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**SUBSTITUTE SENATE BILL 6774**

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**State of Washington                      61st Legislature                      2010 Regular Session**

**By Senate Transportation (originally sponsored by Senator Marr)**

READ FIRST TIME 02/04/10.

1            AN ACT Relating to transportation benefit districts; and amending  
2            RCW 36.73.020.

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

4            **Sec. 1.** RCW 36.73.020 and 2009 c 515 s 14 are each amended to read  
5            as follows:

6            (1) The legislative authority of a county or city may establish a  
7            transportation benefit district within the county or city area or  
8            within the area specified in subsection (2) of this section, for the  
9            purpose of acquiring, constructing, improving, providing, and funding  
10           a transportation improvement within the district that is consistent  
11           with any existing state, regional, (~~and~~) or local transportation  
12           plans (~~and necessitated by existing or reasonably foreseeable~~  
13           ~~congestion levels~~). The transportation improvements shall be owned by  
14           the county of jurisdiction if located in an unincorporated area, by the  
15           city of jurisdiction if located in an incorporated area, or by the  
16           state in cases where the transportation improvement is or becomes a  
17           state highway. However, if deemed appropriate by the governing body of  
18           the transportation benefit district, a transportation improvement may  
19           be owned by a participating port district or transit district, unless

1 otherwise prohibited by law. Transportation improvements shall be  
2 administered and maintained as other public streets, roads, highways,  
3 and transportation improvements. To the extent practicable, the  
4 district shall consider the following criteria when selecting  
5 transportation improvements:

6 (a) Reduced risk of transportation facility failure and improved  
7 safety;

8 (b) Improved travel time;

9 (c) Improved air quality;

10 (d) Increases in daily and peak period trip capacity;

11 (e) Improved modal connectivity;

12 (f) Improved freight mobility;

13 (g) Cost-effectiveness of the investment;

14 (h) Optimal performance of the system through time;

15 (i) Improved accessibility for, or other benefits to, persons with  
16 special transportation needs as defined in RCW 47.06B.012; and

17 (j) Other criteria, as adopted by the governing body.

18 (2) Subject to subsection (6) of this section, the district may  
19 include area within more than one county, city, port district, county  
20 transportation authority, or public transportation benefit area, if the  
21 legislative authority of each participating jurisdiction has agreed to  
22 the inclusion as provided in an interlocal agreement adopted pursuant  
23 to chapter 39.34 RCW. However, the boundaries of the district need not  
24 include all territory within the boundaries of the participating  
25 jurisdictions comprising the district.

26 (3) The members of the legislative authority proposing to establish  
27 the district, acting ex officio and independently, shall constitute the  
28 governing body of the district: PROVIDED, That where a district  
29 includes area within more than one jurisdiction under subsection (2) of  
30 this section, the district shall be governed under an interlocal  
31 agreement adopted pursuant to chapter 39.34 RCW(~~-.—However~~), with the  
32 governing body (~~(shall be)~~) being composed of (a) at least five members  
33 including at least one elected official from the legislative authority  
34 of each participating jurisdiction or (b) the governing body of the  
35 metropolitan planning organization serving the district, but only if  
36 the district boundaries are identical to the boundaries of the  
37 metropolitan planning organization serving the district.

1           (4) The treasurer of the jurisdiction proposing to establish the  
2 district shall act as the ex officio treasurer of the district, unless  
3 an interlocal agreement states otherwise.

4           (5) The electors of the district shall all be registered voters  
5 residing within the district.

6           (6) Prior to December 1, 2007, the authority under this section,  
7 regarding the establishment of or the participation in a district,  
8 shall not apply to:

9           (a) Counties with a population greater than one million five  
10 hundred thousand persons and any adjoining counties with a population  
11 greater than five hundred thousand persons;

12           (b) Cities with any area within the counties under (a) of this  
13 subsection; and

14           (c) Other jurisdictions with any area within the counties under (a)  
15 of this subsection.

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