

# HOUSE BILL REPORT

## ESSB 5803

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**As Reported by House Committee On:**  
Transportation

**Title:** An act relating to authorizing the creation of regional transportation commissions.

**Brief Description:** Creating regional transportation commissions.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Murray, Haugen, Swecker, Kastama and Kohl-Welles).

**Brief History:**

**Committee Activity:**

Transportation: 3/27/07, 4/2/07 [DPA].

**Brief Summary of Engrossed Substitute Bill**  
**(As Amended by House Committee)**

- Makes findings related to the need to establish a single regional transportation governance entity in the central Puget Sound area that has authority over the planning, funding, and prioritization of roads and transit systems.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass as amended. Signed by 14 members: Representatives Clibborn, Chair; Flannigan, Vice Chair; Jarrett, Ranking Minority Member; Dickerson, Eddy, Hudgins, Lovick, Rolfes, Sells, Springer, B. Sullivan, Upthegrove, Wallace and Wood.

**Minority Report:** Do not pass. Signed by 8 members: Representatives Schindler, Assistant Ranking Minority Member; Armstrong, Ericksen, Hailey, Hankins, Rodne, Simpson and Takko.

**Staff:** Kathryn Leathers (786-7114).

**Background:**

Overview: [Transportation Planning in the Central Puget Sound Region](#)

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

State, local, regional, and federal transportation planning requirements and plans, in conjunction with state statutory planning schemes like the Growth Management Act, provide a framework for the development of Washington's transportation system.

Within the central Puget Sound region, transportation planning, funding, development, and services are provided by approximately 128 public agencies. These agencies include: the Department of Transportation (DOT), responsible for state highways within the region; four county governments; 87 cities; six public transportation agencies; the three-county Regional Transit Authority (RTA, or Sound Transit); Washington State Ferries, a division of the DOT, operating both automobile and passenger-only ferry service; the four-county regional Puget Sound Regional Council (serving as both the regional transportation organization and the metropolitan planning organization for the region); and several port districts. In addition, in 2002, a Regional Transportation Investment District (RTID) was authorized, but has not yet been created, for the purpose of planning, funding, and building projects to address highway corridor needs in King, Pierce, and Snohomish counties.

Most agencies involved in the planning, funding, and operation of local and regional transportation systems are separate entities with few laws requiring coordination of their efforts, their development of regional transportation investment plans, or their ballot measures to be submitted to the people. The degree of coordination between the entities varies throughout the region, but there is no single overarching governing entity that coordinates or oversees the region's transportation system planning, funding, and prioritization of projects.

#### Regional Transportation Commission

In 2006, the Legislature created the Regional Transportation Commission (Commission) for the purpose of evaluating transportation governance in the central Puget Sound region. The Commission, comprised of nine voting members, appointed by the Governor, and one non-voting member, the Secretary of the DOT, was tasked with submitting a report and proposal to the Legislature by January 1, 2007, that:

- assesses the current roles of regional transportation agencies, the RTA, RTIDs, county and municipal agencies operating transit services, and cities, counties, and other public agencies providing transportation services or facilities;
- develops options for a regional transportation governance proposal, including one option that provides for the formation of a regional governing entity with directly elected members, and also includes the revenue sources that will be available to such an entity, and the scope of planning authority of such entity; and
- develops a comprehensive financing strategy for improving transportation system performance.

The Commission's final report, issued December 31, 2006, made numerous findings regarding the status of the central Puget Sound region's transportation system, including the overall finding that the current system of transportation governance in the region delivers inadequate results and will need fundamental systemic change in order to meet future needs.

While the Commission provided a range of governing options to consider, it ultimately recommended that the Legislature create a central Puget Sound regional governing entity with

broad authority and responsibility for planning, prioritizing, and funding all modes of regional transportation, including both roads and transit.

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**Summary of Amended Bill:**

All material in the underlying bill is stricken. Findings are made related to regional governance in the central Puget Sound area, including the following: the existing approach to transportation governance could be strengthened and improved; there is considerable value in continuing to study the complex issue of establishing regional governance as steps are taken to establish a regional governance entity; and a more unified regional transportation governance structure would result in improved planning, funding, and prioritization of roads and transit systems, and would better meet the current and future needs of the state.

**Amended Bill Compared to Engrossed Substitute Bill:**

All material in the underlying bill is stricken. Findings are made related to the need to establish a regional governance entity in the central Puget Sound area that has authority over the planning, funding, and prioritization of roads and transit systems.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) There is over \$60 billion in unmet transportation needs, but there is not yet a coherent process established to meet those needs. How does each project get consideration? Once under consideration, how do the projects get financed? How are all projects under consideration prioritized? The Commission's proposal to create a regional governance entity comes close to where we need to be to establish a process that could meet those needs.

As it relates to concerns about regional governance and its effect on the Sound Transit/RTID package and vote in November 2007: the voters are ahead of us, and they do want to look at the Sound Transit/RTID package, but they also want to look at the future. If they don't see how this all mixes and comes together, we will not be able to provide citizens with the certainty, confidence, and credibility that transportation will be handled in the region in a way that gives all of us an idea of where we need to go.

The central Puget Sound's approach to governance is fundamentally flawed. The Commission's findings are accurate. When everyone is responsible, no one is responsible. Any structure put in place needs to be designed for its intended outcome, and there is no entity designed to integrate multimodal transportation systems for the Puget Sound. Moving forward

on governance reform is necessary for there to be a chance of success for the 2007 ballot. There needs to be clear lines of authority and accountability so that the public knows who is in charge of transportation in the region.

The Commission's final report is a very credible study, worthy of serious consideration by the Legislature. One overarching entity is needed to oversee all projects, improve the infrastructure, and better serve the future needs of the region. Whatever this structure ultimately looks like, it needs to be accountable. The important thing is to find a way to identify, coordinate, and implement projects to move us forward. Creating a new agency is not a requirement, but could be an option. The Legislature is urged to keep this process alive and moving.

(With concerns) Currently, there are not any transportation choices, and the Sound Transit/RTID measure looks very promising. The public is very interested in seeing light rail come to the east side and neighborhoods across the region, and seeing roads improve. The region does need more integration and cooperation between the agencies that deliver transit and roads projects, but we don't need to shake up or rewire our governance at the same time we are trying to take action. The intentions of the bill are good, but there are too many harmful changes in this bill. Legislators are urged to find something that complements the existing process.

Although there is a need to have a governance discussion, it needs to be done thoughtfully and carefully, and local jurisdictions need to be part of the discussion.

Changing governance in the region needs to be done right. One concern with the bill is that the vote of the people for a regional mobility investment plan would be merely advisory. Also, there are concerns about transparency and accountability, and provisions should be added to the bill that address those concerns. The public will support even big projects if the process is transparent. In addition, there should be some emphasis placed on the need for public outreach.

The problem that needs to be addressed is multimodal corridor level planning. That's what will move the region forward. Autonomy for local transit agencies to go to the ballot is also important. Other concerns include an elected commission, countywide boundaries, and taking on the duties of the metropolitan planning organization. We want a visionary approach that is incremental. Perhaps the State Route 520 corridor could be used as a test project for governance.

(Opposed) The Sound Transit Board (Board) is very concerned about Engrossed Substitute Senate Bill 5803 and its effect on the Sound Transit/RTID vote in November. Making governance changes at this time could impair and possibly have a significant and negative impact on the passage of the Sound Transit/RTID package. The Board would like to have a clean shot in November. The changes made in the bill are significant and far reaching, and they deserve careful and thoughtful consideration. The Board is also concerned about the effect this bill has on planning. Sound Transit had a difficult beginning, but we learned that part of the reason for the difficulty was the disconnect between the planners and the builders.

This bill would separate those two functions. Another concern is that the bill contemplates that a new Commission would create a regional mobility investment plan, and, while gas tax dollars can only be spent for highway projects, there are no safeguards in place to limit the use of transit dollars for transit projects. Counties are opposed to Engrossed Substitute Senate Bill 5803. This is not a turf war. The opposition is based on experience and principle. The counties' relevant experience is based on the creation of the RTID. Counties did not ask for the RTID, and it has taken five years to get where we are today, and the counties have taken a lot of criticism along the way. Legislation like the RTID bill and this bill create high expectations, but contain very little detail on how the goals of the legislation should be attained. That is why the counties supported House Bill 2101, which further studies these complex issues before legislating. Before enacting a bill related to regional governance, the Legislature should determine whether there is a common set of roads that the RTC should be looking at, and whether the funding sources generate the projects within the expected time frames. If it is decided that we should move to regional governance, it should happen sooner and not take five years to get to the ballot. The counties have heard that there are problems with prioritization and funding in the region, but it not clear that this bill will solve those problems. Other than the authority to develop an investment plan, the RTC is a negotiation body, and there's a lot of consensus that has to be built. Does this bill reduce the current conflicts or simply add another agency to the existing 128 transportation agencies? Counties are also concerned that this bill would impede the November 2007 vote. It could cause the voters to take a collective "pause" as they wait to see if this body could come up with a better project plan and somehow do a better job. Counties want to put projects on the ground, and not wait another five years. We have not seen a problem in the transit arena. Currently, mostly local dollars are used to fund local transit, and it is working. Why mix roads and transit when we are primarily talking about roads? We suggest looking at House Bill 2101 again, so that we do this once and do it right.

The unanimous vote requirement to send a regional mobility investment plan to the voters is unrealistic. Concerns that this bill might impede the joint ballot measure in November miss the point that the measure is already in danger because the RTID plan is flawed, not because of anything Sound Transit has done. There needs to be something in place when we get beyond the RTID. This bill provides a framework for where we might go to pick up the pieces. Despite the need for a framework for the future, this bill in its current form is not an acceptable framework.

**Persons Testifying:** (In support) Norm Rice, Regional Transportation Commission; Steve Mullin, Washington Roundtable; and Dave Overstreet, Automobile Association of America.

(With concerns) Charlie Howard, Puget Sound Regional Council; Rob Johnson, Transportation Choices Coalition; and Bill LaBorde, Washington State Public Interest Research Group.

(Opposed) Julie Murray, Washington State Association of Counties; Andrew Villeneuve, Northwest Progressive Institute; Steve Sheehy, Sound Transit; and Richard Borkowski.

**Persons Signed In To Testify But Not Testifying:** None.