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ENGROSSED SUBSTITUTE HOUSE BILL 2191

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State of Washington

68th Legislature

2024 Regular Session

By House Transportation (originally sponsored by Representatives Timmons, Duerr, Reed, Ramel, and Reeves)

READ FIRST TIME 01/29/24.

1 AN ACT Relating to adding two voting members that are transit  
2 users to the governing body of public transportation benefit areas;  
3 amending RCW 36.57A.050; and providing an effective date.

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

5 **Sec. 1.** RCW 36.57A.050 and 2020 c 83 s 2 are each amended to  
6 read as follows:

7 (1)(a) Within ~~((sixty))~~ 60 days of the establishment of the  
8 boundaries of the public transportation benefit area the members of  
9 the county legislative authority and the elected representative of  
10 each city within the area shall provide for the selection of the  
11 governing body of such area, the public transportation benefit area  
12 authority, which shall consist of elected officials selected by and  
13 serving at the pleasure of the governing bodies of component cities  
14 within the area and the county legislative authority of each county  
15 within the area. Two other transit-using members may be appointed to  
16 the governing body of such area, pursuant to subsection (3)(b) of  
17 this section.

18 (b) The elected official members of the governing body of the  
19 public transportation benefit area, if the population of the county  
20 in which the public transportation benefit area is located is more  
21 than ~~((four hundred thousand))~~ 400,000 and the county does not also

1 contain a city with a population of (~~seventy-five thousand~~) 75,000  
2 or more operating a transit system pursuant to chapter 35.95 RCW,  
3 must be selected to assure proportional representation, based on  
4 population, of each of the component cities located within the public  
5 transportation benefit area and the unincorporated areas of the  
6 county located within the public transportation benefit area, to the  
7 extent possible within the restrictions placed on the size of the  
8 governing body of a public transportation benefit area. If necessary  
9 to assure such proportional representation, multiple cities may be  
10 represented by a single elected official from one of the cities. A  
11 majority of the governing board may not be selected to represent a  
12 single component city.

13 (c) If at the time a public transportation benefit area authority  
14 assumes the public transportation functions previously provided under  
15 the interlocal cooperation act (chapter 39.34 RCW) there are citizen  
16 positions on the governing board of the transit system, those  
17 positions may be retained as positions on the governing board of the  
18 public transportation benefit area authority.

19 (2) Within such (~~sixty-day~~) 60-day period, any city may by  
20 resolution of its legislative body withdraw from participation in the  
21 public transportation benefit area. The county legislative authority  
22 and each city remaining in the public transportation benefit area may  
23 disapprove and prevent the establishment of any governing body of a  
24 public transportation benefit area if the composition thereof does  
25 not meet its approval.

26 (3)(a) In no case shall the governing body of a single county  
27 public transportation benefit area be greater than (~~nine~~) 11 voting  
28 members and in the case of a multicounty area, (~~fifteen~~) 17 voting  
29 members. Those cities within the public transportation benefit area  
30 and excluded from direct membership on the authority are hereby  
31 authorized to designate a member of the authority who shall be  
32 entitled to represent the interests of such city which is excluded  
33 from direct membership on the authority. The legislative body of such  
34 city shall notify the authority as to the determination of its  
35 authorized representative on the authority.

36 (b)(i) In addition to the maximum of nine elected official voting  
37 members of the governing body of a single county public  
38 transportation benefit area or 15 elected official voting members of  
39 the governing body, in the case of a multicounty area, there may be

1 two transit-using voting members appointed to each governing body by  
2 the elected official voting members.

3 (ii) One transit-using voting member must primarily rely on  
4 public transportation systems for transportation.

5 (iii) One transit-using voting member must represent an  
6 organization that serves individuals who are primarily transit-  
7 dependent. If no such organizational representative in the public  
8 transportation benefit area's service area is available to serve, the  
9 governing body must appoint a second transit-using voting member who  
10 meets the requirements of (b) (ii) of this subsection.

11 (iv) If transit-using voting members are appointed to a governing  
12 body, meetings of the governing body must occur at a time and a place  
13 that are reasonably accessible by transit, in order to facilitate the  
14 participation of the transit-using voting members.

15 (v) Transit-using voting members must be provided comprehensive  
16 training regarding the open public meetings act established in  
17 chapter 42.30 RCW and the public records act established in chapter  
18 42.56 RCW, as soon as is reasonably practicable after the member's  
19 appointment.

20 (vi) This subsection (3) (b) does not apply to any public  
21 transportation benefit area authority where there are retained  
22 citizen positions on the governing body, pursuant to subsection  
23 (1) (c) of this section.

24 (c) There is one nonvoting member of the public transportation  
25 benefit area authority. The nonvoting member is recommended by the  
26 labor organization representing the public transportation employees  
27 within the local public transportation system. If the public  
28 transportation employees are represented by more than one labor  
29 organization, all such labor organizations shall select the nonvoting  
30 member by majority vote. The nonvoting member shall comply with all  
31 governing bylaws and policies of the authority. The chair or cochairs  
32 of the authority shall exclude the nonvoting member from attending  
33 any executive session held for the purpose of discussing negotiations  
34 with labor organizations. The chair or cochairs may exclude the  
35 nonvoting member from attending any other executive session. The  
36 requirement that a nonvoting member be appointed to the governing  
37 body of a public transportation benefit area authority does not apply  
38 to an authority that has no employees represented by a labor union.

39 (4) (a) Each member of the authority is eligible to be reimbursed  
40 for travel expenses in accordance with RCW 43.03.050 and 43.03.060

1 and to receive compensation, as set by the authority, in an amount  
2 not to exceed (~~forty-four dollars~~) \$44 for each day during which  
3 the member attends official meetings of the authority or performs  
4 prescribed duties approved by the chair of the authority. Except that  
5 the authority may, by resolution, increase the payment of per diem  
6 compensation to each member from (~~forty-four dollars~~) \$44 up to  
7 (~~ninety dollars~~) \$90 per day or portion of a day for actual  
8 attendance at board meetings or for performance of other official  
9 services or duties on behalf of the authority. In no event may a  
10 member be compensated in any year for more than (~~seventy-five~~) 75  
11 days, except the chair who may be paid compensation for not more than  
12 (~~one hundred~~) 100 days: PROVIDED, That compensation shall not be  
13 paid to an elected official or employee of federal, state, or local  
14 government who is receiving regular full-time compensation from such  
15 government for attending meetings and performing prescribed duties of  
16 the authority.

17 (b) The dollar thresholds established in this section must be  
18 adjusted for inflation by the office of financial management every  
19 five years, beginning January 1, 2024, based upon changes in the  
20 consumer price index during that time period. "Consumer price index"  
21 means, for any calendar year, that year's annual average consumer  
22 price index, for Washington state, for wage earners and clerical  
23 workers, all items, compiled by the bureau of labor and statistics,  
24 United States department of labor. If the bureau of labor and  
25 statistics develops more than one consumer price index for areas  
26 within the state, the index covering the greatest number of people,  
27 covering areas exclusively within the boundaries of the state, and  
28 including all items shall be used for the adjustments for inflation  
29 in this section. The office of financial management must calculate  
30 the new dollar threshold and transmit it to the office of the code  
31 reviser for publication in the Washington State Register at least one  
32 month before the new dollar threshold is to take effect.

33 (c) A person holding office as commissioner for two or more  
34 special purpose districts shall receive only that per diem  
35 compensation authorized for one of his or her commissioner positions  
36 as compensation for attending an official meeting or conducting  
37 official services or duties while representing more than one of his  
38 or her districts. However, such commissioner may receive additional  
39 per diem compensation if approved by resolution of all boards of the  
40 affected commissions.

1        NEW SECTION.    **Sec. 2.**    This act takes effect January 1, 2025.

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