

SHB 2179 - S COMM AMD
By Committee on Transportation

ADOPTED 03/05/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW
4 to read as follows:

5 In addition to any other power and authority conferred to a city
6 that is located in a county having a population of more than one
7 million five hundred thousand, a city legislative authority may provide
8 or contract for supplemental transportation improvements to meet
9 mobility needs within the city's boundaries. For purposes of this
10 section, a "supplemental transportation improvement" or "supplemental
11 improvement" means any project, work, or undertaking to provide or
12 contract for public transportation service in addition to any existing
13 or planned public transportation service provided by public
14 transportation agencies and systems serving the city. The supplemental
15 authority provided to the city legislative authority under this section
16 is subject to the following requirements:

17 (1) Prior to taking any action to provide or contract for
18 supplemental transportation improvements permitted under this section,
19 the legislative authority of the city shall conduct a public hearing at
20 the time and place specified in a notice published at least once, not
21 less than ten days before the hearing, in a newspaper of general
22 circulation within the proposed district. The notice must specify the
23 supplemental facilities or services to be provided or contracted for by
24 the city, and must include estimated capital, operating, and
25 maintenance costs. The legislative authority of the city shall hear
26 objections from any person affected by the proposed supplemental
27 improvements.

28 (2) Following the hearing held pursuant to subsection (1) of this
29 section, if the city legislative authority finds that the proposed
30 supplemental transportation improvements are in the public interest,

1 the legislative authority shall adopt an ordinance providing for the
2 supplemental improvements and provide or contract for the supplemental
3 improvements.

4 (3) For purposes of providing or contracting for the proposed
5 supplemental transportation improvements, the legislative authority of
6 the city may contract with private providers and nonprofit
7 organizations, and may form public-private partnerships. Such
8 contracts and partnerships must require that public transportation
9 services be coordinated with other public transportation agencies and
10 systems serving the area and border jurisdictions.

11 (4) The legislative authorities of cities that are participating
12 jurisdictions in a transportation benefit district, as provided under
13 chapter 36.73 RCW, may petition the transportation benefit district for
14 partial or full funding of supplemental transportation improvements as
15 prescribed under section 3 of this act.

16 (5) Supplemental transportation improvements must be consistent
17 with the city's comprehensive plan under chapter 36.70A RCW.

18 **Sec. 2.** RCW 36.73.015 and 2006 c 311 s 24 are each amended to read
19 as follows:

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

22 (1) "District" means a transportation benefit district created
23 under this chapter.

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

25 (3) "Transportation improvement" means a project contained in the
26 transportation plan of the state or a regional transportation planning
27 organization. A project may include investment in new or existing
28 highways of statewide significance, principal arterials of regional
29 significance, high capacity transportation, public transportation, and
30 other transportation projects and programs of regional or statewide
31 significance including transportation demand management. Projects may
32 also include the operation, preservation, and maintenance of these
33 facilities or programs.

34 (4) "Supplemental transportation improvement" or "supplemental
35 improvement" means any project, work, or undertaking to provide public
36 transportation service, in addition to a district's existing or planned

1 voter-approved transportation improvements, proposed by a participating
2 city member of the district under section 3 of this act.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.73 RCW
4 to read as follows:

5 (1) In districts comprised of more than one member city, the
6 legislative authorities of any member city that is located in a county
7 having a population of more than one million five hundred thousand may
8 petition the district to provide supplemental transportation
9 improvements.

10 (2) Upon receipt of a petition as provided in subsection (1) of
11 this section for supplemental transportation improvements that are to
12 be fully funded by the petitioner city, including ongoing operating and
13 maintenance costs, the district must:

14 (a) Conduct a public hearing, and provide notice and opportunity
15 for public comment consistent with the requirements of RCW
16 36.73.050(1); and

17 (b) Following the hearing, if a majority of the district's
18 governing board determines that the proposed supplemental
19 transportation improvements are in the public interest, the district
20 shall adopt an ordinance providing for the incorporation of the
21 supplemental improvements into any existing services. The supplemental
22 transportation improvements must be in addition to existing services
23 provided by the district. The district shall enter into agreements
24 with the petitioner city or identified service providers to coordinate
25 existing services with the supplemental improvements.

26 (3) Upon receipt of a petition as provided in subsection (1) of
27 this section for supplemental transportation improvements proposed to
28 be partially or fully funded by the district, the district must:

29 (a) Conduct a public hearing, and provide notice and opportunity
30 for public comment consistent with the requirements of RCW
31 36.73.050(1); and

32 (b) Following the hearing, submit a proposition to the voters at
33 the next special or general election for approval by a majority of the
34 voters in the district. The proposition must specify the supplemental
35 transportation improvements to be provided and must estimate the
36 capital, maintenance, and operating costs to be funded by the district.

1 (4) If a proposition to incorporate supplemental transportation
2 improvements is approved by the voters as provided under subsection (3)
3 of this section, the district shall adopt an ordinance providing for
4 the incorporation of the supplemental improvements into any existing
5 services provided by the district. The supplemental improvements must
6 be in addition to existing services. The district shall enter into
7 agreements with the petitioner city or identified service providers to
8 coordinate existing services with the supplemental improvements.

9 (5) A supplemental transportation improvement must be consistent
10 with the petitioner city's comprehensive plan under chapter 36.70A RCW.

11 (6) Unless otherwise agreed to by the petitioner city or by a
12 majority of the district's governing board, upon adoption of an
13 ordinance under subsection (2) or (4) of this section, the district
14 shall maintain its existing public transportation service levels in
15 locations where supplemental transportation improvements are provided.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.58 RCW
17 to read as follows:

18 If the legislative authority of a city provides or contracts for
19 supplemental transportation improvements, as described in section 1 of
20 this act or under chapter 36.73 RCW, a metropolitan municipal
21 corporation serving the city or border jurisdictions shall coordinate
22 its services with the supplemental transportation improvements to
23 maximize efficiencies in public transportation services within and
24 across service boundaries.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.57A RCW
26 to read as follows:

27 If the legislative authority of a city provides or contracts for
28 supplemental transportation improvements, as described in section 1 of
29 this act or under chapter 36.73 RCW, a public transportation benefit
30 area serving the city or border jurisdictions shall coordinate its
31 services with the supplemental transportation improvements to maximize
32 efficiencies in public transportation services within and across
33 service boundaries.

34 NEW SECTION. **Sec. 6.** A new section is added to chapter 81.112 RCW
35 to read as follows:

1 If the legislative authority of a city provides or contracts for
2 supplemental transportation improvements, as described in section 1 of
3 this act or under chapter 36.73 RCW, a regional transit authority
4 serving the city or border jurisdictions shall coordinate its services
5 with the supplemental transportation improvements to maximize
6 efficiencies in public transportation services within and across
7 service boundaries.

8 **Sec. 7.** RCW 35.58.260 and 1965 c 7 s 35.58.260 are each amended to
9 read as follows:

10 If a metropolitan municipal corporation shall be authorized to
11 perform the metropolitan transportation function, it shall, upon the
12 effective date of the assumption of such power, have and exercise all
13 rights with respect to the construction, acquisition, maintenance,
14 operation, extension, alteration, repair, control and management of
15 passenger transportation which any component city shall have been
16 previously empowered to exercise and, except as provided in sections 1
17 and 3 of this act, such powers shall not thereafter be exercised by
18 such component cities without the consent of the metropolitan municipal
19 corporation: PROVIDED, That any city owning and operating a public
20 transportation system on such effective date may continue to operate
21 such system within such city until such system shall have been acquired
22 by the metropolitan municipal corporation and a metropolitan municipal
23 corporation may not acquire such system without the consent of the city
24 council of such city.

25 **Sec. 8.** RCW 35.58.272 and 1975 1st ex.s. c 270 s 1 are each
26 amended to read as follows:

27 "Municipality" as used in RCW 35.58.272 through 35.58.279, as now
28 or hereafter amended, and in RCW 36.57.080, 36.57.100, 36.57.110,
29 35.58.2721, 35.58.2794, and chapter 36.57A RCW, means any metropolitan
30 municipal corporation which shall have been authorized to perform the
31 function of metropolitan public transportation; any county performing
32 the public transportation function as authorized by RCW 36.57.100 and
33 36.57.110 or which has established a county transportation authority
34 pursuant to chapter 36.57 RCW; any public transportation benefit area
35 established pursuant to chapter 36.57A RCW; and any city, which is not
36 located within the boundaries of a metropolitan municipal corporation

1 unless provided otherwise in sections 1 and 3 of this act, county
2 transportation authority, or public transportation benefit area, and
3 which owns, operates or contracts for the services of a publicly owned
4 or operated system of transportation: PROVIDED, That the term
5 "municipality" shall mean in respect to any county performing the
6 public transportation function pursuant to RCW 36.57.100 and 36.57.110
7 only that portion of the unincorporated area lying wholly within such
8 unincorporated transportation benefit area.

9 "Motor vehicle" as used in RCW 35.58.272 through 35.58.279, as now
10 or hereafter amended, shall have the same meaning as in RCW 82.44.010.

11 "County auditor" shall mean the county auditor of any county or any
12 person designated to perform the duties of a county auditor pursuant to
13 RCW 82.44.140.

14 "Person" shall mean any individual, corporation, firm, association
15 or other form of business association."

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16 On page 1, line 2 of the title, after "improvements;" strike the
17 remainder of the title and insert "amending RCW 36.73.015, 35.58.260,
18 and 35.58.272; adding a new section to chapter 35.21 RCW; adding a new
19 section to chapter 36.73 RCW; adding a new section to chapter 35.58
20 RCW; adding a new section to chapter 36.57A RCW; and adding a new
21 section to chapter 81.112 RCW."

EFFECT: Sections 7 and 8 are added to eliminate a potential
conflict with existing law.

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