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SENATE BILL 6140

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State of Washington

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2001 Regular Session

By Senators McDonald, Prentice, Horn, Eide, Johnson, Jacobsen, Finkbeiner, Patterson, Shin, Benton, Kastama, Kohl-Welles, Costa, McAuliffe, Rossi, Fairley, Long, Thibaudeau, Roach, Zarelli and Oke

Read first time 03/07/2001. Referred to Committee on Transportation.

1 AN ACT Relating to the creation of congestion relief boards; and  
2 adding a new chapter to Title 47 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature recognizes that a multimodal  
5 approach to the state's transportation system is the best means of  
6 addressing transportation needs. Recently, little money has been spent  
7 on new highway projects to add capacity and lane miles to major state  
8 routes, interstates, or other freeway systems. Expansion of our  
9 highway systems is essential to all modes of transportation, as buses  
10 and vanpools need additional lanes on which to travel in order to be  
11 effective, just as passenger vehicles need additional lanes. The  
12 legislature desires to empower local regions to add lane capacity to  
13 major highways and interstates by enabling them to raise revenue to  
14 construct highway improvements which will add lanes to existing  
15 freeways or highways, or create new freeways or highways, to meet the  
16 demand from all modes of traffic.

17 The legislature further finds that many transportation decisions  
18 are best made at the regional level, where transportation problems are  
19 paramount. To achieve regional congestion relief and to implement

1 recommendation six of the blue ribbon commission on transportation  
2 final report, relating to regional transportation solutions, congestion  
3 relief boards are created. The legislature declares that it is the  
4 public policy of this state to encourage and facilitate highway  
5 improvements. It is the purpose of congestion relief boards to  
6 generate revenues for a limited period of time to assist in the  
7 financing of highway improvement projects to improve transportation  
8 mobility in congested areas.

9 NEW SECTION. **Sec. 2.** The definitions in this section apply  
10 throughout this chapter unless the context clearly requires otherwise.

11 (1) "Congestion relief board" means an area composed of legislative  
12 districts along a transportation corridor which are designated as a  
13 congestion relief board by an act of the legislature.

14 (2) "Legislative district" means an area designated pursuant to  
15 chapter 44.07C RCW.

16 (3) "Department" means the Washington state department of  
17 transportation.

18 (4) "Highway improvement project" means an improvement which adds  
19 a lane or lanes to a state route or federal interstate, or creates a  
20 new state route or federal interstate.

21 NEW SECTION. **Sec. 3.** A congestion relief board may only be  
22 created by act of the legislature and shall consist of the legislative  
23 districts adjacent to or impacted by a transportation corridor or  
24 corridors. In the event that legislative districts change pursuant to  
25 redistricting, then a preexisting board shall consist of those  
26 districts adjacent to or impacted by a transportation corridor, plus  
27 those districts previously within the board which remain adjacent to or  
28 affected by that corridor or corridors and still have fifty percent of  
29 their original geographic area unchanged. The tax boundaries of areas  
30 subject to any new taxes imposed under this chapter shall be unaffected  
31 by subsequent redistricting.

32 NEW SECTION. **Sec. 4.** The central Puget Sound congestion relief  
33 board is created to include the following legislative districts: 38,  
34 21, 1, 44, 32, 46, 45, 36, 43, 48, 34, 11, 37, 41, 33, 47, 5, 30, 25,  
35 and 31.

1        NEW SECTION.    **Sec. 5.**    The membership of a congestion relief board  
2 shall be composed of one representative from each legislative district  
3 within the boundaries of the congestion relief board.    The three  
4 legislators elected from each district shall choose, by majority vote,  
5 a fourth person who is not a legislator to serve as a representative to  
6 the congestion relief board.    Governance of and decisions by a  
7 congestion relief board shall be by majority vote.

8        NEW SECTION.    **Sec. 6.**    Members of the congestion relief board will  
9 be reimbursed for travel expenses as provided by RCW 43.03.050 and  
10 43.03.060.

11        NEW SECTION.    **Sec. 7.**    A congestion relief board shall be entitled  
12 to state funding from the motor vehicle fund in an amount of up to one  
13 million dollars as start-up funding to pay for salaries, expenses,  
14 overhead, supplies, and similar expenses ordinarily and necessarily  
15 incurred in selecting highway improvement projects and funding for  
16 those projects under this chapter.    Upon approval of a referendum on  
17 the projects and the financing pursuant to section 10 of this act, the  
18 board shall reimburse the motor vehicle fund for any sums advanced for  
19 these start-up costs from the state.    A congestion relief board shall  
20 include these start-up costs within the referendum submitted to the  
21 voters.

22        NEW SECTION.    **Sec. 8.**    (1) A congestion relief board shall, using  
23 the transportation improvement benchmarks set forth in section 14 of  
24 this act, select highway improvement projects, exclusive of maintenance  
25 and preservation of existing facilities, that maximize the attainment  
26 of these benchmarks and focus on highway traffic congestion relief.

27        (2) Once the board has chosen a highway improvement project, or  
28 series of highway improvement projects, it must develop a funding  
29 package.    A congestion relief board shall develop a funding and  
30 financing package to pay for highway improvement projects selected  
31 under subsection (1) of this section.    A board may impose some or all  
32 of the revenue sources set forth in section 9 of this act to pay for  
33 highway improvement projects selected.    The legislature recognizes that  
34 a combination of local, state, and federal revenues may be necessary to  
35 pay for highway improvement projects, and the board shall consider all

1 of these revenue sources in developing a financing and funding plan for  
2 selected projects.

3 NEW SECTION. **Sec. 9.** A congestion relief board is empowered to  
4 institute and collect the following local taxes within its geographic  
5 boundaries:

6 (1) A local option regional sales tax of up to 0.5 percent;

7 (2) A local option vehicle license fee of up to seventy-five  
8 dollars per vehicle;

9 (3) A local option motor vehicle fuel tax of up to six cents per  
10 gallon; and

11 (4) A local option commercial vehicle charge of up to one hundred  
12 fifty dollars per commercial vehicle.

13 Taxes shall not be imposed without a vote of the people within the  
14 boundaries of the congestion relief board on a referendum as set forth  
15 in section 10 of this act.

16 NEW SECTION. **Sec. 10.** A board must submit, as a referendum, to a  
17 vote of the people the highway improvement projects it has selected and  
18 any funding package that requires the imposition of additional taxes in  
19 the region. The referendum shall specify that the additional tax shall  
20 be dedicated to funding the specific highway improvement projects  
21 chosen by the board. The referendum shall also set forth any start-up  
22 costs advanced by the state for expenses of the board prior to the  
23 referendum and that this amount must be repaid to the state from the  
24 revenue proceeds. Upon a majority vote of the people in favor of the  
25 project list and the increased taxes, the board shall not change the  
26 boundaries of the region, project list, or taxes imposed or collected  
27 except by a majority vote of the people in the transportation region  
28 the board represents. A board may not undertake any construction or  
29 work associated with constructing a highway improvement project, other  
30 than that work necessary to prepare the referendum, without approval of  
31 the referendum by a majority vote of the people.

32 NEW SECTION. **Sec. 11.** (1) A congestion relief board is a body  
33 corporate and shall have the powers necessary and incidental to  
34 selecting, financing, planning, and constructing congestion relief  
35 highway projects, including but not limited to:

1 (a) The authority to hire no more than six employees, including a  
2 director or executive officer, a treasurer or financial officer, a  
3 project manager or engineer, a project permit coordinator, and clerical  
4 staff; and

5 (b) The authority to pay for services and enter into contracts,  
6 including professional service contracts.

7 (2) The board does not have the authority to acquire, hold, or  
8 dispose of real property.

9 (3) The board shall not own, operate, or maintain any ongoing  
10 facility, road, or transportation system.

11 NEW SECTION. **Sec. 12.** The legislature recognizes that it may be  
12 prudent for certain congestion relief highway improvement projects to  
13 be financed over time through the issuance of bonds. The full faith  
14 and credit of the state shall, at the state treasurer's discretion and  
15 issuance, be made available to congestion relief boards which have  
16 sought and obtained voter approval for a specific revenue source  
17 sufficient to cover the cost and debt service of any bonds issued. A  
18 congestion relief board shall remain liable for the payment of any debt  
19 incurred.

20 Alternatively, notwithstanding RCW 39.36.020(1), a congestion  
21 relief board may, upon approval by the voters of a referendum  
22 establishing additional taxes under section 10 of this act, contract  
23 indebtedness or borrow money to pay for highway improvement projects in  
24 an amount not exceeding one and one-half percent of the value of the  
25 taxable property within the boundaries of the region, as long as the  
26 total indebtedness of the region does not exceed five percent of the  
27 value of the taxable property in it. The bonds must be issued and sold  
28 in accordance with chapter 39.46 RCW, and the bond proceeds must be  
29 used solely to pay for highway improvement projects and any start-up  
30 costs advanced by the state for expenses of the board prior to the  
31 referendum. The term "value of the taxable property" has the meaning  
32 set forth in RCW 39.36.015.

33 NEW SECTION. **Sec. 13.** A congestion relief board may accept and  
34 expend or use gifts, grants, or donations.

35 NEW SECTION. **Sec. 14.** A board shall apply the following  
36 benchmarks when choosing congestion relief projects by selecting

1 highway improvement projects that move towards the following  
2 benchmarks:

3 (1) Traffic congestion on urban interstate highways does not exceed  
4 the national mean for interstate highways;

5 (2) Driver delay in metropolitan areas does not exceed the national  
6 mean for metropolitan areas;

7 (3) The number of traffic accidents on systems throughout the state  
8 continues to decline;

9 (4) Air quality is maintained at federally required levels;

10 (5) Freight mobility is accommodated within the transportation  
11 system; and

12 (6) Overall hours of travel delay per person in congested corridors  
13 are reduced to and maintained at reasonable levels.

14 These benchmarks represent only minimum standards which shall be  
15 considered in selecting highway improvement projects. The board may  
16 also consider rules and standards adopted by the transportation  
17 accountability commission to achieve these benchmarks.

18 NEW SECTION. **Sec. 15.** The department shall create a division of  
19 dedicated staff and services whose sole responsibility is to coordinate  
20 the design, preliminary engineering, permit, financing, and  
21 construction of projects selected and sponsored by a congestion relief  
22 board.

23 NEW SECTION. **Sec. 16.** The congestion relief board matching  
24 account is hereby created within the motor vehicle fund. The  
25 congestion relief board matching account shall be administered by the  
26 state treasurer. Moneys received from a congestion relief board,  
27 private donations, state matching moneys and any earned interest, and  
28 funds received from any other source may be deposited into the  
29 congestion relief board matching account. All moneys deposited in the  
30 congestion relief board matching account shall be invested by the state  
31 treasurer. Funds within the congestion relief board matching account  
32 shall be used solely to match up to sixty percent of the total costs of  
33 a highway improvement project or series of projects selected by a  
34 congestion relief board.

35 NEW SECTION. **Sec. 17.** A congestion relief board which has  
36 selected a capital improvement project or series of projects, and which

1 has sought and obtained voter approval of the project or series of  
2 projects, as well as a source of revenue from which to fund all or a  
3 portion of the project or series of projects, shall be eligible for  
4 matching funds from the congestion relief board matching account of up  
5 to sixty percent of the total costs of the project or series of  
6 projects selected.

7 NEW SECTION. **Sec. 18.** A congestion relief board which has  
8 selected a capital improvement project or series of projects, and which  
9 has sought and obtained voter approval of the project or series of  
10 projects, as well as a source of revenue from which to fund all or a  
11 portion of the project or series of projects, shall be eligible to  
12 receive assistance from the department in the design, engineering,  
13 permitting, financing, and construction of its selected project or  
14 series of projects. This section does not require a congestion relief  
15 board to solicit or accept department assistance or staffing.

16 NEW SECTION. **Sec. 19.** A congestion relief board may choose to  
17 contract out all or part of the design, permitting, engineering,  
18 environmental, and construction work associated with a voter-approved  
19 project or series of improvement projects through a competitive bid  
20 process. The department shall be entitled to bid on any such work.

21 NEW SECTION. **Sec. 20.** The department or board may use the design-  
22 build procedure for projects developed by a congestion relief board.  
23 As used in this section "design-build procedure" means a method of  
24 contracting under which the department or board contracts with another  
25 party for such party to both design and build the structures,  
26 facilities, and other items specified in the contract.

27 NEW SECTION. **Sec. 21.** Within one month of the project or series  
28 of projects selected by the board and approved by the voters being  
29 constructed, the board shall dissolve itself and cease to exist. Any  
30 taxes imposed pursuant to an approved plan shall terminate when the  
31 financing or debt service on the project or series of projects  
32 constructed is complete and paid.

1        NEW SECTION.    **Sec. 22.**    Sections 1 through 21 of this act  
2    constitute a new chapter in Title 47 RCW.

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