
HOUSE BILL 1979

State of Washington 56th Legislature 1999 Regular Session

By Representatives Lantz, Dunshee and Murray

Read first time 02/12/1999. Referred to Committee on Transportation.

1 AN ACT Relating to lending the state's credit; and amending RCW
2 47.46.010.

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

4 **Sec. 1.** RCW 47.46.010 and 1995 2nd sp.s. c 19 s 1 are each amended
5 to read as follows:

6 The legislature finds and declares:

7 It is essential for the economic, social, and environmental well-
8 being of the state and the maintenance of a high quality of life that
9 the people of the state have an efficient transportation system.

10 The ability of the state to provide an efficient transportation
11 system will be enhanced by a public-private sector program providing
12 for private entities to undertake all or a portion of the study,
13 planning, design, development, financing, acquisition, installation,
14 construction or improvement, operation, and maintenance of
15 transportation systems and facility projects.

16 A public-private initiatives program will provide benefits to both
17 the public and private sectors. Public-private initiatives provide a
18 sound economic investment opportunity for the private sector. Such
19 initiatives will provide the state with increased access to property

1 development and project opportunities, financial and development
2 expertise, and will supplement state transportation revenues, allowing
3 the state to use its limited resources for other needed projects.

4 The public-private initiatives program, to the fullest extent
5 possible, should encourage and promote business and employment
6 opportunities for Washington state citizens.

7 The public-private initiatives program shall be implemented in
8 cooperation, consultation, and with the support of the affected
9 communities and local jurisdictions.

10 The secretary of transportation should be permitted and encouraged
11 to test the feasibility of building privately funded transportation
12 systems and facilities or segments thereof through the use of
13 innovative agreements with the private sector. The secretary of
14 transportation should be vested with the authority to solicit,
15 evaluate, negotiate, and administer public-private agreements with the
16 private sector relating to the planning, construction, upgrading, or
17 reconstruction of transportation systems and facilities.

18 Agreements negotiated under a public-private initiatives program
19 will not bestow on private entities an immediate right to construct and
20 operate the proposed transportation facilities. Rather, agreements
21 will grant to private entities the opportunity to design the proposed
22 facilities, demonstrate public support for proposed facilities, and
23 complete the planning processes required in order to obtain a future
24 decision by the department of transportation and other state and local
25 lead agencies on whether the facilities should be permitted and built.

26 Agreements negotiated under the public-private initiatives program
27 should establish the conditions under which the private developer may
28 secure the approval necessary to develop and operate the proposed
29 transportation facilities; create a framework to attract the private
30 capital necessary to finance their development; ensure that the
31 transportation facilities will be designed, constructed, and operated
32 in accordance with applicable local, regional, state, and federal laws
33 and the applicable standards and policies of the department of
34 transportation; and require a demonstration that the proposed
35 transportation facility has the support of the affected communities and
36 local jurisdictions.

37 The legislature finds that the Puget Sound congestion pricing
38 project, selected under this chapter, raises major transportation
39 policy, economic, and equity concerns. These relate to the integrity

1 of the state's high-occupancy vehicle program; the cost-effective
2 movement of freight and goods; the diversion of traffic to local
3 streets and arterials; and possible financial hardship to commuters.
4 The legislature further finds that these potential economic and social
5 impacts require comprehensive legislative review prior to advancement
6 of the project and directs that the secretary not proceed with the
7 implementation of the project without prior approval of the
8 legislature.

9 The department of transportation should be encouraged to take
10 advantage of new opportunities provided by federal legislation under
11 section 1012 of the Intermodal Surface Transportation Efficiency Act of
12 1991 (ISTEA). That section establishes a new program authorizing
13 federal participation in construction or improvement or improvement of
14 publicly or privately owned toll roads, bridges, and tunnels, and
15 allows states to leverage available federal funds as a means for
16 attracting private sector capital.

17 Agreements negotiated under a public-private initiative program
18 must not limit or encumber the public's current use of existing state
19 transportation systems and facilities by such means as, but not limited
20 to, imposing a toll on an existing bridge or highway or including an
21 existing bridge or highway as part of a tolled facility or franchise
22 agreement.

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