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HOUSE BILL 3138

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Sells, B. Sullivan, Flannigan, Dickerson and Wallace

Read first time 01/23/2006. Referred to Committee on Transportation.

1            AN ACT Relating to transportation benefit districts; and amending  
2 RCW 36.73.015 and 36.73.020.

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

4            **Sec. 1.** RCW 36.73.015 and 2005 c 336 s 1 are each amended to read  
5 as follows:

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

8            (1) "District" means a transportation benefit district created  
9 under this chapter.

10            (2) "City" means a city or town.

11            (3) "Transportation improvement" means a project contained in the  
12 transportation plan of the state or a regional transportation planning  
13 organization (~~that is of statewide or regional significance~~). A  
14 project may include investment in new or existing highways of statewide  
15 significance, principal arterials of regional significance, high-  
16 capacity transportation, public transportation, and other  
17 transportation projects and programs of regional or statewide  
18 significance including transportation demand management. Projects may  
19 also include the operation, preservation, and maintenance of these

1 facilities or programs. (~~Not more than forty percent of the revenues~~  
2 ~~generated by a district may be expended on city streets, county roads,~~  
3 ~~existing highways other than highways of statewide significance, and~~  
4 ~~the creation of a new highway that intersects with a highway of~~  
5 ~~statewide significance.~~)

6 **Sec. 2.** RCW 36.73.020 and 2005 c 336 s 3 are each amended to read  
7 as follows:

8 (1) The legislative authority of a county or city may establish a  
9 transportation benefit district within the county or city area or  
10 within the area specified in subsection (2) of this section, for the  
11 purpose of acquiring, constructing, improving, providing, and funding  
12 a transportation improvement within the district that is consistent  
13 with any existing state, regional, and local transportation plans and  
14 necessitated by existing or reasonably foreseeable congestion levels.  
15 The transportation improvements shall be owned by the county of  
16 jurisdiction if located in an unincorporated area, by the city of  
17 jurisdiction if located in an incorporated area, or by the state in  
18 cases where the transportation improvement is or becomes a state  
19 highway. However, if deemed appropriate by the governing body of the  
20 transportation benefit district, a transportation improvement may be  
21 owned by a participating port district or transit district, unless  
22 otherwise prohibited by law. Transportation improvements shall be  
23 administered and maintained as other public streets, roads, highways,  
24 and transportation improvements. To the extent practicable, the  
25 district shall consider the following criteria when selecting  
26 transportation improvements:

- 27 (a) Reduced risk of transportation facility failure and improved  
28 safety;
- 29 (b) Improved travel time;
- 30 (c) Improved air quality;
- 31 (d) Increases in daily and peak period trip capacity;
- 32 (e) Improved modal connectivity;
- 33 (f) Improved freight mobility;
- 34 (g) Cost-effectiveness of the investment;
- 35 (h) Optimal performance of the system through time; and
- 36 (i) Other criteria, as adopted by the governing body.

1           (2) (~~Subject to subsection (6) of this section,~~) The district may  
2 include area within more than one county, city, port district, county  
3 transportation authority, or public transportation benefit area, if the  
4 legislative authority of each participating jurisdiction has agreed to  
5 the inclusion as provided in an interlocal agreement adopted pursuant  
6 to chapter 39.34 RCW. However, the boundaries of the district shall  
7 include all territory within the boundaries of the participating  
8 jurisdictions comprising the district.

9           (3) The members of the legislative authority proposing to establish  
10 the district, acting ex officio and independently, shall constitute the  
11 governing body of the district: PROVIDED, That where a district  
12 includes area within more than one jurisdiction under subsection (2) of  
13 this section, the district shall be governed under an interlocal  
14 agreement adopted pursuant to chapter 39.34 RCW. However, the  
15 governing body shall be composed of at least five members including at  
16 least one elected official from the legislative authority of each  
17 participating jurisdiction.

18           (4) The treasurer of the jurisdiction proposing to establish the  
19 district shall act as the ex officio treasurer of the district, unless  
20 an interlocal agreement states otherwise.

21           (5) The electors of the district shall all be registered voters  
22 residing within the district.

23           (~~(6) The authority under this section, regarding the establishment  
24 of or the participation in a district, shall not apply to:~~

25           ~~(a) Counties with a population greater than one million five  
26 hundred thousand persons and any adjoining counties with a population  
27 greater than five hundred thousand persons;~~

28           ~~(b) Cities with any area within the counties under (a) of this  
29 subsection; and~~

30           ~~(c) Other jurisdictions with any area within the counties under (a)  
31 of this subsection.))~~

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