

SHB 1396 - S AMD 424
By Senator Pflug

NOT ADOPTED 04/10/2007

1 On page 8, after line 19, insert the following:

2 NEW SECTION. **Sec. 6.** The legislature finds that the replacement
3 of the Alaskan Way Viaduct and the state route number 520 floating
4 bridge are the highest priority transportation projects that represent
5 an immediate threat to public safety and are vital to the economic
6 strength of the Puget Sound region and the state as a whole. The
7 legislature also finds that imposing tolls of seven dollars or more on
8 the Lake Washington bridges would be a barrier to low and moderate-
9 income households in the Puget Sound region and would serve to
10 discourage free movement of people throughout the region.

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

13 (1) As part of the proposition to support additional implementation
14 phases of the regional transit authority's system and financing plan
15 submitted to voters at the 2007 general election under RCW 36.120.070
16 and 81.112.030(10), the authority shall not fund any planning,
17 development, or construction that is not described in the sound transit
18 2 draft package, dated January 11, 2007. In addition, the authority
19 may not apply any revenues received from the 2007 general election
20 under RCW 36.120.070 and 81.112.040(10) toward planning, development,
21 construction, acquisition of right-of-way, or financing of light rail
22 over Lake Washington. This section is not intended to limit a regional
23 transit authority's ability to expand light rail beyond the limitation
24 of this section after November 2007.

25 (2) Revenues equal to the amount necessary to fund the expansion of
26 light rail as proposed in the sound transit 2 draft package, dated
27 January 11, 2007, shall be distributed to a regional transportation
28 investment district established under chapter 36.120 RCW in accordance
29 with section 10 of this act.

1 **Sec. 8.** RCW 81.104.160 and 2003 c 1 s 6 are each amended to read
2 as follows:

3 An agency may impose a sales and use tax solely for the purpose of
4 providing high capacity transportation service, except as otherwise
5 provided in section 7 of this act, in addition to the tax authorized by
6 RCW 82.14.030, upon retail car rentals within the agency's jurisdiction
7 that are taxable by the state under chapters 82.08 and 82.12 RCW. The
8 rate of tax shall not exceed 2.172 percent. The base of the tax shall
9 be the selling price in the case of a sales tax or the rental value of
10 the vehicle used in the case of a use tax.

11 Any motor vehicle excise tax previously imposed under the
12 provisions of RCW 81.104.160(1) shall be repealed, terminated and
13 expire on December 5, 2002.

14 **Sec. 9.** RCW 81.104.170 and 1997 c 450 s 5 are each amended to read
15 as follows:

16 (1) Cities that operate transit systems, county transportation
17 authorities, metropolitan municipal corporations, public transportation
18 benefit areas, and regional transit authorities may submit an
19 authorizing proposition to the voters and if approved by a majority of
20 persons voting, fix and impose a sales and use tax in accordance with
21 the terms of this chapter, solely for the purpose of providing high
22 capacity transportation service except as otherwise provided in section
23 7 of this act.

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

1 (d) One hundred thirteen million dollars for the construction of
2 state route number 704 between Interstate 5 and state route number 7,
3 in addition to any other funds provided by the plan developed by the
4 regional transportation investment district.

5 (e) Ninety-four million dollars for the connection of state route
6 number 509 and Interstate 5 at Sea-Tac in addition to funds already
7 provided by the regional transportation investment district.

8 (2) Funds not necessary for the implementation of the projects in
9 subsection (1) of this section shall be transferred to sound transit
10 for the purpose of completing light rail to the Tacoma Dome transit
11 center.

12 **Sec. 11.** RCW 36.120.040 and 2006 c 311 s 6 are each amended to
13 read as follows:

14 (1) A regional transportation investment district planning
15 committee shall adopt a regional transportation investment plan
16 providing for the development, construction, and financing of
17 transportation projects. The planning committee may consider the
18 following factors in formulating its plan:

19 (a) Land use planning criteria;

20 (b) The input of cities located within a participating county; and

21 (c) The input of regional transportation planning organizations of
22 which a participating county is a member. A regional transportation
23 planning organization in which a participating county is located shall
24 review its adopted regional transportation plan and submit, for the
25 planning committee's consideration, its list of transportation
26 improvement priorities.

27 (2) The planning committee may coordinate its activities with the
28 department, which shall provide services, data, and personnel to assist
29 in this planning as desired by the planning committee. In addition,
30 the planning committee may coordinate its activities with affected
31 cities, towns, and other local governments, including any regional
32 transit authority existing within the participating counties'
33 boundaries, that engage in transportation planning.

34 (3) The planning committee shall:

35 (a) Conduct public meetings that are needed to assure active public
36 participation in the development of the plan;

37 (b) Adopt a plan proposing the:

1 (i) Creation of a regional transportation investment district,
2 including district boundaries; and

3 (ii) Construction of transportation projects to improve mobility
4 within each county and within the region. Operations, maintenance, and
5 preservation of facilities or systems may not be part of the plan,
6 except for the limited purposes provided under RCW 36.120.020(8); and

7 (c) Recommend sources of revenue authorized by RCW 36.120.050 and
8 a financing plan to fund selected transportation projects. The overall
9 plan of the district must leverage the district's financial
10 contributions so that the federal, state, local, and other revenue
11 sources continue to fund major congestion relief and transportation
12 capacity improvement projects in each county and the district. A
13 combination of local, state, and federal revenues may be necessary to
14 pay for transportation projects, and the planning committee shall
15 consider all of these revenue sources in developing a plan.

16 (4) The plan must use tax revenues and related debt for projects
17 that generally benefit a participating county in proportion to the
18 general level of tax revenues generated within that participating
19 county. This equity principle applies to all modifications to the
20 plan, appropriation of contingency funds not identified within the
21 project estimate, and future phases of the plan. Per agreement with a
22 regional transit authority serving the counties participating in a
23 district, the equity principle identified under this subsection may
24 include using the combined district and regional transit authority
25 revenues generated within a participating county to determine the
26 distribution that proportionally benefits the county. Modifications
27 made under section 10 of this act are in compliance with this equity
28 principle. For purposes of the transportation subarea equity principle
29 established under this subsection, a district may use the five subareas
30 within a regional transit authority's boundaries as identified in an
31 authority's system plan adopted in May 1996. During implementation of
32 the plan, the board shall retain the flexibility to manage distribution
33 of revenues, debt, and project schedules so that the district may
34 effectively implement the plan. Nothing in this section should be
35 interpreted to prevent the district from pledging district-wide tax
36 revenues for payment of any contract or debt entered into under RCW
37 36.120.130.

1 (5) Before adopting the plan, the planning committee, with
2 assistance from the department, shall work with the lead agency to
3 develop accurate cost forecasts for transportation projects. This
4 project costing methodology must be integrated with revenue forecasts
5 in developing the plan and must at a minimum include estimated project
6 costs in constant dollars as well as year of expenditure dollars, the
7 range of project costs reflected by the level of project design,
8 project contingencies, identification of mitigation costs, the range of
9 revenue forecasts, and project and plan cash flow and bond analysis.
10 The plan submitted to the voters must provide cost estimates for each
11 project, including reasonable contingency costs. Plans submitted to
12 the voters must provide that the maximum amount possible of the funds
13 raised will be used to fund projects in the plan, including
14 environmental improvements and mitigation, and that administrative
15 costs be minimized. If actual revenue exceeds actual plan costs, the
16 excess revenues must be used to retire any outstanding debt associated
17 with the plan.

18 (6) If a county opts not to adopt the plan or participate in the
19 regional transportation investment district, but two or more contiguous
20 counties do choose to continue to participate, then the planning
21 committee may, within ninety days, redefine the regional transportation
22 investment plan and the ballot measure to be submitted to the people to
23 reflect elimination of the county, and submit the redefined plan to the
24 legislative authorities of the remaining counties for their decision as
25 to whether to continue to adopt the redefined plan and participate.
26 This action must be completed within sixty days after receipt of the
27 redefined plan.

28 (7) Once adopted by the planning committee, the plan must be
29 forwarded to the participating county legislative authorities to
30 initiate the election process under RCW 36.120.070. The planning
31 committee shall at the same time provide notice to each city and town
32 within the district, the governor, the chairs of the transportation
33 committees of the legislature, the secretary of transportation, and
34 each legislator whose legislative district is partially or wholly
35 within the boundaries of the district.

36 (8) If the ballot measure is not approved, the planning committee
37 may redefine the selected transportation projects, financing plan, and
38 the ballot measure. The county legislative authorities may approve the

1 new plan and ballot measure, and may then submit the revised
2 proposition to the voters at the next election or a special election.
3 If no ballot measure is approved by the voters by the third vote, the
4 planning committee is dissolved.

5 **Sec. 12.** RCW 36.120.045 and 2006 c 311 s 7 are each amended to
6 read as follows:

7 The planning committee must develop and include in the regional
8 transportation investment plan a funding proposal for the state route
9 number 520 bridge replacement and HOV project that assures full project
10 funding for seismic safety and corridor connectivity on state route
11 number 520 between Interstate 5 and Interstate 405 without assessing
12 tolls on either state route number 520 or Interstate 90 across Lake
13 Washington."

14 Renumber the remaining sections consecutively.

15 On page 8, beginning on line 24, strike all of section 7 and insert
16 the following:

17 "NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act are
18 necessary for the immediate preservation of the public peace, health,
19 or safety, or support of the state government and its existing public
20 institutions, and take effect immediately."

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By Senator Pflug

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21 On page 1, line 3 of the title, after "election;" strike the
22 remainder of the title and insert "amending RCW 36.120.070, 81.112.030,
23 81.104.160, 81.104.170, 36.120.040, and 36.120.045; adding a new
24 section to chapter 29A.36 RCW; adding a new section to chapter 81.112
25 RCW; adding a new section to chapter 36.120 RCW; creating new sections;
26 and declaring an emergency."

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