
SUBSTITUTE HOUSE BILL 2072

State of Washington 61st Legislature 2009 Regular Session

By House Transportation (originally sponsored by Representatives Wallace, Clibborn, and Wood)

READ FIRST TIME 03/03/09.

1 AN ACT Relating to advancing effective transportation for persons
2 with special transportation needs; amending RCW 47.06B.010, 47.06B.020,
3 47.06B.030, 47.06B.050, 36.73.020, 47.80.023, 47.06B.900, and
4 47.06B.901; adding new sections to chapter 47.06B RCW; adding a new
5 section to chapter 28A.300 RCW; adding a new section to chapter 35.58
6 RCW; adding a new section to chapter 47.01 RCW; creating a new section;
7 and providing an effective date.

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

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.06B RCW
10 to read as follows:

11 (1) In 2007, the legislature directed the joint transportation
12 committee to conduct a study of special needs transportation to examine
13 and evaluate the effectiveness of special needs transportation in the
14 state. A particular goal of the study was to explore opportunities to
15 enhance coordination of special needs transportation programs to ensure
16 that they are delivered efficiently and result in improved access and
17 increased mobility options for their clients. It is the intent of the
18 legislature to further consider some of the recommendations, and to

1 implement many of these recommendations in the form of two pilot
2 projects that will test the potential for applying these
3 recommendations statewide in the future.

4 (2) The legislature is aware that the department of social and
5 health services submitted an application in December of 2008 to the
6 federal centers for medicare and medicaid services, seeking approval to
7 use the medical match system, a federal funding system that has
8 different requirements from the federal administrative match system
9 currently used by the department. It is the intent of the legislature
10 to advance the goals of this act and the recommendations of the study
11 identified in subsection (1) of this section without jeopardizing the
12 application made by the department.

13 (3) By August 15, 2009, the agency council on coordinated
14 transportation shall appoint a work group for the purpose of
15 identifying relevant federal requirements related to special needs
16 transportation, and identifying solutions to streamline the
17 requirements and increase efficiencies in transportation services
18 provided for persons with special transportation needs. To advance its
19 purpose, the work group shall work with relevant federal
20 representatives and agencies to identify and address various challenges
21 and barriers.

22 (4) Membership of the work group must include, but not be limited
23 to, one or more representatives from:

24 (a) The departments of transportation, veterans affairs, health,
25 and social and health services;

26 (b) Medicaid nonemergency medical transportation brokers;

27 (c) Public transit agencies;

28 (d) Regional and metropolitan transportation planning
29 organizations, including a representative of the regional
30 transportation planning organization or organizations that provide
31 staff support to the local coordinating coalition established under
32 section 9 of this act;

33 (e) The agency council on coordinated transportation;

34 (f) The local coordinating coalitions established under section 9
35 of this act; and

36 (g) The office of the superintendent of public instruction.

37 (5) The work group shall elect one or more of its members to
38 service as chair or cochairs.

1 (6) The work group shall immediately contact representatives of the
2 federal congressional delegation for Washington state and the relevant
3 federal agencies and coordinating authorities including, but not
4 limited to, the federal transit administration, the United States
5 department of health and human services, and the interagency
6 transportation coordinating council on access and mobility, and invite
7 the federal representatives to work collaboratively to:

8 (a) Identify transportation definitions and terminology used in the
9 various relevant state and federal programs, and establish consistent
10 transportation definitions and terminology. For purposes of this
11 subsection, relevant state definitions exclude terminology that
12 requires a medical determination, including whether a trip or service
13 is medically necessary;

14 (b) Identify restrictions or barriers that preclude federal, state,
15 and local agencies from sharing client lists or other client
16 information, and make progress towards removing any restrictions or
17 barriers;

18 (c) Identify relevant state and federal performance and cost
19 reporting systems and requirements, and work towards establishing
20 consistent and uniform performance and cost reporting systems and
21 requirements; and

22 (d) Explore, subject to federal approval, opportunities to test
23 cost allocation models, including the pilot projects established in
24 section 11 of this act, that:

25 (i) Allow for cost sharing among public paratransit and medicaid
26 nonemergency medical trips; and

27 (ii) Capture the value of medicaid trips provided by public transit
28 agencies for which they are not currently reimbursed with a funding
29 match by federal medicaid dollars.

30 (7) By December 1, 2009, the work group shall submit a report to
31 the joint transportation committee that explains the progress made
32 towards the goals of this section and identifies any necessary
33 legislative action that must be taken to implement all the provisions
34 of this section. A second progress report must be submitted to the
35 joint transportation committee by June 1, 2010, and a final report must
36 be submitted to the joint transportation committee by December 1, 2010.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.06B RCW
2 to read as follows:

3 (1) By August 15, 2009, the agency council on coordinated
4 transportation shall appoint a work group to consider certain
5 recommendations resulting from the study identified in section 1(1) of
6 this act. In conducting its analysis, the work group must consult with
7 the appropriate federal agencies, including the federal transit
8 administration, the United States department of health and human
9 services, and the interagency transportation coordinating council on
10 access and mobility.

11 (2) The work group must be chaired by a representative of the
12 agency council on coordinated transportation, and members must include
13 one or more representatives of:

14 (a) Regional and metropolitan planning organizations;

15 (b) Transit agencies;

16 (c) Brokerages providing nonemergency medical transportation
17 services; and

18 (d) The department of social and health services.

19 (3) The work group may consider any recommendation resulting from
20 the study identified in section 1(1) of this act, and shall
21 specifically consider the study's recommendations regarding the
22 procurement and designation of community access managers, including:

23 (a) The most appropriate agency to make those designations;

24 (b) The preferred geographic regions in which to establish
25 community access managers;

26 (c) The duties and responsibilities of community access managers;
27 and

28 (d) Any study recommendations that may interfere with the
29 department's application as described in section 1(2) of this act, and
30 potential solutions to those issues.

31 (4) By December 1, 2009, the agency council on coordinated
32 transportation shall submit a report to the joint transportation
33 committee describing the work group's findings and recommendations for
34 implementing the study recommendations. If the work group finds that
35 additional time is needed to complete its analysis, a second progress
36 report must be submitted to the joint transportation committee by June
37 1, 2010.

1 **Sec. 3.** RCW 47.06B.010 and 2007 c 421 s 1 are each amended to read
2 as follows:

3 The legislature finds that transportation systems for persons with
4 special needs are not operated as efficiently as possible. In too many
5 cases, programs established by the legislature to assist persons with
6 special needs can not be accessed due to these inefficiencies and
7 coordination barriers.

8 The legislature further finds that the transportation needs of each
9 community are unique, and that transportation services may be improved
10 by establishing a system of statewide oversight that seeks input,
11 collaboration, and cooperation from and among all local service
12 providers, including public agencies, private organizations, and
13 community-based groups.

14 It is the intent of the legislature that public transportation
15 agencies, pupil transportation programs, private nonprofit
16 transportation providers, and other public agencies sponsoring programs
17 that require transportation services coordinate those transportation
18 services. Through coordination of transportation services, programs
19 will achieve increased efficiencies and will be able to provide more
20 rides to a greater number of persons with special needs.

21 **Sec. 4.** RCW 47.06B.020 and 2007 c 421 s 2 are each amended to read
22 as follows:

23 (1) The agency council on coordinated transportation is created.
24 The purpose of the council is to advance and improve accessibility to
25 and coordination of special needs transportation services statewide.
26 The council is composed of (~~ten~~) fourteen voting members and four
27 nonvoting, legislative members.

28 (2) The (~~ten~~) fourteen voting members are the superintendent of
29 public instruction or a designee, the secretary of transportation or a
30 designee, the secretary of the department of social and health services
31 or a designee, and (~~seven~~) eleven members appointed by the governor
32 as follows:

33 (a) One representative from the office of the governor;

34 (b) Three persons who are consumers of special needs transportation
35 services, which must include:

36 (i) One person designated by the executive director of the
37 governor's committee on disability issues and employment; and

1 (ii) One person who is designated by the executive director of the
2 developmental disabilities council;

3 (c) One representative from the Washington association of pupil
4 transportation;

5 (d) One representative from the Washington state transit
6 association; ~~((and))~~

7 (e) One of the following:

8 (i) A representative from the community transportation association
9 of the Northwest; or

10 (ii) A representative from the community action council
11 association;

12 (f) One person who represents regional transportation planning
13 organizations and metropolitan planning organizations;

14 (g) One representative of brokers who provide nonemergency,
15 medically necessary trips to persons with special transportation needs
16 under the medicaid program administered by the department of social and
17 health services;

18 (h) One representative from the Washington state department of
19 veterans affairs; and

20 (i) One representative of the state association of counties.

21 (3) The four nonvoting members are legislators as follows:

22 (a) Two members from the house of representatives, one from each of
23 the two largest caucuses, appointed by the speaker of the house of
24 representatives, including at least one member from the house
25 transportation policy and budget committee or the house appropriations
26 committee; and

27 (b) Two members from the senate, one from each of the two largest
28 caucuses, appointed by the president of the senate, including at least
29 one member from the senate transportation committee or the senate ways
30 and means committee.

31 (4) Gubernatorial appointees of the council will serve two-year
32 terms. Members may not receive compensation for their service on the
33 council, but will be reimbursed for actual and necessary expenses
34 incurred in performing their duties as members as set forth in RCW
35 43.03.220.

36 ~~((The secretary of transportation or a designee shall serve as~~
37 ~~the chair.~~

1 ~~(6)~~) The council shall vote on an annual basis to elect one of its
2 voting members to serve as chair. The position of chair must rotate
3 among the represented agencies, associations, and interest groups at
4 least every two years. If the position of chair is vacated for any
5 reason, the secretary of transportation or the secretary's designee
6 shall serve as acting chair until the next regular meeting of the
7 council, at which time the members will elect a chair.

8 (6) The council shall periodically assess its membership to ensure
9 that there exists a balanced representation of persons with special
10 transportation needs and providers of special transportation needs
11 services. Recommendations for modifying the membership of the council
12 must be included in the council's biennial report to the legislature as
13 provided in RCW 47.06B.050.

14 (7) The department of transportation shall provide necessary staff
15 support for the council.

16 ~~((7))~~ (8) The council may receive gifts, grants, or endowments
17 from public or private sources that are made from time to time, in
18 trust or otherwise, for the use and benefit of the purposes of the
19 council and spend gifts, grants, or endowments or income from the
20 public or private sources according to their terms, unless the receipt
21 of the gifts, grants, or endowments violates RCW 42.17.710.

22 ~~((8))~~ (9) The meetings of the council must be open to the public,
23 with the agenda published in advance, and minutes kept and made
24 available to the public. The public notice of the meetings must
25 indicate that accommodations for persons with disabilities will be made
26 available upon request.

27 ~~((9))~~ (10) All meetings of the council must be held in locations
28 that are readily accessible to public transportation, and must be
29 scheduled for times when public transportation is available.

30 ~~((10))~~ (11) The council shall make an effort to include
31 presentations by and work sessions including persons with special
32 transportation needs.

33 **Sec. 5.** RCW 47.06B.030 and 2007 c 421 s 3 are each amended to read
34 as follows:

35 ~~((1))~~ To assure implementation of an effective system of
36 coordinated transportation that meets the needs of persons with special

1 transportation needs, the agency council on coordinated transportation
2 shall:

3 (1) Consistent with the policy goals set forth in RCW 47.04.280,
4 propose statewide policies and objectives, subject to enactment by the
5 legislature, that are designed to advance the coordination of and to
6 increase efficiencies in special needs transportation services;

7 (2) Adopt a biennial work plan that must, at a minimum:

8 (a) Focus on projects that identify and address barriers in laws,
9 policies, and procedures;

10 (b) Focus on results; and

11 (c) Identify and advocate for transportation system improvements
12 for persons with special transportation needs(~~(-~~

13 ~~(2) The council shall,~~);

14 (3) Collaborate with and monitor the efforts of the local
15 coordinating coalitions established under section 9 of this act;

16 (4) Establish uniform measurable outcome-based performance
17 objectives and measures for evaluating:

18 (a) The effectiveness of any grant programs administered by the
19 council;

20 (b) The council's progress made toward accomplishing its overall
21 objectives; and

22 (c) In collaboration with local coordinating coalitions established
23 under section 9 of this act, the progress made in each region toward
24 advancing coordination of and accessibility to special needs
25 transportation services;

26 (5) Periodically provide input and recommendations to local and
27 regional planning organizations for advancing special needs coordinated
28 transportation;

29 (6) Appoint members to local coordinating coalitions, as provided
30 in section 9 of this act;

31 (7) Beginning with the 2009-2011 biennial transportation budget,
32 and at the request of the department, review and assess applications
33 made for state paratransit/special needs grants, as provided in section
34 223(1), chapter 121, Laws of 2008, or other special needs
35 transportation grants administered by the department;

36 (8) As necessary, convene work groups at the state, regional, or
37 local level to develop and implement coordinated approaches to special
38 needs transportation(~~(-~~

1 ~~(3))~~);

2 (9) To improve the service experienced by persons with special
3 transportation needs, ~~((the council shall))~~ develop statewide
4 guidelines for customer complaint processes so that information about
5 policies regarding the complaint processes is available consistently
6 and consumers are appropriately educated about available options. To
7 be eligible for funding on or after January 1, 2008, organizations
8 applying for state paratransit/special needs grants as described in
9 section 226(1), chapter 370, Laws of 2006 must implement a process
10 following the guidelines established by the council(~~(-~~

11 ~~(4) The council shall~~); and

12 (10) Represent the needs and interests of persons with special
13 transportation needs in statewide efforts for emergency and disaster
14 preparedness planning by advising the emergency management council on
15 how to address transportation needs for high-risk individuals during
16 and after disasters.

17 NEW SECTION. Sec. 6. A new section is added to chapter 47.06B RCW
18 to read as follows:

19 (1) The legislature acknowledges that successful models of
20 coordination among state, regional, and local service providers
21 recognize that cost accounting and cost allocation are integral
22 components in meeting the statutory obligations of the various funding
23 sources that may be used to support the purchase of services from
24 special needs transportation service providers. To that end, the
25 agency council on coordinated transportation must work collaboratively
26 with any appropriate agencies and transportation providers and
27 organizations to:

28 (a) Develop and adopt common units of service definitions
29 including, but not limited to, definitions for vehicle miles, vehicle
30 hours, and passenger trips, consistent with any relevant definitions
31 established under section 1 of this act. For purposes of this
32 subsection, "common units of service" excludes elements involving
33 medical determinations, including whether a trip type or transportation
34 service is medically necessary; and

35 (b) Develop uniform performance and cost reporting systems,
36 consistent with performance and cost reporting systems established
37 under section 1 of this act.

1 (2) By December 1, 2009, the agency council on coordinated
2 transportation shall submit a report to the joint transportation
3 committee that, at a minimum, describes the progress made towards the
4 goals of this section. If necessary, a second progress report must be
5 submitted to the joint transportation committee by June 1, 2010, and a
6 final report must be submitted to the joint transportation committee by
7 December 1, 2010.

8 NEW SECTION. **Sec. 7.** A new section is added to chapter 47.06B RCW
9 to read as follows:

10 (1) In cooperation with the department of social and health
11 services and the Washington state patrol, the agency council on
12 coordinated transportation shall make progress toward the goal of
13 establishing a single clearinghouse for driver background checks within
14 the department of social and health services or another appropriate
15 agency. To that end, the council shall, at a minimum:

- 16 (a) Review any previous relevant studies;
17 (b) Identify and collaborate with agencies engaged in background
18 check analysis; and
19 (c) Develop a work plan to achieve the objectives identified in
20 this subsection.

21 (2) By December 1, 2009, the agency council on coordinated
22 transportation shall submit a report to the joint transportation
23 committee that, at a minimum, describes the progress made towards the
24 goals of this section. If necessary, a second progress report must be
25 submitted to the joint transportation committee by June 1, 2010, and a
26 final report must be submitted to the joint transportation committee by
27 December 1, 2010.

28 **Sec. 8.** RCW 47.06B.050 and 2007 c 421 s 6 are each amended to read
29 as follows:

30 The agency council on coordinated transportation shall submit a
31 progress report (~~((on council activities))~~) to the legislature by
32 December 1, 2009, and every other year thereafter. The report must
33 describe the council's progress in achieving its objectives and in
34 attaining the applicable goals identified in the council's biennial
35 work plan and highlight any problems encountered in achieving these

1 goals. The report must also include the required performance measure
2 evaluations established in RCW 47.06B.030(4). The information will be
3 reported in a form established by the council.

4 NEW SECTION. Sec. 9. A new section is added to chapter 47.06B RCW
5 to read as follows:

6 (1) A local coordinating coalition is created in each nonemergency
7 medical transportation brokerage region, as designated by the
8 department of social and health services, that encompasses:

9 (a) A single county that has a population of more than seven
10 hundred fifty thousand but less than one million; and

11 (b) Five counties, and is comprised of at least one county that has
12 a population of more than four hundred thousand.

13 (2) The purpose of a local coordinating coalition is to advance
14 local efforts to coordinate and maximize efficiencies in special needs
15 transportation programs and services, contributing to the overall
16 objectives and goals of the agency council on coordinated
17 transportation. The local coordinating coalition shall serve in an
18 advisory capacity to the agency council on coordinated transportation
19 by providing the council with a focused and ongoing assessment of the
20 special transportation needs and services provided within its region.

21 (3) The composition and size of each local coordinating coalition
22 may vary by region. Local coordinating coalition members, appointed by
23 the chair of the agency council on coordinated transportation to two-
24 year terms, must reflect a balanced representation of the region's
25 providers of special needs transportation services and must include:

26 (a) Members of existing local coordinating coalitions, with
27 approval by those members;

28 (b) One or more representatives of the public transit agency or
29 agencies serving the region;

30 (c) One or more representatives of private service providers;

31 (d) A representative of civic or community-based service providers;

32 (e) A consumer of special needs transportation services;

33 (f) A representative of nonemergency medical transportation
34 medicaid brokers;

35 (g) A representative of social and human service programs;

36 (h) A representative of local high school districts; and

1 (i) A representative from the Washington state department of
2 veterans affairs.

3 (4) Each coalition shall vote on an annual basis to elect one of
4 its members to serve as chair. The position of chair must rotate among
5 the represented members at least every two years. If the position of
6 chair is vacated for any reason, the member representing the regional
7 transportation planning organization described in subsection (6) of
8 this section shall serve as acting chair until the next regular meeting
9 of the coalition, at which time the members will elect a chair.

10 (5) Regular meetings of the local coordinating coalition may be
11 convened at the call of the chair or by a majority of the members.
12 Meetings must be open to the public, and held in locations that are
13 readily accessible to public transportation.

14 (6) The regional transportation planning organization, as described
15 in chapter 47.80 RCW, serving the region in which the local
16 coordinating coalition is created shall provide necessary staff support
17 for the local coordinating coalition. In regions served by more than
18 one regional transportation planning organization, unless otherwise
19 agreed to by the relevant planning organizations, the regional
20 transportation planning organization serving the largest population
21 within the region shall provide the necessary staff support.

22 NEW SECTION. **Sec. 10.** A new section is added to chapter 47.06B
23 RCW to read as follows:

24 Local coordinating coalitions established under section 9 of this
25 act shall:

26 (1) Identify, to the greatest extent possible, all local
27 transportation facilities, services, and providers serving persons with
28 special transportation needs in the region, including public transit
29 agencies, private companies, nonprofit organizations, and community-
30 based groups. For each service provider, the coalition shall identify
31 the boundaries within which services are provided;

32 (2) Identify local service needs, including connectivity gaps and
33 other barriers to reliable and efficient transportation within and
34 across service boundaries;

35 (3) Consider strategies to address the local service needs and gaps
36 identified in subsection (2) of this section;

1 (4) In consultation with the agency council on coordinated
2 transportation, collaborate with local service providers and operators
3 to identify and propose common connectivity standards. The
4 connectivity standards must, at a minimum, address signage, transit
5 information, schedule coordination, and services provided to address
6 access to and from a transit stop or facility; and

7 (5) Beginning December 1, 2009, submit an annual report to the
8 agency council on coordinated transportation that must, at a minimum,
9 describe local efforts to coordinate and maximize efficiencies in
10 special needs transportation programs and services, and progress made
11 in addressing the duties described in this section.

12 NEW SECTION. **Sec. 11.** A new section is added to chapter 47.06B
13 RCW to read as follows:

14 (1) In addition to the duties identified in sections 9 and 10 of
15 this act, each local coordinating coalition shall develop or implement
16 a pilot project within the coalition's region, as described under
17 section 9(1) of this act, for the purpose of demonstrating cost sharing
18 and cost saving opportunities as described in subsection (2) of this
19 section, and shall keep the agency council on coordinated
20 transportation informed of progress made toward implementing the pilot
21 project. In developing or implementing the pilot project, the local
22 coordinating coalition shall collaborate with the appropriate federal
23 agencies, including the federal transit authority and United States
24 department of health and human services, and may collaborate with other
25 agencies and organizations as deemed appropriate.

26 (2) The pilot project must be designed to:

27 (a) Demonstrate opportunities for cost sharing among public
28 paratransit and medicaid nonemergency medical trips; and

29 (b) Test the feasibility of capturing the value of medicaid trips
30 provided by public transit agencies for which they are not currently
31 reimbursed with a funding match by federal medicaid dollars.

32 (3) By December 1, 2009, and by June 1, 2010, each local
33 coordinating coalition shall submit a status report to the joint
34 transportation committee and agency council on coordinated
35 transportation describing progress made in implementing the pilot
36 project. By December 1, 2010, each local coordinating coalition shall

1 issue a final report to the joint transportation committee and the
2 agency council on coordinated transportation describing progress made
3 in implementing the pilot project.

4 NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.300
5 RCW to read as follows:

6 By December 31, 2010, the office of the superintendent of public
7 instruction shall establish a uniform process designed to track the
8 additional expenditures for transporting homeless students, including
9 expenditures required under the McKinney Vento act, reauthorized as
10 Title X, Part C, of the no child left behind act, P.L. 107-110, in
11 January 2002. Once established, the superintendent shall adopt the
12 necessary administrative rules to direct each school district to adopt
13 and use the uniform process and track these expenditures. The
14 superintendent shall provide information annually to the agency council
15 on coordinated transportation, created in chapter 47.06B RCW, on total
16 expenditures related to the transportation of homeless students.

17 NEW SECTION. **Sec. 13.** A new section is added to chapter 35.58 RCW
18 to read as follows:

19 A municipality, as defined in RCW 35.58.272, and each regional
20 transit authority shall work collaboratively with the appropriate local
21 coordinating coalition or coalitions as described under section 9 of
22 this act to advance the coordination of and maximize efficiencies in
23 transportation services provided to persons with special transportation
24 needs as defined in RCW 47.06B.012.

25 **Sec. 14.** RCW 36.73.020 and 2006 c 311 s 25 are each amended to
26 read as follows:

27 (1) The legislative authority of a county or city may establish a
28 transportation benefit district within the county or city area or
29 within the area specified in subsection (2) of this section, for the
30 purpose of acquiring, constructing, improving, providing, and funding
31 a transportation improvement within the district that is consistent
32 with any existing state, regional, and local transportation plans and
33 necessitated by existing or reasonably foreseeable congestion levels.
34 The transportation improvements shall be owned by the county of
35 jurisdiction if located in an unincorporated area, by the city of

1 jurisdiction if located in an incorporated area, or by the state in
2 cases where the transportation improvement is or becomes a state
3 highway. However, if deemed appropriate by the governing body of the
4 transportation benefit district, a transportation improvement may be
5 owned by a participating port district or transit district, unless
6 otherwise prohibited by law. Transportation improvements shall be
7 administered and maintained as other public streets, roads, highways,
8 and transportation improvements. To the extent practicable, the
9 district shall consider the following criteria when selecting
10 transportation improvements:

- 11 (a) Reduced risk of transportation facility failure and improved
12 safety;
- 13 (b) Improved travel time;
- 14 (c) Improved air quality;
- 15 (d) Increases in daily and peak period trip capacity;
- 16 (e) Improved modal connectivity;
- 17 (f) Improved freight mobility;
- 18 (g) Cost-effectiveness of the investment;
- 19 (h) Optimal performance of the system through time; (~~and~~)
- 20 (i) Improved accessibility for, or other benefits to, persons with
21 special transportation needs as defined in RCW 47.06B.012; and
22 (j) Other criteria, as adopted by the governing body.

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

31 (3) The members of the legislative authority proposing to establish
32 the district, acting ex officio and independently, shall constitute the
33 governing body of the district: PROVIDED, That where a district
34 includes area within more than one jurisdiction under subsection (2) of
35 this section, the district shall be governed under an interlocal
36 agreement adopted pursuant to chapter 39.34 RCW. However, the
37 governing body shall be composed of at least five members including at

1 least one elected official from the legislative authority of each
2 participating jurisdiction.

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

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

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

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

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

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

18 **Sec. 15.** RCW 47.80.023 and 2007 c 421 s 5 are each amended to read
19 as follows:

20 Each regional transportation planning organization shall have the
21 following duties:

22 (1) Prepare and periodically update a transportation strategy for
23 the region. The strategy shall address alternative transportation
24 modes and transportation demand management measures in regional
25 corridors and shall recommend preferred transportation policies to
26 implement adopted growth strategies. The strategy shall serve as a
27 guide in preparation of the regional transportation plan.

28 (2) Prepare a regional transportation plan as set forth in RCW
29 47.80.030 that is consistent with county-wide planning policies if such
30 have been adopted pursuant to chapter 36.70A RCW, with county, city,
31 and town comprehensive plans, and state transportation plans.

32 (3) Certify by December 31, 1996, that the transportation elements
33 of comprehensive plans adopted by counties, cities, and towns within
34 the region reflect the guidelines and principles developed pursuant to
35 RCW 47.80.026, are consistent with the adopted regional transportation
36 plan, and, where appropriate, conform with the requirements of RCW
37 36.70A.070.

1 (4) Where appropriate, certify that county-wide planning policies
2 adopted under RCW 36.70A.210 and the adopted regional transportation
3 plan are consistent.

4 (5) Develop, in cooperation with the department of transportation,
5 operators of public transportation services and local governments
6 within the region, a six-year regional transportation improvement
7 program which proposes regionally significant transportation projects
8 and programs and transportation demand management measures. The
9 regional transportation improvement program shall be based on the
10 programs, projects, and transportation demand management measures of
11 regional significance as identified by transit agencies, cities, and
12 counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121,
13 respectively, and any recommended programs or projects identified by
14 the agency council on coordinated transportation, as provided in
15 chapter 47.06B RCW, that advance special needs coordinated
16 transportation as defined in RCW 47.06B.012. The program shall include
17 a priority list of projects and programs, project segments and
18 programs, transportation demand management measures, and a specific
19 financial plan that demonstrates how the transportation improvement
20 program can be funded. The program shall be updated at least every two
21 years for the ensuing six-year period.

22 (6) Include specific opportunities and projects to advance special
23 needs coordinated transportation, as defined in RCW 47.06B.012, in the
24 coordinated transit-human services transportation plan, after providing
25 opportunity for public comment.

26 (7) Designate a lead planning agency to coordinate preparation of
27 the regional transportation plan and carry out the other
28 responsibilities of the organization. The lead planning agency may be
29 a regional organization, a component county, city, or town agency, or
30 the appropriate Washington state department of transportation district
31 office.

32 ((+7)) (8) Review level of service methodologies used by cities
33 and counties planning under chapter 36.70A RCW to promote a consistent
34 regional evaluation of transportation facilities and corridors.

35 ((+8)) (9) Work with cities, counties, transit agencies, the
36 department of transportation, and others to develop level of service
37 standards or alternative transportation performance measures.

1 (~~(9)~~) (10) Submit to the agency council on coordinated
2 transportation, as provided in chapter 47.06B RCW, beginning on July 1,
3 2007, and every four years thereafter, an updated plan that includes
4 the elements identified by the council. Each regional transportation
5 planning organization must submit to the council every two years a
6 prioritized regional human service and transportation project list.

7 **NEW SECTION.** **Sec. 16.** A new section is added to chapter 47.01 RCW
8 to read as follows:

9 (1) To be eligible for funding on or after January 1, 2010, any
10 organization applying for state paratransit/special needs grants, as
11 described in section 223(1), chapter 121, Laws of 2008, or for other
12 funding provided for persons with special transportation needs, as
13 defined in RCW 47.06B.012, must include in its application, in addition
14 to meeting other eligibility requirements provided in law, an
15 explanation of how the requested funding will advance efficiencies in,
16 accessibility to, or coordination of transportation services provided
17 to persons with special transportation needs as defined in RCW
18 47.06B.012.

19 (2) Unless otherwise required by law, in administering federal
20 funding provided for special needs transportation purposes, including
21 funding under SAFETEA-LU, the safe, accountable, flexible, efficient
22 transportation equity act, P.L. 109-59, or its successor, the
23 department shall give priority to projects that result in increased
24 efficiencies in special needs transportation or improved coordination
25 among special needs transportation service providers.

26 (3) In making final grant award determinations under subsection (1)
27 of this section, the department shall seek input from the agency
28 council on coordinated transportation, as provided in chapter 47.06B
29 RCW, and shall give substantial deference to applications recommended
30 by the council.

31 **Sec. 17.** RCW 47.06B.900 and 2007 c 421 s 8 are each amended to
32 read as follows:

33 The agency council on coordinated transportation is terminated on
34 June 30, (~~(2010)~~) 2011, as provided in RCW 47.06B.901.

1 **Sec. 18.** RCW 47.06B.901 and 2007 c 421 s 9 are each amended to
2 read as follows:

3 The following acts or parts of acts, as now existing or hereafter
4 amended, are each repealed, effective June 30, (~~2011~~) 2012:

5 (1) RCW 47.06B.010 and 2009 c . . . s 3 (section 3 of this act),
6 2007 c 421 § 1, 1999 c 385 § 1, & 1998 c 173 § 1;

7 (2) RCW 47.06B.012 and 1999 c 385 § 2;

8 (3) RCW 47.06B.020 and 2009 c . . . s 4 (section 4 of this act),
9 2007 c 421 § 2, & 1998 c 173 § 2;

10 (4) RCW 47.06B.030 and 2009 c . . . s 5 (section 5 of this act),
11 2007 c 421 § 3, 1999 c 385 § 5, & 1998 c 173 § 3;

12 (5) RCW 47.06B.040 and 2007 c 421 § 4 & 1999 c 385 § 6; (~~and~~)

13 (6) RCW 47.06B.050 and 2009 c . . . s 8 (section 8 of this act) &
14 2007 c 421 § 6;

15 (7) Section 1 of this act;

16 (8) Section 2 of this act;

17 (9) Section 6 of this act;

18 (10) Section 7 of this act;

19 (11) Section 9 of this act;

20 (12) Section 10 of this act; and

21 (13) Section 11 of this act.

22 NEW SECTION. **Sec. 19.** If specific funding for the purposes of
23 this act, referencing this act by bill or chapter number, is not
24 provided by June 30, 2009, in the omnibus transportation appropriations
25 act, this act is null and void.

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