
HOUSE BILL 3058

State of Washington 56th Legislature 2000 Regular Session

By Representatives Schindler, Fortunato, Mielke and Esser

Read first time 01/26/2000. Referred to Committee on Transportation.

1 AN ACT Relating to transportation congestion reduction; amending
2 RCW 43.17.020, 47.01.021, 47.01.031, 47.01.041, 47.01.071, and
3 47.01.250; reenacting and amending RCW 47.01.101; adding a new chapter
4 to Title 47 RCW; creating a new section; repealing RCW 47.01.051,
5 47.01.061, 47.05.010, 47.05.021, 47.05.030, 47.05.035, 47.05.051, and
6 47.05.090; and providing effective dates.

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

8 NEW SECTION. **Sec. 1.** The legislature recognizes that the people
9 of the state rank traffic congestion as one of their greatest concerns
10 and rightfully expect the state to seek realistic, implementable
11 solutions. Recent studies for Puget Sound have indicated that the
12 annual cost of congestion exceeds two billion dollars a year with a
13 national study ranking the region as third worse in the nation.
14 Congestion symptoms are becoming evident in parts of Eastern Washington
15 and Southwest Washington as well. As a result, the legislature
16 declares that reducing traffic congestion while increasing mobility is
17 the primary objective for state and local surface transportation
18 programs.

1 Nevertheless, the state's priority programming for highway
2 development has arguably been retarded by conflicting goals, with the
3 result that financial resources have been allocated in a manner that
4 has allowed congestion to reach unacceptable levels. Congestion has
5 raised not only the accident and injury potential but also dramatically
6 impacted freight movement and service vehicle accessibility. While
7 planners had hoped that concentrated alternatives such as transit would
8 have had a far greater impact, these solutions at best will have less
9 than five percent of total daily trips by 2010 in Puget Sound, even
10 with the Sound Transit proposal.

11 The legislature refocuses the state-wide responsibilities under
12 this title to a unified goal of reducing congestion while increasing
13 mobility by twenty-five percent by the year 2010 for areas outlined
14 under this chapter that exceed the Texas Transportation Institute index
15 or such other congestion index approved by the legislature. The plan
16 will devote resources to reducing the index to a level that occurred in
17 the early 1980's for those noncompliance areas while focusing on
18 preemptive projects for other regions of the state.

19 NEW SECTION. **Sec. 2.** The definitions in this section apply
20 throughout this chapter.

21 (1) "Congestion index" means measures of performance as developed
22 by the Texas Transportation Institute using, but not limited to, delay-
23 based measures of performance (delay per driver), travel rate index
24 (TRI), roadway congestion index (RCI), or such other criteria as
25 approved by the legislature. The congestion index must be set at the
26 level that occurred in the early 1980's. If the index uses a measure
27 of performance based on the roadway congestion index (RCI), the index
28 must be set at 0.95 or lower for the highway/principal arterial system.

29 (2) "Freeway/expressway" means a state or county road so designated
30 in accordance with criteria established by state and federal agencies.

31 (3) "Guidelines" means the criteria developed jointly by the
32 congestion reduction board and the legislature to replace chapter 47.05
33 RCW and such other statutes in order to accomplish the goals of section
34 1 of this act.

35 (4) "Principal arterial" means a county road or city street so
36 designated in accordance with criteria established by state and federal
37 agencies.

1 (5) "Urban monitoring area" means every area in this state
2 designated as an urban monitoring area by the congestion reduction
3 board.

4 NEW SECTION. **Sec. 3.** (1) The congestion reduction board is
5 created, consisting of twenty-five members appointed by the governor
6 and confirmed by the senate as follows:

7 (a) Seven county members, one each from each region comprising the
8 seven regions in section 5(2) of this act;

9 (b) Seven city members, one each from each region comprising the
10 seven regions in section 5(2) of this act;

11 (c) Five general members as follows: Two from the Washington state
12 department of transportation, one from the office of financial
13 management, one from the Public Ports Association, and one from a
14 public transit agency; and

15 (d) Six members from the private sector.

16 (2) The board shall review plans developed by the state, county,
17 and city governments to identify urban monitoring areas and determine
18 compliance with congestion reduction goals of this chapter. The board
19 may order changes in plans adopted by metropolitan planning
20 organizations (MPO) and regional transportation planning organizations
21 (RTPO) and a reallocation of funds distributed to MPOs and RTPOs by the
22 federal government. A jurisdiction deemed not to be in compliance will
23 have funds withheld from state and federal sources until the
24 jurisdiction complies with the requirements of this chapter.

25 NEW SECTION. **Sec. 4.** On June 30, 2001, the transportation
26 commission is abolished and control and administration of the
27 department of transportation are placed under the governor as an
28 executive agency. The appropriations and expenditure powers of the
29 department are transferred to the congestion reduction board for
30 surface transportation programs, and in respect to surface
31 transportation programs, the department shall function as a planning
32 and preservation and maintenance department. The surface
33 transportation programs of the transportation improvement board, county
34 road administration board, and freight mobility strategic investment
35 board are consolidated within the congestion reduction board, and those
36 powers are transferred to the congestion reduction board. Control of
37 dedicated funding sources from the transportation improvement board and

1 the county road administration board are transferred to the congestion
2 reduction board.

3 NEW SECTION. **Sec. 5.** (1) Before the 2001 legislative session, the
4 congestion reduction board will evaluate the state transportation plan
5 and other plans as adopted by the transportation commission and
6 department of transportation, local plans submitted through the
7 transportation improvement board, the county road administration board,
8 and the freight mobility strategic investment board, and transportation
9 plans developed by metropolitan planning organizations and regional
10 transportation planning organizations. The congestion reduction board
11 will distinguish between those urban monitoring areas exceeding an
12 established standard of congestion or delay and those not exceeding the
13 standard. If the standard is based on the Texas Transportation
14 Institute's travel rate index, the standard will be 1.15 (peak period
15 travel times exceeding off-peak times by fifteen percent or more). If
16 the congestion reduction board uses a delay per driver approach, the
17 standard will be thirty annual hours of delay per driver. If the
18 congestion reduction board uses the roadway congestion index, the
19 standard will be an index of 1.0. Those urban monitoring areas
20 exceeding the standard will be designated as "congested," and the
21 congestion reduction board will submit an action plan to the
22 legislature advocating solutions. For those urban monitoring areas not
23 exceeding the standard, the congestion reduction board will highlight
24 freeway/expressway and principal arterials that might exceed the
25 standard by 2010 unless preemptive action is taken by state or local
26 governments. For succeeding biennia, the congestion reduction board
27 will monitor and update the plan as necessary.

28 (2) For the purpose of analysis, the urban monitoring areas of the
29 state are classified as follows: (a) Puget Sound including areas
30 within King, Pierce, Snohomish, and Kitsap counties; (b) Olympic region
31 including Clallam, Jefferson, Grays Harbor, Mason, and Thurston
32 counties; (c) Northwest region including Whatcom, Skagit, Island, and
33 San Juan counties; (d) Southwest region including Clark, Cowlitz,
34 Wahkiakum, Pacific, Lewis, Skamania, and Klickitat counties; (e) North
35 central region including Okanogan, Chelan, Douglas, Grant, and Ferry
36 counties; (f) South central region including Kittitas, Yakima, Benton,
37 Franklin, Walla Walla, Columbia, Garfield, and Asotin counties; (g)

1 Eastern region including Stevens, Pend Oreille, Lincoln, Spokane,
2 Adams, and Whitman counties.

3 NEW SECTION. **Sec. 6.** Funds available for expenditure by the
4 congestion reduction board under this chapter and apportioned to the
5 seven regions of the state must be budgeted and spent, under proper
6 appropriations, for specific highway or road improvement projects
7 within the urban monitoring areas of each region in accordance with the
8 guidelines. These expenditures in urban monitoring areas are in
9 addition to expenditures from all other construction funds regularly
10 programmed before the effective date of this section for highway
11 improvements throughout the state under chapter 47.05 RCW.

12 NEW SECTION. **Sec. 7.** Funds available for expenditure by the
13 congestion reduction board must be apportioned to the seven regions for
14 expenditure upon freeways/expressways and local roads in the seven
15 regions in a manner that accomplishes the overall objective of section
16 1 of this act. Necessary funds must be spent to achieve congestion
17 reduction under the standard index regardless of the overall
18 distribution of projected expenditures state-wide.

19 NEW SECTION. **Sec. 8.** Under this chapter, city and county
20 governments shall dedicate required levels of expenditures to achieve
21 congestion reduction on principal arterials, arterials, roads, and
22 local highways under their jurisdiction in order to receive funds from
23 state and federal sources for surface transportation programs
24 including, but not limited to, transit, ferries, rail, bicycle, or any
25 activity using state and local highway and road systems. In addition,
26 metropolitan planning organizations distributing federal or other funds
27 to city or county governments may not do so unless the congestion
28 reduction board has declared the city or county government is in
29 compliance with this chapter.

30 **Sec. 9.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended
31 to read as follows:

32 There shall be a chief executive officer of each department to be
33 known as: (1) The secretary of social and health services, (2) the
34 director of ecology, (3) the director of labor and industries, (4) the
35 director of agriculture, (5) the director of fish and wildlife, (6) the

1 secretary of transportation, (7) the director of licensing, (8) the
2 director of general administration, (9) the director of community,
3 trade, and economic development, (10) the director of veterans affairs,
4 (11) the director of revenue, (12) the director of retirement systems,
5 (13) the secretary of corrections, ((and)) (14) the secretary of
6 health, and (15) the director of financial institutions.

7 Such officers, except ((the secretary of transportation and)) the
8 director of fish and wildlife, shall be appointed by the governor, with
9 the consent of the senate, and hold office at the pleasure of the
10 governor. ((The secretary of transportation shall be appointed by the
11 transportation commission as prescribed by RCW 47.01.041.)) The
12 director of fish and wildlife shall be appointed by the fish and
13 wildlife commission as prescribed by RCW 77.04.055.

14 **Sec. 10.** RCW 47.01.021 and 1977 ex.s. c 151 s 2 are each amended
15 to read as follows:

16 As used in this title unless the context indicates otherwise:

17 (1) "Department" means the department of transportation created in
18 RCW 47.01.031((;)).

19 (2) "Commission" means the secretary of transportation ((commission
20 created in RCW 47.01.051;)) as provided for in RCW 47.01.041.

21 (3) "Secretary" means the secretary of transportation as provided
22 for in RCW 47.01.041.

23 **Sec. 11.** RCW 47.01.031 and 1988 c 167 s 11 are each amended to
24 read as follows:

25 (1) There is created a department of state government to be known
26 as the department of transportation.

27 (2) All powers, duties, and functions vested by law in the
28 department of highways, the state highway commission, the director of
29 highways, the Washington toll bridge authority, the aeronautics
30 commission, the director of aeronautics, and the canal commission, and
31 the transportation related powers, duties, and functions of the
32 planning and community affairs agency, are transferred to the
33 jurisdiction of the department, except those powers, duties, and
34 functions which are expressly directed elsewhere in this or in any
35 other act of the 1977 legislature.

36 (3) The board of pilotage commissioners is transferred to the
37 jurisdiction of the department for its staff support and

1 administration: PROVIDED, That nothing in this section shall be
2 construed as transferring any policy making powers of the board of
3 pilotage commissioners to the (~~transportation commission or the~~)
4 department of transportation.

5 **Sec. 12.** RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each
6 amended to read as follows:

7 The executive head of the department of transportation shall be the
8 secretary of transportation, who shall be appointed by the
9 (~~transportation commission~~) governor, and shall be paid a salary to
10 be fixed by the governor in accordance with the provisions of RCW
11 43.03.040. (~~The secretary shall be an ex officio member of the~~
12 ~~commission without a vote. The secretary shall be the chief executive~~
13 ~~officer of the commission and be responsible to it, and shall be guided~~
14 ~~by policies established by it.)) The secretary shall serve (~~until~~
15 ~~removed by the commission, but only for incapacity, incompetence,~~
16 ~~neglect of duty, malfeasance in office, or failure to carry out the~~
17 ~~commission's policies. Before a motion for dismissal shall be acted on~~
18 ~~by the commission, the secretary shall be granted a hearing on formal~~
19 ~~written charges before the full commission. An action by the~~
20 ~~commission to remove the secretary shall be final~~) at the pleasure of
21 the governor.~~

22 **Sec. 13.** RCW 47.01.071 and 1981 c 59 s 2 are each amended to read
23 as follows:

24 The (~~transportation commission shall have~~) secretary has the
25 following functions, powers, and duties:

26 (1) To propose policies to be adopted by the legislature designed
27 to assure the development and maintenance of a comprehensive and
28 balanced state-wide transportation system which will meet the needs of
29 the people of this state for safe and efficient transportation
30 services. Wherever appropriate the policies shall provide for the use
31 of integrated, intermodal transportation systems to implement the
32 social, economic, and environmental policies, goals, and objectives of
33 the people of the state, and especially to conserve nonrenewable
34 natural resources including land and energy. To this end the
35 (~~commission~~) secretary shall:

1 (a) Develop transportation policies which are based on the
2 policies, goals, and objectives expressed and inherent in existing
3 state laws;

4 (b) Inventory the adopted policies, goals, and objectives of the
5 local and area-wide governmental bodies of the state and define the
6 role of the state, regional, and local governments in determining
7 transportation policies, in transportation planning, and in
8 implementing the state transportation plan;

9 (c) Propose a transportation policy for the state, and after notice
10 and public hearings, submit the proposal to the legislative
11 transportation committee and the senate and house transportation
12 committees by January 1, (~~1978~~) 2001, for consideration in the next
13 legislative session;

14 (d) Establish a procedure for review and revision of the state
15 transportation policy and for submission of proposed changes to the
16 legislature;

17 (e) To integrate the state-wide transportation plan with the needs
18 of the elderly and handicapped, and to coordinate federal and state
19 programs directed at assisting local governments to answer such needs;

20 (2) To establish the policy of the department (~~to be followed by~~
21 ~~the secretary~~) on each of the following items:

22 (a) To provide for the effective coordination of state
23 transportation planning with national transportation policy, state and
24 local land use policies, and local and regional transportation plans
25 and programs;

26 (b) To provide for public involvement in transportation designed to
27 elicit the public's views both with respect to adequate transportation
28 services and appropriate means of minimizing adverse social, economic,
29 environmental, and energy impact of transportation programs;

30 (c) To provide for the administration of grants in aid and other
31 financial assistance to counties and municipal corporations for
32 transportation purposes;

33 (d) To provide for the management, sale, and lease of property or
34 property rights owned by the department which are not required for
35 transportation purposes;

36 (3) To (~~direct the secretary to~~) prepare (~~and submit to the~~
37 ~~commission~~) a comprehensive and balanced state-wide transportation
38 plan which shall be based on the transportation policy adopted by the
39 legislature and applicable state and federal laws. After public notice

1 and hearings, the ~~((commission))~~ secretary shall adopt the plan and
2 submit it to the legislative transportation committee and to the house
3 and senate ~~((standing))~~ transportation committees ~~((on transportation))~~
4 before January 1, ~~((1980))~~ 2001, for consideration in the ~~((1980))~~ 2001
5 regular legislative session. The plan shall be reviewed and revised
6 prior to each regular session of the legislature during an even-
7 numbered year thereafter. ~~((A preliminary plan shall be submitted to
8 such committees by January 1, 1979.))~~

9 The plan shall take into account federal law and regulations
10 relating to the planning, construction, and operation of transportation
11 facilities;

12 ~~((4))~~ ~~((To propose to the governor and the legislature prior to the
13 convening of each regular session held in an odd numbered year a
14 recommended budget for the operations of the commission as required by
15 RCW 47.01.061;~~

16 ~~((5))~~ To approve and propose to the governor and to the legislature
17 prior to the convening of each regular session during an odd-numbered
18 year a recommended budget for the operation of the department and for
19 carrying out the program of the department for the ensuing biennium.
20 The proposed budget shall separately state the appropriations to be
21 made from the motor vehicle fund for highway purposes in accordance
22 with constitutional limitations and appropriations and expenditures to
23 be made from the general fund, or accounts thereof, and other available
24 sources for other operations and programs of the department;

25 ~~((6))~~ (5) To review and authorize all departmental requests for
26 legislation;

27 ~~((7))~~ (6) To approve the issuance and sale of all bonds
28 authorized by the legislature for capital construction of state
29 highways, toll facilities, Columbia Basin county roads (for which
30 reimbursement to the motor vehicle fund has been provided), urban
31 arterial projects, and aviation facilities;

32 ~~((8))~~ (7) To adopt such rules~~((, regulations,))~~ and policy
33 directives as may be necessary to carry out reasonably and properly
34 those functions expressly vested in the ~~((commission))~~ secretary by
35 statute;

36 ~~((9))~~ To delegate any of its powers to the secretary of
37 transportation whenever it deems it desirable for the efficient
38 administration of the department and consistent with the purposes of
39 this title;

1 ~~(10))~~ (8) To exercise such other specific powers and duties as may
2 be vested in the ~~((transportation commission))~~ secretary by this or any
3 other provision of law.

4 **Sec. 14.** RCW 47.01.101 and 1987 c 505 s 48 and 1987 c 179 s 1 are
5 each reenacted and amended to read as follows:

6 The secretary shall ~~((have the authority and it shall be his or her
7 duty))~~, subject to policy guidance from the ~~((commission))~~ congestion
8 reduction board:

9 (1) ~~((To))~~ Serve as chief executive officer of the department with
10 full administrative authority to direct all its activities;

11 (2) ~~((To))~~ Organize the department as he or she may deem necessary
12 to carry out the work and responsibilities of the department
13 effectively;

14 (3) ~~((To))~~ Designate and establish such transportation district or
15 branch offices as may be necessary or convenient, and ~~((to))~~ appoint
16 assistants and delegate any powers, duties, and functions to them or
17 any officer or employee of the department as deemed necessary to
18 administer the department efficiently;

19 (4) ~~((To))~~ Direct and coordinate the programs of the various
20 divisions of the department to assure that they achieve the greatest
21 possible mutual benefit, produce a balanced overall effort, and
22 eliminate unnecessary duplication of activity;

23 (5) ~~((To))~~ Adopt all department rules that are subject to the
24 adoption procedures contained in the state Administrative Procedure
25 Act~~((, except rules subject to adoption by the commission pursuant to
26 statute))~~;

27 (6) ~~((To))~~ Maintain and safeguard the official records of the
28 department~~((, including the commission's recorded resolutions and
29 orders))~~;

30 ~~((To provide full staff support to the commission to assist it
31 in carrying out its functions, powers, and duties and to))~~ Execute the
32 policy established by the ~~((commission pursuant to its legislative
33 authority))~~ congestion reduction board;

34 (8) ~~((To))~~ Execute and implement the biennial operating budget for
35 the operation of the department in accordance with chapter 43.88 RCW
36 and with legislative appropriation and, in such manner as prescribed
37 therein, ~~((to))~~ make and report to the ~~((commission))~~ congestion
38 reduction board and the chairs of the transportation committees of the

1 senate and house of representatives, including one copy to the staff of
2 each of the committees, deviations from the planned biennial category
3 A and H highway construction programs necessary to adjust to unexpected
4 delays or other unanticipated circumstances(~~(-)~~); and

5 (9) (~~(F)~~) Exercise all other powers and perform all other duties
6 as are now or hereafter provided by law.

7 **Sec. 15.** RCW 47.01.250 and 1998 c 245 s 92 are each amended to
8 read as follows:

9 The chief of the Washington state patrol, the director of the
10 traffic safety commission, the executive director of the county road
11 administration board, and the director of licensing are designated as
12 official consultants to the (~~(transportation commission)~~) secretary so
13 that the goals and activities of their respective agencies which relate
14 to transportation are fully coordinated with other related
15 responsibilities of the department of transportation. In this
16 capacity, the chief of the Washington state patrol, the director of the
17 traffic safety commission, the executive director of the county road
18 administration board, and the director of licensing shall consult with
19 the (~~(transportation commission and the)~~) secretary of transportation
20 on the implications and impacts on the transportation-related functions
21 and duties of their respective agencies of any proposed comprehensive
22 transportation plan, program, or policy.

23 In order to develop fully integrated, balanced, and coordinated
24 transportation plans, programs, and budgets the chief of the Washington
25 state patrol, the director of the traffic safety commission, the
26 executive director of the county road administration board, and the
27 director of licensing shall consult with the secretary of
28 transportation on the matter of relative priorities during the
29 development of their respective agencies' plans, programs, and budgets
30 as they pertain to transportation activities.

31 NEW SECTION. **Sec. 16.** The following acts or parts of acts are
32 each repealed:

33 (1) RCW 47.01.051 (Commission created--Appointment of members--
34 Terms--Qualifications--Removal) and 1977 ex.s. c 151 s 5; and

35 (2) RCW 47.01.061 (Commission--Procedures and internal operations)
36 and 1987 c 364 s 2, 1984 c 287 s 94, 1983 1st ex.s. c 53 s 29, 1981 c
37 59 s 1, & 1977 ex.s. c 151 s 6.

1 NEW SECTION. **Sec. 17.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 47.05.010 (Declaration of purpose) and 1993 c 490 s 1, 1969
4 ex.s. c 39 s 1, & 1963 c 173 s 1;

5 (2) RCW 47.05.021 (Functional classification of highways) and 1998
6 c 245 s 95, 1998 c 171 s 5, 1993 c 490 s 2, 1987 c 505 s 50, 1979 ex.s.
7 c 122 s 1, & 1977 ex.s. c 130 s 1;

8 (3) RCW 47.05.030 (Six-year programs--Investments, improvements,
9 preservation) and 1998 c 171 s 6, 1993 c 490 s 3, 1987 c 179 s 2, 1979
10 ex.s. c 122 s 2, 1977 ex.s. c 151 s 44, 1975 1st ex.s. c 143 s 1, 1973
11 2nd ex.s. c 12 s 4, 1969 ex.s. c 39 s 3, 1965 ex.s. c 170 s 33, & 1963
12 c 173 s 3;

13 (4) RCW 47.05.035 (Allocation of funds, factors) and 1993 c 490 s
14 4, 1987 c 179 s 3, 1979 ex.s. c 122 s 3, & 1975 1st ex.s. c 143 s 2;

15 (5) RCW 47.05.051 (Six-year comprehensive investment program--
16 Priority selection criteria--Improvement program criteria--Departure
17 from criteria) and 1998 c 175 s 12, 1993 c 490 s 5, 1987 c 179 s 5,
18 1979 ex.s. c 122 s 5, & 1975 1st ex.s. c 143 s 4; and

19 (6) RCW 47.05.090 (Application of 1993 c 490--Deviations) and 1993
20 c 490 s 6.

21 NEW SECTION. **Sec. 18.** Sections 1 through 8 and 17 of this act
22 take effect July 1, 2000. Sections 9 through 16 of this act take
23 effect July 1, 2001.

24 NEW SECTION. **Sec. 19.** Sections 1 through 8 of this act constitute
25 a new chapter in Title 47 RCW.

26 NEW SECTION. **Sec. 20.** This act may be known and cited as the
27 Congestion Reduction Act of 2000.

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