
HOUSE BILL 2107

State of Washington

53rd Legislature

1993 Regular Session

By Representatives R. Fisher, Locke, Sommers, Rust, Cothorn, Wolfe, Ogden, Heavey, J. Kohl, Jacobsen, Leonard and Anderson; by request of Governor Lowry

Read first time 03/22/93. Referred to Committee on Transportation.

1 AN ACT Relating to transportation funding; amending RCW 46.16.070,
2 46.16.160, 46.44.0941, 46.44.095, 46.44.096, 46.68.035, 47.78.010,
3 81.104.170, 82.08.050, 82.14.045, 82.36.025, 82.36.415, 82.36.440,
4 82.38.280, 82.80.010, 82.80.090, 39.50.010, 81.104.015, 81.104.010,
5 81.104.020, 81.104.050, 81.104.060, 81.104.070, 81.104.100, 81.104.120,
6 81.104.130, 81.112.010, 81.112.030, 81.112.060, 81.112.070, and
7 81.112.080; reenacting and amending RCW 46.44.041, 82.08.0255,
8 82.12.0256, and 82.44.150; adding a new section to chapter 47.05 RCW;
9 adding new sections to chapter 46.68 RCW; adding new sections to
10 chapter 82.32 RCW; adding new sections to chapter 81.104 RCW; creating
11 new sections; repealing RCW 46.44.160 and 82.36.225; repealing 1987 c
12 175 s 1 and 1980 c 166 s 5 (uncodified); providing an effective date;
13 and declaring an emergency.

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

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PART 1. FINDINGS

NEW SECTION. **Sec. 101.** (1) The legislature finds that:

(a) The existing freeway and highway system that serves the central Puget Sound region has become increasingly congested;

(b) The peak hours of traffic congestion have expanded so as now to occupy as much as eight hours per day on weekdays;

(c) During bad weather or in the event of accidents the traffic can be delayed or stalled for hours;

(d) Existing freeways, Interstates 5, 90, 405, and 520, and freeway bridges now move traffic especially during peak hours with considerable hazard including sudden death and injury;

(e) The problems under (a) through (d) of this subsection all result in that the freeways, highways, and bridges no longer serve their intended purpose;

(f) Continuation of these conditions steadily increases the physical damage to and the cost of maintenance of the freeways, highways, and bridges;

(g) Alleviation of the overcrowded and congested conditions will improve the flow of traffic, reducing the hazards and dangers, and restore these freeways, highways, and bridges; and

(h) The necessary and desirable reduction of congestion can, in view of the configuration and topography of the region and the difficulty of obtaining right of way for additional freeway construction as well as the probable expense of the right of way, only be feasible if done by construction of high capacity transportation systems.

It is the purpose of this act to provide financial assistance to transit agencies for the planning, design, acquisition, and construction of high capacity transportation systems.

1 (2) The legislature further finds that an efficient transportation
2 system is necessary for a strong and competitive economy and that there
3 are opportunities to improve the existing transportation system in
4 Washington. Investing in the transportation system will create
5 opportunities to improve the economy of the state and provide citizens
6 with additional mobility. The legislature also finds that existing
7 revenues dedicated to transportation and the manner in which
8 transportation is funded in Washington do not meet our current and
9 future needs. This act is intended to achieve the following state
10 policies and objectives:

11 (a) High capacity transportation in urban areas: This act will
12 provide a funding mechanism and structure to assist in financing the
13 development and construction of high capacity transportation systems in
14 Washington's larger urban areas. It is apparent that the reliance on
15 automobiles for mobility in the urban areas is no longer efficient and
16 is in fact constricting mobility and commercial activity. Constructing
17 high capacity transportation systems will provide mobility alternatives
18 to automobile travel and allow for more commercially related travel to
19 occur. These systems will use a variety of travel modes including
20 rail, transit, and ridesharing. The efficiency of transit and
21 ridesharing will be enhanced by high occupancy vehicle lanes. These
22 lanes and supporting facilities will encourage our citizens to take
23 transit, carpool, or vanpool thus increasing the efficiency of our
24 existing roadways;

25 (b) Economic enhancement: Investments in the transportation system
26 are beneficial to the state's economy. In the near term, thousands of
27 jobs will be supported through construction of transportation
28 facilities. In the long term, investments in transportation will
29 enhance the state's ability to transport products to market and to
30 remain a viable trading partner. This is especially important when
31 considering the role of Washington ports with Pacific Rim and other
32 emerging markets. The efficient movement of the state's manufactured
33 and agricultural products is of particular interest to the legislature;
34 and

35 (c) Preservation and capacity improvements: This act does not
36 ignore the necessity to preserve and improve our current roadway
37 system. The state, counties, and cities have made substantial
38 investments in transportation infrastructure. It is essential that

1 previous investments not be wasted. Funding will be made available to
2 all jurisdictions to ensure that preservation remains a priority.

3 The legislature further recognizes that unless timely action is
4 taken adverse economic impacts are likely throughout the state. The
5 congestion on and condition of our current roadways will only worsen.
6 Expansion of high capacity and public transportation systems which in
7 turn support growth management and environmental goals will be
8 difficult to achieve. The viability and competitiveness of the state's
9 economy will diminish. The legislature therefore declares a need for
10 a funding mechanism and structure that will ensure mobility options for
11 all Washington citizens and enhances the economic well-being of the
12 state.

13 (End of part)

PART 2. FUNDING

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Sec. 201. RCW 46.16.070 and 1990 c 42 s 105 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to the excise tax prescribed in chapter 82.44 RCW and the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight thereof pursuant to the provisions of chapter 46.44 RCW, the following licensing fees by such gross weight:

4,000 lbs.	\$ ((37.00))	<u>44.00</u>
6,000 lbs.	\$ ((44.00))	<u>53.00</u>
8,000 lbs.	\$ ((55.00))	<u>83.00</u>
10,000 lbs.	\$ ((62.00))	<u>93.00</u>
12,000 lbs.	\$ ((72.00))	<u>108.00</u>
14,000 lbs.	\$ ((82.00))	<u>123.00</u>
16,000 lbs.	\$ ((92.00))	<u>138.00</u>
18,000 lbs.	\$ ((137.00))	<u>206.00</u>
20,000 lbs.	\$ ((152.00))	<u>228.00</u>
22,000 lbs.	\$ ((164.00))	<u>246.00</u>
24,000 lbs.	\$ ((177.00))	<u>266.00</u>
26,000 lbs.	\$ ((187.00))	<u>281.00</u>
28,000 lbs.	\$ ((220.00))	<u>330.00</u>
30,000 lbs.	\$ ((253.00))	<u>380.00</u>
32,000 lbs.	\$ ((304.00))	<u>456.00</u>
34,000 lbs.	\$ ((323.00))	<u>485.00</u>
36,000 lbs.	\$ ((350.00))	<u>525.00</u>
38,000 lbs.	\$ ((384.00))	<u>576.00</u>
40,000 lbs.	\$ ((439.00))	<u>659.00</u>
42,000 lbs.	\$ ((456.00))	<u>684.00</u>
44,000 lbs.	\$ ((466.00))	<u>699.00</u>
46,000 lbs.	\$ ((501.00))	<u>752.00</u>
48,000 lbs.	\$ ((522.00))	<u>783.00</u>
50,000 lbs.	\$ ((566.00))	<u>849.00</u>

1	52,000 lbs.	\$ ((595.00))	893.00
2	54,000 lbs.	\$ ((642.00))	963.00
3	56,000 lbs.	\$ ((677.00))	1,016.00
4	58,000 lbs.	\$ ((704.00))	1,056.00
5	60,000 lbs.	\$ ((750.00))	1,125.00
6	62,000 lbs.	\$ ((804.00))	1,206.00
7	64,000 lbs.	\$ ((822.00))	1,233.00
8	66,000 lbs.	\$ ((915.00))	1,373.00
9	68,000 lbs.	\$ ((954.00))	1,431.00
10	70,000 lbs.	\$((1,027.00))	1,541.00
11	72,000 lbs.	\$((1,098.00))	1,647.00
12	74,000 lbs.	\$((1,193.00))	1,790.00
13	76,000 lbs.	\$((1,289.00))	1,934.00
14	78,000 lbs.	\$((1,407.00))	2,111.00
15	80,000 lbs.	\$((1,518.00))	2,277.00
16	<u>82,000 lbs.</u>	\$ 2,435.00	
17	<u>84,000 lbs.</u>	\$ 2,592.00	
18	<u>86,000 lbs.</u>	\$ 2,750.00	
19	<u>88,000 lbs.</u>	\$ 2,907.00	
20	<u>90,000 lbs.</u>	\$ 3,065.00	
21	<u>92,000 lbs.</u>	\$ 3,222.00	
22	<u>94,000 lbs.</u>	\$ 3,380.00	
23	<u>96,000 lbs.</u>	\$ 3,537.00	
24	<u>98,000 lbs.</u>	\$ 3,695.00	
25	<u>100,000 lbs.</u>	\$ 3,852.00	
26	<u>102,000 lbs.</u>	\$ 4,010.00	
27	<u>104,000 lbs.</u>	\$ 4,167.00	
28	<u>105,500 lbs.</u>	\$ 4,325.00	

29 Every motor truck, truck tractor, and tractor exceeding 6,000
30 pounds empty scale weight registered under chapter 46.16, 46.87, or
31 46.88 RCW shall be licensed for not less than one hundred fifty percent
32 of its empty weight unless the amount would be in excess of the legal
33 limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in
34 which event the vehicle shall be licensed for the maximum weight
35 authorized for such a vehicle.

36 The following provisions apply when increasing gross or combined
37 gross weight for a vehicle licensed under this section:

38 (a) The new license fee will be one- twelfth of the fee listed
39 above for the new gross weight, multiplied by the number of months

1 remaining in the period for which licensing fees have been paid,
2 including the month in which the new gross weight is effective.

3 (b) Upon surrender of the current certificate of registration or
4 cab card, the new licensing fees due shall be reduced by the amount of
5 the licensing fees previously paid for the same period for which new
6 fees are being charged.

7 (2) The proceeds from the fees collected under subsection (1) of
8 this section shall be distributed in accordance with RCW 46.68.035.

9 **Sec. 202.** RCW 46.16.160 and 1987 c 244 s 6 are each amended to
10 read as follows:

11 (1) The owner of a vehicle which under reciprocal relations with
12 another jurisdiction would be required to obtain a license registration
13 in this state or an unlicensed vehicle which would be required to
14 obtain a license registration for operation on public highways of this
15 state may, as an alternative to such license registration, secure and
16 operate such vehicle under authority of a trip permit issued by this
17 state in lieu of a Washington certificate of license registration, and
18 licensed gross weight if applicable. The licensed gross weight may not
19 exceed eighty thousand pounds for a combination of vehicles nor forty
20 thousand pounds for a single unit vehicle with three or more axles.
21 Trip permits may also be issued for movement of mobile homes pursuant
22 to RCW 46.44.170. For the purpose of this section, a vehicle is
23 considered unlicensed if the licensed gross weight currently in effect
24 for the vehicle or combination of vehicles is not adequate for the load
25 being carried. Vehicles registered under RCW 46.16.135 shall not be
26 operated under authority of trip permits in lieu of further
27 registration within the same registration year.

28 (2) Each trip permit shall authorize the operation of a single
29 vehicle at the maximum legal weight limit for such vehicle for a period
30 of three consecutive days commencing with the day of first use. No
31 more than three such permits may be used for any one vehicle in any
32 period of thirty consecutive days. Every permit shall identify, as the
33 department may require, the vehicle for which it is issued and shall be
34 completed in its entirety and signed by the operator before operation
35 of the vehicle on the public highways of this state. Correction of
36 data on the permit such as dates, license number, or vehicle
37 identification number invalidates the permit. The trip permit shall be

1 displayed on the vehicle to which it is issued as prescribed by the
2 department.

3 (3) Vehicles operating under authority of trip permits are subject
4 to all laws, rules, and regulations affecting the operation of like
5 vehicles in this state.

6 (4) Prorate operators operating commercial vehicles on trip permits
7 in Washington shall retain the customer copy of such permit for four
8 years.

9 (5) Blank trip permits may be obtained from field offices of the
10 department of transportation, Washington state patrol, department of
11 licensing, or other agents appointed by the department. For each
12 permit issued, there shall be collected a filing fee as provided by RCW
13 46.01.140, an administrative fee of eight dollars, and an excise tax of
14 one dollar. If the filing fee amount of one dollar prescribed by RCW
15 46.01.140 is increased or decreased after January 1, 1981, the
16 administrative fee shall be adjusted to compensate for such change to
17 insure that the total amount collected for the filing fee,
18 administrative fee, and excise tax remain at ten dollars. These fees
19 and taxes are in lieu of all other vehicle license fees and taxes. No
20 exchange, credits, or refunds may be given for trip permits after they
21 have been purchased.

22 (6) The department may appoint county auditors or businesses as
23 agents for the purpose of selling trip permits to the public. County
24 auditors or businesses so appointed may retain the filing fee collected
25 for each trip permit to defray expenses incurred in handling and
26 selling the permits.

27 (7) A violation of or a failure to comply with any provision of
28 this section is a gross misdemeanor.

29 (8) The department of licensing may adopt rules as it deems
30 necessary to administer this section.

31 (9) All administrative fees and excise taxes collected under the
32 provisions of this chapter shall be forwarded by the department with
33 proper identifying detailed report to the state treasurer who shall
34 deposit the administrative fees to the credit of the motor vehicle fund
35 and the excise taxes to the credit of the general fund. Filing fees
36 will be forwarded and reported to the state treasurer by the department
37 as prescribed in RCW 46.01.140.

1 **Sec. 203.** RCW 46.44.041 and 1988 c 229 s 1 and 1988 c 6 s 2 are
2 each reenacted and amended to read as follows:

3 No vehicle or combination of vehicles shall operate upon the public
4 highways of this state with a gross load on any single axle in excess
5 of twenty thousand pounds, or upon any group of axles in excess of that
6 set forth in the following table, except that two consecutive sets of
7 tandem axles may carry a gross load of thirty-four thousand pounds
8 each, if the overall distance between the first and last axles of such
9 consecutive sets of tandem axles is thirty-six feet or more.

10	Dis-								
11	tance								
12	in feet								
13	between								
14	the ex-								
15	tremes								
16	of any								
17	group								
18	of 2								
19	or more								
20	consecu-								
21	tive								
22		2	3	4	5	6	7	8	9
23	axles	axles	axles	axles	axles	axles	axles	axles	axles
24	4	34,000							
25	5	34,000							
26	6	34,000							
27	7	34,000							
28	8	34,000	42,000						
29	9	39,000	42,500						
30	10	40,000	43,500						
31	11		44,000						
32	12		45,000	50,000					
33	13		45,500	50,500					
34	14		46,500	51,500					
35	15		47,000	52,000					
36	16		48,000	52,500	((52,500))				
37					<u>58,000</u>				

1	17	48,500	53,500	((53,500))				
2				<u>58,500</u>				
3	18	49,500	54,000	((54,000))				
4				<u>59,000</u>				
5	19	50,000	54,500	((54,500))				
6				<u>60,000</u>				
7	20	51,000	55,500	((55,500))				
8				<u>60,500</u>	<u>66,000</u>			
9	21	51,500	56,000	((56,000))				
10				<u>61,000</u>	<u>66,500</u>			
11	22	52,500	56,500	((56,500))				
12				<u>61,500</u>	<u>67,000</u>			
13	23	53,000	57,500	((57,500))				
14				<u>62,500</u>	<u>68,000</u>			
15	24	54,000	58,000	((58,000))				
16				<u>63,000</u>	<u>68,500</u>	<u>74,000</u>		
17	25	54,500	58,500	((58,500))				
18				<u>63,500</u>	<u>69,000</u>	<u>74,500</u>		
19	26	55,500	59,500	((59,500))				
20				<u>64,000</u>	<u>69,500</u>	<u>75,000</u>		
21	27	56,000	60,000	((60,000))				
22				<u>65,000</u>	<u>70,000</u>	<u>75,500</u>		
23	28	57,000	60,500	((61,000-61,000))				
24				<u>65,500</u>	<u>71,000</u>	<u>76,500</u>	<u>82,000</u>	
25	29	57,500	61,500	((62,000-62,000))				
26				<u>66,000</u>	<u>71,500</u>	<u>77,000</u>	<u>82,500</u>	
27	30	58,500	62,000	((63,000-63,000))				
28				<u>66,500</u>	<u>72,000</u>	<u>77,500</u>	<u>83,000</u>	
29	31	59,000	62,500	((64,000-64,500))				
30				<u>67,500</u>	<u>72,500</u>	<u>78,000</u>	<u>83,500</u>	
31	32	60,000	63,500	((65,000-65,000))				
32				<u>68,000</u>	<u>73,000</u>	<u>78,500</u>	<u>84,500</u>	<u>90,000</u>
33	33		64,000	((66,000-66,000))				
34				<u>68,500</u>	<u>74,000</u>	<u>79,000</u>	<u>85,000</u>	<u>90,500</u>
35	34		64,500	((67,000-67,000))				
36				<u>69,000</u>	<u>74,500</u>	<u>80,000</u>	<u>85,500</u>	<u>91,000</u>
37	35		65,500	((68,000-68,000))				
38				<u>70,000</u>	<u>75,000</u>	<u>80,500</u>	<u>86,000</u>	<u>91,500</u>

1	36	66,000	((69,500—69,500))				
2				<u>70,500</u>	<u>75,500</u>	<u>81,000</u>	<u>86,500</u> <u>92,000</u>
3	37	66,500	((70,500—70,500))				
4				<u>71,000</u>	<u>76,000</u>	<u>81,500</u>	<u>87,000</u> <u>93,000</u>
5	38	67,500	((72,000—72,000))				
6				<u>71,500</u>	<u>77,000</u>	<u>82,000</u>	<u>87,500</u> <u>93,500</u>
7	39	68,000	72,500 ((72,500))				
8					<u>77,000</u>	<u>82,500</u>	<u>88,500</u> <u>94,000</u>
9	40	68,500	73,000 ((73,000))				
10					<u>78,000</u>	<u>83,500</u>	<u>89,000</u> <u>94,500</u>
11	41	69,500	73,500 ((73,500))				
12					<u>78,500</u>	<u>84,000</u>	<u>89,500</u> <u>95,000</u>
13	42	70,000	74,000 ((74,000))				
14					<u>79,000</u>	<u>84,500</u>	<u>90,000</u> <u>95,500</u>
15	43	70,500	75,000 ((75,000))				
16					<u>80,000</u>	<u>85,000</u>	<u>90,500</u> <u>96,000</u>
17	44	71,500	75,500 ((75,500))				
18					<u>80,500</u>	<u>85,500</u>	<u>91,000</u> <u>96,500</u>
19	45	72,000	76,000 ((76,000))				
20					<u>81,000</u>	<u>86,000</u>	<u>91,500</u> <u>97,500</u>
21	46	72,500	76,500 ((80,000—80,000))				
22					<u>81,500</u>	<u>87,000</u>	<u>92,500</u> <u>98,000</u>
23	47	73,500	((77,000—81,000—81,000))				
24				<u>77,500</u>	<u>82,000</u>	<u>87,500</u>	<u>93,000</u> <u>98,500</u>
25	48	74,000	78,000 ((82,000—82,000))				
26					<u>83,000</u>	<u>88,000</u>	<u>93,500</u> <u>99,000</u>
27	49	74,500	78,500 ((83,000—83,000))				
28					<u>83,500</u>	<u>88,500</u>	<u>94,000</u> <u>99,500</u>
29	50	75,500	79,000 84,000 ((84,000))				
30						<u>89,000</u>	<u>94,500</u> <u>100,000</u>
31	51	76,000	80,000 84,500 ((85,000))				
32						<u>89,500</u>	<u>95,000</u> <u>100,500</u>
33	52	76,500	80,500 85,000 ((86,000))				
34						<u>90,500</u>	<u>95,500</u> <u>101,000</u>
35	53	77,500	81,000 86,000 ((87,000))				
36						<u>91,000</u>	<u>96,500</u> <u>102,000</u>
37	54	78,000	81,500 86,500				
38							((88,000—91,000—91,000))
39						<u>91,500</u>	<u>97,000</u> <u>102,500</u>

1	55	78,500	82,500	87,000	
2					(89,000 92,000 92,000)
3					<u>92,000</u> <u>97,500</u> <u>103,000</u>
4	56	79,500	83,000	87,500	
5					(90,000 93,000 93,000)
6					<u>92,500</u> <u>98,000</u> <u>103,500</u>
7	57	80,000	83,500	88,000	
8					(91,000 94,000 94,000)
9					<u>93,000</u> <u>98,500</u> <u>104,000</u>
10	58				(84,000 89,000 92,000 95,000 95,000)
11					<u>84,000</u> <u>89,000</u> <u>94,000</u> <u>99,000</u> <u>104,500</u>
12	59				(85,000 89,500 93,500 96,000 96,000)
13					<u>85,000</u> <u>89,000</u> <u>94,500</u> <u>99,500</u> <u>105,500</u>
14	60				85,500 90,000 95,000
15					(97,000 97,000)
16					<u>100,500</u> <u>105,500</u>
17	61				86,000 90,500 95,500
18					(98,000 98,000)
19					<u>101,000</u> <u>105,500</u>
20	62				(87,000) 91,000 96,000
21					(99,000 99,000)
22					<u>86,500</u> <u>101,500</u> <u>105,500</u>
23	63				87,500 92,000
24					(97,000 100,000 100,000)
25					<u>96,500</u> <u>102,000</u> <u>105,500</u>
26	64				88,000 92,500 97,500
27					(101,000 101,000)
28					<u>102,500</u> <u>105,500</u>
29	65				88,500 93,000 98,000
30					(102,000 102,000)
31					<u>103,000</u> <u>105,500</u>
32	66				89,500 93,500 98,500
33					(103,000 103,000)
34					<u>103,500</u> <u>105,500</u>
35	67				90,000 94,000 99,000
36					(104,000 104,000)
37					<u>104,500</u> <u>105,500</u>

1	68	90,500	95,000	99,500	105,000	
2						((105,000))
3						<u>105,500</u>
4	69	91,000	95,500	100,000	105,500	105,500
5	70	92,000	96,000	101,000	105,500	105,500

6 When inches are involved: Under six inches take lower, six inches or
7 over take higher. The maximum load on any axle in any group of axles
8 shall not exceed the single axle or tandem axle allowance as set forth
9 in the table above.

10 The maximum axle and gross weights specified in this section are
11 subject to the braking requirements set up for the service brakes upon
12 any motor vehicle or combination of vehicles as provided by law.

13 ~~((It is unlawful to operate upon the public highways any single
14 unit vehicle, supported upon three axles or more with a gross weight
15 including load in excess of forty thousand pounds or any combination of
16 vehicles having a gross weight in excess of eighty thousand pounds
17 without first obtaining an additional tonnage permit as provided for in
18 RCW 46.44.095: PROVIDED, That when a combination of vehicles has
19 purchased license tonnage in excess of seventy-two thousand pounds as
20 provided by RCW 46.16.070, such excess license tonnage may be applied
21 to the power unit subject to limitations of RCW 46.44.042 and this
22 section when such vehicle is operated without a trailer.))~~

23 It is unlawful to operate any vehicle upon the public highways
24 equipped with two axles spaced less than seven feet apart unless the
25 two axles are so constructed and mounted that the difference in weight
26 between the axles does not exceed three thousand pounds. However,
27 variable lift axles are exempt from this requirement. For purposes of
28 this section, a "variable lift axle" is an axle that may be lifted from
29 the roadway surface, whether by air, hydraulic, mechanical, or any
30 combination of these means. The weight allowed on the axle is governed
31 by RCW 46.44.042 and this section.

32 Loads of not more than eighty thousand pounds which may be legally
33 hauled in the state bordering this state which also has a sales tax,
34 are legal in this state when moving to a port district within four
35 miles of the bordering state except on the interstate system. This
36 provision does not allow the operation of a vehicle combination
37 consisting of a truck tractor and three trailers.

1 Notwithstanding anything contained herein, a vehicle or combination
2 of vehicles in operation on January 4, 1975, may operate upon the
3 public highways of this state, including the interstate system within
4 the meaning of section 127 of Title 23, United States Code, with an
5 overall gross weight upon a group of two consecutive sets of dual axles
6 which was lawful in this state under the laws, regulations, and
7 procedures in effect in this state on January 4, 1975.

8 **Sec. 204.** RCW 46.44.0941 and 1990 c 42 s 107 are each amended to
9 read as follows:

10 The following fees, in addition to the regular license and tonnage
11 fees, shall be paid for all movements under special permit made upon
12 state highways. All funds collected, except the amount retained by
13 authorized agents of the department as provided in RCW 46.44.096, shall
14 be forwarded to the state treasury and shall be deposited in the motor
15 vehicle fund:

16 All overlegal loads, except overweight, single	
17 trip.....	\$ 10.00
18 Continuous operation of overlegal loads	
19 having either overwidth or overheight	
20 features only, for a period not to exceed	
21 thirty days.....	\$ 20.00
22 Continuous operations of overlegal loads	
23 having overlength features only, for a	
24 period not to exceed thirty days.....	\$ 10.00
25 Continuous operation of a combination of	
26 vehicles having one trailing unit that	
27 exceeds forty-eight feet and is not	
28 more than fifty-six feet in length, for	
29 a period of one year.....	\$ 100.00
30 Continuous operation of a combination of	
31 vehicles having two trailing units	
32 which together exceed <u>sixty-one</u> feet and	
33 are not more than sixty-eight feet in	
34 length, for a period of one year.....	\$ 100.00
35 Continuous operation of a three-axle fixed	
36 load vehicle having less than 65,000	
37 pounds gross weight, for a period not	

1	to exceed thirty days.....	\$	((70.00))
2			<u>105.00</u>
3	<u>Continuous operation of a four-axle fixed load</u>		
4	<u>vehicle meeting the requirements of</u>		
5	<u>RCW 46.44.091(1) and weighing less than</u>		
6	<u>86,000 pounds gross weight, not to exceed</u>		
7	<u>thirty days.....</u>	\$	<u>135.00</u>
8	Continuous operation of overlegal loads		
9	having nonreducible features not to		
10	exceed eighty-five feet in length and		
11	fourteen feet in width, for a period of		
12	one year.....	\$	150.00
13	<u>Continuous operation of a two or three-axle</u>		
14	<u>collection truck, actually engaged in the</u>		
15	<u>collection of solid waste or recyclables,</u>		
16	<u>or both, under chapter 81.77 or 35.21 RCW</u>		
17	<u>or by contract under RCW 36.58.090, for</u>		
18	<u>one year with an additional six thousand</u>		
19	<u>pounds more than the weight authorized in</u>		
20	<u>RCW 46.16.070 on the rear axle of a two-axle</u>		
21	<u>truck or eight thousand pounds for the tandem</u>		
22	<u>axles of a three-axle truck. RCW 46.44.041</u>		
23	<u>and 46.44.091 notwithstanding, the tire limits</u>		
24	<u>specified in RCW 46.44.042 apply, but none of</u>		
25	<u>the excess weight is valid or may be permitted</u>		
26	<u>on any part of the federal interstate highway</u>		
27	<u>system.....</u>	\$	<u>63.00</u>
28			<u>per thousand pounds</u>

29 The department may issue any of the above-listed permits that
30 involve height, length, or width for an expanded period of consecutive
31 months, not to exceed one year.

32 Continuous operation of farm implements under a permit issued as
33 authorized by RCW 46.44.140 by:

- 34 (1) Farmers in the course of farming activities,
35 for any three-month period.....\$ 10.00
- 36 (2) Farmers in the course of farming activities,
37 for a period not to exceed one year.....\$ 25.00
- 38 (3) Persons engaged in the business of the

1 sale, repair, or maintenance of such
 2 farm implements, for any three-month period.....\$ 25.00
 3 (4) Persons engaged in the business of the
 4 sale, repair, or maintenance of such
 5 farm implements, for a period not to
 6 exceed one year.....\$ 100.00

7 Overweight Fee Schedule

8 Weight over total registered 9 gross weight ((plus additional 10 gross weight purchased under 11 RCW 46.44.095 or 12 46.44.047, or any 13 other statute authorizing the state 14 department of transportation to issue 15 annual overweight permits)).	Fee per mile on state highways
16 1-5,999 pounds.....	\$ ((.07)) <u>.11</u>
17 6,000-11,999 pounds.....	\$ ((.14)) <u>.21</u>
18 12,000-17,999 pounds.....	\$ ((.21)) <u>.32</u>
19 18,000-23,999 pounds.....	\$ ((.35)) <u>.53</u>
20 24,000-29,999 pounds.....	\$ ((.49)) <u>.74</u>
21 30,000-35,999 pounds.....	\$ ((.63)) <u>.95</u>
22 36,000-41,999 pounds.....	\$ ((.84)) <u>1.26</u>
23 42,000-47,999 pounds.....	\$ ((1.05)) <u>1.58</u>
24 48,000-53,999 pounds.....	\$ ((1.26)) <u>1.89</u>
25 54,000-59,999 pounds.....	\$ ((1.47)) <u>2.21</u>
26 60,000-65,999 pounds.....	\$ ((1.68)) <u>2.52</u>
27 66,000-71,999 pounds.....	\$ ((2.03)) <u>3.05</u>
28 72,000-79,999 pounds.....	\$ ((2.38)) <u>3.57</u>
29 80,000 pounds or more.....	\$ ((2.80)) <u>4.20</u>

30 PROVIDED: (a) The minimum fee for any overweight permit shall be
 31 \$14.00, (b) the fee for issuance of a duplicate permit shall be \$14.00,
 32 (c) when computing overweight fees prescribed in this section or in RCW
 33 46.44.095 that result in an amount less than even dollars the fee shall
 34 be carried to the next full dollar if fifty cents or over and shall be
 35 reduced to the next full dollar if forty-nine cents or under.

36 The fees levied in this section and RCW 46.44.095 do not apply to
 37 vehicles owned and operated by the state of Washington, a county within

1 the state, a city or town or metropolitan municipal corporation within
2 the state, or the federal government.

3 **Sec. 205.** RCW 46.44.095 and 1990 c 42 s 108 are each amended to
4 read as follows:

5 (~~When a combination of vehicles has been lawfully licensed to a~~
6 ~~total gross weight of eighty thousand pounds and when a three or more~~
7 ~~axle single unit vehicle has been lawfully licensed to a total gross~~
8 ~~weight of forty thousand pounds pursuant to provisions of RCW~~
9 ~~46.44.041, a permit for additional gross weight may be issued by the~~
10 ~~department of transportation upon the payment of fifty two dollars and~~
11 ~~fifty cents per year for each one thousand pounds or fraction thereof~~
12 ~~of such additional gross weight: PROVIDED, That the tire limits~~
13 ~~specified in RCW 46.44.042 shall apply, and the gross weight on any~~
14 ~~single axle shall not exceed twenty thousand pounds, and the gross load~~
15 ~~on any group of axles shall not exceed the limits set forth in RCW~~
16 ~~46.44.041: PROVIDED FURTHER, That within the tire limits of RCW~~
17 ~~46.44.042, and notwithstanding RCW 46.44.041 and 46.44.091, a permit~~
18 ~~for an additional six thousand pounds may be purchased for the rear~~
19 ~~axles of a two axle garbage truck or eight thousand pounds for the~~
20 ~~tandem axle of a three axle garbage truck at a rate not to exceed~~
21 ~~forty two dollars per thousand. Such additional weight in the case of~~
22 ~~garbage trucks shall not be valid or permitted on any part of the~~
23 ~~federal interstate highway system.~~

24 The annual additional tonnage permits provided for in this section
25 shall be issued upon such terms and conditions as may be prescribed by
26 the department pursuant to general rules adopted by the transportation
27 commission. Such permits shall entitle the permittee to carry such
28 additional load in an amount and upon highways or sections of highways
29 as may be determined by the department of transportation to be capable
30 of withstanding increased gross load without undue injury to the
31 highway: PROVIDED, That the permits are not valid on any highway where
32 the use of such permits would deprive this state of federal funds for
33 highway purposes.

34 For those vehicles registered under chapter 46.87 RCW, the annual
35 additional tonnage permits provided for in this section may be issued
36 to coincide with the registration year of the base jurisdiction. For
37 those vehicles registered under chapter 46.16 RCW and whose
38 registration has staggered renewal dates, the annual additional tonnage

1 permits may be issued to coincide with the expiration date of the
2 registration. The permits may be purchased at any time, and if they
3 are purchased for less than a full year, the fee shall be one twelfth
4 of the full fee multiplied by the number of months, including any
5 fraction thereof, covered by the permit. When the department issues a
6 duplicate permit to replace a lost or destroyed permit and where the
7 department transfers a permit from one vehicle to another a fee of
8 fourteen dollars shall be charged for each duplicate issued or each
9 transfer. The department of transportation shall issue permits on a
10 temporary basis for periods not less than five days at two dollars and
11 eighty cents per day for each two thousands pounds or fraction thereof.

12 The fees levied in RCW 46.44.0941 and this section shall not apply
13 to any vehicles owned and operated by the state of Washington, any
14 county within the state, or any city or town or metropolitan municipal
15 corporation within the state, or by the federal government.

16 In the case of fleets prorating license fees under the provisions
17 of chapter 46.87 RCW, the fees provided for in this section shall be
18 computed by the department of transportation by applying the proportion
19 of the Washington mileage of the fleet in question to the total mileage
20 of the fleet as reported pursuant to chapter 46.87 RCW to the fees that
21 would be required to purchase the additional weight allowance for all
22 eligible vehicles or combinations of vehicles for which the extra
23 weight allowance is requested.

24 When computing fees that result in an amount other than full
25 dollars, the fee shall be increased to the next full dollar if fifty
26 cents or over and shall be reduced to the next full dollar if forty-
27 nine cents or under. The minimum fee for any prorated tonnage permit
28 issued under this section shall be thirty-five dollars.))

29 When a combination of vehicles has been licensed to a total gross
30 weight of 80,000 pounds or when a three or more axle single unit
31 vehicle has been licensed to a total gross weight of 40,000 pounds, a
32 temporary additional tonnage permit to haul loads in excess of these
33 limits may be issued. This permit is valid for periods of not less
34 than five days at four dollars and twenty cents per day for each two
35 thousand pounds or fraction thereof. The fee may not be prorated. The
36 permits shall authorize the movement of loads not exceeding the weight
37 limits set forth in RCW 46.44.041 and 46.44.042.

1 **Sec. 206.** RCW 46.44.096 and 1989 c 398 s 4 are each amended to
2 read as follows:

3 In determining fees according to RCW 46.44.0941, mileage on state
4 primary and secondary highways shall be determined from the planning
5 survey records of the department of transportation, and the gross
6 weight of the vehicle or vehicles, including load, shall be declared by
7 the applicant. Overweight on which fees shall be paid will be gross
8 loadings in excess of loadings authorized by law or axle loadings in
9 excess of loadings authorized by law, whichever is the greater. Loads
10 which are overweight and oversize shall be charged the fee for the
11 overweight permit without additional fees being assessed for the
12 oversize features.

13 Special permits issued under RCW 46.44.047, 46.44.0941, or
14 46.44.095, may be obtained from offices of the department of
15 transportation, ports of entry, or other agents appointed by the
16 department.

17 The department may appoint agents for the purposes of selling
18 special motor vehicle permits, temporary additional tonnage permits,
19 and log tolerance permits. Agents so appointed may retain three
20 dollars and fifty cents for each permit sold to defray expenses
21 incurred in handling and selling the permits. If the fee is collected
22 by the department of transportation, the department shall certify the
23 fee so collected to the state treasurer for deposit to the credit of
24 the motor vehicle fund.

25 Fees established in RCW 46.44.0941 shall be paid to the political
26 body issuing the permit if the entire movement is to be confined to
27 roads, streets, or highways for which that political body is
28 responsible. When a movement involves a combination of state highways,
29 county roads, and/or city streets the fee shall be paid to the state
30 department of transportation. When a movement is confined within the
31 city limits of a city or town upon city streets, including routes of
32 state highways on city streets, all fees shall be paid to the city or
33 town involved. A permit will not be required from city or town
34 authorities for a move involving a combination of city or town streets
35 and state highways when the move through a city or town is being
36 confined to the route of the state highway. When a move involves a
37 combination of county roads and city streets the fee shall be paid to
38 the county authorities, but the fee shall not be collected nor the
39 county permit issued until valid permits are presented showing the city

1 or town authorities approve of the move in question. When the movement
2 involves only county roads the fees collected shall be paid to the
3 county involved. Fees established shall be paid to the political body
4 issuing the permit if the entire use of the vehicle during the period
5 covered by the permit shall be confined to the roads, streets, or
6 highways for which that political body is responsible.

7 ~~((If, pursuant to RCW 46.44.090, cities or counties issue
8 additional tonnage permits similar to those provided for issuance by
9 the state department of transportation in RCW 46.44.095, the state
10 department of transportation shall authorize the use of the additional
11 tonnage permits on state highways subject to the following conditions:~~

12 ~~(1) The owner of the vehicle covered by such permit shall establish
13 to the satisfaction of the state department of transportation that the
14 primary use of the vehicle is on the streets or roads of the city or
15 county issuing the additional tonnage permit;~~

16 ~~(2) That the fees paid for the additional tonnage are not less than
17 those established in RCW 46.44.095;~~

18 ~~(3) That the city or county issuing the permit shall allow the use
19 of permits issued by the state pursuant to RCW 46.44.095 on the streets
20 or roads under its jurisdiction;~~

21 ~~(4) That all of the provisions of RCW 46.44.042 and 46.44.041 shall
22 be observed.~~

23 ~~When the department of transportation is satisfied that the above
24 conditions have been met, the department of transportation, by suitable
25 endorsement on the permit, shall authorize its use on such highways as
26 the department has authorized for such permits pursuant to RCW
27 46.44.095, and all such use of such highways is subject to whatever
28 rules and regulations the state department of transportation has
29 adopted for the permits.))~~

30 **Sec. 207.** RCW 46.68.035 and 1990 c 42 s 106 are each amended to
31 read as follows:

32 All proceeds from combined vehicle licensing fees received by the
33 director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall
34 be forwarded to the state treasurer to be distributed into accounts
35 according to the following method:

36 (1) The sum of two dollars for each vehicle shall be deposited into
37 the highway safety fund, except that for each vehicle registered by a
38 county auditor or agent to a county auditor pursuant to RCW 46.01.140,

1 the sum of two dollars shall be credited to the current county expense
2 fund.

3 (2) The remainder shall be distributed as follows:

4 (a) (~~((25.862))~~) 17.054 percent shall be deposited into the state
5 patrol highway account of the motor vehicle fund;

6 (b) (~~((1.661))~~) 1.509 percent shall be deposited into the Puget Sound
7 ferry operations account of the motor vehicle fund; and

8 (c) The remaining proceeds shall be deposited into the motor
9 vehicle fund.

10 NEW SECTION. **Sec. 208.** A new section is added to chapter 47.05
11 RCW to read as follows:

12 The rural economic diversification support program is established
13 in the department of transportation for the purpose of selecting state
14 highway, county road, and city street improvement projects to be funded
15 from the taxes imposed for this purpose under RCW 82.36.025 and
16 distributed under chapter 46.68 RCW and sections 209 and 210 of this
17 act. In selecting improvement projects, the department shall consider
18 the following criteria:

19 (1) Projects that reduce adverse economic impacts caused by road
20 closures or restrictions under chapter 47.48 RCW;

21 (2) Projects that improve the year-round structural ability of the
22 highway to carry legal loads; and

23 (3) Projects that have funding participation from other sources.

24 NEW SECTION. **Sec. 209.** A new section is added to chapter 46.68
25 RCW to read as follows:

26 All moneys that have accrued or may accrue to the motor vehicle
27 fund from the motor vehicle fuel tax and special fuel tax imposed by
28 RCW 82.36.025(6) shall be distributed monthly by the state treasurer in
29 the following proportions:

30 (1) One-half cent per gallon shall be deposited in the motor
31 vehicle fund solely for the purposes of constructing high occupancy
32 vehicle lanes and related facilities, as defined in RCW 81.100.020 (3)
33 and (4), and for paying the principal and interest on bonds issued for
34 the purposes of constructing high occupancy vehicle lanes and related
35 facilities;

36 (2) One and four-tenths cents per gallon shall be deposited in the
37 motor vehicle fund and shall be expended for highway purposes of the

1 state as defined in RCW 46.68.130. From amounts in the transportation
2 fund appropriated to the department of transportation, an amount
3 equivalent to funds collected by one-fourth cent per gallon motor fuel
4 tax, shall be used for multimodal transportation projects and programs;

5 (3) Four-tenths of one cent per gallon shall be allocated to cities
6 and towns as provided in RCW 46.68.110;

7 (4) One and sixty-five hundredths cents per gallon shall be
8 allocated to counties as provided in RCW 46.68.120; and

9 (5) Seventy-five hundredths of one cent per gallon shall be
10 allocated to the transportation improvement account in the motor
11 vehicle fund and expended in accordance with RCW 47.26.084.

12 (6) Three-tenths of one cent per gallon shall be deposited in the
13 motor vehicle fund solely for the purpose of constructing improvements
14 to state highways, county roads, and city streets selected under the
15 rural economic diversification support program established in section
16 208 of this act.

17 NEW SECTION. **Sec. 210.** A new section is added to chapter 46.68
18 RCW to read as follows:

19 All moneys that have accrued or may accrue to the motor vehicle
20 fund from the motor vehicle fuel tax and special fuel tax imposed by
21 RCW 82.36.025(7) shall be distributed monthly by the state treasurer in
22 the following proportions:

23 (1) One-half cent per gallon shall be deposited in the motor
24 vehicle fund solely for the purposes of constructing high occupancy
25 vehicle lanes and related facilities, as defined in RCW 81.100.020 (3)
26 and (4), and for paying the principal and interest on bonds issued for
27 the purpose of constructing high occupancy vehicle lanes and related
28 facilities;

29 (2) One cent per gallon shall be deposited in the motor vehicle
30 fund and shall be expended for highway purposes of the state as defined
31 in RCW 46.68.130. From amounts in the transportation fund appropriated
32 to the department of transportation, an amount equivalent to funds
33 collected from one-fourth cent per gallon motor fuel tax shall be used
34 for multimodal transportation projects and programs;

35 (3) Four-tenths of one cent per gallon shall be allocated to cities
36 and towns as provided in RCW 46.68.110;

37 (4) One and sixty-five hundredths cents per gallon shall be
38 allocated to counties as provided in RCW 46.68.120;

1 (5) One-half cent per gallon shall be allocated to the
2 transportation improvement account in the motor vehicle fund and
3 expended in accordance with RCW 47.26.084;

4 (6) Two-tenths cent per gallon shall be deposited in the motor
5 vehicle fund solely for the purpose of constructing improvements to
6 state highways, county roads and city streets selected under the rural
7 economic diversification support program established in section 208 of
8 this act; and

9 (7) Seventy-five hundredths of one cent per gallon shall be
10 deposited in the special category C account in the motor vehicle fund
11 for special category C projects.

12 NEW SECTION. **Sec. 211.** A new section is added to chapter 46.68
13 RCW to read as follows:

14 All moneys that have accrued or may accrue to the motor vehicle
15 fund from the motor vehicle fuel tax and special fuel tax imposed by
16 RCW 82.36.025(8) shall be deposited monthly by the state treasurer into
17 the motor vehicle fund and expended, for the purpose of reimbursing the
18 high capacity transportation account for funds expended from that
19 account by the department of transportation and such other state
20 agencies as the legislature may determine to construct high occupancy
21 vehicle lanes and related facilities, ferry vessels and terminals and
22 related facilities, and other roadway-related uses eligible for funding
23 from the motor vehicle fuel tax under existing law, in accordance with
24 section 220 of this act.

25 **Sec. 212.** RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each
26 amended to read as follows:

27 There is hereby established in the state treasury the high capacity
28 transportation account. Money in the account shall be used, after
29 appropriation, for ~~((local high capacity transportation purposes
30 including rail freight))~~ the following purposes:

31 (1) For high capacity transportation purposes, including rail
32 freight, from funds apportioned and distributed under RCW 82.44.150

33 (2)(a);

34 (2) For costs of the department of transportation for
35 administration of the high capacity transportation account and for
36 allocations to transit agencies to satisfy the funding requirements of
37 extended payment grant contracts entered into in accordance with

1 section 302 of this act between the department of transportation and
2 transit agencies for the purpose of financing the capital costs of high
3 capacity transportation systems, including the payment of obligations
4 issued solely for those purposes. Funds deposited in the high capacity
5 transportation account for the purposes of this subsection shall be
6 administered by the department of transportation under RCW 81.104.090
7 and sections 302 and 317 of this act from funds distributed under
8 section 218 of this act; and

9 (3) For expenditures, either directly by the department of
10 transportation or through grants or loans to public transportation
11 agencies, for the capital costs of high capacity transportation
12 systems, passenger rail service, commuter rail systems, intercity rail
13 service, high occupancy vehicle lanes and facilities, ferry vessels and
14 terminals and related facilities, rural public transportation vehicles
15 and facilities, vehicles and facilities necessary for public
16 transportation systems to comply with the federal Americans with
17 Disabilities Act, and other transportation purposes. Funds deposited
18 in the high capacity transportation account for the purposes of this
19 subsection shall be administered by the department of transportation
20 under RCW 81.104.090 and sections 302 and 317 of this act from funds
21 distributed under section 218 of this act.

22 For purposes of this section, capital costs include, but are not
23 limited to: Alternatives analyses as set forth by the federal transit
24 administration; design; engineering; project administration; right of
25 way acquisition; construction costs; and the capital costs of
26 facilities and equipment necessary to construct, operate, and maintain
27 a high capacity transportation system, high occupancy vehicle
28 facilities, associated roadways, and related pedestrian and bicycle
29 facilities necessary to provide high capacity transportation systems
30 authorized under chapter 81.104 RCW.

31 The department shall present a progress report each biennium on the
32 use of the moneys from the account to the chairs of the committees on
33 transportation of the senate and the house of representatives,
34 including one copy to the staff of each of the committees.

35 As used in this section, "obligations" means bonds, notes, bond
36 anticipation notes, commercial paper, or other obligations for borrowed
37 money, or lease, installment purchase, or other similar financing
38 agreements or certificates of participation in such agreements.

1 **Sec. 213.** RCW 81.104.170 and 1992 c 101 s 28 are each amended to
2 read as follows:

3 Cities that operate transit systems, county transportation
4 authorities, metropolitan municipal corporations, public transportation
5 benefit areas, and regional transit authorities may submit an
6 authorizing proposition to the voters and if approved by a majority of
7 persons voting, fix and impose a sales and use tax in accordance with
8 the terms of this chapter, solely for the purpose of providing high
9 capacity transportation service.

10 The tax authorized pursuant to this section shall be in addition to
11 the tax authorized by RCW 82.14.030 and shall be collected from those
12 persons who are taxable by the state pursuant to chapters 82.08 and
13 82.12 RCW upon the occurrence of any taxable event within the taxing
14 district. The maximum rate of such tax shall be approved by the voters
15 and shall not exceed five-tenths of one percent of the selling price
16 (in the case of a sales tax) or value of the article used (in the case
17 of a use tax). The maximum rate of such tax that may be imposed shall
18 not exceed (~~nine-tenths~~) four-tenths of one percent in any county
19 that imposes a tax under RCW 82.14.340, or within a regional transit
20 authority if any county within the authority imposes a tax under RCW
21 82.14.340. The tax rate provided in this section may be modified in
22 accordance with section 303 of this act.

23 **Sec. 214.** RCW 82.08.0255 and 1983 1st ex.s. c 35 s 2 and 1983 c
24 108 s 1 are each reenacted and amended to read as follows:

25 (1) The tax levied by RCW 82.08.020 shall not apply to sales of:

26 (a) Motor vehicle fuel used in aircraft by the manufacturer thereof
27 for research, development, and testing purposes; and

28 (b) Motor vehicle (~~and special fuel if:~~

29 ~~(i) The fuel is purchased for the purpose of public transportation~~
30 ~~and the purchaser is entitled to a refund or an exemption under RCW~~
31 ~~82.36.275 or 82.38.080(9); or~~

32 ~~(ii) The fuel is purchased by a private, nonprofit transportation~~
33 ~~provider certified under chapter 81.66 RCW and the purchaser is~~
34 ~~entitled to a refund or an exemption under RCW 82.36.285 or~~
35 ~~82.38.080(8); or~~

36 ~~(iii) The fuel is taxable under chapter 82.36 or 82.38 RCW)) fuel~~
37 purchased by a person entitled to an exemption under RCW 82.36.245.

1 (2) Any person who has paid the tax imposed by RCW 82.08.020 on the
2 sale of special fuel delivered in this state shall be entitled to a
3 credit or refund of such tax with respect to fuel subsequently
4 established to have been actually transported and used outside this
5 state by persons engaged in interstate commerce. The tax shall be
6 claimed as a credit or refunded through the tax reports required under
7 RCW 82.38.150.

8 (3) Any person who has paid the tax imposed by RCW 82.08.020 on the
9 sale of motor vehicle or special fuel may apply to the director of the
10 department of licensing and shall be entitled to a refund of the tax
11 if:

12 (a) The fuel is purchased for the purpose of public transportation
13 and the purchaser is entitled to a refund or an exemption under RCW
14 82.36.275 or 82.38.080(9); or

15 (b) The fuel is purchased by a private, nonprofit transportation
16 provider certified under chapter 81.66 RCW and the purchaser is
17 entitled to a refund or an exemption under RCW 82.36.285 or
18 82.38.080(8).

19 **Sec. 215.** RCW 82.08.050 and 1992 c 206 s 2 are each amended to
20 read as follows:

21 The tax hereby imposed shall be paid by the buyer to the seller,
22 and each seller shall collect from the buyer the full amount of the tax
23 payable in respect to each taxable sale in accordance with the schedule
24 of collections adopted by the department pursuant to the provisions of
25 RCW 82.08.060. The tax required by this chapter, to be collected by
26 the seller, shall be deemed to be held in trust by the seller until
27 paid to the department, and any seller who appropriates or converts the
28 tax collected to his or her own use or to any use other than the
29 payment of the tax to the extent that the money required to be
30 collected is not available for payment on the due date as prescribed in
31 this chapter shall be guilty of a gross misdemeanor.

32 In case any seller fails to collect the tax herein imposed or
33 having collected the tax, fails to pay it to the department in the
34 manner prescribed by this chapter, whether such failure is the result
35 of his or her own acts or the result of acts or conditions beyond his
36 or her control, he or she shall, nevertheless, be personally liable to
37 the state for the amount of the tax.

1 The amount of tax, until paid by the buyer to the seller or to the
2 department, shall constitute a debt from the buyer to the seller and
3 any seller who fails or refuses to collect the tax as required with
4 intent to violate the provisions of this chapter or to gain some
5 advantage or benefit, either direct or indirect, and any buyer who
6 refuses to pay any tax due under this chapter shall be guilty of a
7 misdemeanor. The tax required by this chapter to be collected by the
8 seller shall be stated separately from the selling price in any sales
9 invoice or other instrument of sale. On all retail sales through
10 vending machines, the tax need not be stated separately from the
11 selling price or collected separately from the buyer. On all retail
12 sales of motor vehicle and special fuel delivered through a measuring
13 device which automatically computes the selling price as a multiple of
14 the unit price times the delivered volume, the tax need not be separate
15 from the selling price or collected separately from the buyers. For
16 purposes of determining the tax due from the buyer to the seller and
17 from the seller to the department it shall be conclusively presumed
18 that the selling price quoted in any price list, sales document,
19 contract or other agreement between the parties does not include the
20 tax imposed by this chapter, but if the seller advertises the price as
21 including the tax or that the seller is paying the tax, the advertised
22 price shall not be considered the selling price.

23 Where a buyer has failed to pay to the seller the tax imposed by
24 this chapter and the seller has not paid the amount of the tax to the
25 department, the department may, in its discretion, proceed directly
26 against the buyer for collection of the tax, in which case a penalty of
27 ten percent may be added to the amount of the tax for failure of the
28 buyer to pay the same to the seller, regardless of when the tax may be
29 collected by the department; and all of the provisions of chapter 82.32
30 RCW, including those relative to interest and penalties, shall apply in
31 addition; and, for the sole purpose of applying the various provisions
32 of chapter 82.32 RCW, the twenty-fifth day of the month following the
33 tax period in which the purchase was made shall be considered as the
34 due date of the tax.

35 **Sec. 216.** RCW 82.12.0256 and 1983 1st ex.s. c 35 s 3 and 1983 c
36 108 s 2 are each reenacted and amended to read as follows:

37 The provisions of this chapter shall not apply in respect to the
38 use of:

1 (1) Motor vehicle fuel used in aircraft by the manufacturer thereof
2 for research, development, and testing purposes; ((and))

3 (2) Motor vehicle fuel used by a person entitled to the exemption
4 under RCW 82.36.245;

5 (3) Special fuel purchased in this state upon which a refund is
6 obtained as provided in RCW 82.38.180(2); and

7 ((+3)) (4) Motor vehicle and special fuel if:

8 (a) The fuel is used for the purpose of public transportation and
9 the purchaser is entitled to a refund or an exemption under RCW
10 82.36.275 or 82.38.080(9); or

11 (b) The fuel is purchased by a private, nonprofit transportation
12 provider certified under chapter 81.66 RCW and the purchaser is
13 entitled to a refund or an exemption under RCW 82.36.285 or
14 82.38.080(8)((; or

15 ~~(c) The fuel is taxable under chapter 82.36 or 82.38 RCW:~~
16 ~~PROVIDED, That the use of motor vehicle and special fuel upon which a~~
17 ~~refund of the applicable fuel tax is obtained shall not be exempt under~~
18 ~~this subsection (3)(c), and the director of licensing shall deduct from~~
19 ~~the amount of such tax to be refunded the amount of tax due under this~~
20 ~~chapter and remit the same each month to the department of revenue)).~~

21 **Sec. 217.** RCW 82.14.045 and 1991 c 363 s 158 are each amended to
22 read as follows:

23 (1) The legislative body of any city pursuant to RCW 35.92.060, of
24 any county which has created an unincorporated transportation benefit
25 area pursuant to RCW 36.57.100 and 36.57.110, of any public
26 transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090,
27 of any county transportation authority established pursuant to chapter
28 36.57 RCW, and of any metropolitan municipal corporation within a
29 county with a population of one million or more pursuant to chapter
30 35.58 RCW, may, by resolution or ordinance for the sole purpose of
31 providing funds for the operation, maintenance, or capital needs of new
32 public transportation systems and in lieu of the excise taxes
33 authorized by RCW 35.95.040, submit an authorizing proposition to the
34 voters or include such authorization in a proposition to ((perform))
35 begin performing the function of public transportation and if approved
36 by a majority of persons voting thereon, fix and impose a sales and use
37 tax in accordance with the terms of this chapter: PROVIDED, That no
38 such legislative body shall impose such a sales and use tax without

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

17 The tax authorized pursuant to this section shall be in addition to
18 the tax authorized by RCW 82.14.030 and shall be collected from those
19 persons who are taxable by the state pursuant to chapters 82.08 and
20 82.12 RCW upon the occurrence of any taxable event within such city,
21 public transportation benefit area, county, or metropolitan municipal
22 corporation as the case may be. The rate of such tax shall be one-
23 tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-
24 tenths of one percent of the selling price (in the case of a sales tax)
25 or value of the article used (in the case of a use tax). For the
26 initial vote to start the system, the rate of such tax shall not exceed
27 the rate authorized by the voters ((unless such increase shall be
28 similarly approved)). After initial voter approval of the sales and
29 use tax pursuant to the provisions of this section, the legislative
30 body of the public transportation system shall be authorized to fix and
31 impose increases in increments of one-tenth of one percent not to
32 exceed the maximum rate authorized in this section.

33 (2)(a) In the event a metropolitan municipal corporation shall
34 impose a sales and use tax pursuant to this chapter no city, county
35 which has created an unincorporated transportation benefit area, public
36 transportation benefit area authority, or county transportation
37 authority wholly within such metropolitan municipal corporation shall
38 be empowered to levy and/or collect taxes pursuant to RCW 35.58.273,
39 35.95.040, and/or 82.14.045, but nothing herein shall prevent such city

1 or county from imposing sales and use taxes pursuant to any other
2 authorization.

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

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

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

23 NEW SECTION. **Sec. 218.** A new section is added to chapter 82.32
24 RCW to read as follows:

25 By the last day of each calendar quarter the department of revenue
26 shall provide the state treasurer with an estimate of the amount of
27 revenue received from taxes imposed under chapters 82.08 and 82.12 RCW
28 attributable to sales or uses of motor vehicle and special fuels during
29 the preceding calendar quarter and the department of transportation
30 shall certify to the amount of such funds which must be used for the
31 purposes specified in RCW 47.78.010 (2) and (3). Upon receipt of the
32 estimate, and certification, the state treasurer shall transfer the
33 estimated amounts from the general fund to the high capacity
34 transportation account in the transportation fund and specify the
35 amount of the funds which must be available for the purposes specified
36 in RCW 47.78.010 (2) and (3).

1 NEW SECTION. **Sec. 219.** A new section is added to chapter 82.32
2 RCW to read as follows:

3 In making the certification required in section 218 of this act,
4 the department of transportation shall make determinations of the
5 amounts required to be deposited in the high capacity transportation
6 account for the purposes specified in RCW 47.78.010 (2) and (3) in the
7 following priority:

8 (1) For the purposes specified in RCW 47.78.010(2) the following
9 percentages of available funds for the periods specified:

10 (a) From July 1, 1993, until July 1, 1994: Twenty percent;

11 (b) From July 1, 1994, until July 1, 1995: Forty-five percent;

12 (c) From July 1, 1995, until July 1, 1996: Eighty percent;

13 (d) From July 1, 1996, until July 1, 2011: One hundred percent;

14 and

15 (e) After July 1, 2011: Seventy percent.

16 (2) For the purposes specified in RCW 47.78.010(3), remaining
17 revenues estimated to have been collected from such taxes in the prior
18 quarter shall be transferred to the high capacity transportation
19 account to be used for purposes specified.

20 The amounts certified under subsections (1) and (2) of this section
21 shall be limited to amounts appropriated and shall not exceed the
22 amounts specified in extended payment agreements entered into under
23 section 302 of this act.

24 **Sec. 220.** RCW 82.36.025 and 1991 c 342 s 57 are each amended to
25 read as follows:

26 The motor vehicle fuel tax rate shall be computed as the sum of the
27 tax rate provided in subsection (1) of this section and the additional
28 tax rates provided in subsections (2) through (5) of this section.

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

31 (2) An additional motor vehicle fuel tax rate of one-third cent per
32 gallon shall apply to the sale, distribution, or use of motor vehicle
33 fuel, and the proceeds from this additional tax rate, reduced by an
34 amount equal to the sum of the payments under RCW 46.68.090 (1) (a),
35 (b), and (c) multiplied by the additional tax rate prescribed by this
36 subsection divided by the motor vehicle fuel tax rate provided in this
37 section, shall be deposited in the rural arterial trust account in the
38 motor 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),
5 (b), and (c) multiplied by the additional tax rate prescribed by this
6 subsection divided by the motor vehicle fuel tax rate provided in this
7 section, shall be deposited in the urban arterial trust account in the
8 motor 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), (b), and (c) multiplied by the additional tax rate prescribed by
14 this subsection divided by the motor vehicle fuel tax rate provided in
15 this section, shall be deposited in the motor vehicle fund to be
16 expended 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), (b), and (c) multiplied by the additional
23 tax rate prescribed by this subsection divided by the motor fuel tax
24 rate provided in this section, shall be deposited in the motor vehicle
25 fund 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 five cents per
28 gallon from July 1, 1993, applies to the sale, distribution, or use of
29 motor vehicle fuel. The proceeds from the additional tax rate in this
30 subsection, reduced by an amount equal to the sum of the payments under
31 RCW 46.68.090(1)(a), (b), and (c) multiplied by the additional tax rate
32 prescribed by this subsection divided by the motor vehicle fuel tax
33 rate provided in this section, shall be deposited in the motor vehicle
34 fund and shall be distributed by the state treasurer according to
35 section 209 of this act.

36 (7) An additional motor vehicle fuel tax rate of five cents per
37 gallon from July 1, 1994, applies to the sale, distribution, or use of
38 motor vehicle fuel. The proceeds from the additional tax rate in this
39 subsection, reduced by an amount equal to the sum of the payments under

1 RCW 46.68.090(1)(a), (b), and (c) multiplied by the additional tax rate
2 prescribed by this subsection divided by the motor vehicle fuel tax
3 rate provided in this section, shall be deposited in the motor vehicle
4 fund and shall be distributed by the state treasurer according to
5 section 210 of this act.

6 (8) An additional motor vehicle fuel tax rate to be defined in
7 cents per gallon, not to exceed two cents per gallon, applied to the
8 sale, distribution, or use of motor vehicle fuel, shall be determined
9 by the legislature for the purpose of reimbursing the high capacity
10 transportation account for funds expended from that account to
11 construct high occupancy vehicle lanes and facilities and other
12 transportation purposes specified in section 211 of this act during the
13 period beginning July 1, 1993, and ending June 30, 1999. The
14 additional fuel tax rate shall be imposed for the period beginning July
15 1, 1997, and ending June 30, 2003. The proceeds from the additional
16 tax rate in this subsection, reduced by an amount equal to the sum of
17 the payments under RCW 46.68.090(1)(a), (b), and (c) multiplied by the
18 additional tax rate prescribed by this subsection divided by the motor
19 vehicle fuel tax rate provided in this section, shall be deposited in
20 the motor vehicle fund and shall be distributed by the state treasurer
21 according to section 211 of this act.

22 **Sec. 221.** RCW 82.36.415 and 1987 c 220 s 4 are each amended to
23 read as follows:

24 At least once each fiscal year, the director shall request the
25 state treasurer to refund from the motor vehicle fund, to the
26 aeronautics account created under RCW 82.42.090, an amount equal to
27 0.028 percent of the gross motor vehicle fuel tax less an amount equal
28 to aircraft fuel taxes transferred to that account as a result of
29 nonhighway refunds claimed by motor fuel purchasers. The refund shall
30 be considered compensation for unclaimed motor vehicle fuel that is
31 used in aircraft for purposes taxable under RCW 82.42.020. ((The
32 director shall also remit from the motor vehicle fund the taxes
33 required by RCW 82.12.0256(3)(c) for the unclaimed refunds, provided
34 that the sum of the amount refunded and the amount remitted in
35 accordance with RCW 82.12.0256(3)(c) shall not exceed the unclaimed
36 refunds.))

1 **Sec. 222.** RCW 82.36.440 and 1991 c 173 s 4 are each amended to
2 read as follows:

3 The tax levied in this chapter is in lieu of any excise, privilege,
4 or occupational tax upon the business of manufacturing, selling, or
5 distributing motor vehicle fuel, and no city, town, county, township or
6 other subdivision or municipal corporation of the state shall levy or
7 collect any excise tax upon or measured by the sale, receipt,
8 distribution, or use of motor vehicle fuel, except as provided in RCW
9 82.14.030, 82.80.010, and 82.47.020.

10 **Sec. 223.** RCW 82.38.280 and 1991 c 173 s 5 are each amended to
11 read as follows:

12 The tax levied in this chapter is in lieu of any excise, privilege,
13 or occupational tax upon the business of manufacturing, selling, or
14 distributing special fuel, and no city, town, county, township or other
15 subdivision or municipal corporation of the state shall levy or collect
16 any excise tax upon or measured by the sale, receipt, distribution, or
17 use of special fuel, except as provided in RCW 82.14.030, 82.80.010,
18 and 82.47.020.

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

21 (1) Subject to the conditions of this section, any county may
22 levy(~~(, by approval of its legislative body and a majority of the~~
23 ~~registered voters of the county voting on the proposition at a general~~
24 ~~or special election,)) additional excise taxes equal to ten percent of
25 the state-wide motor vehicle fuel tax rate under RCW 82.36.025 on each
26 gallon of motor vehicle fuel as defined in RCW 82.36.010(2) and on each
27 gallon of special fuel as defined in RCW 82.38.020(5) sold within the
28 boundaries of the county. Vehicles paying an annual license fee under
29 RCW 82.38.075 are exempt from the county fuel excise tax. ~~((An~~
30 ~~election held under this section must be held not more than twelve~~
31 ~~months before the date on which the proposed tax is to be levied. The~~
32 ~~ballot setting forth the proposition shall state the tax rate that is~~
33 ~~proposed.)) The county's authority to levy additional excise taxes
34 under this section includes the incorporated and unincorporated areas
35 of the county. The additional excise taxes are subject to the same
36 exceptions and rights of refund as applicable to other motor vehicle
37 fuel and special fuel excise taxes levied under chapters 82.36 and~~~~

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

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

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

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

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

23 **Sec. 225.** RCW 82.80.090 and 1990 c 42 s 214 are each amended to
24 read as follows:

25 A referendum petition to repeal a county or city ordinance imposing
26 a tax or fee authorized under RCW 82.80.010, 82.80.020, and 82.80.030
27 must be filed with a filing officer, as identified in the ordinance,
28 within seven days of passage of the ordinance. Within ten days, the
29 filing officer shall confer with the petitioner concerning form and
30 style of the petition, issue an identification number for the petition,
31 and write a ballot title for the measure. The ballot title shall be
32 posed as a question so that an affirmative answer to the question and
33 an affirmative vote on the measure results in the tax or fee being
34 imposed and a negative answer to the question and a negative vote on
35 the measure results in the tax or fee not being imposed. The
36 petitioner shall be notified of the identification number and ballot
37 title within this ten-day period.

1 After this notification, the petitioner has thirty days in which to
2 secure on petition forms the signatures of not less than fifteen
3 percent of the registered voters of the county for county measures, or
4 not less than fifteen percent of the registered voters of the city for
5 city measures, and to file the signed petitions with the filing
6 officer. Each petition form must contain the ballot title and the full
7 text of the measure to be referred. The filing officer shall verify
8 the sufficiency of the signatures on the petitions. If sufficient
9 valid signatures are properly submitted, the filing officer shall
10 submit the referendum measure to the county or city voters at a general
11 or special election held on one of the dates provided in RCW 29.13.010
12 as determined by the county or city legislative authority, which
13 election shall not take place later than one hundred twenty days after
14 the signed petition has been filed with the filing officer.

15 The referendum procedure provided in this section is the exclusive
16 method for subjecting any county or city ordinance imposing a tax or
17 fee under RCW 82.80.020 and 82.80.030 to a referendum vote.

18 **Sec. 226.** RCW 39.50.010 and 1985 c 332 s 8 are each amended to
19 read as follows:

20 As used in this chapter, the following terms have the meanings
21 indicated unless the context clearly requires otherwise.

22 (1) "Governing body" means the legislative authority of a municipal
23 corporation by whatever name designated;

24 (2) "Local improvement district" includes local improvement
25 districts, utility local improvement districts, road improvement
26 districts, and other improvement districts that a municipal corporation
27 is authorized by law to establish;

28 (3) "Municipal corporation" means any city, town, county, water
29 district, sewer district, school district, port district, public
30 utility district, metropolitan municipal corporation, regional transit
31 authority, public transportation benefit area, park and recreation
32 district, irrigation district, or fire protection district or any other
33 municipal or quasi municipal corporation described as such by statute,
34 except joint operating agencies under chapter 43.52 RCW;

35 (4) "Ordinance" means an ordinance of a city or town or resolution
36 or other instrument by which the governing body of the municipal
37 corporation exercising any power under this chapter takes formal action
38 and adopts legislative provisions and matters of some permanency; and

1 (5) "Short-term obligations" are warrants, notes, or other
2 evidences of indebtedness, except bonds.

3 **Sec. 227.** RCW 82.44.150 and 1991 c 309 s 5 and 1991 c 199 s 222
4 are each reenacted and amended to read as follows:

5 (1) The director of licensing shall, on the twenty-fifth day of
6 February, May, August, and November of each year, advise the state
7 treasurer of the total amount of motor vehicle excise taxes imposed by
8 RCW 82.44.020 (1) and (2) remitted to the department during the
9 preceding calendar quarter ending on the last day of March, June,
10 September, and December, respectively, except for those payable under
11 RCW 82.44.030, from motor vehicle owners residing within each
12 municipality which has levied a tax under RCW 35.58.273, which amount
13 of excise taxes shall be determined by the director as follows:

14 The total amount of motor vehicle excise taxes remitted to the
15 department, except those payable under RCW 82.44.020(3) and 82.44.030,
16 from each county shall be multiplied by a fraction, the numerator of
17 which is the population of the municipality residing in such county,
18 and the denominator of which is the total population of the county in
19 which such municipality or portion thereof is located. The product of
20 this computation shall be the amount of excise taxes from motor vehicle
21 owners residing within such municipality or portion thereof. Where the
22 municipality levying a tax under RCW 35.58.273 is located in more than
23 one county, the above computation shall be made by county, and the
24 combined products shall provide the total amount of motor vehicle
25 excise taxes from motor vehicle owners residing in the municipality as
26 a whole. Population figures required for these computations shall be
27 supplied to the director by the office of financial management, who
28 shall adjust the fraction annually.

29 (2) On the first day of the months of January, April, July, and
30 October of each year, the state treasurer based upon information
31 provided by the department shall, from motor vehicle excise taxes
32 deposited in the general fund, under RCW 82.44.110(~~(+7)~~)(1)(g), make
33 the following deposits:

34 (a) To the high capacity transportation account created in RCW
35 47.78.010, a sum equal to four and five-tenths percent of the special
36 excise tax levied under RCW 35.58.273 by those municipalities
37 authorized to levy a special excise tax within (i) each county with a
38 population of two hundred ten thousand or more and (ii) each county

1 with a population of from one hundred twenty-five thousand to less than
2 two hundred ten thousand except for those counties that do not border
3 a county with a population as described in subsection (i) of this
4 subsection;

5 (b) To the central Puget Sound public transportation account
6 created in RCW 82.44.180, for revenues distributed after December 31,
7 1992, within a county with a population of one million or more and a
8 county with a population of from two hundred thousand to less than one
9 million bordering a county with a population of one million or more, a
10 sum equal to the difference between (i) the special excise tax levied
11 and collected under RCW 35.58.273 by those municipalities authorized to
12 levy and collect a special excise tax subject to the requirements of
13 subsections (3) and (4) of this section and (ii) the special excise tax
14 that the municipality would otherwise have been eligible to levy and
15 collect at a tax rate of .815 percent and been able to match with
16 locally generated tax revenues, and revenues derived from system
17 operations, when locally generated tax revenues collected by the
18 municipality may be counted as matching revenues for the purposes of
19 this subsection other than the excise tax imposed under RCW 35.58.273,
20 budgeted for any public transportation purpose. Before this deposit,
21 the sum shall be reduced by an amount equal to the amount distributed
22 under (a) of this subsection for each of the municipalities within the
23 counties to which this subsection (2)(b) applies; however, any transfer
24 under this subsection (2)(b) must be greater than zero;

25 (c) To the public transportation systems account created in RCW
26 82.44.180, for revenues distributed after December 31, 1992, within
27 counties not described in (b) of this subsection, a sum equal to the
28 difference between (i) the special excise tax levied and collected
29 under RCW 35.58.273 by those municipalities authorized to levy and
30 collect a special excise tax subject to the requirements of subsections
31 (3) and (4) of this section and (ii) the special excise tax that the
32 municipality would otherwise have been eligible to levy and collect at
33 a tax rate of .815 percent and been able to match with locally
34 generated tax revenues, and revenues derived from system operations,
35 when locally generated tax revenues collected by the municipality may
36 be counted as matching revenues for the purposes of this subsection
37 other than the excise tax imposed under RCW 35.58.273, budgeted for any
38 public transportation purpose. Before this deposit, the sum shall be
39 reduced by an amount equal to the amount distributed under (a) of this

1 subsection for each of the municipalities within the counties to which
2 this subsection (2)(c) applies; however, any transfer under this
3 subsection (2)(c) must be greater than zero; and

4 (d) To the transportation fund created in RCW 82.44.180, for
5 revenues distributed after June 30, 1991, a sum equal to the difference
6 between (i) the special excise tax levied and collected under RCW
7 35.58.273 by those municipalities authorized to levy and collect a
8 special excise tax subject to the requirements of subsections (3) and
9 (4) of this section and (ii) the special excise tax that the
10 municipality would otherwise have been eligible to levy and collect at
11 a tax rate of .815 percent notwithstanding the requirements set forth
12 in subsections (3) through (6) of this section, reduced by an amount
13 equal to distributions made under (a), (b), and (c) of this subsection.

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

18 (a) The amount required to be remitted by the state treasurer to
19 the treasurer of any municipality levying the tax shall not exceed in
20 any calendar year the total of: (i) The amount of locally-generated
21 tax revenues, excluding the excise tax imposed under RCW 35.58.273 for
22 the purposes of this section, and (ii) revenues, excluding federal
23 revenues, derived from system operations, when locally generated tax
24 revenues collected by the municipality may be counted as matching
25 revenues for the purposes of this subsection, which together shall have
26 been budgeted by the municipality to be collected in such calendar year
27 for any public transportation purposes including but not limited to
28 operating costs, capital costs, and debt service on general obligation
29 or revenue bonds issued for these purposes; and

30 (b) In no event may the amount remitted in a single calendar
31 quarter exceed the amount collected on behalf of the municipality under
32 RCW 35.58.273 during the calendar quarter next preceding the
33 immediately preceding quarter.

34 (4) At the close of each calendar year accounting period, but not
35 later than April 1, each municipality that has received motor vehicle
36 excise taxes under subsection (3) of this section shall transmit to the
37 director of licensing and the state auditor a written report showing by
38 source the previous year's budgeted tax revenues and revenues,
39 excluding federal revenues, derived from system operations for public

1 transportation purposes as compared to actual collections. Any
2 municipality that has not submitted the report by April 1 shall cease
3 to be eligible to receive motor vehicle excise taxes under subsection
4 (3) of this section until the report is received by the director of
5 licensing. If a municipality has received more or less money under
6 subsection (3) of this section for the period covered by the report
7 than it is entitled to receive by reason of its locally-generated
8 collected tax revenues and revenues, excluding federal revenues,
9 derived from system operations, the director of licensing shall, during
10 the next ensuing quarter that the municipality is eligible to receive
11 motor vehicle excise tax funds, increase or decrease the amount to be
12 remitted in an amount equal to the difference between the locally-
13 generated budgeted ((tax)) revenues and the locally-generated collected
14 ((tax)) revenues as identified in subsection (3)(a) of this section.
15 In no event may the amount remitted for a calendar year exceed the
16 amount collected on behalf of the municipality under RCW 35.58.273
17 during that same calendar year. At the time of the next fiscal audit
18 of each municipality, the state auditor shall verify the accuracy of
19 the report submitted and notify the director of licensing of any
20 discrepancies.

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

24 (6) Any municipality levying and collecting a tax under RCW
25 35.58.273 which does not have an operating, public transit system or a
26 contract for public transportation services in effect within one year
27 from the initial effective date of the tax shall return to the state
28 treasurer all motor vehicle excise taxes received under subsection (3)
29 of this section.

30 NEW SECTION. **Sec. 228.** The following acts or parts of acts are
31 each repealed:

32 (1) RCW 46.44.160 and 1988 c 55 s 2, 1981 c 229 s 1, 1975-'76 2nd
33 ex.s. c 64 s 21, & 1975 1st ex.s. c 196 s 1;

34 (2) RCW 82.36.225 and 1991 c 145 s 2, 1985 c 371 s 4, 1981 c 342 s
35 4, & 1980 c 131 s 3; and

36 (3) 1987 c 175 s 1 and 1980 c 166 s 5 (uncodified).

37 (End of part)

1 grant payments to be made to the transit agencies out of the high
2 capacity transportation account for the purpose of financing the
3 capital costs of regional transit system facilities, solely for payment
4 of debt service on obligations issued by the transit agencies solely
5 for these capital purposes.

6 (2) In order to be eligible to receive funds from the high capacity
7 transportation account under an extended payment grant contract and
8 this chapter, a transit agency shall satisfy the following criteria:

9 (a) The transit agency has imposed one or more of the taxes granted
10 it by RCW 81.104.150, 81.104.160, and 81.104.170 as dedicated funding
11 sources for high capacity transportation systems; and

12 (b) The transit agency has complied with all eligibility
13 requirements established by law and by the department of transportation
14 relating to approval of the system plan and financing plan.

15 (3) All moneys appropriated by the legislature from the high
16 capacity transportation account for the purposes specified in RCW
17 47.78.010(2) must be prorated among all eligible recipients that have
18 entered into extended grant agreements under this section.

19 NEW SECTION. **Sec. 303.** If the state rescinds the imposition on
20 consumers of the taxes under chapters 82.08 and 82.12 RCW on the sale
21 or use of motor vehicle or special fuels, reduces the rate of the
22 taxes, rescinds or reduces the allocation of the revenues of the taxes
23 to the high capacity transportation account, or otherwise impairs the
24 obligation of the department under an extended payment grant contract
25 entered into with a transit agency under this chapter, the transit
26 agency may, by resolution of its legislative authority, and
27 notwithstanding any other provision of law, fix and impose a sales and
28 use tax in accordance with the terms of this section, solely for the
29 purpose of financing the capital costs of regional transit system
30 facilities.

31 The tax authorized under this section is in addition to the tax
32 authorized by RCW 81.104.170 and 82.14.030 and shall be collected from
33 those persons who are taxable by the state under chapters 82.08 and
34 82.12 RCW upon the occurrence of any taxable event within the taxing
35 district. The maximum rate of the tax shall not exceed five-tenths of
36 one percent of the selling price for a sales tax or value of the
37 article used for a use tax.

1 Transit agencies may pledge revenues from the tax authorized in
2 this section to retire bonds or other obligations issued solely for the
3 purpose of financing the capital costs of regional transit system
4 facilities.

5 **Sec. 304.** RCW 81.104.010 and 1992 c 101 s 18 are each amended to
6 read as follows:

7 Increasing congestion on Washington's roadways calls for
8 identification and implementation of high capacity transportation
9 system alternatives. The legislature finds there is a state-wide
10 interest to be served by granting funds to regional transit authorities
11 and other transit agencies for advanced planning, design, construction,
12 and ongoing capital costs of high capacity transit. The legislature
13 ~~((believes))~~ finds that the state and local jurisdictions should
14 coordinate and be responsible for high capacity transportation policy
15 development, program planning, and implementation. The state should
16 assist by working with local agencies on issues involving high capacity
17 transportation plan development, rights of way, ~~((partially))~~ and
18 financing ~~((projects meeting))~~ high capacity transportation systems
19 that meet established state criteria including development and
20 completion of the high occupancy vehicle lane system, authorizing local
21 jurisdictions to finance high capacity transportation systems ~~((through~~
22 ~~voter approved tax options))~~, and providing technical assistance and
23 information.

24 **Sec. 305.** RCW 81.104.020 and 1991 c 318 s 2 are each amended to
25 read as follows:

26 The department of transportation's current policy and
27 implementation role in transit is expanded to include ~~((other))~~ high
28 capacity transportation development as part of a multimodal
29 transportation system.

30 (1) The department of transportation shall implement a program for
31 high capacity transportation coordination, planning, development,
32 implementation, and technical studies with appropriations from the high
33 capacity transportation account.

34 (2) The department shall participate in and assist local
35 jurisdictions and regional transportation planning organizations with
36 high capacity transportation planning efforts.

1 **Sec. 306.** RCW 81.104.050 and 1992 c 101 s 22 are each amended to
2 read as follows:

3 Regional high capacity transportation service may be expanded
4 beyond the established district boundaries through interlocal
5 agreements among the transit agencies and any regional transit
6 authorities in existence, and the department of transportation, if
7 appropriate.

8 **Sec. 307.** RCW 81.104.060 and 1991 c 318 s 6 are each amended to
9 read as follows:

10 (1) The state's planning role in high capacity transportation
11 development as one element of a multimodal transportation system should
12 facilitate cooperative state and local planning efforts.

13 (2) The department of transportation may serve as a contractor for
14 high capacity transportation system and project design, administer
15 construction, and assist agencies authorized to provide service in the
16 acquisition, preservation, and joint use of rights of way, as well as
17 participate in financing, development, and implementation of system
18 plans.

19 (3) The department and local jurisdictions shall continue to
20 cooperate with respect to the development of high occupancy vehicle
21 lanes and related facilities, associated roadways, transfer stations,
22 people mover systems developed either by the public or private sector,
23 and other related projects.

24 (4) The department in cooperation with local jurisdictions shall
25 develop policies and programs which enhance and implement the
26 development of ((high)) higher speed interregional systems or commuter
27 rail systems by both the private and the public sector. These policies
28 and programs may address service, joint use of rights of way,
29 identification and preservation of transportation corridors, ((and))
30 joint development of stations and other facilities, and financial
31 participation in capital and operating programs.

32 **Sec. 308.** RCW 81.104.070 and 1990 c 43 s 28 are each amended to
33 read as follows:

34 (1) The state ((shall not become an operating agent for regional
35 high capacity transportation systems)) may participate in such
36 activities as are defined in RCW 81.104.060.

1 (2) Agencies providing high capacity transportation service are
2 responsible for planning, construction, operations, and funding
3 including station area design and development, and parking facilities.
4 Agencies may implement necessary contracts, joint development
5 agreements, and interlocal government agreements. Agencies providing
6 service shall consult with affected local jurisdictions and cooperate
7 with comprehensive planning processes.

8 **Sec. 309.** RCW 81.104.100 and 1992 c 101 s 23 are each amended to
9 read as follows:

10 To assure development of an effective high capacity transportation
11 system, local authorities shall follow the following planning process:

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

22 (2) High capacity transportation system planning is the detailed
23 evaluation of a range of high capacity transportation system options,
24 including: Do nothing, low capital, and ranges of higher capital
25 facilities. To the extent possible this evaluation shall take into
26 account the urban mass transportation administration's requirements
27 identified in subsection (3) of this section.

28 High capacity transportation system planning shall proceed as
29 follows:

30 (a) Organization and management. The responsible local transit
31 agency or agencies shall define roles for various local agencies,
32 review background information, provide for public involvement, and
33 develop a detailed work plan for the system planning process.

34 (b) Development of options. Options to be studied shall be
35 developed to ensure an appropriate range of technologies and service
36 policies can be evaluated. A do-nothing option and a low capital
37 option that maximizes the current system shall be developed. Several

1 higher capital options that consider a range of capital expenditures
2 for several candidate technologies shall be developed.

3 (c) Analysis methods. The local transit agency shall develop
4 reports describing the analysis and assumptions for the estimation of
5 capital costs, operating and maintenance costs, methods for travel
6 forecasting, a financial plan and an evaluation methodology.

7 (d) The system plan submitted to the voters pursuant to RCW
8 81.104.140 shall address, but is not limited to the following issues:

9 (i) Identification of level and types of high capacity
10 transportation services to be provided;

11 (ii) A plan of high occupancy vehicle lanes to be constructed;

12 (iii) Identification of route alignments and station locations with
13 sufficient specificity to permit calculation of costs, ridership, and
14 system impacts;

15 (iv) Performance characteristics of technologies in the system
16 plan;

17 (v) Patronage forecasts;

18 (vi) A financing plan describing: Phasing of investments; capital
19 and operating costs and expected revenues; cost-effectiveness
20 represented by a total cost per system rider and new rider estimate;
21 estimated ridership and the cost of service for each individual high
22 capacity line; and identification of the operating revenue to operating
23 expense ratio.

24 The financing plan shall specifically differentiate the proposed
25 use of funds between high capacity transportation facilities and
26 services, ~~((and))~~ high occupancy vehicle facilities, and expanded local
27 services;

28 (vii) Description of the relationship between the high capacity
29 transportation system plan and adopted land use plans;

30 (viii) An assessment of social, economic, and environmental
31 impacts; and

32 (ix) Mobility characteristics of the system presented, including
33 but not limited to: Qualitative description of system/service
34 philosophy and impacts; qualitative system reliability; travel time and
35 number of transfers between selected residential, employment, and
36 activity centers; and system and activity center mode splits.

37 (3) High capacity transportation project planning is the detailed
38 identification of alignments, station locations, equipment and systems,
39 construction schedules, environmental effects, and costs. High

1 capacity transportation project planning shall proceed as follows: The
2 local transit agency shall analyze and produce information needed for
3 the preparation of environmental impact statements. The impact
4 statements shall address the impact that development of such a system
5 will have on abutting or nearby property owners. The process of
6 identification of alignments and station locations shall include
7 notification of affected property owners by normal legal publication.
8 At minimum, such notification shall include notice on the same day for
9 at least three weeks in at least two newspapers of general circulation
10 in the county where such project is proposed. Special notice of
11 hearings by the conspicuous posting of notice, in a manner designed to
12 attract public attention, in the vicinity of areas identified for
13 station locations or transfer sites shall also be provided.

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

23 The department of transportation shall provide system and project
24 planning review and monitoring in cooperation with the expert review
25 panel identified in RCW 81.104.110. In addition, the local transit
26 agency shall maintain a continuous public involvement program and seek
27 involvement of other government agencies.

28 **Sec. 310.** RCW 81.104.120 and 1992 c 101 s 24 are each amended to
29 read as follows:

30 (1) ((Transit agencies and)) Regional transit authorities, the
31 department of transportation, and transit agencies that qualify as high
32 capacity transit eligible systems may operate or contract for commuter
33 rail service where it is deemed to be a reasonable alternative transit
34 mode. A reasonable alternative is one whose passenger costs per mile,
35 including costs of trackage, equipment, maintenance, operations, and
36 administration are equal to or less than comparable bus, entrained bus,
37 trolley, or personal rapid transit systems.

1 (2) A county may use funds collected under RCW 81.100.030 or
2 81.100.060 to contract with one or more transit agencies or regional
3 transit authorities for planning, operation, and maintenance of
4 commuter rail projects which: (a) Are consistent with the regional
5 transportation plan; (b) have met the project planning and oversight
6 requirements of RCW 81.104.100 and 81.104.110; and (c) have been
7 approved by the voters within the service area of each transit agency
8 or regional transit authority participating in the project. The phrase
9 "approved by the voters" includes specific funding authorization for
10 the commuter rail project.

11 (3) Prior to the department initiating either a contract to operate
12 or the operation of any commuter rail program, the department shall
13 conduct a detailed analysis of such a project, using the following
14 criteria: The service provides the local element of a larger
15 interregional system; it conforms with the regional transportation
16 plan; it performs well within a list of options, including do-nothing,
17 low and high-capital and operating considerations, and ridership
18 potential. If applicable, such a project must be consistent with the
19 regional high capacity transit system plan. The department may seek
20 assistance from an independent oversight committee. A biennial
21 evaluation must be performed by the department for the purpose of
22 determining the interest in continuing the commuter rail programs. The
23 legislature may appropriate funds directly to the department for
24 detailed analysis and operation of commuter rail programs, including
25 capital and operating assistance.

26 (4) The state may have primary responsibility and authority for
27 developing, contracting, or operating high capacity transportation
28 service on state-regulated rail rights of way.

29 (5) The utilities and transportation commission shall maintain
30 safety responsibility for passenger rail service operating on freight
31 rail lines. Agencies providing passenger rail service on lines other
32 than freight rail lines shall maintain safety responsibility for that
33 service.

34 **Sec. 311.** RCW 81.104.130 and 1990 c 43 s 34 are each amended to
35 read as follows:

36 Agencies providing high capacity transportation service shall
37 determine optimal (~~debt to equity ratios, establish~~) capital and
38 operations allocations, (~~and~~) establish fare-box recovery return

1 policy, and establish other financial policies relating to the
2 operation of the service.

3 **Sec. 312.** RCW 81.112.010 and 1992 c 101 s 1 are each amended to
4 read as follows:

5 The legislature recognizes that existing transportation facilities
6 in the central Puget Sound area are inadequate to address mobility
7 needs of the area. The geography of the region, travel demand growth,
8 and public resistance to new roadways combine to further necessitate
9 the rapid development of alternative modes of travel.

10 The legislature finds that there is a state-wide interest to be
11 served by assisting and participating in the planning of high capacity
12 transit systems and by granting funds to regional transit authorities
13 for planning, design, construction, and capital costs of high capacity
14 transit.

15 The legislature finds that local governments have been effective in
16 cooperatively planning a multicounty, high capacity transportation
17 system. However, a continued multijurisdictional approach to funding,
18 construction, and operation of a multicounty high capacity
19 transportation system may impair the successful implementation of such
20 a system.

21 The legislature finds that a single agency will be more effective
22 than several local jurisdictions working collectively at planning,
23 developing, operating, and funding a high capacity transportation
24 system. The single agency's services must be carefully integrated and
25 coordinated with public transportation services currently provided. As
26 the single agency's services are established, any public transportation
27 services currently provided that are duplicative should be eliminated.
28 Further, the single agency must coordinate its activities with other
29 agencies providing local and state roadway services, implementing
30 comprehensive planning, and implementing transportation demand
31 management programs and assist in developing infrastructure to support
32 high capacity systems including but not limited to feeder systems, park
33 and ride facilities, intermodal centers, and related roadway and
34 operational facilities. Coordination can be best achieved through
35 common governance, such as integrated governing boards.

36 It is therefore the policy of the state of Washington to empower
37 counties in the state's most populous region to create a local agency
38 for planning and implementing a high capacity transportation system

1 within that region. The authorization for such an agency, except as
2 specifically provided in this chapter, is not intended to limit the
3 powers of existing transit agencies.

4 **Sec. 313.** RCW 81.112.030 and 1992 c 101 s 3 are each amended to
5 read as follows:

6 Two or more contiguous counties each having a population of four
7 hundred thousand persons or more may establish a regional transit
8 authority to develop and operate a high capacity transportation system
9 as defined in chapter 81.104 RCW.

10 The authority shall be formed in the following manner:

11 (1) The joint regional policy committee created pursuant to RCW
12 81.104.040 shall adopt a system and financing plan, including the
13 definition of the service area. This action shall be completed by
14 September 1, 1992, contingent upon satisfactory completion of the
15 planning process defined in RCW 81.104.100. In addition to the
16 requirements of RCW 81.104.100, the plan for the proposed system shall
17 provide explicitly for a minimum portion of new local tax revenues to
18 be allocated by the regional transit authority to local transit
19 agencies for ~~((interim-express-services))~~ expanded local transit
20 service and interim regional services and high occupancy vehicle lanes.
21 Upon adoption the joint regional policy committee shall immediately
22 transmit the plan to the county legislative authorities within the
23 adopted service area.

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

28 (3) If any of the counties does not opt to participate in the
29 authority, the joint regional policy committee shall, within forty-five
30 days, redefine the system and financing plan and resubmit the adopted
31 redefined plan to the remaining county legislative authorities for
32 their decision as to whether to participate. This action shall be
33 completed within forty-five days following receipt of the redefined
34 plan.

35 (4) Each county that chooses to participate in the authority shall
36 appoint its board members as set forth in RCW 81.112.040 and shall
37 submit its list of members to the secretary ~~((of the Washington state~~
38 ~~department of transportation))~~. These actions must be completed within

1 thirty days following each county's decision to participate in the
2 authority.

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

7 (6) The authority is formally constituted at its first meeting and
8 the board shall begin taking steps toward implementation of the system
9 and financing plan adopted by the joint regional policy committee.
10 Upon formation of the authority, the joint regional policy committee
11 shall cease to exist. The authority may make minor modifications to
12 the plan as deemed necessary and shall at a minimum review local
13 transit agencies' plans to ensure feeder service/high capacity transit
14 service integration, ensure fare integration, and ensure avoidance of
15 parallel competitive services.

16 (7) The authority shall place on the ballot within two years of the
17 authority's formation, a single ballot proposition to ((ratify
18 ~~formation of the authority,~~) approve the system and finance plan((~~7~~))
19 and authorize the imposition of the local taxes to support the plan
20 within its service area. In addition to the system plan requirements
21 contained in RCW 81.104.100(2)(d), the system plan submitted to voters
22 shall contain an equity element which:

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

25 (b) Identifies the phasing of construction and operation of high
26 capacity system facilities, services, and benefits in each corridor.
27 Phasing decisions should give priority to jurisdictions which have
28 adopted transit-supportive land use plans; and

29 (c) Identifies the degree to which revenues generated within each
30 county will benefit the residents of that county, and identifies when
31 such benefits will accrue.

32 A simple majority of those voting within the boundaries of the
33 authority is required for approval. If the vote is affirmative, the
34 authority shall begin implementation of the plan. However, the
35 authority may not submit any authorizing proposition for voter-approved
36 taxes prior to July 1, 1993; nor may the authority issue bonds or form
37 any local improvement district prior to July 1, 1993.

38 (8) If the vote fails, the board may redefine the system and
39 financing plan, make changes to the authority boundaries, and make

1 corresponding changes to the composition of the board. If the
2 composition of the board is changed, the participating counties shall
3 revise the membership of the board accordingly. The board may then
4 submit the revised plan to voters. No single system and financing plan
5 may be submitted to the voters more than twice.

6 If the authority is unable to achieve a positive vote within two
7 years from the date of the first election on a system plan, the board
8 may, by resolution, reconstitute the authority as a single-county body.
9 With a two-thirds vote of the entire membership of the voting members,
10 the board may also dissolve the authority.

11 **Sec. 314.** RCW 81.112.060 and 1992 c 101 s 6 are each amended to
12 read as follows:

13 An authority shall have the following powers:

14 (1) To establish offices, departments, boards, and commissions that
15 are necessary to carry out the purposes of the authority, and to
16 prescribe the functions, powers, and duties thereof.

17 (2) To appoint or provide for the appointment of, and to remove or
18 to provide for the removal of, all officers and employees of the
19 authority.

20 (3) To fix the salaries, wages, and other compensation of all
21 officers and employees of the authority.

22 (4) To employ such engineering, legal, financial, or other
23 specialized personnel as may be necessary to accomplish the purposes of
24 the authority.

25 (5) To commission panels of experts to assist the regional transit
26 authority in carrying out its responsibilities.

27 **Sec. 315.** RCW 81.112.070 and 1992 c 101 s 7 are each amended to
28 read as follows:

29 A regional transit authority is a municipal corporation. In
30 addition to the powers specifically granted by this chapter an
31 authority shall have all powers necessary to implement a high capacity
32 transportation system and to develop revenues for system support. An
33 authority may contract with the United States or any agency thereof,
34 any state or agency thereof, any public transportation benefit area,
35 any county, county transportation authority, city, metropolitan
36 municipal corporation, special district, or governmental agency, within
37 or without the state, and any private person, firm, or corporation for:

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

23 **Sec. 316.** RCW 81.112.080 and 1992 c 101 s 8 are each amended to
24 read as follows:

25 An authority shall have the following powers in addition to the
26 general powers granted by this chapter:

27 (1) To carry out the planning processes set forth in RCW
28 81.104.100;

29 (2) To acquire by purchase, condemnation, gift, or grant and to
30 lease, construct, add to, improve, replace, repair, maintain, operate,
31 and regulate the use of high capacity transportation facilities and
32 properties within authority boundaries including surface, underground,
33 or overhead railways, tramways, busways, buses, bus sets, entrained and
34 linked buses, ferries, or other means of local transportation except
35 taxis, and including escalators, moving sidewalks, personal rapid
36 transit systems or other people-moving systems, passenger terminal and
37 parking facilities and properties, and such other facilities and
38 properties as may be necessary for passenger, vehicular, and vessel

1 access to and from such people-moving systems, terminal and parking
2 facilities and properties, together with all lands, rights of way,
3 property, equipment, and accessories necessary for such high capacity
4 transportation systems. When developing specifications for high
5 capacity transportation system operating equipment, an authority shall
6 take into account efforts to establish or sustain a domestic
7 manufacturing capacity for such equipment. The right of eminent domain
8 shall be exercised by an authority in the same manner and by the same
9 procedure as or may be provided by law for cities of the first class,
10 except insofar as such laws may be inconsistent with the provisions of
11 this chapter. Public transportation facilities and properties which
12 are owned by any city, county, county transportation authority, public
13 transportation benefit area, or metropolitan municipal corporation may
14 be acquired or used by an authority only with the consent of the agency
15 owning such facilities. Such agencies are hereby authorized to convey
16 or lease such facilities to an authority or to contract for their joint
17 use on such terms as may be fixed by agreement between the agency and
18 the authority.

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

24 (3) To dispose of any real or personal property acquired in
25 connection with any authority function and that is no longer required
26 for the purposes of the authority, in the same manner as provided for
27 cities of the first class. When an authority determines that a
28 facility or any part thereof that has been acquired from any public
29 agency without compensation is no longer required for authority
30 purposes, but is required by the agency from which it was acquired, the
31 authority shall by resolution transfer it to such agency;

32 (4) To fix rates, tolls, fares, and charges for the use of such
33 facilities and to establish various routes and classes of service.
34 Fares or charges may be adjusted or eliminated for any distinguishable
35 class of users;

36 (5) To provide resources to assist expediting efforts through
37 interlocal agreements as provided in RCW 81.104.070 and 81.104.080. A
38 county, city, town, or state agency shall expedite and give priority to
39 processing permits and land use and environmental approvals authorizing

1 or assisting in the siting and construction of high capacity
2 transportation facilities;

3 (6) To convene committees of representatives of local governments
4 and of state agencies with jurisdiction along high capacity
5 transportation corridors to develop uniform requirements for the
6 development of high capacity transportation facilities within a
7 corridor or such portion thereof as may be designated by the authority.
8 The state agencies and local governments participating in such a
9 committee are authorized and directed, to the maximum extent
10 practicable, to develop and adopt standardized construction and utility
11 details, drainage, excavation, grading, and shoring standards, noise
12 and other environmental controls, and structural, electrical and
13 mechanical requirements to minimize differences between jurisdictions,
14 in recognition that varying requirements will increase public expense
15 and delay implementation of high capacity transportation service within
16 a corridor. If requested by the authority, such local governments and
17 state agencies are further authorized and directed to conduct joint
18 hearings and other proceedings related to permits and environmental and
19 land use approvals for the development of facilities within a high
20 capacity transportation corridor. In conducting such proceedings, a
21 city, town, or county and state agencies shall give substantial weight
22 to the policies, planning, and presentations of the authority.

23 NEW SECTION. Sec. 317. (1) The department shall accept
24 applications for grants from the high capacity transportation account
25 from applicants that meet the following conditions:

26 (a) The applicant is a regional transit authority or transit agency
27 authorized to develop high capacity transit systems under RCW
28 81.104.030 and 81.104.040; and

29 (b) The applicant has an adopted system plan prepared pursuant to
30 RCW 81.104.100.

31 (2) The applicant shall have a six-year continuing plan and grant
32 application that includes:

33 (a) A description of the projects to be funded;

34 (b) A description of how the projects implement the system plan;

35 (c) A description of how the projects conform with the system plan
36 implementation schedule;

37 (d) The program for involving the public and affected
38 jurisdictions;

- 1 (e) The project budget;
- 2 (f) The financing plan, including:
 - 3 (i) Any bond debt assumed to require repayment from the high
 - 4 capacity transportation account; and
 - 5 (ii) The regional transit authority's adopted plan for securing
 - 6 funds necessary for the ongoing operation of the high capacity transit
 - 7 system; and
 - 8 (g) Certification of review by the regional transportation planning
 - 9 organization as to project consistency with the regional transportation
 - 10 planning organization's regional transportation plan, and the growth
 - 11 management act.

12 (3) The proposed projects shall fit one or more of the following
13 categories:

- 14 (a) Alternatives analysis as set forth by the federal transit
- 15 administration's requirements;
- 16 (b) Design, engineering, and project administration;
- 17 (c) Right of way acquisition;
- 18 (d) Construction; or
- 19 (e) The capital costs of facilities and equipment necessary to
- 20 construct, operate, and maintain a high capacity system; high occupancy
- 21 vehicle facilities; associated roadways; and related pedestrian and
- 22 bicycle facilities.

23 (4) Two years after submittal of its initial six-year application,
24 the applicant may submit a renewal application requesting extension of
25 two years; thus the plan and the grant will be continuing and ongoing.

26 (5) The department shall establish application formats and
27 procedures and receive and process all applications. The application
28 formats and procedures shall be published by the department by January
29 2, 1994.

30 NEW SECTION. **Sec. 318.** (1) A state-wide high capacity program
31 oversight committee shall be established by the department. The
32 secretary shall appoint the members representing the department by
33 January 2, 1994. The committee shall assist the department to review
34 applications for high capacity transportation account funding and
35 monitor projects so funded. The committee is charged with assuring
36 that projects funded are consistent with the state's interests and that
37 high capacity system development is promoted as is appropriate,
38 throughout the state.

1 (2) The membership of the oversight committee shall include:

2 (a) The assistant secretary of the department responsible for
3 transportation planning;

4 (b) The assistant secretary of the department responsible for
5 program development;

6 (c) One district administrator from a department district other
7 than in central Puget Sound region in which resides an agency eligible
8 to apply for high capacity transportation account funds;

9 (d) The director of the department's office of urban mobility;

10 (e) One elected official from within each regional transit
11 authority or transit district that is eligible to apply for high
12 capacity transportation account funds. Such official shall be a
13 regional transit authority or transit agency board member and shall be
14 appointed by his or her respective agency. Initial appointments shall
15 be made before January 1, 1994.

16 (3) The department shall be responsible for providing staff support
17 from within the department or from other state agencies, as
18 appropriate, to support the application review process and the
19 oversight committee. Costs associated with these activities shall be
20 paid from the high capacity transportation account.

21 (4) The oversight committee shall determine its own operating
22 procedures and establish its schedule of activities in such a manner as
23 to expedite its reviews of project applications and ongoing project
24 monitoring activities. The committee may establish subcommittees of
25 the full committee as well as panels of experts to assist the
26 department in carrying out the mandates of this chapter.

27 NEW SECTION. Sec. 319. (1) The department, with the assistance of
28 the oversight committee, shall provide integration of state policy and
29 budgetary goals and objectives in its review of applications. Goals
30 and policies to be considered shall include, but not be limited to,
31 those included within:

32 (a) The state transportation policy plan;

33 (b) Chapter 81.104 RCW; and

34 (c) Chapter 81.112 RCW.

35 (2) In addition, the availability of high capacity transportation
36 account funds shall be taken into consideration. Projects that support
37 the high capacity transit-related goals and policies referenced in
38 subsection (1) of this section and have a completed six-year plan as

1 required by section 317 of this act are eligible to receive high
2 capacity transportation account funds.

3 (3) Should the department with the assistance of the oversight
4 committee determine that the project does not adequately conform to the
5 six-year continuing plan and grant application, the funding from the
6 high capacity transportation account may be withheld, after a period of
7 thirty days during which time the project sponsor is notified and given
8 opportunity to correct the project's deficiencies. The funding may be
9 withheld until such time as the project sponsor can demonstrate
10 compliance. This provision does not apply to account funds dedicated
11 to bond principal and interest repayment identified in the six-year
12 plan under section 317(2)(f)(i) of this act.

13 NEW SECTION. **Sec. 320.** From funds appropriated in the high
14 capacity transportation account, moneys shall be disbursed to grantees
15 under this chapter as follows:

16 (1)(a) By June 1 of each year, the grantee shall certify to the
17 department the amount and dates of required payments of principal or
18 interest, or both, on bonded indebtedness for which funds in the high
19 capacity transportation account are pledged. Following review by the
20 department, the department shall certify to the state treasurer the
21 amounts of principal and interest required to be paid to the grantee
22 from the high capacity transportation account. By the 20th day of each
23 month preceding the month in which such debt service payments are
24 required to be made by the grantee, the state treasurer shall transfer
25 such funds to the grantee.

26 (b) In the event that the grantee issues additional debt during the
27 course of a fiscal year for which principal and/or interest is due
28 during such fiscal year and such principal and/or interest has not been
29 included in the amounts previously certified to the state treasurer,
30 the department shall amend such certification and direct the state
31 treasurer to transfer such amended amounts to the grantee.

32 (2)(a) By June 30 of each odd-numbered year, the department shall
33 calculate and certify the amount of funds from the high capacity
34 transportation account which are due to each grantee for the following
35 two fiscal years. Such calculation shall be made as follows: From the
36 total amounts appropriated from the high capacity transportation
37 account for each grantee the amounts calculated in subsection (1) of
38 this section shall be deducted. The amount so calculated shall be

1 certified to the state treasurer and commencing on the 15th day of July
2 in each odd-numbered year and on the 15th day of each succeeding month,
3 the treasurer shall transfer one-twenty-fourth of such certified amount
4 to the grantee.

5 (b) In the event that the amounts of principal or interest, or
6 both, initially calculated are revised during a biennium as a result of
7 the grantee issuing additional debt during the course of a fiscal year
8 and receiving an adjusted amount of debt service payments under
9 subsection (1)(b) of this section, the department shall amend such
10 certification and provide to the state treasurer the total amended
11 amounts to be transferred during the remainder of the biennium. The
12 state treasurer shall, commencing on the 15th day of the next
13 succeeding month and on the 15th day of each succeeding month, transfer
14 to the grantee an amount equal to the amended amount divided by the
15 number of months remaining in the biennium.

16 (3) In the event additional funds are appropriated to the
17 department for a grantee after the adoption of the biennial budget, the
18 payments under subsections (1) and (2) of this section may be modified.
19 The department, immediately following the effective date of legislation
20 appropriating the additional amounts, shall calculate the total
21 required payments under subsection (2) of this section for the
22 remainder of the biennium and certify such amount to the state
23 treasurer. The state treasurer shall, commencing on the 15th day of
24 the next succeeding month and on the 15th day of each succeeding month
25 for the remainder of the biennium, transfer to the grantee an amount
26 equal to the amended amount divided by the number of months remaining
27 in the biennium.

28 (4) In the event sufficient funds are not available in the high
29 capacity transportation account to make all payments on the dates
30 specified in this section, the treasurer shall make payments as
31 follows:

32 (a) To the extent adequate funds are available, the treasurer shall
33 pay one hundred percent of the amounts required under subsection (1) of
34 this section.

35 (b) To the extent funds in excess of the amounts required under
36 subsection (1) of this section are available, but insufficient to meet
37 the requirements of subsection (2) of this section, the treasurer shall
38 pay to all grantees a pro rata share of their entitlements under
39 subsection (2) of this section.

1 (c) As soon as sufficient funds are available in the high capacity
2 transportation account to pay the following month's required payments
3 under subsections (1) and (2) of this section and to make payments
4 equal to the deficiencies of any prior month's payments, the treasurer
5 shall pay over to all grantees an amount equal to any deficiencies not
6 paid as a result of the provisions of (b) of this subsection.

7 NEW SECTION. **Sec. 321.** The department, with the assistance of the
8 high capacity program oversight committee, shall establish and conduct
9 an ongoing monitoring program for all projects funded by the high
10 capacity transportation account. The following monitoring activities
11 shall occur:

12 (1) Annually, the department, with the assistance of the committee
13 and panels of experts, if deemed appropriate, shall review each project
14 to determine how well it meets the goals and policies considered in
15 section 319 of this act; and carries out the program elements set out
16 in its six-year plan defined in section 317 of this act.

17 (2) Following the review, the department with the assistance of the
18 committee shall prepare a report to the legislature, the governor, and
19 the project's sponsoring agency that:

20 (a) Sets out how well the previous year's project activities have
21 met the goals and policies and carried out the program elements set out
22 in its six-year plan; and

23 (b) Identifies any changes to the project that are needed to assure
24 the goals, policies and program elements are met.

25 (End of part)

1 **PART 4. MISCELLANEOUS**

2 NEW SECTION. **Sec. 401.** Sections 301 through 303 and 317 through
3 321 of this act are each added to chapter 81.104 RCW.

4 NEW SECTION. **Sec. 402.** Section 201 of this act applies to license
5 expirations beginning with January 1995 expirations.

6 NEW SECTION. **Sec. 403.** Sections 214 through 216, 218, and 221
7 through 223 of this act are necessary for the immediate preservation of
8 the public peace, health, or safety, or support of the state government
9 and its existing public institutions, and shall take effect July 1,
10 1993.

11 NEW SECTION. **Sec. 404.** This act shall be liberally construed to
12 effect its purposes.

13 NEW SECTION. **Sec. 405.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 406.** Part headings as used in this act
18 constitute no part of the law.

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