
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; amending RCW 47.46.030; and making
4 an appropriation.

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

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

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

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

18 (2) If project proposals selected prior to September 1, 1994, are
19 terminated by the public or private sectors, the department shall not

1 select any new projects, including project proposals submitted to the
2 department prior to September 1, 1994, and designated by the
3 transportation commission as placeholder projects, after June 16, 1995,
4 until June 30, 1997.

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

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

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

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

38 (3) Prior to entering into agreements with private entities under
39 the requirements of RCW 47.46.040 for any project proposal selected

1 before September 1, 1994, or after June 30, 1997, except as provided
2 for in subsections (10) and (11) of this section, the department shall
3 require an advisory vote as provided under subsections (4) through (9)
4 of this section.

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

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

30 (b) The members of the local involvement committee shall be: (i)
31 An elected official from each city within the affected project area;
32 (ii) an elected official from each county within the affected project
33 area; (iii) two persons from each county within the affected project
34 area who represent an organization formed in support of the project, if
35 the organization exists; (iv) two persons from each county within the
36 affected project area who represent an organization formed to oppose
37 the project, if the organization exists; and (v) four public members
38 active in a state-wide transportation organization. If the committee
39 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.

19 NEW SECTION. Sec. 2. The sum of ten million dollars, or as much
20 thereof as may be necessary, is appropriated for the biennium ending
21 June 30, 1997, from the revenue generated from the sale of bonds
22 authorized under RCW 47.10.834 to the motor vehicle fund for the
23 department of transportation to be used as follows:

24 (1) Up to five million dollars is for all forms of cash
25 contributions or the payment of other costs incident to environmental
26 studies, a public involvement program, an advisory vote, and
27 administrative costs associated with the SR 16 corridor improvements
28 contained in the proposal selected prior to September 1, 1994, under
29 the public-private transportation initiative program; and

30 (2) Up to five million dollars is for the department's share, which
31 is one-half, of engineering and technical studies conducted for SR 16
32 corridor improvements contained in the proposal for that corridor
33 selected prior to September 1, 1994, under the public-private
34 transportation initiative program.

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