
SENATE BILL 5538

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By Senators Esser, Prentice, Rossi, Benton, Finkbeiner, Johnson, T. Sheldon, Roach, Schmidt and Oke

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1 AN ACT Relating to election and authority of Sound Transit board
2 members; and amending RCW 81.112.040, 81.112.010, and 81.112.030.

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

4 **Sec. 1.** RCW 81.112.040 and 1994 c 109 s 1 are each amended to read
5 as follows:

6 (1) ~~((The))~~(a) Except for the Central Puget Sound Regional Transit
7 Authority (CPSRTA) (also known as Sound Transit), a regional transit
8 authority shall be governed by ((a)) an appointive board consisting of
9 representatives appointed by the county executive and confirmed by the
10 council or other legislative authority of each member county((-)), as
11 provided in (b) of this subsection. In the case of the Central Puget
12 Sound Regional Transit Authority, the board will consist of nine
13 members chosen through district-based elections, as provided in (c) of
14 this subsection.

15 (b) In the case of an authority other than the Central Puget Sound
16 Regional Transit Authority, the authority will have an appointive
17 board, in which membership shall be based on population from that
18 portion of each county which lies within the service area. Board
19 members shall be appointed initially on the basis of one for each one

1 hundred forty-five thousand population within the county. Such
2 appointments shall be made following consultation with city and town
3 jurisdictions within the service area. In addition, the secretary of
4 transportation or the secretary's designee shall serve as a member of
5 the board and may have voting status with approval of a majority of the
6 other members of the board. Only board members, not including
7 alternates or designees, may cast votes.

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

10 ~~((a))~~ (i) An elected official who serves on the legislative
11 authority of a city or as mayor of a city within the boundaries of the
12 authority;

13 ~~((b))~~ (ii) On the legislative authority of the county, if fifty
14 percent of the population of the legislative official's district is
15 within the authority boundaries; or

16 ~~((c))~~ (iii) A county executive from a member county within the
17 authority boundaries.

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

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

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

35 (c) The board of the Central Puget Sound Regional Transit Authority
36 (also known as Sound Transit) (referred to in this subsection (c) as
37 CPSRTA) will consist of nine members elected in nine numbered districts
38 in partisan primary and general elections commencing with the elections

1 held in 2003. Commencing with such elections, a person seeking
2 election or serving on the board may not hold other public office
3 (except for precinct committee officer) and must be a registered voter
4 residing in the relevant electoral district during the term in office
5 and for a period from at least thirty days before filing a petition for
6 candidacy.

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

22 Upon certification of the November 2003 election, terms of office
23 of all previously appointed CPSRTA board members expire, and the nine
24 elected members shall take office. Each of these shall serve the
25 remainder of 2003 plus an additional period of two or four years. Lots
26 must be drawn to determine which five of the elected nine members shall
27 serve an additional four years, and which four of the elected nine
28 members shall serve an additional two years. All successors elected in
29 subsequent elections in odd-numbered years will have terms of office
30 for four years, commencing January 1st after the election. CPSRTA
31 board positions become vacant upon failure to maintain residence or
32 other qualification, recall, death, resignation, or adjudication of
33 permanent disability. The vacancy must be temporarily filled by a
34 person appointed by a majority vote of all elected precinct committee
35 officers in the relevant district of the same political party as the
36 person previously serving. The temporary appointed members shall serve
37 until a successor for the remainder of the vacated term is chosen in
38 the next primary and general election, if possible. Every decade,

1 after release of federal census information, the governor shall appoint
2 a new districting commission in accord with this subsection. The
3 commission shall operate in accord with the standards provided in this
4 section, and shall prepare a timetable for transition to any new
5 districts. Notwithstanding any other provision of law, to allow
6 staggered terms after a redistricting, a member who has an uncompleted
7 four-year term, who no longer resides in his or her prior district
8 solely due to redistricting, shall serve the remainder of the four-year
9 term.

10 (2) Major decisions of the authority shall require a favorable vote
11 of two-thirds of the entire membership of the voting members. "Major
12 decisions" include at least the following: System plan adoption and
13 amendment; system phasing decisions; annual budget adoption;
14 authorization of annexations; modification of board composition; and
15 executive director employment. However, this subsection does not
16 affect the rights of elected members of the Central Puget Sound
17 Regional Transit Authority specified in RCW 81.112.030(9).

18 (3) Each member of the board is eligible to be reimbursed for
19 travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to
20 receive compensation as provided in RCW 43.03.250. However, any
21 elected member of the Central Puget Sound Regional Transit Authority
22 board may elect to alternatively be compensated upon the same terms and
23 conditions as a member of any port district in the area served by such
24 authority.

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

27 The legislature recognizes that existing transportation facilities
28 in the central Puget Sound area are inadequate to address mobility
29 needs of the area. The geography of the region, travel demand growth,
30 and public resistance to new roadways combine to further necessitate
31 the rapid development of alternative modes of travel.

32 The legislature finds that local governments have been effective in
33 cooperatively planning a multicounty, high capacity transportation
34 system. However, a continued multijurisdictional approach to funding,
35 construction, and operation of a multicounty high capacity
36 transportation system may impair the successful implementation of such
37 a system.

1 The legislature finds that a single agency will be more effective
2 than several local jurisdictions working collectively at planning,
3 developing, operating, and funding a high capacity transportation
4 system. The single agency's services must be carefully integrated and
5 coordinated with public transportation services currently provided. As
6 the single agency's services are established, any public transportation
7 services currently provided that are duplicative should be eliminated.
8 Further, the single agency must coordinate its activities with other
9 agencies providing local and state roadway services, implementing
10 comprehensive planning, and implementing transportation demand
11 management programs and assist in developing infrastructure to support
12 high capacity systems including but not limited to feeder systems, park
13 and ride facilities, intermodal centers, and related roadway and
14 operational facilities. Coordination can be best achieved through
15 common governance, such as integrated governing boards, except in the
16 case of the Central Puget Sound Regional Transit Authority, as to which
17 the legislature finds overriding need to ensure that the single agency
18 is accountable to the people, through election of board members by
19 districts.

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

26 **Sec. 3.** RCW 81.112.030 and 1994 c 44 s 1 are each amended to read
27 as follows:

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

32 The authority shall be formed in the following manner:

33 (1) The joint regional policy committee created pursuant to RCW
34 81.104.040 shall adopt a system and financing plan, including the
35 definition of the service area. This action shall be completed by
36 September 1, 1992, contingent upon satisfactory completion of the
37 planning process defined in RCW 81.104.100. The final system plan

1 shall be adopted no later than June 30, 1993. In addition to the
2 requirements of RCW 81.104.100, the plan for the proposed system shall
3 provide explicitly for a minimum portion of new tax revenues to be
4 allocated to local transit agencies for interim express services. Upon
5 adoption the joint regional policy committee shall immediately transmit
6 the plan to the county legislative authorities within the adopted
7 service area.

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

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

19 (b) Notwithstanding (a) of this subsection, the Central Puget Sound
20 Regional Transit Authority (also known as Sound Transit) board will be
21 selected by direct election as set forth in RCW 81.112.040.

22 (4) The secretary shall call the first meeting of the authority, to
23 be held within thirty days following receipt of the appointments. At
24 its first meeting, the authority shall elect officers and provide for
25 the adoption of rules and other operating procedures.

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

1 (6) If the authority determines that major modifications to the
2 plan are necessary before the initial ballot proposition is submitted
3 to the voters, the authority may make those modifications with a
4 favorable vote of two-thirds of the entire membership. Any such
5 modification shall be subject to the review process set forth in RCW
6 81.104.110. The modified plan shall be transmitted to the legislative
7 authorities of the participating counties. The legislative authorities
8 shall have forty-five days following receipt to act by motion or
9 ordinance to confirm or rescind their continued participation in the
10 authority.

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

20 (8) The authority shall place on the ballot within two years of the
21 authority's formation, a single ballot proposition to authorize the
22 imposition of taxes to support the implementation of an appropriate
23 phase of the plan within its service area. In addition to the system
24 plan requirements contained in RCW 81.104.100(2)(d), the system plan
25 approved by the authority's board before the submittal of a proposition
26 to the voters shall contain an equity element which:

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

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

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

36 A simple majority of those voting within the boundaries of the
37 authority is required for approval. If the vote is affirmative, the
38 authority shall begin implementation of the projects identified in the

1 proposition. However, the authority may not submit any authorizing
2 proposition for voter-approved taxes prior to July 1, 1993; nor may the
3 authority issue bonds or form any local improvement district prior to
4 July 1, 1993.

5 (9) If the vote on a proposition fails, the board may redefine the
6 proposition, make changes to the authority boundaries, and make
7 corresponding changes to the composition of the board. If the
8 composition of the board is changed, the participating counties shall
9 revise the membership of the board accordingly, subject to RCW
10 81.112.040(1)(c). The board may then submit the revised proposition or
11 a different proposition to the voters. No single proposition may be
12 submitted to the voters more than twice. The authority may place
13 additional propositions on the ballot to impose taxes to support
14 additional phases of plan implementation.

15 If the authority is unable to achieve a positive vote on a
16 proposition within two years from the date of the first election on a
17 proposition, the board may, by resolution, reconstitute the authority
18 as a single-county body. With a two-thirds vote of the entire
19 membership of the voting members, the board may also dissolve the
20 authority. Notwithstanding RCW 81.112.040(2), if a majority of voting
21 board members of the Central Puget Sound Regional Transit Authority
22 selected by direct election decides in its discretion that the Link
23 Light Rail proposal has materially changed from that submitted to or
24 reasonably expected or understood by voters, then the board may by
25 majority vote terminate the Link Light Rail program, and thereafter the
26 board may submit a revised or different proposition to the voters, or
27 may reprogram Link Light Rail resources to a monorail line in the
28 SeaTac-Northgate corridor or beyond, commuter rail (Sounder), intercity
29 bus service, vanpools, or any combination thereof. Any board of the
30 Central Puget Sound Regional Transit Authority that was not elected as
31 provided for in RCW 81.112.040(1)(c) may not make expenditures, nor
32 enter into an obligation or commitment, for purposes of implementing
33 the Link Light Rail system.

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