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HOUSE BILL 1674

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Fisher, Mitchell and Poulsen; by request of The Blue Ribbon Commission on Transportation

Read first time 01/31/2001. Referred to Committee on Transportation.

1 AN ACT Relating to creation of congestion relief districts; and  
2 adding a new chapter to Title 36 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that portions of  
5 Washington's transportation system are choked with traffic congestion.  
6 Local jurisdictions should be provided tools to effectively manage  
7 local congestion. One such tool is the creation of congestion relief  
8 districts that could use locally imposed taxes or user fees to fund  
9 congestion choke points, new capacity, or technology solutions.

10 NEW SECTION. **Sec. 2.** The county legislative authority of a county  
11 with a population of forty thousand or more shall, and the legislative  
12 authority of any other county may, within ninety days of the effective  
13 date of this act, and as often thereafter as it deems necessary, and  
14 upon thirty days prior written notice addressed to the legislative body  
15 of each city within the county and with thirty days public notice,  
16 convene a congestion relief conference. One elected representative  
17 selected by the legislative body of each city within the county and one  
18 selected by the county legislative authority shall attend the

1 conference. The conference shall evaluate the need for and the  
2 desirability of the creation of a congestion relief district within  
3 certain incorporated and unincorporated portions of the county. In  
4 those counties where county officials believe the need for congestion  
5 relief extends across county boundaries so as to provide congestion  
6 relief in a metropolitan area, the county legislative authorities of  
7 two or more neighboring counties may convene a multicounty conference.  
8 In addition, countywide conferences may be convened by resolution of  
9 the legislative bodies of two or more cities within the county, not to  
10 exceed one in any twelve-month period, or by a petition signed by at  
11 least ten percent of the registered voters in the last general election  
12 of the city, county, or city/county areas of a proposed relief  
13 district. The chair of the conference must be elected from the members  
14 at large.

15 NEW SECTION. **Sec. 3.** A conference that finds it desirable to  
16 establish a congestion relief district or change the boundaries of an  
17 existing congestion relief district shall fix a date for a public  
18 hearing on the issue, or the legislative bodies of any two or more  
19 component cities or the county legislative authority by resolution may  
20 require the congestion relief conference to fix a date for a public  
21 hearing on the issue. Before convening the public hearing, the county  
22 legislative authority shall delineate the area of the county proposed  
23 to be included within the congestion relief area and shall furnish a  
24 copy of the delineation to each incorporated city within the area.  
25 Each city shall advise the county legislative authority, on a  
26 preliminary basis, of its desire to be included or excluded from the  
27 congestion relief district. The county legislative authority shall  
28 cause the delineations to be revised to reflect the wishes of the  
29 incorporated cities. The conference shall consider this delineation at  
30 the public hearing for inclusion in the congestion relief district.

31 Notice of the hearing must be published once a week for at least  
32 four consecutive weeks in one or more newspapers of general circulation  
33 within the area. The notice must contain a description and map of the  
34 boundaries of the proposed congestion relief district and state the  
35 time and place of the hearing and the fact that any changes in the  
36 boundaries of the congestion relief district will be considered at that  
37 time and place. At the hearing or any continuation of it, any

1 interested person may appear and be heard on all matters relating to  
2 the effect of the formation of the proposed congestion relief district.

3 The conference may make such changes in the boundaries of the  
4 congestion relief district as it deems reasonable and proper, but may  
5 not delete any portion of the proposed area that would create an island  
6 of included or excluded lands, and may not delete a portion of a city.  
7 If the conference determines that additional territory should be  
8 included in the congestion relief district, it must hold a second  
9 hearing and give notice in the same manner as for the original hearing.  
10 The conference may adjourn the hearing on the formation of a congestion  
11 relief district from time to time, not exceeding thirty days in all.

12 After the conclusion of the hearing the conference shall adopt a  
13 resolution fixing the boundaries of the proposed congestion relief  
14 district, declaring that the formation of the proposed congestion  
15 relief district will be conducive to the welfare and benefit of the  
16 persons and property in it.

17 Within thirty days after the adoption of the conference resolution,  
18 the county legislative authority of each county in which a conference  
19 has established proposed boundaries of a congestion relief district,  
20 may by resolution, upon making a legislative finding that the proposed  
21 relief district includes portions of the county that could not be  
22 reasonably expected to benefit from the relief district or excludes  
23 portions of the county that could be reasonably expected to benefit  
24 from its creation, disapprove and terminate the establishment of the  
25 congestion relief district within the county.

26 NEW SECTION. **Sec. 4.** When it is formed, a congestion relief  
27 district may not include only a part of a city, and every city must be  
28 either wholly included or wholly excluded from the boundaries of the  
29 district. Notwithstanding any other provision of law, if after the  
30 formation of a congestion relief district additional area became or  
31 will become a part of a component city by annexation, merger, or  
32 otherwise, the additional area is included within the boundaries of the  
33 congestion relief district and is subject to all taxes and other  
34 liabilities and obligations of the congestion relief district. The  
35 component city shall notify the congestion relief district at the time  
36 the city has added the additional area. Furthermore, notwithstanding  
37 any other provision of law except as specifically provided in this  
38 section, if a city that is not a component city of the congestion

1 relief district adds area to its boundaries that is within the  
2 boundaries of the congestion relief district, the area so added is  
3 excluded from the congestion relief district. The city shall notify  
4 the congestion relief district of the city's intention to add the area.  
5 If a city extends its boundaries through annexation across a county  
6 boundary line and the extended boundaries include areas within a  
7 congestion relief district, then the entire area of the city within the  
8 county that is within the congestion relief district is included within  
9 the congestion relief district boundaries. The area of the city in the  
10 congestion relief district is considered a component city of the  
11 congestion relief district corporation.

12 The boundaries of a congestion relief district must follow school  
13 district lines or election precinct lines, as far as practicable. Only  
14 areas that the conference determines could reasonably benefit from  
15 congestion relief funding may be included in a district. Only one  
16 congestion relief district may be created in a county.

17 NEW SECTION. **Sec. 5.** Within sixty days after the establishment of  
18 the boundaries of the congestion relief district the members of the  
19 county legislative authority and the elected representative of each  
20 city within the area shall provide for the selection of the governing  
21 body of the district. The governing body will be known as a congestion  
22 relief district authority, consisting of elected officials selected by  
23 and serving at the pleasure of the governing bodies of component cities  
24 within the area and the county legislative authority of each county  
25 within the area.

26 Within the sixty-day period, any city may by resolution of its  
27 legislative body withdraw from participation in the congestion relief  
28 district. The county legislative authority and each city remaining in  
29 the congestion relief district may disapprove and prevent the  
30 establishment of a governing body of a congestion relief district if  
31 the composition of the governing body does not meet its approval.

32 The governing body of a single-county congestion relief district  
33 may not exceed nine members and in the case of a multicounty district,  
34 fifteen members. Each city within the congestion relief district that  
35 is excluded from direct membership on the authority may designate a  
36 member of the authority to represent the interests of the city. The  
37 legislative body of the city shall notify the authority of its  
38 authorized representative on the authority.

1 Each member of the authority may be reimbursed for travel expenses  
2 in accordance with RCW 43.03.050 and 43.03.060 and receive  
3 compensation, as set by resolution of the authority, in an amount not  
4 to exceed seventy dollars for each day during which the member attends  
5 official meetings of the authority or performs prescribed duties  
6 approved by the chair of the authority. In no event may a member be  
7 compensated in any year for more than seventy-five days, except the  
8 chair, who may be paid compensation for not more than one hundred days.  
9 An elected official or employee of federal, state, or local government  
10 who is receiving regular full-time compensation from that government  
11 for attending meetings and performing prescribed duties of the  
12 authority may not receive further compensation from the authority.

13 NEW SECTION. **Sec. 6.** After a congestion relief district has been  
14 in existence for four years, members of the county legislative  
15 authority and the elected representative of each city within the  
16 congestion relief district shall review the composition of the  
17 governing body of the benefit area and change the composition of the  
18 governing body if the change is deemed appropriate. The review must be  
19 at a meeting of the designated representatives of the component county  
20 and cities, and the majority of those present constitute a quorum at  
21 the meeting. The chief administrative officer of the congestion relief  
22 district authority shall give twenty days' notice of the meeting.  
23 After the initial review, a review must be held every four years.

24 If an area having a population greater than fifteen percent, or  
25 areas with a combined population of greater than twenty-five percent,  
26 of the population of the existing congestion relief district as  
27 constituted at the last review meeting, annex to the congestion relief  
28 district, the representatives of the component county and cities shall  
29 meet within ninety days to review and change the composition of the  
30 governing body, if the change is deemed appropriate. This meeting is  
31 in addition to the regular four-year review meeting and must be  
32 conducted under the same notice requirement and quorum provisions of  
33 the regular review.

34 NEW SECTION. **Sec. 7.** The congestion relief district authority  
35 shall develop a comprehensive congestion relief plan for the area. The  
36 plan must include, but not be limited to the following elements:

37 (1) A benchmark level of congestion reduction for the district;

1 (2) The local funding requirements that in addition to available  
2 state and federal funds are necessary to meet the congestion reduction  
3 goal; and

4 (3) The mechanisms for obtaining that local funding, which must  
5 primarily focus on roadway user fees.

6 NEW SECTION. **Sec. 8.** In addition to the powers specifically  
7 granted by this chapter a congestion relief district has all powers  
8 that are necessary to carry out the purposes of the congestion relief  
9 district. Those powers include:

10 (1) Authority to propose ballot measures for a vote by the  
11 population of the congestion relief district for user fees for roadways  
12 within the congestion relief district;

13 (2) Authority to sue and be sued in its corporate capacity in all  
14 courts and in all proceedings;

15 (3) Authority to contract with the United States or an agency  
16 thereof, a state or agency thereof, another congestion relief district,  
17 a public transportation benefit area, a county, city, metropolitan  
18 municipal corporation, special district, or governmental agency, inside  
19 or outside the state, and a private person, firm, or corporation for  
20 the purpose of receiving gifts or grants or securing loans or advances  
21 for preliminary planning and feasibility studies, or for the design,  
22 construction, operation, or improvement of transportation facilities.  
23 In addition, a congestion relief district may contract with a  
24 governmental agency or with a private person, firm, or corporation for  
25 the use by either contracting party of all or part of the facilities,  
26 structures, lands, interests in lands, air rights over lands, and  
27 rights of way of all kinds that are owned, leased, or held by the other  
28 party and for the purpose of planning, constructing, improving, or  
29 operating a facility or performing a service that the congestion relief  
30 district authority area may operate or perform, on such terms as agreed  
31 upon by the contracting parties.

32 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute  
33 a new chapter in Title 36 RCW.

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