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HOUSE BILL 2894

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State of Washington

57th Legislature

2002 Regular Session

By Representatives Anderson, Pflug, Esser, Nixon, Roach, Cairnes,  
Pearson, Bush, Morell and Casada

Read first time 02/01/2002. Referred to Committee on Transportation.

1 AN ACT Relating to a mandatory report by regional transit  
2 authorities; amending RCW 81.112.070 and 81.112.080; adding a new  
3 section to chapter 81.112 RCW; creating a new section; and declaring an  
4 emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that voter trust in  
7 government is vital to the representative form of government and that  
8 governing bodies must govern in a manner that enhances that public  
9 trust. The legislature further finds that failure to deliver on  
10 activities pledged to the voters seriously erodes public confidence in  
11 our institutions and that this trust can best be regained by ensuring  
12 that future actions by public bodies will meet public expectations.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 81.112 RCW  
14 to read as follows:

15 (1) A regional transit authority that by January 1, 2002, has been  
16 authorized to impose taxes to support implementation of a plan within  
17 its service area is governed by this section.

1 (2) The authority shall prepare a report that will address, but not  
2 be limited to: Project delivery schedules and service implementation  
3 outlined in the plan approved by voters; projected future revenue and  
4 expenditures over the life of the plan; the budget forecast over the  
5 life of the plan; and project delivery and service start-up dates.

6 (3) The authority shall submit its report to the governor, the  
7 transportation committees of the state legislature, and the county  
8 councils for each county in which the authority is located. After  
9 receipt of the plan, the legislative transportation committee shall as  
10 quickly as practicable evaluate the report for content and accuracy and  
11 hold at least one public hearing on the report. After evaluating the  
12 report and conducting the public hearing or hearings, the committee  
13 shall make a finding as to whether the report and projected project and  
14 service delivery schedule and financial plan is attainable. A  
15 resolution adopted by the committee finding that the report is  
16 acceptable and accurate constitutes acceptance of the report.

17 (4) Until the report is accepted by the legislative transportation  
18 committee, a regional transit authority shall immediately cease and  
19 desist from entering into new contracts for purchase of right of way or  
20 construction of facilities for any light rail system development that  
21 is part of the plan adopted by the voters.

22 **Sec. 3.** RCW 81.112.070 and 1992 c 101 s 7 are each amended to read  
23 as follows:

24 Subject to the limitations of section 2 of this act, in addition to  
25 the powers specifically granted by this chapter an authority shall have  
26 all powers necessary to implement a high capacity transportation system  
27 and to develop revenues for system support. An authority may contract  
28 with the United States or any agency thereof, any state or agency  
29 thereof, any public transportation benefit area, any county, county  
30 transportation authority, city, metropolitan municipal corporation,  
31 special district, or governmental agency, within or without the state,  
32 and any private person, firm, or corporation for: (1) The purpose of  
33 receiving gifts or grants or securing loans or advances for preliminary  
34 planning and feasibility studies; (2) the design, construction, or  
35 operation of high capacity transportation system facilities; or (3) the  
36 provision or receipt of services, facilities, or property rights to  
37 provide revenues for the system. An authority shall have the power to  
38 contract pursuant to RCW 39.33.050. In addition, an authority may

1 contract with any governmental agency or with any private person, firm,  
2 or corporation for the use by either contracting party of all or any  
3 part of the facilities, structures, lands, interests in lands, air  
4 rights over lands and rights of way of all kinds which are owned,  
5 leased, or held by the other party and for the purpose of planning,  
6 constructing, or operating any facility or performing any service that  
7 the authority may be authorized to operate or perform, on such terms as  
8 may be agreed upon by the contracting parties. Before any contract for  
9 the lease or operation of any authority facilities is let to any  
10 private person, firm, or corporation, a general schedule of rental  
11 rates for equipment with or without operators applicable to all private  
12 certificated carriers shall be publicly posted, and for other  
13 facilities competitive bids shall first be called upon such notice,  
14 bidder qualifications, and bid conditions as the board shall determine.  
15 This shall allow use of negotiated procurements.

16 **Sec. 4.** RCW 81.112.080 and 1992 c 101 s 8 are each amended to read  
17 as follows:

18 Subject to the limitations of section 2 of this act, an authority  
19 shall have the following powers in addition to the general powers  
20 granted by this chapter:

21 (1) To carry out the planning processes set forth in RCW  
22 81.104.100;

23 (2) To acquire by purchase, condemnation, gift, or grant and to  
24 lease, construct, add to, improve, replace, repair, maintain, operate,  
25 and regulate the use of high capacity transportation facilities and  
26 properties within authority boundaries including surface, underground,  
27 or overhead railways, tramways, busways, buses, bus sets, entrained and  
28 linked buses, ferries, or other means of local transportation except  
29 taxis, and including escalators, moving sidewalks, personal rapid  
30 transit systems or other people-moving systems, passenger terminal and  
31 parking facilities and properties, and such other facilities and  
32 properties as may be necessary for passenger, vehicular, and vessel  
33 access to and from such people-moving systems, terminal and parking  
34 facilities and properties, together with all lands, rights of way,  
35 property, equipment, and accessories necessary for such high capacity  
36 transportation systems. When developing specifications for high  
37 capacity transportation system operating equipment, an authority shall  
38 take into account efforts to establish or sustain a domestic

1 manufacturing capacity for such equipment. The right of eminent domain  
2 shall be exercised by an authority in the same manner and by the same  
3 procedure as or may be provided by law for cities of the first class,  
4 except insofar as such laws may be inconsistent with the provisions of  
5 this chapter. Public transportation facilities and properties which  
6 are owned by any city, county, county transportation authority, public  
7 transportation benefit area, or metropolitan municipal corporation may  
8 be acquired or used by an authority only with the consent of the agency  
9 owning such facilities. Such agencies are hereby authorized to convey  
10 or lease such facilities to an authority or to contract for their joint  
11 use on such terms as may be fixed by agreement between the agency and  
12 the authority.

13 The facilities and properties of an authority whose vehicles will  
14 operate primarily within the rights of way of public streets, roads, or  
15 highways, may be acquired, developed, and operated without the corridor  
16 and design hearings that are required by RCW 35.58.273 for mass transit  
17 facilities operating on a separate right of way;

18 (3) To dispose of any real or personal property acquired in  
19 connection with any authority function and that is no longer required  
20 for the purposes of the authority, in the same manner as provided for  
21 cities of the first class. When an authority determines that a  
22 facility or any part thereof that has been acquired from any public  
23 agency without compensation is no longer required for authority  
24 purposes, but is required by the agency from which it was acquired, the  
25 authority shall by resolution transfer it to such agency;

26 (4) To fix rates, tolls, fares, and charges for the use of such  
27 facilities and to establish various routes and classes of service.  
28 Fares or charges may be adjusted or eliminated for any distinguishable  
29 class of users.

30 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
31 preservation of the public peace, health, or safety, or support of the  
32 state government and its existing public institutions, and takes effect  
33 immediately.

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