

1 resources to develop and encourage implementation of a comprehensive
2 transportation plan within the state's largest urbanized region.

3 NEW SECTION. **Sec. 102.** DEFINITIONS. Unless the context clearly
4 requires otherwise, the definitions in this section apply throughout
5 this chapter.

6 (1) "Council" means the Puget Sound regional transportation
7 district council created under section 105 of this act, and the
8 governing body of the district.

9 (2) "District" means the Puget Sound regional transportation
10 district created under section 103 of this act.

11 (3) "Policy advisory committee" or "committee" means the policy
12 advisory committee authorized in section 202 of this act.

13 (4) "Public transportation providers" means those agencies
14 providing transit services to the public including Washington state
15 ferries, regional transit authorities, public transit agencies, and
16 city transportation authorities.

17 (5) "Puget Sound regional council" means the Puget Sound regional
18 council, which, as of January 1, 2003, is the organization designated
19 by units of general purpose local governments within the region as the
20 metropolitan planning organization under federal requirements and as
21 the regional transportation organization under chapter 47.80 RCW, or
22 any successor organization.

23 (6) "Project of regional significance" means those projects
24 identified by the characteristics set forth in section 201(3) and (4)
25 of this act.

26 (8) "Region" means that area within the jurisdiction of the
27 council.

28 (9) "Regional plan" or "plan" means the metropolitan transportation
29 plan required under federal law.

30 NEW SECTION. **Sec. 103.** DISTRICT CREATED. A political subdivision
31 known as the Puget Sound regional transportation district is created,
32 to consist of the counties that are included within the regional
33 transportation planning organization having the largest population on
34 January 1, 2003, known as "central Puget Sound counties."

1 NEW SECTION. **Sec. 104.** COUNCILOR DISTRICTS. By May 1, 2004, the
2 legislative authorities of the central Puget Sound counties shall
3 jointly assemble and determine eight councilor districts, based on
4 equal populations.

5 The counties shall provide for the nomination and election of
6 district councilors at the state's September primary and November
7 general elections.

8 NEW SECTION. **Sec. 105.** DISTRICT COUNCIL. (1) Creation and
9 powers. The district council is created as the governing body of the
10 Puget Sound regional transportation district. Except as provided for
11 in this chapter, all district powers are vested in the council.

12 (2) Composition. Beginning January 1, 2005, the council consists
13 of nine councilors, one elected at large and designated as president of
14 the council, and eight nominated and elected from individual districts
15 within the region.

16 (3) Initial terms of office. The terms of office of the four
17 councilors receiving the highest number of votes among the eight
18 councilors elected in 2004 end on the first Monday of 2009. The terms
19 of office of the other four councilors end on the first Monday of 2007.
20 Thereafter the term of office of councilor is four years. The first
21 term of the president ends the first Monday of 2009.

22 (4) Presiding officer, council president. The council president
23 presides over the council. The council president sets the council
24 agenda subject to general rules established by a council-adopted
25 ordinance. Except as provided otherwise in this chapter, the council
26 president appoints all members of the committees, commissions, and
27 boards created by the rules of the council and ordinances of the
28 district.

29 (5) Annual organizing resolution. At the first council meeting
30 each January the council shall adopt an annual organizing resolution
31 naming a deputy and establishing such committees as the council deems
32 necessary for the orderly conduct of council business.

33 (6) Council meetings. The council shall meet regularly in the area
34 at times and places it designates. The council shall prescribe by
35 ordinance the rules to govern conduct of its meetings. Except as this
36 chapter provides otherwise, the agreement of a majority of councilors

1 present and constituting a quorum is necessary to decide affirmatively
2 a question before the council.

3 (7) Quorum. A majority of councilors in office is a quorum for
4 council business, but fewer councilors may compel absent councilors to
5 attend.

6 (8) Record of proceedings. The council shall keep and authenticate
7 a record of council proceedings.

8 NEW SECTION. **Sec. 106.** COUNCIL FOR REGIONAL TRANSPORTATION
9 INVESTMENT DISTRICT GOVERNANCE. Effective January 1, 2006, the members
10 of the council, acting ex officio and independently shall constitute
11 the governing body of any regional transportation investment district
12 located within the boundaries of the Puget Sound regional
13 transportation district.

14 NEW SECTION. **Sec. 107.** DISTRICT AUDITOR. (1) Creation. The
15 office of district auditor is created. The auditor is elected from the
16 district at large for a term of four years. The auditor serves full
17 time and may not be employed by any other person or entity while
18 serving as auditor.

19 (2) First election; disqualification for councilor. The auditor is
20 first nominated and elected in the first statewide primary and general
21 election in 2004. During the term for which elected, and for four
22 years thereafter, the auditor is ineligible to hold the office of
23 district councilor.

24 (3) Duties. The auditor shall: (a) Make continuous investigations
25 of the operations of the district, including financial and performance
26 auditing and review of financial transactions, personnel, equipment,
27 facilities, and all other aspects of those operations; and (b) make
28 reports to the council of the results of any investigation with any
29 recommendations for remedial action. Except as provided in this
30 section, the auditor may not be given responsibility to perform any
31 executive function.

32 **PART II**
33 **POWERS AND DUTIES**

34 NEW SECTION. **Sec. 201.** COUNCIL'S DUTIES. The council shall:

- 1 (1) Be the designated regional transportation planning organization
2 for its area and have, except where provided otherwise, the same duties
3 and obligations of those organizations as prescribed in chapter 47.80
4 RCW;
- 5 (2) Assume the responsibility for the metropolitan planning
6 function within the region under 23 U.S.C. Sec. 134 and act as the
7 governing body for that activity;
- 8 (3) Identify those transportation facilities and services within
9 the region provided by the department of transportation, cities,
10 counties, public transportation providers, and other publicly financed
11 transportation providers that serve regionally significant corridors or
12 are otherwise regionally significant;
- 13 (4) Prepare and adopt a plan setting forth the priorities for
14 investment and the allocation of resources for operating and investment
15 for those regionally significant transportation facilities and services
16 for each of those agencies enumerated in subsection (3) of this
17 section. The goal is an integrated systematic approach for investment
18 resulting in a coordinated transportation network. To carry out this
19 duty, the council may enter into interlocal contracts and memoranda of
20 understanding for the affected agencies to reimburse the council for
21 the costs of these planning functions;
- 22 (5) Plan, develop, and enforce standards for the coordination of
23 public transportation services in the region as set forth in section
24 204 of this act;
- 25 (6) Plan, develop, and enforce standards for the coordination of
26 regional traffic operations in the region as set forth in section 205
27 of this act;
- 28 (7) Approve in total, or disapprove all or certain elements of the
29 regional transportation improvement program submitted to it by the
30 policy advisory committee;
- 31 (8) Effective January 1, 2006, assume the role as governing
32 authority for any regional transportation investment district located
33 within the boundaries of the region;
- 34 (9) Effective January 1, 2006, assume the role as governing
35 authority for any regional transportation authority under chapter
36 81.112 RCW located within the boundaries of the region;
- 37 (10) By January 1, 2009, determine the role of the council in

1 governing the city transportation authority and implement the
2 determination;

3 (11) Appoint any other advisory committees it deems necessary to
4 carry out the intent of this chapter.

5 NEW SECTION. **Sec. 202.** DISTRICT POLICY ADVISORY COMMITTEE. (1)
6 The council shall appoint a district policy advisory committee, to be
7 made up of local elected officials, officials of agencies that
8 administer or operate major modes or systems of transportation,
9 appropriate state officials, and other persons as determined by the
10 council.

11 (2) After appointment a vote of both a majority of the policy
12 advisory committee and a majority of all councilors may change the
13 composition of the committee at any time.

14 (3) The policy advisory committee shall perform the duties assigned
15 to it in this chapter and any other duties the council prescribes.

16 (4) The policy advisory committee shall adopt bylaws governing the
17 conduct and recording of its meetings and the terms of its members.

18 NEW SECTION. **Sec. 203.** ADVISORY COMMITTEE DUTIES. The policy
19 advisory committee shall:

20 (1) Provide a forum for representatives from local and state units
21 of government to assess transportation policies and programs throughout
22 the region, evaluate transportation needs, and to make recommendations
23 to the council;

24 (2) Develop a recommended regional plan and a regional
25 transportation improvement program, to be forwarded to the council for
26 approval or rejection;

27 (3) Develop and recommend to the council the allocation of federal
28 funds available to the region;

29 (4) Review public agencies' plans for consistency under sections
30 204 and 205 of this act and make recommendations to the council.

31 NEW SECTION. **Sec. 204.** PUBLIC TRANSPORTATION COORDINATION. (1)
32 The council shall develop standards for the coordination of capital
33 investment, service and performance standards, and service coordination
34 of public transportation providers in the region. The goal of these
35 standards is to maximize coordination within and among systems, use

1 resources more effectively, and enhance services to the public. In
2 developing these standards, the council shall consult with regional
3 transit authorities, city transportation authorities, other transit and
4 transportation agencies, and ferry providers operating within the
5 region. The standards must also address vanpool coordination, fare
6 policies, and transportation demand management programs.

7 (2) In addition to the duties under section 201 of this act, the
8 council shall approve each plan prepared under RCW 35.58.2795 by public
9 transportation providers operating in the region, if it finds that
10 those plans meet the standards developed under subsection (1) of this
11 section. If the council finds that those plans do not meet the
12 standards set forth in subsection (1) of this section, it shall
13 immediately notify the agency that prepared the plan of the reasons for
14 noncompliance. The plan may be amended and resubmitted to the council.

15 (3) If the council does not approve the plan of a public
16 transportation provider operating in its area of jurisdiction, that
17 agency's plan may not be included in the regional transportation
18 improvement program.

19 NEW SECTION. **Sec. 205.** REGIONAL TRAFFIC OPERATIONS COORDINATION.

20 (1) The council shall develop standards for the coordination of the
21 traffic operations of state and local roads of regional significance.
22 The objective of these standards is to maximize coordination across
23 jurisdictional boundaries, to invest capital and operational resources
24 more effectively, and to improve transportation system efficiency for
25 the benefit of the traveling public and the movement of goods and
26 services. In developing these standards the council shall consult with
27 the state department of transportation and local traffic operations
28 agencies.

29 (2) The council shall ensure that elements of the regional
30 transportation improvement program include a regional traffic
31 operations coordination element that meets the standards under
32 subsection (1) of this section. This plan must include the appropriate
33 application of intelligent transportation systems technologies to the
34 freeways and regional arterials, coordination of signal timing on
35 regional arterials, and the coordination of operating policies on
36 freeways and regional arterials to ensure that the system of freeways
37 and regional arterials operates as an integrated network.

PART III
TECHNICAL MATTERS

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3 NEW SECTION. **Sec. 301.** TERM OF OFFICE. The term of office of an
4 officer elected at a general election begins the first Monday of the
5 year after election and continues until a successor assumes the office.

6 NEW SECTION. **Sec. 302.** QUALIFICATIONS AND SALARIES OF ELECTED
7 OFFICERS. (1) Councilor. A councilor must be a qualified elector
8 under the Constitution of this state when his or her term of office
9 begins and must have resided during the preceding twelve months in the
10 district from which elected or appointed. When the boundaries of that
11 district have been apportioned or reapportioned during that period,
12 residency in that district for purposes of this subsection includes
13 residency in any former district with area in the district from which
14 the councilor is elected or appointed if residency is established in
15 the apportioned or reapportioned district within sixty days after the
16 apportionment or reapportionment is effective.

17 (2) Council president and auditor. The council president and
18 auditor must each be a qualified elector under the Constitution of this
19 state when his or her term of office begins and must have resided
20 during the preceding twelve months within the boundaries of the
21 district as they exist when the term of office begins. At the time of
22 election or appointment, the auditor must also hold the designation of
23 certified public accountant or certified internal auditor.

24 (3) Multiple elected offices. A district elected officer may not
25 be an elected officer of the state or a city, county, or special
26 district during his or her term of office. As used in this chapter,
27 special district does not include school districts.

28 (4) Judging elections and qualifications. The council is the judge
29 of the election and qualification of its members.

30 (5) Oath. Before assuming office an elected officer shall take an
31 oath or affirm that he or she will faithfully perform the duties of the
32 office and support the constitutions and laws of the United States and
33 this state and the charter and laws of the district.

34 (6) The salary of the council president will be equal to the salary
35 of members of the county legislative authority of the largest county

1 within the district. The salary of each other councilor will be two-
2 thirds of the salary of the president. The salary of the auditor will
3 be eighty percent of the salary of the president.

4 NEW SECTION. **Sec. 303.** VACANCIES IN OFFICE. (1) Councilor. The
5 office of councilor becomes vacant upon the incumbent's: (a) Death;
6 (b) adjudicated incompetency; (c) recall from office; (d) failure after
7 election or appointment to qualify for the office within ten days after
8 the time for his or her term of office to begin; (e) absence from all
9 meetings of the council within a sixty-day period without the council's
10 consent; (f) ceasing to reside in the district from which elected or
11 appointed, except when district boundaries are reapportioned and a
12 councilor is assigned to a district where the councilor does not reside
13 and the councilor becomes a resident of the reapportioned district
14 within sixty days after the reapportionment is effective; (g) ceasing
15 to be a qualified elector under state law; (h) conviction of a felony
16 or conviction of a federal or state offense punishable by loss of
17 liberty and pertaining to his or her office; (i) resignation from
18 office; or (j) becoming an elected officer of the state or a city,
19 county, or special district.

20 (2) Council president and auditor. The offices of council
21 president or auditor become vacant in the circumstances described in
22 subsection (1)(a) through (d) and (g) through (j) of this section, or
23 if the council president or auditor ceases to reside in the area. The
24 office of auditor also becomes vacant if the incumbent ceases to hold
25 the designation of certified public accountant or certified internal
26 auditor.

27 (3) Determination of vacancy. The council is the final judge of
28 the existence of a vacancy.

29 NEW SECTION. **Sec. 304.** FILLING VACANCIES. A majority of
30 councilors holding office shall fill a vacancy by appointment within
31 ninety days after it occurs. The term of office of the appointee runs
32 from the time he or she qualifies for the office after appointment
33 until a successor is duly elected and qualifies for the office. If the
34 vacancy occurs more than twenty days before the first general election
35 after the beginning of the term for that office, the term of office of
36 the appointee runs only until the first council meeting in the year

1 immediately after that election. A person will be nominated and
2 elected for the remainder of the term at the first primary and general
3 election after the beginning of the term.

4 NEW SECTION. Sec. 305. LIMITATIONS OF TERMS OF OFFICE. No person
5 may be elected councilor for more than three consecutive full terms,
6 not including any term or terms as council president. No person may be
7 elected council president for more than two consecutive full terms.

8 **PART IV**
9 **AMENDMENTS AND MISCELLANEOUS SECTIONS**

10 **Sec. 401.** RCW 35.58.2795 and 1994 c 158 s 6 are each amended to
11 read as follows:

12 (1) As used in this section "agency" means a municipality as
13 defined in RCW 35.58.272 and within a district as defined in section
14 102 of this act it means a public transportation provider as defined in
15 section 102 of this act and a publicly owned provider of passenger-only
16 ferry service.

17 (2) By April 1st of each year, the legislative authority of each
18 ((municipality, as defined in RCW 35.58.272, and each regional transit
19 authority)) agency shall prepare a six-year transit development plan
20 for that calendar year and the ensuing five years. Agencies located in
21 the central Puget Sound regional transportation district shall provide
22 resources to the Puget Sound regional transportation council to prepare
23 elements of those plans identified by that council. The program shall
24 be consistent with the comprehensive plans adopted by counties, cities,
25 and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the
26 inherent authority of a first class city or charter county derived from
27 its charter, or chapter 36.70A RCW. The program shall contain
28 information as to how the municipality intends to meet state and local
29 long-range priorities for public transportation, capital improvements,
30 significant operating changes planned for the system, coordinate
31 services with other agencies, and how the ((municipality)) agency
32 intends to fund program needs. The six-year plan for each
33 ((municipality and regional transit authority shall)) agency must
34 specifically set forth those projects of regional significance for
35 inclusion in the transportation improvement program within that region.

1 For those agencies located within the jurisdiction of the Puget Sound
2 regional transportation district, the plan must address the standards
3 developed under sections 204 and 205 of this act for inclusion in the
4 transportation improvement program in that region. Each (~~municipality~~
5 ~~and regional transit authority~~) agency shall file the six-year program
6 with the state department of transportation, the transportation
7 improvement board, and cities, counties, and regional planning councils
8 within which the municipality is located.

9 In developing its program, the (~~municipality and the regional~~
10 ~~transit authority~~) agency shall consider those policy recommendations
11 affecting public transportation contained in the state transportation
12 policy plan approved by the state transportation commission and, where
13 appropriate, adopted by the legislature. The (~~municipality~~) agency
14 shall conduct one or more public hearings while developing its program
15 and for each annual update.

16 **Sec. 402.** RCW 35.95A.030 and 2002 c 248 s 3 are each amended to
17 read as follows:

18 (1) A city that undertakes to propose creation of an authority must
19 propose the authority by ordinance of the city legislative body. The
20 ordinance must:

21 (a) Propose the authority area and the size and method of selection
22 of the governing body of the authority, which governing body may be
23 appointed or elected, provided that officers or employees of any single
24 city government body may not compose a majority of the members of the
25 authority's governing body;

26 (b) Propose whether all or a specified portion of the public
27 monorail transportation function will be exercised by the authority;

28 (c) Propose an initial array of taxes to be voted upon by the
29 electors within the proposed authority area; and

30 (d) Provide for an interim governing body of the authority which
31 will govern the authority upon voter approval of formation of the
32 authority, until a permanent governing body is selected, but in no
33 event longer than fourteen months.

34 (2) An authority may also be proposed to be created by a petition
35 setting forth the matters described in subsection (1) of this section,
36 and signed by one percent of the qualified electors of the proposed
37 authority area.

1 (3) Upon approval by the qualified electors of the formation of the
2 city transportation authority and any proposed taxes, either by
3 ordinance or by petition as provided in this chapter, the governing
4 body of an authority, or interim governing body, as applicable, will
5 adopt bylaws determining, among other things, the authority's officers
6 and the method of their selection, and other matters the governing body
7 deems appropriate.

8 (4) The governing body of the authority is the body determined by
9 the regional transportation district council under section 201(10) of
10 this act. If the council has any part as the governing body, the vote
11 of each councilor, including the president, is weighted to reflect that
12 portion of the regional transportation investment district population
13 that is within each councilor district.

14 **Sec. 403.** RCW 36.120.090 and 2002 c 56 s 109 are each amended to
15 read as follows:

16 (1) Initially the governing board of a district consists of the
17 members of the legislative authority of each member county, acting ex
18 officio and independently. The secretary of transportation or the
19 appropriate regional administrator of the department, as named by the
20 secretary, shall also serve as a nonvoting member of the board. The
21 governing board may elect an executive board of seven members to
22 discharge the duties of the governing board subject to the approval of
23 the full governing board.

24 (2) Effective January 1, 2006, the Puget Sound regional
25 transportation district council is the governing board. For votes of
26 the council regarding board decisions, the vote of each councilor,
27 including the president, is weighted to reflect that portion of the
28 regional transportation investment district population that is within
29 each councilor district.

30 (3) Until January 1, 2006, a sixty-percent majority of the weighted
31 votes of the total board membership is required to submit to the
32 counties a modified plan under RCW 36.120.140 or any other proposal to
33 be submitted to the voters. Until January 1, 2006, the counties may,
34 with majority vote of each county legislative authority, submit a
35 modified plan or proposal to the voters.

1 **Sec. 404.** RCW 36.120.110 and 2002 c 56 s 111 are each amended to
2 read as follows:

3 (1) The governing board of the district is responsible for the
4 execution of the voter-approved plan. The board shall:

5 (a) Impose taxes and fees authorized by district voters;

6 (b) Enter into agreements with state, local, and regional agencies
7 and departments as necessary to accomplish district purposes and
8 protect the district's investment in transportation projects;

9 (c) Accept gifts, grants, or other contributions of funds that will
10 support the purposes and programs of the district;

11 (d) Monitor and audit the progress and execution of transportation
12 projects to protect the investment of the public and annually make
13 public its findings;

14 (e) Pay for services and enter into leases and contracts, including
15 professional service contracts;

16 (f) Until January 1, 2006, hire no more than ten employees,
17 including a director or executive officer, a treasurer or financial
18 officer, a project manager or engineer, a project permit coordinator,
19 and clerical staff; and

20 (g) Exercise other powers and duties as may be reasonable to carry
21 out the purposes of the district.

22 (2) It is the intent of the legislature that existing staff
23 resources of lead agencies be used in implementing this chapter. A
24 district may coordinate its activities with the department, which shall
25 provide services, data, and personnel to assist as desired by the
26 regional transportation investment district. Lead agencies for
27 transportation projects that are not state facilities shall also
28 provide staff support for the board.

29 (3) A district may not acquire, hold, or dispose of real property.

30 (4) A district may not own, operate, or maintain an ongoing
31 facility, road, or transportation system.

32 (5) A district may accept and expend or use gifts, grants, or
33 donations.

34 (6) It is the intent of the legislature that administrative and
35 overhead costs of a regional transportation investment district be
36 minimized. For transportation projects costing up to fifty million
37 dollars, administrative and overhead costs may not exceed three percent
38 of the total construction and design project costs per year. For

1 transportation projects costing more than fifty million dollars,
2 administrative and overhead costs may not exceed three percent of the
3 first fifty million dollars in costs, plus an additional one-tenth of
4 one percent of each additional dollar above fifty million. These
5 limitations apply only to the district, and do not limit the
6 administration or expenditures of the department.

7 (7) A district may use the design-build procedure for
8 transportation projects developed by it. As used in this section
9 "design-build procedure" means a method of contracting under which the
10 district contracts with another party for that party to both design and
11 build the structures, facilities, and other items specified in the
12 contract. The requirements and limitations of RCW 47.20.780 and
13 47.20.785 do not apply to the transportation projects under this
14 chapter.

15 **Sec. 405.** RCW 36.120.140 and 2002 c 56 s 114 are each amended to
16 read as follows:

17 (1) A plan may be modified to change transportation projects or
18 revenue sources if:

19 (a) Two or more participating counties adopt a resolution to modify
20 the plan; and

21 (b) The counties submit to the voters in the district, and after
22 January 1, 2006, the governing board submits, a ballot measure that
23 redefines the scope of the plan, its projects, its schedule, its costs,
24 or the revenue sources. If the voters fail to approve the redefined
25 plan, the district shall continue to work on and complete the plan, and
26 the projects in it, that was originally approved by the voters. If the
27 voters approve the redefined plan, the district shall work on and
28 complete the projects under the redefined plan.

29 (2) If a transportation project cost exceeds its original cost by
30 more than twenty percent as identified in the plan:

31 (a) The board shall, in coordination with the county legislative
32 authorities, submit to the voters in the district a ballot measure that
33 redefines the scope of the transportation project, its schedule, or its
34 costs. If the voters fail to approve the redefined transportation
35 project, the district shall terminate work on that transportation
36 project, except that the district may take reasonable steps to use,
37 preserve, or connect any improvement already constructed. The

1 remainder of any funds that would otherwise have been expended on the
2 terminated transportation project must first be used to retire any
3 outstanding debt attributable to the plan and then may be used to
4 implement the remainder of the plan.

5 (b) Alternatively, upon adoption of a resolution by two or more
6 participating counties:

7 (i) The counties shall submit, and after January 1, 2006, the
8 governing board shall submit, to the voters in the district a ballot
9 measure that redefines the scope of the plan, its transportation
10 projects, its schedule, or its costs. If the voters fail to approve
11 the redefined plan, the district shall terminate work on that plan,
12 except that the district may take reasonable steps to use, preserve, or
13 connect any improvement already constructed. The remainder of any
14 funds must be used to retire any outstanding debt attributable to the
15 plan; or

16 (ii) Until January 1, 2006, the counties, and after January 1,
17 2006, the board may elect to have the district continue the
18 transportation project without submitting an additional ballot proposal
19 to the voters.

20 (3) To assure accountability to the public for the timely
21 construction of the transportation improvement project or projects
22 within cost projections, the district shall issue a report, at least
23 annually, to the public and copies of the report to newspapers of
24 record in the district. In the report, the district shall indicate the
25 status of transportation project costs, transportation project
26 expenditures, revenues, and construction schedules. The report may
27 also include progress towards meeting the performance criteria provided
28 under this chapter.

29 **Sec. 406.** RCW 47.26.080 and 1999 c 94 s 16 are each amended to
30 read as follows:

31 There is hereby created in the motor vehicle fund the urban
32 arterial trust account. The intent of the urban arterial trust account
33 program is to improve the arterial street system of the state by
34 improving mobility and safety while supporting an environment essential
35 to the quality of life of the citizens of the state of Washington. The
36 city hardship assistance program, as provided in RCW 47.26.164, and the

1 small city program, as provided for in RCW 47.26.115, are implemented
2 within the urban arterial trust account.

3 For funds apportioned to projects in counties in the Puget Sound
4 regional transportation district, the board shall give preference to
5 projects that meet the standards established under sections 204 and 205
6 of this act. The board shall not allocate funds, nor make payments of
7 the funds under RCW 47.26.260, to any county, city, or town identified
8 by the governor under RCW 36.70A.340.

9 **Sec. 407.** RCW 47.26.086 and 1994 c 179 s 11 are each amended to
10 read as follows:

11 Transportation improvement account projects selected for funding
12 programs after fiscal year 1995 are governed by the requirements of
13 this section.

14 The board shall allocate funds from the account by June 30th of
15 each year for the ensuing fiscal year to urban counties, cities with a
16 population of five thousand and over, and to transportation benefit
17 districts. Projects may include, but are not limited to, multi-agency
18 projects and arterial improvement projects in fast-growing areas. The
19 board shall endeavor to provide geographical diversity in selecting
20 improvement projects to be funded from the account.

21 The intent of the program is to improve mobility of people and
22 goods in Washington state by supporting economic development and
23 environmentally responsive solutions to our statewide transportation
24 system needs.

25 To be eligible to receive these funds, a project must be consistent
26 with the Growth Management Act, the Clean Air Act including conformity,
27 and the Commute Trip Reduction Law and consideration must have been
28 given to the project's relationship, both actual and potential, with
29 the statewide rail passenger program and rapid mass transit. Projects
30 must be consistent with any adopted high capacity transportation plan,
31 must consider existing or reasonably foreseeable congestion levels
32 attributable to economic development or growth and all modes of
33 transportation and safety, and must be partially funded by local
34 government or private contributions, or a combination of such
35 contributions. For projects proposed in counties in the Puget Sound
36 regional transportation district, the board shall give preference to

1 projects that meet the standards established under sections 204 and 205
2 of this act. Priority consideration shall be given to those projects
3 with the greatest percentage of local or private contribution, or both.

4 Within one year after board approval of an application for funding,
5 the lead agency shall provide written certification to the board of the
6 pledged local and private funding for the phase of the project
7 approved. Funds allocated to an applicant that does not certify its
8 funding within one year after approval may be reallocated by the board.

9 **Sec. 408.** RCW 47.80.020 and 1990 1st ex.s. c 17 s 54 are each
10 amended to read as follows:

11 The legislature hereby authorizes creation of regional
12 transportation planning organizations within the state. Each regional
13 transportation planning organization shall be formed through the
14 voluntary association of local governments within a county, or within
15 geographically contiguous counties. Except as provided in section 201
16 of this act, each organization shall:

- 17 (1) Encompass at least one complete county;
- 18 (2) Have a population of at least one hundred thousand, or contain
19 a minimum of three counties; and
- 20 (3) Have as members all counties within the region, and at least
21 sixty percent of the cities and towns within the region representing a
22 minimum of seventy-five percent of the cities' and towns' population.

23 The state department of transportation must verify that each
24 regional transportation planning organization conforms with the
25 requirements of this section.

26 In urbanized areas, the regional transportation planning
27 organization is the same as the metropolitan planning organization
28 designated for federal transportation planning purposes.

29 **Sec. 409.** RCW 47.80.030 and 1998 c 171 s 9 are each amended to
30 read as follows:

- 31 (1) Each regional transportation planning organization shall
32 develop in cooperation with the department of transportation, providers
33 of public transportation and high capacity transportation, ports, and
34 local governments within the region, adopt, and periodically update a
35 regional transportation plan that:

- 1 (a) Is based on a least cost planning methodology that identifies
2 the most cost-effective facilities, services, and programs;
- 3 (b) Identifies existing or planned transportation facilities,
4 services, and programs, including but not limited to major roadways
5 including state highways and regional arterials, transit and
6 nonmotorized services and facilities, multimodal and intermodal
7 facilities, marine ports and airports, railroads, and noncapital
8 programs including transportation demand management that should
9 function as an integrated regional transportation system, giving
10 emphasis to those facilities, services, and programs that exhibit one
11 or more of the following characteristics:
- 12 (i) Crosses member county lines;
 - 13 (ii) Is or will be used by a significant number of people who live
14 or work outside the county in which the facility, service, or project
15 is located;
 - 16 (iii) Significant impacts are expected to be felt in more than one
17 county;
 - 18 (iv) Potentially adverse impacts of the facility, service, program,
19 or project can be better avoided or mitigated through adherence to
20 regional policies;
 - 21 (v) Transportation needs addressed by a project have been
22 identified by the regional transportation planning process and the
23 remedy is deemed to have regional significance; and
 - 24 (vi) Provides for system continuity;
- 25 (c) Establishes level of service standards for state highways and
26 state ferry routes, with the exception of transportation facilities of
27 statewide significance as defined in RCW 47.06.140. These regionally
28 established level of service standards for state highways and state
29 ferries shall be developed jointly with the department of
30 transportation, to encourage consistency across jurisdictions. In
31 establishing level of service standards for state highways and state
32 ferries, consideration shall be given for the necessary balance between
33 providing for the free interjurisdictional movement of people and goods
34 and the needs of local commuters using state facilities;
- 35 (d) Includes a financial plan demonstrating how the regional
36 transportation plan can be implemented, indicating resources from
37 public and private sources that are reasonably expected to be made

1 available to carry out the plan, and recommending any innovative
2 financing techniques to finance needed facilities, services, and
3 programs;

4 (e) Assesses regional development patterns, capital investment and
5 other measures necessary to:

6 (i) Ensure the preservation of the existing regional transportation
7 system, including requirements for operational improvements,
8 resurfacing, restoration, and rehabilitation of existing and future
9 major roadways, as well as operations, maintenance, modernization, and
10 rehabilitation of existing and future transit, railroad systems and
11 corridors, and nonmotorized facilities; and

12 (ii) Make the most efficient use of existing transportation
13 facilities to relieve vehicular congestion and maximize the mobility of
14 people and goods;

15 (f) Sets forth a proposed regional transportation approach,
16 including capital investments, service improvements, programs, and
17 transportation demand management measures to guide the development of
18 the integrated, multimodal regional transportation system; and

19 (g) Where appropriate, sets forth the relationship of high capacity
20 transportation providers and other public transit providers with regard
21 to responsibility for, and the coordination between, services and
22 facilities.

23 (2) The organization shall review the regional transportation plan
24 biennially for currency and forward the adopted plan along with
25 documentation of the biennial review to the state department of
26 transportation.

27 (3) All transportation projects, programs, and transportation
28 demand management measures within the region that have an impact upon
29 regional facilities or services must be consistent with the plan and
30 with the adopted regional growth and transportation strategies.

31 (4) In the case of a regional transportation planning organization
32 located in a Puget Sound regional transportation district, the plan
33 must be based on the guidelines and plan prepared by the Puget Sound
34 regional transportation council under section 201(2) and (3) of this
35 act. The plan must set levels of service standards for highways of
36 statewide significance.

1 **Sec. 410.** RCW 47.80.040 and 1990 1st ex.s. c 17 s 56 are each
2 amended to read as follows:

3 Each regional transportation planning organization other than a
4 Puget Sound regional transportation district shall, and a Puget Sound
5 regional transportation district may, create a transportation policy
6 board. Transportation policy boards shall provide policy advice to the
7 regional transportation planning organization and shall allow
8 representatives of major employers within the region, the department of
9 transportation, transit districts, port districts, and member cities,
10 towns, and counties within the region to participate in policy making.

11 **Sec. 411.** RCW 47.80.060 and 1992 c 101 s 31 are each amended to
12 read as follows:

13 In order to qualify for state planning funds available to regional
14 transportation planning organizations, the regional transportation
15 planning organizations containing any county with a population in
16 excess of one million, other than a Puget Sound regional transportation
17 district, shall provide voting membership on its executive board to the
18 state transportation commission, the state department of
19 transportation, and the three largest public port districts within the
20 region as determined by gross operating revenues. It shall further
21 assure that at least fifty percent of the county and city local elected
22 officials who serve on the executive board also serve on transit agency
23 boards or on a regional transit authority.

24 **Sec. 412.** RCW 81.112.040 and 1994 c 109 s 1 are each amended to
25 read as follows:

26 (1) Except for a regional transit authority contained within a
27 regional transportation district, the regional transit authority shall
28 be governed by a board consisting of representatives appointed by the
29 county executive and confirmed by the council or other legislative
30 authority of each member county. Membership shall be based on
31 population from that portion of each county which lies within the
32 service area. Board members shall be appointed initially on the basis
33 of one for each one hundred forty-five thousand population within the
34 county. Such appointments shall be made following consultation with
35 city and town jurisdictions within the service area. In addition, the
36 secretary of transportation or the secretary's designee shall serve as

1 a member of the board and may have voting status with approval of a
2 majority of the other members of the board. Only board members, not
3 including alternates or designees, may cast votes.

4 Each member of the board, except the secretary of transportation or
5 the secretary's designee, shall be:

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

8 (b) On the legislative authority of the county, if fifty percent of
9 the population of the legislative official's district is within the
10 authority boundaries; or

11 (c) A county executive from a member county within the authority
12 boundaries.

13 When making appointments, each county executive shall ensure that
14 representation on the board includes an elected city official
15 representing the largest city in each county and assures proportional
16 representation from other cities, and representation from
17 unincorporated areas of each county within the service area. At least
18 one-half of all appointees from each county shall serve on the
19 governing authority of a public transportation system.

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

23 The governing board shall be reconstituted, with regard to the
24 number of representatives from each county, on a population basis,
25 using the official office of financial management population estimates,
26 five years after its initial formation and, at minimum, in the year
27 following each official federal census. The board membership may be
28 reduced, maintained, or expanded to reflect population changes but
29 under no circumstances may the board membership exceed twenty-five.

30 (2) For a regional transit authority located within a regional
31 transportation district, effective January 1, 2006, the Puget Sound
32 regional transportation district council is the governing board. For
33 votes of the council regarding board decisions, the vote of each
34 councilor, including the president, is weighted to reflect that portion
35 of the regional transit authority population that is within each
36 councilor district.

37 (3) Major decisions of the authority shall require a favorable vote
38 of two-thirds of the entire membership of the voting members or for a

1 regional transportation district council, two-thirds of the weighted
2 votes. "Major decisions" include at least the following: System plan
3 adoption and amendment; system phasing decisions; annual budget
4 adoption; authorization of annexations; modification of board
5 composition; and executive director employment.

6 ((+3+)) (4) Each member of the board is eligible to be reimbursed
7 for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and
8 to receive compensation as provided in RCW 43.03.250.

9 **PART V**
10 **OTHER PROVISIONS**

11 NEW SECTION. **Sec. 501.** Captions and part headings used in this
12 act are not part of the law.

13 NEW SECTION. **Sec. 502.** Sections 101 through 305 of this act
14 constitute a new chapter in Title 36 RCW.

15 NEW SECTION. **Sec. 503.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 504.** (1) The secretary of state shall submit
20 this act to the people in the district established in section 103 of
21 this act for their adoption and ratification, or rejection, at the next
22 general election to be held in the district established in section 103
23 of this act, in accordance with Article II, section 1 of the state
24 Constitution and the laws adopted to facilitate its operation.

25 (2) If this act is adopted by the people in accordance with
26 subsection (1) of this section, this act, except for sections 408
27 through 411 of this act, is necessary for the immediate preservation of
28 the public peace, health, or safety, or support of the state government
29 and its existing public institutions, and takes effect immediately.

30 (3) If this act is adopted by the people in accordance with
31 subsection (1) of this section, sections 408 through 411 of this act
32 take effect January 1, 2005.

1 (4) If this act is not adopted by the people in accordance with
2 subsection (1) of this section, this act is null and void in its
3 entirety."

4 Correct the title.

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