
SUBSTITUTE HOUSE BILL 2579

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, Johanson and Shin)

Read first time 02/04/94.

1 AN ACT Relating to public transportation benefit areas; amending
2 RCW 36.57A.020, 36.57A.030, 36.57A.050, 36.57A.110, and 36.57.020;
3 adding a new section to chapter 36.57A RCW; and creating new sections.

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

5 **Sec. 1.** RCW 36.57A.020 and 1991 c 363 s 73 are each amended to
6 read as follows:

7 The county legislative authority of every county with a population
8 of ~~((forty))~~ four hundred thousand or more in which, as of January 1,
9 1994, there exists a public transportation benefit area established
10 under this chapter and in which a city is operating a public
11 transportation system under chapter 35.95 RCW shall, and the
12 legislative authority of every other county may, ~~((within ninety days~~
13 ~~of))~~ by July 1, ((1975)) 1994, and as often thereafter as it deems
14 necessary, and upon thirty days prior written notice addressed to the
15 legislative body of each city within the county and with thirty days
16 public notice, convene a public transportation improvement conference
17 to be attended by an elected representative selected by the legislative
18 body of each city, within such county, and by the county legislative
19 authority. Such conference shall be for the purpose of evaluating the

1 need for and the desirability of the creation of a public
2 transportation benefit area within certain incorporated and
3 unincorporated portions of the county to provide public transportation
4 services within such area. In those counties where county officials
5 believe the need for public transportation service extends across
6 county boundaries so as to provide public transportation service in a
7 metropolitan area, the county legislative bodies of two or more
8 neighboring counties may elect to convene a multi-county conference.
9 In addition, county-wide conferences may be convened by resolution of
10 the legislative bodies of two or more cities within the county, not to
11 exceed one in any twelve month period, or a petition signed by at least
12 ten percent of the registered voters in the last general election of
13 the city, county or city/county areas of a proposed benefit area. The
14 chair of the conference shall be elected from the members at large.

15 **Sec. 2.** RCW 36.57A.030 and 1977 ex.s. c 44 s 1 are each amended to
16 read as follows:

17 Any conference which finds it desirable to establish a public
18 transportation benefit area ~~((or))~~, change the boundaries of any
19 existing public transportation benefit area, or replace an existing
20 public transportation benefit area with a new public transportation
21 benefit area under section 3 of this act shall fix a date for a public
22 hearing thereon, or the legislative bodies of any two or more component
23 cities or the county legislative body by resolution may require the
24 public transportation improvement conference to fix a date for a public
25 hearing thereon. Prior to the convening of the public hearing, the
26 county governing body shall delineate the area of the county proposed
27 to be included within the transportation benefit area, and shall
28 furnish a copy of such delineation to each incorporated city within
29 such area. Each city shall advise the county governing body, on a
30 preliminary basis, of its desire to be included or excluded from the
31 transportation benefit area, except that a city operating a public
32 transportation system within a county with a population of four hundred
33 thousand or more in which, as of January 1, 1994, there exists a public
34 transportation benefit area, must be included. The county governing
35 body shall cause the delineations to be revised to reflect the wishes
36 of such incorporated cities. This delineation shall be considered by
37 the conference at the public hearing for inclusion in the public
38 transportation benefit area.

1 Notice of such hearing shall be published once a week for at least
2 four consecutive weeks in one or more newspapers of general circulation
3 within the area. The notice shall contain a description and map of the
4 boundaries of the proposed public transportation benefit area and shall
5 state the time and place of the hearing and the fact that any changes
6 in the boundaries of the public transportation benefit area will be
7 considered at such time and place. At such hearing or any continuation
8 thereof, any interested person may appear and be heard on all matters
9 relating to the effect of the formation of the proposed public
10 transportation benefit area.

11 The conference may make such changes in the boundaries of the
12 public transportation benefit area as they shall deem reasonable and
13 proper, but may not delete any portion of the proposed area which will
14 create an island of included or excluded lands, and may not delete a
15 portion of any city. If the conference shall determine that any
16 additional territory should be included in the public transportation
17 benefit area, a second hearing shall be held and notice given in the
18 same manner as for the original hearing. The conference may adjourn
19 the hearing on the formation of a public transportation benefit area
20 from time to time not exceeding thirty days in all.

21 Following the conclusion of such hearing the conference shall adopt
22 a resolution fixing the boundaries of the proposed public
23 transportation benefit area, declaring that the formation of the
24 proposed public transportation benefit area will be conducive to the
25 welfare and benefit of the persons and property therein.

26 Within thirty days of the adoption of such conference resolution,
27 the county legislative authority of each county wherein a conference
28 has established proposed boundaries of a public transportation benefit
29 area, may by resolution, upon making a legislative finding that the
30 proposed benefit area includes portions of the county which could not
31 be reasonably expected to benefit from such benefit area or excludes
32 portions of the county which could be reasonably expected to benefit
33 from its creation, disapprove and terminate the establishment of such
34 public transportation benefit area within such county.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.57A RCW
36 to read as follows:

37 If, from the testimony given before the county legislative
38 authority of a county with a population of four hundred thousand or

1 more in which, as of January 1, 1994, there exists a public
2 transportation benefit area established under this chapter and in which
3 a city is operating a public transportation system under chapter 35.95
4 RCW, it appears that the public interest or welfare would be satisfied
5 by the establishment of a new public transportation benefit area
6 assuming the rights, powers, functions, assets, liabilities, and
7 obligations of the existing public transportation benefit area and the
8 city with regard to public transportation, the county legislative
9 authority may declare that formation of a new public transportation
10 benefit area to be its intent.

11 The ordinance or resolution shall provide for a single ballot
12 proposition to be submitted to the voters in the area of the proposed
13 new public transportation benefit area, for their approval or
14 rejection, to authorize: (1) The establishment of a new public
15 transportation benefit area to assume the rights, powers, functions,
16 assets, liabilities, and obligations of the existing public
17 transportation benefit area and the city with regard to its public
18 transportation functions; and (2) approval for the new public
19 transportation benefit area to impose taxes, at the rate specified, as
20 provided for under state law.

21 **Sec. 4.** RCW 36.57A.050 and 1983 c 65 s 3 are each amended to read
22 as follows:

23 Within sixty days of the establishment of the boundaries of the
24 public transportation benefit area the members of the county
25 legislative authority and the elected representative of each city
26 within the area shall provide for the selection of the governing body
27 of such area, the public transportation benefit area authority, which
28 shall consist of elected officials selected by and serving at the
29 pleasure of the governing bodies of component cities within the area
30 and the county legislative authority of each county within the area.
31 If at the time a public transportation benefit area authority assumes
32 the public transportation functions previously provided under the
33 Interlocal Cooperation Act (chapter 39.34 RCW) there are citizen
34 positions on the governing board of the transit system, those positions
35 may be retained as positions on the governing board of the public
36 transportation benefit area authority.

37 Within such sixty-day period, any city may by resolution of its
38 legislative body withdraw from participation in the public

1 transportation benefit area, except that a city operating a public
2 transportation system within a county with a population of four hundred
3 thousand or more in which, as of January 1, 1994, there exists a public
4 transportation benefit area, may not withdraw. Except in the case of
5 a public transportation benefit area established under section 3 of
6 this act, the county legislative authority and each city remaining in
7 the public transportation benefit area may disapprove and prevent the
8 establishment of any governing body of a public transportation benefit
9 area if the composition thereof does not meet its approval.

10 (~~In no case shall~~) The governing body of a single county public
11 transportation benefit area may not be greater than nine members,
12 except that in the case of a public transportation benefit area
13 established under section 3 of this act the governing body may not be
14 greater than eleven members, and in the case of a multicounty area,
15 fifteen members. Those cities within the transportation benefit area
16 and excluded from direct membership on the authority are hereby
17 authorized to designate a member of the authority who shall be entitled
18 to represent the interests of such city which is excluded from direct
19 membership on the authority. The legislative body of such city shall
20 notify the authority as to the determination of its authorized
21 representative on the authority.

22 Each member of the authority is eligible to be reimbursed for
23 travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to
24 receive compensation, as set by the authority, in an amount not to
25 exceed forty-four dollars for each day during which the member attends
26 official meetings of the authority or performs prescribed duties
27 approved by the chairman of the authority. In no event may a member be
28 compensated in any year for more than seventy-five days, except the
29 chairman who may be paid compensation for not more than one hundred
30 days: PROVIDED, That compensation shall not be paid to an elected
31 official or employee of federal, state, or local government who is
32 receiving regular full-time compensation from such government for
33 attending meetings and performing prescribed duties of the authority.

34 **Sec. 5.** RCW 36.57A.110 and 1975 1st ex.s. c 270 s 21 are each
35 amended to read as follows:

36 The public transportation benefit area shall have and exercise all
37 rights with respect to the construction, acquisition, maintenance,
38 operation, extension, alteration, repair, control, and management of

1 passenger transportation which any component city shall have been
2 previously empowered to exercise and ((such)) the powers shall not
3 thereafter be exercised by ((such)) the component cities without the
4 consent of the public transportation benefit area(~~(:—PROVIDED, That)~~).
5 However, any city owning and operating a public transportation system
6 on July 1, 1975 may continue to operate ((such)) the system within
7 ((such)) the city until ((such)) the system shall have been acquired by
8 the public transportation benefit area and a public transportation
9 benefit area may not acquire ((such)) the system without the consent of
10 the city council of ((such)) the city except that consent of the city
11 council is not required if that system is to be incorporated into the
12 public transportation benefit area as provided for in section 3 of this
13 act.

14 **Sec. 6.** RCW 36.57.020 and 1974 ex.s. c 167 s 2 are each amended to
15 read as follows:

16 Every county, except a county in which a metropolitan municipal
17 corporation is performing the function of public transportation on May
18 5, 1974, or a county on or after January 1, 1995, having a population
19 of four hundred thousand or more in which on January 1, 1994, a public
20 transportation benefit area is operating under chapter 36.57A RCW and
21 a city is operating a public transportation system under chapter 35.95
22 RCW, is authorized to create a county transportation authority which
23 shall perform the function of public transportation. Such authority
24 shall embrace all the territory within a single county and all cities
25 and towns therein.

26 NEW SECTION. **Sec. 7.** On January 1, 1995, a county transportation
27 authority operating in a county having a population of four hundred
28 thousand or more in which on January 1, 1994, a public transportation
29 benefit area is operating under chapter 36.57A RCW and a city is
30 operating a public transportation system under chapter 35.95 RCW, shall
31 be abolished.

32 NEW SECTION. **Sec. 8.** The governing authority for a public
33 transportation benefit area established under section 3 of this act
34 shall by July 1, 1996, submit to the legislature a proposal for a

- 1 directly elected governing authority for the public transportation
- 2 benefit area.

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