

1 population and transportation demand growth has created a looming
2 regional transportation crisis caused in part by a history of under
3 funding transportation.

4 (2) The existing approach to transportation governance has left the
5 state with a struggle to maintain deteriorating transportation
6 infrastructure, insufficient road and transit capacity, an inconsistent
7 system for planning and funding transportation, insufficient
8 cooperation among transportation jurisdictions, and reduced public
9 confidence in governmental ability to solve transportation problems.

10 (3) An overly localized and insufficient focus on regional needs,
11 particularly on large and multijurisdictional projects, have caused
12 costly delays in constructing new transit and highway systems.
13 Regional transportation projects must be effectively prioritized on a
14 unified basis, but this has not occurred because there is no regional
15 governmental entity responsible for prioritizing regional projects
16 across geographic lines and modes.

17 (4) There is an inadequate connection between transportation
18 demand, land use planning, and transportation planning, which also
19 causes costly delays in meeting transportation demand. No governmental
20 entity views the systemic needs of the entire region, and
21 prioritization of those needs, as its primary responsibility.

22 (5) The lack of transportation demand/capacity management, pricing
23 coordination, mass transit, and coordinated transportation governance
24 is limiting the mobility of both people and goods in the state.

25 (6) Most transit systems were initially developed to provide local
26 service, but are now forced to play a large role in regional
27 transportation networks. Effective transportation planning in
28 urbanized regions requires stronger and clearer lines of responsibility
29 and accountability. Integrated, multimodal transportation planning and
30 prioritization will help reduce transportation congestion and improve
31 security and safety, and that streamlined decision making will help
32 reduce political congestion.

33 (7) The coordinated planning of, investment in, and operation of
34 transportation systems will have significant benefit to the citizens of
35 Washington, and it is the will of the people to fund regional
36 transportation solutions, including improving transit service in
37 urbanized areas and among multiple transit agencies. Equity

1 considerations must be respected, but transportation problems are
2 broader and deeper than the sum of geographic subareas.

3 (8) Our current system of transportation governance delivers
4 inadequate results, and requires fundamental systemic change to meet
5 our state's transportation needs.

6 (9) Accordingly, the policy of the state of Washington is to allow
7 the formation of regional transportation commissions as regional
8 transportation governing entities more directly accountable to the
9 public, to coordinate and prioritize regional transportation planning,
10 to fund regional mobility projects, and to develop and implement
11 integrated regional transportation demand, capacity, pricing, and
12 operating solutions.

13 **PART II**
14 **DEFINITIONS**

15 NEW SECTION. **Sec. 201.** DEFINITIONS. The definitions in this
16 section apply throughout this chapter unless the context clearly
17 requires otherwise.

18 (1) "Regional transportation commission" or "commission" means a
19 municipal corporation created under this chapter or the board of
20 commissioners of the municipal corporation.

21 (2) "Component county" means a county included in the jurisdiction
22 of a regional transportation commission.

23 (3) "Department" means the department of transportation.

24 (4) "Local elected official" means an individual who has been
25 elected to serve as a mayor, executive, councilmember, or commissioner
26 for a county, city, town, or port within a regional transportation
27 commission's geographic area.

28 (5) "Mobility project" means the design, financing, construction,
29 operation, and maintenance of a road, street, highway, high-occupancy
30 vehicle lane, ramp, parking facility, vehicle pullout, signal, meter,
31 or other transportation system management improvement or public
32 transportation facility, including equipment.

33 (6) "Mobility project of regional significance" means a mobility
34 project, other than a public transportation facility or public
35 transportation equipment, that connects or serves two or more counties

1 or that a commission otherwise designates as having major significance
2 to regional transportation.

3 (7) "Policy advisory board" means a body convened by the commission
4 under section 304 of this act.

5 (8) "Public transportation" means the transport of passengers,
6 their incidental baggage, and packages, together with the necessary
7 passenger terminals and parking facilities or other properties
8 necessary for passenger and vehicular access to and from these
9 people-moving systems. "Public transportation" includes, without
10 limitation, buses, vans, trolleys, and rail-based transit. "Public
11 transportation" does not include personal vehicles, chartered buses,
12 sightseeing buses, taxicabs regulated under chapter 81.72 RCW, or
13 similar means of conveyance, or Washington state ferries.

14 (9) "Public transportation of regional significance" means public
15 transportation that connects or serves two or more counties or that a
16 commission otherwise designates as having major significance to
17 regional transportation. "Public transportation of regional
18 significance" includes all public transportation of a regional transit
19 authority that includes more than one county.

20 (10) "Public transportation agency" means any municipal
21 corporation, state department or agency, or other entity,
22 instrumentality, or division, or affiliate that owns or operates public
23 transportation. "Public transportation agency" includes, without
24 limitation, regional transit authorities and the department.

25 (11) "Regional mobility investment plan" or "plan" means a regional
26 mobility investment plan prepared in accordance with section 305 of
27 this act.

28 **PART III**
29 **REGIONAL TRANSPORTATION COMMISSION**

30 NEW SECTION. **Sec. 301.** FORMATION AND EXPANSION. (1) A regional
31 transportation commission may be created in an area coterminous with
32 the nonoverlapping boundaries of two or more contiguous counties, where
33 the total population of the formation counties exceeds one million,
34 based on the most recent official population estimates published by the
35 office of financial management.

1 (2) A regional transportation commission may be created by
2 resolution of the legislative authorities of each of the two or more
3 contiguous counties referenced in subsection (1) of this section, and
4 a regional transportation commission must be authorized to exercise the
5 powers granted in section 303 of this act on the first day of January
6 following the appointment and election of its initial board of
7 commissioners. Only one regional transportation commission may exist
8 in any county or counties.

9 (3) Any county with a population exceeding four hundred thousand,
10 which participates in a metropolitan planning organization that has a
11 member county with a population exceeding one million and that does not
12 pass a resolution to form a regional transportation commission, is not
13 eligible to receive funds from the urban arterial trust account created
14 in RCW 47.26.080 or the transportation improvement account created in
15 RCW 47.26.084. A county is eligible for funding under this section for
16 ninety days after the effective date of this act.

17 (4) A regional transportation commission is a municipal corporation
18 and possesses all the usual corporate powers as well as all other
19 powers conferred by statute.

20 (5) A regional transportation commission is an independent taxing
21 authority within the meaning of Article VII, section 1 of the state
22 Constitution, and a taxing district within the meaning of Article VII,
23 section 2 of the state Constitution.

24 (6) A regional transportation commission may be expanded to include
25 additional contiguous counties if the commission and the legislative
26 authority of every county in the proposed expanded commission adopts a
27 resolution authorizing the expanded commission. At least sixty days
28 before adopting a resolution approving expansion, the commission shall
29 adopt policies governing the expansion process and integration of new
30 counties into the existing commission.

31 NEW SECTION. **Sec. 302.** GOVERNANCE. (1) A board of commissioners
32 consisting of fifteen nonpartisan commissioners shall govern a regional
33 transportation commission.

34 (2) Commissioners are apportioned and elected as follows:

35 (a) Six commissioners appointed by the governor with the consent of
36 the senate. The governor's appointments should include individuals who

1 have experience in regional transportation issues and are experienced
2 in the design, construction, operation, maintenance, or financing of
3 public transportation and mobility projects;

4 (b) Nine commissioners apportioned to nine geographical districts
5 and elected on a nonpartisan basis. Each commissioner representing a
6 district must be a registered voter residing within that district.
7 Initial apportionment and establishment of district lines must be
8 determined by the governor within thirty days of the formation of a
9 regional transportation commission according to the requirements in (c)
10 of this subsection. Subsequent reapportionment and drawing of district
11 lines must be conducted by the Washington state redistricting
12 commission during its decennial redistricting operations under Article
13 II, section 43 of the state Constitution;

14 (c) Each district must contain a population, excluding nonresident
15 military personnel, as equal as practicable to the population of any
16 other district. To a reasonable extent, each district must contain
17 contiguous territory, be compact and convenient, and be separated from
18 adjoining districts by natural geographic barriers, artificial
19 barriers, or political subdivision boundaries.

20 (3) Commissioners shall serve six-year terms of office, except that
21 three of the initially elected commissioners representing a district
22 shall serve a two-year term of office and three of the initially
23 elected commissioners representing a district shall serve four-year
24 terms. The governor shall designate which districts have commissioners
25 that serve two-year, four-year, and six-year terms. The first election
26 for commissioners must be held at the general election following the
27 formation of a commission, consistent with Title 29A RCW.

28 (4) The governor shall appoint a chair every three years from among
29 the six region-wide appointed commissioners.

30 (5) Vacancies in positions appointed by the governor must be filled
31 by appointment of the governor. Vacancies in elected positions must be
32 filled by a person approved by a majority of the remaining
33 commissioners who shall serve until the vacancy is filled at the next
34 general election held more than one hundred eighty days after the date
35 the vacancy is filled on an interim basis. The person appointed to
36 fill a vacancy shall serve for the remainder of the unexpired term of
37 the office to which he or she was appointed.

1 (6) If a commissioner is appointed by the governor, the governor
2 shall only remove that commissioner for malfeasance or misfeasance in
3 office.

4 (7) If a commission is formed and the geographic area of that
5 commission includes a county or counties that are within the area of a
6 regional transportation investment district, the commission shall
7 assume all rights, powers, and obligations of that district with
8 respect to the portion of the district within that county or those
9 counties under chapter 36.120 RCW, and the regional transportation
10 investment district will no longer have jurisdiction within that area.
11 If a commission is formed that has a geographical area that is
12 substantially equivalent to an existing regional transportation
13 investment district, that district dissolves upon the creation of the
14 commission, and all rights, powers, and obligations of the district are
15 transferred to the commission as successor to the district.

16 NEW SECTION. **Sec. 303.** POWERS AND PURPOSES. (1) A regional
17 transportation commission may:

18 (1) Prepare, adopt, and implement a regional mobility investment
19 plan for highways, streets, roads, and public transportation that will
20 serve the residents of the region, and amend the plan to meet changed
21 conditions and requirements. In implementing the plan, the commission
22 may: Levy, impose, collect, and spend taxes, user fees, tolls, and
23 charges; receive and spend state, federal, and private funds; and lend
24 and grant funds to public transportation agencies, cities, counties,
25 other local governments, and the department for the purposes of
26 planning, designing, constructing, operating, or maintaining mobility
27 projects, including, without limitation, public transportation;

28 (2) Establish routes and classes of service, fix rates, tolls,
29 fares, and charges for public transportation services or routes that
30 constitute public transportation of regional significance, and impose
31 transportation impact fees on public and private developments that have
32 a material impact on the use of mobility projects of regional
33 significance;

34 (3) Establish a program for interconnecting fares, schedules, and
35 transfers on trips using two or more public transportation agencies for
36 public transportation or public transportation routes that constitute

1 public transportation of regional significance, and require the
2 participation of public transportation agencies in that program;

3 (4) Establish a procedure requiring that bond issues, taxes, user
4 fees, tolls, or charges that (a) require voter approval, for public
5 transportation or mobility projects located within the commission's
6 geographic boundaries and (b) constitute mobility projects of regional
7 significance or public transportation of regional significance, be
8 approved by the commission before placing those bond or revenue
9 measures on a ballot for voter approval. Bond issues, property taxes,
10 and excise taxes for public transportation or mobility projects that do
11 not constitute mobility projects of regional significance shall not
12 require a commission's approval before being placed on the ballot;

13 (5) Prioritize all state transportation projects within the
14 commission's borders and the order in which state transportation funds
15 for mobility projects within the commission's borders are expended, and
16 receive state funds, and control their disbursement, for mobility
17 projects within the commission's geographic area;

18 (6) Serve as the regional transportation planning organization for
19 the area within the commission's borders and, if designated or
20 redesignated under federal law, serve as the metropolitan planning
21 organization for the commission's geographic area. A commission has
22 all the powers and responsibilities of a regional transportation
23 planning organization described under chapter 47.80 RCW. The
24 commission is the lead planning agency for planning under chapter 47.80
25 RCW unless the commission designates another lead agency for a
26 specified project;

27 (7) Unless the commission designates another lead agency for a
28 specified project, act as the state environmental policy act (SEPA)
29 lead agency, as defined in WAC 197-11-758, under chapter 43.21C RCW for
30 any project included in a regional mobility investment plan. Unless
31 the commission designates another lead agency for a specified project,
32 a regional transportation commission shall act as the SEPA lead agency
33 for projects in a regional mobility investment plan that are not
34 included in the plan as part of public transportation agency or local
35 jurisdiction plans;

36 (8) Employ or contract with engineering, legal, financial, or other
37 employees, specialized personnel, or consultants as necessary to
38 accomplish the purposes of the commission;

1 (9) Exercise all other powers necessary and appropriate to carry
2 out its responsibilities including, without limitation, the power to
3 sue and be sued, to enter into contracts, and to acquire, own, and
4 transfer real and personal property and property rights by lease,
5 sublease, purchase, or sale. A commission may also sell, lease,
6 convey, or otherwise dispose of any real or personal property or
7 property rights no longer necessary or desirable for the conduct of the
8 affairs of the commission. However, a regional transportation
9 commission may not own, operate, construct, or maintain mobility
10 projects or public transportation assets, but shall contract or
11 otherwise provide for such ownership, operation, construction, or
12 maintenance to be carried out by other public or private entities;

13 (10) Determine and establish the tolls and charges for any or all
14 bridges, highways, lanes, and roads within the commission's geographic
15 area. Any determination and establishment of tolls and charges for
16 bridges, highways, lanes, roads, and other facilities are not subject
17 to legislative or Washington state transportation commission approval
18 under RCW 47.56.031, 47.56.075, and 47.46.100. This subsection does
19 not apply to the transportation commission's authority regarding
20 Washington state ferries under RCW 47.56.030;

21 (11) Exercise the duties and responsibilities of any regional
22 transportation investment district within the commission's geographic
23 area. If approved by the governor and necessary local parties under 23
24 U.S.C. Sec. 134, the commission shall be the metropolitan planning
25 organization for the region to promote consistency between
26 transportation improvements and state and local planned growth and
27 economic development patterns;

28 (12) Enter into interlocal agreements or agreements with local
29 governments, the state, or the federal government regarding the
30 establishment, composition, and responsibilities of a policy advisory
31 board under section 304 of this act.

32 NEW SECTION. **Sec. 304.** POLICY ADVISORY BOARD. (1) Each
33 commission shall create a policy advisory board to provide a forum for
34 state, regional, and local officials, transportation providers, and
35 private citizens to deliberate issues that affect transportation
36 planning, prioritization, and funding within the commission's

1 boundaries. The commission shall develop procedures governing the
2 policy advisory board's duties, procedures, and formal review of plans
3 and programs.

4 (2) The commission shall determine the composition and
5 responsibilities of the policy advisory board, including any functions
6 necessary to comply with federal law as directed by a federal agency.
7 The policy advisory board must contain at least fifteen voting members,
8 but no more than thirty-one voting members, all appointed by the
9 commission. Members should include local elected officials,
10 representatives of public transportation agencies, representatives of
11 private sector transportation and shipping industries, private
12 citizens, and representatives of major employers within the region.
13 Any members of the state house of representatives or senate whose
14 districts are wholly or partly within the boundaries of the commission
15 are ex officio, nonvoting policy advisory board members, but may still
16 be appointed as voting board members by the commission. Members of a
17 commission may also be appointed as policy advisory board members, and
18 elected commissioners who serve on a policy advisory board are deemed
19 local elected officials for the purposes of this section. If a
20 commission contains a component county with a population greater than
21 one million, then the policy advisory board's voting members must
22 include representatives from each of the commission area's four largest
23 port districts as measured by gross revenues.

24 (3) The policy advisory board shall formally review and comment on
25 the regional mobility investment plan, the transportation improvement
26 program prepared to comply with applicable federal law, and other
27 transportation planning documents relevant to the region before
28 adoption and implementation by the commission. The policy advisory
29 board shall hold at least one public hearing before issuing formal
30 comments on a transportation improvement program.

31 (4) The policy advisory board is an advisory body to the
32 commission. If required by a federal agency, the commission may
33 provide that a transportation improvement program for federal purposes
34 be approved by the policy advisory board and that the policy advisory
35 board serve as the policy board of a metropolitan planning organization
36 under 23 U.S.C. Sec. 134 and 23 C.F.R. Part 450.

1 NEW SECTION. **Sec. 305.** REGIONAL MOBILITY INVESTMENT PLAN. (1)

2 The commission shall prepare a regional mobility investment plan for
3 roads and transit that creates a prioritized list of regional mobility
4 projects and public transportation projects that will be funded in
5 whole or in part by or through the regional transportation commission,
6 the state, the federal government, or private sources. The plan must
7 also identify which funding sources, as authorized by this chapter,
8 will be levied, imposed, or otherwise authorized to carry out the
9 projects identified in the regional mobility investment plan.

10 (2) An initial plan must be placed on a general election ballot for
11 elector approval. If a majority of the electors voting on the plan
12 vote in favor of it, the commission may implement measures contained in
13 the plan. The ballot title must reference the regional mobility
14 investment plan. However, if a regional transportation commission is
15 formed within two years after voter approval of a ballot measure under
16 RCW 36.120.040, 36.120.070, and 36.120.080, the commission, without the
17 need for additional voter approval, shall adopt those voter-approved
18 plans as the regional transportation plan. The commission may submit
19 subsequent plans for voter approval at general or special elections
20 that the commission determines as appropriate.

21 (3) Municipal corporations within a commission's borders, including
22 regional transit authorities, may request that the commission
23 incorporate, in the regional mobility investment plan, any local plans
24 or proposed mobility projects, or both, together with taxes, user fees,
25 tolls, and charges to finance those projects. Voter approval of a
26 regional mobility investment plan that includes local plans or proposed
27 mobility projects, or both, constitutes the necessary voter approval
28 for (a) the local plans and projects and (b) the levy, imposition, or
29 authorization of the local taxes, tolls, charges, and user fees by the
30 municipal corporations. The commission shall establish procedures for
31 the inclusion of local plans, proposed projects, taxes, and user fees
32 in the regional mobility investment plan. The policy advisory board
33 may decline to include any local plans, projects, taxes, tolls,
34 charges, or user fees in the regional mobility investment plan.

35 (4) After a regional mobility investment plan has received voter
36 approval, a two-thirds majority of the policy advisory board may amend
37 any aspect of the plan including, without limitation, the regional
38 project list and prioritization of projects included in the plan, and

1 may redirect the expenditure of taxes, user fees, tolls, and charges.
2 The plan may also be amended in any respect by a majority vote of the
3 electors of the commission, if the amendments are proposed to the
4 electors by a majority of the policy advisory board. A local
5 jurisdiction or transit agency shall not redirect taxes or fees
6 approved by voters as part of a regional mobility investment plan
7 without the approval of a two-thirds majority of the commission, but
8 may redirect the taxes or fees if approved by the commission.

9 (5) Before adoption, approval, or amendment of a regional mobility
10 investment plan, the commission shall review any recommendations of the
11 policy advisory board and hold at least one public hearing in each
12 component county to allow citizens, public agencies, freight shippers,
13 providers of freight and public transportation services,
14 representatives of pedestrian walkway and bicycle facility users,
15 representatives for individuals with disabilities, and agencies for
16 safety/security operations a reasonable opportunity to be involved in
17 the transportation planning process.

18 (6) The adoption and approval of a regional mobility investment
19 plan is exempt from chapters 43.21C and 36.70A RCW.

20 NEW SECTION. **Sec. 306.** TAXES, USER FEES, AND TOLLS. (1) A
21 regional transportation commission may, as part of a regional mobility
22 investment plan, recommend the imposition or authorization of some or
23 all of the following revenue sources, which a regional transportation
24 commission may levy, impose, or authorize if contained in a regional
25 mobility investment plan approved by the electors under section 305 of
26 this act:

27 (a) A regional sales and use tax, as specified in RCW 82.14.430, of
28 up to 0.1 percent of the selling price, in the case of a sales tax, or
29 value of the article used, in the case of a use tax, upon the
30 occurrence of any taxable event in the regional transportation
31 commission jurisdiction;

32 (b) A local option vehicle license fee, as specified under RCW
33 82.80.100, of up to one hundred dollars per vehicle registered in the
34 district. As used in this subsection, "vehicle" means motor vehicle as
35 defined in RCW 46.04.320. Certain classes of vehicles, as defined
36 under chapter 46.04 RCW, may be exempted from this fee;

37 (c) A parking tax under RCW 82.80.030;

- 1 (d) A local motor vehicle excise tax under RCW 81.100.060;
- 2 (e) A local option fuel tax under RCW 82.80.120;
- 3 (f) An employer excise tax under RCW 81.100.030;
- 4 (g) Vehicle user fees imposed for capacity/demand management
- 5 including, but not limited to, high-occupancy lane charges and
- 6 congestion charging;
- 7 (h) Excise taxes or fees imposed on paid parking, collected by the
- 8 commission from the person purchasing parking or the person providing
- 9 parking, or both; and
- 10 (i) Vehicle tolls and demand management charges on mobility
- 11 projects of regional significance including, without limitation, state
- 12 or federal highways within the boundaries of the commission, if the
- 13 following conditions are met:
 - 14 (i) The regional mobility investment plan must identify the
 - 15 facilities that may be tolled; and
 - 16 (ii) Unless otherwise specified by law or by contract between a
 - 17 commission and the department, the department shall administer the
 - 18 collection of vehicle rates, tolls, and charges on designated
 - 19 facilities, which must, if required by the department, be compatible
 - 20 with statewide standards and protocols for intermodal and interfacility
 - 21 charges.
- 22 (2) Taxes and vehicle license fees described in this section may
- 23 not be imposed or authorized without an affirmative vote of the
- 24 majority of the voters within the boundaries of the regional
- 25 transportation commission voting on a ballot proposition either as part
- 26 of the voter approval of a regional mobility investment plan under
- 27 section 305 of this act or as a separate ballot measure. User fees and
- 28 tolls may be imposed or authorized on any project approved by the
- 29 policy advisory board. Revenues from taxes, fees, and tolls may be
- 30 used only to implement a regional mobility investment plan as set forth
- 31 in this chapter. A district may contract with the state department of
- 32 revenue or other appropriate entities for the administration and
- 33 collection of any of the taxes, fees, charges, or tolls authorized in
- 34 this section.
- 35 (3) Taxes and vehicle license fees described in this section shall
- 36 not be imposed by the commission if a tax or vehicle license fee,
- 37 substantially similar to a tax or fee authorized in subsection (1)(a)
- 38 through (h) of this section, has been levied or imposed by a regional

1 transit authority in the commission's geographic area under chapter
2 81.104 RCW and remains in force. A commission may impose taxes or
3 vehicle license fees that are substantially similar to those previously
4 imposed or levied by a regional transit agency to the extent that the
5 tax or vehicle license fee does not exceed the statutory limit.

6 NEW SECTION. **Sec. 307.** TAX EXEMPTION. A regional transportation
7 commission, the taxes, fees, charges, and tolls it collects, and
8 transactions it enters into are not subject to utility, business and
9 occupation, or other taxes imposed by municipal corporations located
10 within the commission's borders. A commission and transactions it
11 enters into are not subject to state sales, excise, property, or other
12 taxes imposed by the state of Washington.

13 NEW SECTION. **Sec. 308.** TREASURER. (1) A regional transportation
14 commission, by resolution, shall designate a person with experience in
15 financial or fiscal matters as treasurer of the commission. The
16 commission may designate the treasurer of any county within which the
17 commission is located to act as its treasurer. The designated
18 treasurer has all of the powers, responsibilities, and duties the
19 county treasurer has related to investing surplus funds. The
20 commission shall require a bond with a surety company authorized to do
21 business in this state in an amount and under the terms and conditions
22 the commission, by resolution, from time to time finds will protect the
23 commission against loss. The commission shall pay the premium on the
24 bond.

25 (2) If the treasurer of the commission is also the treasurer of a
26 county, all commission funds must be deposited with a county depository
27 under the same restrictions, contracts, and security as provided for
28 county depositories. If the treasurer of the commission is not the
29 treasurer of a county, all funds must be deposited in a bank or banks
30 that are authorized to do business in this state and are qualified for
31 insured deposits under any federal deposit insurance act as the
32 district, by resolution, designates, or funds shall be invested in
33 legal investments for counties.

34 (3) The commission may provide and require a reasonable bond of any
35 other person handling money or securities of the commission, but the
36 commission shall pay the premium on the bond.

1 NEW SECTION. **Sec. 309.** PER DIEM COMPENSATION. Each commissioner
2 of the policy advisory board may receive compensation, as determined by
3 the Washington citizens' commission on salaries for elected officials,
4 for attending meetings or conferences on behalf of the commission. A
5 commissioner may waive all or a portion of his or her compensation
6 under this section during his or her term of office, by a written
7 waiver filed with the regional transportation commission. The
8 compensation provided in this section is in addition to reimbursement
9 for expenses paid to commissioners by the regional transportation
10 commission.

11 NEW SECTION. **Sec. 310.** EMPLOYEES, SALARIES, AND BENEFITS. A
12 regional transportation commission may create and fill positions, fix
13 reasonable wages and salaries, pay costs involved in hiring employees,
14 and establish reasonable benefits for employees, including holiday pay,
15 vacations or vacation pay, retirement benefits, and medical, life,
16 accident, or health disability insurance, as approved by the policy
17 advisory board.

18 NEW SECTION. **Sec. 311.** EXISTING REGIONAL PLANNING STAFFS. (1) If
19 a commission is formed in an area with an existing regional
20 transportation planning organization, the commission shall, as a
21 successor employer, initially hire all employees of the regional
22 transportation planning organization to continue employment in
23 substantively similar positions and on terms similar to their prior
24 employment.

25 (2) If a commission is formed in an area with an existing regional
26 transit agency, the commission shall, as a successor employer,
27 initially hire all employees of the regional transit agency engaged in
28 long-range planning, including system plans, to continue employment in
29 substantively similar positions and on terms similar to their prior
30 employment.

31 (3) This section does not prevent the dismissal of employees that
32 is necessary to meet budget constraints or for other reasons in the
33 ordinary course of business.

34 NEW SECTION. **Sec. 312.** TRANSIT STUDIES. (1) If a commission
35 includes one or more counties adjoining Puget Sound, the commission

1 shall submit to the legislature a report and recommendations regarding
2 the feasibility of integrating or combining public transit agencies in
3 the central Puget Sound region no later than eighteen months after
4 formation of the commission.

5 (2) If a commission includes a county adjoining Puget Sound with a
6 population greater than one million, the commission shall submit to the
7 legislature a report and recommendations regarding the application of
8 regional transportation governance to waterways and ferries in the
9 central Puget Sound region no later than eighteen months after
10 formation of the commission.

11 **Sec. 313.** RCW 47.80.020 and 1990 1st ex.s. c 17 s 54 are each
12 amended to read as follows:

13 The legislature hereby authorizes creation of regional
14 transportation planning organizations within the state. Each regional
15 transportation planning organization shall be formed through the
16 voluntary association of local governments within a county, or within
17 geographically contiguous counties. Each organization shall:

18 (1) Encompass at least one complete county;

19 (2) Have a population of at least one hundred thousand, or contain
20 a minimum of three counties; and

21 (3) Have as members all counties within the region, and at least
22 sixty percent of the cities and towns within the region representing a
23 minimum of seventy-five percent of the cities' and towns' population.

24 The state department of transportation must verify that each
25 regional transportation planning organization conforms with the
26 requirements of this section.

27 In urbanized areas, the regional transportation planning
28 organization is the same as the metropolitan planning organization
29 designated for federal transportation planning purposes. If a regional
30 transportation commission serves as the regional transportation
31 planning organization under section 303 of this act and if required by
32 a federal agency, the policy advisory board of the regional
33 transportation commission may take approval actions required of
34 metropolitan planning organizations under 23 U.S.C. Sec. 134 and 23
35 C.F.R. Part 450.

1 **Sec. 314.** RCW 47.80.060 and 2005 c 334 s 1 are each amended to
2 read as follows:

3 In order to qualify for state planning funds available to regional
4 transportation planning organizations, the regional transportation
5 planning organizations containing any county with a population in
6 excess of one million shall provide voting membership on its executive
7 board to the state transportation commission, the state department of
8 transportation, and the four largest public port districts within the
9 region as determined by gross operating revenues. It shall further
10 assure that at least fifty percent of the county and city local elected
11 officials who serve on the executive board also serve on transit agency
12 boards or on a regional transit authority. This section does not apply
13 to a regional transportation commission that serves as a regional
14 transportation planning organization under section 303 of this act.

15 **Sec. 315.** RCW 81.104.080 and 1991 c 318 s 7 are each amended to
16 read as follows:

17 Where applicable, regional transportation plans and local
18 comprehensive plans shall address the relationship between urban growth
19 and an effective high capacity transportation system plan, and provide
20 for cooperation between local jurisdictions and transit agencies.

21 (1) Regional high capacity transportation plans shall be included
22 in the designated regional transportation planning organization's
23 regional transportation plan review and update process to facilitate
24 development of a coordinated multimodal transportation system and to
25 meet federal funding requirements.

26 (2) Interlocal agreements between transit authorities, cities, and
27 counties shall set forth conditions for assuring land uses compatible
28 with development of high capacity transportation systems. These
29 include developing sufficient land use densities through local actions
30 in high capacity transportation corridors and near passenger stations,
31 preserving transit rights of way, and protecting the region's
32 environmental quality. The implementation program for high capacity
33 transportation systems shall favor cities and counties with supportive
34 land use plans. In developing local actions intended to carry out
35 these policies cities and counties shall insure the opportunity for
36 public comment and participation in the siting of such facilities,
37 including stations or transfer facilities. Agencies providing high

1 capacity transportation services, in cooperation with public and
2 private interests, shall promote transit-compatible land uses and
3 development which includes joint development.

4 (3) Interlocal agreements shall be consistent with state planning
5 goals as set forth in chapter 36.70A RCW. Agreements shall also
6 include plans for concentrated employment centers, mixed-use
7 development, and housing densities that support high capacity
8 transportation systems.

9 (4) Agencies providing high capacity transportation service and
10 other transit agencies shall develop a cooperative process for the
11 planning, development, operations, and funding of feeder transportation
12 systems. Feeder systems may include existing and future intercity
13 passenger systems and alternative technology people mover systems which
14 may be developed by the private or public sector.

15 (5) Cities and counties along corridors designated in a high
16 capacity transportation system plan shall enter into agreements with
17 their designated regional transportation planning organizations, for
18 the purpose of participating in a right of way preservation review
19 process which includes activities to promote the preservation of the
20 high capacity transportation rights of way. The regional
21 transportation planning organization shall serve as the coordinator of
22 the review process. In areas where a regional transportation
23 commission serves as the regional transportation planning organization
24 under section 303 of this act, the regional transportation commission
25 is not required to enter into an agreement with cities and counties to
26 compel their participation in a right of way preservation review
27 process. The commission may compel participation from cities and
28 counties without an agreement.

29 (a) Cities and counties shall forward all development proposals for
30 projects within and adjoining to the rights of way proposed for
31 preservation to the designated regional transportation planning
32 organizations, which shall distribute the proposals for review by
33 parties to the right of way preservation review process.

34 (b) The regional transportation planning organizations shall also
35 review proposals for conformance with the regional transportation plan
36 and associated regional development strategies. The designated
37 regional transportation planning organization shall within ninety days
38 compile local and regional agency comments and communicate the same to

1 the originating jurisdiction and the joint regional policy committee.
2 In areas where a regional transportation commission serves as the
3 regional transportation planning organization under section 303 of this
4 act, the regional transportation commission must approve all city and
5 county proposals submitted under this section before the city or county
6 can take further action on the proposal.

7 **Sec. 316.** RCW 81.104.090 and 1995 c 269 s 2602 are each amended to
8 read as follows:

9 The department of transportation shall be responsible for
10 distributing amounts appropriated from the high capacity transportation
11 account, which shall be allocated by the department of transportation
12 based on criteria in subsection (2) of this section. The department
13 shall assemble and participate in a committee comprised of transit
14 agencies eligible to receive funds from the high capacity
15 transportation account for the purpose of reviewing fund applications.

16 (1) State high capacity transportation account funds may provide up
17 to eighty percent matching assistance for high capacity transportation
18 planning efforts.

19 (2) Authorizations for state funding for high capacity
20 transportation planning projects shall be subject to the following
21 criteria:

22 (a) Conformance with the designated regional transportation
23 planning organization's regional transportation plan. If a regional
24 transportation commission is the regional transportation planning
25 organization, the regional transportation commission must approve the
26 project;

27 (b) Local matching funds;

28 (c) Demonstration of projected improvement in regional mobility;

29 (d) Conformance with planning requirements prescribed in RCW
30 81.104.100, and if five hundred thousand dollars or more in state
31 funding is requested, conformance with the requirements of RCW
32 81.104.110; and

33 (e) Establishment, through interlocal agreements, of a joint
34 regional policy committee as defined in RCW 81.104.030 or 81.104.040.

35 (3) The department of transportation shall provide general review
36 and monitoring of the system and project planning process prescribed in
37 RCW 81.104.100.

1 **Sec. 317.** RCW 81.112.080 and 1992 c 101 s 8 are each amended to
2 read as follows:

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

5 (1) To carry out the planning processes set forth in RCW
6 81.104.100. If an authority is located in the geographic area of a
7 regional transportation commission, the regional transportation
8 commission shall carry out the planning process set forth in RCW
9 81.104.100;

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

1 ~~The facilities and properties of an authority whose vehicles will~~
2 ~~operate primarily within the rights of way of public streets, roads, or~~
3 ~~highways, may be acquired, developed, and operated without the corridor~~
4 ~~and design hearings that are required by RCW 35.58.273 for mass transit~~
5 ~~facilities operating on a separate right of way));~~

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

14 (4) To fix rates, tolls, fares, and charges for the use of such
15 facilities and to establish various routes and classes of service,
16 subject to approval by and coordination with a regional transportation
17 commission under section 303 of this act. Fares or charges may be
18 adjusted or eliminated for any distinguishable class of users.

19 **Sec. 318.** RCW 47.56.030 and 2002 c 114 s 19 are each amended to
20 read as follows:

21 (1) Except as permitted under chapter 47.46 RCW or sections 301
22 through 305 of this act:

23 (a) The department of transportation shall have full charge of the
24 construction of all toll bridges and other toll facilities including
25 the Washington state ferries, and the operation and maintenance
26 thereof.

27 (b) The transportation commission shall determine and establish the
28 tolls and charges thereon, and shall perform all duties and exercise
29 all powers relating to the financing, refinancing, and fiscal
30 management of all toll bridges and other toll facilities including the
31 Washington state ferries, and bonded indebtedness in the manner
32 provided by law.

33 (c) The department shall have full charge of design of all toll
34 facilities.

35 (d) Except as provided in this section, the department shall
36 proceed with the construction of such toll bridges and other facilities
37 and the approaches thereto by contract in the manner of state highway

1 construction immediately upon there being made available funds for such
2 work and shall prosecute such work to completion as rapidly as
3 practicable. The department is authorized to negotiate contracts for
4 any amount without bid under (d)(i) and (ii) of this subsection:

5 (i) Emergency contracts, in order to make repairs to ferries or
6 ferry terminal facilities or removal of such facilities whenever
7 continued use of ferries or ferry terminal facilities constitutes a
8 real or immediate danger to the traveling public or precludes prudent
9 use of such ferries or facilities; and

10 (ii) Single source contracts for vessel dry dockings, when there is
11 clearly and legitimately only one available bidder to conduct dry dock-
12 related work for a specific class or classes of vessels. The contracts
13 may be entered into for a single vessel dry docking or for multiple
14 vessel dry dockings for a period not to exceed two years.

15 (2) The department shall proceed with the procurement of materials,
16 supplies, services, and equipment needed for the support, maintenance,
17 and use of a ferry, ferry terminal, or other facility operated by
18 Washington state ferries, in accordance with chapter 43.19 RCW except
19 as follows:

20 (a) Except as provided in (d) of this subsection, when the
21 secretary of the department of transportation determines in writing
22 that the use of invitation for bid is either not practicable or not
23 advantageous to the state and it may be necessary to make competitive
24 evaluations, including technical or performance evaluations among
25 acceptable proposals to complete the contract award, a contract may be
26 entered into by use of a competitive sealed proposals method, and a
27 formal request for proposals solicitation. Such formal request for
28 proposals solicitation shall include a functional description of the
29 needs and requirements of the state and the significant factors.

30 (b) When purchases are made through a formal request for proposals
31 solicitation the contract shall be awarded to the responsible proposer
32 whose competitive sealed proposal is determined in writing to be the
33 most advantageous to the state taking into consideration price and
34 other evaluation factors set forth in the request for proposals. No
35 significant factors may be used in evaluating a proposal that are not
36 specified in the request for proposals. Factors that may be considered
37 in evaluating proposals include but are not limited to: Price;
38 maintainability; reliability; commonality; performance levels; life

1 cycle cost if applicable under this section; cost of transportation or
2 delivery; delivery schedule offered; installation cost; cost of spare
3 parts; availability of parts and service offered; and the following:

4 (i) The ability, capacity, and skill of the proposer to perform the
5 contract or provide the service required;

6 (ii) The character, integrity, reputation, judgment, experience,
7 and efficiency of the proposer;

8 (iii) Whether the proposer can perform the contract within the time
9 specified;

10 (iv) The quality of performance of previous contracts or services;

11 (v) The previous and existing compliance by the proposer with laws
12 relating to the contract or services;

13 (vi) Objective, measurable criteria defined in the request for
14 proposal. These criteria may include but are not limited to items such
15 as discounts, delivery costs, maintenance services costs, installation
16 costs, and transportation costs; and

17 (vii) Such other information as may be secured having a bearing on
18 the decision to award the contract.

19 (c) When purchases are made through a request for proposal process,
20 proposals received shall be evaluated based on the evaluation factors
21 set forth in the request for proposal. When issuing a request for
22 proposal for the procurement of propulsion equipment or systems that
23 include an engine, the request for proposal must specify the use of a
24 life cycle cost analysis that includes an evaluation of fuel
25 efficiency. When a life cycle cost analysis is used, the life cycle
26 cost of a proposal shall be given at least the same relative importance
27 as the initial price element specified in the request of proposal
28 documents. The department may reject any and all proposals received.
29 If the proposals are not rejected, the award shall be made to the
30 proposer whose proposal is most advantageous to the department,
31 considering price and the other evaluation factors set forth in the
32 request for proposal.

33 (d) If the department is procuring large equipment or systems
34 (e.g., electrical, propulsion) needed for the support, maintenance, and
35 use of a ferry operated by Washington state ferries, the department
36 shall proceed with a formal request for proposal solicitation under
37 this subsection (2) without a determination of necessity by the
38 secretary.

1 **Sec. 319.** RCW 81.104.040 and 1992 c 101 s 21 are each amended to
2 read as follows:

3 Transit agencies in each county with a population of one million or
4 more, and in each county with a population of from two hundred ten
5 thousand to less than one million bordering a county with a population
6 of one million or more that are authorized on January 1, 1991, to
7 provide high capacity transportation planning and operating services
8 must establish through interlocal agreements a joint regional policy
9 committee with proportional representation based upon the population
10 distribution within each agency's designated service area, as
11 determined by the parties to the agreement.

12 (1) The membership of the joint regional policy committee shall
13 consist of locally elected officials who serve on the legislative
14 authority of the existing transit systems and a representative from the
15 department of transportation. Nonvoting membership for elected
16 officials from adjoining counties may be allowed at the committee's
17 discretion. A joint regional policy committee shall not exist in an
18 area where a regional transportation commission has been formed.

19 (2) The joint regional policy committee shall be responsible for
20 the preparation and adoption of a regional high capacity transportation
21 implementation program, which shall include the system plan, project
22 plans, and a financing plan. In an area where a regional
23 transportation commission has been formed, the regional transportation
24 commission shall prepare and adopt a regional high capacity
25 transportation implementation program, which must include the system
26 plan, project plans, and a financing plan. This program shall be in
27 conformance with the regional transportation planning organization's
28 regional transportation plan and consistent with RCW 81.104.080.

29 (3) The joint regional policy committee shall present an adopted
30 high capacity transportation system plan and financing plan to the
31 boards of directors of the transit agencies within the service area or
32 to the regional transit authority, if such authority has been formed.
33 The authority shall proceed as prescribed in RCW 81.112.030. If a
34 regional transportation commission prepares and adopts a regional high
35 capacity transit plan under the requirements of this section, the
36 regional transportation commission shall proceed as prescribed in this
37 act.

1 PART IV

2 ADDITIONAL TAXING AND TOLLING AUTHORITY

3 **Sec. 401.** RCW 82.80.005 and 2002 c 56 s 415 are each amended to
4 read as follows:

5 For the purposes of this chapter, "district" means a regional
6 transportation investment district created under chapter 36.120 RCW or
7 a regional transportation commission created under section 301 of this
8 act.

9 **Sec. 402.** RCW 82.14.430 and 2006 c 311 s 17 are each amended to
10 read as follows:

11 (1) If approved by the majority of the voters within its boundaries
12 voting on the ballot proposition for a regional mobility investment
13 plan or regional transportation investment district, a regional
14 transportation commission or regional transportation investment
15 district may impose a sales and use tax of up to 0.1 percent of the
16 selling price or value of the article used in the case of a use tax.
17 The tax authorized by this section is in addition to the tax authorized
18 by RCW 82.14.030 and must be collected from those persons who are
19 taxable by the state under chapters 82.08 and 82.12 RCW upon the
20 occurrence of any taxable event within the taxing district. Motor
21 vehicles are exempt from the sales and use tax imposed under this
22 subsection.

23 (2) If approved by the majority of the voters within its boundaries
24 voting on the ballot proposition, a regional transportation commission
25 or regional transportation investment district may impose a tax on the
26 use of a motor vehicle within a regional transportation commission or
27 regional transportation investment district. The tax applies to those
28 persons who reside within the regional transportation commission or
29 regional transportation investment district. The rate of the tax may
30 not exceed 0.1 percent of the value of the motor vehicle. The tax
31 authorized by this subsection is in addition to the tax authorized
32 under RCW 82.14.030 and must be imposed and collected at the time a
33 taxable event under RCW 82.08.020(1) or 82.12.020 takes place. All
34 revenue received under this subsection must be deposited in the local
35 sales and use tax account and distributed to the regional
36 transportation commission or regional transportation investment

1 district according to RCW 82.14.050. The following provisions apply to
2 the use tax in this subsection:

3 (a) Where persons are taxable under chapter 82.08 RCW, the seller
4 shall collect the use tax from the buyer using the collection
5 provisions of RCW 82.08.050.

6 (b) Where persons are taxable under chapter 82.12 RCW, the use tax
7 must be collected using the provisions of RCW 82.12.045.

8 (c) "Motor vehicle" has the meaning provided in RCW 46.04.320, but
9 does not include farm tractors or farm vehicles as defined in RCW
10 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in
11 RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

12 (d) "Person" has the meaning given in RCW 82.04.030.

13 (e) The value of a motor vehicle must be determined under RCW
14 82.12.010.

15 (f) Except as specifically stated in this subsection (2), chapters
16 82.12 and 82.32 RCW apply to the use tax. The use tax is a local tax
17 imposed under the authority of chapter 82.14 RCW, and chapter 82.14 RCW
18 applies fully to the use tax.

19 (3) In addition to fulfilling the notice requirements under RCW
20 82.14.055(1), and unless waived by the department, a regional
21 transportation commission or regional transportation investment
22 district shall provide the department of revenue with digital mapping
23 and legal descriptions of areas in which the tax will be collected.

24 **Sec. 403.** RCW 82.80.100 and 2002 c 56 s 408 are each amended to
25 read as follows:

26 (1) Upon approval of a majority of the voters within its boundaries
27 voting on the ballot proposition for a regional mobility investment
28 plan or regional transportation investment district, a regional
29 transportation commission or regional transportation investment
30 district may set and impose an annual local option vehicle license fee,
31 or a schedule of fees based upon the age of the vehicle, of up to one
32 hundred dollars per motor vehicle registered within the boundaries of
33 the ((region)) commission or district on every motor vehicle. As used
34 in this section "motor vehicle" has the meaning provided in RCW
35 46.04.320, but does not include farm tractors or farm vehicles as
36 defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway
37 vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW

1 46.10.010. Vehicles registered under chapter 46.87 RCW and the
2 international registration plan are exempt from the annual local option
3 vehicle license fee set forth in this section. The department of
4 licensing shall administer and collect this fee on behalf of regional
5 transportation commissions or regional transportation investment
6 districts and remit this fee to the custody of the state treasurer for
7 monthly distribution under RCW 82.80.080.

8 (2) The local option vehicle license fee applies only when renewing
9 a vehicle registration, and is effective upon the registration renewal
10 date as provided by the department of licensing.

11 (3) A regional transportation commission or regional transportation
12 investment district imposing the local option vehicle license fee or
13 initiating an exemption process shall enter into a contract with the
14 department of licensing. The contract must contain provisions that
15 fully recover the costs to the department of licensing for collection
16 and administration of the fee.

17 (4) A regional transportation commission or regional transportation
18 investment district imposing the local option fee shall delay the
19 effective date of the local option vehicle license fee imposed by this
20 section at least six months from the date of the final certification of
21 the approval election to allow the department of licensing to implement
22 the administration and collection of or exemption from the fee.

23 **Sec. 404.** RCW 81.100.060 and 2006 c 318 s 2 and 2006 c 311 s 15
24 are each reenacted and amended to read as follows:

25 A county with a population of one million or more and a county with
26 a population of from two hundred ten thousand to less than one million
27 that is adjoining a county with a population of one million or more,
28 having within their boundaries existing or planned high-occupancy
29 vehicle lanes on the state highway system, a regional transportation
30 commission, or a regional transportation investment district, (~~but~~
31 ~~only to the extent that the surcharge has not already been imposed by~~
32 ~~the county,~~) may, with voter approval, impose a local surcharge of not
33 more than three-tenths of one percent in the case of a county, or
34 eight-tenths of one percent in the case of a regional transportation
35 commission or regional transportation investment district, of the value
36 on vehicles registered to a person residing within the county, regional
37 transportation commission, or investment district and not more than

1 13.64 percent on the state sales and use taxes paid under the rate in
2 RCW 82.08.020(2) on retail car rentals within the county or investment
3 district. A county may impose the surcharge only to the extent that it
4 has not been imposed by the regional transportation commission or
5 investment district. No surcharge may be imposed on vehicles licensed
6 under RCW 46.16.070 except vehicles with an unladen weight of six
7 thousand pounds or less, RCW 46.16.079, 46.16.085, or 46.16.090.

8 Counties, regional transportation commissions, or investment
9 districts imposing a surcharge under this section shall contract,
10 before the effective date of the resolution or ordinance imposing a
11 surcharge, administration and collection to the state department of
12 licensing, and department of revenue, as appropriate, which shall
13 deduct a percentage amount, as provided by contract, not to exceed
14 ~~((two))~~ one percent of the taxes, for administration and collection
15 expenses incurred by the department. All administrative provisions in
16 chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are
17 applicable to motor vehicle excise taxes, be applicable to surcharges
18 imposed under this section. All administrative provisions in chapters
19 82.03, 82.08, 82.12, and 82.32 RCW shall, insofar as they are
20 applicable to state sales and use taxes, be applicable to surcharges
21 imposed under this section. A surcharge imposed under this section, or
22 a change to the surcharge, shall take effect no sooner than seventy-
23 five days after the department of licensing or the department of
24 revenue receives notice of the surcharge or change to the surcharge,
25 and shall take effect only on the first day of January, April, July, or
26 October. Unless waived by the department of licensing or the
27 department of revenue, notice includes providing the appropriate
28 department with digital mapping and legal descriptions of areas in
29 which the ~~((tax))~~ surcharge will be collected.

30 ~~((If the tax authorized in RCW 81.100.030 is also imposed, the
31 total proceeds from tax sources imposed under this section and RCW
32 81.100.030 each year shall not exceed the maximum amount which could be
33 collected under this section.))~~

34 **Sec. 405.** RCW 82.80.120 and 2006 c 311 s 18 are each amended to
35 read as follows:

36 (1) For purposes of this section:

1 (a) "Distributor" means every person who imports, refines,
2 manufactures, produces, or compounds motor vehicle fuel and special
3 fuel as defined in RCW 82.36.010 and 82.38.020, respectively, and sells
4 or distributes the fuel into a county;

5 (b) "Person" has the same meaning as in RCW 82.04.030;

6 (c) "District" means a regional transportation investment district
7 under chapter 36.120 RCW;

8 (d) "Commission" means a regional transportation commission.

9 (2) A regional transportation commission under chapter 36.-- RCW
10 (as created in section 803 of this act) or regional transportation
11 investment district under chapter 36.120 RCW, subject to the conditions
12 of this section, may levy additional excise taxes equal to ten percent
13 of the statewide motor vehicle fuel tax rate under RCW 82.36.025 on
14 each gallon of motor vehicle fuel as defined in RCW 82.36.010 and on
15 each gallon of special fuel as defined in RCW 82.38.020 sold within the
16 boundaries of the commission or district. The additional excise tax is
17 subject to the approval of a majority of the voters within the
18 commission or district boundaries. Vehicles paying an annual license
19 fee under RCW 82.38.075 are exempt from the commission or district's
20 fuel excise tax. The additional excise taxes are subject to the same
21 exceptions and rights of refund as applicable to other motor vehicle
22 fuel and special fuel excise taxes levied under chapters 82.36 and
23 82.38 RCW. The proposed tax may not be levied less than one month from
24 the date the election results are certified. The commencement date for
25 the levy of any tax under this section will be the first day of
26 January, April, July, or October.

27 (3) The local option motor vehicle fuel tax on each gallon of motor
28 vehicle fuel and on each gallon of special fuel is imposed upon the
29 distributor of the fuel.

30 (4) A taxable event for the purposes of this section occurs upon
31 the first distribution of the fuel within the boundaries of the
32 district to a retail outlet, bulk fuel user, or ultimate user of the
33 fuel.

34 (5) All administrative provisions in chapters 82.01, 82.03, and
35 82.32 RCW, insofar as they are applicable, apply to local option fuel
36 taxes imposed under this section.

37 (6) Before the effective date of the imposition of the fuel taxes
38 under this section, a commission or district shall contract with the

1 department of licensing for the administration and collection of the
2 taxes. The contract must provide that a percentage amount, not to
3 exceed one percent of the taxes imposed under this section, will be
4 deposited into the local tax administration account created in the
5 custody of the state treasurer. The department of licensing may spend
6 money from this account, upon appropriation, for the administration of
7 the local taxes imposed under this section.

8 (7) The state treasurer shall distribute monthly to the commission
9 or district levying the tax as part of the regional mobility investment
10 plan or regional transportation investment district plan, after the
11 deductions for payments and expenditures as provided in RCW
12 46.68.090(1) (a) and (b).

13 (8) The proceeds of the additional taxes levied by a commission or
14 district in this section, to be used as a part of a regional mobility
15 investment plan or regional transportation investment district plan(~~(~~
16 ~~must be used in accordance with chapter 36.120 RCW, but only for those~~
17 ~~areas that are considered "highway purposes" as that term is construed~~
18 ~~in Article II, section 40 of the state Constitution.~~

19 ~~(9) A district may only levy the tax under this section if the~~
20 ~~district is comprised of boundaries identical to the boundaries of a~~
21 ~~county or counties. A district may not levy the tax in this section if~~
22 ~~a member county is levying the tax in RCW 82.80.010 or 82.80.110)).~~

23 **Sec. 406.** RCW 81.100.030 and 2002 c 56 s 410 are each amended to
24 read as follows:

25 (1) A county with a population of one million or more, or a county
26 with a population of from two hundred ten thousand to less than one
27 million that is adjoining a county with a population of one million or
28 more, and having within its boundaries existing or planned
29 high-occupancy vehicle lanes on the state highway system, a regional
30 transportation commission, or a regional transportation investment
31 district for capital improvements, (~~(but only to the extent that the~~
32 ~~tax has not already been imposed by the county,)) may, with voter
33 approval impose an excise tax of up to two dollars per employee per
34 month on all employers or any class or classes of employers, public and
35 private, including the state located in the agency's jurisdiction,
36 measured by the number of full-time equivalent employees. In no event
37 may the total taxes imposed under this section exceed two dollars per~~

1 employee per month for any single employer. The county, regional
2 transportation commission, or investment district imposing the tax
3 authorized in this section may provide for exemptions from the tax to
4 such educational, cultural, health, charitable, or religious
5 organizations as it deems appropriate.

6 Counties, mobility authorities, or investment districts may
7 contract with the state department of revenue or other appropriate
8 entities for administration and collection of the tax. Such contract
9 shall provide for deduction of an amount for administration and
10 collection expenses.

11 (2) The tax shall not apply to employment of a person when the
12 employer has paid for at least half of the cost of a transit pass
13 issued by a transit agency for that employee, valid for the period for
14 which the tax would otherwise be owed.

15 (3) A county, regional transportation commission, or investment
16 district shall adopt rules that exempt from all or a portion of the tax
17 any employer that has entered into an agreement with the county,
18 regional transportation commission, or investment district that is
19 designed to reduce the proportion of employees who drive in single-
20 occupant vehicles during peak commuting periods in proportion to the
21 degree that the agreement is designed to meet the goals for the
22 employer's location adopted under RCW 81.100.040.

23 The agreement shall include a list of specific actions that the
24 employer will undertake to be entitled to the exemption. Employers
25 having an exemption from all or part of the tax through this subsection
26 shall annually certify to the county, regional transportation
27 commission, or investment district that the employer is fulfilling the
28 terms of the agreement. The exemption continues as long as the
29 employer is in compliance with the agreement.

30 ~~((If the tax authorized in RCW 81.100.060 is also imposed, the~~
31 ~~total proceeds from both tax sources each year shall not exceed the~~
32 ~~maximum amount which could be collected under RCW 81.100.060.))~~

33 **Sec. 407.** RCW 47.56.031 and 2005 c 335 s 2 are each amended to
34 read as follows:

35 No tolls may be imposed on new or existing highways or bridges
36 without specific legislative authorization, or upon a majority vote of
37 the people within the boundaries of the unit of government empowered to

1 impose tolls. This section applies to chapter 47.56 RCW and to any
2 tolls authorized under chapter 47.29 RCW, the transportation innovative
3 partnership act of 2005. This section does not apply to tolls
4 authorized by a regional transportation commission under section 303 of
5 this act. A regional transportation commission may impose tolls
6 consistent with section 303 of this act without specific legislative
7 authorization.

8 **Sec. 408.** RCW 47.56.075 and 2002 c 56 s 404 are each amended to
9 read as follows:

10 The department shall approve for construction only such toll roads
11 as the legislature specifically authorizes or such toll facilities as
12 are specifically sponsored by a regional transportation investment
13 district, city, town, or county. Department approval is not required
14 for the imposition, authorization, or implementation of tolls approved
15 by a regional transportation commission under section 303 of this act.

16 **PART V**

17 **AUTHORITY TO ISSUE BONDS**

18 NEW SECTION. **Sec. 501.** COMMISSION TO ISSUE GENERAL OBLIGATION
19 BONDS. In addition to any other authority provided by law, and subject
20 to applicable constitutional limitations, a regional transportation
21 commission may issue general obligation bonds or other evidences of
22 indebtedness for public transportation and mobility project capital
23 purposes. However, the general indebtedness incurred under this
24 section when considered together with all the other outstanding general
25 indebtedness of the regional transportation commission shall not exceed
26 one and one-half percent of taxable property within its boundaries
27 without the approval of three-fifths of the voters therein voting at an
28 election held for that purpose, and in cases requiring such approval,
29 not exceeding a total of five percent of taxable property within its
30 boundaries. The bonds shall be issued and sold in accordance with
31 chapter 39.46 RCW, and may be in any form, including bearer bonds or
32 registered bonds as provided in RCW 39.46.030.

33 Any regional transportation commission may pledge any portion of
34 any taxes and any tolls, charges, or user taxes authorized to be levied

1 or imposed by the commission for the payment or security of the
2 principal of and interest on any bonds issued for authorized public
3 transportation purposes.

4 NEW SECTION. **Sec. 502.** (1) The commission may at any time borrow
5 money for public transportation and mobility project capital purposes
6 and may issue revenue bonds or other evidences of indebtedness, secured
7 by the pledge of one or more of the taxes, tolls, charges, or user fees
8 authorized to be imposed by the commission. These obligations shall be
9 issued and sold in accordance with chapter 39.46 RCW.

10 (2) The district may enter into agreements with public
11 transportation agencies, counties, cities, or the state of Washington,
12 when authorized by the plan, to pledge taxes or other revenues of the
13 district for the purpose of paying in part or whole principal and
14 interest on bonds issued by any public transportation agency, county,
15 city, or by the state of Washington. The agreements pledging revenues
16 and taxes shall be binding for their terms, but not to exceed forty
17 years, and no tax pledged by an agreement may be eliminated or modified
18 if it would impair the pledge made in any agreement.

19 **PART VI**

20 **RTC AND RTID MUTUALLY EXCLUSIVE**

21 NEW SECTION. **Sec. 601.** A new section is added to chapter 36.120
22 RCW to read as follows:

23 A regional transportation investment district shall not be created
24 in an area where a regional transportation commission has been formed.

25 NEW SECTION. **Sec. 602.** A new section is added to chapter 36.120
26 RCW to read as follows:

27 If a regional transportation commission is formed within a
28 geographic area that includes an existing regional transportation
29 investment district, the rights, powers, and obligations of the
30 district and governing board must be transferred to the regional
31 transportation commission consistent with sections 302 and 305 of this
32 act. Upon completion of the district's project construction,
33 financing, and debt service programs, a regional transportation

1 commission that has assumed the responsibilities and powers of a
2 district under this section shall not be subject to the dissolution
3 requirements of RCW 36.120.170.

4 **PART VII**

5 **2007 RTA BALLOT MEASURES**

6 **Sec. 701.** RCW 81.112.030 and 2006 c 311 s 12 are each amended to
7 read as follows:

8 Two or more contiguous counties each having a population of four
9 hundred thousand persons or more may establish a regional transit
10 authority to develop and operate a high capacity transportation system
11 as defined in chapter 81.104 RCW.

12 The authority shall be formed in the following manner:

13 (1) The joint regional policy committee created pursuant to RCW
14 81.104.040 shall adopt a system and financing plan, including the
15 definition of the service area. This action shall be completed by
16 September 1, 1992, contingent upon satisfactory completion of the
17 planning process defined in RCW 81.104.100. The final system plan
18 shall be adopted no later than June 30, 1993. In addition to the
19 requirements of RCW 81.104.100, the plan for the proposed system shall
20 provide explicitly for a minimum portion of new tax revenues to be
21 allocated to local transit agencies for interim express services. Upon
22 adoption the joint regional policy committee shall immediately transmit
23 the plan to the county legislative authorities within the adopted
24 service area.

25 (2) The legislative authorities of the counties within the service
26 area shall decide by resolution whether to participate in the
27 authority. This action shall be completed within forty-five days
28 following receipt of the adopted plan or by August 13, 1993, whichever
29 comes first.

30 (3) Each county that chooses to participate in the authority shall
31 appoint its board members as set forth in RCW 81.112.040 and shall
32 submit its list of members to the secretary of the Washington state
33 department of transportation. These actions must be completed within
34 thirty days following each county's decision to participate in the
35 authority.

1 (4) The secretary shall call the first meeting of the authority, to
2 be held within thirty days following receipt of the appointments. At
3 its first meeting, the authority shall elect officers and provide for
4 the adoption of rules and other operating procedures.

5 (5) The authority is formally constituted at its first meeting and
6 the board shall begin taking steps toward implementation of the system
7 and financing plan adopted by the joint regional policy committee. If
8 the joint regional policy committee fails to adopt a plan by June 30,
9 1993, the authority shall proceed to do so based on the work completed
10 by that date by the joint regional policy committee. Upon formation of
11 the authority, the joint regional policy committee shall cease to
12 exist. The authority may make minor modifications to the plan as
13 deemed necessary and shall at a minimum review local transit agencies'
14 plans to ensure feeder service/high capacity transit service
15 integration, ensure fare integration, and ensure avoidance of parallel
16 competitive services. The authority shall also conduct a minimum
17 thirty-day public comment period.

18 (6) If the authority determines that major modifications to the
19 plan are necessary before the initial ballot proposition is submitted
20 to the voters, the authority may make those modifications with a
21 favorable vote of two-thirds of the entire membership. Any such
22 modification shall be subject to the review process set forth in RCW
23 81.104.110. The modified plan shall be transmitted to the legislative
24 authorities of the participating counties. The legislative authorities
25 shall have forty-five days following receipt to act by motion or
26 ordinance to confirm or rescind their continued participation in the
27 authority.

28 (7) If any county opts to not participate in the authority, but two
29 or more contiguous counties do choose to continue to participate, the
30 authority's board shall be revised accordingly. The authority shall,
31 within forty-five days, redefine the system and financing plan to
32 reflect elimination of one or more counties, and submit the redefined
33 plan to the legislative authorities of the remaining counties for their
34 decision as to whether to continue to participate. This action shall
35 be completed within forty-five days following receipt of the redefined
36 plan.

37 (8) The authority shall place on the ballot within two years of the
38 authority's formation, a single ballot proposition to authorize the

1 imposition of taxes to support the implementation of an appropriate
2 phase of the plan within its service area. In addition to the system
3 plan requirements contained in RCW 81.104.100(2)(d), the system plan
4 approved by the authority's board before the submittal of a proposition
5 to the voters shall contain an equity element which:

6 (a) Identifies revenues anticipated to be generated by corridor and
7 by county within the authority's boundaries;

8 (b) Identifies the phasing of construction and operation of high
9 capacity system facilities, services, and benefits in each corridor.
10 Phasing decisions should give priority to jurisdictions which have
11 adopted transit-supportive land use plans; and

12 (c) Identifies the degree to which revenues generated within each
13 county will benefit the residents of that county, and identifies when
14 such benefits will accrue.

15 A simple majority of those voting within the boundaries of the
16 authority is required for approval. If the vote is affirmative, the
17 authority shall begin implementation of the projects identified in the
18 proposition. However, the authority may not submit any authorizing
19 proposition for voter-approved taxes prior to July 1, 1993; nor may the
20 authority issue bonds or form any local improvement district prior to
21 July 1, 1993.

22 (9) If the vote on a proposition fails, the board may redefine the
23 proposition, make changes to the authority boundaries, and make
24 corresponding changes to the composition of the board. If the
25 composition of the board is changed, the participating counties shall
26 revise the membership of the board accordingly. The board may then
27 submit the revised proposition or a different proposition to the
28 voters. No single proposition may be submitted to the voters more than
29 twice. Beginning no sooner than the 2007 general election, the
30 authority may place additional propositions on the ballot to impose
31 taxes to support additional phases of plan implementation.

32 (10) In conjunction with RCW 36.120.070, at the 2007 general
33 election the authority shall submit a proposition to support additional
34 implementation phases of the authority's system and financing plan on
35 the same ballot along with a regional transportation investment plan
36 developed under chapter 36.120 RCW. The proposition shall not be
37 considered approved unless voters also approve the regional
38 transportation investment plan.

1 NEW SECTION. **Sec. 804.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 805.** This act shall be liberally construed to
6 effect the policies and purposes of this act.

7 NEW SECTION. **Sec. 806.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 immediately.

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