

---

HOUSE BILL 2094

---

State of Washington                      53rd Legislature                      1993 Regular Session

By Representatives Heavey and G. Cole

Read first time 03/05/93. Referred to Committee on Local Government.

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

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

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

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

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

14            (2) To acquire by purchase, condemnation, gift, or grant and to  
15 lease, construct, add to, improve, replace, repair, maintain, operate,  
16 and regulate the use of metropolitan transportation facilities and  
17 properties within or without the metropolitan area, including systems  
18 of surface, underground, or overhead railways, tramways, buses, or any  
19 other means of local transportation except taxis, and including

1 escalators, moving sidewalks, or other people-moving systems, passenger  
2 terminal and parking facilities and properties, and such other  
3 facilities and properties as may be necessary for passenger and  
4 vehicular access to and from such people-moving systems, terminal and  
5 parking facilities and properties, together with all lands, rights of  
6 way, property, equipment, and accessories necessary for such systems  
7 and facilities. Public transportation facilities and properties which  
8 are owned by any city may be acquired or used by the metropolitan  
9 municipal corporation only with the consent of the city council of the  
10 city owning such facilities. Cities are hereby authorized to convey or  
11 lease such facilities to metropolitan corporations or to contract for  
12 their joint use on such terms as may be fixed by agreement between the  
13 city council of such city and the metropolitan council, without  
14 submitting the matter to the voters of such city.

15 The facilities and properties of a metropolitan public  
16 transportation system whose vehicles will operate primarily within the  
17 rights of way of public streets, roads, or highways, may be acquired,  
18 developed and operated without the corridor and design hearings which  
19 are required by RCW 35.58.273 for mass transit facilities operating on  
20 a separate right of way.

21 (3) To fix rates, tolls, fares, and charges for the use of such  
22 facilities and to establish various routes and classes of service.  
23 Fares or charges may be adjusted or eliminated for any distinguishable  
24 class of users including, but not limited to, senior citizens,  
25 handicapped persons, and students. Classes of service and fares will  
26 be maintained in the several parts of the metropolitan area at such  
27 levels as will provide, insofar as reasonably practicable, that the  
28 portion of any annual transit operating deficit of the metropolitan  
29 municipal corporation attributable to the operation of all routes,  
30 taken as a whole, which are located within the central city is  
31 approximately in proportion to the portion of total taxes collected by  
32 or on behalf of the metropolitan municipal corporation for transit  
33 purposes within the central city, and that the portion of such annual  
34 transit operating deficit attributable to the operation of all routes,  
35 taken as a whole, which are located outside the central city, is  
36 approximately in proportion to the portion of such taxes collected  
37 outside the central city.

38 (4) To appoint transit police who, upon being appointed and duly  
39 sworn, have full police powers, including but not limited to the power

1 to arrest, for the purpose of enforcing violations of applicable  
2 federal, state, or local government statutes, rules, regulations, or  
3 ordinances that affect the metropolitan municipal corporation's  
4 operations or that occur on or about the facilities, property,  
5 vehicles, and equipment involved in the metropolitan municipal  
6 corporation's operations. Transit police have the power to pursue and  
7 arrest violators beyond the metropolitan municipal corporation's  
8 facilities, properties, vehicles, and equipment. Transit police must  
9 have graduated from a recognized professional police academy or  
10 training institution. The metropolitan municipal corporation is  
11 entitled to a seventy-five percent share of costs or penalties  
12 collected by local governments as a result of their prosecution of  
13 violators cited or arrested by these transit police.

14 In the event any metropolitan municipal corporation shall extend  
15 its metropolitan transportation function to any area or service already  
16 offered by any company holding a certificate of public convenience and  
17 necessity from the Washington utilities and transportation commission  
18 under RCW 81.68.040, it shall by purchase or condemnation acquire at  
19 the fair market value, from the person holding the existing certificate  
20 for providing the services, that portion of the operating authority and  
21 equipment representing the services within the area of public  
22 operation.

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

25 A public transportation benefit area authority shall have the  
26 following powers in addition to the general powers granted by this  
27 chapter:

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

32 (2) To acquire by purchase, condemnation, gift, or grant and to  
33 lease, construct, add to, improve, replace, repair, maintain, operate,  
34 and regulate the use of transportation facilities and properties within  
35 or without the public transportation benefit area or the state,  
36 including systems of surface, underground, or overhead railways,  
37 tramways, buses, or any other means of local transportation except  
38 taxis, and including escalators, moving sidewalks, or other people-

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

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

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

27 (4) To appoint transit police who, upon being appointed and duly  
28 sworn, have full police powers, including but not limited to the power  
29 to arrest, for the purpose of enforcing violations of applicable  
30 federal, state, or local government statutes, rules, regulations, or  
31 ordinances that affect the authority's operations or that occur on or  
32 about the facilities, property, vehicles, and equipment involved in the  
33 authority's operations. Transit police have the power to pursue and  
34 arrest violators beyond the authority's facilities, properties,  
35 vehicles, and equipment. Transit police must have graduated from a  
36 recognized professional police academy or training institution. The  
37 authority is entitled to a seventy-five percent share of costs or  
38 penalties collected by local governments as a result of their  
39 prosecution of violators cited or arrested by these transit police.

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

--- END ---