

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5412

60th Legislature
2007 Regular Session

Passed by the Senate April 18, 2007
YEAS 45 NAYS 0

President of the Senate

Passed by the House April 17, 2007
YEAS 97 NAYS 1

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5412** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5412

AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Transportation (originally sponsored by
Senators Murray, Swecker, Marr, Clements and Haugen)

READ FIRST TIME 03/05/07.

1 AN ACT Relating to clarifying goals, objectives, and
2 responsibilities of certain transportation agencies; amending RCW
3 47.01.011, 47.01.012, 47.01.071, 47.01.075, 47.05.030, 47.05.035,
4 47.06.020, 47.06.050, 47.06.140, and 35.95A.120; adding a new section
5 to chapter 47.04 RCW; adding a new section to chapter 47.01 RCW;
6 creating a new section; recodifying RCW 47.01.012; and repealing RCW
7 47.01.370, 47.05.051, and 47.06.030.

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

9 NEW SECTION. **Sec. 1.** The legislature finds and declares that the
10 citizens of the state expect clear and concise goals, objectives, and
11 responsibilities regarding the operation of the statewide
12 transportation system. Furthermore, the state's citizens expect that
13 the state periodically receive clear and streamlined information that
14 measures whether the goals and objectives are being satisfied.
15 Therefore, it is the intent of the legislature that this act serve to
16 clarify existing goals, objectives, and responsibilities related to the
17 operation of an efficient statewide transportation system.

1 **Sec. 2.** RCW 47.01.011 and 1977 ex.s. c 151 s 1 are each amended to
2 read as follows:

3 The legislature hereby recognizes the following imperative needs
4 within the state: To create a statewide transportation development
5 plan which identifies present status and sets goals for the future; to
6 coordinate transportation modes; to promote and protect land use
7 programs required in local, state, and federal law; to coordinate
8 transportation with the economic development of the state; to supply a
9 broad framework in which regional, metropolitan, and local
10 transportation needs can be related; to facilitate the supply of
11 federal and state aid to those areas which will most benefit the state
12 as a whole; to provide for public involvement in the transportation
13 planning and development process; to administer programs within the
14 jurisdiction of this title relating to the safety of the state's
15 transportation systems; and to coordinate and implement national
16 transportation policy with the state transportation planning program.

17 The legislature finds and declares that placing all elements of
18 transportation in a single department is fully consistent with and
19 shall in no way impair the use of moneys in the motor vehicle fund
20 exclusively for highway purposes.

21 Through this chapter, a unified department of transportation is
22 created. To the jurisdiction of this department will be transferred
23 the present powers, duties, and functions of the department of
24 highways, the highway commission, the toll bridge authority, the
25 aeronautics commission, and the canal commission, and the
26 transportation related powers, duties, and functions of the planning
27 and community affairs agency. The powers, duties, and functions of the
28 department of transportation must be performed in a manner consistent
29 with the policy goals set forth in RCW 47.01.012 (as recodified by this
30 act).

31 **Sec. 3.** RCW 47.01.012 and 2002 c 5 s 101 are each amended to read
32 as follows:

33 (1) It is the intent of the legislature to establish policy goals
34 for the planning, operation, performance of, and investment in, the
35 state's transportation system. The policy goals (~~shall consist of,~~
36 ~~but not be limited to, the following~~) established under this section
37 are deemed consistent with the benchmark categories(~~(7)~~) adopted by the

1 state's blue ribbon commission on transportation on November 30, 2000.
2 ~~((In addition to improving safety,))~~ Public investments in
3 transportation ~~((shall))~~ should support achievement of these ~~((and~~
4 ~~other priority))~~ policy goals:

5 ~~((No interstate highways, state routes, and local arterials shall~~
6 ~~be in poor condition; no bridges shall be structurally deficient, and~~
7 ~~safety retrofits shall be performed on those state bridges at the~~
8 ~~highest seismic risk levels; traffic congestion on urban state highways~~
9 ~~shall be significantly reduced and be no worse than the national mean;~~
10 ~~delay per driver shall be significantly reduced and no worse than the~~
11 ~~national mean; per capita vehicle miles traveled shall be maintained at~~
12 ~~2000 levels; the nonauto share of commuter trips shall be increased in~~
13 ~~urban areas; administrative costs as a percentage of transportation~~
14 ~~spending shall achieve the most efficient quartile nationally; and the~~
15 ~~state's public transit agencies shall achieve the median cost per~~
16 ~~vehicle revenue hour of peer transit agencies, adjusting for the~~
17 ~~regional cost of living.))~~

18 (a) Preservation: To maintain, preserve, and extend the life and
19 utility of prior investments in transportation systems and services;

20 (b) Safety: To provide for and improve the safety and security of
21 transportation customers and the transportation system;

22 (c) Mobility: To improve the predictable movement of goods and
23 people throughout Washington state;

24 (d) Environment: To enhance Washington's quality of life through
25 transportation investments that promote energy conservation, enhance
26 healthy communities, and protect the environment; and

27 (e) Stewardship: To continuously improve the quality,
28 effectiveness, and efficiency of the transportation system.

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

32 (3) These policy goals ~~((shall))~~ are intended to be the basis for
33 ~~((establishment of))~~ establishing detailed and measurable objectives
34 and related performance ~~((benchmarks))~~ measures.

35 (4) It is the intent of the legislature that the ~~((transportation~~
36 ~~commission))~~ office of financial management establish objectives and
37 performance measures for the department of transportation and other
38 state agencies with transportation-related responsibilities to ensure

1 transportation system performance at local, regional, and state
2 government levels(~~(, and the transportation commission should work with~~
3 ~~appropriate government entities to accomplish this)) progresses toward
4 the attainment of the policy goals set forth in subsection (1) of this
5 section. The office of financial management shall submit initial
6 objectives and performance measures to the legislature for its review
7 and shall provide copies of the same to the commission during the 2008
8 legislative session. The office of financial management shall submit
9 objectives and performance measures to the legislature for its review
10 and shall provide copies of the same to the commission during each
11 regular session of the legislature during an even-numbered year
12 thereafter.~~

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

14 **Sec. 4.** RCW 47.01.071 and 2006 c 334 s 3 are each amended to read
15 as follows:

16 The transportation commission shall have the following functions,
17 powers, and duties:

18 (1) To propose policies to be adopted by the governor and the
19 legislature designed to assure the development and maintenance of a
20 comprehensive and balanced statewide transportation system which will
21 meet the needs of the people of this state for safe and efficient
22 transportation services. Wherever appropriate, the policies shall
23 provide for the use of integrated, intermodal transportation systems
24 (~~(to implement the social, economic, and environmental policies, goals,~~
25 ~~and objectives of the people of the state, and especially to conserve~~
26 ~~nonrenewable natural resources including land and energy)). The
27 policies must be aligned with the goals established in RCW 47.01.012
28 (as recodified by this act). To this end the commission shall:~~

29 (a) Develop transportation policies which are based on the
30 policies, goals, and objectives expressed and inherent in existing
31 state laws;

32 (b) Inventory the adopted policies, goals, and objectives of the
33 local and area-wide governmental bodies of the state and define the
34 role of the state, regional, and local governments in determining
35 transportation policies, in transportation planning, and in
36 implementing the state transportation plan;

37 (~~(c) ((Propose a transportation policy for the state;~~

1 ~~(d)~~) Establish a procedure for review and revision of the state
2 transportation policy and for submission of proposed changes to the
3 governor and the legislature; and

4 ~~((e) To)~~ (d) Integrate the statewide transportation plan with the
5 needs of the elderly and ~~((handicapped))~~ persons with disabilities, and
6 ~~((to))~~ coordinate federal and state programs directed at assisting
7 local governments to answer such needs;

8 (2) To provide for the effective coordination of state
9 transportation planning with national transportation policy, state and
10 local land use policies, and local and regional transportation plans
11 and programs;

12 (3) In conjunction with the provisions under RCW 47.01.075, to
13 provide for public involvement in transportation designed to elicit the
14 public's views both with respect to adequate transportation services
15 and appropriate means of minimizing adverse social, economic,
16 environmental, and energy impact of transportation programs;

17 (4) By December 2010, to prepare a comprehensive and balanced
18 statewide transportation plan ~~((which shall be))~~ consistent with the
19 state's growth management goals and based on the transportation policy
20 ~~((adopted by the governor and the legislature,))~~ goals provided under
21 RCW 47.01.012 (as recodified by this act) and applicable state and
22 federal laws. The plan must reflect the priorities of government
23 developed by the office of financial management and address regional
24 needs, including multimodal transportation planning. The plan must, at
25 a minimum: (a) Establish a vision for the development of the statewide
26 transportation system; (b) identify significant statewide
27 transportation policy issues; and (c) recommend statewide
28 transportation policies and strategies to the legislature to fulfill
29 the requirements of subsection (1) of this section. The plan must be
30 the product of an ongoing process that involves representatives of
31 significant transportation interests and the general public from across
32 the state. Every four years, the plan shall be reviewed and revised,
33 and submitted to the governor and the house of representatives and
34 senate standing committees on transportation~~((, prior to each regular~~
35 ~~session of the legislature during an even numbered year thereafter.~~
36 ~~The plan shall be subject to the approval of the legislature in the~~
37 ~~biennial transportation budget act)).~~

1 The plan shall take into account federal law and regulations
2 relating to the planning, construction, and operation of transportation
3 facilities;

4 (5) By December 2007, the office of financial management shall
5 submit a baseline report on the progress toward attaining the policy
6 goals under RCW 47.01.012 (as recodified by this act) in the 2005-2007
7 fiscal biennium. By October 1, 2008, beginning with the development of
8 the 2009-2011 biennial transportation budget, and by October 1st
9 biennially thereafter, the office of financial management shall submit
10 to the legislature and the governor a report on the progress toward the
11 attainment by state transportation agencies of the state transportation
12 policy goals and objectives prescribed by statute, appropriation, and
13 governor directive. The report must, at a minimum, include the degree
14 to which state transportation programs have progressed toward the
15 attainment of the policy goals established under RCW 47.01.012 (as
16 recodified by this act), as measured by the objectives and performance
17 measures established by the office of financial management under RCW
18 47.01.012 (as recodified by this act);

19 (6) To propose to the governor and the legislature prior to the
20 convening of each regular session held in an odd-numbered year a
21 recommended budget for the operations of the commission as required by
22 RCW 47.01.061;

23 ~~((+6+))~~ (7) To adopt such rules as may be necessary to carry out
24 reasonably and properly those functions expressly vested in the
25 commission by statute;

26 ~~((+7+))~~ (8) To contract with the office of financial management or
27 other appropriate state agencies for administrative support, accounting
28 services, computer services, and other support services necessary to
29 carry out its other statutory duties;

30 ~~((+8+))~~ (9) To conduct transportation-related studies and policy
31 analysis to the extent directed by the legislature or governor in the
32 biennial transportation budget act, or as otherwise provided in law,
33 and subject to the availability of amounts appropriated for this
34 specific purpose; and

35 ~~((+9+))~~ (10) To exercise such other specific powers and duties as
36 may be vested in the transportation commission by this or any other
37 provision of law.

1 **Sec. 5.** RCW 47.01.075 and 2006 c 334 s 4 are each amended to read
2 as follows:

3 (1) The transportation commission shall provide a public forum for
4 the development of transportation policy in Washington state to include
5 coordination with regional transportation planning organizations,
6 transportation stakeholders, counties, cities, and citizens. ~~((It may
7 recommend to the secretary of transportation, the governor, and the
8 legislature means for obtaining appropriate citizen and professional
9 involvement in all transportation policy formulation and other matters
10 related to the powers and duties of the department. It may further
11 hold hearings and explore ways to improve the mobility of the
12 citizenry.))~~ At least every five years, the commission shall convene
13 regional forums to gather citizen input on transportation issues. The
14 commission shall consider the input gathered at the forums as it
15 establishes the statewide transportation plan under RCW 47.01.071(4).

16 (2) ~~((Every two years, in coordination with the development of the
17 state biennial budget, the commission shall prepare the statewide
18 multimodal transportation progress report and propose to the office of
19 financial management transportation priorities for the ensuing
20 biennium. The report must:~~

21 ~~(a) Consider the citizen input gathered at the forums;~~

22 ~~(b) Be developed with the assistance of state transportation-~~
23 ~~related agencies and organizations;~~

24 ~~(c) Be developed with the input from state, local, and regional~~
25 ~~jurisdictions, transportation service providers, key transportation~~
26 ~~stakeholders, and the office of financial management;~~

27 ~~(d) Be considered by the secretary of transportation and other~~
28 ~~state transportation related agencies in preparing proposed agency~~
29 ~~budgets and executive request legislation;~~

30 ~~(e) Be submitted by the commission to the governor and the~~
31 ~~legislature by October 1st of each even numbered year for consideration~~
32 ~~by the governor.~~

33 ~~(3))~~ In fulfilling its responsibilities under this section, the
34 commission may create ad hoc committees or other such committees of
35 limited duration as necessary.

36 ~~((4))~~ (3) In order to promote a better transportation system, the
37 commission ~~((shall))~~ may offer policy guidance and make recommendations

1 to the governor and the legislature in key issue areas, including but
2 not limited to:

- 3 (a) Transportation finance;
- 4 (b) Preserving, maintaining, and operating the statewide
5 transportation system;
- 6 (c) Transportation infrastructure needs;
- 7 (d) Promoting best practices for adoption and use by
8 transportation-related agencies and programs;
- 9 (e) Transportation efficiencies that will improve service delivery
10 and/or coordination;
- 11 (f) Improved planning and coordination among transportation
12 agencies and providers; and
- 13 (g) Use of intelligent transportation systems and other technology-
14 based solutions(~~(; and~~
- 15 ~~(h) Reporting of performance against goals, targets, and~~
16 ~~benchmarks~~)).

17 NEW SECTION. **Sec. 6.** A new section is added to chapter 47.01 RCW
18 to read as follows:

19 To support achievement of the policy goals described in RCW
20 47.01.012, the department shall:

- 21 (1) Maintain an inventory of the condition of structures and
22 corridors in most urgent need of retrofit or rehabilitation;
- 23 (2) Develop long-term financing tools that reliably provide ongoing
24 maintenance and preservation of the transportation infrastructure;
- 25 (3) Balance system safety and convenience through all phases of a
26 project to accommodate all users of the transportation system to
27 safely, reliably, and efficiently provide mobility to people and goods;
- 28 (4) Develop strategies to gradually reduce the per capita vehicle
29 miles traveled based on consideration of a range of reduction methods;
- 30 (5) Consider efficiency tools, including high-occupancy vehicle and
31 high-occupancy toll lanes, corridor-specific and systemwide pricing
32 strategies, active traffic management, commute trip reduction, and
33 other demand management tools;
- 34 (6) Promote integrated multimodal planning; and
- 35 (7) Consider engineers and architects to design environmentally
36 sustainable, context-sensitive transportation systems.

1 **Sec. 7.** RCW 47.05.030 and 2006 c 334 s 45 are each amended to read
2 as follows:

3 (1) The ~~((transportation commission))~~ office of financial
4 management shall ~~((develop))~~ propose a comprehensive ten-year
5 investment program ~~((specifying program objectives and performance~~
6 ~~measures))~~ for the preservation and improvement programs defined in
7 this section, consistent with the policy goals described under RCW
8 47.01.012 (as recodified by this act). The ~~((adopted))~~ proposed ten-
9 year investment program must be forwarded as a recommendation ~~((to))~~ by
10 the ~~((governor and))~~ office of financial management to the legislature,
11 and ~~((is subject to the approval of the legislature in the biennial~~
12 ~~transportation budget act. In the specification of investment program~~
13 ~~objectives and performance measures, the transportation commission, in~~
14 ~~consultation with the Washington state department of transportation,~~
15 ~~shall define and adopt standards for effective programming and~~
16 ~~prioritization practices including a needs analysis process. The~~
17 ~~analysis process must ensure the identification of problems and~~
18 ~~deficiencies, the evaluation of alternative solutions and trade offs,~~
19 ~~and estimations of the costs and benefits of prospective projects. The~~
20 ~~investment program))~~ must be based upon the needs identified in the
21 ~~((state owned highway component of the))~~ statewide ~~((comprehensive))~~
22 transportation plan established under RCW 47.01.071(4).

23 ~~((1))~~ (2) The preservation program consists of those investments
24 necessary to preserve the existing state highway system and to restore
25 existing safety features, giving consideration to lowest life cycle
26 costing. ~~((The preservation program must require use of the most cost-~~
27 ~~effective pavement surfaces, considering:~~

- 28 ~~(a) Life cycle cost analysis;~~
- 29 ~~(b) Traffic volume;~~
- 30 ~~(c) Subgrade soil conditions;~~
- 31 ~~(d) Environmental and weather conditions;~~
- 32 ~~(e) Materials available; and~~
- 33 ~~(f) Construction factors.~~

34 ~~The comprehensive ten year investment program for preservation must~~
35 ~~identify projects for two years and an investment plan for the~~
36 ~~remaining eight years.~~

37 ~~(2))~~ (3) The improvement program consists of investments needed to
38 address identified deficiencies on the state highway system to

1 (~~increase mobility, address congestion, and improve safety, support~~
2 ~~for the economy, and protection of the environment. The ten year~~
3 ~~investment program for improvements must identify projects for two~~
4 ~~years and major deficiencies proposed to be addressed in the ten year~~
5 ~~period giving consideration to relative benefits and life cycle~~
6 ~~costing. The transportation commission shall give higher priority for~~
7 ~~correcting identified deficiencies on those facilities classified as~~
8 ~~facilities of statewide significance as defined in RCW 47.06.140.~~
9 ~~Project prioritization must be based primarily upon cost benefit~~
10 ~~analysis, where appropriate)) meet the goals established in RCW
11 47.01.012 (as recodified by this act).~~

12 **Sec. 8.** RCW 47.05.035 and 2006 c 334 s 46 are each amended to read
13 as follows:

14 (1) The department shall use the transportation demand modeling
15 tools developed under subsection (2) of this section to evaluate
16 investments based on the best mode or improvement, or mix of modes and
17 improvements, to meet current and future long-term demand within a
18 corridor or system for the lowest cost. The end result of these demand
19 modeling tools is to provide a cost-benefit analysis by which the
20 department can determine the relative mobility improvement and
21 congestion relief each mode or improvement under consideration will
22 provide and the relative investment each mode or improvement under
23 consideration will need to achieve that relief.

24 (2) The department will participate in the refinement, enhancement,
25 and application of existing transportation demand modeling tools to be
26 used to evaluate investments. This participation and use of
27 transportation demand modeling tools will be phased in.

28 (~~(3) In developing program objectives and performance measures,~~
29 ~~the department shall evaluate investment trade offs between the~~
30 ~~preservation and improvement programs. In making these investment~~
31 ~~trade offs, the department shall evaluate, using cost benefit~~
32 ~~techniques, roadway and bridge maintenance activities as compared to~~
33 ~~roadway and bridge preservation program activities and adjust those~~
34 ~~programs accordingly.~~

35 (4) ~~The department shall allocate the estimated revenue between~~
36 ~~preservation and improvement programs giving primary consideration to~~
37 ~~the following factors:~~

- 1 ~~(a) The relative needs in each of the programs and the system~~
2 ~~performance levels that can be achieved by meeting these needs;~~
3 ~~(b) The need to provide adequate funding for preservation to~~
4 ~~protect the state's investment in its existing highway system;~~
5 ~~(c) The continuity of future transportation development with those~~
6 ~~improvements previously programmed; and~~
7 ~~(d) The availability of dedicated funds for a specific type of~~
8 ~~work.~~
9 ~~(5) The department shall consider the findings in this section in~~
10 ~~the development of the ten-year investment program.))~~

11 **Sec. 9.** RCW 47.06.020 and 1993 c 446 s 2 are each amended to read
12 as follows:

13 The specific role of the department in transportation planning
14 ~~((shall))~~ must be, consistent with the policy goals described under RCW
15 47.01.012 (as recodified by this act): (1) Ongoing coordination and
16 development of statewide transportation policies that guide all
17 Washington transportation providers; (2) ongoing development of a
18 statewide multimodal transportation plan that includes both state-owned
19 and state-interest facilities and services; (3) coordinating the state
20 high-capacity transportation planning and regional transportation
21 planning programs; ~~((and))~~ (4) conducting special transportation
22 planning studies that impact state transportation facilities or relate
23 to transportation facilities and services of statewide significance;
24 and (5) assisting the transportation commission in the development of
25 the statewide transportation plan required under RCW 47.01.071(4).
26 Specific requirements for each of these state transportation planning
27 components are described in this chapter.

28 **Sec. 10.** RCW 47.06.050 and 2002 c 5 s 413 are each amended to read
29 as follows:

30 The state-owned facilities component of the statewide multimodal
31 transportation plan shall consist of:

32 (1) The state highway system plan, which identifies program and
33 financing needs and recommends specific and financially realistic
34 improvements to preserve the structural integrity of the state highway
35 system, ensure acceptable operating conditions, and provide for

1 enhanced access to scenic, recreational, and cultural resources. The
2 state highway system plan shall contain the following elements:

3 (a) A system preservation element, which shall establish structural
4 preservation objectives for the state highway system including bridges,
5 identify current and future structural deficiencies based upon analysis
6 of current conditions and projected future deterioration, and recommend
7 program funding levels and specific actions necessary to preserve the
8 structural integrity of the state highway system consistent with
9 adopted objectives. Lowest life cycle cost methodologies must be used
10 in developing a pavement management system. This element shall serve
11 as the basis for the preservation component of the six-year highway
12 program and the two-year biennial budget request to the legislature;

13 (b) A highway maintenance element, establishing service levels for
14 highway maintenance on state-owned highways (~~that meet benchmarks~~
15 ~~established by the transportation commission~~). The highway
16 maintenance element must include an estimate of costs for achieving
17 those service levels over twenty years. This element will serve as the
18 basis for the maintenance component of the six-year highway program and
19 the two-year biennial budget request to the legislature;

20 (c) A capacity and operational improvement element, which shall
21 establish operational objectives, including safety considerations, for
22 moving people and goods on the state highway system, identify current
23 and future capacity, operational, and safety deficiencies, and
24 recommend program funding levels and specific improvements and
25 strategies necessary to achieve the operational objectives. In
26 developing capacity and operational improvement plans the department
27 shall first assess strategies to enhance the operational efficiency of
28 the existing system before recommending system expansion. Strategies
29 to enhance the operational efficiencies include but are not limited to
30 access management, transportation system management, demand management,
31 and high-occupancy vehicle facilities. The capacity and operational
32 improvement element must conform to the state implementation plan for
33 air quality and be consistent with regional transportation plans
34 adopted under chapter 47.80 RCW, and shall serve as the basis for the
35 capacity and operational improvement portions of the six-year highway
36 program and the two-year biennial budget request to the legislature;

37 (d) A scenic and recreational highways element, which shall
38 identify and recommend designation of scenic and recreational highways,

1 provide for enhanced access to scenic, recreational, and cultural
2 resources associated with designated routes, and recommend a variety of
3 management strategies to protect, preserve, and enhance these
4 resources. The department, affected counties, cities, and towns,
5 regional transportation planning organizations, and other state or
6 federal agencies shall jointly develop this element;

7 (e) A paths and trails element, which shall identify the needs of
8 nonmotorized transportation modes on the state transportation systems
9 and provide the basis for the investment of state transportation funds
10 in paths and trails, including funding provided under chapter 47.30
11 RCW.

12 (2) The state ferry system plan, which shall guide capital and
13 operating investments in the state ferry system. The plan shall
14 establish service objectives for state ferry routes, forecast travel
15 demand for the various markets served in the system, develop strategies
16 for ferry system investment that consider regional and statewide
17 vehicle and passenger needs, support local land use plans, and assure
18 that ferry services are fully integrated with other transportation
19 services. The plan must provide for maintenance of capital assets.
20 The plan must also provide for preservation of capital assets based on
21 lowest life cycle cost methodologies. The plan shall assess the role
22 of private ferries operating under the authority of the utilities and
23 transportation commission and shall coordinate ferry system capital and
24 operational plans with these private operations. The ferry system plan
25 must be consistent with the regional transportation plans for areas
26 served by the state ferry system, and shall be developed in conjunction
27 with the ferry advisory committees.

28 **Sec. 11.** RCW 47.06.140 and 1998 c 171 s 7 are each amended to read
29 as follows:

30 The legislature declares the following transportation facilities
31 and services to be of statewide significance: Highways of statewide
32 significance as designated by the legislature under chapter 47.05 RCW,
33 the interstate highway system, interregional state principal arterials
34 including ferry connections that serve statewide travel, intercity
35 passenger rail services, intercity high-speed ground transportation,
36 major passenger intermodal terminals excluding all airport facilities
37 and services, the freight railroad system, the Columbia/Snake navigable

1 river system, marine port facilities and services that are related
2 solely to marine activities affecting international and interstate
3 trade, and high-capacity transportation systems serving regions as
4 defined in RCW 81.104.015. The department, in cooperation with
5 regional transportation planning organizations, counties, cities,
6 transit agencies, public ports, private railroad operators, and private
7 transportation providers, as appropriate, shall plan for improvements
8 to transportation facilities and services of statewide significance in
9 the statewide multimodal transportation plan. Improvements to
10 facilities and services of statewide significance identified in the
11 statewide multimodal transportation plan, or to highways of statewide
12 significance designated by the legislature under chapter 47.05 RCW, are
13 essential state public facilities under RCW 36.70A.200.

14 The department of transportation, in consultation with local
15 governments, shall set level of service standards for state highways
16 and state ferry routes of statewide significance. Although the
17 department shall consult with local governments when setting level of
18 service standards, the department retains authority to make final
19 decisions regarding level of service standards for state highways and
20 state ferry routes of statewide significance. In establishing level of
21 service standards for state highways and state ferry routes of
22 statewide significance, the department shall consider the necessary
23 balance between providing for the free interjurisdictional movement of
24 people and goods and the needs of local communities using these
25 facilities.

26 **Sec. 12.** RCW 35.95A.120 and 2003 c 147 s 14 are each amended to
27 read as follows:

28 (1) Except as provided in subsection (2) of this section, the city
29 transportation authority may be dissolved by a vote of the people
30 residing within the boundaries of the authority if the authority is
31 faced with significant financial problems. However, the authority may
32 covenant with holders of its bonds that it may not be dissolved and
33 shall continue to exist solely for the purpose of continuing to levy
34 and collect any taxes or assessments levied by it and pledged to the
35 repayment of debt and to take other actions, including the appointment
36 of a trustee, as necessary to allow it to repay any remaining debt. No
37 such debt may be incurred by the authority on a project until thirty

1 days after a final environmental impact statement on that project has
2 been issued as required by chapter 43.21C RCW. The amount of the
3 authority's initial bond issue is limited to the amount of the project
4 costs in the subsequent two years as documented by a certified engineer
5 or by submitted bids, plus any reimbursable capital expenses already
6 incurred at the time of the bond issue. The authority may size the
7 first bond issue consistent with the internal revenue service five-year
8 spend down schedule if an independent financial advisor recommends such
9 an approach is financially advisable. Any referendum petition to
10 dissolve the city transportation authority must be filed with the city
11 council and contain provisions for dissolution of the authority.
12 Within seven days, the city prosecutor must review the validity of the
13 petition and submit its report to the petitioner and city council. If
14 the petitioner's claims are deemed valid by the city prosecutor, within
15 ten days of the petitioner's filing, the city council will confer with
16 the petitioner concerning the form and style of the petition, issue an
17 identification number for the petition, and write a ballot title for
18 the measure. The ballot title must be posed as a question and an
19 affirmative vote on the measure results in authority retention and a
20 negative vote on the measure results in the authority's dissolution.
21 The petitioner will be notified of the identification number and ballot
22 title within this ten-day period.

23 After this notification, the petitioner has ninety days in which to
24 secure on petition forms, the signatures of not less than fifteen
25 percent of the registered voters in the authority area and to file the
26 signed petitions with the filing officer. Each petition form must
27 contain the ballot title and the full text of the measure to be
28 referred. The filing officer will verify the sufficiency of the
29 signatures on the petitions. If sufficient valid signatures are
30 properly submitted, the filing officer shall submit the initiative to
31 the authority area voters at a general or special election held on one
32 of the dates provided in RCW (~~(29.13.010)~~) 29A.04.321 as determined by
33 the city council, which election will not take place later than one
34 hundred twenty days after the signed petition has been filed with the
35 filing officer.

36 (2) A city transportation authority is dissolved and terminated if
37 all of the following events occur before or after the effective date of
38 this section:

1 (a) A majority of the qualified electors voting at a regular or
2 special election determine that new public monorail transportation
3 facilities must not be built;

4 (b) The governing body of the authority adopts a resolution and
5 publishes a notice of the proposed dissolution at least once every week
6 for three consecutive weeks in a newspaper of general circulation
7 published in the authority area. The resolution and notice must:

8 (i) Describe information that must be included in a notice of claim
9 against the authority including, but not limited to, any claims for
10 refunds of special motor vehicle excise tax levied under RCW 35.95A.080
11 and collected by or on behalf of the authority;

12 (ii) Provide a mailing address where a notice of claim may be sent;

13 (iii) State the deadline, which must be at least ninety days from
14 the date of the third publication, by which the authority must receive
15 a notice of claim; and

16 (iv) State that a claim will be barred if a notice of claim is not
17 received by the deadline;

18 (c) The authority resolves all claims timely made under (b) of this
19 subsection; and

20 (d) The governing body adopts a resolution (i) finding that the
21 conditions of (a) through (c) of this subsection have been met and (ii)
22 dissolving and terminating the authority.

23 (3) A claim against a city transportation authority is barred if
24 (a) a claimant does not deliver a notice of claim to the authority by
25 the deadline stated in subsection (2)(b)(iii) of this section or (b) a
26 claimant whose claim was rejected by the authority does not commence a
27 proceeding to enforce the claim within sixty days from receipt of the
28 rejection notice. For purposes of this subsection, "claim" includes,
29 but is not limited to, any right to payment, whether liquidated,
30 unliquidated, fixed, contingent, matured, unmatured, disputed,
31 undisputed, legal, equitable, secured, or unsecured, or the right to an
32 equitable remedy for breach of performance if the breach gives rise to
33 a right to payment, whether or not the right to an equitable remedy is
34 fixed, contingent, matured, unmatured, disputed, undisputed, secured,
35 or unsecured, including, but not limited to, any claim for a refund of
36 special motor vehicle excise tax levied under RCW 35.95A.080 and
37 collected by or on behalf of the authority.

1 (4) The governing body of the authority may transfer any net assets
2 to one or more other political subdivisions with instructions as to
3 their use or disposition. The governing body shall authorize this
4 transfer in the resolution that dissolves and terminates the authority
5 under subsection (2)(d) of this section.

6 (5) Upon the dissolution and termination of the authority, the
7 former officers, directors, employees, and agents of the authority
8 shall be immune from personal liability in connection with any claims
9 brought against them arising from or relating to their service to the
10 authority, and any claim brought against any of them is barred.

11 (6) Upon satisfaction of the conditions set forth in subsection
12 (2)(a) and (b) of this section, the terms of all members of the
13 governing body of the city transportation authority, whether elected or
14 appointed, who are serving as of the date of the adoption of the
15 resolution described in subsection (2)(b) of this section, shall be
16 extended, and incumbent governing body members shall remain in office
17 until dissolution of the authority, notwithstanding any provision of
18 any law to the contrary.

19 NEW SECTION. Sec. 13. The following acts or parts of acts are
20 each repealed:

21 (1) RCW 47.01.370 (Review of performance and outcome measures of
22 transportation-related agencies--Definition) and 2006 c 334 s 44;

23 (2) RCW 47.05.051 (Ten-year comprehensive investment program--
24 Priority selection criteria--Improvement program criteria) and 2006 c
25 334 s 47, 2005 c 319 s 11, 2002 c 189 s 3, 2002 c 5 s 406, 1998 c 175
26 s 12, 1993 c 490 s 5, 1987 c 179 s 5, 1979 ex.s. c 122 s 5, & 1975 1st
27 ex.s. c 143 s 4; and

28 (3) RCW 47.06.030 (Transportation policy plan) and 1997 c 369 s 8
29 and 1993 c 446 s 3.

30 NEW SECTION. Sec. 14. RCW 47.01.012 is recodified as a section in
31 chapter 47.04 RCW.

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