

---

**ENGROSSED SUBSTITUTE SENATE BILL 6753**

---

**State of Washington**

**54th Legislature**

**1996 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators Oke, Prince, Prentice, Sheldon, Swecker, Wojahn, Deccio, Schow, A. Anderson, Sellar, Winsley, Strannigan, Finkbeiner, Moyer, McDonald, Haugen, Wood and Rasmussen)

Read first time 02/06/96.

1       AN ACT Relating to agreements, advisory vote procedures, and  
2 funding for the Tacoma Narrows bridge under the public-private  
3 transportation initiatives program; and amending RCW 47.46.030.

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

5       **Sec. 1.** RCW 47.46.030 and 1995 2nd sp.s. c 19 s 2 are each amended  
6 to read as follows:

7       (1) The secretary or a designee shall solicit proposals from, and  
8 negotiate and enter into agreements with, private entities to undertake  
9 as appropriate, together with the department and other public entities,  
10 all or a portion of the study, planning, design, construction,  
11 operation, and maintenance of transportation systems and facilities,  
12 using in whole or in part private sources of financing.

13       The public-private initiatives program may develop up to six  
14 demonstration projects. Each proposal shall be weighed on its own  
15 merits, and each of the six agreements shall be negotiated  
16 individually, and as a stand-alone project.

17       (2) If project proposals selected prior to September 1, 1994, are  
18 terminated by the public or private sectors, the department shall not  
19 select any new projects, including project proposals submitted to the

1 department prior to September 1, 1994, and designated by the  
2 transportation commission as placeholder projects, after June 16, 1995,  
3 until June 30, 1997.

4 The department, in consultation with the legislative transportation  
5 committee, shall conduct a program and fiscal audit of the public-  
6 private initiatives program for the biennium ending June 30, 1997. The  
7 department shall submit a progress report to the legislative  
8 transportation committee on the program and fiscal audit by June 30,  
9 1996, with preliminary and final audit reports due December 1, 1996,  
10 and June 30, 1997, respectively.

11 The department shall develop and submit a proposed public  
12 involvement plan to the 1997 legislature to identify the process for  
13 selecting new potential projects and the associated costs of  
14 implementing the plan. The legislature must adopt the public  
15 involvement plan before the department may proceed with any activity  
16 related to project identification and selection. Following legislative  
17 adoption of the public involvement plan, the department is authorized  
18 to implement the plan and to identify potential new projects.

19 The public involvement plan for projects selected after June 30,  
20 1997, shall, at a minimum, identify projects that: (a) Have the  
21 potential of achieving overall public support among users of the  
22 projects, residents of communities in the vicinity of the projects, and  
23 residents of communities impacted by the projects; (b) meet a state  
24 transportation need; (c) provide a significant state benefit; and (d)  
25 provide competition among proposers and maximum cost benefits to users.  
26 Prospective projects may include projects identified by the department  
27 or submitted by the private sector.

28 Projects that meet the minimum criteria established under this  
29 section and the requirements of the public involvement plan developed  
30 by the department and approved by the legislature shall be submitted to  
31 the Washington state transportation commission for its review. The  
32 commission, in turn, shall submit a list of eligible projects to the  
33 legislative transportation committee for its consideration. Forty-five  
34 days after the submission to the legislative transportation committee  
35 of the list of eligible projects, the secretary is authorized to  
36 solicit proposals for the eligible project.

37 (3) Prior to entering into agreements with private entities under  
38 the requirements of RCW 47.46.040 for any project proposal selected  
39 before September 1, 1994, or after June 30, 1997, except as provided

1 for in subsections (10) and (11) of this section, the department shall  
2 require an advisory vote as provided under subsections (4) through (9)  
3 of this section.

4 (4) In preparing for the advisory vote, the department shall  
5 conduct a comprehensive analysis of traffic patterns and economic  
6 impact to define the geographical boundary of the project area that is  
7 affected by the imposition of tolls or user fees authorized under this  
8 chapter. The area so defined is referred to in this section as the  
9 affected project area. In defining the affected project area, the  
10 department shall, at a minimum, undertake: (a) A comparison of the  
11 estimated percentage of residents of communities in the vicinity of the  
12 project and in other communities impacted by the project who could be  
13 subject to tolls or user fees and the estimated percentage of other  
14 users and transient traffic that could be subject to tolls or user  
15 fees; (b) an analysis of the anticipated traffic diversion patterns;  
16 (c) an analysis of the potential economic impact resulting from  
17 proposed toll rates or user fee rates imposed on residents, commercial  
18 traffic, and commercial entities in communities in the vicinity of and  
19 impacted by the project; (d) an analysis of the economic impact of  
20 tolls or user fees on the price of goods and services generally; and  
21 (e) an analysis of the relationship of the project to state  
22 transportation needs and benefits.

23 (5)(a) After determining the definition of the affected project  
24 area, the department shall establish a committee comprised of  
25 individuals who represent cities and counties in the affected project  
26 area; organizations formed to support or oppose the project; and users  
27 of the project. The committee shall be named the public-private local  
28 involvement committee, and be known as the local involvement committee.

29 (b) The members of the local involvement committee shall be: (i)  
30 An elected official from each city within the affected project area;  
31 (ii) an elected official from each county within the affected project  
32 area; (iii) two persons from each county within the affected project  
33 area who represent an organization formed in support of the project, if  
34 the organization exists; (iv) two persons from each county within the  
35 affected project area who represent an organization formed to oppose  
36 the project, if the organization exists; and (v) four public members  
37 active in a state-wide transportation organization. If the committee  
38 makeup results in an even number of committee members, there shall be

1 an additional appointment of an elected official from the county in  
2 which all, or the greatest portion of the project is located.

3 (c) City and county elected officials shall be appointed by a  
4 majority of the members of the city or county legislative authorities  
5 of each city or county within the affected project area, respectively.  
6 The county legislative authority of each county within the affected  
7 project area shall identify and validate organizations officially  
8 formed in support of or in opposition to the project and shall make the  
9 appointments required under this section from a list submitted by the  
10 chair of the organizations. Public members shall be appointed by the  
11 governor. All appointments to the local involvement committee shall be  
12 made and submitted to the department of transportation no later than  
13 January 1, 1996, for projects selected prior to September 1, 1994, and  
14 no later than thirty days after the affected project area is defined  
15 for projects selected after June 30, 1997. Vacancies in the membership  
16 of the local involvement committee shall be filled by the appointing  
17 authority under (b)(i) through (v) of this subsection for each position  
18 on the committee.

19 (d) The local involvement committee shall serve in an advisory  
20 capacity to the department on all matters related to the execution of  
21 the advisory vote.

22 (e) Members of the local involvement committee serve without  
23 compensation and may not receive subsistence, lodging expenses, or  
24 travel expenses.

25 (6) The department shall conduct a minimum thirty-day public  
26 comment period on the definition of the geographical boundary of the  
27 project area. The department, in consultation with the local  
28 involvement committee, shall make adjustments, if required, to the  
29 definition of the geographical boundary of the affected project area,  
30 based on comments received from the public. Within fourteen calendar  
31 days after the public comment period, the department shall set the  
32 boundaries of the affected project area in units no smaller than a  
33 precinct as defined in RCW 29.01.120.

34 (7) The department, in consultation with the local involvement  
35 committee, shall develop a description for selected project proposals.  
36 After developing the description of the project proposal, the  
37 department shall publish the project proposal description in newspapers  
38 of general circulation for seven calendar days in the affected project  
39 area. Within fourteen calendar days after the last day of the

1 publication of the project proposal description, the department shall  
2 transmit a copy of the map depicting the affected project area and the  
3 description of the project proposal to the county auditor of the county  
4 in which any portion of the affected project area is located.

5 (8) The department shall provide the legislative transportation  
6 committee with progress reports on the status of the definition of the  
7 affected project area and the description of the project proposal.

8 (9) Upon receipt of the map and the description of the project  
9 proposal, the county auditor shall, within thirty days, verify the  
10 precincts that are located within the affected project area. The  
11 county auditor shall prepare the text identifying and describing the  
12 affected project area and the project proposal using the definition of  
13 the geographical boundary of the affected project area and the project  
14 description submitted by the department and shall set an election date  
15 for the submission of a ballot proposition authorizing the imposition  
16 of tolls or user fees to implement the proposed project within the  
17 affected project area, which date may be the next succeeding general  
18 election to be held in the state, or at a special election, if  
19 requested by the department. The text of the project proposal must  
20 appear in a voter's pamphlet for the affected project area. The  
21 department shall pay the costs of publication and distribution. The  
22 special election date must be the next date for a special election  
23 provided under RCW 29.13.020 that is at least sixty days but, if  
24 authorized under RCW 29.13.020, no more than ninety days after the  
25 receipt of the final map and project description by the auditor. The  
26 department shall pay the cost of an election held under this section.

27 (10) The advisory vote for project proposals selected prior to  
28 September 1, 1994, that have received public opposition as demonstrated  
29 by the submission to the department of original petitions bearing at  
30 least five thousand signatures of individuals opposing the project,  
31 collected and submitted after September 1, 1994, and by July 16, 1995,  
32 and for which the legislature has appropriated funds under RCW  
33 47.10.834 to conduct environmental impact studies, a public involvement  
34 program, and engineering and technical studies, shall be on the  
35 preferred alternative identified under the requirements of chapter  
36 43.21C RCW and the national environmental policy act, 42 U.S.C. 4321 et  
37 seq.

38 Notwithstanding any other provision of law, the department may  
39 contract with a private developer of a selected project proposal to

1 conduct environmental impact studies, a public involvement program, and  
2 engineering and technical studies funded by the legislature. For  
3 projects subject to this subsection, the department shall not enter  
4 into an agreement under RCW 47.46.040 prior to the advisory vote on the  
5 preferred alternative.

6 (11) Subsections (4) through (9) of this section shall not apply to  
7 project proposals selected prior to September 1, 1994, that have no  
8 organized public opposition as demonstrated by the submission to the  
9 department of original petitions bearing at least five thousand  
10 signatures of individuals opposing the project, collected and submitted  
11 after September 1, 1994, and by thirty calendar days after June 16,  
12 1995.

13 ~~((11))~~ (12) Subsections (4) through (9) of this section shall not  
14 apply to project proposals selected after June 30, 1997, that have no  
15 organized public opposition as demonstrated by the submission to the  
16 department of original petitions bearing at least five thousand  
17 signatures of individuals opposing the project, collected and submitted  
18 by ninety calendar days after project selection.

--- END ---