
HOUSE BILL 2984

State of Washington

57th Legislature

2002 Regular Session

By Representatives Mielke, Armstrong, Ericksen, Holmquist, Schindler, Morell and Mitchell

Read first time . Referred to Committee on .

1 AN ACT Relating to allowing additional public-private
2 transportation initiatives; and amending RCW 47.46.030.

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

4 **Sec. 1.** RCW 47.46.030 and 1996 c 280 s 1 are each amended to read
5 as follows:

6 (1) The secretary or a designee shall periodically solicit
7 proposals from, and negotiate and enter into agreements with, private
8 entities to undertake as appropriate, together with the department and
9 other public entities, all or a portion of the study, planning, design,
10 construction, operation, and maintenance of transportation systems and
11 facilities, using in whole or in part private sources of financing.

12 The public-private initiatives program may develop ~~((up to six))~~
13 demonstration projects. Each proposal shall be weighed on its own
14 merits, and each of the ~~((six))~~ agreements shall be negotiated
15 individually, and as a stand-alone project.

16 (2) ~~((If project proposals selected prior to September 1, 1994, are
17 terminated by the public or private sectors, the department shall not
18 select any new projects, including project proposals submitted to the
19 department prior to September 1, 1994, and designated by the~~

1 ~~transportation commission as placeholder projects, after June 16, 1995,~~
2 ~~until June 30, 1997.~~

3 ~~The department, in consultation with the legislative transportation~~
4 ~~committee, shall conduct a program and fiscal audit of the public-~~
5 ~~private initiatives program for the biennium ending June 30, 1997. The~~
6 ~~department shall submit a progress report to the legislative~~
7 ~~transportation committee on the program and fiscal audit by June 30,~~
8 ~~1996, with preliminary and final audit reports due December 1, 1996,~~
9 ~~and June 30, 1997, respectively.))~~

10 The department shall develop and submit a proposed public
11 involvement plan to the ((1997)) 2003 legislature to identify the
12 process for selecting new potential projects and the associated costs
13 of implementing the plan. The ((legislature)) legislative
14 transportation committee must adopt the public involvement plan before
15 the department may proceed with any activity related to project
16 identification and selection. Following legislative adoption of the
17 public involvement plan, the department is authorized to implement the
18 plan and to identify potential new projects.

19 The public involvement plan for projects selected after June 30,
20 1997, shall, at a minimum, identify projects that: (a) Have the
21 potential of achieving overall public support among users of the
22 projects, residents of communities in the vicinity of the projects, and
23 residents of communities impacted by the projects; (b) meet a state
24 transportation need; (c) provide a significant state benefit; and (d)
25 provide competition among proposers and maximum cost benefits to users.
26 Prospective projects may include projects identified by the department
27 or submitted by the private sector.

28 Projects that meet the minimum criteria established under this
29 section and the requirements of the public involvement plan developed
30 by the department and approved by the legislature shall be submitted to
31 the Washington state transportation commission for its review. The
32 commission, in turn, shall submit a list of eligible projects to the
33 legislative transportation committee for its consideration. Forty-five
34 days after the submission to the legislative transportation committee
35 of the list of eligible projects, the secretary is authorized to
36 solicit proposals for the eligible project.

37 ~~((3) Prior to entering into agreements with private entities under~~
38 ~~the requirements of RCW 47.46.040 for any project proposal selected~~
39 ~~before September 1, 1994, or after June 30, 1997, except as provided~~

1 for in subsections (11) and (12) of this section, the department shall
2 require an advisory vote as provided under subsections (5) through (10)
3 of this section.

4 (4) The advisory vote shall apply to project proposals selected
5 prior to September 1, 1994, or after June 30, 1997, that receive public
6 opposition as demonstrated by the submission to the department of
7 original petitions bearing at least five thousand signatures of
8 individuals opposing the project collected and submitted in accordance
9 with the dates established in subsections (12) and (13) of this
10 section. The advisory vote shall be on the preferred alternative
11 identified under the requirements of chapter 43.21C RCW and, if
12 applicable, the national environmental policy act, 42 U.S.C. 4321 et
13 seq. The execution by the department of the advisory vote process
14 established in this section is subject to the prior appropriation of
15 funds by the legislature for the purpose of conducting environmental
16 impact studies, a public involvement program, local involvement
17 committee activities, traffic and economic impact analyses, engineering
18 and technical studies, and the advisory vote.

19 (5) In preparing for the advisory vote, the department shall
20 conduct a comprehensive analysis of traffic patterns and economic
21 impact to define the geographical boundary of the project area that is
22 affected by the imposition of tolls or user fees authorized under this
23 chapter. The area so defined is referred to in this section as the
24 affected project area. In defining the affected project area, the
25 department shall, at a minimum, undertake: (a) A comparison of the
26 estimated percentage of residents of communities in the vicinity of the
27 project and in other communities impacted by the project who could be
28 subject to tolls or user fees and the estimated percentage of other
29 users and transient traffic that could be subject to tolls or user
30 fees; (b) an analysis of the anticipated traffic diversion patterns;
31 (c) an analysis of the potential economic impact resulting from
32 proposed toll rates or user fee rates imposed on residents, commercial
33 traffic, and commercial entities in communities in the vicinity of and
34 impacted by the project; (d) an analysis of the economic impact of
35 tolls or user fees on the price of goods and services generally; and
36 (e) an analysis of the relationship of the project to state
37 transportation needs and benefits.

38 (6)(a) After determining the definition of the affected project
39 area, the department shall establish a committee comprised of

1 individuals who represent cities and counties in the affected project
2 area; organizations formed to support or oppose the project; and users
3 of the project. The committee shall be named the public-private local
4 involvement committee, and be known as the local involvement committee.

5 (b) The members of the local involvement committee shall be: (i)
6 An elected official from each city within the affected project area;
7 (ii) an elected official from each county within the affected project
8 area; (iii) two persons from each county within the affected project
9 area who represent an organization formed in support of the project, if
10 the organization exists; (iv) two persons from each county within the
11 affected project area who represent an organization formed to oppose
12 the project, if the organization exists; and (v) four public members
13 active in a statewide transportation organization. If the committee
14 makeup results in an even number of committee members, there shall be
15 an additional appointment of an elected official from the county in
16 which all, or the greatest portion of the project is located.

17 (c) City and county elected officials shall be appointed by a
18 majority of the members of the city or county legislative authorities
19 of each city or county within the affected project area, respectively.
20 The county legislative authority of each county within the affected
21 project area shall identify and validate organizations officially
22 formed in support of or in opposition to the project and shall make the
23 appointments required under this section from a list submitted by the
24 chair of the organizations. Public members shall be appointed by the
25 governor. All appointments to the local involvement committee shall be
26 made and submitted to the department of transportation no later than
27 January 1, 1996, for projects selected prior to September 1, 1994, and
28 no later than thirty days after the affected project area is defined
29 for projects selected after June 30, 1997. Vacancies in the membership
30 of the local involvement committee shall be filled by the appointing
31 authority under (b)(i) through (v) of this subsection for each position
32 on the committee.

33 (d) The local involvement committee shall serve in an advisory
34 capacity to the department on all matters related to the execution of
35 the advisory vote.

36 (e) Members of the local involvement committee serve without
37 compensation and may not receive subsistence, lodging expenses, or
38 travel expenses.

1 ~~(7) The department shall conduct a minimum thirty day public~~
2 ~~comment period on the definition of the geographical boundary of the~~
3 ~~project area. The department, in consultation with the local~~
4 ~~involvement committee, shall make adjustments, if required, to the~~
5 ~~definition of the geographical boundary of the affected project area,~~
6 ~~based on comments received from the public. Within fourteen calendar~~
7 ~~days after the public comment period, the department shall set the~~
8 ~~boundaries of the affected project area in units no smaller than a~~
9 ~~precinct as defined in RCW 29.01.120.~~

10 ~~(8) The department, in consultation with the local involvement~~
11 ~~committee, shall develop a description for selected project proposals.~~
12 ~~After developing the description of the project proposal, the~~
13 ~~department shall publish the project proposal description in newspapers~~
14 ~~of general circulation for seven calendar days in the affected project~~
15 ~~area. Within fourteen calendar days after the last day of the~~
16 ~~publication of the project proposal description, the department shall~~
17 ~~transmit a copy of the map depicting the affected project area and the~~
18 ~~description of the project proposal to the county auditor of the county~~
19 ~~in which any portion of the affected project area is located.~~

20 ~~(9) The department shall provide the legislative transportation~~
21 ~~committee with progress reports on the status of the definition of the~~
22 ~~affected project area and the description of the project proposal.~~

23 ~~(10) Upon receipt of the map and the description of the project~~
24 ~~proposal, the county auditor shall, within thirty days, verify the~~
25 ~~precincts that are located within the affected project area. The~~
26 ~~county auditor shall prepare the text identifying and describing the~~
27 ~~affected project area and the project proposal using the definition of~~
28 ~~the geographical boundary of the affected project area and the project~~
29 ~~description submitted by the department and shall set an election date~~
30 ~~for the submission of a ballot proposition authorizing the imposition~~
31 ~~of tolls or user fees to implement the proposed project within the~~
32 ~~affected project area, which date may be the next succeeding general~~
33 ~~election to be held in the state, or at a special election, if~~
34 ~~requested by the department. The text of the project proposal must~~
35 ~~appear in a voter's pamphlet for the affected project area. The~~
36 ~~department shall pay the costs of publication and distribution. The~~
37 ~~special election date must be the next date for a special election~~
38 ~~provided under RCW 29.13.020 that is at least sixty days but, if~~
39 ~~authorized under RCW 29.13.020, no more than ninety days after the~~

1 receipt of the final map and project description by the auditor. The
2 department shall pay the cost of an election held under this section.

3 (11) Notwithstanding any other provision of law, the department may
4 contract with a private developer of a selected project proposal to
5 conduct environmental impact studies, a public involvement program, and
6 engineering and technical studies funded by the legislature. For
7 projects subject to this subsection, the department shall not enter
8 into an agreement under RCW 47.46.040 prior to the advisory vote on the
9 preferred alternative.

10 (12) Subsections (5) through (10) of this section shall not apply
11 to project proposals selected prior to September 1, 1994, that have no
12 organized public opposition as demonstrated by the submission to the
13 department of original petitions bearing at least five thousand
14 signatures of individuals opposing the project, collected and submitted
15 after September 1, 1994, and by thirty calendar days after June 16,
16 1995.

17 (13) Subsections (5) through (10) of this section shall not apply
18 to project proposals selected after June 30, 1997, that have no
19 organized public opposition as demonstrated by the submission to the
20 department of original petitions bearing at least five thousand
21 signatures of individuals opposing the project, collected and submitted
22 by ninety calendar days after project selection.))

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