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SENATE BILL 6089

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State of Washington                      59th Legislature                      2005 Regular Session

By Senators Finkbeiner, Jacobsen, Esser, Kastama, Schmidt and Swecker

Read first time 03/16/2005. Referred to Committee on Transportation.

1            AN ACT Relating to central Puget Sound regional transportation  
2 improvements; amending RCW 36.120.020, 36.120.050, 36.120.070,  
3 47.56.076, 81.100.080, and 35.95A.070; adding a new section to chapter  
4 82.80 RCW; and creating a new section.

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

6            **Sec. 1.** RCW 36.120.020 and 2002 c 56 s 102 are each amended to  
7 read as follows:

8            The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10            (1) "Board" means the governing body of a regional transportation  
11 investment district.

12            (2) "Department" means the Washington state department of  
13 transportation.

14            (3) "Highway of statewide significance" means an existing or  
15 proposed state route or federal interstate designated as a highway of  
16 statewide significance by the transportation commission, its successor  
17 entity, or the legislature.

18            (4) "Lead agency" means a public agency that by law can plan,

1 design, and build a transportation project and has been so designated  
2 by the district.

3 (5) "Regional transportation investment district" or "district"  
4 means a municipal corporation whose boundaries are coextensive with two  
5 or more contiguous counties and that has been created by county  
6 legislative authorities and a vote of the people under this chapter to  
7 implement a regional transportation investment plan.

8 (6) "Regional transportation investment district planning  
9 committee" or "planning committee" means the advisory committee created  
10 under RCW 36.120.030 to create and propose to county legislative  
11 authorities a regional transportation investment plan to develop,  
12 finance, and construct transportation projects.

13 (7) "Regional transportation investment plan" or "plan" means a  
14 plan to develop, construct, and finance a transportation project or  
15 projects.

16 (8) "Transportation project" means:

17 (a) A capital improvement or improvements to a highway that has  
18 been designated, in whole or in part, as a highway of statewide  
19 significance, including an extension, that:

20 (i) Adds a lane or new lanes to an existing state or federal  
21 highway; or

22 (ii) Repairs or replaces a lane or lanes damaged by an event  
23 declared an emergency by the governor before January 1, 2002.

24 (b) A capital improvement or improvements to all or a portion of a  
25 highway of statewide significance, including an extension, and may  
26 include the following associated multimodal capital improvements:

27 (i) Approaches to highways of statewide significance;

28 (ii) High-occupancy vehicle lanes;

29 (iii) Flyover ramps;

30 (iv) Park and ride lots;

31 (v) Bus pullouts;

32 (vi) Vans for vanpools;

33 (vii) Buses; and

34 (viii) Signalization, ramp metering, and other transportation  
35 system management improvements.

36 (c) A capital improvement or improvements to all or a portion of a  
37 city street, county road, or existing highway or the creation of a new

1 highway that intersects with a highway of statewide significance, if  
2 all of the following conditions are met:

3 (i) The project is included in a plan that makes highway  
4 improvement projects that add capacity to a highway or highways of  
5 statewide significance;

6 (ii) The secretary of transportation determines that the project  
7 would better relieve traffic congestion than investing that same money  
8 in adding capacity to a highway of statewide significance;

9 (iii) Matching money equal to one-third of the total cost of the  
10 project is provided by local entities, including but not limited to a  
11 metropolitan planning organization, county, city, port, or private  
12 entity in which a county participating in a plan is located. Local  
13 entities may use federal grants to meet this matching requirement;

14 (iv) In no case may the cumulative regional transportation  
15 investment district contribution to all projects constructed under this  
16 subsection (8)(c) exceed ten percent of the revenues generated by the  
17 district;

18 (v) In no case may the cumulative regional transportation  
19 investment district contribution to all projects constructed under this  
20 subsection (8)(c) exceed one billion dollars; and

21 (vi) The specific projects are included within the plan and  
22 submitted as part of the plan to a vote of the people.

23 (d) Operations, preservation, and maintenance are excluded from  
24 this definition and may not be included in a regional transportation  
25 investment plan. However, operations, preservation, and maintenance of  
26 toll-related facilities where toll revenues have been pledged for the  
27 payment of contracts is expressly authorized and may be included in a  
28 regional transportation investment plan.

29 (9) "Weighted vote" means a vote that reflects the population each  
30 board or planning committee member represents relative to the  
31 population represented by the total membership of the board or planning  
32 committee. Population will be determined using the federal 2000 census  
33 or subsequent federal census data.

34 **Sec. 2.** RCW 36.120.050 and 2003 c 350 s 4 are each amended to read  
35 as follows:

36 (1) A regional transportation investment district planning  
37 committee may, as part of a regional transportation investment plan,

1 recommend the imposition of some or all of the following revenue  
2 sources, which a regional transportation investment district may impose  
3 upon approval of the voters as provided in this chapter:

4 (a) A regional sales and use tax, as specified in RCW 82.14.430, of  
5 up to 0.5 percent of the selling price, in the case of a sales tax, or  
6 value of the article used, in the case of a use tax, upon the  
7 occurrence of any taxable event in the regional transportation  
8 investment district;

9 (b) A local option vehicle license fee, as specified under RCW  
10 82.80.100, of up to one hundred dollars per vehicle registered in the  
11 district. As used in this subsection, "vehicle" means motor vehicle as  
12 defined in RCW 46.04.320. Certain classes of vehicles, as defined  
13 under chapter 46.04 RCW, may be exempted from this fee;

14 (c) A parking tax under RCW 82.80.030;

15 (d) A local motor vehicle excise tax under RCW 81.100.060 and  
16 (~~chapter 81.104 RCW~~) section 6 of this act;

17 (e) A local option fuel tax under RCW 82.80.120;

18 (f) An employer excise tax under RCW 81.100.030; and

19 (g) Vehicle tolls on new or reconstructed facilities. Unless  
20 otherwise specified by law or contract, the department shall administer  
21 the collection of vehicle tolls on designated facilities, and the state  
22 transportation commission, or its successor, shall be the tolling  
23 authority.

24 (2) Taxes, fees, and tolls may not be imposed without an  
25 affirmative vote of the majority of the voters within the boundaries of  
26 the district voting on a ballot proposition as set forth in RCW  
27 36.120.070. Revenues from these taxes and fees may be used only to  
28 implement the plan as set forth in this chapter. A district may  
29 contract with the state department of revenue or other appropriate  
30 entities for administration and collection of any of the taxes or fees  
31 authorized in this section.

32 (3) Existing statewide motor vehicle fuel and special fuel taxes,  
33 at the distribution rates in effect on January 1, 2001, are not  
34 intended to be altered by this chapter.

35 **Sec. 3.** RCW 36.120.070 and 2002 c 56 s 107 are each amended to  
36 read as follows:

37 (1)(a) For consideration at the 2005 general election, each of the

1 county legislative authorities participating in a planning committee in  
2 April 2004 shall submit to the voters of the proposed district the  
3 regional transportation investment plan, including the projects and  
4 revenue sources, adopted by the planning committee executive board on  
5 April 29, 2004, including any modifications adopted prior to July 1,  
6 2005. The counties shall follow the ballot measure and election  
7 procedures provided in subsection (2) of this section.

8 (b)(i) The ballot measure submitted to the voters under (a) of this  
9 subsection must include a local option surcharge of not more than  
10 three-tenths of one percent of the value of vehicles registered to a  
11 person residing within the district. If the ballot measure is approved  
12 by the voters, the regional transportation investment district shall  
13 impose the surcharge and submit that portion of the revenue generated  
14 within a regional transit authority's boundaries to the regional  
15 transit authority. The regional transit authority shall first use the  
16 revenue to support the completion of a light rail transit system as  
17 identified in the first phase of the authority's regional high capacity  
18 transportation system investments. Any excess revenues may then be  
19 used by the regional transit authority solely for the purpose of  
20 providing high capacity transportation service. That portion of the  
21 revenue generated outside a regional transit authority's boundaries  
22 shall remain with the district and may be used for transportation  
23 projects as defined in this chapter.

24 (ii) No surcharge may be imposed on new vehicles, except that the  
25 surcharge shall apply to the initial registration of a vehicle  
26 previously licensed in another jurisdiction.

27 (iii) A district imposing a surcharge under this section shall  
28 contract, before the effective date of the resolution or ordinance  
29 imposing a surcharge, for the administration and collection of the  
30 surcharge by the state department of licensing, and department of  
31 revenue, as appropriate, which may deduct an amount, as provided by  
32 contract, for administration and collection expenses. All  
33 administrative provisions in chapters 82.03, 82.32, and 82.44 RCW  
34 shall, insofar as they are applicable to motor vehicle excise taxes, be  
35 applicable to surcharges imposed under this section. For the purposes  
36 of determining the value of a vehicle, the district shall use the  
37 uniform statewide vehicle depreciation schedule, if then in existence,

1 or, in the alternative, shall use the depreciation schedule applicable  
2 to the motor vehicle excise tax imposed by a regional transit  
3 authority.

4 (2) Subject to subsection (1) of this section, two or more  
5 contiguous county legislative authorities, upon receipt of the regional  
6 transportation investment plan under RCW 36.120.040, may (~~certify the~~  
7 ~~plan to the ballot, including identification of the tax options~~)  
8 submit to the voters of the proposed district a single ballot measure  
9 that approves formation of the district, approves the regional  
10 transportation investment plan, and approves the revenue sources  
11 necessary to (~~fund~~) finance the plan. (~~County legislative~~  
12 ~~authorities~~) The planning committee may draft (~~a ballot title,~~) the  
13 ballot measure on behalf of the county legislative authorities, and the  
14 county legislative authorities may give notice as required by law for  
15 ballot measures, and perform other duties as required to (~~put the plan~~  
16 ~~before~~) submit the measure to the voters of the proposed district for  
17 their approval or rejection (~~as a single ballot measure that both~~  
18 ~~approves formation of the district and approves the plan~~). Counties  
19 may negotiate interlocal agreements necessary to implement the plan.  
20 The electorate will be the voters voting within the boundaries of the  
21 participating counties. A simple majority of the total persons voting  
22 on the single ballot measure (~~to approve the plan, establish the~~  
23 ~~district, and approve the taxes and fees~~) is required for approval of  
24 the measure.

25 **Sec. 4.** RCW 47.56.076 and 2002 c 56 s 403 are each amended to read  
26 as follows:

27 Upon approval of a majority of the voters within its boundaries  
28 voting on the ballot proposition, and only for the purposes authorized  
29 in RCW 36.120.050(1)(~~(f)~~) (g), a regional transportation investment  
30 district may (~~impose~~) authorize vehicle tolls on state routes where  
31 improvements financed in whole or in part by a regional transportation  
32 investment district add additional lanes to, or reconstruct lanes on,  
33 a highway of statewide significance. The department shall administer  
34 the collection of vehicle tolls authorized on designated facilities  
35 unless otherwise specified in law or by contract, and the state  
36 transportation commission, or its successor, shall be the tolling  
37 authority.

1       **Sec. 5.** RCW 81.100.080 and 1990 c 43 s 19 are each amended to read  
2 as follows:

3       Funds collected under RCW 81.100.030 or 81.100.060 and any  
4 investment earnings accruing thereon shall be used by the county or the  
5 regional transportation investment district in a manner consistent with  
6 the regional transportation plan only for costs of collection, costs of  
7 preparing, adopting, and enforcing agreements under RCW 81.100.030(3),  
8 for construction of high occupancy vehicle lanes and related  
9 facilities, mitigation of environmental concerns that result from  
10 construction or use of high occupancy vehicle lanes and related  
11 facilities, payment of principal and interest on bonds issued for the  
12 purposes of this section, for high occupancy vehicle programs as  
13 defined in RCW 81.100.020(5), and for commuter rail projects in  
14 accordance with RCW 81.104.120. Except for funds raised by a regional  
15 transportation investment district, no funds collected under RCW  
16 81.100.030 or 81.100.060 after June 30, 2000, may be pledged for the  
17 payment or security of the principal or interest on any bonds issued  
18 for the purposes of this section. Not more than ten percent of the  
19 funds may be used for transit agency high occupancy vehicle programs.

20       Priorities for construction of high occupancy vehicle lanes and  
21 related facilities shall be as follows:

22       (1)(a) To accelerate construction of high occupancy vehicle lanes  
23 on the interstate highway system, as well as related facilities;

24       (b) To finance or accelerate construction of high occupancy vehicle  
25 lanes on the noninterstate state highway system, as well as related  
26 facilities.

27       (2) To finance construction of high occupancy vehicle lanes on  
28 local arterials, as well as related facilities.

29       Moneys received by an agency under this chapter shall be used in  
30 addition to, and not as a substitute for, moneys currently used by the  
31 agency for the purposes specified in this section.

32       Counties and regional transportation investment districts may  
33 contract with cities or the state department of transportation for  
34 construction of high occupancy vehicle lanes and related facilities,  
35 and may issue general obligation bonds to fund such construction and  
36 use funds received under this chapter to pay the principal and interest  
37 on such bonds.

1        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 82.80 RCW  
2 to read as follows:

3        (1) A regional transportation investment district may, with voter  
4 approval and as part of a regional transportation investment plan,  
5 impose a local option surcharge of not more than two-tenths of one  
6 percent of the value of vehicles registered to a person residing within  
7 the district. The proceeds collected under this section shall be used  
8 for transportation projects as defined in RCW 36.120.020. No surcharge  
9 may be imposed on new vehicles, except that the surcharge shall apply  
10 to the initial registration of a vehicle previously licensed in another  
11 jurisdiction.

12        (2) An investment district imposing a tax under this section shall  
13 contract, before the effective date of the resolution or ordinance  
14 imposing a surcharge, for the administration and collection of the  
15 surcharge by the state department of licensing, and department of  
16 revenue, as appropriate, which may deduct an amount, as provided by  
17 contract, for administration and collection expenses. All  
18 administrative provisions in chapters 82.03, 82.32, and 82.44 RCW  
19 shall, insofar as they are applicable to motor vehicle excise taxes, be  
20 applicable to surcharges imposed under this section. For the purposes  
21 of determining the value of a vehicle, the district shall use the  
22 uniform statewide vehicle depreciation schedule, if then in existence,  
23 or, in the alternative, shall use the depreciation schedule applicable  
24 to the motor vehicle excise tax imposed by a regional transit  
25 authority.

26        **Sec. 7.**    RCW 35.95A.070 and 2002 c 248 s 8 are each amended to read  
27 as follows:

28        (1) Every authority has the power to:

29        ~~((+1))~~ (a) Levy excess levies upon the property included within  
30 the authority area, in the manner prescribed by Article VII, section 2  
31 of the state Constitution and by RCW 84.52.052 for operating funds,  
32 capital outlay funds, and cumulative reserve funds;

33        ~~((+2))~~ (b) Issue general obligation bonds, not to exceed an  
34 amount, together with any outstanding nonvoter-approved general  
35 obligation indebtedness equal to one and one-half percent of the value  
36 of the taxable property within the authority area, as the term "value  
37 of the taxable property" is defined in RCW 39.36.015. An authority may



1 additionally issue general obligation bonds, together with outstanding  
2 voter-approved and nonvoter-approved general obligation indebtedness,  
3 equal to two and one-half percent of the value of the taxable property  
4 within the authority area, as the term "value of the taxable property"  
5 is defined in RCW 39.36.015, when the bonds are approved by three-  
6 fifths of the qualified electors of the authority at a general or  
7 special election called for that purpose and may provide for the  
8 retirement thereof by levies in excess of dollar rate limitations in  
9 accordance with the provisions of RCW 84.52.056. These elections will  
10 be held as provided in RCW 39.36.050;

11 ~~((3))~~ (c) Issue revenue bonds payable from any revenues other  
12 than taxes levied by the authority, and to pledge those revenues for  
13 the repayment of the bonds. Proceeds of revenue bonds may only be  
14 expended for the costs of public monorail transportation facilities,  
15 for financing costs, and for capitalized interest during construction  
16 plus six months thereafter. The bonds and warrants will be issued and  
17 sold in accordance with chapter 39.46 RCW.

18 (2) No bonds issued by an authority are obligations of any city,  
19 county, or the state of Washington or any political subdivision thereof  
20 other than the authority, and the bonds will so state, unless the  
21 legislative authority of any city or county or the legislature  
22 expressly authorizes particular bonds to be either guaranteed by or  
23 obligations of its respective city or county or of the state.

24 (3) An authority may not issue bonds under this section unless and  
25 until voters have approved the formation of a regional transportation  
26 investment district that includes the authority within the district  
27 area.

28 NEW SECTION. Sec. 8. (1) The governor shall appoint, from a  
29 designated list of nominees submitted by each major party caucus of the  
30 legislature, a regional transportation governance commission. Each  
31 major party caucus of the legislature shall submit two names to the  
32 governor for possible appointment. The governor shall then appoint  
33 from the list of eight names five members to serve on the commission;  
34 however, at least four of the appointments must represent a different  
35 caucus. The commission shall elect a chair, and may adopt rules and  
36 procedures necessary for its orderly operation. In addition, the  
37 secretary of transportation or the secretary's designee shall serve as

1 a nonvoting member. Appointees must be citizen members, who do not  
2 hold public office. Appointees must include experts from the private  
3 and public sectors, including academia, with demonstrated expertise in  
4 innovation, structural reorganization, and private or public agency  
5 decision making and must also include experts in fields such as  
6 municipal law, public administration, intergovernmental relationships,  
7 and transportation planning, construction, operations, and risk  
8 management.

9 (2) The commission shall evaluate transportation governance in the  
10 central Puget Sound area under the jurisdiction of the Puget Sound  
11 regional council. This evaluation must include an assessment of the  
12 current roles of regional transportation agencies including regional  
13 transportation and metropolitan planning organizations, the regional  
14 transit authority, regional transportation investment districts, county  
15 and municipal agencies operating transit services, and cities and  
16 counties and other public agencies providing transportation services or  
17 facilities. The commission shall assess and develop recommendations  
18 for what steps should be taken to:

19 (a) Consolidate governance among agencies including changes in  
20 institutional powers, structures, and relationships and governance  
21 needed to improve accountability for transportation decisions, while  
22 enhancing the regional focus for transportation decisions and  
23 maintaining equity among citizens in the region;

24 (b) Improve coordination in the planning of transportation  
25 investments and services;

26 (c) Improve investment strategies;

27 (d) Coordinate transportation planning and investments with adopted  
28 land use policies within the region;

29 (e) Enhance efficiency and coordination in the delivery of services  
30 provided;

31 (f) Adjust boundaries for agencies or functions within the region  
32 to address existing and future transportation and land use issues; and

33 (g) Improve coordination between regional investments and federal  
34 funds, and state funding including those administered by the  
35 transportation improvement board, the county road administration board,  
36 and the freight mobility strategic investment board.

37 (3) The commission shall make public its preliminary findings and  
38 recommendations by November 15, 2005, and shall provide at least

1 fifteen days for public comment. The commission shall then adopt its  
2 findings and recommendations and submit them to the legislature by  
3 January 1, 2006.

4 (4) The commission shall conduct public meetings to assure active  
5 public participation in the development of the recommendations.

6 (5) The department of transportation shall provide staff support to  
7 the commission and, upon request of the commission, contract with other  
8 parties for staff support to the commission.

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