
SUBSTITUTE HOUSE BILL 2105

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Transportation Policy & Budget (originally sponsored by Representatives Sterk and D. Sommers)

Read first time 03/10/97.

1 AN ACT Relating to the authority of a public transportation benefit
2 district to contract with county, city, and town governments; and
3 amending RCW 36.57A.090 and 36.57A.100.

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

5 **Sec. 1.** RCW 36.57A.090 and 1981 c 25 s 4 are each amended to read
6 as follows:

7 (1) A public transportation benefit area authority shall have the
8 following powers in addition to the general powers granted by this
9 chapter:

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

15 ~~((2))~~ (b) To acquire by purchase, condemnation, gift, or grant
16 and to lease, construct, add to, improve, replace, repair, maintain,
17 operate, and regulate the use of transportation facilities and
18 properties within or without the public transportation benefit area or
19 the state, including systems of surface, underground, or overhead

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

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

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

29 In the event any person holding a certificate of public convenience
30 and necessity from the Washington utilities and transportation
31 commission under RCW 81.68.040 has operated under such certificate for
32 a continuous period of one year prior to the date of certification and
33 is offering service within the public transportation benefit area on
34 the date of the certification by the county canvassing board that a
35 majority of votes cast authorize a tax to be levied and collected by
36 the public transportation benefit area authority, such authority may by
37 purchase or condemnation acquire at the fair market value, from the
38 person holding the existing certificate for providing the services,
39 that portion of the operating authority and equipment representing the

1 services within the area of public operation. The person holding such
2 existing certificate may require the public transportation benefit area
3 authority to initiate such purchase of those assets of such person,
4 existing as of the date of the county canvassing board certification,
5 within sixty days after the date of such certification.

6 (2) In addition to the powers granted in subsection (1) of this
7 section, public transportation benefit area authorities may contract
8 for road, street, and sidewalk construction, improvement, repair, and
9 maintenance with counties or cities and towns whose roads, streets, and
10 related properties are used and affected by the public transportation
11 benefit area authorities.

12 **Sec. 2.** RCW 36.57A.100 and 1977 ex.s. c 44 s 4 are each amended to
13 read as follows:

14 Except in accordance with an agreement made as provided in this
15 section or in accordance with the provisions of RCW 36.57A.090(~~((3) as~~
16 ~~now or hereafter amended)) (1)(c), upon the effective date on which the
17 public transportation benefit area commences to perform the public
18 transportation service, no person or private corporation shall operate
19 a local public passenger transportation service within the public
20 transportation benefit area with the exception of taxis, buses owned or
21 operated by a school district or private school, and buses owned or
22 operated by any corporation or organization solely for the purposes of
23 the corporation or organization and for the use of which no fee or fare
24 is charged.~~

25 An agreement may be entered into between the public transportation
26 benefit area authority and any person or corporation legally operating
27 a local public passenger transportation service wholly within or partly
28 within and partly without the public transportation benefit area and on
29 said effective date under which such person or corporation may continue
30 to operate such service or any part thereof for such time and upon such
31 terms and conditions as provided in such agreement. Such agreement
32 shall provide for a periodic review of the terms and conditions
33 contained therein. Where any such local public passenger
34 transportation service will be required to cease to operate within the
35 public transportation benefit area, the public transportation benefit
36 area authority may agree with the owner of such service to purchase the
37 assets used in providing such service, or if no agreement can be
38 reached, the public transportation benefit area authority shall condemn

1 such assets in the manner and by the same procedure as is or may be
2 provided by law for the condemnation of other properties for cities of
3 the first class, except insofar as such laws may be inconsistent with
4 the provisions of this chapter.

5 Wherever a privately owned public carrier operates wholly or partly
6 within a public transportation benefit area, the Washington utilities
7 and transportation commission shall continue to exercise jurisdiction
8 over such operation as provided by law.

9 EFFECT: Adds to the authority for a PTBA to contract with
10 counties, cities, and towns whose roads, streets, and properties it
11 operates on for road, street, and sidewalk construction, improvement,
12 repair, and maintenance.

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