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HOUSE BILL 2974

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State of Washington

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By Representatives Anderson, Pflug, Esser, Cairnes, Nixon, Jarrett, Morell, Roach, Casada, Mastin, Schoesler, Ahern, Benson, Mielke, Boldt, Crouse, Bush, Campbell, Delvin and Buck

Read first time 02/18/2002. Referred to Committee on Transportation.

1 AN ACT Relating to regional transit authorities; amending RCW  
2 81.112.070, 81.112.080, 81.112.030, and 81.112.040; 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 **Sec. 5.** RCW 81.112.030 and 1994 c 44 s 1 are each amended to read  
31 as follows:

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

36 The authority shall be formed in the following manner:

37 (1) The joint regional policy committee created pursuant to RCW  
38 81.104.040 shall adopt a system and financing plan, including the

1 definition of the service area. This action shall be completed by  
2 September 1, 1992, contingent upon satisfactory completion of the  
3 planning process defined in RCW 81.104.100. The final system plan  
4 shall be adopted no later than June 30, 1993. In addition to the  
5 requirements of RCW 81.104.100, the plan for the proposed system shall  
6 provide explicitly for a minimum portion of new tax revenues to be  
7 allocated to local transit agencies for interim express services. Upon  
8 adoption the joint regional policy committee shall immediately transmit  
9 the plan to the county legislative authorities within the adopted  
10 service area.

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

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

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

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

1 (6) If the authority determines that major modifications to the  
2 plan are necessary before the initial ballot proposition is submitted  
3 to the voters, the authority may make those modifications with a  
4 favorable vote of two-thirds of the entire membership. Any such  
5 modification shall be subject to the review process set forth in RCW  
6 81.104.110. The modified plan shall be transmitted to the legislative  
7 authorities of the participating counties. The legislative authorities  
8 shall have forty-five days following receipt to act by motion or  
9 ordinance to confirm or rescind their continued participation in the  
10 authority.

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

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

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

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

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

36 A simple majority of those voting within the boundaries of the  
37 authority is required for approval. If the vote is affirmative, the  
38 authority shall begin implementation of the projects identified in the  
39 proposition. However, the authority may not submit any authorizing

1 proposition for voter-approved taxes prior to July 1, 1993; nor may the  
2 authority issue bonds or form any local improvement district prior to  
3 July 1, 1993.

4 (9) If the vote on a proposition fails, the board may redefine the  
5 proposition, make changes to the authority boundaries, and make  
6 corresponding changes to the composition of the board. If the  
7 composition of the board is changed, the participating counties shall  
8 revise the membership of the board accordingly. The board may then  
9 submit the revised proposition or a different proposition to the  
10 voters. No single proposition may be submitted to the voters more than  
11 twice. The authority may place additional propositions on the ballot  
12 to impose taxes to support additional phases of plan implementation.

13 If the authority is unable to achieve a positive vote on a  
14 proposition within two years from the date of the first election on a  
15 proposition, the board may, by resolution, reconstitute the authority  
16 as a single-county body. With a two-thirds vote of the entire  
17 membership of the voting members, the board may also dissolve the  
18 authority.

19 **Sec. 6.** RCW 81.112.040 and 1994 c 109 s 1 are each amended to read  
20 as follows:

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

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

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

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

4       ~~(c) A county executive from a member county within the authority~~  
5 ~~boundaries.~~

6       ~~When making appointments, each county executive shall ensure that~~  
7 ~~representation on the board includes an elected city official~~  
8 ~~representing the largest city in each county and assures proportional~~  
9 ~~representation from other cities, and representation from~~  
10 ~~unincorporated areas of each county within the service area. At least~~  
11 ~~one-half of all appointees from each county shall serve on the~~  
12 ~~governing authority of a public transportation system.~~

13       ~~Members appointed from each county shall serve staggered four-year~~  
14 ~~terms. Vacancies shall be filled by appointment for the remainder of~~  
15 ~~the unexpired term of the position being vacated.~~

16       ~~The governing board shall be reconstituted, with regard to the~~  
17 ~~number of representatives from each county, on a population basis,~~  
18 ~~using the official office of financial management population estimates,~~  
19 ~~five years after its initial formation and, at minimum, in the year~~  
20 ~~following each official federal census. The board membership may be~~  
21 ~~reduced, maintained, or expanded to reflect population changes but~~  
22 ~~under no circumstances may the board membership exceed twenty-five)) of~~  
23 ~~seven elected members, nominated and elected on a nonpartisan basis.~~

24       (b) Nomination will be by the voters of a prospective member's  
25 district in a primary election, but election will be by all voters of  
26 the authority at a general election. Before the initial election of  
27 board members, and in the year after the federal decennial census, the  
28 appropriate county legislative authorities, acting collectively, shall  
29 (i) define the boundaries of each member district so that all districts  
30 have populations as near equal as practicable, and (ii) determine board  
31 member part-time salaries.

32       (c) At the initial election, four members will be elected for terms  
33 of four years and three members will be elected for two-year terms.  
34 Thereafter, each member will be elected for a term of four years and  
35 shall hold office until a successor is elected and qualified.

36       (d) A vacancy in the office of a board member occurs as provided in  
37 chapter 42.12 RCW or by nonattendance at meetings of the board for a  
38 period of sixty days unless excused by a majority of the board.  
39 Vacancies will be filled as provided in chapter 42.12 RCW.



1       (e) The initial nomination and election of board members under this  
2 section will take place in 2002 at the times provided for other elected  
3 officials, and the terms of the members elected starts January 1, 2003.

4       (f) The state election laws contained in Title 29 RCW apply to  
5 elections held under this section.

6       (g) The election officials of the county or counties in which the  
7 district is located shall conduct the election in accordance with the  
8 election laws of the state. Board districts will be used as follows:

9       (i) Only a registered voter who resides in a district may be a  
10 candidate for, or serve as, a board member of the board district; and

11 (ii) only voters of a board district may vote at a primary to nominate  
12 candidates.

13       (h) Vacancies will be filled by appointment by the legislative  
14 authority of the county in which the board district is primarily  
15 located.

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

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

25       NEW SECTION.   Sec. 7.   Sections 1 through 4 of this act are  
26 necessary for the immediate preservation of the public peace, health,  
27 or safety, or support of the state government and its existing public  
28 institutions, and take effect immediately.

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