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HOUSE BILL 2724

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State of Washington

64th Legislature

2016 Regular Session

By Representatives Harmsworth, Hargrove, Hurst, Orcutt, Blake, and Zeiger

Read first time 01/19/16. Referred to Committee on Transportation.

1 AN ACT Relating to the election and authority of regional transit  
2 authority board members; amending RCW 81.112.010 and 81.112.030;  
3 adding a new section to chapter 81.112 RCW; creating a new section;  
4 repealing RCW 81.112.040; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 81.112  
7 RCW to read as follows:

8 (1) A regional transit authority is governed by a board  
9 consisting of the secretary of the department of transportation, or  
10 his or her designee, who is a nonvoting member, and nineteen directly  
11 elected nonpartisan members. One nonpartisan member must be elected  
12 from each of the nineteen numbered districts in primary and general  
13 elections commencing with the elections held in 2016. Commencing with  
14 such elections, a person seeking election or serving on the board may  
15 not hold other public office and must be a registered voter residing  
16 in the relevant electoral district during the term in office and for  
17 a period from at least thirty days before filing a petition for  
18 candidacy.

19 (2) A five-member districting commission appointed by the  
20 governor must define the districts as soon as possible after the  
21 effective date of this section. Each commission member must reside in

1 a different authority subarea. The districting commission has all  
2 reasonably necessary powers and must determine a reasonable budget,  
3 which must be funded upon its request, by an authority. The  
4 districting commission must promptly approve a plan for nineteen  
5 numbered electoral districts in a service area, and publicize and  
6 file the plan with the county clerks of the counties within a service  
7 area. The plan must be drawn to ensure that the electoral districts:  
8 Have nearly equal populations in accordance with the one person, one  
9 vote principle; do not divide a precinct; are compact, convenient,  
10 and contiguous; and minimize the number of districts that consist of  
11 portions of different counties or different authority subareas. An  
12 objection to the plan must commence within thirty days, and be heard  
13 within sixty days, of filing the plan.

14 (3) Upon certification of the 2016 general election, terms of  
15 office of an authority's board members expire, if any are existing on  
16 the effective date of this section, and the nineteen elected  
17 nonpartisan members must take office. Each elected member must serve  
18 the remainder of 2016 plus an additional period of two or four years.  
19 Lots must be drawn to determine which ten of the nineteen elected  
20 members must serve an additional four years, and which nine of the  
21 nineteen elected members must serve an additional two years. All  
22 successors elected in subsequent elections in odd-numbered years must  
23 have terms of office for four years, commencing January 1st after the  
24 election.

25 (4) An authority's board positions become vacant upon failure to  
26 maintain residence or other qualification, recall, death,  
27 resignation, or adjudication of permanent disability. The nonpartisan  
28 vacancy must be filled as provided in chapter 42.12 RCW. The  
29 appointed temporary member must serve until a successor for the  
30 remainder of the vacated term is chosen in the next primary and  
31 general election.

32 (5) Local jurisdiction expenditures incurred through  
33 administering the election of the authority's board members must be  
34 reimbursed by the authority.

35 (6) Every decade, after the release of federal census  
36 information, the governor must appoint a new districting commission  
37 in accordance with subsection (2) of this section. The commission  
38 must operate in accordance with the standards provided in subsection  
39 (2) of this section and prepare a timetable for transition to any new  
40 districts.

1 (7) To allow staggered terms after a redistricting, a board  
2 member who has an uncompleted four-year term and no longer resides in  
3 his or her prior district solely due to redistricting must serve the  
4 remainder of the four-year term.

5 (8) Major decisions of the authority require a favorable vote of  
6 two-thirds of the entire membership. "Major decisions" include at  
7 least the following: System plan adoption and amendment, system  
8 phasing decisions, annual budget adoption, authorization of  
9 annexations, modification of board composition, and executive  
10 director employment.

11 (9) Each member of the board is eligible to be reimbursed for  
12 travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to  
13 receive compensation up to ten thousand dollars per year.

14 **Sec. 2.** RCW 81.112.010 and 1992 c 101 s 1 are each amended to  
15 read as follows:

16 The legislature recognizes that existing transportation  
17 facilities in the central Puget Sound area are inadequate to address  
18 mobility needs of the area. The geography of the region, travel  
19 demand growth, and public resistance to new roadways combine to  
20 further necessitate the rapid development of alternative modes of  
21 travel.

22 The legislature finds that local governments have been effective  
23 in cooperatively planning a multicounty, high capacity transportation  
24 system. However, a continued multijurisdictional approach to funding,  
25 construction, and operation of a multicounty high capacity  
26 transportation system may impair the successful implementation of  
27 such a system.

28 The legislature finds that a single agency will be more effective  
29 than several local jurisdictions working collectively at planning,  
30 developing, operating, and funding a high capacity transportation  
31 system. The single agency's services must be carefully integrated and  
32 coordinated with public transportation services currently provided.  
33 As the single agency's services are established, any public  
34 transportation services currently provided that are duplicative  
35 should be eliminated. Further, the single agency must coordinate its  
36 activities with other agencies providing local and state roadway  
37 services, implementing comprehensive planning, and implementing  
38 transportation demand management programs and assist in developing  
39 infrastructure to support high capacity systems including but not

1 limited to feeder systems, park and ride facilities, intermodal  
2 centers, and related roadway and operational facilities. Because the  
3 legislature finds a need to ensure that the single agency is  
4 accountable to the people, coordination can be best achieved through  
5 ~~((common governance, such as integrated governing boards))~~ direct  
6 election of board members.

7 It is therefore the policy of the state of Washington to empower  
8 counties in the state's most populous region to create a local agency  
9 for planning and implementing a high capacity transportation system  
10 within that region. The authorization for such an agency, except as  
11 specifically provided in this chapter, is not intended to limit the  
12 powers of existing transit agencies.

13 **Sec. 3.** RCW 81.112.030 and 2007 c 509 s 3 are each amended to  
14 read as follows:

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

19 The authority shall be formed in the following manner:

20 (1) The joint regional policy committee created pursuant to RCW  
21 81.104.040 shall adopt a system and financing plan, including the  
22 definition of the service area. This action shall be completed by  
23 September 1, 1992, contingent upon satisfactory completion of the  
24 planning process defined in RCW 81.104.100. The final system plan  
25 shall be adopted no later than June 30, 1993. In addition to the  
26 requirements of RCW 81.104.100, the plan for the proposed system  
27 shall provide explicitly for a minimum portion of new tax revenues to  
28 be allocated to local transit agencies for interim express services.  
29 Upon adoption the joint regional policy committee shall immediately  
30 transmit the plan to the county legislative authorities within the  
31 adopted service area.

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

37 ~~(3) ((Each county that chooses to participate in the authority~~  
38 ~~shall appoint its board members as set forth in RCW 81.112.040 and~~  
39 ~~shall submit its list of members to the secretary of the Washington~~

1 ~~state department of transportation. These actions must be completed~~  
2 ~~within thirty days following each county's decision to participate in~~  
3 ~~the authority.~~

4 (4)) The secretary shall call the first meeting of the  
5 authority, to be held within thirty days following receipt of the  
6 ((appointments)) names of the elected board members. At its first  
7 meeting, the authority shall elect officers and provide for the  
8 adoption of rules and other operating procedures.

9 ((+5)) (4) The authority is formally constituted at its first  
10 meeting and the board shall begin taking steps toward implementation  
11 of the system and financing plan adopted by the joint regional policy  
12 committee. If the joint regional policy committee fails to adopt a  
13 plan by June 30, 1993, the authority shall proceed to do so based on  
14 the work completed by that date by the joint regional policy  
15 committee. Upon formation of the authority, the joint regional policy  
16 committee shall cease to exist. The authority may make minor  
17 modifications to the plan as deemed necessary and shall at a minimum  
18 review local transit agencies' plans to ensure feeder service/high  
19 capacity transit service integration, ensure fare integration, and  
20 ensure avoidance of parallel competitive services. The authority  
21 shall also conduct a minimum thirty-day public comment period.

22 ((+6)) (5) If the authority determines that major modifications  
23 to the plan are necessary before the initial ballot proposition is  
24 submitted to the voters, the authority may make those modifications  
25 with a favorable vote of two-thirds of the entire membership. Any  
26 such modification shall be subject to the review process set forth in  
27 RCW 81.104.110. The modified plan shall be transmitted to the  
28 legislative authorities of the participating counties. The  
29 legislative authorities shall have forty-five days following receipt  
30 to act by motion or ordinance to confirm or rescind their continued  
31 participation in the authority.

32 ((+7)) (6) If any county opts to not participate in the  
33 authority, but two or more contiguous counties do choose to continue  
34 to participate, the authority's board shall be revised accordingly.  
35 The authority shall, within forty-five days, redefine the system and  
36 financing plan to reflect elimination of one or more counties, and  
37 submit the redefined plan to the legislative authorities of the  
38 remaining counties for their decision as to whether to continue to  
39 participate. This action shall be completed within forty-five days  
40 following receipt of the redefined plan.

1       ~~((+8))~~ (7) The authority shall place on the ballot within two  
2 years of the authority's formation, a single ballot proposition to  
3 authorize the imposition of taxes to support the implementation of an  
4 appropriate phase of the plan within its service area. In addition to  
5 the system plan requirements contained in RCW 81.104.100(2)(d), the  
6 system plan approved by the authority's board before the submittal of  
7 a proposition to the voters shall contain an equity element which:

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

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

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

17       A simple majority of those voting within the boundaries of the  
18 authority is required for approval. If the vote is affirmative, the  
19 authority shall begin implementation of the projects identified in  
20 the proposition. However, the authority may not submit any  
21 authorizing proposition for voter-approved taxes prior to July 1,  
22 1993; nor may the authority issue bonds or form any local improvement  
23 district prior to July 1, 1993.

24       ~~((+9))~~ (8) If the vote on a proposition fails, the board may  
25 redefine the proposition, make changes to the authority boundaries,  
26 and make corresponding changes to the composition of the board,  
27 subject to section 1 of this act. If the composition of the board is  
28 changed, the participating counties shall revise the membership of  
29 the board ~~((accordingly))~~ subject to section 1 of this act. The board  
30 may then submit the revised proposition or a different proposition to  
31 the voters. No single proposition may be submitted to the voters more  
32 than twice. Beginning no sooner than the 2007 general election, the  
33 authority may place additional propositions on the ballot to impose  
34 taxes to support additional phases of plan implementation.

35       ~~((+10))~~ (9) At the 2007 general election, the authority shall  
36 submit a proposition to support a system and financing plan or  
37 additional implementation phases of the authority's system and  
38 financing plan as part of a single ballot proposition that includes a  
39 plan to support a regional transportation investment plan developed  
40 under chapter 36.120 RCW. The authority's plan shall not be

1 considered approved unless both a majority of the persons voting on  
2 the proposition residing within the authority vote in favor of the  
3 proposition and a majority of the persons voting on the proposition  
4 residing within the proposed regional transportation investment  
5 district vote in favor of the proposition.

6 ~~((11))~~ (10) Additional phases of plan implementation may  
7 include a transportation subarea equity element which (a) identifies  
8 the combined authority and regional transportation investment  
9 district revenues anticipated to be generated by corridor and by  
10 county within the authority's boundaries, and (b) identifies the  
11 degree to which the combined authority and regional transportation  
12 investment district revenues generated within each county will  
13 benefit the residents of that county, and identifies when such  
14 benefits will accrue. For purposes of the transportation subarea  
15 equity principle established under this subsection, the authority may  
16 use the five subareas within the authority's boundaries as identified  
17 in the authority's system plan adopted in May 1996.

18 ~~((12))~~ (11) If the authority is unable to achieve a positive  
19 vote on a proposition within two years from the date of the first  
20 election on a proposition, the board may, by resolution, reconstitute  
21 the authority as a single-county body. With a two-thirds vote of the  
22 entire membership of the voting members, the board may also dissolve  
23 the authority.

24 NEW SECTION. **Sec. 4.** RCW 81.112.040 (Board appointments—Voting  
25 —Expenses) and 1994 c 109 s 1 & 1992 c 101 s 4 are each repealed.

26 NEW SECTION. **Sec. 5.** This act is remedial in nature and applies  
27 to all regional transit authorities established before or after the  
28 effective date of this section.

29 NEW SECTION. **Sec. 6.** This act takes effect March 1, 2017.

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