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HOUSE BILL 2636

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Anderson, Rodne and Dunn

Read first time 01/11/2006. Referred to Committee on Transportation.

1            AN ACT Relating to regional transit agency consolidation for  
2 efficiency and emergency evacuation planning purposes; amending RCW  
3 81.112.010, 81.112.020, 81.112.030, 81.112.040, 81.112.050, 81.112.070,  
4 81.112.110, 81.104.170, 35.95.020, and 82.14.045; adding new sections  
5 to chapter 81.112 RCW; adding a new section to chapter 41.56 RCW;  
6 adding a new section to chapter 82.14 RCW; adding a new section to  
7 chapter 36.70A RCW; adding a new section to chapter 28A.160 RCW; adding  
8 a new section to chapter 47.01 RCW; adding a new section to chapter  
9 43.09 RCW; and creating a new section.

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

11            NEW SECTION.    **Sec. 1.** The legislature recognizes that the  
12 scientific evidence and geologic record of the central Puget Sound  
13 region of the state is at high risk for catastrophic seismic events.  
14 The legislature recognizes that King, Snohomish, and Pierce counties  
15 represent over sixty percent of the state's economic activity. The  
16 legislature further recognizes that destruction or significant  
17 disruption of the state's center of economic activity would have a  
18 long-term crippling effect on the economic and social welfare of all  
19 citizens of the state. Therefore, the legislature finds that it is in

1 the state's best interest for the safety and welfare of its citizens  
2 that regional transit authorities be organized and act as dual purpose  
3 entities serving both public transit needs and emergency evacuation and  
4 disaster response support in case of catastrophic natural and terrorism  
5 events.

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

8 The legislature recognizes that existing transportation facilities  
9 in the central Puget Sound area are inadequate to address mobility  
10 needs of the area. The geography of the region(~~(, and public resistance to new roadways combine to further)~~) and travel demand  
11 growth(~~(, and public resistance to new roadways combine to further)~~)  
12 necessitate the rapid development of alternative modes of travel.

13 The legislature finds that local governments have been effective in  
14 cooperatively planning a multicounty, high capacity transportation  
15 system. However, a continued multijurisdictional approach to funding,  
16 construction, and operation of a multicounty high capacity  
17 transportation system may impair the successful implementation of such  
18 a system.

19 The legislature finds that a single agency will be more effective  
20 than several local jurisdictions working collectively at planning,  
21 developing, operating, and funding a high capacity transportation  
22 system and supporting emergency urban evacuation and postdisaster  
23 transportation logistical support. The single agency's services must  
24 be carefully integrated and coordinated with public transportation  
25 services currently provided. As the single agency's services are  
26 established, any public transportation services currently provided that  
27 are duplicative should be eliminated. Further, the single agency must  
28 coordinate its activities with other agencies providing local and state  
29 roadway services, implementing comprehensive planning, and implementing  
30 transportation demand management programs and assist in developing  
31 infrastructure to support high capacity systems including but not  
32 limited to feeder systems, park and ride facilities, intermodal  
33 centers, and related roadway and operational facilities. Coordination  
34 can be best achieved through common governance, such as integrated  
35 governing boards.

36 The legislature also finds that a single agency in the state's most  
37 populous region will be more effective at providing emergency

1 evacuation services than multiple local transit agencies. In the  
2 consolidation of high capacity and local transit services, the regional  
3 transit authority shall conduct integrated transit planning, emergency  
4 evacuation planning, management, and administration and shall eliminate  
5 redundant activities in the merged organization.

6 It is therefore the policy of the state of Washington to empower  
7 counties in the state's most populous region to create a local agency  
8 for planning and implementing public transportation systems and a high  
9 capacity transportation system within that region. The authorization  
10 for such an agency, except as specifically provided in this chapter, is  
11 not intended to limit the powers of existing transit agencies.

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

14 Unless the context clearly requires otherwise, the definitions in  
15 this section apply throughout this chapter.

16 (1) "Authority" means a regional transit authority authorized under  
17 this chapter.

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

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

21 (4) "System" means a regional transit system or local public  
22 transportation system authorized under this chapter and under the  
23 jurisdiction of a regional transit authority.

24 (5) "Facilities" means any lands, interest in land, air rights over  
25 lands, and structures, including improvements thereto (~~((including))~~) and  
26 vessel terminals, and any equipment, vehicles, vessels, and other  
27 components necessary to support (~~((the))~~) a system.

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

31 (7) "Local public transportation system" means a system of public  
32 transportation services, including the services and facilities  
33 necessary to implement the system, not otherwise constituting a high  
34 capacity transportation system.

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

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

5 ~~((The authority shall be formed in the following manner:~~

6 ~~(1) The joint regional policy committee created pursuant to RCW  
7 81.104.040 shall adopt a system and financing plan, including the  
8 definition of the service area. This action shall be completed by  
9 September 1, 1992, contingent upon satisfactory completion of the  
10 planning process defined in RCW 81.104.100. The final system plan  
11 shall be adopted no later than June 30, 1993. In addition to the  
12 requirements of RCW 81.104.100, the plan for the proposed system shall  
13 provide explicitly for a minimum portion of new tax revenues to be  
14 allocated to local transit agencies for interim express services. Upon  
15 adoption the joint regional policy committee shall immediately transmit  
16 the plan to the county legislative authorities within the adopted  
17 service area.~~

18 ~~(2) The legislative authorities of the counties within the service  
19 area shall decide by resolution whether to participate in the  
20 authority. This action shall be completed within forty five days  
21 following receipt of the adopted plan or by August 13, 1993, whichever  
22 comes first.~~

23 ~~(3) Each county that chooses to participate in the authority shall  
24 appoint its board members as set forth in RCW 81.112.040 and shall  
25 submit its list of members to the secretary of the Washington state  
26 department of transportation. These actions must be completed within  
27 thirty days following each county's decision to participate in the  
28 authority.~~

29 ~~(4) The secretary shall call the first meeting of the authority, to  
30 be held within thirty days following receipt of the appointments. At  
31 its first meeting, the authority shall elect officers and provide for  
32 the adoption of rules and other operating procedures.~~

33 ~~(5) The authority is formally constituted at its first meeting and  
34 the board shall begin taking steps toward implementation of the system  
35 and financing plan adopted by the joint regional policy committee. If  
36 the joint regional policy committee fails to adopt a plan by June 30,  
37 1993, the authority shall proceed to do so based on the work completed  
38 by that date by the joint regional policy committee. Upon formation of~~

1 ~~the authority, the joint regional policy committee shall cease to~~  
2 ~~exist. The authority may make minor modifications to the plan as~~  
3 ~~deemed necessary and shall at a minimum review local transit agencies'~~  
4 ~~plans to ensure feeder service/high capacity transit service~~  
5 ~~integration, ensure fare integration, and ensure avoidance of parallel~~  
6 ~~competitive services. The authority shall also conduct a minimum~~  
7 ~~thirty day public comment period.~~

8 ~~(6) If the authority determines that major modifications to the~~  
9 ~~plan are necessary before the initial ballot proposition is submitted~~  
10 ~~to the voters, the authority may make those modifications with a~~  
11 ~~favorable vote of two thirds of the entire membership. Any such~~  
12 ~~modification shall be subject to the review process set forth in RCW~~  
13 ~~81.104.110. The modified plan shall be transmitted to the legislative~~  
14 ~~authorities of the participating counties. The legislative authorities~~  
15 ~~shall have forty five days following receipt to act by motion or~~  
16 ~~ordinance to confirm or rescind their continued participation in the~~  
17 ~~authority.~~

18 ~~(7) If any county opts to not participate in the authority, but two~~  
19 ~~or more contiguous counties do choose to continue to participate, the~~  
20 ~~authority's board shall be revised accordingly. The authority shall,~~  
21 ~~within forty five days, redefine the system and financing plan to~~  
22 ~~reflect elimination of one or more counties, and submit the redefined~~  
23 ~~plan to the legislative authorities of the remaining counties for their~~  
24 ~~decision as to whether to continue to participate. This action shall~~  
25 ~~be completed within forty five days following receipt of the redefined~~  
26 ~~plan.~~

27 ~~(8) The authority shall place on the ballot within two years of the~~  
28 ~~authority's formation, a single ballot proposition to authorize the~~  
29 ~~imposition of taxes to support the implementation of an appropriate~~  
30 ~~phase of the plan within its service area. In addition to the system~~  
31 ~~plan requirements contained in RCW 81.104.100(2)(d), the system plan~~  
32 ~~approved by the authority's board before the submittal of a proposition~~  
33 ~~to the voters shall contain an equity element which:~~

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

36 ~~(b) Identifies the phasing of construction and operation of high~~  
37 ~~capacity system facilities, services, and benefits in each corridor.~~

1 ~~Phasing decisions should give priority to jurisdictions which have~~  
2 ~~adopted transit supportive land use plans; and~~

3 ~~(c) Identifies the degree to which revenues generated within each~~  
4 ~~county will benefit the residents of that county, and identifies when~~  
5 ~~such benefits will accrue.~~

6 ~~A simple majority of those voting within the boundaries of the~~  
7 ~~authority is required for approval. If the vote is affirmative, the~~  
8 ~~authority shall begin implementation of the projects identified in the~~  
9 ~~proposition. However, the authority may not submit any authorizing~~  
10 ~~proposition for voter approved taxes prior to July 1, 1993; nor may the~~  
11 ~~authority issue bonds or form any local improvement district prior to~~  
12 ~~July 1, 1993.~~

13 ~~(9) If the vote on a proposition fails, the board may redefine the~~  
14 ~~proposition, make changes to the authority boundaries, and make~~  
15 ~~corresponding changes to the composition of the board. If the~~  
16 ~~composition of the board is changed, the participating counties shall~~  
17 ~~revise the membership of the board accordingly. The board may then~~  
18 ~~submit the revised proposition or a different proposition to the~~  
19 ~~voters. No single proposition may be submitted to the voters more than~~  
20 ~~twice. The authority may place additional propositions on the ballot~~  
21 ~~to impose taxes to support additional phases of plan implementation.~~

22 ~~If the authority is unable to achieve a positive vote on a~~  
23 ~~proposition within two years from the date of the first election on a~~  
24 ~~proposition, the board may, by resolution, reconstitute the authority~~  
25 ~~as a single county body. With a two thirds vote of the entire~~  
26 ~~membership of the voting members, the board may also dissolve the~~  
27 ~~authority.))~~

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

30 (1) The regional transit authority shall be governed by a board  
31 consisting of ~~((representatives appointed by the county executive and~~  
32 ~~confirmed by the council or other legislative authority of each member~~  
33 ~~county. Membership shall be based on population from that portion of~~  
34 ~~each county which lies within the service area. Board members shall be~~  
35 ~~appointed initially on the basis of one for each one hundred forty five~~  
36 ~~thousand population within the county. Such appointments shall be made~~  
37 ~~following consultation with city and town jurisdictions within the~~

1 service area. In addition, the secretary of transportation or the  
2 secretary's designee shall serve as a member of the board and may have  
3 voting status with approval of a majority of the other members of the  
4 board)) the county executives of King, Snohomish, and Pierce counties,  
5 the secretary of the state department of transportation, the director  
6 of the state emergency management division, and two representatives of  
7 the private sector appointed by the governor. Only board members, not  
8 including alternates or designees, may cast votes.

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

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

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

16 (c) A county executive from a member county within the authority  
17 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))  
26 six-year terms. ((Vacancies shall be filled by appointment for the  
27 remainder of 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 (2) ((Major decisions of the authority shall require a favorable  
36 vote of two thirds of the entire membership of the voting members.  
37 "Major decisions" include at least the following: System plan adoption

1 ~~and amendment; system phasing decisions; annual budget adoption;~~  
2 ~~authorization of annexations; modification of board composition; and~~  
3 ~~executive director employment.~~

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

7 (3) The board shall form an advisory committee of cities within its  
8 jurisdiction.

9 **Sec. 6.** RCW 81.112.050 and 1998 c 192 s 1 are each amended to read  
10 as follows:

11 (1) At the time of formation, the area to be included within the  
12 boundary of the authority shall be that area set forth in the system  
13 plan adopted by the joint regional policy committee. Prior to  
14 submitting the system and financing plan to the voters, the authority  
15 may make adjustments to the boundaries as deemed appropriate but must  
16 assure that, to the extent possible, the boundaries: (a) Include the  
17 largest-population urban growth area designated by each county under  
18 chapter 36.70A RCW; and (b) follow election precinct boundaries. If a  
19 portion of any city is determined to be within the service area, the  
20 entire city must be included within the boundaries of the authority.

21 ~~(2) ((After voters within the authority boundaries have approved~~  
22 ~~the system and financing plan, elections to add areas contiguous to the~~  
23 ~~authority boundaries may be called by resolution of the regional~~  
24 ~~transit authority, after consultation with affected transit agencies~~  
25 ~~and with the concurrence of the legislative authority of the city or~~  
26 ~~town if the area is incorporated, or with the concurrence of the county~~  
27 ~~legislative authority if the area is unincorporated. Only those areas~~  
28 ~~that would benefit from the services provided by the authority may be~~  
29 ~~included and services or projects proposed for the area must be~~  
30 ~~consistent with the regional transportation plan. The election may~~  
31 ~~include a single ballot proposition providing for annexation to the~~  
32 ~~authority boundaries and imposition of the taxes at rates already~~  
33 ~~imposed within the authority boundaries.~~

34 ~~(3) Upon receipt of a resolution requesting exclusion from the~~  
35 ~~boundaries of the authority from a city whose municipal boundaries~~  
36 ~~cross the boundaries of an authority and thereby result in only a~~  
37 ~~portion of the city being subject to local option taxes imposed by the~~



1 authority under chapters ~~81.104 and 81.112~~ RCW in order to implement a  
2 high capacity transit plan, and where the vote to approve the city's  
3 incorporation occurred simultaneously with an election approving the  
4 local option taxes, then upon a two thirds majority vote of the  
5 governing board of the authority, the governing board shall redraw the  
6 boundaries of the authority to exclude that portion of the city that is  
7 located within the authority's boundaries, and the excluded area is no  
8 longer subject to local option taxes imposed by the authority. This  
9 subsection expires December 31, 1998)) On the date of the transfer of  
10 local public transportation systems to the regional transit authority  
11 as specified in section 12 of this act, the authority boundaries shall  
12 be countywide.

13 **Sec. 7.** RCW 81.112.070 and 1992 c 101 s 7 are each amended to read  
14 as follows:

15 In addition to the powers specifically granted by this chapter an  
16 authority shall have all powers necessary to implement ((a high  
17 capacity transportation)) systems and to develop revenues ((for  
18 system)) to support these systems. An authority may contract with the  
19 United States or any agency thereof, any state or agency thereof, any  
20 public transportation benefit area, any county, county transportation  
21 authority, city, metropolitan municipal corporation, special district,  
22 or governmental agency, within or without the state, and any private  
23 person, firm, or corporation for: (1) The purpose of receiving gifts  
24 or grants or securing loans or advances for preliminary planning and  
25 feasibility studies; (2) the design, construction, or operation of  
26 ((high capacity transportation)) system facilities; or (3) the  
27 provision or receipt of services, facilities, or property rights to  
28 provide revenues for ((the)) a system. An authority shall have the  
29 power to contract pursuant to RCW 39.33.050. In addition, an authority  
30 may contract with any governmental agency or with any private person,  
31 firm, or corporation for the use by either contracting party of all or  
32 any part of the facilities, structures, lands, interests in lands, air  
33 rights over lands and rights of way of all kinds which are owned,  
34 leased, or held by the other party and for the purpose of planning,  
35 constructing, or operating any facility or performing any service that  
36 the authority may be authorized to operate or perform, on such terms as  
37 may be agreed upon by the contracting parties. Before any contract for

1 the lease or operation of any authority facilities is let to any  
2 private person, firm, or corporation, a general schedule of rental  
3 rates for equipment with or without operators applicable to all private  
4 certificated carriers shall be publicly posted, and for other  
5 facilities competitive bids shall first be called upon such notice,  
6 bidder qualifications, and bid conditions as the board shall determine.  
7 This shall allow use of negotiated procurements.

8 **Sec. 8.** RCW 81.112.110 and 1992 c 101 s 11 are each amended to  
9 read as follows:

10 If an authority acquires any existing components of a high capacity  
11 transportation system, it shall assume and observe all existing labor  
12 contracts relating to the transportation system and, to the extent  
13 necessary for operation of facilities, all of the employees of such  
14 acquired transportation system whose duties are necessary to operate  
15 efficiently the facilities acquired shall be appointed to comparable  
16 positions to those which they held at the time of such transfer, and no  
17 employee or retired or pensioned employee of such transportation  
18 systems shall be placed in any worse position with respect to pension  
19 seniority, wages, sick leave, vacation or other benefits that he or she  
20 enjoyed as an employee of the transportation system prior to such  
21 acquisition. At such times as may be required by such contracts, the  
22 authority shall engage in collective bargaining with the duly appointed  
23 representatives of any employee labor organization having existing  
24 contracts with the acquired transportation system and may enter into  
25 labor contracts with such employee labor organization. Facilities and  
26 equipment (~~(which are acquired after July 1, 1993,)~~) related to high  
27 capacity transportation services which are to be assumed by the  
28 authority as specifically identified in the adopted system plan shall  
29 be acquired by the authority in a manner consistent with RCW 81.112.070  
30 through 81.112.100.

31 NEW SECTION. **Sec. 9.** A new section is added to chapter 81.112 RCW  
32 to read as follows:

33 An authority shall have the following powers in addition to any  
34 other powers granted by this chapter:

35 (1) To acquire by purchase, condemnation, gift, or grant, and to  
36 lease, construct, add to, improve, replace, repair, maintain, operate,

1 and regulate the use of local public transportation systems and  
2 properties within authority boundaries, including those systems  
3 specified in RCW 81.112.080(2). The right of eminent domain shall be  
4 exercised by an authority in the same manner and by the same procedure  
5 as or may be provided by law for cities of the first class, except  
6 insofar as such laws may be inconsistent with the provisions of this  
7 chapter;

8 (2) To dispose of any real or personal property acquired in  
9 connection with any authority function related to the operation of a  
10 local public transportation system that is no longer required for the  
11 purposes of the authority, in the same manner as provided for cities of  
12 the first class. When an authority determines that a facility or any  
13 part thereof that has been acquired from any public agency without  
14 compensation is no longer required for authority purposes, but is  
15 required by the agency from which it was acquired, the authority shall  
16 by resolution transfer it to the agency;

17 (3) To fix rates, tolls, fares, and charges for the use of local  
18 public transportation system facilities and to establish various routes  
19 and classes of service. Fares or charges may be adjusted or eliminated  
20 for any distinguishable class of users.

21 NEW SECTION. **Sec. 10.** A new section is added to chapter 81.112  
22 RCW to read as follows:

23 (1) Except in accordance with an agreement made as provided in this  
24 section, upon the date an authority begins to operate a local public  
25 transportation system, no person or private corporation may operate a  
26 similar system or service within the area covered by the system, with  
27 the exception of services owned or operated by any corporation or  
28 organization solely for the purposes of the corporation or organization  
29 and for the use of which no fee or fare is charged.

30 (2) The authority and any person or corporation legally operating  
31 a local public transportation system wholly within or partly within and  
32 partly without the authority boundary on the date an authority begins  
33 operating the system may enter into an agreement under which the person  
34 or corporation may continue to operate the system or any part thereof  
35 for such time and upon such terms and conditions as provided in the  
36 agreement. The agreement shall provide for a periodic review of the  
37 terms and conditions contained therein. Where any local public

1 transportation system will be required to cease to operate within the  
2 authority boundary, the authority may agree with the owner of the  
3 system to purchase the assets used in providing the service, or if no  
4 agreement can be reached, an authority shall condemn the assets in the  
5 manner and by the same procedure as is or may be provided by law for  
6 the condemnation of other properties for cities of the first class,  
7 except insofar as such laws may be inconsistent with this chapter.

8 (3) Wherever a privately owned public carrier operates wholly or  
9 partly within an authority boundary, the Washington utilities and  
10 transportation commission shall continue to exercise jurisdiction over  
11 such operation as provided by law.

12 NEW SECTION. **Sec. 11.** A new section is added to chapter 81.112  
13 RCW to read as follows:

14 (1) Within one year after the effective date of this section, all  
15 local public transportation systems shall be transferred to, and  
16 acquired by, a regional transit authority if the systems are operated  
17 by a city, county, county transportation authority, public  
18 transportation benefit area, or municipal corporation, wholly within  
19 the boundary of the regional transit authority. An authority shall  
20 have and exercise all rights with respect to the construction,  
21 acquisition, maintenance, operation, extension, alteration, repair,  
22 control, and management of local public transportation systems that any  
23 city, county, county transportation authority, metropolitan municipal  
24 corporation, or public transportation benefit area, located wholly  
25 within the authority boundary, has been previously empowered to  
26 exercise and these powers shall not thereafter be exercised by these  
27 agencies without the consent of the authority.

28 (2) The transfer of the powers, duties, functions, and personnel of  
29 any transit agency to an authority does not affect the validity of any  
30 act performed before the effective date of this section.

31 (3) All existing rights, contracts, and obligations shall remain in  
32 full force and shall be enforceable by or against the authority upon  
33 the acquisition of a local public transportation system from a city,  
34 county, county transportation authority, public transportation benefit  
35 area, or municipal corporation.

1        NEW SECTION.    **Sec. 12.**    A new section is added to chapter 41.56 RCW  
2 to read as follows:

3        (1) Collective bargaining agreements covering employees affected by  
4 this act that are in effect on the effective date of this section may  
5 not be renewed or extended, including an arbitration award, beyond six  
6 months after the date of transfer of the local public transportation  
7 systems to the regional transit authority.

8        (2) By six months after the date of transfer of the local public  
9 transportation systems to the regional transit authority, the  
10 commission shall, to reduce excessive fragmentation, combine the  
11 existing bargaining units of such employees into fewer appropriate  
12 bargaining units based on the employees' duties, skills, and working  
13 conditions. Representation in the new unit or units must be determined  
14 by election under RCW 41.56.070.

15        NEW SECTION.    **Sec. 13.**    A new section is added to chapter 82.14 RCW  
16 to read as follows:

17        (1) The board of a regional transit authority established under  
18 chapter 81.112 RCW may impose a sales and use tax in accordance with  
19 this chapter. The tax is in addition to any other taxes authorized by  
20 law and shall be collected from those persons who are taxable by the  
21 state under chapters 82.08 and 82.12 RCW upon the occurrence of any  
22 taxable event within the county. The rate of tax shall not exceed six-  
23 tenths of one percent of the selling price in the case of a sales tax,  
24 or value of the article used, in the case of a use tax.

25        (2) The board of a regional transit authority established under  
26 chapter 81.112 RCW may designate any city of the first class located  
27 within the boundary of the authority as a high density service zone.  
28 Upon designation as a high density service zone, the authority may  
29 submit an authorizing proposition to the voters of the first class  
30 city, and if the proposition is approved by a majority of the persons  
31 voting, impose a sales and use tax in accordance with this chapter.  
32 The tax authorized in this subsection is in addition to the tax  
33 authorized in subsection (1) of this section and any other taxes  
34 authorized by law. The tax shall be collected from those persons who  
35 are taxable by the state under chapters 82.08 and 82.12 RCW upon the  
36 occurrence of any taxable event within the service zone. The rate of

1 tax shall not exceed one-half of one percent of the selling price in  
2 the case of a sales tax, or value of the article used, in the case of  
3 a use tax.

4 (3) The taxes authorized in this section shall only be used for the  
5 construction, acquisition, operation, maintenance, extension,  
6 alteration, and repair of local public transportation systems.

7 (4) The board of a regional transit authority shall only impose the  
8 tax authorized in subsection (1) of this section to the extent  
9 necessary to fund local public transportation systems upon the  
10 acquisition of such systems under section 11 of this act.

11 (5) For the purposes of this section, "local public transportation  
12 system" has the meaning provided in RCW 81.112.020.

13 **Sec. 14.** RCW 81.104.170 and 1997 c 450 s 5 are each amended to  
14 read as follows:

15 (1) Cities that operate transit systems, county transportation  
16 authorities, metropolitan municipal corporations, public transportation  
17 benefit areas, and regional transit authorities may submit an  
18 authorizing proposition to the voters and if approved by a majority of  
19 persons voting, fix and impose a sales and use tax in accordance with  
20 the terms of this chapter, solely for the purpose of providing high  
21 capacity transportation service.

22 (2) The tax authorized pursuant to this section shall be in  
23 addition to the tax authorized by RCW 82.14.030 and shall be collected  
24 from those persons who are taxable by the state pursuant to chapters  
25 82.08 and 82.12 RCW upon the occurrence of any taxable event within the  
26 taxing district. The maximum rate of such tax shall be approved by the  
27 voters and shall not exceed one percent of the selling price (in the  
28 case of a sales tax) or value of the article used (in the case of a use  
29 tax). The maximum rate of such tax that may be imposed shall not  
30 exceed nine-tenths of one percent in any county that imposes a tax  
31 under RCW 82.14.340, or within a regional transit authority if any  
32 county within the authority imposes a tax under RCW 82.14.340.  
33 Notwithstanding any other provision of this section, after the  
34 effective date of this section the maximum rate of tax for a regional  
35 transit authority shall not exceed four-tenths of one percent. The  
36 exemptions in RCW 82.08.820 and 82.12.820 are for the state portion of

1 the sales and use tax and do not extend to the tax authorized in this  
2 section.

3 NEW SECTION. **Sec. 15.** A new section is added to chapter 81.112  
4 RCW to read as follows:

5 (1) By January 1, 2007, the regional transit authority shall,  
6 jointly with the state department of transportation, county  
7 transportation agencies, state emergency management division, and  
8 county emergency management agencies, develop an emergency evacuation  
9 plan, for use in case of a catastrophic natural or man-made disaster,  
10 including a postdisaster transportation logistical support and rescue  
11 plan, an implementation plan, and funding requirements. The plan shall  
12 include, but not be limited to:

- 13 (a) Designated and marked evacuation routes;
- 14 (b) High capacity evacuee relocation areas with basic shelter and  
15 support services;
- 16 (c) First responder rendezvous points;
- 17 (d) Emergency bus service rendezvous points;
- 18 (e) Emergency air service landing sites;
- 19 (f) Fuel and maintenance support facilities;
- 20 (g) Public health capacity and accessibility; and
- 21 (h) Emergency management division physical and remote access to  
22 regional transit authority vehicle dispatch systems.

23 (2) All regional transit authority buses, support vehicles, and  
24 fleet maintenance facilities shall be connected by an integrated  
25 geographic positioning system and satellite telecommunications network.

26 NEW SECTION. **Sec. 16.** A new section is added to chapter 36.70A  
27 RCW to read as follows:

28 A comprehensive plan must reflect the emergency evacuation planning  
29 requirements in section 15 of this act.

30 NEW SECTION. **Sec. 17.** A new section is added to chapter 28A.160  
31 RCW to read as follows:

32 The office of the superintendent of public instruction shall, in  
33 coordination with the appropriate educational service districts and  
34 associated school districts, develop an integrated emergency evacuation  
35 and postdisaster transportation logistical support and rescue plan,

1 implementation action plan, and funding requirements. The office of  
2 the superintendent of public instruction shall integrate its plans with  
3 evacuation and emergency response plans developed by a regional transit  
4 authority and the state emergency management department. School  
5 district facilities and vehicles shall be considered as resources for  
6 evacuation and shelter as part of the emergency response planning  
7 process. Rejoining children with their parents after a catastrophic  
8 event shall be a significant priority in the emergency evacuation and  
9 rescue plan.

10 NEW SECTION. **Sec. 18.** A new section is added to chapter 47.01 RCW  
11 to read as follows:

12 The Washington state department of transportation shall establish  
13 an ongoing inventory of all publicly owned heavy equipment that may be  
14 used to open transportation corridors into the regional transit  
15 authority area after a catastrophic event.

16 **Sec. 19.** RCW 35.95.020 and 1975 1st ex.s. c 270 s 3 are each  
17 amended to read as follows:

18 The following terms however used or referred to in this chapter,  
19 shall have the following meanings, unless a different meaning is  
20 required by the context:

21 (1) "Corporate authority" shall mean the council or other  
22 legislative body of a municipality.

23 (2)(a) "Municipality" shall mean any incorporated city, town,  
24 county pursuant to RCW 36.57.100 and 36.57.110, any county  
25 transportation authority created pursuant to chapter 36.57 RCW, any  
26 public transportation benefit area created pursuant to chapter 36.57A  
27 RCW, or any metropolitan municipal corporation created pursuant to RCW  
28 35.58.010, et seq: PROVIDED, That the term "municipality" shall mean  
29 in respect to any county performing the public transportation function  
30 pursuant to RCW 36.57.100 and 36.57.110 only that portion of the  
31 unincorporated area lying wholly within such unincorporated  
32 transportation benefit area.

33 (b) "Municipality" does not include any local transportation agency  
34 described in (a) of this subsection if the boundary of the agency is  
35 located wholly within the boundary of a regional transit authority, as  
36 defined in RCW 81.112.020.



1 (3) "Person" shall mean any individual, firm, partnership,  
2 corporation, company, association, joint stock association, school  
3 district or political subdivision of the state, fraternal, benevolent,  
4 religious or charitable society, club or organization, and shall  
5 include any trustee, receiver, assignee, or other person acting in a  
6 similar representative capacity. The term "person" shall not be  
7 construed to include the United States nor the state of Washington.

8 **Sec. 20.** RCW 82.14.045 and 2001 c 89 s 3 are each amended to read  
9 as follows:

10 (1) The legislative body of any city pursuant to RCW 35.92.060, of  
11 any county which has created an unincorporated transportation benefit  
12 area pursuant to RCW 36.57.100 and 36.57.110, of any public  
13 transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090,  
14 of any county transportation authority established pursuant to chapter  
15 36.57 RCW, and of any metropolitan municipal corporation within a  
16 county with a population of one million or more pursuant to chapter  
17 35.58 RCW, may, by resolution or ordinance for the sole purpose of  
18 providing funds for the operation, maintenance, or capital needs of  
19 public transportation systems or public transportation limited to  
20 persons with special needs under RCW 36.57.130 and 36.57A.180, and in  
21 lieu of the excise taxes authorized by RCW 35.95.040, submit an  
22 authorizing proposition to the voters or include such authorization in  
23 a proposition to perform the function of public transportation or  
24 public transportation limited to persons with special needs under RCW  
25 36.57.130 and 36.57A.180, and if approved by a majority of persons  
26 voting thereon, (~~fix and~~) impose a sales and use tax in accordance  
27 with the terms of this chapter: PROVIDED, That no such legislative  
28 body shall impose such a sales and use tax without submitting such an  
29 authorizing proposition to the voters and obtaining the approval of a  
30 majority of persons voting thereon: PROVIDED FURTHER, That where such  
31 a proposition is submitted by a county on behalf of an unincorporated  
32 transportation benefit area, it shall be voted upon by the voters  
33 residing within the boundaries of such unincorporated transportation  
34 benefit area and, if approved, the sales and use tax shall be imposed  
35 only within such area. Notwithstanding any provisions of this section  
36 to the contrary, any county in which a county public transportation  
37 plan has been adopted pursuant to RCW 36.57.070 and the voters of such

1 county have authorized the imposition of a sales and use tax pursuant  
2 to the provisions of section 10, chapter 167, Laws of 1974 ex. sess.,  
3 prior to July 1, 1975, shall be authorized to fix and impose a sales  
4 and use tax as provided in this section at not to exceed the rate so  
5 authorized without additional approval of the voters of such county as  
6 otherwise required by this section.

7 The tax authorized pursuant to this section shall be in addition to  
8 the tax authorized by RCW 82.14.030 and shall be collected from those  
9 persons who are taxable by the state pursuant to chapters 82.08 and  
10 82.12 RCW upon the occurrence of any taxable event within such city,  
11 public transportation benefit area, county, or metropolitan municipal  
12 corporation as the case may be. The rate of such tax shall be one-  
13 tenth, two-tenths, three-tenths, four-tenths, five-tenths, six-tenths,  
14 seven-tenths, eight-tenths, or nine-tenths of one percent of the  
15 selling price (in the case of a sales tax) or value of the article used  
16 (in the case of a use tax). The rate of such tax shall not exceed the  
17 rate authorized by the voters unless such increase shall be similarly  
18 approved.

19 (2)(a) In the event a metropolitan municipal corporation shall  
20 impose a sales and use tax pursuant to this chapter no city, county  
21 which has created an unincorporated transportation benefit area, public  
22 transportation benefit area authority, or county transportation  
23 authority wholly within such metropolitan municipal corporation shall  
24 be empowered to (~~levy and/or collect~~) impose taxes pursuant to RCW  
25 (~~(35.58.273,)~~) 35.95.040(~~(, and/or 82.14.045)~~) or this section, but  
26 nothing herein shall prevent such city or county from imposing sales  
27 and use taxes pursuant to any other authorization.

28 (b) In the event a county transportation authority shall impose a  
29 sales and use tax pursuant to this section, no city, county which has  
30 created an unincorporated transportation benefit area, public  
31 transportation benefit area, or metropolitan municipal corporation,  
32 located within the territory of the authority, shall be empowered to  
33 (~~levy or collect~~) impose taxes pursuant to RCW (~~(35.58.273,)~~)  
34 35.95.040(~~(,)~~) or (~~(82.14.045)~~) this section.

35 (c) In the event a public transportation benefit area shall impose  
36 a sales and use tax pursuant to this section, no city, county which has  
37 created an unincorporated transportation benefit area, or metropolitan  
38 municipal corporation, located wholly or partly within the territory of

1 the public transportation benefit area, shall be empowered to (~~levy or~~  
2 ~~collect~~) impose taxes pursuant to RCW (~~(35.58.273,)~~) 35.95.040(~~(7)~~) or  
3 (~~(82.14.045)~~) this section.

4 (3) (~~Any local sales and use tax revenue collected pursuant to~~  
5 ~~this section by any city or by any county for transportation purposes~~  
6 ~~pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally~~  
7 ~~generated tax revenues for the purposes of apportionment and~~  
8 ~~distribution, in the manner prescribed by chapter 82.44 RCW, of the~~  
9 ~~proceeds of the motor vehicle excise tax authorized pursuant to RCW~~  
10 ~~35.58.273, except that the local sales and use tax revenue collected~~  
11 ~~under this section by a city with a population greater than sixty~~  
12 ~~thousand that as of January 1, 1998, owns and operates a municipal~~  
13 ~~public transportation system shall be counted as locally generated tax~~  
14 ~~revenues for the purposes of apportionment and distribution, in the~~  
15 ~~manner prescribed by chapter 82.44 RCW, of the proceeds of the motor~~  
16 ~~vehicle excise tax authorized under RCW 35.58.273 as follows:~~

17 (a) ~~For fiscal year 2000, revenues collected under this section~~  
18 ~~shall be counted as locally generated tax revenues for up to 25 percent~~  
19 ~~of the tax collected under RCW 35.58.273;~~

20 (b) ~~For fiscal year 2001, revenues collected under this section~~  
21 ~~shall be counted as locally generated tax revenues for up to 50 percent~~  
22 ~~of the tax collected under RCW 35.58.273;~~

23 (c) ~~For fiscal year 2002, revenues collected under this section~~  
24 ~~shall be counted as locally generated tax revenues for up to 75 percent~~  
25 ~~of the tax collected under RCW 35.58.273; and~~

26 (d) ~~For fiscal year 2003 and thereafter, revenues collected under~~  
27 ~~this section shall be counted as locally generated tax revenues for up~~  
28 ~~to 100 percent of the tax collected under RCW 35.58.273)) No  
29 transportation agency otherwise eligible to impose the sales and use  
30 tax authorized in subsection (1) of this section shall impose the tax  
31 authorized in subsection (1) of this section if the services and  
32 facilities of the agency are acquired by a regional transit agency  
33 under section 11 of this act.~~

34 NEW SECTION. Sec. 21. A new section is added to chapter 43.09 RCW  
35 to read as follows:

36 Every four years, the state auditor shall conduct a performance  
37 audit and evaluation of the regional transit authority established

1 under chapter 81.112 RCW. The audit shall review, but not be limited  
2 to, vehicle dispatch operating technology and management systems, fleet  
3 maintenance and operations, route mapping, and scheduling operating  
4 systems and financial and administrative practices. A benchmarking  
5 performance audit shall be done no later than ninety days after the  
6 effective date of this section.

7 NEW SECTION. **Sec. 22.** A new section is added to chapter 81.112  
8 RCW to read as follows:

9 As of the effective date of this section, the regional transit  
10 authority shall defer any further expenditure related to the  
11 construction and development of the light rail system until an  
12 integrated bus rapid transit system and emergency urban evacuation and  
13 postdisaster response plan are implemented and operational.

14 NEW SECTION. **Sec. 23.** A new section is added to chapter 81.112  
15 RCW to read as follows:

16 The regional transit authority shall report on its emergency  
17 evacuation plan to the appropriate committees of the legislature and  
18 the governor by January 1, 2007.

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