
HOUSE BILL 3018

State of Washington

55th Legislature

1998 Regular Session

By Representatives Van Luven, Lantz, Cooper, Chopp, Cole, Eickmeyer, Kessler, Poulsen, Butler, Anderson, Wolfe, Regala, Dunshee, Gombosky, Morris, Kastama and Huff

Read first time 01/27/98. Referred to Committee on Transportation Policy & Budget.

1 AN ACT Relating to defining the affected project area in public-
2 private transportation projects; amending RCW 47.46.030; and providing
3 a retroactive effective date.

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

5 **Sec. 1.** RCW 47.46.030 and 1996 c 280 s 1 are each amended to read
6 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 (~~((11) and~~) (12) and (13) of this section, the
2 department shall require an advisory vote as provided under subsections
3 (5) through (10) of this section.

4 (4) The advisory vote shall apply to project proposals selected
5 prior to September 1, 1994, or after June 30, 1997, that receive public
6 opposition as demonstrated by the submission to the department of
7 original petitions bearing at least five thousand signatures of
8 individuals opposing the project collected and submitted in accordance
9 with the dates established in subsections (12) and (13) of this
10 section. The advisory vote shall be on the preferred alternative
11 identified under the requirements of chapter 43.21C RCW and, if
12 applicable, the national environmental policy act, 42 U.S.C. 4321 et
13 seq. The execution by the department of the advisory vote process
14 established in this section is subject to the prior appropriation of
15 funds by the legislature for the purpose of conducting environmental
16 impact studies, a public involvement program, local involvement
17 committee activities, traffic and economic impact analyses, engineering
18 and technical studies, and the advisory vote.

19 (5) In preparing for the advisory vote, the department shall
20 conduct a comprehensive analysis of traffic patterns and economic
21 impact to define the geographical boundary of the project area that is
22 most affected by the imposition of tolls or user fees authorized under
23 this chapter. The area so defined is referred to in this section as
24 the affected project area. In defining the affected project area, the
25 department shall, at a minimum, undertake: (a) A comparison of the
26 estimated percentage of residents of communities in the vicinity of the
27 project and in other communities impacted by the project who could be
28 subject to tolls or user fees and the estimated percentage of other
29 users and transient traffic that could be subject to tolls or user
30 fees; (b) an analysis of the anticipated traffic diversion patterns;
31 (c) an analysis of the potential economic impact resulting from
32 proposed toll rates or user fee rates imposed on residents, commercial
33 traffic, and commercial entities in communities in the vicinity of and
34 impacted by the project; (d) an analysis of the economic impact of
35 tolls or user fees on the price of goods and services generally; and
36 (e) an analysis of the relationship of the project to state
37 transportation needs and benefits. The department shall limit the
38 affected project area to that which contains the population that will

1 account for seventy-five percent of the per capita trips through or
2 across the area where tolls or user fees are charged.

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

9 (b) The members of the local involvement committee shall be: (i)
10 An elected official from each city within the affected project area;
11 (ii) an elected official from each county within the affected project
12 area; (iii) two persons from each county within the affected project
13 area who represent an organization formed in support of the project, if
14 the organization exists; (iv) two persons from each county within the
15 affected project area who represent an organization formed to oppose
16 the project, if the organization exists; and (v) four public members
17 active in a state-wide transportation organization. If the committee
18 makeup results in an even number of committee members, there shall be
19 an additional appointment of an elected official from the county in
20 which all, or the greatest portion of the project is located.

21 (c) City and county elected officials shall be appointed by a
22 majority of the members of the city or county legislative authorities
23 of each city or county within the affected project area, respectively.
24 The county legislative authority of each county within the affected
25 project area shall identify and validate organizations officially
26 formed in support of or in opposition to the project and shall make the
27 appointments required under this section from a list submitted by the
28 chair of the organizations. Public members shall be appointed by the
29 governor. All appointments to the local involvement committee shall be
30 made and submitted to the department of transportation no later than
31 January 1, 1996, for projects selected prior to September 1, 1994, and
32 no later than thirty days after the affected project area is defined
33 for projects selected after June 30, 1997. Vacancies in the membership
34 of the local involvement committee shall be filled by the appointing
35 authority under (b)(i) through (v) of this subsection for each position
36 on the committee.

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

1 (e) Members of the local involvement committee serve without
2 compensation and may not receive subsistence, lodging expenses, or
3 travel expenses.

4 (7) The department shall conduct a minimum thirty-day public
5 comment period on the definition of the geographical boundary of the
6 project area. The department, in consultation with the local
7 involvement committee, shall make adjustments, if required, to the
8 definition of the geographical boundary of the affected project area,
9 based on comments received from the public. Within fourteen calendar
10 days after the public comment period, the department shall set the
11 boundaries of the affected project area in units no smaller than a
12 precinct as defined in RCW 29.01.120.

13 (8) The department, in consultation with the local involvement
14 committee, shall develop a description for selected project proposals.
15 After developing the description of the project proposal, the
16 department shall publish the project proposal description in newspapers
17 of general circulation for seven calendar days in the affected project
18 area. Within fourteen calendar days after the last day of the
19 publication of the project proposal description, the department shall
20 transmit a copy of the map depicting the affected project area and the
21 description of the project proposal to the county auditor of the county
22 in which any portion of the affected project area is located.

23 (9) The department shall provide the legislative transportation
24 committee with progress reports on the status of the definition of the
25 affected project area and the description of the project proposal.

26 (10) Upon receipt of the map and the description of the project
27 proposal, the county auditor shall, within thirty days, verify the
28 precincts that are located within the affected project area. The
29 county auditor shall prepare the text identifying and describing the
30 affected project area and the project proposal using the definition of
31 the geographical boundary of the affected project area and the project
32 description submitted by the department and shall set an election date
33 for the submission of a ballot proposition authorizing the imposition
34 of tolls or user fees to implement the proposed project within the
35 affected project area, which date may be the next succeeding general
36 election to be held in the state, or at a special election, if
37 requested by the department. The text of the project proposal must
38 appear in a voter's pamphlet for the affected project area. The
39 department shall pay the costs of publication and distribution. The

1 special election date must be the next date for a special election
2 provided under RCW 29.13.020 that is at least sixty days but, if
3 authorized under RCW 29.13.020, no more than ninety days after the
4 receipt of the final map and project description by the auditor. The
5 department shall pay the cost of an election held under this section.

6 (11) Notwithstanding any other provision of law, the department may
7 contract with a private developer of a selected project proposal to
8 conduct environmental impact studies, a public involvement program, and
9 engineering and technical studies funded by the legislature. For
10 projects subject to this subsection, the department shall not enter
11 into an agreement under RCW 47.46.040 prior to the advisory vote on the
12 preferred alternative.

13 (12) Subsections (5) through (10) of this section shall not apply
14 to project proposals selected prior to September 1, 1994, 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 after September 1, 1994, and by thirty calendar days after June 16,
19 1995.

20 (13) Subsections (5) through (10) of this section shall not apply
21 to project proposals selected after June 30, 1997, that have no
22 organized public opposition as demonstrated by the submission to the
23 department of original petitions bearing at least five thousand
24 signatures of individuals opposing the project, collected and submitted
25 by ninety calendar days after project selection.

26 NEW SECTION. **Sec. 2.** This act is remedial in nature and is
27 retroactive to January 1, 1996.

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