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SENATE BILL 6709

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State of Washington

54th Legislature

1996 Regular Session

By Senator Prentice

Read first time 01/25/96. Referred to Committee on Transportation.

1 AN ACT Relating to powers of regional transportation authorities;  
2 and amending RCW 81.104.015, 81.104.020, 81.104.140, 81.104.170,  
3 81.112.050, 81.112.070, and 81.112.080.

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

5 **Sec. 1.** RCW 81.104.015 and 1992 c 101 s 19 are each amended to  
6 read as follows:

7 Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9 (1) "High\_capacity transportation system" means a system of public  
10 transportation services within an urbanized region operating  
11 principally on freeways and exclusive rights of way, and the supporting  
12 services and facilities necessary to implement such a system, including  
13 interim express services and high\_occupancy vehicle lanes, which taken  
14 as a whole, provides a substantially higher level of passenger  
15 capacity, speed, and service frequency than traditional public  
16 transportation systems operating principally in general purpose  
17 roadways.

18 (2) "Regional transit system" means a high\_capacity transportation  
19 system under the jurisdiction of one or more transit agencies except

1 where a regional transit authority created under chapter 81.112 RCW  
2 exists, in which case "regional transit system" means the high\_capacity  
3 transportation system under the jurisdiction of a regional transit  
4 authority.

5 (3) "Transit agency" means city-owned transit systems, county  
6 transportation authorities, metropolitan municipal corporations, and  
7 public transportation benefit areas.

8 **Sec. 2.** RCW 81.104.020 and 1991 c 318 s 2 are each amended to read  
9 as follows:

10 The department of transportation's current policy role in transit  
11 is expanded to include other high\_capacity transportation development  
12 as part of a multimodal transportation system.

13 (1) The department of transportation shall implement a program for  
14 high\_capacity transportation coordination, planning, and technical  
15 studies with appropriations from the high\_capacity transportation  
16 account.

17 (2) The department shall assist local jurisdictions and regional  
18 transportation planning organizations with high\_capacity transportation  
19 planning efforts.

20 (3) The department and a regional transit authority may contract  
21 with each other on such terms as may best serve the public interest to  
22 implement and to provide assistance, property rights, loans, grants,  
23 and advances for planning, design, construction, or operation of such  
24 high-capacity transportation facilities, high-occupancy vehicle systems  
25 as defined in RCW 81.100.020, and state highway facilities as may  
26 mutually benefit the respective operations of the department and the  
27 authority in enhancing mobility for people and goods.

28 **Sec. 3.** RCW 81.104.140 and 1992 c 101 s 25 are each amended to  
29 read as follows:

30 (1) Agencies authorized to provide high\_capacity transportation  
31 service, including transit agencies and regional transit authorities,  
32 are hereby granted dedicated funding sources for such systems. These  
33 dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160,  
34 and 81.104.170, are authorized only for agencies located in (a) each  
35 county with a population of two hundred ten thousand or more and (b)  
36 each county with a population of from one hundred twenty-five thousand  
37 to less than two hundred ten thousand except for those counties that do

1 not border a county with a population as described under (a) of this  
2 subsection. In any county with a population of one million or more or  
3 in any county having a population of four hundred thousand or more  
4 bordering a county with a population of one million or more, these  
5 funding sources may be imposed only by a regional transit authority.

6 (2) Agencies planning to construct and operate a high-capacity  
7 transportation system should also seek other funds, including federal,  
8 state, local, and private sector assistance.

9 (3) Funding sources should satisfy each of the following criteria  
10 to the greatest extent possible:

- 11 (a) Acceptability;
- 12 (b) Ease of administration;
- 13 (c) Equity;
- 14 (d) Implementation feasibility;
- 15 (e) Revenue reliability; and
- 16 (f) Revenue yield.

17 (4) Agencies participating in regional high-capacity transportation  
18 system development are authorized to levy and collect the following  
19 voter-approved local option funding sources:

- 20 (a) Employer tax as provided in RCW 81.104.150;
- 21 (b) Special motor vehicle excise tax as provided in RCW 81.104.160;
- 22 and
- 23 (c) Sales and use tax as provided in RCW 81.104.170.

24 Revenues from these taxes may be used only to support those  
25 purposes prescribed in subsection (10) of this section. Before the  
26 date of an election authorizing an agency to impose any of the taxes  
27 enumerated in this section and authorized in RCW 81.104.150,  
28 81.104.160, and 81.104.170, the agency must comply with the process  
29 prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No  
30 construction on exclusive right of way may occur before the  
31 requirements of RCW 81.104.100(3) are met.

32 (5) Authorization in subsection (4) of this section shall not  
33 adversely affect the funding authority of transit agencies not provided  
34 for in this chapter. Local option funds may be used to support  
35 implementation of interlocal agreements with respect to the  
36 establishment of regional high-capacity transportation service. Except  
37 when a regional transit authority exists, local jurisdictions shall  
38 retain control over moneys generated within their boundaries, although  
39 funds may be commingled with those generated in other areas for

1 planning, construction, and operation of high\_capacity transportation  
2 systems as set forth in the agreements.

3 (6) Agencies planning to construct and operate high\_capacity  
4 transportation systems may contract with the state for collection and  
5 transference of voter-approved local option revenue.

6 (7) Dedicated high\_capacity transportation funding sources  
7 authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be  
8 subject to voter approval by a simple majority. A single ballot  
9 proposition may seek approval for one or more of the authorized taxing  
10 sources. The ballot title shall reference the document identified in  
11 subsection (8) of this section.

12 (8) Agencies shall provide to the registered voters in the area a  
13 document describing the systems plan and the financing plan set forth  
14 in RCW 81.104.100. It shall also describe the relationship of the  
15 system to regional issues such as development density at station  
16 locations and activity centers, and the interrelationship of the system  
17 to adopted land use and transportation demand management goals within  
18 the region. This document shall be provided to the voters at least  
19 twenty days prior to the date of the election.

20 (9) For any election in which voter approval is sought for the  
21 imposition of taxes to support a phase of a high\_capacity  
22 transportation system plan (~~and financing plan pursuant to RCW~~  
23 ~~81.104.040~~), a local voter's pamphlet shall be produced as provided in  
24 chapter 29.81A RCW.

25 (10) Agencies providing high\_capacity transportation service shall  
26 retain responsibility for revenue encumbrance, disbursement, and  
27 bonding. Funds may be used for any purpose relating to planning,  
28 construction, and operation of high\_capacity transportation systems and  
29 commuter rail systems, personal rapid transit, busways, bus sets,  
30 (~~and~~) entrained and linked buses, high-occupancy vehicle systems, and  
31 such transportation system management and demand management strategies  
32 as may directly support and benefit such systems.

33 **Sec. 4.** RCW 81.104.170 and 1992 c 101 s 28 are each amended to  
34 read as follows:

35 (1) Cities that operate transit systems, county transportation  
36 authorities, metropolitan municipal corporations, public transportation  
37 benefit areas, and regional transit authorities may submit an  
38 authorizing proposition to the voters and if approved by a majority of

1 persons voting, fix and impose a sales and use tax in accordance with  
2 the terms of this chapter, solely for the purpose of providing high-  
3 capacity transportation service.

4 The tax authorized pursuant to this section shall be in addition to  
5 the tax authorized by RCW 82.14.030 and shall be collected from those  
6 persons who are taxable by the state pursuant to chapters 82.08 and  
7 82.12 RCW upon the occurrence of any taxable event within the taxing  
8 district. The maximum rate of such tax shall be approved by the voters  
9 and shall not exceed one percent of the selling price (in the case of  
10 a sales tax) or value of the article used (in the case of a use tax).  
11 The maximum rate of such tax that may be imposed shall not exceed  
12 nine-tenths of one percent in any county that imposes a tax under RCW  
13 82.14.340, or within a regional transit authority if any county within  
14 the authority imposes a tax under RCW 82.14.340.

15 (2) Subject to the maximum rates approved by the voters, a regional  
16 transit authority may fix and impose different levels of sales and use  
17 taxes within the authority's boundaries based on reasonable  
18 classifications of persons who are taxable by the state under chapters  
19 82.08 and 82.12 RCW upon the occurrence of a taxable event within the  
20 district, giving consideration to various factors such as availability  
21 of different levels and types of high-capacity transportation services,  
22 planned levels of capital investments, and hours of service or any  
23 other reasonable factors. The rates of the taxes must be in increments  
24 of tenths of one percent.

25 **Sec. 5.** RCW 81.112.050 and 1992 c 101 s 5 are each amended to read  
26 as follows:

27 (1) At the time of formation, the area to be included within the  
28 boundary of the authority shall be that area set forth in the system  
29 plan adopted by the joint regional policy committee. Prior to  
30 submitting the system and financing plan to the voters, the authority  
31 may make adjustments to the boundaries as deemed appropriate but must  
32 assure that, to the extent possible, the boundaries: (a) Include the  
33 largest-population urban growth area designated by each county under  
34 chapter 36.70A RCW; and (b) follow election precinct boundaries. If a  
35 portion of any city is determined to be within the service area, the  
36 entire city must be included within the boundaries of the authority.

37 (2) (~~After voters within the authority boundaries have approved~~  
38 ~~the system and financing plan,~~) Elections to add areas contiguous to

1 the authority boundaries may be called by resolution of the regional  
2 transit authority, after consultation with affected transit agencies  
3 and with the concurrence of the legislative authority of the city or  
4 town if the area is incorporated, or with the concurrence of the county  
5 legislative authority if the area is unincorporated. Only those areas  
6 that would benefit from the services provided by the authority may be  
7 included and services or projects proposed for the area must be  
8 consistent with the regional transportation plan. The election may  
9 include a single ballot proposition providing for annexation to the  
10 authority boundaries and imposition of the taxes at rates already  
11 imposed within the authority boundaries or at different rates.

12 (3) Territory annexed to a city or town located within the boundary  
13 of the authority is by that action also annexed and added to the  
14 authority.

15 **Sec. 6.** RCW 81.112.070 and 1992 c 101 s 7 are each amended to read  
16 as follows:

17 In addition to the powers specifically granted by this chapter an  
18 authority shall have all powers necessary to implement a high\_capacity  
19 transportation system and to develop revenues for system support. An  
20 authority may contract with the United States or any agency thereof,  
21 any state or agency thereof, any public transportation benefit area,  
22 any county, county transportation authority, city, metropolitan  
23 municipal corporation, special district, or governmental agency, within  
24 or without the state, and any private person, firm, or corporation for:  
25 (1) The purpose of receiving gifts or grants or securing loans or  
26 advances for preliminary planning and feasibility studies; (2) the  
27 design, construction, or operation of high\_capacity transportation  
28 system facilities; or (3) the provision or receipt of services,  
29 facilities, or property rights to provide revenues for the system. An  
30 authority shall have the power to contract pursuant to RCW 39.33.050.  
31 In addition, an authority may contract with any governmental agency or  
32 with any private person, firm, or corporation for the use by either  
33 contracting party of all or any part of the facilities, structures,  
34 lands, interests in lands, air rights over lands and rights of way of  
35 all kinds which are owned, leased, or held by the other party and for  
36 the purpose of planning, constructing, or operating any facility or  
37 performing any service that the authority may be authorized to operate  
38 or perform, on such terms as may be agreed upon by the contracting

1 parties. Before any contract for the lease or operation of any  
2 authority facilities is let to any private person, firm, or  
3 corporation, a general schedule of rental rates for equipment with or  
4 without operators applicable to all private certificated carriers shall  
5 be publicly posted, and for other facilities competitive bids shall  
6 first be called upon such notice, bidder qualifications, and bid  
7 conditions as the board shall determine. (~~This shall allow~~) An  
8 authority is considered a municipal corporation. An authority may  
9 contract by use of negotiated procurements.

10 **Sec. 7.** RCW 81.112.080 and 1992 c 101 s 8 are each amended to read  
11 as follows:

12 An authority shall have the following powers in addition to the  
13 general powers granted by this chapter:

14 (1) To carry out the planning processes set forth in RCW  
15 81.104.100;

16 (2) To acquire by purchase, condemnation, gift, or grant and to  
17 lease, construct, add to, improve, replace, repair, maintain, operate,  
18 and regulate the use of high-capacity transportation facilities and  
19 properties within and outside authority boundaries including surface,  
20 underground, or overhead railways, tramways, busways, buses, bus sets,  
21 entrained and linked buses, ferries, or other means of local  
22 transportation except taxis, and including escalators, moving  
23 sidewalks, personal rapid transit systems or other people-moving  
24 systems, passenger terminal and parking facilities and properties, and  
25 such other facilities and properties as may be necessary for passenger,  
26 vehicular, and vessel access to and from such people-moving systems,  
27 terminal and parking facilities and properties, together with all  
28 lands, rights of way, property, equipment, and accessories necessary  
29 for such high-capacity transportation systems. When developing  
30 specifications for high-capacity transportation system operating  
31 equipment, an authority shall take into account efforts to establish or  
32 sustain a domestic manufacturing capacity for such equipment. The  
33 right of eminent domain shall be exercised by an authority in the same  
34 manner and by the same procedure as or may be provided by law for  
35 cities of the first class, except insofar as such laws may be  
36 inconsistent with the provisions of this chapter. Public  
37 transportation facilities and properties which are owned by any city,  
38 county, county transportation authority, public transportation benefit

1 area, or metropolitan municipal corporation may be acquired or used by  
2 an authority only with the consent of the agency owning such  
3 facilities. Such agencies are hereby authorized to convey or lease  
4 such facilities to an authority or to contract for their joint use on  
5 such terms as may be fixed by agreement between the agency and the  
6 authority.

7 The facilities and properties of an authority whose vehicles will  
8 operate primarily within the rights of way of public streets, roads, or  
9 highways, may be acquired, developed, and operated without the corridor  
10 and design hearings that are required by RCW 35.58.273 for mass transit  
11 facilities operating on a separate right of way;

12 (3) To dispose of any real or personal property acquired in  
13 connection with any authority function and that is no longer required  
14 for the purposes of the authority, in the same manner as provided for  
15 cities of the first class. When an authority determines that a  
16 facility or any part thereof that has been acquired from any public  
17 agency without compensation is no longer required for authority  
18 purposes, but is required by the agency from which it was acquired, the  
19 authority shall by resolution transfer it to such agency;

20 (4) To fix rates, tolls, fares, and charges for the use of such  
21 facilities and to establish various routes and classes of service.  
22 Fares or charges may be adjusted or eliminated for any distinguishable  
23 class of users.

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