

ESHB 2531 - S COMM AMD

By Committee on Highways & Transportation

NOT ADOPTED 03/10/2004

1 Strike everything after the enacting clause and insert the
2 following:

3 "PART I - TOLLING PROVISIONS

4 **Sec. 101.** RCW 36.120.020 and 2002 c 56 s 102 are each amended to
5 read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Board" means the governing body of a regional transportation
9 investment district.

10 (2) "Department" means the Washington state department of
11 transportation.

12 (3) "Highway of statewide significance" means an existing or
13 proposed state route or federal interstate designated as a highway of
14 statewide significance by the transportation commission, its successor
15 entity, or the legislature.

16 (4) "Lead agency" means a public agency that by law can plan,
17 design, and build a transportation project and has been so designated
18 by the district.

19 (5) "Regional transportation investment district" or "district"
20 means a municipal corporation whose boundaries are coextensive with two
21 or more contiguous counties and that has been created by county
22 legislative authorities and a vote of the people under this chapter to
23 implement a regional transportation investment plan.

24 (6) "Regional transportation investment district planning
25 committee" or "planning committee" means the advisory committee created
26 under RCW 36.120.030 to create and propose to county legislative
27 authorities a regional transportation investment plan to develop,
28 finance, and construct transportation projects.

29 (7) "Regional transportation investment plan" or "plan" means a

1 plan to develop, construct, and finance a transportation project or
2 projects.

3 (8) "Transportation project" means:

4 (a) A capital improvement or improvements to a highway that has
5 been designated, in whole or in part, as a highway of statewide
6 significance, including an extension, that:

7 (i) Adds a lane or new lanes to an existing state or federal
8 highway; or

9 (ii) Repairs or replaces a lane or lanes damaged by an event
10 declared an emergency by the governor before January 1, 2002.

11 (b) A capital improvement or improvements to all or a portion of a
12 highway of statewide significance, including an extension, and may
13 include the following associated multimodal capital improvements:

14 (i) Approaches to highways of statewide significance;

15 (ii) High-occupancy vehicle lanes;

16 (iii) Flyover ramps;

17 (iv) Park and ride lots;

18 (v) Bus pullouts;

19 (vi) Vans for vanpools;

20 (vii) Buses; and

21 (viii) Signalization, ramp metering, and other transportation
22 system management improvements.

23 (c) A capital improvement or improvements to all or a portion of a
24 city street, county road, or existing highway or the creation of a new
25 highway that intersects with a highway of statewide significance, if
26 all of the following conditions are met:

27 (i) The project is included in a plan that makes highway
28 improvement projects that add capacity to a highway or highways of
29 statewide significance;

30 (ii) The secretary of transportation determines that the project
31 would better relieve traffic congestion than investing that same money
32 in adding capacity to a highway of statewide significance;

33 (iii) Matching money equal to one-third of the total cost of the
34 project is provided by local entities, including but not limited to a
35 metropolitan planning organization, county, city, port, or private
36 entity in which a county participating in a plan is located. Local
37 entities may use federal grants to meet this matching requirement;

38 (iv) In no case may the cumulative regional transportation

1 investment district contribution to all projects constructed under this
2 subsection (8)(c) exceed ten percent of the revenues generated by the
3 district;

4 (v) In no case may the cumulative regional transportation
5 investment district contribution to all projects constructed under this
6 subsection (8)(c) exceed one billion dollars; and

7 (vi) The specific projects are included within the plan and
8 submitted as part of the plan to a vote of the people.

9 (d) Operations, preservation, and maintenance are excluded from
10 this definition and may not be included in a regional transportation
11 investment plan. However, operations, preservation, and maintenance of
12 toll-related facilities where toll revenues have been pledged for the
13 payment of contracts is expressly authorized and may be included in a
14 regional transportation investment plan.

15 (9) "Weighted vote" means a vote that reflects the population each
16 board or planning committee member represents relative to the
17 population represented by the total membership of the board or planning
18 committee. Population will be determined using the federal 2000 census
19 or subsequent federal census data.

20 **Sec. 102.** RCW 36.120.050 and 2003 c 350 s 4 are each amended to
21 read as follows:

22 (1) A regional transportation investment district planning
23 committee may, as part of a regional transportation investment plan,
24 recommend the imposition of some or all of the following revenue
25 sources, which a regional transportation investment district may impose
26 upon approval of the voters as provided in this chapter:

27 (a) A regional sales and use tax, as specified in RCW 82.14.430, of
28 up to 0.5 percent of the selling price, in the case of a sales tax, or
29 value of the article used, in the case of a use tax, upon the
30 occurrence of any taxable event in the regional transportation
31 investment district;

32 (b) A local option vehicle license fee, as specified under RCW
33 82.80.100, of up to one hundred dollars per vehicle registered in the
34 district. As used in this subsection, "vehicle" means motor vehicle as
35 defined in RCW 46.04.320. Certain classes of vehicles, as defined
36 under chapter 46.04 RCW, may be exempted from this fee;

37 (c) A parking tax under RCW 82.80.030;

1 (d) A local motor vehicle excise tax under RCW 81.100.060 and
2 chapter 81.104 RCW;

3 (e) A local option fuel tax under RCW 82.80.120;

4 (f) An employer excise tax under RCW 81.100.030; and

5 (g) Vehicle tolls on new or reconstructed facilities or, in the
6 case of improvements to a bridge or viaduct, any approaches or
7 connectors to the bridge or viaduct. Unless otherwise specified by law
8 or contract, the department shall administer the collection of vehicle
9 tolls on designated facilities, and the state transportation
10 commission, or its successor, shall be the tolling authority.

11 (2) Taxes, fees, and tolls may not be imposed without an
12 affirmative vote of the majority of the voters within the boundaries of
13 the district voting on a ballot proposition as set forth in RCW
14 36.120.070. Revenues from these taxes and fees may be used only to
15 implement the plan as set forth in this chapter. A district may
16 contract with the state department of revenue or other appropriate
17 entities for administration and collection of any of the taxes or fees
18 authorized in this section.

19 (3) Existing statewide motor vehicle fuel and special fuel taxes,
20 at the distribution rates in effect on January 1, 2001, are not
21 intended to be altered by this chapter.

22 **Sec. 103.** RCW 47.56.076 and 2002 c 56 s 403 are each amended to
23 read as follows:

24 Upon approval of a majority of the voters within its boundaries
25 voting on the ballot proposition, and only for the purposes authorized
26 in RCW 36.120.050(1)((~~+f~~)) (g), a regional transportation investment
27 district may impose vehicle tolls on state routes where improvements
28 financed in whole or in part by a regional transportation investment
29 district add additional lanes to, or reconstruct lanes on, a highway of
30 statewide significance, and in the case of improving a bridge or
31 viaduct, any approaches or connectors to the bridge or viaduct. The
32 department shall administer the collection of vehicle tolls on
33 designated facilities unless otherwise specified in law or by contract,
34 and the state transportation commission, or its successor, shall ~~((be~~
35 ~~the tolling authority))~~ set and impose the tolls in amounts sufficient
36 to implement the plan and issue bonds and maintain and operate the toll
37 facility within the scope and intent of the regional transportation
38 investment plan.

1 a population of from two hundred ten thousand to less than one million
2 that is adjoining a county with a population of one million or more,
3 having within their boundaries existing or planned high-occupancy
4 vehicle lanes on the state highway system, or a regional transportation
5 investment district for capital improvements, but only to the extent
6 that the surcharge has not already been imposed by the county, may,
7 with voter approval, impose a local surcharge of not more than (~~three-~~
8 ~~tenths~~) six-tenths of one percent of the value on vehicles registered
9 to a person residing within the county and not more than 13.64 percent
10 on the state sales and use taxes paid under the rate in RCW
11 82.08.020(2) on retail car rentals within the county or investment
12 district. A county may impose the surcharge only to the extent that it
13 has not been imposed by the district. No surcharge may be imposed on
14 vehicles licensed under RCW 46.16.070 except vehicles with an unladen
15 weight of six thousand pounds or less, RCW 46.16.079, 46.16.085, or
16 46.16.090. Additionally, no surcharge may be imposed on new vehicles,
17 except that the surcharge shall apply to the initial registration of a
18 vehicle previously licensed in another jurisdiction.

19 Counties or investment districts imposing a tax under this section
20 shall contract, before the effective date of the resolution or
21 ordinance imposing a surcharge, administration and collection to the
22 state department of licensing, and department of revenue, as
23 appropriate, which shall deduct an amount, as provided by contract, for
24 administration and collection expenses incurred by the department. All
25 administrative provisions in chapters 82.03, 82.32, and 82.44 RCW
26 shall, insofar as they are applicable to motor vehicle excise taxes, be
27 applicable to surcharges imposed under this section. All
28 administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32
29 RCW shall, insofar as they are applicable to state sales and use taxes,
30 be applicable to surcharges imposed under this section.

31 If the tax authorized in RCW 81.100.030 is also imposed, the total
32 proceeds from tax sources imposed under this section and RCW 81.100.030
33 each year shall not exceed the maximum amount which could be collected
34 under this section.

35 **Sec. 302.** RCW 81.100.080 and 1990 c 43 s 19 are each amended to
36 read as follows:

37 Funds collected under RCW 81.100.030 or 81.100.060 and any
38 investment earnings accruing thereon shall be used by the county or the

1 regional transportation investment district in a manner consistent with
2 the regional transportation plan only for costs of collection, costs of
3 preparing, adopting, and enforcing agreements under RCW 81.100.030(3),
4 for construction of high occupancy vehicle lanes and related
5 facilities, mitigation of environmental concerns that result from
6 construction or use of high occupancy vehicle lanes and related
7 facilities, payment of principal and interest on bonds issued for the
8 purposes of this section, for high occupancy vehicle programs as
9 defined in RCW 81.100.020(5), and for commuter rail projects in
10 accordance with RCW 81.104.120. Except for funds raised by regional
11 transportation investment districts, no funds collected under RCW
12 81.100.030 or 81.100.060 after June 30, 2000, may be pledged for the
13 payment or security of the principal or interest on any bonds issued
14 for the purposes of this section. Not more than ten percent of the
15 funds may be used for transit agency high occupancy vehicle programs.

16 Priorities for construction of high occupancy vehicle lanes and
17 related facilities shall be as follows:

18 (1)(a) To accelerate construction of high occupancy vehicle lanes
19 on the interstate highway system, as well as related facilities;

20 (b) To finance or accelerate construction of high occupancy vehicle
21 lanes on the noninterstate state highway system, as well as related
22 facilities.

23 (2) To finance construction of high occupancy vehicle lanes on
24 local arterials, as well as related facilities.

25 Moneys received by an agency under this chapter shall be used in
26 addition to, and not as a substitute for, moneys currently used by the
27 agency for the purposes specified in this section.

28 Counties and regional transportation investment districts may
29 contract with cities or the state department of transportation for
30 construction of high occupancy vehicle lanes and related facilities,
31 and may issue general obligation bonds to fund such construction and
32 use funds received under this chapter to pay the principal and interest
33 on such bonds."

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1 On page 1, line 1 of the title, after "districts;" strike the
2 remainder of the title and insert "amending RCW 36.120.020, 36.120.050,
3 47.56.076, 36.120.070, 81.100.060, and 81.100.080; and adding a new
4 section to chapter 47.56 RCW."

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