
SENATE BILL 5816

State of Washington

55th Legislature

1997 Regular Session

By Senators McDonald, Heavey, Johnson, Rossi, Roach, Schow, Horn, Finkbeiner, Strannigan and Benton

Read first time 02/13/97. Referred to Committee on Transportation.

1 AN ACT Relating to regional transportation authorities; amending
2 RCW 81.112.010, 81.112.040, 81.112.050, 81.112.070, 81.112.080,
3 81.112.100, 81.112.130, 81.112.140, and 81.112.150; and repealing RCW
4 81.112.090 and 81.112.110.

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

6 **Sec. 1.** RCW 81.112.010 and 1992 c 101 s 1 are each amended to read
7 as follows:

8 The legislature recognizes that existing transportation facilities
9 in the central Puget Sound area are inadequate to address mobility
10 needs of the area. The geography of the region, travel demand growth,
11 and public resistance to new roadways combine to further necessitate
12 the rapid development of alternative modes of travel.

13 The legislature finds that local governments have been effective in
14 cooperatively planning a multicounty, high capacity transportation
15 system. ~~((However, a continued multijurisdictional approach to
16 funding, construction, and operation of a multicounty high capacity
17 transportation system may impair the successful implementation of such
18 a system.~~

1 The legislature finds that a single agency will be more effective
2 than several local jurisdictions working collectively at planning,
3 developing, operating, and funding a high capacity transportation
4 system. The single agency's services must be carefully integrated and
5 coordinated with public transportation services currently provided. As
6 the single agency's services are established, any public transportation
7 services currently provided that are duplicative should be eliminated.
8 Further, the single agency must coordinate its activities with other
9 agencies providing local and state roadway services, implementing
10 comprehensive planning, and implementing transportation demand
11 management programs and assist in developing infrastructure to support
12 high capacity systems including but not limited to feeder systems, park
13 and ride facilities, intermodal centers, and related roadway and
14 operational facilities.)) The authority granted by this section shall
15 aid in the coordination of transportation services and facilities in
16 those areas most affected by congestion and related concerns.
17 Coordination can be best achieved through common governance, such as
18 integrated governing boards.

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

25 **Sec. 2.** RCW 81.112.040 and 1994 c 109 s 1 are each amended to read
26 as follows:

27 (1) The regional transit authority shall be governed by a board
28 consisting of representatives appointed by the county executive and
29 confirmed by the council or other legislative authority of each member
30 county. ((Membership shall be based on population from that portion of
31 each county which lies within the service area.—Board)) Two members
32 shall be appointed ((initially on the basis of one for each one hundred
33 forty five thousand population within the county.—Such appointments
34 shall be made following consultation with city and town jurisdictions
35 within the service area.—In addition, the secretary of transportation
36 or the secretary's designee shall serve as a member of the board and
37 may have voting status with approval of a majority of the other members
38 of the board)) from each of the subareas identified in the authority's

1 system plan adopted in May 1996. Only board members, not including
2 alternates or designees, may cast votes.

3 Each member of the board, except the secretary of transportation or
4 the secretary's designee, shall be:

5 (a) An elected official who serves on the legislative authority of
6 a city or as mayor of a city within the boundaries of the authority;

7 (b) On the legislative authority of the county, if fifty percent of
8 the population of the legislative official's district is within the
9 authority boundaries; or

10 (c) A county executive from a member county within the authority
11 boundaries.

12 ~~((When making appointments, each county executive shall ensure that
13 representation on the board includes an elected city official
14 representing the largest city in each county and assures proportional
15 representation from other cities, and representation from
16 unincorporated areas of each county within the service area. At least
17 one-half of all appointees from each county shall serve on the
18 governing authority of a public transportation system.))~~

19 Members appointed from each county shall serve staggered four-year
20 terms. Vacancies shall be filled by appointment for the remainder of
21 the unexpired term of the position being vacated.

22 ~~((The governing board shall be reconstituted, with regard to the
23 number of representatives from each county, on a population basis,
24 using the official office of financial management population estimates,
25 five years after its initial formation and, at minimum, in the year
26 following each official federal census. The board membership may be
27 reduced, maintained, or expanded to reflect population changes but))
28 Under no circumstances may the board membership exceed ~~((twenty-five))
29 ten.~~~~

30 (2) Major decisions of the authority shall require a favorable vote
31 of two-thirds of the entire membership of the voting members and review
32 and approval from each of the respective legislative bodies of each
33 county within the boundaries of an authority. "Major decisions"
34 include at least the following: System plan adoption and amendment;
35 system phasing decisions; annual budget adoption; authorization of
36 annexations; modification of board composition; and executive director
37 employment.

1 (3) Each member of the board is eligible to be reimbursed for
2 travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to
3 receive compensation as provided in RCW 43.03.250.

4 **Sec. 3.** RCW 81.112.050 and 1992 c 101 s 5 are each amended to read
5 as follows:

6 (1) At the time of formation, the area to be included within the
7 boundary of the authority shall be that area set forth in the system
8 plan adopted by the joint regional policy committee. Prior to
9 submitting the system and financing plan to the voters, the authority
10 may make adjustments to the boundaries as deemed appropriate but must
11 assure that, to the extent possible, the boundaries: (a) Include the
12 largest-population urban growth area designated by each county under
13 chapter 36.70A RCW; and (b) follow election precinct boundaries. If a
14 portion of any city is determined to be within the service area, the
15 entire city must be included within the boundaries of the authority.

16 (2) After voters within the authority boundaries have approved the
17 system and financing plan, elections to add areas contiguous to the
18 authority boundaries may be called by resolution of the regional
19 transit authority, after consultation with affected transit agencies
20 and with the concurrence of the legislative authority of the city or
21 town if the area is incorporated, or with the concurrence of the county
22 legislative authority if the area is unincorporated. Only those areas
23 that would benefit from the services provided by the authority may be
24 included and services or projects proposed for the area must be
25 consistent with the regional transportation plan. The election may
26 include a single ballot proposition providing for annexation to the
27 authority boundaries and imposition of the taxes at rates already
28 imposed within the authority boundaries. When annexed, taxes from an
29 area joining the authority will be used only for facilities and
30 services within that subarea.

31 **Sec. 4.** RCW 81.112.070 and 1992 c 101 s 7 are each amended to read
32 as follows:

33 (1) In addition to the powers specifically granted by this chapter
34 an authority shall have all powers necessary to ((implement)) design a
35 high capacity transportation system and to develop revenues for system
36 support. An authority may contract with the United States or any
37 agency thereof, any state or agency thereof, any public transportation

1 benefit area, any county, county transportation authority, city,
2 metropolitan municipal corporation, special district, or governmental
3 agency, within or without the state, and any private person, firm, or
4 corporation for: ~~((1))~~ (a) The purpose of receiving gifts or grants
5 or securing loans or advances for preliminary planning and feasibility
6 studies; ~~((2))~~ (b) the design~~((7))~~ or construction~~((7-or-operation))~~
7 of high capacity transportation system facilities; or ~~((3))~~ (c) the
8 provision or receipt of services, facilities, or property rights to
9 provide revenues for the system. An authority shall have the power to
10 contract pursuant to RCW 39.33.050. In addition, an authority may
11 contract with any governmental agency or with any private person, firm,
12 or corporation for the use by either contracting party of all or any
13 part of the facilities, structures, lands, interests in lands, air
14 rights over lands and rights of way of all kinds which are owned,
15 leased, or held by the other party and for the purpose of planning~~((7))~~
16 or constructing~~((7-or-operating))~~ any facility or performing any
17 service that the authority may be authorized to operate or perform, on
18 such terms as may be agreed upon by the contracting parties. Before
19 any contract for the lease or operation of any authority facilities is
20 let to any private person, firm, or corporation, a general schedule of
21 rental rates for equipment with or without operators applicable to all
22 private certificated carriers shall be publicly posted, and for other
23 facilities competitive bids shall first be called upon such notice,
24 bidder qualifications, and bid conditions as the board shall determine.
25 This shall allow use of negotiated procurements.

26 (2) Local tax revenues shall be used to benefit the five subareas
27 of the authority district based on the share of revenues each subarea
28 generates. This distribution formula also applies to any future phases
29 that may be authorized.

30 (3) Work shall begin on each of the subareas simultaneously so that
31 benefits will be realized throughout the region as soon as possible.

32 (4) Segments of the plan will be implemented in stages and be
33 operational as soon as possible; the entire system shall be completed
34 and operational by December 31, 2007. If the authority has not met
35 this schedule, the authority shall roll back the tax rate to a level
36 sufficient to pay off only the portion operational on December 31,
37 2007.

1 (5) Upon completion of construction and implementation of the
2 system plan, the authority shall roll back taxes to generate revenue
3 sufficient only to provide for debt service and operating expenses.

4 (6) An authority shall not enter into binding agreements or dictate
5 any policies regarding any state funded transportation facility such as
6 high occupancy vehicle lanes.

7 (7) An authority shall not operate the transportation facility or
8 system, but shall provide the essential coordination, planning,
9 implementation, and funding, and contracting with existing
10 transportation agencies for the construction and operation of necessary
11 facilities.

12 **Sec. 5.** RCW 81.112.080 and 1992 c 101 s 8 are each amended to read
13 as follows:

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

16 (1) To carry out the planning processes set forth in RCW
17 81.104.100;

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

1 this chapter. Public transportation facilities and properties which
2 are owned by any city, county, county transportation authority, public
3 transportation benefit area, or metropolitan municipal corporation may
4 be (~~acquired or~~) used by an authority only with the consent of the
5 agency owning such facilities and the approval of the legislative body
6 of the respective county within which the facilities are located. Such
7 agencies are hereby authorized to convey or lease such facilities to an
8 authority or to contract for their joint use on such terms as may be
9 fixed by agreement between the agency and the authority.

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

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

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

27 **Sec. 6.** RCW 81.112.100 and 1992 c 101 s 10 are each amended to
28 read as follows:

29 An authority shall have and exercise all rights with respect to the
30 construction, (~~acquisition, maintenance, operation, extension,~~
31 ~~alteration, repair, control~~) funding, and management of high capacity
32 transportation system facilities that are identified in the system plan
33 developed pursuant to RCW 81.104.100 (~~that any city, county, county~~
34 ~~transportation authority, metropolitan municipal corporation, or public~~
35 ~~transportation benefit area within the authority boundary has been~~
36 ~~previously empowered to exercise and such powers shall not thereafter~~
37 ~~be exercised by such agencies without the consent of the authority~~)).

1 Nothing in this chapter shall restrict development, construction, or
2 operation of a personal rapid transit system by a city or county.

3 An authority may adopt, in whole or in part, and may complete,
4 modify, or terminate any planning, environmental review, or procurement
5 processes related to the high capacity transportation system that had
6 been commenced by a joint regional policy committee or a city, county,
7 county transportation authority, metropolitan municipality, or public
8 transportation benefit area prior to the formation of the authority.

9 **Sec. 7.** RCW 81.112.130 and 1992 c 101 s 13 are each amended to
10 read as follows:

11 Notwithstanding RCW 39.36.020(1), and subject to RCW 81.112.070, an
12 authority may at any time contract indebtedness or borrow money for
13 authority purposes and may issue general obligation bonds in an amount
14 not exceeding, together with any existing indebtedness of the authority
15 not authorized by the voters, one and one-half percent of the value of
16 the taxable property within the boundaries of the authority; and with
17 the assent of three-fifths of the voters therein voting at an election
18 called for that purpose, may contract indebtedness or borrow money for
19 authority purposes and may issue general obligation bonds therefor,
20 provided the total indebtedness of the authority shall not exceed five
21 percent of the value of the taxable property therein. Such bonds shall
22 be issued and sold in accordance with chapter 39.46 RCW.

23 The term "value of the taxable property" shall have the meaning set
24 forth in RCW 39.36.015.

25 **Sec. 8.** RCW 81.112.140 and 1992 c 101 s 14 are each amended to
26 read as follows:

27 (1) An authority may, subject to RCW 81.112.070, issue revenue
28 bonds to provide funds to carry out its authorized functions without
29 submitting the matter to the voters of the authority. The authority
30 shall create a special fund or funds for the sole purpose of paying the
31 principal of and interest on the bonds of each such issue, into which
32 fund or funds the authority may obligate itself to pay such amounts of
33 the gross revenue of the high capacity transportation system
34 constructed, acquired, improved, added to, or repaired out of the
35 proceeds of sale of such bonds, as the authority shall determine and
36 may obligate the authority to pay such amounts out of otherwise
37 unpledged revenue that may be derived from the ownership, use, or

1 operation of properties or facilities owned, used, or operated incident
2 to the performance of the authorized function for which such bonds are
3 issued or out of otherwise unpledged fees, tolls, charges, tariffs,
4 fares, rentals, special taxes, or other sources of payment lawfully
5 authorized for such purpose, as the authority shall determine. The
6 principal of, and interest on, such bonds shall be payable only out of
7 such special fund or funds, and the owners of such bonds shall have a
8 lien and charge against the gross revenue of such high capacity
9 transportation system or any other revenue, fees, tolls, charges,
10 tariffs, fares, special taxes, or other authorized sources pledged to
11 the payment of such bonds.

12 Such revenue bonds and the interest thereon issued against such
13 fund or funds shall be a valid claim of the owners thereof only as
14 against such fund or funds and the revenue pledged therefor, and shall
15 not constitute a general indebtedness of the authority.

16 (2) Notwithstanding subsection (1) of this section, such bonds may
17 be issued and sold in accordance with chapter 39.46 RCW.

18 **Sec. 9.** RCW 81.112.150 and 1992 c 101 s 15 are each amended to
19 read as follows:

20 (1) An authority may, subject to RCW 81.112.070, form a local
21 improvement district to provide any transportation improvement it has
22 the authority to provide, impose special assessments on all property
23 specially benefited by the transportation improvements, and issue
24 special assessment bonds or revenue bonds to fund the costs of the
25 transportation improvement. Local improvement districts shall be
26 created and assessments shall be made and collected pursuant to
27 chapters 35.43, 35.44, 35.49, 35.50, 35.51, 35.53, and 35.54 RCW.

28 (2) The board shall by resolution establish for each special
29 assessment bond issue the amount, date, terms, conditions,
30 denominations, maximum fixed or variable interest rate or rates,
31 maturity or maturities, redemption rights, registration privileges, if
32 any, covenants, and form, including registration as to principal and
33 interest, registration as to principal only, or bearer. Registration
34 may include, but not be limited to: (a) A book entry system of
35 recording the ownership of a bond whether or not physical bonds are
36 issued; or (b) recording the ownership of a bond together with the
37 requirement that the transfer of ownership may only be effected by the
38 surrender of the old bond and either the reissuance of the old bond or

1 the issuance of a new bond to the new owner. Facsimile signatures may
2 be used on the bonds and any coupons. The maximum term of any special
3 assessment bonds shall not exceed thirty years beyond the date of
4 issue. Special assessment bonds issued pursuant to this section shall
5 not be an indebtedness of the authority issuing the bonds, and the
6 interest and principal on the bonds shall only be payable from special
7 assessments made for the improvement for which the bonds were issued
8 and any local improvement guaranty fund that the authority has created.
9 The owner or bearer of a special assessment bond or any interest coupon
10 issued pursuant to this section shall not have any claim against the
11 authority arising from the bond or coupon except for the payment from
12 special assessments made for the improvement for which the bonds were
13 issued and any local improvement guaranty fund the authority has
14 created. The authority issuing the special assessment bonds is not
15 liable to the owner or bearer of any special assessment bond or any
16 interest coupon issued pursuant to this section for any loss occurring
17 in the lawful operation of its local improvement guaranty fund. The
18 substance of the limitations included in this subsection shall be
19 plainly printed, written, or engraved on each special assessment bond
20 issued pursuant to this section.

21 (3) Assessments shall reflect any credits given by the authority
22 for real property or property right donations made pursuant to RCW
23 47.14.030.

24 (4) The board may establish and pay moneys into a local improvement
25 guaranty fund to guarantee special assessment bonds issued by the
26 authority.

27 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
28 each repealed:

29 (1) RCW 81.112.090 and 1992 c 101 s 9; and

30 (2) RCW 81.112.110 and 1992 c 101 s 11.

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