
HOUSE BILL 2689

State of Washington

57th Legislature

2002 Regular Session

By Representatives Murray, Jarrett, Anderson, Pflug, Kirby, Reardon, Ballasiotes, Ruderman, Bush, Schual-Berke, Van Luven, Nixon, Cody, Jackley, Voloria, Cairnes, Berkey, McIntire, Esser, Simpson, Conway, Cooper, Sullivan, Santos, Kenney, Edwards, Lantz, Darneille, O'Brien, Morell, Dickerson, Chase, Hurst, Lysen, Lovick, Miloscia and Schmidt

Read first time 01/23/2002. Referred to Committee on Transportation.

1 AN ACT Relating to election of board members of a regional transit
2 authority; amending RCW 81.112.030 and 81.112.040; adding a new section
3 to chapter 81.112 RCW; providing an effective date; and declaring an
4 emergency.

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

6 **Sec. 1.** RCW 81.112.030 and 1994 c 44 s 1 are each amended to read
7 as follows:

8 Two or more contiguous counties each having a population of four
9 hundred thousand persons or more may establish a regional transit
10 authority to develop and operate a high capacity transportation system
11 as defined in chapter 81.104 RCW.

12 The authority shall be formed in the following manner:

13 (1) The joint regional policy committee created pursuant to RCW
14 81.104.040 shall adopt a system and financing plan, including the
15 definition of the service area. This action shall be completed by
16 September 1, 1992, contingent upon satisfactory completion of the
17 planning process defined in RCW 81.104.100. The final system plan
18 shall be adopted no later than June 30, 1993. In addition to the
19 requirements of RCW 81.104.100, the plan for the proposed system shall

1 provide explicitly for a minimum portion of new tax revenues to be
2 allocated to local transit agencies for interim express services. Upon
3 adoption the joint regional policy committee shall immediately transmit
4 the plan to the county legislative authorities within the adopted
5 service area.

6 (2) The legislative authorities of the counties within the service
7 area shall decide by resolution whether to participate in the
8 authority. This action shall be completed within forty-five days
9 following receipt of the adopted plan or by August 13, 1993, whichever
10 comes first.

11 (3) Each county that chooses to participate in the authority shall
12 appoint its initial board members as set forth in RCW 81.112.040 and
13 shall submit its list of members to the secretary of the Washington
14 state department of transportation. These actions must be completed
15 within thirty days following each county's decision to participate in
16 the authority.

17 (4) The secretary shall call the first meeting of the authority, to
18 be held within thirty days following receipt of the appointments. At
19 its first meeting, the authority shall elect officers and provide for
20 the adoption of rules and other operating procedures.

21 (5) The authority is formally constituted at its first meeting and
22 the board shall begin taking steps toward implementation of the system
23 and financing plan adopted by the joint regional policy committee. If
24 the joint regional policy committee fails to adopt a plan by June 30,
25 1993, the authority shall proceed to do so based on the work completed
26 by that date by the joint regional policy committee. Upon formation of
27 the authority, the joint regional policy committee shall cease to
28 exist. The authority may make minor modifications to the plan as
29 deemed necessary and shall at a minimum review local transit agencies'
30 plans to ensure feeder service/high capacity transit service
31 integration, ensure fare integration, and ensure avoidance of parallel
32 competitive services. The authority shall also conduct a minimum
33 thirty-day public comment period.

34 (6) If the authority determines that major modifications to the
35 plan are necessary before the initial ballot proposition is submitted
36 to the voters, the authority may make those modifications with a
37 favorable vote of two-thirds of the entire membership. Any such
38 modification shall be subject to the review process set forth in RCW
39 81.104.110. The modified plan shall be transmitted to the legislative

1 authorities of the participating counties. The legislative authorities
2 shall have forty-five days following receipt to act by motion or
3 ordinance to confirm or rescind their continued participation in the
4 authority.

5 (7) If any county opts to not participate in the authority, but two
6 or more contiguous counties do choose to continue to participate, the
7 authority's board shall be revised accordingly. The authority shall,
8 within forty-five days, redefine the system and financing plan to
9 reflect elimination of one or more counties, and submit the redefined
10 plan to the legislative authorities of the remaining counties for their
11 decision as to whether to continue to participate. This action shall
12 be completed within forty-five days following receipt of the redefined
13 plan.

14 (8) The authority shall place on the ballot within two years of the
15 authority's formation, a single ballot proposition to authorize the
16 imposition of taxes to support the implementation of an appropriate
17 phase of the plan within its service area. In addition to the system
18 plan requirements contained in RCW 81.104.100(2)(d), the system plan
19 approved by the authority's board before the submittal of a proposition
20 to the voters shall contain an equity element which:

21 (a) Identifies revenues anticipated to be generated by corridor and
22 by county within the authority's boundaries;

23 (b) Identifies the phasing of construction and operation of high
24 capacity system facilities, services, and benefits in each corridor.
25 Phasing decisions should give priority to jurisdictions which have
26 adopted transit-supportive land use plans; and

27 (c) Identifies the degree to which revenues generated within each
28 county will benefit the residents of that county, and identifies when
29 such benefits will accrue.

30 A simple majority of those voting within the boundaries of the
31 authority is required for approval. If the vote is affirmative, the
32 authority shall begin implementation of the projects identified in the
33 proposition. However, the authority may not submit any authorizing
34 proposition for voter-approved taxes prior to July 1, 1993; nor may the
35 authority issue bonds or form any local improvement district prior to
36 July 1, 1993.

37 (9) If the vote on a proposition fails, the board may redefine the
38 proposition, make changes to the authority boundaries, and make
39 corresponding changes to the composition of the board. If the

1 composition of the board is changed, the participating counties shall
2 revise the membership of the board accordingly. The board may then
3 submit the revised proposition or a different proposition to the
4 voters. No single proposition may be submitted to the voters more than
5 twice. The authority may place additional propositions on the ballot
6 to impose taxes to support additional phases of plan implementation.

7 If the authority is unable to achieve a positive vote on a
8 proposition within two years from the date of the first election on a
9 proposition, the board may, by resolution, reconstitute the authority
10 as a single-county body. With a two-thirds vote of the entire
11 membership of the voting members, the board may also dissolve the
12 authority.

13 **Sec. 2.** RCW 81.112.040 and 1994 c 109 s 1 are each amended to read
14 as follows:

15 ~~(1) ((The regional transit authority shall be governed by a board
16 consisting of representatives appointed by the county executive and
17 confirmed by the council or other legislative authority of each member
18 county. Membership shall be based on population from that portion of
19 each county which lies within the service area. Board members shall be
20 appointed initially on the basis of one for each one hundred forty five
21 thousand population within the county. Such appointments shall be made
22 following consultation with city and town jurisdictions within the
23 service area. In addition, the secretary of transportation or the
24 secretary's designee shall serve as a member of the board and may have
25 voting status with approval of a majority of the other members of the
26 board. Only board members, not including alternates or designees, may
27 cast votes.~~

28 ~~Each member of the board, except the secretary of transportation or
29 the secretary's designee, shall be:~~

30 ~~(a) An elected official who serves on the legislative authority of
31 a city or as mayor of a city within the boundaries of the authority;~~

32 ~~(b) On the legislative authority of the county, if fifty percent of
33 the population of the legislative official's district is within the
34 authority boundaries; or~~

35 ~~(c) A county executive from a member county within the authority
36 boundaries.~~

37 ~~When making appointments, each county executive shall ensure that
38 representation on the board includes an elected city official~~

1 representing the largest city in each county and assures proportional
2 representation from other cities, and representation from
3 unincorporated areas of each county within the service area. At least
4 one half of all appointees from each county shall serve on the
5 governing authority of a public transportation system.

6 Members appointed from each county shall serve staggered four-year
7 terms. Vacancies shall be filled by appointment for the remainder of
8 the unexpired term of the position being vacated.

9 The governing board shall be reconstituted, with regard to the
10 number of representatives from each county, on a population basis,
11 using the official office of financial management population estimates,
12 five years after its initial formation and, at minimum, in the year
13 following each official federal census. The board membership may be
14 reduced, maintained, or expanded to reflect population changes but
15 under no circumstances may the board membership exceed twenty-five.))
16 Board members will be elected as described in section 3 of this act.

17 (2) Major decisions of the authority ((shall)) require a favorable
18 vote of two-thirds of the entire membership of the voting members.
19 "Major decisions" include at least the following: System plan adoption
20 and amendment; system phasing decisions; annual budget adoption;
21 authorization of annexations; modification of board composition; and
22 executive director employment.

23 (3) Each member of the board is eligible to be reimbursed for
24 travel expenses in accordance with RCW 43.03.050 and 43.03.060 ((and to
25 receive compensation as provided in RCW 43.03.250)).

26 NEW SECTION. Sec. 3. A new section is added to chapter 81.112 RCW
27 to read as follows:

28 (1) The regional transit authority will be governed by an elected
29 board consisting of members elected from member districts. Districts
30 must have approximately equal population, and are created under
31 subsection (4) of this section.

32 (2) The election officials of the county or counties in which the
33 district is located shall conduct the election in accordance with the
34 election laws of the state. Board districts will be used as follows:
35 (a) Only a registered voter who resides in a district may be a
36 candidate for, or serve as, a board member of the board district; and
37 (b) only voters of a board district may vote at a primary to nominate

1 candidates or at a general election for a board member of the board
2 district.

3 (3) Board members will be elected on a nonpartisan basis to serve
4 staggered, four-year terms of office. Initial terms will be
5 established under subsection (4) of this section. Vacancies will be
6 filled by appointment by the legislative authority of the county in
7 which the board district is primarily located.

8 (4) The current governing board shall reconstitute the new board as
9 follows:

10 (a) Set a date for the initial election of board members no later
11 than the November 2002 general election;

12 (b) Create either nine or eleven board districts based on
13 proportional population;

14 (c) Determine board member part-time salaries and account for the
15 salaries in the budget of the authority; and

16 (d) Establish initial terms of office to ensure that member terms
17 are staggered.

18 (5) Elected board members shall take office on the second Monday of
19 odd-numbered years.

20 NEW SECTION. **Sec. 4.** Sections 1 and 3 of this act are necessary
21 for the immediate preservation of the public peace, health, or safety,
22 or support of the state government and its existing public
23 institutions, and take effect immediately. Section 2 of this act takes
24 effect January 13, 2003.

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