

SSB 5538 - S AMD 142
By Senator Kastama

ADOPTED 03/18/2003

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 81.112
4 RCW to read as follows:

5 (1) A regional transit authority is governed by an elected board
6 consisting of nine members elected from nine numbered districts in
7 nonpartisan primary and general elections commencing with the elections
8 held in 2003. Commencing with such elections, a person seeking
9 election or serving on the board may not hold other public office and
10 must be a registered voter residing in the relevant electoral district
11 during the term in office and for a period from at least thirty days
12 before filing a petition for candidacy.

13 (2) A five-member districting commission appointed by the governor
14 shall define the districts as soon as possible after the effective date
15 of this act. Each commission member must reside in a different
16 authority subarea. The districting commission has all reasonably
17 necessary powers and shall determine a reasonable budget, which must be
18 funded upon its request, by an authority. The districting commission
19 shall promptly approve a plan for nine numbered electoral districts in
20 a service area, and publicize and file the plan with the county clerks
21 of the counties within a service area. The plan must be drawn to
22 ensure that the electoral districts have nearly equal populations (in
23 accord with the one-person-one-vote principle); do not divide a
24 precinct; are compact, convenient, and contiguous; and minimize the
25 number of districts that consist of portions of different counties or
26 different authority subareas. An objection to the plan must commence
27 within thirty days, and be heard within sixty days, of filing the plan.

28 (3) Upon certification of the 2003 general election, terms of
29 office of an authority's board members expire, if any are existing on

1 the effective date of this act, and the nine elected members shall take
2 office. Each elected member shall serve the remainder of 2003 plus an
3 additional period of two or four years. Lots must be drawn to
4 determine which five of the nine elected members shall serve an
5 additional four years, and which four of the nine elected members shall
6 serve an additional two years. All successors elected in subsequent
7 elections in odd-numbered years will have terms of office for four
8 years, commencing January 1st after the election.

9 (4) An authority's board positions become vacant upon failure to
10 maintain residence or other qualification, recall, death, resignation,
11 or adjudication of permanent disability. The vacancy must be filled as
12 provided in chapter 42.12 RCW. The appointed temporary member shall
13 serve until a successor for the remainder of the vacated term is chosen
14 in the next primary and general election.

15 (5) Every decade, after release of federal census information, the
16 governor shall appoint a new districting commission in accord with
17 subsection (2) of this section. The commission shall operate in accord
18 with the standards provided in subsection (2) of this section, and
19 shall prepare a timetable for transition to any new districts.

20 (6) Notwithstanding any other provision of law, to allow staggered
21 terms after a redistricting, a board member who has an uncompleted
22 four-year term and no longer resides in his or her prior district
23 solely due to redistricting, shall serve the remainder of the four-year
24 term.

25 (7) Major decisions of the authority require a favorable vote of
26 two-thirds of the entire membership. "Major decisions" include at
27 least the following: System plan adoption and amendment; system
28 phasing decisions; annual budget adoption; authorization of
29 annexations; modification of board composition; and executive director
30 employment.

31 (8) Each member of the board is eligible to be reimbursed for
32 travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to
33 receive compensation as provided in RCW 43.03.250. However, a board
34 member may elect to be alternatively compensated upon the same terms
35 and conditions as a member of any port district in the area served by
36 such authority.

1 **Sec. 2.** RCW 81.112.010 and 1992 c 101 s 1 are each amended to read
2 as follows:

3 The legislature recognizes that existing transportation facilities
4 in the central Puget Sound area are inadequate to address mobility
5 needs of the area. The geography of the region, travel demand growth,
6 and public resistance to new roadways combine to further necessitate
7 the rapid development of alternative modes of travel.

8 The legislature finds that local governments have been effective in
9 cooperatively planning a multicounty, high capacity transportation
10 system. However, a continued multijurisdictional approach to funding,
11 construction, and operation of a multicounty high capacity
12 transportation system may impair the successful implementation of such
13 a system.

14 The legislature finds that a single agency will be more effective
15 than several local jurisdictions working collectively at planning,
16 developing, operating, and funding a high capacity transportation
17 system. The single agency's services must be carefully integrated and
18 coordinated with public transportation services currently provided. As
19 the single agency's services are established, any public transportation
20 services currently provided that are duplicative should be eliminated.
21 Further, the single agency must coordinate its activities with other
22 agencies providing local and state roadway services, implementing
23 comprehensive planning, and implementing transportation demand
24 management programs and assist in developing infrastructure to support
25 high capacity systems including but not limited to feeder systems, park
26 and ride facilities, intermodal centers, and related roadway and
27 operational facilities. Because the legislature finds an overriding
28 need to ensure that the single agency is accountable to the people,
29 coordination can be best achieved through ((~~common governance, such as~~
30 ~~integrated governing boards~~)) election of board members by districts.

31 It is therefore the policy of the state of Washington to empower
32 counties in the state's most populous region to create a local agency
33 for planning and implementing a high capacity transportation system
34 within that region. The authorization for such an agency, except as
35 specifically provided in this chapter, is not intended to limit the
36 powers of existing transit agencies.

1 **Sec. 3.** RCW 81.112.020 and 1999 c 20 s 2 are each amended to read
2 as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Authority" means a regional transit authority authorized under
6 this chapter.

7 (2) "Board" means the board of a regional transit authority.

8 (3) "Service area" or "area" means the area included within the
9 boundaries of a regional transit authority.

10 (4) "System" means a regional transit system authorized under this
11 chapter and under the jurisdiction of a regional transit authority.

12 (5) "Facilities" means any lands, interest in land, air rights over
13 lands, and improvements thereto including vessel terminals, and any
14 equipment, vehicles, vessels, and other components necessary to support
15 the system.

16 (6) "Proof of payment" means evidence of fare prepayment authorized
17 by a regional transit authority for the use of trains, including but
18 not limited to commuter trains and light rail trains.

19 (7) "Subarea" means one of the five areas within an authority's
20 boundaries as identified in an authority's system plan adopted in May
21 1996.

22 **Sec. 4.** RCW 81.112.030 and 1994 c 44 s 1 are each amended to read
23 as follows:

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

28 The authority shall be formed in the following manner:

29 (1) The joint regional policy committee created pursuant to RCW
30 81.104.040 shall adopt a system and financing plan, including the
31 definition of the service area. This action shall be completed by
32 September 1, 1992, contingent upon satisfactory completion of the
33 planning process defined in RCW 81.104.100. The final system plan
34 shall be adopted no later than June 30, 1993. In addition to the
35 requirements of RCW 81.104.100, the plan for the proposed system shall
36 provide explicitly for a minimum portion of new tax revenues to be
37 allocated to local transit agencies for interim express services. Upon

1 adoption the joint regional policy committee shall immediately transmit
2 the plan to the county legislative authorities within the adopted
3 service area.

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

9 ~~(3) ((Each county that chooses to participate in the authority
10 shall appoint its board members as set forth in RCW 81.112.040 and
11 shall submit its list of members to the secretary of the Washington
12 state department of transportation. These actions must be completed
13 within thirty days following each county's decision to participate in
14 the authority.~~

15 ~~(4))~~ The secretary shall call the first meeting of the authority,
16 to be held within thirty days following receipt of the ~~((appointments))~~
17 names of the elected board members. At its first meeting, the
18 authority shall elect officers and provide for the adoption of rules
19 and other operating procedures.

20 ~~((5))~~ (4) The authority is formally constituted at its first
21 meeting and the board shall begin taking steps toward implementation of
22 the system and financing plan adopted by the joint regional policy
23 committee. If the joint regional policy committee fails to adopt a
24 plan by June 30, 1993, the authority shall proceed to do so based on
25 the work completed by that date by the joint regional policy committee.
26 Upon formation of the authority, the joint regional policy committee
27 shall cease to exist. The authority may make minor modifications to
28 the plan as deemed necessary and shall at a minimum review local
29 transit agencies' plans to ensure feeder service/high capacity transit
30 service integration, ensure fare integration, and ensure avoidance of
31 parallel competitive services. The authority shall also conduct a
32 minimum thirty-day public comment period.

33 ~~((6))~~ (5) If the authority determines that major modifications to
34 the plan are necessary before the initial ballot proposition is
35 submitted to the voters, the authority may make those modifications
36 with a favorable vote of two-thirds of the entire membership. Any such
37 modification shall be subject to the review process set forth in RCW
38 81.104.110. The modified plan shall be transmitted to the legislative

1 authorities of the participating counties. The legislative authorities
2 shall have forty-five days following receipt to act by motion or
3 ordinance to confirm or rescind their continued participation in the
4 authority.

5 ~~((+7))~~ (6) If any county opts to not participate in the authority,
6 but two or more contiguous counties do choose to continue to
7 participate, the authority's board shall be revised accordingly. The
8 authority shall, within forty-five days, redefine the system and
9 financing plan to reflect elimination of one or more counties, and
10 submit the redefined plan to the legislative authorities of the
11 remaining counties for their decision as to whether to continue to
12 participate. This action shall be completed within forty-five days
13 following receipt of the redefined plan.

14 ~~((+8))~~ (7) The authority shall place on the ballot within two
15 years of the authority's formation, a single ballot proposition to
16 authorize the imposition of taxes to support the implementation of an
17 appropriate phase of the plan within its service area. In addition to
18 the system plan requirements contained in RCW 81.104.100(2)(d), the
19 system plan approved by the authority's board before the submittal of
20 a proposition to the voters shall contain an equity element which:

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

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

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

30 A simple majority of those voting within the boundaries of the
31 authority is required for approval. If the vote is affirmative, the
32 authority shall begin implementation of the projects identified in the
33 proposition. However, the authority may not submit any authorizing
34 proposition for voter-approved taxes prior to July 1, 1993; nor may the
35 authority issue bonds or form any local improvement district prior to
36 July 1, 1993.

37 ~~((+9))~~ (8) If the vote on a proposition fails, the board may
38 redefine the proposition, make changes to the authority boundaries, and

1 make corresponding changes to the composition of the board, subject to
2 section 1 of this act. If the composition of the board is changed, the
3 participating counties shall revise the membership of the board
4 accordingly, subject to section 1 of this act. The board may then
5 submit the revised proposition or a different proposition to the
6 voters. No single proposition may be submitted to the voters more than
7 twice. The authority may place additional propositions on the ballot
8 to impose taxes to support additional phases of plan implementation.

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

15 NEW SECTION. Sec. 5. A new section is added to chapter 81.112 RCW
16 to read as follows:

17 (1) Subject to subsection (2) of this section, an authority board
18 that was not elected as provided for in section 1 of this act may not
19 make expenditures, incur any debt, issue any bonds, or enter into any
20 agreement, for the purpose of implementing a light rail transit system
21 in a county with a population over one million five hundred thousand
22 persons.

23 (2) An authority may make expenditures under this section solely
24 for the purpose of retiring debt or fulfilling contractual obligations,
25 if any, relative to a light rail system, incurred or entered into
26 before the effective date of this act.

27 NEW SECTION. Sec. 6. RCW 81.112.040 (Board appointments--Voting--
28 Expenses) and 1994 c 109 s 1 & 1992 c 101 s 4 are each repealed.

29 NEW SECTION. Sec. 7. This act is remedial in nature and applies
30 to all regional transit authorities established before or after the
31 effective date of this act.

32 NEW SECTION. Sec. 8. This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately."

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3 In line 2 of the title, after "members;" strike the remainder of
4 the title and insert "amending RCW 81.112.010, 81.112.020, and
5 81.112.030; adding new sections to chapter 81.112 RCW; creating a new
6 section; repealing RCW 81.112.040; and declaring an emergency."

EFFECT: Changes the elected board from a partisan board to a nonpartisan board. Removes the elected board's discretionary authority to terminate light rail in a county with a population over 1.5 million.

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