
ENGROSSED SUBSTITUTE HOUSE BILL 1967

State of Washington

62nd Legislature

2011 Regular Session

By House Transportation (originally sponsored by Representatives Fitzgibbon, Armstrong, Lias, Nealey, Clibborn, Billig, Frockt, and Reykdal)

READ FIRST TIME 02/25/11.

1 AN ACT Relating to public transportation systems; amending RCW
2 35.58.2795, 35.58.2796, 47.01.101, 47.01.141, 47.04.280, and 47.06.140;
3 adding a new section to chapter 43.19 RCW; and adding a new section to
4 chapter 47.04 RCW.

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

6 **Sec. 1.** RCW 35.58.2795 and 1994 c 158 s 6 are each amended to read
7 as follows:

8 By (~~April~~) September 1st of each year, the legislative authority
9 of each municipality, as defined in RCW 35.58.272, and each regional
10 transit authority shall prepare a six-year transit development plan for
11 that calendar year and the ensuing five years. The program shall be
12 consistent with the comprehensive plans adopted by counties, cities,
13 and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the
14 inherent authority of a first-class city or charter county derived from
15 its charter, or chapter 36.70A RCW. The program shall contain
16 information as to how the municipality intends to meet state and local
17 long-range priorities for public transportation, capital improvements,
18 significant operating changes planned for the system, and how the
19 municipality intends to fund program needs. The six-year plan for each

1 municipality and regional transit authority shall specifically set
2 forth those projects of regional significance for inclusion in the
3 transportation improvement program within that region. Each
4 municipality and regional transit authority shall file the six-year
5 program with the state department of transportation, the transportation
6 improvement board, and cities, counties, and regional planning councils
7 within which the municipality is located.

8 In developing its program, the municipality and the regional
9 transit authority shall consider those policy recommendations affecting
10 public transportation contained in the state transportation policy plan
11 approved by the state transportation commission and, where appropriate,
12 adopted by the legislature. The municipality shall conduct one or more
13 public hearings while developing its program and for each annual
14 update.

15 **Sec. 2.** RCW 35.58.2796 and 2005 c 319 s 101 are each amended to
16 read as follows:

17 (1) The department of transportation shall develop an annual report
18 summarizing the status of public transportation systems in the state
19 for the previous calendar year. By ~~((September))~~ December 1st of each
20 year, ~~((copies of))~~ the report ~~((shall be submitted))~~ must be made
21 available to the transportation committees of the legislature and to
22 each municipality, as defined in RCW 35.58.272, and to individual
23 members of the municipality's legislative authority.

24 (2) To assist the department with preparation of the report, each
25 municipality shall file a system report by ~~((April))~~ September 1st of
26 each year with the state department of transportation identifying its
27 public transportation services for the previous calendar year and its
28 objectives for improving the efficiency and effectiveness of those
29 services. The system report shall address those items required for
30 each public transportation system in the department's report.

31 (3) The department report shall describe individual public
32 transportation systems, including contracted transportation services
33 and dial-a-ride services, and include a statewide summary of public
34 transportation issues and data. The descriptions shall include the
35 following elements and such other elements as the department deems
36 appropriate after consultation with the municipalities and the
37 transportation committees of the legislature:

1 ~~((1))~~ (a) Equipment and facilities, including vehicle replacement
2 standards;

3 ~~((2))~~ (b) Services and service standards;

4 ~~((3))~~ (c) Revenues, expenses, and ending balances, by fund
5 source;

6 ~~((4))~~ (d) Policy issues and system improvement objectives,
7 including community participation in development of those objectives
8 and how those objectives address statewide transportation priorities;

9 ~~((5))~~ (e) Operating indicators applied to public transportation
10 services, revenues, and expenses. Operating indicators shall include
11 operating cost per passenger trip, operating cost per revenue vehicle
12 service hour, passenger trips per revenue service hour, passenger trips
13 per vehicle service mile, vehicle service hours per employee, and
14 farebox revenue as a percent of operating costs.

15 (4) To the extent that information is available, the department
16 report must include descriptive information on any other modes of
17 public transportation, the impact of public transportation on
18 transportation system performance, and how public transportation helps
19 the state meet the transportation system policy goals described in RCW
20 47.04.280.

21 NEW SECTION. Sec. 3. A new section is added to chapter 43.19 RCW
22 to read as follows:

23 New state facilities must be sited in areas adequately accessible
24 by transit service.

25 **Sec. 4.** RCW 47.01.101 and 2006 c 334 s 6 are each amended to read
26 as follows:

27 The secretary shall have the authority and it shall be his or her
28 duty:

29 (1) To serve as chief executive officer of the department with full
30 administrative authority to direct all its activities;

31 (2) To organize the department as he or she may deem necessary to
32 carry out the work and responsibilities of the department effectively;

33 (3) To designate and establish such transportation district,
34 region, or branch offices as may be necessary or convenient, and to
35 appoint assistants and delegate any powers, duties, and functions to
36 them or any officer or employee of the department as deemed necessary

1 to administer the department efficiently, which includes designating an
2 employee in each region to be responsible for integrating public
3 transportation into all state transportation planning and programming
4 activities and fostering greater partnerships between the state and
5 public transportation providers;

6 (4) To direct and coordinate the programs of the various divisions
7 of the department to assure that they achieve the greatest possible
8 mutual benefit, produce a balanced overall effort, and eliminate
9 unnecessary duplication of activity;

10 (5) To adopt all department rules that are subject to the adoption
11 procedures contained in the state administrative procedure act, except
12 rules subject to adoption by the commission pursuant to statute;

13 (6) To maintain and safeguard the official records of the
14 department, including the commission's recorded resolutions and orders;

15 (7) To provide, under contract or interagency agreement, staff
16 support to the commission, including long-term technical and
17 administrative support as needed, to assist it in carrying out its
18 functions, powers, and duties;

19 (8) To execute and implement the biennial operating budget for the
20 operation of the department in accordance with chapter 43.88 RCW and
21 with legislative appropriation;

22 (9) To advise the governor and the legislature with respect to
23 matters under the jurisdiction of the department; and

24 (10) To exercise all other powers and perform all other duties as
25 are now or hereafter provided by law.

26 **Sec. 5.** RCW 47.01.141 and 1987 c 505 s 49 are each amended to read
27 as follows:

28 The department shall submit a biennial report to the governor and
29 chairs of the transportation committees of the senate and house of
30 representatives with a copy to the staff of each of the committees,
31 including but not limited to operational and construction activities of
32 the preceding fiscal period as the department deems important, a report
33 regarding the integration of public transportation into state
34 transportation planning and programming activities and the fostering of
35 greater partnerships between the state and public transportation
36 providers, and recommendations for future operations of the department.

1 **Sec. 6.** RCW 47.04.280 and 2010 c 74 s 1 are each amended to read
2 as follows:

3 (1) It is the intent of the legislature to establish policy goals
4 for the planning, operation, performance of, and investment in, the
5 state's transportation system. The policy goals established under this
6 section are deemed consistent with the benchmark categories adopted by
7 the state's blue ribbon commission on transportation on November 30,
8 2000. Public investments in transportation should support achievement
9 of these policy goals:

10 (a) Economic vitality: To promote and develop transportation
11 systems that stimulate, support, and enhance the movement of people and
12 goods to ensure a prosperous economy;

13 (b) Preservation: To maintain, preserve, and extend the life and
14 utility of prior investments in transportation systems and services;

15 (c) Safety: To provide for and improve the safety and security of
16 transportation customers and the transportation system;

17 (d) Mobility: To improve the predictable movement of goods and
18 people throughout Washington state;

19 (e) Environment: To enhance Washington's quality of life through
20 transportation investments that promote energy conservation, enhance
21 healthy communities, and protect the environment; and

22 (f) Stewardship: To continuously improve the quality,
23 effectiveness, and efficiency of the transportation system.

24 (2) The powers, duties, and functions of state transportation
25 agencies must be performed in a manner consistent with the policy goals
26 set forth in subsection (1) of this section.

27 (3) These policy goals are intended to be the basis for
28 establishing detailed and measurable objectives and related performance
29 measures.

30 (4)(a) It is the intent of the legislature that the office of
31 financial management establish objectives and performance measures for
32 the department of transportation and other state agencies with
33 transportation-related responsibilities to ensure transportation system
34 performance at local, regional, and state government levels progresses
35 toward the attainment of the policy goals set forth in subsection (1)
36 of this section. The office of financial management shall submit
37 initial objectives and performance measures to the legislature for its
38 review and shall provide copies of the same to the commission during

1 the 2008 legislative session. The office of financial management shall
2 submit objectives and performance measures to the legislature for its
3 review and shall provide copies of the same to the commission during
4 each regular session of the legislature during an even-numbered year
5 thereafter.

6 (b) It is the intent of the legislature that the office of
7 financial management collaborate with the department of transportation,
8 the Washington state transit association, and state and local agencies
9 with public transportation-related responsibilities to establish
10 objectives and performance measures for the department of
11 transportation and other state and local agencies with public
12 transportation-related responsibilities to ensure that public
13 transportation system performance at local, regional, and state
14 government levels progresses toward the attainment of the policy goals
15 set forth in subsection (1) of this section, which must, at a minimum,
16 include objectives and performance measures regarding safety,
17 efficiency, revenue, and cost. The office of financial management
18 shall submit initial objectives and performance measures to the
19 legislature for its review and shall provide copies of the same to the
20 commission during the 2012 legislative session. The office of
21 financial management shall include these objectives and performance
22 measures in its preexisting reporting that the office of financial
23 management submits to the legislature for its review and shall provide
24 copies of the same to the commission during each regular session of the
25 legislature during an even-numbered year thereafter.

26 (5) This section does not create a private right of action.

27 NEW SECTION. Sec. 7. A new section is added to chapter 47.04 RCW
28 to read as follows:

29 The legislature recognizes the benefit that transit facilities
30 provide to motor vehicle traffic by facilitating the efficient
31 utilization in the operation of highways and reducing congestion and
32 hazardous driving conditions. The legislature further recognizes that
33 the Washington supreme court has identified these outcomes as
34 implicitly related to the specific highway purposes delineated in the
35 18th amendment to the state Constitution. As such, it is the intent of
36 the legislature that the department not charge state agencies airspace
37 leases for the use of highway right-of-way for transit facilities. For

1 purposes of this section, "transit facility" means all benches, kiosks,
2 lighting, waste receptacles, and shelters owned by a public
3 transportation system identified under RCW 82.14.045 and regional
4 transit authorities identified under chapter 81.112 RCW.

5 **Sec. 8.** RCW 47.06.140 and 2009 c 514 s 3 are each amended to read
6 as follows:

7 (1) The legislature declares the following transportation
8 facilities and services to be of statewide significance: Highways of
9 statewide significance as designated by the legislature under chapter
10 47.05 RCW, the interstate highway system, interregional state principal
11 arterials including ferry connections that serve statewide travel,
12 intercity passenger rail services, intercity high-speed ground
13 transportation, major passenger intermodal terminals including
14 facilities such as park and ride lots and transit centers but excluding
15 all airport facilities and services, the freight railroad system, the
16 Columbia/Snake navigable river system, marine port facilities and
17 services that are related solely to marine activities affecting
18 international and interstate trade, key freight transportation
19 corridors serving these marine port facilities, and high capacity
20 transportation systems serving regions as defined in RCW 81.104.015.
21 The department, in cooperation with regional transportation planning
22 organizations, counties, cities, transit agencies, public ports,
23 private railroad operators, and private transportation providers, as
24 appropriate, shall plan for improvements to transportation facilities
25 and services of statewide significance in the statewide multimodal
26 transportation plan. Improvements to facilities and services of
27 statewide significance identified in the statewide multimodal
28 transportation plan, or to highways of statewide significance
29 designated by the legislature under chapter 47.05 RCW, are essential
30 state public facilities under RCW 36.70A.200.

31 (2) The department of transportation, in consultation with local
32 governments, shall set level of service standards for state highways
33 and state ferry routes of statewide significance. Although the
34 department shall consult with local governments when setting level of
35 service standards, the department retains authority to make final
36 decisions regarding level of service standards for state highways and
37 state ferry routes of statewide significance. In establishing level of

1 service standards for state highways and state ferry routes of
2 statewide significance, the department shall consider the necessary
3 balance between providing for the free interjurisdictional movement of
4 people and goods and the needs of local communities using these
5 facilities. When setting the level of service standards under this
6 section for state ferry routes, the department may allow for a standard
7 that is adjustable for seasonality.

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