencies providing high
24 capacity transportation services, in cooperation with public and
25 private interests, shall promote transit-compatible land uses and
26 development which includes joint development.

27 (3) Interlocal agreements shall be consistent with state growth
28 strategy goals for protecting resource lands, critical areas, open
29 spaces, and lands and resources of state-wide significance. Agreements
30 shall also include plans for concentrated employment centers, mixed-use

1 development, and housing densities that support high capacity
2 transportation systems.

3 (4) Agencies providing high capacity transportation service and
4 transit agencies shall develop a cooperative process for the planning,
5 development, operations, and funding of feeder transportation systems.
6 Feeder systems may include existing and future intercity passenger
7 systems and alternative technology people mover systems which may be
8 developed by the private or public sector.

9 ((+4)) (5) Jurisdictions, working through their designated
10 ((metropolitan)) regional transportation planning organizations, shall
11 manage a right of way preservation review process which includes
12 activities to promote the preservation of the high capacity
13 transportation rights of way.

14 (a) Jurisdictions shall forward all development proposals for
15 projects within and adjoining to the rights of way proposed for
16 preservation to the designated ((metropolitan)) regional transportation
17 planning organizations, which shall distribute the proposals for local
18 and regional agency review.

19 (b) The ((metropolitan)) regional transportation planning
20 organizations shall also review proposals for conformance with the
21 regional transportation plan and associated regional development
22 strategies. The designated ((metropolitan)) regional transportation
23 planning organization shall within ninety days compile local and
24 regional agency comments and communicate the same to the originating
25 jurisdiction and the joint regional policy committee or, if
26 established, a regional high capacity transportation authority.

27 **Sec. 7.** RCW 81.104.090 and 1990 c 43 s 30 are each amended to read
28 as follows:

1 The department of transportation shall, upon dissolution of the
2 rail development commission, assume responsibility for distributing
3 amounts appropriated from the high capacity transportation account and
4 shall prioritize funding requests based on criteria in subsection (3)
5 of this section.

6 (1) The department shall establish an advisory council of policy
7 and technical experts pursuant to RCW 47.01.091 to assist in the review
8 of requests for high capacity transportation account funds. The
9 council shall be comprised of one representative from each
10 congressional district, a designee of the governor, the executive
11 director or a designee of the transportation improvement board, the
12 director of the Washington state transportation center, and the chair
13 or designee of the legislative transportation committee.

14 (2) State high capacity transportation account funds may provide up
15 to eighty percent matching assistance for high capacity transportation
16 planning efforts and for support of interim regional high capacity
17 transportation authorities.

18 (3) Authorizations for state funding for high capacity
19 transportation planning projects shall be subject to the following
20 criteria:

21 (a) Conformance with the designated (~~metropolitan~~) regional
22 transportation planning organization's regional transportation plan;

23 (b) Local matching funds;

24 (c) Demonstration of projected improvement in regional mobility;

25 (d) Conformance with planning requirements prescribed in RCW
26 81.104.100, and if five hundred thousand dollars or more in state
27 funding is requested, conformance with the requirements of RCW
28 81.104.110; and

29 (e)(i) Establishment, through interlocal agreements, of a regional
30 policy committee with proportional representation based upon population

1 distribution within each agency's designated service area as defined in
2 RCW 81.104.030;

3 (ii) Establishment of a demonstrated regional agreement through a
4 multijurisdictional conference to pursue high capacity transportation
5 development on a subregional basis through established transit planning
6 and operating agencies as defined in RCW 81.104.040; or

7 (iii) Establishment, through a multijurisdictional conference, of
8 an interim high capacity transportation authority as defined in RCW
9 81.104.040.

10 (4) The department of transportation shall provide general review
11 and monitoring of the system and project planning process prescribed in
12 RCW 81.104.100.

13 **Sec. 8.** RCW 81.104.100 and 1990 c 43 s 31 are each amended to read
14 as follows:

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

17 (1) (~~System~~) Regional, multimodal planning is the ongoing urban
18 transportation planning process conducted in each urbanized area by its
19 (~~metropolitan~~) regional transportation planning organization. During
20 this process, regional transportation goals are identified, travel
21 patterns are analyzed, and future land use and travel are projected.
22 The system planning process provides a comprehensive view of the
23 region's transportation needs but does not select a specified mode to
24 serve those needs. System planning shall identify a priority corridor
25 or corridors for further study of high capacity transportation
26 facilities if it is deemed feasible by local officials.

27 (2)(a) (~~Project~~) High capacity transportation system planning is
28 the detailed evaluation of a range of public transportation options,

1 including (i) do nothing, (ii) low capital, and (iii) ranges of higher
2 capital facilities.

3 (b) (~~Project~~) High capacity transportation system planning shall
4 proceed as follows:

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

9 (ii) Development of options. Options to be studied shall be
10 developed to ensure an appropriate range of technologies and service
11 policies can be evaluated. A do-nothing option and a low capital
12 option that maximizes the current system shall be developed. Several
13 higher capital options that consider several candidate technologies
14 shall be developed.

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

19 (iv) Study of options. The local transit agency shall use the
20 methods described in (iii) of this subsection to produce impact
21 information needed for project evaluation and for the preparation of an
22 environmental impact statement. The impact evaluation shall address
23 the impact that such a project will have on abutting or nearby
24 residential or commercial property owners. The process of
25 identification of corridors, places to be served by high capacity
26 transportation, and a narrow range of routes between places shall
27 include notification of affected property owners by normal legal
28 publication. At minimum, such notification shall include notice on the
29 same day for at least three weeks in at least two newspapers of general
30 circulation in the county where such project is proposed. Special

1 notice of hearings by the conspicuous posting of notice, in a manner
2 designed to attract public attention, in the vicinity of areas
3 identified for station locations or transfer sites shall also be
4 provided.

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

10 ((~~vi~~)) (3) Detailed planning process. In order to increase the
11 likelihood of future federal funding, the system and project planning
12 processes shall follow the urban mass transportation administration's
13 requirements as described in "Procedures and Technical Methods for
14 Transit Project Planning", published by the United States department of
15 transportation, urban mass transportation administration, September
16 1986, or the most recent edition. Nothing in this subsection shall be
17 construed to preclude detailed evaluation of more than one corridor in
18 the planning process.

19 **Sec. 9.** RCW 81.104.110 and 1990 c 43 s 32 are each amended to read
20 as follows:

21 The legislature recognizes that the planning process described in
22 RCW 81.104.100 provides a recognized framework for guiding high
23 capacity transportation studies. However, the process cannot guarantee
24 appropriate transit decisions unless key study assumptions are
25 reasonable.

26 SYSTEM PLAN OVERSIGHT. To assure appropriate ((~~project~~)) system
27 plan assumptions and to provide for review of ((~~project~~)) system plan
28 results, the department of transportation shall develop independent
29 oversight procedures which are appropriate to the scope of any system

1 or project plan for which high capacity transportation account funds
2 are requested.

3 An expert review panel shall be appointed to provide independent
4 technical review for any (~~project~~) system plan which is to be funded
5 in whole or in part by the imposition of any voter-approved local
6 option funding sources enumerated in RCW 81.104.140.

7 (1) The expert review panel shall consist of ten members who are
8 recognized experts in relevant fields, such as transit operations,
9 planning, emerging transportation technologies, engineering, finance,
10 law, the environment, geography, economics, and political science.

11 (2) The expert review panel shall be selected cooperatively by the
12 chair of the legislative transportation committee, the secretary of the
13 department of transportation, and the governor to assure a balance of
14 disciplines.

15 (3) The chair of the expert review panel shall be designated by the
16 appointing body.

17 (4) The expert review panel shall serve without compensation but
18 shall be reimbursed for expenses according to chapter 43.03 RCW.

19 (5) Funds appropriated for expenses of the expert panel shall be
20 administered by the department of transportation until the system plan
21 is approved by the voters.

22 (6) The expert panel shall review all reports required in RCW
23 81.104.100(2)(~~(b)(vi)~~) and (3) but shall concentrate on service modes
24 and concepts, costs, patronage, financing, and project evaluation and
25 may provide continuing oversight and comment on all material
26 recommendations made for the implementation of high capacity
27 transportation services.

28 (7) The expert panel shall provide timely reviews and comments on
29 individual project reports and study conclusions to the governor, the
30 legislative transportation committee, the department of transportation,

1 the regional transportation planning organization, and the submitting
2 lead transit agency.

3 (8) The legislative transportation committee shall contract for
4 consulting services for an expert review ((panels)) panel until the
5 system plan is approved by the voters. The amount of consultant
6 support shall be negotiated with each expert review panel by the
7 legislative transportation committee and shall be paid from the high
8 capacity transportation account.

9 **Sec. 10.** RCW 81.104.140 and 1990 c 43 s 35 are each amended to
10 read as follows:

11 (1) Agencies authorized to provide high capacity transportation
12 service, including city-owned transit systems, county transportation
13 authorities, metropolitan municipal corporations and public
14 transportation benefit areas, are hereby granted dedicated funding
15 sources for such systems. These dedicated funding sources, as set
16 forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized
17 only for agencies located in class AA counties, class A counties,
18 counties of the first class which border another state, and counties
19 which, on March 14, 1990, are of the second class and which adjoin
20 class A counties.

21 (2) Agencies providing high capacity transportation service should
22 also seek other funds, including federal, state, local, and private
23 sector assistance.

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

26 (a) Acceptability;

27 (b) Ease of administration;

28 (c) Equity;

29 (d) Implementation feasibility;

1 (e) Revenue reliability; and

2 (f) Revenue yield.

3 (4) Agencies participating in regional high capacity transportation
4 system development through interlocal agreements or a conference-
5 approved interim regional rail authority or subregional process as
6 defined in RCW 81.104.040 are authorized to levy and collect either
7 separately or in combination on one ballot the following voter-approved
8 local option funding sources:

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

10 (b) Special motor vehicle excise tax as provided in RCW 81.104.160;
11 and

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

13 Revenues from these taxes may be used only to support those
14 purposes prescribed in subsection (8) of this section. Before an
15 agency may impose any of the taxes enumerated in this section and
16 authorized in RCW 81.104.150, 81.104.160, and 81.104.170, it must
17 comply with the process prescribed in RCW 81.104.100(1) and (2) and
18 81.104.110. No construction of exclusive right of way may occur before
19 the requirements of RCW 81.104.100(3) are met.

20 (5) Authorization in subsection (4) of this section shall not
21 adversely affect the funding authority of existing transit agencies.
22 Local option funds may be used to support implementation of interlocal
23 agreements with respect to the establishment of regional high capacity
24 transportation service. Local jurisdictions shall retain control over
25 moneys generated within their boundaries, although funds may be
26 commingled for planning, construction, and operation of high capacity
27 transportation systems as set forth in the agreements.

28 (6) Agencies providing high capacity transportation service may
29 contract with the state for collection and transference of local option
30 revenue.

1 (7) Dedicated high capacity transportation funding shall be subject
2 to voter approval by a simple majority.

3 (8) Agencies providing high capacity transportation service shall
4 retain responsibility for revenue encumbrance, disbursement, and
5 bonding. Funds may be used for any purpose relating to planning,
6 construction, and operation of high capacity transportation systems,
7 commuter rail systems, and feeder transportation systems.

8 **Sec. 11.** RCW 81.104.160 and 1990 c 43 s 42 are each amended to
9 read as follows:

10 Any city that operates a transit system, county transportation
11 authority, metropolitan municipal corporation, or public transportation
12 benefit area, solely for the purpose of providing high capacity
13 transportation service may submit an authorizing proposition to the
14 voters, and if approved, may levy and collect an excise tax, at a rate
15 approved by the voters, but not exceeding eighty one-hundredths of one
16 percent on the value, under chapter 82.44 RCW, of every motor vehicle
17 owned by a resident of such city, county transportation authority,
18 metropolitan municipal corporation, or public transportation benefit
19 area. In any county imposing a motor vehicle excise tax surcharge
20 pursuant to RCW 81.100.060, the maximum tax rate under this section
21 shall be reduced to a rate equal to eighty one-hundredths of one
22 percent on the value less the equivalent motor vehicle excise tax rate
23 of the surcharge imposed pursuant to RCW 81.100.060. (~~(This authority~~
24 ~~may be exercised only if all local agencies which are parties to an~~
25 ~~interlocal agreement or members of a regional authority under RCW~~
26 ~~81.104.040 are imposing the tax at the same rate.)) This rate shall
27 not apply to vehicles licensed under RCW 46.16.070 except vehicles with
28 an unladen weight of six thousand pounds or less, RCW 46.16.079,
29 46.16.080, 46.16.085, or 46.16.090.~~