
SUBSTITUTE SENATE BILL 5527

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Highways & Transportation (originally sponsored by Senators Horn and Haugen; by request of Governor Locke)

READ FIRST TIME 02/27/03.

1 AN ACT Relating to coordination of local transportation boards;
2 amending RCW 36.78.060, 36.78.070, 36.78.110, 47.26.121, and 47.26.140;
3 adding a new chapter to Title 47 RCW; creating a new section; providing
4 an effective date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that
7 transportation is of critical importance to the economic health of the
8 state of Washington, and to the quality of life of its citizens.
9 Congestion on state highways, county roads, and city streets has
10 reached unprecedented proportions in several parts of the state, some
11 roads and bridges are in poor condition and need improvement, and the
12 revenues that state and local governments have traditionally used to
13 fund projects are declining.

14 The legislature further finds that an integrated transportation
15 system is a necessity and recommends that streamlined operations and
16 agency efficiencies be accomplished whenever possible.

17 Therefore, it is the legislature's intent to create a local boards
18 coordinated program that efficiently combines the staff and local
19 technical services of the transportation improvement board and the

1 county road administration board. To provide leadership for the
2 coordinated program, the legislature creates a local boards
3 coordinating committee comprised of the secretary, or a designee, and
4 two executive members of each board.

5 The coordinated committee and program executive director will take
6 advantage of the technical, electronic, and process advancements of
7 both boards; ensure that projects, funding, and programs currently in
8 process are not adversely affected; and identify and pursue innovations
9 that may emerge through the transition process.

10 The legislature recognizes that the transportation improvement
11 board and county road administration board provide innovative solutions
12 to increasing funding challenges faced by local transportation
13 agencies. The boards and their respective programs and services are
14 retained in full and strengthened by a single staff that provides one-
15 stop technical and grant services to local customers.

16 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
17 section apply throughout this chapter unless the context clearly
18 requires otherwise.

19 (1) "Committee" means the local boards coordinating committee
20 created in section 3 of this act.

21 (2) "Coordinated program" means the executive director, assets,
22 property, facilities, and staff services under the direction and
23 authority of the local boards coordinating committee.

24 (3) "Boards" means the transportation improvement board and the
25 county road administration board.

26 NEW SECTION. **Sec. 3.** LOCAL BOARDS COORDINATING COMMITTEE AND
27 EXECUTIVE DIRECTOR. (1) The local boards coordinating committee is
28 created.

29 (2) The committee consists of the chair and vice-chair of the
30 transportation improvement board, the chair and vice-chair of the
31 county road administration board, and the secretary of the department
32 of transportation or the secretary's designee. The secretary or
33 designee has no vote except when necessary to break a tie in a vote to
34 adopt rules or establish procedures for the coordinating committee or
35 its coordinated program.

1 (3) The committee shall meet periodically. It may adopt its own
2 bylaws and establish its own procedures. With the permission of the
3 boards, it may adopt rules related to the administration of the
4 coordinated program. It shall act collectively in harmony with
5 recorded resolutions or motions adopted by a majority vote of the
6 members.

7 (4)(a) Before July 1, 2003, the governor, with the consent of the
8 senate, shall appoint the first executive director for the committee.
9 The state committee on agency officials' salaries shall set the salary
10 of the first executive director under RCW 43.03.028 and 43.03.040. The
11 first executive director may be removed (i) by a majority vote of both
12 boards, or (ii) by the governor for cause based upon a determination of
13 incapacity, incompetence, neglect of duty, of malfeasance in office by
14 the Thurston county superior court, upon petition and show cause
15 proceedings brought for that purpose in that court.

16 (b) The committee shall employ and set the salary of subsequent
17 executive directors, who serve at the pleasure of the committee.

18 (c) After July 1, 2003, the executive director may employ
19 additional staff on behalf of the committee, as the executive director
20 deems appropriate. The executive director's salary is paid from the
21 transportation improvement account, urban arterial trust account, motor
22 vehicle account, rural arterial trust account, and county arterial
23 preservation account in apportionments determined by the committee.

24 NEW SECTION. **Sec. 4.** COMPENSATION--RECORDS. (1) Each member of
25 the committee will be compensated from the appropriations for the
26 coordinated program in accordance with RCW 43.03.250 and reimbursed for
27 actual necessary traveling and other expenses in going to, attending,
28 and returning from meetings of the committee or that are incurred in
29 the discharge of duties of the committee. However, in no event may a
30 committee member be compensated in any year for more than one hundred
31 twenty days. Service on the committee does not qualify as a service
32 credit for the purposes of a public retirement system.

33 (2) The committee shall keep proper records and is subject to audit
34 by the state auditor or other auditing entities.

35 NEW SECTION. **Sec. 5.** COMMITTEE DUTIES AND POWERS. (1) The

1 committee shall provide staff for all existing and statutorily required
2 programs and services of the boards. The committee shall provide staff
3 services to the boards.

4 (2) Costs of the coordinated program associated with transportation
5 improvement board services and programs must be paid from the
6 transportation improvement account and urban arterial trust account
7 appropriations to the committee.

8 (3) Costs of the coordinated program associated with county road
9 administration board services and programs must be paid from the county
10 arterial preservation account, rural arterial trust account, and the
11 motor vehicle account appropriations to the committee.

12 (4) The committee shall provide an accounting of allocation of
13 administrative expenses, for prior fiscal year costs, by program and
14 fund to the office of financial management and the legislative
15 transportation committee by September 30th of each year.

16 NEW SECTION. **Sec. 6.** TRANSFER OF STAFF AND ASSETS. (1) The
17 coordinated program executive director shall oversee all staff,
18 facilities, property, and assets transferred from the boards to the
19 coordinated program.

20 (2) All staff as necessary, facilities, property, and tangible and
21 intangible assets of the boards are transferred to the coordinated
22 program.

23 (3)(a) All reports, documents, surveys, books, records, files,
24 papers, or written material in the possession of the boards must be
25 delivered to the custody of the coordinated program. All cabinets,
26 furniture, office equipment, motor vehicles, and other tangible
27 property employed by the boards in carrying out their powers,
28 functions, and duties must be made available to the coordinated
29 program.

30 (b) Administrative appropriations made to the boards for carrying
31 out their powers, functions, and duties must be transferred and
32 credited to the coordinated program.

33 (c) Whenever any question arises as to the transfer of personnel,
34 funds, books, documents, records, papers, files, equipment, or other
35 tangible property used or held in the exercise of the powers and the
36 performance of the duties and functions of the boards, the director of

1 financial management shall make a determination as to the proper
2 allocation and certify the same to the state agencies concerned.

3 (4) All employees of the boards engaged in performing the powers,
4 functions, and duties of the boards are, as necessary, transferred to
5 the jurisdiction of the coordinated program. All employees classified
6 under chapter 41.06 RCW, the state civil service law, are assigned, as
7 necessary, to the coordinated program to perform their usual duties
8 upon the same terms as formerly, without any loss of rights, subject to
9 any action that may be appropriate thereafter in accordance with the
10 laws and rules governing state civil service.

11 (5) All existing contracts and obligations remain in full force and
12 must be performed by the boards through the coordinated program.

13 (6) If apportionments of budgeted funds are required because of the
14 transfers directed by this section, the director of financial
15 management shall certify the apportionments to the agencies affected,
16 the state auditor, and the state treasurer. Each of these shall make
17 the appropriate transfer and adjustments in funds and appropriation
18 accounts and equipment records in accordance with the certification.

19 **Sec. 7.** RCW 36.78.060 and 1990 c 266 s 1 are each amended to read
20 as follows:

21 The county road administration board (~~(shall appoint an executive~~
22 ~~director who shall be the chief administrative officer of the board and~~
23 ~~shall be responsible for carrying out the policies adopted by the~~
24 ~~board. The executive director is exempt from the provisions of state~~
25 ~~civil service law, chapter 41.06 RCW, and shall serve at the pleasure~~
26 ~~of the county road administration board. The executive director's~~
27 ~~salary shall be set by the board)) will receive staff services from the
28 local boards coordinating committee. Costs associated with staff,
29 together with travel expenses in accordance with RCW 43.03.050 and
30 43.03.060, must be paid from the county arterial preservation account,
31 rural arterial trust account, and the motor vehicle account as
32 determined by the biennial appropriation.~~

33 **Sec. 8.** RCW 36.78.070 and 1999 c 269 s 1 are each amended to read
34 as follows:

35 The county road administration board shall:

1 (1) Establish by rule, standards of good practice for the
2 administration of county roads and the efficient movement of people and
3 goods over county roads;

4 (2) Establish reporting requirements for counties with respect to
5 the standards of good practice adopted by the board;

6 (3) Receive and review reports from counties and reports from
7 ~~((its))~~ the coordinated program executive director to determine
8 compliance with legislative directives and the standards of good
9 practice adopted by the board;

10 (4) Advise counties on issues relating to county roads and the safe
11 and efficient movement of people and goods over county roads and assist
12 counties in developing uniform and efficient transportation-related
13 information technology resources;

14 (5) Report annually before the fifteenth day of January, and
15 throughout the year as appropriate, to the state department of
16 transportation and to the chairs of the legislative transportation
17 committee and the house and senate transportation committees, and to
18 other entities as appropriate on the status of county road
19 administration in each county, including one copy to the staff of each
20 of the committees. The annual report shall contain recommendations for
21 improving administration of the county road programs;

22 (6) Administer the rural arterial program established by chapter
23 36.79 RCW and the program funded by the county arterial preservation
24 account established by RCW 46.68.090, as well as any other programs
25 provided for in law.

26 **Sec. 9.** RCW 36.78.110 and 1990 c 266 s 3 are each amended to read
27 as follows:

28 ~~((All))~~ Expenses incurred by the board including salaries of
29 coordinated program employees providing staff services to the board,
30 shall be paid upon voucher forms provided by the office of financial
31 management or pursuant to a regular payroll signed by the chairman and
32 the executive director of the ~~((board.—All))~~ coordinated program.
33 Expenses of the board shall be paid out of that portion of the motor
34 vehicle fund allocated to the counties and withheld for use by the
35 department of transportation and the county road administration board
36 under the provisions of RCW 46.68.120(1), as now or hereafter amended.

1 **Sec. 10.** RCW 47.26.121 and 1996 c 49 s 1 are each amended to read
2 as follows:

3 (1) (~~There is hereby created a~~) The transportation improvement
4 board of (~~twenty-one~~) seventeen members is created, (~~six~~) five of
5 whom shall be county members and six of whom shall be city members.
6 The remaining members shall be: (a) One representative appointed by
7 the governor who shall be a state employee with responsibility for
8 transportation policy, planning, or funding; (b) (~~two~~) one
9 representative(~~s~~) from the department of transportation; (c) (~~two~~)
10 one representative(~~s~~) of public transit systems; (d) (~~a private~~
11 ~~sector representative; (e)~~) a member representing the ports; (~~(f)~~)
12 (e) a member representing nonmotorized transportation; and (~~(g)~~) (f)
13 a member representing special needs transportation.

14 (2) Of the county members of the board, one shall be a county
15 engineer or public works director; (~~one shall be the executive~~
16 ~~director of the county road administration board;~~) one shall be a
17 county planning director or planning manager; one shall be a county
18 executive, councilmember, or commissioner from a county with a
19 population of one hundred twenty-five thousand or more; one shall be a
20 county executive, councilmember, or commissioner of a county who serves
21 on the board of a public transit system; and one shall be a county
22 executive, councilmember, or commissioner from a county with a
23 population of less than one hundred twenty-five thousand. All county
24 members of the board(~~(, except the executive director of the county~~
25 ~~road administration board, shall)) must be appointed. Not more than
26 one county member of the board shall be from any one county. No more
27 than two of the three county-elected officials may represent counties
28 located in either the eastern or western part of the state as divided
29 north and south by the summit of the Cascade mountains.~~

30 (3) Of the city members of the board one shall be a chief city
31 engineer, public works director, or other city employee with
32 responsibility for public works activities, of a city with a population
33 of twenty thousand or more; one shall be a chief city engineer, public
34 works director, or other city employee with responsibility for public
35 works activities, of a city of less than twenty thousand population;
36 one shall be a city planning director or planning manager; one shall be
37 a mayor, commissioner, or city councilmember of a city with a
38 population of twenty thousand or more; one shall be a mayor,

1 commissioner, or city councilmember of a city who serves on the board
2 of a public transit system; and one shall be a mayor, commissioner, or
3 councilmember of a city of less than twenty thousand population. All
4 of the city members shall be appointed. Not more than one city member
5 of the board shall be from any one city. No more than two of the three
6 city-elected officials may represent cities located in either the
7 eastern or western part of the state as divided north and south by the
8 summit of the Cascade mountains.

9 (4) ~~((of))~~ The transit member~~((s, at least one shall))~~ must be a
10 general manager, executive director, or transit director of a public
11 transit system ~~((in an urban area with a population over two hundred
12 thousand and at least one representative from a rural or small urban
13 transit system in an area with a population less than two hundred
14 thousand))~~.

15 (5) ~~((The private sector member shall be a citizen with business,
16 management, and transportation related experience and shall be active
17 in a business community based transportation organization.~~

18 ~~(6))~~ The port member shall be a commissioner or senior staff
19 person of a public port.

20 ~~((7))~~ (6) The nonmotorized transportation member shall be a
21 citizen with a demonstrated interest and involvement with a
22 nonmotorized transportation group.

23 ~~((8))~~ (7) The specialized transportation member shall be a
24 citizen with a demonstrated interest and involvement with a statewide
25 specialized needs transportation group.

26 ~~((9))~~ (8) Appointments of county, city, Washington department of
27 transportation, transit, port, nonmotorized transportation, and special
28 needs transportation~~((, and private sector))~~ representatives shall be
29 made by the secretary of the department of transportation. Appointees
30 shall be chosen from a list of two persons for each position nominated
31 by the Washington state association of counties for county members, the
32 association of Washington cities for city members, the Washington state
33 transit association for the transit members, and the Washington public
34 ports association for the port member. The ~~((private sector,))~~
35 nonmotorized transportation~~((,))~~ and special needs members shall be
36 sought through classified advertisements in selected newspapers
37 collectively serving all urban areas of the state, and other
38 appropriate means. Persons applying for the ~~((private sector,))~~

1 nonmotorized transportation(~~(7)~~) or special needs transportation member
2 position must provide a letter of interest and a resume to the
3 secretary of the department of transportation. In the case of a
4 vacancy, the appointment shall be only for the remainder of the
5 unexpired term in which the vacancy has occurred. A vacancy shall be
6 deemed to have occurred on the board when any member elected to public
7 office completes that term of office or is removed therefrom for any
8 reason or when any member employed by a political subdivision
9 terminates such employment for whatsoever reason or when a (~~private~~
10 ~~sector~~) nonmotorized transportation(~~(7)~~) or special needs
11 transportation member resigns or is unable or unwilling to serve.

12 ~~((10))~~ (9) Appointments shall be for terms of four years. Terms
13 of all appointed members shall expire on June 30th of even-numbered
14 years. The initial term of appointed members may be for less than four
15 years. No appointed member may serve more than two consecutive four-
16 year terms.

17 ~~((11))~~ (10) The board shall elect a chair from among its members
18 for a two-year term.

19 ~~((12))~~ (11) Expenses of the board shall be paid in accordance
20 with RCW 47.26.140.

21 ~~((13))~~ (12) For purposes of this section, "public transit system"
22 means a city-owned transit system, county transportation authority,
23 metropolitan municipal corporation, public transportation benefit area,
24 or regional transit authority.

25 **Sec. 11.** RCW 47.26.140 and 1999 c 94 s 19 are each amended to read
26 as follows:

27 The transportation improvement board (~~shall appoint an executive~~
28 ~~director, who shall serve at its pleasure and whose salary shall be set~~
29 ~~by the board, and may employ additional staff as it deems appropriate.~~
30 All)) will receive staff services from the local boards coordinating
31 committee. Costs associated with staff, together with travel expenses
32 in accordance with RCW 43.03.050 and 43.03.060, shall be paid from the
33 urban arterial trust account, (~~public transportation systems~~
34 ~~account~~) and the transportation improvement account in the motor
35 vehicle fund as determined by the biennial appropriation.

1 NEW SECTION. **Sec. 12.** The committee and its executive director
2 shall develop a plan to implement section 1 of this act. The plan must
3 be submitted to the senate and house of representatives transportation
4 committees no later than December 31, 2003.

5 The plan must include steps to ensure that the coordinated program
6 takes advantage of the technical, electronic, and process advancements
7 of the boards; ensures that projects, funding, and programs currently
8 in process are not adversely affected through the transition;
9 identifies and pursues innovations that may emerge through the
10 transition process; and uses other items essential to the transition
11 process. The plan must address the following elements: A timeline for
12 implementing section 1 of this act, colocation of staff and facilities,
13 reorganization of staff, possible elimination of services or programs,
14 merging of business systems, moving of assets and facilities,
15 organizational consulting, budget and appropriation requests,
16 performance measures, and a process for development of a strategic
17 plan.

18 NEW SECTION. **Sec. 13.** Sections 1 through 6 of this act constitute
19 a new chapter in Title 47 RCW.

20 NEW SECTION. **Sec. 14.** This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of the
22 state government and its existing public institutions. Section 3 of
23 this act takes effect immediately. All other sections of this act take
24 effect July 1, 2003.

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