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**SUBSTITUTE HOUSE BILL 1396**

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**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** House Committee on Transportation (originally sponsored by Representatives Flannigan, Jarrett, B. Sullivan, Upthegrove, Rodne, Eddy, Kagi, Chase and Schual-Berke)

READ FIRST TIME 02/19/07.

1 AN ACT Relating to a single ballot proposition for regional  
2 transportation investment districts and regional transit authorities at  
3 the 2007 general election; amending RCW 36.120.070 and 81.112.030;  
4 adding a new section to chapter 29A.36 RCW; creating new sections; and  
5 declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that traffic  
8 congestion reduces personal and freight mobility and is detrimental to  
9 the economy, air quality, and the quality of life throughout the  
10 central Puget Sound area. Effective transportation solutions are  
11 essential for the future growth and development of the central Puget  
12 Sound area and the welfare of its citizens.

13 The legislature further finds that investments in both transit and  
14 road improvements are necessary to relieve traffic congestion and to  
15 improve mobility. The transportation improvements proposed by regional  
16 transportation investment districts and regional transit authorities  
17 within the central Puget Sound region form integral parts of, and are  
18 naturally and necessarily related to, a single regional transportation  
19 system. The construction of road and transit projects in a

1 comprehensive and interrelated manner will help reduce transportation  
2 congestion, increase road capacity, promote safety, facilitate  
3 mobility, and improve the health, welfare, and safety of the citizens  
4 of Washington.

5 The legislature further finds that under RCW 81.112.030 and  
6 36.120.170 regional transportation investment districts and regional  
7 transit authorities are required to submit to the voters propositions  
8 for their respective transportation plans on the same ballot at the  
9 2007 general election and that the opportunity to propose a single  
10 ballot reflecting a comprehensive, systemic, and interrelated approach  
11 to regional transportation would further the legislative intent and  
12 provide voters with an easier and more efficient method of expressing  
13 their will.

14 It is therefore the policy and intent of the state of Washington  
15 that transportation plans required to be submitted for voter approval  
16 at the 2007 general election by a regional transportation investment  
17 district and a regional transit authority must be submitted to voters  
18 in single ballot question seeking approval of both plans.

19 **Sec. 2.** RCW 36.120.070 and 2006 c 311 s 8 are each amended to read  
20 as follows:

21 (1) Beginning no sooner than the 2007 general election, two or more  
22 contiguous county legislative authorities, or a single county  
23 legislative authority as provided under RCW 36.120.030(8), upon receipt  
24 of the regional transportation investment plan under RCW 36.120.040,  
25 may submit to the voters of the proposed district a single ballot  
26 ((measure)) proposition that approves formation of the district,  
27 approves the regional transportation investment plan, and approves the  
28 revenue sources necessary to finance the plan. For a county to  
29 participate in the plan, the county legislative authority shall, within  
30 ninety days after receiving the plan, adopt an ordinance indicating the  
31 county's participation. The planning committee may draft the ballot  
32 ((measure)) proposition on behalf of the county legislative  
33 authorities, and the county legislative authorities may give notice as  
34 required by law for ballot ((measures)) propositions, and perform other  
35 duties as required to submit the ((measure)) proposition to the voters  
36 of the proposed district for their approval or rejection. Counties may  
37 negotiate interlocal agreements necessary to implement the plan. The

1 electorate will be the voters voting within the boundaries of the  
2 proposed district. A simple majority of the total persons voting on  
3 the single ballot (~~(measure)~~) proposition is required for approval.

4 ~~(2) ((In conjunction with RCW 81.112.030(10), at the 2007 general  
5 election))~~ The participating counties shall submit a regional  
6 transportation investment plan ~~((on the same ballot along with a  
7 proposition to support additional implementation phases of the  
8 authority's system and financing plan developed under chapter 81.112  
9 RCW. The plan shall not be considered approved unless voters also  
10 approve the proposition to support additional implementation phases of  
11 the authority's system and financing plan))~~ at the 2007 general  
12 election as part of a single ballot proposition that includes, in  
13 conjunction with RCW 81.112.030(10), a plan to support an authority's  
14 system and financing plan, or additional implementation phases of the  
15 system and financing plan, developed under chapter 81.112 RCW. The  
16 regional transportation investment plan shall not be considered  
17 approved unless both a majority of the persons voting on the  
18 proposition residing in the proposed district vote in favor of the  
19 proposition and a majority of the persons voting on the proposition  
20 residing within the regional transit authority vote in favor of the  
21 proposition.

22 **Sec. 3.** RCW 81.112.030 and 2006 c 311 s 12 are each amended to  
23 read as follows:

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

28 The authority shall be formed in the following manner:

29 (1) The joint regional policy committee created pursuant to RCW  
30 81.104.040 shall adopt a system and financing plan, including the  
31 definition of the service area. This action shall be completed by  
32 September 1, 1992, contingent upon satisfactory completion of the  
33 planning process defined in RCW 81.104.100. The final system plan  
34 shall be adopted no later than June 30, 1993. In addition to the  
35 requirements of RCW 81.104.100, the plan for the proposed system shall  
36 provide explicitly for a minimum portion of new tax revenues to be  
37 allocated to local transit agencies for interim express services. Upon

1 adoption the joint regional policy committee shall immediately transmit  
2 the plan to the county legislative authorities within the adopted  
3 service area.

4 (2) The legislative authorities of the counties within the service  
5 area shall decide by resolution whether to participate in the  
6 authority. This action shall be completed within forty-five days  
7 following receipt of the adopted plan or by August 13, 1993, whichever  
8 comes first.

9 (3) Each county that chooses to participate in the authority shall  
10 appoint its board members as set forth in RCW 81.112.040 and shall  
11 submit its list of members to the secretary of the Washington state  
12 department of transportation. These actions must be completed within  
13 thirty days following each county's decision to participate in the  
14 authority.

15 (4) The secretary shall call the first meeting of the authority, to  
16 be held within thirty days following receipt of the appointments. At  
17 its first meeting, the authority shall elect officers and provide for  
18 the adoption of rules and other operating procedures.

19 (5) The authority is formally constituted at its first meeting and  
20 the board shall begin taking steps toward implementation of the system  
21 and financing plan adopted by the joint regional policy committee. If  
22 the joint regional policy committee fails to adopt a plan by June 30,  
23 1993, the authority shall proceed to do so based on the work completed  
24 by that date by the joint regional policy committee. Upon formation of  
25 the authority, the joint regional policy committee shall cease to  
26 exist. The authority may make minor modifications to the plan as  
27 deemed necessary and shall at a minimum review local transit agencies'  
28 plans to ensure feeder service/high capacity transit service  
29 integration, ensure fare integration, and ensure avoidance of parallel  
30 competitive services. The authority shall also conduct a minimum  
31 thirty-day public comment period.

32 (6) If the authority determines that major modifications to the  
33 plan are necessary before the initial ballot proposition is submitted  
34 to the voters, the authority may make those modifications with a  
35 favorable vote of two-thirds of the entire membership. Any such  
36 modification shall be subject to the review process set forth in RCW  
37 81.104.110. The modified plan shall be transmitted to the legislative  
38 authorities of the participating counties. The legislative authorities

1 shall have forty-five days following receipt to act by motion or  
2 ordinance to confirm or rescind their continued participation in the  
3 authority.

4 (7) If any county opts to not participate in the authority, but two  
5 or more contiguous counties do choose to continue to participate, the  
6 authority's board shall be revised accordingly. The authority shall,  
7 within forty-five days, redefine the system and financing plan to  
8 reflect elimination of one or more counties, and submit the redefined  
9 plan to the legislative authorities of the remaining counties for their  
10 decision as to whether to continue to participate. This action shall  
11 be completed within forty-five days following receipt of the redefined  
12 plan.

13 (8) The authority shall place on the ballot within two years of the  
14 authority's formation, a single ballot proposition to authorize the  
15 imposition of taxes to support the implementation of an appropriate  
16 phase of the plan within its service area. In addition to the system  
17 plan requirements contained in RCW 81.104.100(2)(d), the system plan  
18 approved by the authority's board before the submittal of a proposition  
19 to the voters shall contain an equity element which:

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

22 (b) Identifies the phasing of construction and operation of high  
23 capacity system facilities, services, and benefits in each corridor.  
24 Phasing decisions should give priority to jurisdictions which have  
25 adopted transit-supportive land use plans; and

26 (c) Identifies the degree to which revenues generated within each  
27 county will benefit the residents of that county, and identifies when  
28 such benefits will accrue.

29 A simple majority of those voting within the boundaries of the  
30 authority is required for approval. If the vote is affirmative, the  
31 authority shall begin implementation of the projects identified in the  
32 proposition. However, the authority may not submit any authorizing  
33 proposition for voter-approved taxes prior to July 1, 1993; nor may the  
34 authority issue bonds or form any local improvement district prior to  
35 July 1, 1993.

36 (9) If the vote on a proposition fails, the board may redefine the  
37 proposition, make changes to the authority boundaries, and make  
38 corresponding changes to the composition of the board. If the

1 composition of the board is changed, the participating counties shall  
2 revise the membership of the board accordingly. The board may then  
3 submit the revised proposition or a different proposition to the  
4 voters. No single proposition may be submitted to the voters more than  
5 twice. Beginning no sooner than the 2007 general election, the  
6 authority may place additional propositions on the ballot to impose  
7 taxes to support additional phases of plan implementation.

8 (10) (~~In conjunction with RCW 36.120.070,~~) At the 2007 general  
9 election, the authority shall submit a proposition to support a system  
10 and financing plan or additional implementation phases of the  
11 authority's system and financing plan (~~on the same ballot along with~~  
12 ~~a regional transportation investment plan developed under chapter~~  
13 ~~36.120 RCW. The proposition shall not be considered approved unless~~  
14 ~~voters also approve the regional transportation investment plan~~) as  
15 part of a single ballot proposition that includes a plan to support a  
16 regional transportation investment plan developed under chapter 36.120  
17 RCW. The authority's plan shall not be considered approved unless both  
18 a majority of the persons voting on the proposition residing within the  
19 authority vote in favor of the proposition and a majority of the  
20 persons voting on the proposition residing within the proposed regional  
21 transportation investment district vote in favor of the proposition.

22 (11) Additional phases of plan implementation may include a  
23 transportation subarea equity element which (a) identifies the combined  
24 authority and regional transportation investment district revenues  
25 anticipated to be generated by corridor and by county within the  
26 authority's boundaries, and (b) identifies the degree to which the  
27 combined authority and regional transportation investment district  
28 revenues generated within each county will benefit the residents of  
29 that county, and identifies when such benefits will accrue. For  
30 purposes of the transportation subarea equity principle established  
31 under this subsection, the authority may use the five subareas within  
32 the authority's boundaries as identified in the authority's system plan  
33 adopted in May 1996.

34 (12) If the authority is unable to achieve a positive vote on a  
35 proposition within two years from the date of the first election on a  
36 proposition, the board may, by resolution, reconstitute the authority  
37 as a single-county body. With a two-thirds vote of the entire

1 membership of the voting members, the board may also dissolve the  
2 authority.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.36 RCW  
4 to read as follows:

5 The election on the single ballot proposition described in RCW  
6 36.120.070 and 81.112.030(10) must be conducted by the auditor of each  
7 component county in accordance with the general election laws of the  
8 state, except as provided in this section. Notice of the election must  
9 be published in one or more newspapers of general circulation in each  
10 component county in the manner provided in the general election laws.  
11 The single joint ballot proposition required under RCW 36.120.070 and  
12 81.112.030(10) must be in substantially the following form:

13 **"REGIONAL TRANSPORTATION INVESTMENT DISTRICT (RTID)**  
14 **AND**  
15 **REGIONAL TRANSIT AUTHORITY (RTA)**  
16 **PROPOSITION #1**  
17 **REGIONAL ROADS AND TRANSIT SYSTEM**

18 To reduce transportation congestion, increase road capacity,  
19 promote safety, facilitate mobility, provide for an integrated  
20 regional transportation system, and improve the health,  
21 welfare, and safety of the citizens of Washington, shall a  
22 regional transit authority (RTA) implement a regional rail and  
23 transit system to link [insert geographic references] as  
24 described in [insert plan name], financed by [insert taxes]  
25 imposed by RTA, all as provided in Resolution No. [insert  
26 number]; and shall a regional transportation investment  
27 district (RTID) be formed and authorized to implement and  
28 invest in improving the regional transportation system by  
29 replacing vulnerable bridges, improving safety, and increasing  
30 capacity on state and local roads to further link major  
31 education, employment, and retail centers described in [insert  
32 plan name] financed by [insert taxes] imposed by RTID, all as  
33 provided in Resolution No. [insert number]; further provided  
34 that the RTA taxes shall be imposed only within the boundaries  
35 of the RTA, and the RTID taxes shall be imposed only within the  
36 boundaries of the RTID?

1 Yes . . . . .   
2 No . . . . .

3 NEW SECTION. **Sec. 5.** Any legal challenges as to the  
4 constitutionality of this act must be filed in superior court along  
5 with any supporting legal and factual authority within twenty calendar  
6 days of the effective date of this act. Notice of a challenge along  
7 with any supporting legal and factual authority must be served upon the  
8 secretary of state, the attorney general, the district, and the  
9 authority. Upon the filing of a challenge, the state, district, and  
10 authority have ten calendar days to file any response to the challenge  
11 along with any supporting legal and factual authority. The court shall  
12 accord priority to hearing the matter and shall, within five calendar  
13 days of the filing of the response to the challenge, render its  
14 decision and file with the secretary of state a copy of its decision.  
15 The decision of the superior court constitutes a final judgment. Any  
16 appeal must be filed in the supreme court within ten calendar days  
17 after the date of the superior court decision. The supreme court shall  
18 issue its ruling on the appeal within thirty days of receipt by the  
19 court.

20 NEW SECTION. **Sec. 6.** If any provision of this act or its  
21 application to any person or circumstance is held invalid, the  
22 remainder of the act or the application of the provision to other  
23 persons or circumstances is not affected.

24 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
25 preservation of the public peace, health, or safety, or support of the  
26 state government and its existing public institutions, and takes effect  
27 immediately.

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