
SENATE BILL 6772

State of Washington 60th Legislature 2008 Regular Session

By Senators Haugen, Tom, Marr, and Pridemore

Read first time 01/23/08. Referred to Committee on Transportation.

1 AN ACT Relating to regional transportation governance; amending RCW
2 81.112.020, 81.112.050, 82.14.430, 82.80.010, 82.80.030, 82.80.100,
3 82.80.110, 82.80.120, 81.100.030, 82.32.470, 82.14.050, 82.80.080,
4 81.100.010, 81.100.080, 81.104.140, 29A.36.071, 47.56.075, 81.112.030,
5 82.80.070, 9.91.025, 35.58.2795, 35.95A.050, 39.50.010, 39.96.020,
6 46.04.355, 46.70.051, 47.12.063, 47.26.121, 47.80.060, 81.104.015,
7 81.104.040, 81.104.050, 81.104.120, 81.104.150, 81.104.170, 81.104.180,
8 81.112.086, 81.112.160, 81.112.170, 81.112.180, 81.112.210, 81.112.300,
9 81.112.310, 81.112.320, 81.112.330, 82.14.440, 82.14.495, 82.29A.134,
10 82.45.010, and 82.80.130; reenacting and amending RCW 81.100.060,
11 43.79A.040, 63.29.190, and 82.04.050; adding a new section to chapter
12 47.01 RCW; adding a new section to chapter 47.80 RCW; adding new
13 sections to chapter 81.112 RCW; creating new sections; repealing RCW
14 29A.36.230, 36.120.010, 36.120.020, 36.120.030, 36.120.040, 36.120.045,
15 36.120.050, 36.120.060, 36.120.070, 36.120.080, 36.120.090, 36.120.100,
16 36.120.110, 36.120.120, 36.120.130, 36.120.140, 36.120.150, 36.120.160,
17 36.120.170, 36.120.180, 36.120.190, 36.120.200, 36.120.210, 36.120.900,
18 36.120.901, 47.56.076, 47.56.0761, 81.112.040, 82.44.135, and
19 82.80.005; providing an effective date; and declaring an emergency.

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

2 **PART I**
3 **DEFINITIONS**

4 **Sec. 101.** RCW 81.112.020 and 1999 c 20 s 2 are each amended to
5 read as follows:

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

8 (1) "Regional transportation authority" or "authority" means a
9 regional (~~(transit)~~) transportation authority authorized under this
10 chapter.

11 (2) "Board" means the board of a regional (~~(transit)~~)
12 transportation authority.

13 (3) "Service area" or "area" means the area included within the
14 boundaries of a regional (~~(transit)~~) transportation authority.

15 (4) "System" means a regional transit system authorized under this
16 chapter and under the jurisdiction of a regional (~~(transit)~~)
17 transportation authority.

18 (5) "Facilities" means any lands, interest in land, air rights over
19 lands, and improvements thereto including vessel terminals, and any
20 equipment, vehicles, vessels, and other components necessary to support
21 the system.

22 (6) "Proof of payment" means evidence of fare prepayment authorized
23 by a regional (~~(transit)~~) transportation authority for the use of
24 trains, including but not limited to commuter trains and light rail
25 trains.

26 (7) "Component county" means a county included in the jurisdiction
27 of a regional transportation authority.

28 (8) "Department" means the department of transportation.

29 (9) "Mobility project" means:

30 (a) The design, financing, construction, operation, and maintenance
31 of a road, street, highway, high-occupancy vehicle lane, ramp, parking
32 facility, vehicle pullout, signal, meter, or other transportation
33 system management improvement or public transportation facility,
34 including equipment; or

35 (b) Public transportation, including the transport of passengers,
36 their incidental baggage, and packages, together with the necessary

1 passenger terminals and parking facilities or other properties
2 necessary for passenger and vehicular access to and from these
3 people-moving systems. Public transportation includes, without
4 limitation, buses, vans, trolleys, and rail-based transit. Public
5 transportation does not include personal vehicles, chartered buses,
6 sightseeing buses, taxicabs regulated under chapter 81.72 RCW, or
7 similar means of conveyance, or Washington state ferries.

8 (10) "Mobility project of regional significance" means a mobility
9 project that connects or serves two or more counties or that an
10 authority otherwise designates as having major significance to regional
11 transportation. "Mobility project of regional significance" includes
12 all public transportation of a regional transportation authority that
13 includes more than one county.

14 (11) "Public transportation agency" means any municipal
15 corporation, state department or agency, or other entity,
16 instrumentality, or division, or affiliate that owns or operates public
17 transportation including, without limitation, the department.

18 (12) "Regional mobility investment plan" or "plan" means a regional
19 mobility investment plan prepared in accordance with section 204 of
20 this act.

21 **PART II**

22 **REGIONAL TRANSPORTATION AUTHORITY**

23 NEW SECTION. Sec. 201. FORMATION AND EXPANSION. (1) A regional
24 transportation authority may be created in an area within the
25 boundaries of a county or counties.

26 (2) A regional transportation authority must be created by
27 ordinance of the legislative authorities of the county, or counties,
28 establishing the authority. If one or more contiguous counties propose
29 to jointly establish an authority, the authority must be established by
30 interlocal agreement.

31 (3) Only one regional transportation authority may exist in any
32 county or counties.

33 NEW SECTION. Sec. 202. GOVERNANCE. (1) The governing body of a
34 regional transportation authority consists of twelve commissioners.

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

1 (a) One commissioner appointed by each county executive of the
2 component counties, or by a chair of the component county's legislative
3 authority if applicable, and confirmed by the legislative authority of
4 the respective component county. The appointments should include
5 individuals who have experience in regional transportation issues and
6 are experienced in the design, construction, operation, maintenance, or
7 financing of public transportation and mobility projects;

8 (b)(i) Six commissioners apportioned to six geographical districts
9 and elected on a nonpartisan basis. Each commissioner representing a
10 district must be a registered voter residing within that district.
11 Initial apportionment and establishment of district lines must be
12 determined by the component counties as soon as practicable after the
13 effective date of this section or following the formation of an
14 authority, whichever is applicable, according to the requirements in
15 (b)(ii) of this subsection (2). Subsequent reapportionment and drawing
16 of district lines must be conducted by the Washington state
17 redistricting commission during its decennial redistricting operations
18 under Article II, section 43 of the state Constitution;

19 (ii) Each district must contain a population, excluding nonresident
20 military personnel, as equal as practicable to the population of any
21 other district;

22 (c) One commissioner elected at large within the entire boundaries
23 of the authority on a nonpartisan basis;

24 (d) The secretary of the department, who shall be a nonvoting
25 member; and

26 (e) The executive director of the regional transportation planning
27 organization serving the area within the authority boundaries, who
28 shall be a nonvoting member.

29 (3) Commissioners shall serve six-year terms of office, except that
30 three of the initially elected commissioners representing a district
31 under subsection (2)(b) of this section shall serve a three-year term
32 of office. The component counties shall designate which districts have
33 commissioners that serve three-year and six-year terms. The first
34 election for commissioners must be held at the general election
35 following the formation of an authority or following the effective date
36 of this section, whichever is applicable, consistent with Title 29A
37 RCW. The governing body is considered fully constituted and able to
38 exercise the powers granted under this chapter on January 1st of the

1 year following the applicable general election. At such time, the
2 terms of office of an authority's board members expire if any persons
3 are serving on the board on the effective date of this section.

4 (4) Vacancies in appointed positions must be filled by appointment
5 of the county executive, or chair of the legislative authority if
6 applicable, representing the county that the vacating appointee
7 represented, and the appointee filling the vacancy shall serve for the
8 remainder of the unexpired term of the respective office. Vacancies in
9 elected positions must be filled by a person approved by a majority of
10 the remaining commissioners, who shall serve on an interim basis until
11 the vacancy is filled at the next general election held more than one
12 hundred eighty days after the date the vacancy is filled, or for the
13 remainder of the unexpired term of the respective office, whichever
14 comes sooner. A person elected to fill a vacancy shall serve for the
15 remainder of the unexpired term of the respective office.

16 (5) Commissioners may only be removed for malfeasance or
17 misfeasance in office.

18 (6) Actions by the authority must be made by a simple majority vote
19 of the full voting membership, unless otherwise provided by law.

20 (7) The commissioners shall appoint a chair every three years from
21 among the elected authority commissioners.

22 NEW SECTION. **Sec. 203.** POWERS AND PURPOSES. (1) A regional
23 transportation authority, in addition to the powers prescribed under
24 this chapter, shall:

25 (a) Prepare, adopt, and implement a comprehensive and integrated
26 corridor-based multimodal regional mobility investment plan described
27 under section 204 of this act that plans, prioritizes, and finances
28 improvements to highways, streets, roads, and public transportation
29 that will serve the residents of the region, and amend the plan to meet
30 changed conditions and requirements. In implementing the plan, or
31 exercising its authority under this section, the authority may: Levy,
32 impose, collect, and spend taxes, fees, and charges; receive and spend
33 state, federal, and private funds; and lend and grant funds to public
34 transportation agencies, cities, counties, other local governments, and
35 the department for the purposes of planning, designing, constructing,
36 operating, or maintaining mobility projects, including, without
37 limitation, public transportation;

1 (b) In conjunction with the regional transportation planning
2 organization serving the area within the authority boundaries: Conduct
3 comprehensive and integrated corridor-based multimodal transportation
4 planning and prioritization activities that will improve the mobility
5 of people and goods in the region; reduce transportation congestion;
6 improve security and safety; coordinate and integrate transportation
7 and land use planning, including multimodal transportation improvements
8 and strategies that comply with the transportation concurrency
9 requirements under RCW 36.70A.070(6) and 36.70A.108; improve modal
10 connectivity; and generally assist in providing an efficient regional
11 transportation system. The transportation planning and prioritization
12 activities must provide for, wherever feasible, transportation
13 demand/capacity management, pricing coordination, mass transit, and
14 coordinated transportation governance. Corridor planning should
15 include the full range of strategies available that most efficiently
16 move people and goods consistent with the region's land use goals
17 including, without limitation: Demand management tools, such as
18 congestion pricing, parking pricing, and trip reduction incentives;
19 high capacity transit expansion; increased local transit; investments
20 in regionally significant bicycle paths and pedestrian connections; and
21 expanded roadway capacity;

22 (c) Establish routes and classes of service, fix rates, fares, and
23 charges for public transportation services or routes, that constitute
24 public transportation of regional significance;

25 (d) In consultation with local public transportation agencies
26 operating within the region, establish a program for interconnecting
27 fares, schedules, and transfers on trips using public transportation
28 agencies for public transportation or public transportation routes,
29 that constitute public transportation of regional significance, and
30 require the participation of public transportation agencies in that
31 program. In developing the program under this subsection, the
32 authority shall develop standards for the coordination of capital
33 investment, service standards, and service coordination of public
34 transportation agencies in the region. The goal of these standards is
35 to maximize coordination within and among systems, use resources more
36 effectively, and enhance services to the public. The standards must
37 also address vanpool coordination, fare policies, and transportation
38 demand management programs;

1 (e) Establish a procedure requiring that bond issues, taxes, fees,
2 or charges that (i) require voter approval, for mobility projects
3 located within the authority's geographic boundaries and (ii)
4 constitute mobility projects of regional significance, be approved by
5 the authority before placing those bond or revenue measures on a ballot
6 for voter approval. Bond issues, property taxes, and excise taxes for
7 mobility projects that do not constitute mobility projects of regional
8 significance shall not require an authority's approval before being
9 placed on the ballot;

10 (f) Negotiate with the state and appropriate local jurisdictions to
11 prioritize all state transportation projects within the authority's
12 borders and the order in which state transportation funds for mobility
13 projects within the authority's borders are expended;

14 (g) Adopt policies and procedures regarding the reimbursement for
15 expenses incurred by commissioners for activities related to their work
16 as commissioners; and

17 (h) Establish an incentives-based process of negotiating
18 cooperative relationships with affected local jurisdictions within the
19 region in order to promote an efficient, comprehensive, and integrated
20 corridor-based multimodal regional transportation system.

21 (2) An authority may establish an expert review panel, composed of
22 members with areas of expertise that benefit the authority, to review,
23 analyze, and make recommendations on any aspect of a proposed mobility
24 project of regional significance.

25 NEW SECTION. **Sec. 204.** REGIONAL MOBILITY INVESTMENT PLAN. (1)(a)
26 The authority shall prepare a comprehensive and integrated corridor-
27 based multimodal regional mobility investment plan for highways and
28 transit improvements that creates a prioritized list of mobility
29 projects of regional significance, or local mobility projects if
30 applicable under subsection (4) of this section, that will be funded in
31 whole or in part by or through the regional transportation authority,
32 the state, the federal government, or private sources. The plan should
33 include investments that are directed at reducing greenhouse gases in
34 the region and reducing dependency on foreign oil. The plan should
35 also provide for and encourage the inclusion of recycled or reclaimed
36 construction materials. The plan must also identify which funding

1 sources, as authorized by this chapter, will be levied, imposed, or
2 otherwise authorized to carry out the projects identified in the
3 regional mobility investment plan.

4 (b) Projects in the plan must be evaluated against the following
5 criteria:

6 (i) Preservation: To maintain, preserve, and extend the life and
7 utility of prior investments in transportation systems and services;

8 (ii) Safety: To provide for and improve the safety and security of
9 transportation customers and the transportation system;

10 (iii) Mobility: To improve the predictable movement of goods and
11 people throughout the region;

12 (iv) Environment: To enhance the region's quality of life through
13 transportation investments that promote energy conservation, enhance
14 healthy communities, and protect the environment; and

15 (v) Stewardship: To be effective managers of the regional
16 transportation system.

17 (2) An initial plan must be placed on a general election ballot for
18 voter approval. If a majority of the voters within the authority
19 boundaries voting on the plan vote in favor of it, the authority may
20 implement measures contained in the plan. The ballot title must
21 reference the regional mobility investment plan. The authority may
22 submit subsequent plans for voter approval at general or special
23 elections that the authority determines as appropriate.

24 (3) Before a plan may be submitted to the voters, the authority
25 shall develop project performance measures and benchmarks designed to
26 assure that project delivery occurs in a timely and efficient manner
27 and satisfies the project criteria as outlined in the plan.

28 (4) Municipal corporations within an authority's borders may
29 request that the authority incorporate, in the regional mobility
30 investment plan, any local plans or proposed mobility projects, or
31 both, together with taxes, fees, and charges to finance those projects.
32 Voter approval of a regional mobility investment plan that includes
33 local plans or proposed mobility projects, or both, constitutes the
34 necessary voter approval for (a) the local plans and projects and (b)
35 the levy, imposition, or authorization of the local taxes, charges, and
36 fees by the municipal corporations. The authority shall establish
37 procedures for the inclusion of local plans, proposed projects, taxes,

1 and fees in the regional mobility investment plan. The authority may
2 decline to include any local plans, projects, taxes, charges, or fees
3 in the regional mobility investment plan.

4 (5) After a regional mobility investment plan has received voter
5 approval, a two-thirds majority of the authority may amend any aspect
6 of the plan including, without limitation, the regional project list
7 and prioritization of projects included in the plan, and may redirect
8 the expenditure of taxes, fees, and charges. The plan may also be
9 amended in any respect by a majority vote of the voters of the
10 authority, if the amendments are proposed to the voters by a majority
11 of the authority. A local jurisdiction or transit agency shall not
12 redirect taxes or fees approved by voters as part of a regional
13 mobility investment plan without the approval of a two-thirds majority
14 of the authority.

15 (6) Before adoption, approval, or amendment of a regional mobility
16 investment plan, the authority shall hold at least one public hearing
17 in each component county to allow citizens, public agencies, freight
18 shippers, providers of freight and public transportation services,
19 representatives of pedestrian walkway and bicycle facility users,
20 representatives for individuals with disabilities, and agencies for
21 safety/security operations a reasonable opportunity to be involved in
22 the transportation planning process.

23 (7) Under no circumstances will cost overruns be the obligation of
24 the state.

25 NEW SECTION. **Sec. 205. TAXES AND FEES.** (1) A regional
26 transportation authority may, as part of a regional mobility investment
27 plan, recommend the imposition or authorization of some or all of the
28 following revenue sources, which a regional transportation authority
29 may levy, impose, or authorize if contained in a regional mobility
30 investment plan approved by the voters under section 204 of this act:

31 (a) A regional sales and use tax, as specified in RCW 82.14.430, of
32 up to one percent of the selling price, in the case of a sales tax, or
33 value of the article used, in the case of a use tax, upon the
34 occurrence of any taxable event in the regional transportation
35 authority's boundaries;

36 (b) A local option vehicle license fee, as specified under RCW
37 82.80.100, of up to one hundred dollars per vehicle registered in the

1 authority's boundaries. As used in this subsection, "vehicle" means
2 motor vehicle as defined in RCW 46.04.320. Certain classes of
3 vehicles, as defined under chapter 46.04 RCW, may be exempted from this
4 fee;

- 5 (c) A parking tax under RCW 82.80.030;
- 6 (d) A local motor vehicle excise tax under RCW 81.100.060;
- 7 (e) A local option fuel tax under RCW 82.80.120; and
- 8 (f) An employer excise tax under RCW 81.100.030.

9 (2) Taxes and vehicle license fees described in this section may
10 not be imposed or authorized without an affirmative vote of the
11 majority of the voters within the boundaries of the regional
12 transportation authority voting on a ballot proposition either as part
13 of the voter approval of a regional mobility investment plan under
14 section 204 of this act or as a separate ballot measure. Revenues from
15 taxes and fees may be used only to implement a regional mobility
16 investment plan as set forth in this chapter and to provide for the
17 authority's costs incurred in carrying out its responsibilities under
18 this chapter. An authority may contract with the state department of
19 revenue or other appropriate entities for the administration and
20 collection of any of the taxes, fees, or charges authorized in this
21 section.

22 (3) An authority shall not, unless otherwise negotiated and agreed
23 upon by applicable parties, directly spend, or otherwise control, a
24 local jurisdiction's or transit agency's locally imposed funds.

25 (4) The taxes, fees, and charges collected by an authority are not
26 subject to utility, business and occupation, or other excise taxes
27 imposed by municipal corporations located within the authority's
28 boundaries.

29 NEW SECTION. **Sec. 206.** PER DIEM COMPENSATION. Each voting
30 commissioner may receive compensation equal to the salary applicable to
31 a member of the legislative authority of the most populous county
32 within the regional transportation authority's geographic area. A
33 commissioner may waive all or a portion of his or her compensation
34 under this section during his or her term of office by a written waiver
35 filed with the regional transportation authority. The compensation
36 provided in this section is in addition to reimbursement for expenses
37 paid to commissioners by the regional transportation authority.

1 NEW SECTION. **Sec. 207.** PLANNING STAFFS. A regional
2 transportation authority shall work cooperatively, and in a coordinated
3 fashion, with the department's administrative region serving the
4 authority area, and with the regional transportation planning
5 organization serving the authority area. The authority shall establish
6 a negotiated process with the department, and other applicable local
7 planning offices, that ensures the respective agencies are planning for
8 a comprehensive and integrated corridor-based multimodal regional
9 transportation system.

10 NEW SECTION. **Sec. 208.** A new section is added to chapter 47.01
11 RCW to read as follows:

12 The department's administrative region serving the area within a
13 regional transportation authority shall work cooperatively, and in a
14 coordinated fashion, with the authority and the applicable regional
15 transportation planning organization. Additionally, the department
16 shall participate in the negotiated planning process provided under
17 section 207 of this act.

18 NEW SECTION. **Sec. 209.** A new section is added to chapter 47.80
19 RCW to read as follows:

20 The regional transportation planning organization serving the area
21 within a regional transportation authority shall work cooperatively,
22 and in a coordinated fashion with the authority and the department's
23 administrative region serving the applicable area.

24 NEW SECTION. **Sec. 210.** This act expands and clarifies the scope
25 of responsibilities and the legal authority of regional transit
26 authorities and changes the legal designation of each "regional transit
27 authority" to "regional transportation authority." Any existing
28 regional transit authority shall, within ninety days of the effective
29 date of this section, by resolution of its board change its legal
30 designation to a "regional transportation authority." With respect to
31 any regional transit authority existing on the effective date of this
32 section, this act shall be construed as continuing the existence of the
33 authority as a municipal corporation, expanding the scope of
34 responsibilities and the legal authority of that authority, and

1 changing the authority's legal designation. This act shall not be
2 construed as impairing or otherwise affecting a regional transit
3 authority's existing obligations.

4 **Sec. 211.** RCW 81.112.050 and 1998 c 192 s 1 are each amended to
5 read as follows:

6 (1) Except as provided in section 201 of this act, at the time of
7 formation, the area to be included within the boundary of the authority
8 shall be that area set forth in the system plan adopted by the joint
9 regional policy committee. Prior to submitting the system and
10 financing plan to the voters, the authority may make adjustments to the
11 boundaries as deemed appropriate but must assure that, to the extent
12 possible, the boundaries: (a) Include the largest-population urban
13 growth area designated by each county under chapter 36.70A RCW; and (b)
14 follow election precinct boundaries. If a portion of any city is
15 determined to be within the service area, the entire city must be
16 included within the boundaries of the authority.

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

30 ~~(3) Upon receipt of a resolution requesting exclusion from the~~
31 ~~boundaries of the authority from a city whose municipal boundaries~~
32 ~~cross the boundaries of an authority and thereby result in only a~~
33 ~~portion of the city being subject to local option taxes imposed by the~~
34 ~~authority under chapters 81.104 and 81.112 RCW in order to implement a~~
35 ~~high capacity transit plan, and where the vote to approve the city's~~
36 ~~incorporation occurred simultaneously with an election approving the~~
37 ~~local option taxes, then upon a two thirds majority vote of the~~

1 ~~governing board of the authority, the governing board shall redraw the~~
2 ~~boundaries of the authority to exclude that portion of the city that is~~
3 ~~located within the authority's boundaries, and the excluded area is no~~
4 ~~longer subject to local option taxes imposed by the authority. This~~
5 ~~subsection expires December 31, 1998.)) A regional transportation
6 authority may be expanded to include an additional contiguous area, if
7 the authority and the legislative authority of every county in the
8 proposed expanded authority adopts a resolution authorizing the
9 expanded authority. At least sixty days before adopting a resolution
10 approving expansion, the authority shall adopt policies governing the
11 expansion process and integration of a new area into the existing
12 authority.~~

13 **PART III**
14 **ADDITIONAL TAXING AUTHORITY**

15 **Sec. 301.** RCW 82.14.430 and 2006 c 311 s 17 are each amended to
16 read as follows:

17 (1) If approved by the majority of the voters within its boundaries
18 voting on the ballot proposition for a regional mobility investment
19 plan, a regional transportation (~~(investment district))~~ authority may
20 impose a sales and use tax of up to (~~(0.1))~~ one percent of the selling
21 price or value of the article used in the case of a use tax. The tax
22 authorized by this section is in addition to the tax authorized by RCW
23 82.14.030 and must be collected from those persons who are taxable by
24 the state under chapters 82.08 and 82.12 RCW upon the occurrence of any
25 taxable event within the taxing district. Motor vehicles are exempt
26 from the sales and use tax imposed under this subsection.

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

1 place. ((All revenue received under this subsection must be deposited
2 in the local sales and use tax account and distributed to the regional
3 transportation investment district according to RCW 82.14.050.)) The
4 following provisions apply to the use tax in this subsection:

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

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

10 (c) "Motor vehicle" has the meaning provided in RCW 46.04.320, but
11 does not include farm tractors or farm vehicles as defined in RCW
12 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in
13 RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

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

15 (e) The value of a motor vehicle must be determined under RCW
16 82.12.010.

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

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

26 (4) All revenue received under this section must be deposited in
27 the local sales and use tax account and distributed to the regional
28 transportation authority according to RCW 82.14.050.

29 (5) Any sales and use tax imposed under RCW 81.104.170 by a
30 regional transportation authority must be applied to any tax imposed
31 under this section by a regional transportation authority, such that
32 the combined rate within the authority does not exceed the statutory
33 limits prescribed under this section.

34 **Sec. 302.** RCW 82.80.010 and 2003 c 350 s 1 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 (2) Subject to the conditions of this section, any county may levy,
7 by approval of its legislative body and a majority of the registered
8 voters of the county voting on the proposition at a general or special
9 election, additional excise taxes equal to ten percent of the statewide
10 motor vehicle fuel tax rate under RCW 82.36.025 on each gallon of motor
11 vehicle fuel as defined in RCW 82.36.010 and on each gallon of special
12 fuel as defined in RCW 82.38.020 sold within the boundaries of the
13 county. Vehicles paying an annual license fee under RCW 82.38.075 are
14 exempt from the county fuel excise tax. An election held under this
15 section must be held not more than twelve months before the date on
16 which the proposed tax is to be levied. The ballot setting forth the
17 proposition shall state the tax rate that is proposed. The county's
18 authority to levy additional excise taxes under this section includes
19 the incorporated and unincorporated areas of the county. The
20 additional excise taxes are subject to the same exceptions and rights
21 of refund as applicable to other motor vehicle fuel and special fuel
22 excise taxes levied under chapters 82.36 and 82.38 RCW. The proposed
23 tax shall not be levied less than one month from the date the election
24 results are certified by the county election officer. The commencement
25 date for the levy of any tax under this section shall be the first day
26 of 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 a county to
32 a retail outlet, bulk fuel user, or ultimate user of the fuel.

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

36 (6) Before the effective date of the imposition of the fuel taxes
37 under this section, a county shall contract with the department of
38 revenue for the administration and collection of the taxes. The

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

7 (7) The state treasurer shall distribute monthly to the levying
8 county and cities contained therein the proceeds of the additional
9 excise taxes collected under this section, after the deductions for
10 payments and expenditures as provided in RCW 46.68.090(1) (a) and (b)
11 and under the conditions and limitations provided in RCW 82.80.080.

12 (8) The proceeds of the additional excise taxes levied under this
13 section shall be used strictly for transportation purposes in
14 accordance with RCW 82.80.070.

15 (9) A county may not levy the tax under this section if they are
16 levying the tax in RCW 82.80.110 or if they are a member of a regional
17 transportation (~~(investment district)~~) authority levying the tax in RCW
18 82.80.120.

19 **Sec. 303.** RCW 82.80.030 and 2005 c 336 s 24 are each amended to
20 read as follows:

21 (1) Subject to the conditions of this section, the legislative
22 authority of a county, city, or (~~(district)~~) regional transportation
23 authority may fix and impose a parking tax on all persons engaged in a
24 commercial parking business within its respective jurisdiction. A city
25 or county may impose the tax only to the extent that it has not been
26 imposed by the (~~(district)~~) regional transportation authority, and a
27 (~~(district)~~) regional transportation authority may impose the tax only
28 to the extent that it has not been imposed by a city or county. The
29 jurisdiction of a county, for purposes of this section, includes only
30 the unincorporated area of the county. The jurisdiction of a city or
31 (~~(district)~~) regional transportation authority includes only the area
32 within its boundaries.

33 (2) In lieu of the tax in subsection (1) of this section, a city,
34 a county in its unincorporated area, or a (~~(district)~~) regional
35 transportation authority may fix and impose a tax for the act or
36 privilege of parking a motor vehicle in a facility operated by a
37 commercial parking business.

1 The city, county, or ((~~district~~)) regional transportation authority
2 may provide that:

3 (a) The tax is paid by the operator or owner of the motor vehicle;

4 (b) The tax applies to all parking for which a fee is paid, whether
5 paid or leased, including parking supplied with a lease of
6 nonresidential space;

7 (c) The tax is collected by the operator of the facility and
8 remitted to the city, county, or ((~~district~~)) regional transportation
9 authority;

10 (d) The tax is a fee per vehicle or is measured by the parking
11 charge;

12 (e) The tax rate varies with zoning or location of the facility,
13 the duration of the parking, the time of entry or exit, the type or use
14 of the vehicle, or other reasonable factors; and

15 (f) Tax exempt carpools, vehicles with handicapped decals, or
16 government vehicles are exempt from the tax.

17 (3) "Commercial parking business" as used in this section, means
18 the ownership, lease, operation, or management of a commercial parking
19 lot in which fees are charged. "Commercial parking lot" means a
20 covered or uncovered area with stalls for the purpose of parking motor
21 vehicles.

22 (4) The rate of the tax under subsection (1) of this section may be
23 based either upon gross proceeds or the number of vehicle stalls
24 available for commercial parking use. The rates charged must be
25 uniform for the same class or type of commercial parking business.

26 (5) The county, city, or ((~~district~~)) regional transportation
27 authority levying the tax provided for in subsection (1) or (2) of this
28 section may provide for its payment on a monthly, quarterly, or annual
29 basis. Each local government may develop by ordinance or resolution
30 rules for administering the tax, including provisions for reporting by
31 commercial parking businesses, collection, and enforcement.

32 (6) The proceeds of the commercial parking tax fixed and imposed by
33 a city or county under subsection (1) or (2) of this section shall be
34 used for transportation purposes in accordance with RCW 82.80.070 or
35 for transportation improvements in accordance with chapter 36.73 RCW.
36 The proceeds of the parking tax imposed by a ((~~district~~)) regional
37 transportation authority must be used ((~~as provided in chapter 36.120~~

1 RCW)) to implement a regional mobility investment plan described under
2 section 204 of this act.

3 **Sec. 304.** RCW 82.80.100 and 2002 c 56 s 408 are each amended to
4 read as follows:

5 (1) Upon approval of a majority of the voters within its boundaries
6 voting on the ballot proposition for a regional mobility investment
7 plan, a regional transportation (~~((investment district))~~) authority may
8 set and impose an annual local option vehicle license fee, or a
9 schedule of fees based upon the age of the vehicle, of up to one
10 hundred dollars per motor vehicle registered within the boundaries of
11 the (~~(region))~~) authority on every motor vehicle. As used in this
12 section "motor vehicle" has the meaning provided in RCW 46.04.320, but
13 does not include farm tractors or farm vehicles as defined in RCW
14 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in
15 RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010. Vehicles
16 registered under chapter 46.87 RCW and the international registration
17 plan are exempt from the annual local option vehicle license fee set
18 forth in this section. The department of licensing shall administer
19 and collect this fee on behalf of regional transportation (~~((investment~~
20 ~~districts))~~) authorities and remit this fee to the custody of the state
21 treasurer for monthly distribution under RCW 82.80.080.

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

25 (3) A regional transportation (~~((investment district))~~) authority
26 imposing the local option vehicle license fee or initiating an
27 exemption process shall enter into a contract with the department of
28 licensing. The contract must contain provisions that fully recover the
29 costs to the department of licensing for collection and administration
30 of the fee.

31 (4) A regional transportation (~~((investment district))~~) authority
32 imposing the local option fee shall delay the effective date of the
33 local option vehicle license fee imposed by this section at least six
34 months from the date of the final certification of the approval
35 election to allow the department of licensing to implement the
36 administration and collection of or exemption from the fee.

1 **Sec. 305.** RCW 82.80.110 and 2003 c 350 s 2 are each amended to
2 read as follows:

3 (1) For purposes of this section:

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

8 (b) "Person" has the same meaning as in RCW 82.04.030.

9 (2) For purposes of dedication to a regional (~~transportation~~
10 ~~investment district plan under chapter 36.120 RCW~~) mobility investment
11 plan described under section 204 of this act, subject to the conditions
12 of this section, a county may levy additional excise taxes equal to ten
13 percent of the statewide motor vehicle fuel tax rate under RCW
14 82.36.025 on each gallon of motor vehicle fuel as defined in RCW
15 82.36.010 and on each gallon of special fuel as defined in RCW
16 82.38.020 sold within the boundaries of the county. The additional
17 excise tax is subject to the approval of the county's legislative body
18 and a majority of the registered voters of the county voting on the
19 proposition at a general or special election. An election held under
20 this section must be held not more than twelve months before the date
21 on which the proposed tax is to be levied. The ballot setting forth
22 the proposition must state that the revenues from the tax will be used
23 for a regional (~~transportation investment district~~) mobility
24 investment plan. The county's authority to levy additional excise
25 taxes under this section includes the incorporated and unincorporated
26 areas of the county. Vehicles paying an annual license fee under RCW
27 82.38.075 are exempt from the county fuel excise tax. The additional
28 excise taxes are subject to the same exceptions and rights of refund as
29 applicable to other motor vehicle fuel and special fuel excise taxes
30 levied under chapters 82.36 and 82.38 RCW. The proposed tax may not be
31 levied less than one month from the date the election results are
32 certified by the county election officer. The commencement date for
33 the levy of any tax under this section will be the first day of
34 January, April, July, or October.

35 (3) The local option motor vehicle fuel tax on each gallon of motor
36 vehicle fuel and on each gallon of special fuel is imposed upon the
37 distributor of the fuel.

1 (4) A taxable event for the purposes of this section occurs upon
2 the first distribution of the fuel within the boundaries of a county to
3 a retail outlet, bulk fuel user, or ultimate user of the fuel.

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

7 (6) Before the effective date of the imposition of the fuel taxes
8 under this section, a county shall contract with the department of
9 revenue for the administration and collection of the taxes. The
10 contract must provide that a percentage amount, not to exceed one
11 percent of the taxes imposed under this section, will be deposited into
12 the local tax administration account created in the custody of the
13 state treasurer. The department of revenue may spend money from this
14 account, upon appropriation, for the administration of the local taxes
15 imposed under this section.

16 (7) The state treasurer shall distribute monthly to the county
17 levying the tax as part of a regional (~~(transportation)~~) mobility
18 investment plan, after the deductions for payments and expenditures as
19 provided in RCW 46.68.090(1) (a) and (b).

20 (8) The proceeds of the additional taxes levied by a county in this
21 section, to be used as a part of a regional (~~(transportation)~~) mobility
22 investment plan, must be used in accordance with chapter (~~(36.120)~~)
23 81.112 RCW, but only for those areas that are considered "highway
24 purposes" as that term is construed in Article II, section 40 of the
25 state Constitution.

26 (9) A county may not levy the tax under this section if they are a
27 member of a regional transportation (~~(investment district)~~) authority
28 that is levying the tax in RCW 82.80.120 or the county is levying the
29 tax in RCW 82.80.010.

30 **Sec. 306.** RCW 82.80.120 and 2006 c 311 s 18 are each amended to
31 read as follows:

32 (1) For purposes of this section:

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

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

1 (c) (~~"District" means a regional transportation investment~~
2 ~~district under chapter 36.120 RCW~~) "Authority" means a regional
3 transportation authority as defined in RCW 81.112.020.

4 (2) (~~A regional transportation investment district under chapter~~
5 ~~36.120 RCW~~) An authority under chapter 81.112 RCW, subject to the
6 conditions of this section, may levy additional excise taxes equal to
7 ten percent of the statewide motor vehicle fuel tax rate under RCW
8 82.36.025 on each gallon of motor vehicle fuel as defined in RCW
9 82.36.010 and on each gallon of special fuel as defined in RCW
10 82.38.020 sold within the boundaries of the (~~district~~) authority.
11 The additional excise tax is subject to the approval of a majority of
12 the voters within the (~~district~~) authority boundaries. Vehicles
13 paying an annual license fee under RCW 82.38.075 are exempt from the
14 (~~district's~~) authority's fuel excise tax. The additional excise
15 taxes are subject to the same exceptions and rights of refund as
16 applicable to other motor vehicle fuel and special fuel excise taxes
17 levied under chapters 82.36 and 82.38 RCW. The proposed tax may not be
18 levied less than one month from the date the election results are
19 certified. The commencement date for the levy of any tax under this
20 section will be the first day of January, April, July, or October.

21 (3) The local option motor vehicle fuel tax on each gallon of motor
22 vehicle fuel and on each gallon of special fuel is imposed upon the
23 distributor of the fuel.

24 (4) A taxable event for the purposes of this section occurs upon
25 the first distribution of the fuel within the boundaries of the
26 (~~district~~) authority to a retail outlet, bulk fuel user, or ultimate
27 user of the fuel.

28 (5) All administrative provisions in chapters 82.01, 82.03, and
29 82.32 RCW, insofar as they are applicable, apply to local option fuel
30 taxes imposed under this section.

31 (6) Before the effective date of the imposition of the fuel taxes
32 under this section, (~~a district~~) an authority shall contract with the
33 department of (~~licensing~~) revenue for the administration and
34 collection of the taxes. The contract must provide that a percentage
35 amount, not to exceed one percent of the taxes imposed under this
36 section, will be deposited into the local tax administration account
37 created in the custody of the state treasurer. The department of

1 ((licensing)) revenue may spend money from this account, upon
2 appropriation, for the administration of the local taxes imposed under
3 this section.

4 (7) The state treasurer shall distribute monthly to the
5 ((district)) authority levying the tax as part of the regional
6 ((~~transportation investment district~~)) mobility investment plan, after
7 the deductions for payments and expenditures as provided in RCW
8 46.68.090(1) (a) and (b).

9 (8) The proceeds of the additional taxes levied by ((~~a district~~))
10 an authority in this section, to be used as a part of a regional
11 ((~~transportation investment district~~)) mobility investment plan, must
12 be used in accordance with chapter ((~~36.120~~)) 81.112 RCW, but only for
13 those areas that are considered "highway purposes" as that term is
14 construed in Article II, section 40 of the state Constitution.

15 (9) ((~~A district~~)) An authority may only levy the tax under this
16 section if the ((~~district~~)) authority is comprised of boundaries
17 identical to the boundaries of a county or counties. ((~~A district~~)) An
18 authority may not levy the tax in this section if a member county is
19 levying the tax in RCW 82.80.010 or 82.80.110.

20 **Sec. 307.** RCW 81.100.030 and 2002 c 56 s 410 are each amended to
21 read as follows:

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

1 may provide for exemptions from the tax to such educational, cultural,
2 health, charitable, or religious organizations as it deems appropriate.

3 Counties or (~~investment districts~~) regional transportation
4 authorities may contract with the state department of revenue or other
5 appropriate entities for administration and collection of the tax.
6 Such contract shall provide for deduction of an amount for
7 administration and collection expenses.

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

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

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

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

30 (4) Any employer tax imposed under RCW 81.104.150 by a regional
31 transportation authority must be applied to any tax imposed under this
32 section by a regional transportation authority, such that the combined
33 rate within the authority does not exceed the statutory limits
34 prescribed under this section.

35 **Sec. 308.** RCW 81.100.060 and 2006 c 318 s 2 and 2006 c 311 s 15
36 are each reenacted and amended to read as follows:

37 (1) A county with a population of one million or more and a county

1 with a population of from two hundred ten thousand to less than one
2 million that is adjoining a county with a population of one million or
3 more, having within their boundaries existing or planned high-occupancy
4 vehicle lanes on the state highway system, or a regional transportation
5 (~~investment district, but only to the extent that the surcharge has~~
6 ~~not already been imposed by the county~~) authority, may, with voter
7 approval, impose a local surcharge of not more than three-tenths of one
8 percent in the case of a county, or eight-tenths of one percent in the
9 case of a regional transportation (~~investment district~~) authority, of
10 the value on vehicles registered to a person residing within the county
11 or (~~investment district~~) regional transportation authority and not
12 more than 13.64 percent on the state sales and use taxes paid under the
13 rate in RCW 82.08.020(2) on retail car rentals within the county or
14 (~~investment district~~) regional transportation authority. A county
15 may impose the surcharge only to the extent that it has not been
16 imposed by the (~~district~~) regional transportation authority. No
17 surcharge may be imposed on vehicles licensed under RCW 46.16.070
18 except vehicles with an unladen weight of six thousand pounds or less,
19 RCW 46.16.079, 46.16.085, or 46.16.090.

20 (2) Counties or (~~investment districts~~) regional transportation
21 authorities imposing a surcharge under this section shall contract,
22 before the effective date of the resolution or ordinance imposing a
23 surcharge, administration and collection to the state department of
24 licensing, and department of revenue, as appropriate, which shall
25 deduct a percentage amount, as provided by contract, not to exceed two
26 percent of the taxes, for administration and collection expenses
27 incurred by the department.

28 (3) All administrative provisions in chapters 82.03, 82.08, 82.12,
29 and 82.32 RCW shall, insofar as they are applicable to state sales and
30 use taxes, be applicable to surcharges imposed under this section.

31 (4) If a surcharge, authorized under this section, is first imposed
32 before June 7, 2006, all administrative provisions in chapters 82.03,
33 82.32, and 82.44 RCW shall, insofar as they are applicable to motor
34 vehicle excise taxes, be applicable to such surcharges (~~imposed under~~
35 this section). (~~All administrative provisions in chapters 82.03,~~
36 ~~82.08, 82.12, and 82.32 RCW shall, insofar as they are applicable to~~
37 ~~state sales and use taxes, be applicable to surcharges imposed under~~

1 ~~this section. A surcharge imposed under this section, or a change to~~
2 ~~the))~~

3 (5) If a surcharge, authorized under this section, is first imposed
4 on or after June 7, 2006:

5 (a) Motor vehicles subject to such surcharge shall be administered
6 in accordance with chapter 318, Laws of 2006; and

7 (b) The surcharge or a change to the surcharge shall take effect no
8 sooner than seventy-five days after the department of licensing or the
9 department of revenue receives notice of the surcharge or change to the
10 surcharge, and shall take effect only on the first day of January,
11 April, July, or October. Unless waived by the department of licensing
12 or the department of revenue, notice includes providing the appropriate
13 department with digital mapping and legal descriptions of areas in
14 which the ((tax)) surcharge will be collected.

15 ~~((If the tax authorized in RCW 81.100.030 is also imposed, the~~
16 ~~total proceeds from tax sources imposed under this section and RCW~~
17 ~~81.100.030 each year shall not exceed the maximum amount which could be~~
18 ~~collected under this section.))~~

19 (6) Any motor vehicle excise tax imposed under RCW 81.104.160 by a
20 regional transportation authority must be applied to any tax imposed
21 under this section by a regional transportation authority, such that
22 the combined rate within the authority does not exceed the statutory
23 limits prescribed under this section.

24 **Sec. 309.** RCW 82.32.470 and 2002 c 56 s 407 are each amended to
25 read as follows:

26 (1) The tax imposed and collected under chapters 82.08 and 82.12
27 RCW, less any credits allowed under chapter 82.14 RCW, on initial
28 construction for a ~~((transportation project to be constructed under~~
29 ~~chapter 36.120 RCW,)) mobility project of regional significance to be~~
30 constructed under chapter 81.112 RCW, must be transferred to the
31 ~~((transportation project)) mobility project of regional significance~~ to
32 defray costs or pay debt service on that ~~((transportation))~~ project.
33 In the case of a toll project, this transfer or credit must be used to
34 lower the overall cost of the project and thereby the corresponding
35 tolls.

36 (2) This transaction is exempt from the requirements in RCW
37 43.135.035(4).

1 (3) Government entities constructing (~~transportation projects~~
2 ~~under chapter 36.120 RCW~~) mobility projects of regional significance
3 under chapter 81.112 RCW shall report to the department the amount of
4 state sales or use tax covered under this section.

5 **Sec. 310.** RCW 82.14.050 and 2005 c 336 s 20 are each amended to
6 read as follows:

7 The counties, cities, and transportation authorities under RCW
8 82.14.045, public facilities districts under chapters 36.100 and 35.57
9 RCW, public transportation benefit areas under RCW 82.14.440, regional
10 transportation (~~investment districts~~) authorities, and transportation
11 benefit districts under chapter 36.73 RCW shall contract, prior to the
12 effective date of a resolution or ordinance imposing a sales and use
13 tax, the administration and collection to the state department of
14 revenue, which shall deduct a percentage amount, as provided by
15 contract, not to exceed two percent of the taxes collected for
16 administration and collection expenses incurred by the department. The
17 remainder of any portion of any tax authorized by this chapter that is
18 collected by the department of revenue shall be deposited by the state
19 department of revenue in the local sales and use tax account hereby
20 created in the state treasury. Moneys in the local sales and use tax
21 account may be spent only for distribution to counties, cities,
22 transportation authorities, public facilities districts, public
23 transportation benefit areas, regional transportation (~~investment~~
24 ~~districts~~) authorities, and transportation benefit districts imposing
25 a sales and use tax. All administrative provisions in chapters 82.03,
26 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be
27 amended, shall, insofar as they are applicable to state sales and use
28 taxes, be applicable to taxes imposed pursuant to this chapter.
29 Counties, cities, transportation authorities, public facilities
30 districts, and regional transportation (~~investment districts~~)
31 authorities may not conduct independent sales or use tax audits of
32 sellers registered under the streamlined sales tax agreement. Except
33 as provided in RCW 43.08.190, all earnings of investments of balances
34 in the local sales and use tax account shall be credited to the local
35 sales and use tax account and distributed to the counties, cities,
36 transportation authorities, public facilities districts, public

1 transportation benefit areas, regional transportation (~~investment~~
2 ~~districts~~) authorities, and transportation benefit districts monthly.

3 **Sec. 311.** RCW 82.80.080 and 2002 c 56 s 414 are each amended to
4 read as follows:

5 (1) The state treasurer shall distribute revenues, less authorized
6 deductions, generated by the local option taxes authorized in RCW
7 82.80.010 (~~and 82.80.020~~), levied by counties to the levying
8 counties, and cities contained in those counties, based on the relative
9 per capita population. County population for purposes of this section
10 is equal to one and one-half of the unincorporated population of the
11 county. In calculating the distributions, the state treasurer shall
12 use the population estimates prepared by the state office of financial
13 management and shall further calculate the distribution based on
14 information supplied by the departments of licensing and revenue, as
15 appropriate.

16 (2) The state treasurer shall distribute revenues, less authorized
17 deductions, generated by the local option taxes authorized in RCW
18 82.80.010 (~~and 82.80.020~~) levied by qualifying cities and towns to
19 the levying cities and towns.

20 (3) The state treasurer shall distribute to the (~~district~~)
21 regional transportation authority revenues, less authorized deductions,
22 generated by the local option taxes under RCW 82.80.010 or fees under
23 RCW 82.80.100 levied by a (~~district~~) regional transportation
24 authority.

25 **Sec. 312.** RCW 81.100.010 and 2002 c 56 s 409 are each amended to
26 read as follows:

27 The need for mobility, growing travel demand, and increasing
28 traffic congestion in urban areas necessitate accelerated development
29 and increased utilization of the high-occupancy vehicle system. RCW
30 81.100.030 and 81.100.060 provide taxing authority that counties or
31 regional transportation (~~investment-districts~~) authorities can use in
32 the near term to accelerate development and increase utilization of the
33 high-occupancy vehicle system by supplementing available federal,
34 state, and local funds.

1 **Sec. 313.** RCW 81.100.080 and 2006 c 311 s 14 are each amended to
2 read as follows:

3 (1) Funds collected under RCW 81.100.030 or 81.100.060 and any
4 investment earnings accruing thereon shall be used by the county or the
5 regional transportation (~~((investment district))~~) authority in a manner
6 consistent with the regional transportation plan only for costs of
7 collection, costs of preparing, adopting, and enforcing agreements
8 under RCW 81.100.030(3), for construction of high occupancy vehicle
9 lanes and related facilities, mitigation of environmental concerns that
10 result from construction or use of high occupancy vehicle lanes and
11 related facilities, payment of principal and interest on bonds issued
12 for the purposes of this section, for high occupancy vehicle programs
13 as defined in RCW 81.100.020(5), or for commuter rail projects in
14 accordance with RCW 81.104.120. Except for funds raised by (~~an~~
15 ~~investment district~~) a regional transportation authority, no funds
16 collected under RCW 81.100.030 or 81.100.060 after June 30, 2000, may
17 be pledged for the payment or security of the principal or interest on
18 any bonds issued for the purposes of this section. Not more than ten
19 percent of the funds may be used for transit agency high occupancy
20 vehicle programs.

21 (2) Notwithstanding the limitations in this chapter, a regional
22 transportation (~~((investment district))~~) authority may use funds
23 collected under RCW 81.100.030 or 81.100.060 and any investment
24 earnings accruing thereon for projects contained in a regional mobility
25 investment plan developed under chapter (~~(36.120 RCW))~~ 81.112 RCW.
26 These expenditures shall not be limited to high occupancy vehicle
27 systems.

28 (3) Priorities for construction of high occupancy vehicle lanes and
29 related facilities shall be as follows:

30 (a)(i) To accelerate construction of high occupancy vehicle lanes
31 on the interstate highway system, as well as related facilities;

32 (ii) To finance or accelerate construction of high occupancy
33 vehicle lanes on the noninterstate state highway system, as well as
34 related facilities.

35 (b) To finance construction of high occupancy vehicle lanes on
36 local arterials, as well as related facilities.

37 (4) Moneys received by a county under this chapter shall be used in

1 addition to, and not as a substitute for, moneys currently used by the
2 county for the purposes specified in this section.

3 (5) Counties and (~~investment districts~~) regional transportation
4 authorities may contract with cities or the state department of
5 transportation for construction of high occupancy vehicle lanes and
6 related facilities, and may issue general obligation bonds to fund such
7 construction and use funds received under this chapter to pay the
8 principal and interest on such bonds.

9 **Sec. 314.** RCW 81.104.140 and 2002 c 56 s 202 are each amended to
10 read as follows:

11 (1) Agencies authorized to provide high capacity transportation
12 service, including transit agencies and regional (~~transit~~)
13 transportation authorities, (~~and regional transportation investment~~
14 ~~districts acting with the agreement of an agency,~~) are hereby granted
15 dedicated funding sources for such systems. These dedicated funding
16 sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170,
17 are authorized only for agencies located in (a) each county with a
18 population of two hundred ten thousand or more and (b) each county with
19 a population of from one hundred twenty-five thousand to less than two
20 hundred ten thousand except for those counties that do not border a
21 county with a population as described under (a) of this subsection. In
22 any county with a population of one million or more or in any county
23 having a population of four hundred thousand or more bordering a county
24 with a population of one million or more, these funding sources may be
25 imposed only by a regional (~~transit~~) transportation authority (~~or a~~
26 ~~regional transportation investment district. Regional transportation~~
27 ~~investment districts may, with the approval of the regional transit~~
28 ~~authority within its boundaries, impose the taxes authorized under this~~
29 ~~chapter, but only upon approval of the voters and to the extent that~~
30 ~~the maximum amount of taxes authorized under this chapter have not been~~
31 ~~imposed)).~~

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

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

37 (a) Acceptability;

- 1 (b) Ease of administration;
- 2 (c) Equity;
- 3 (d) Implementation feasibility;
- 4 (e) Revenue reliability; and
- 5 (f) Revenue yield.

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

9 (a) Employer tax as provided in RCW 81.104.150(~~(, other than by~~
10 ~~regional transportation investment districts)~~);

11 (b) Special motor vehicle excise tax as provided in RCW 81.104.160;
12 and

13 (c) Sales and use tax as provided in RCW 81.104.170.

14 Revenues from these taxes may be used only to support those
15 purposes prescribed in subsection (10) of this section. Before the
16 date of an election authorizing an agency to impose any of the taxes
17 enumerated in this section and authorized in RCW 81.104.150,
18 81.104.160, and 81.104.170, the agency must comply with the process
19 prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No
20 construction on exclusive right-of-way may occur before the
21 requirements of RCW 81.104.100(3) are met.

22 (5) Authorization in subsection (4) of this section shall not
23 adversely affect the funding authority of transit agencies not provided
24 for in this chapter. Local option funds may be used to support
25 implementation of interlocal agreements with respect to the
26 establishment of regional high capacity transportation service. Except
27 when a regional (~~(transit))~~ transportation authority exists, local
28 jurisdictions shall retain control over moneys generated within their
29 boundaries, although funds may be commingled with those generated in
30 other areas for planning, construction, and operation of high capacity
31 transportation systems as set forth in the agreements.

32 (6) Agencies planning to construct and operate high capacity
33 transportation systems may contract with the state for collection and
34 transference of voter-approved local option revenue.

35 (7) Dedicated high capacity transportation funding sources
36 authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be
37 subject to voter approval by a simple majority. A single ballot

1 proposition may seek approval for one or more of the authorized taxing
2 sources. The ballot title shall reference the document identified in
3 subsection (8) of this section.

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

12 (9) For any election in which voter approval is sought for a high
13 capacity transportation system plan and financing plan pursuant to RCW
14 81.104.040, a local voter's pamphlet shall be produced as provided in
15 chapter ~~((29.81A))~~ 29A.32 RCW.

16 (10) Agencies providing high capacity transportation service shall
17 retain responsibility for revenue encumbrance, disbursement, and
18 bonding. Funds may be used for any purpose relating to planning,
19 construction, and operation of high capacity transportation systems and
20 commuter rail systems, personal rapid transit, busways, bus sets, and
21 entrained and linked buses.

22 **PART IV**
23 **RTID REMOVAL**

24 **Sec. 401.** RCW 29A.36.071 and 2006 c 311 s 9 are each amended to
25 read as follows:

26 (1) Except as provided to the contrary in RCW 82.14.036, 82.46.021,
27 or 82.80.090, the ballot title of any referendum filed on an enactment
28 or portion of an enactment of a local government and any other question
29 submitted to the voters of a local government consists of three
30 elements: (a) An identification of the enacting legislative body and
31 a statement of the subject matter; (b) a concise description of the
32 measure; and (c) a question. The ballot title must conform with the
33 requirements and be displayed substantially as provided under RCW
34 29A.72.050, except that the concise description must not exceed
35 seventy-five words ~~((; however, a concise description submitted on~~
36 ~~behalf of a proposed or existing regional transportation investment~~

1 ~~district may exceed seventy five words~~). If the local governmental
2 unit is a city or a town, the concise statement shall be prepared by
3 the city or town attorney. If the local governmental unit is a county,
4 the concise statement shall be prepared by the prosecuting attorney of
5 the county. If the unit is a unit of local government other than a
6 city, town, or county, the concise statement shall be prepared by the
7 prosecuting attorney of the county within which the majority area of
8 the unit is located.

9 (2) A referendum measure on the enactment of a unit of local
10 government shall be advertised in the manner provided for nominees for
11 elective office.

12 (3) Subsection (1) of this section does not apply if another
13 provision of law specifies the ballot title for a specific type of
14 ballot question or proposition.

15 **Sec. 402.** RCW 43.79A.040 and 2007 c 523 s 5, 2007 c 357 s 21, and
16 2007 c 214 s 14 are each reenacted and amended to read as follows:

17 (1) Money in the treasurer's trust fund may be deposited, invested,
18 and reinvested by the state treasurer in accordance with RCW 43.84.080
19 in the same manner and to the same extent as if the money were in the
20 state treasury.

21 (2) All income received from investment of the treasurer's trust
22 fund shall be set aside in an account in the treasury trust fund to be
23 known as the investment income account.

24 (3) The investment income account may be utilized for the payment
25 of purchased banking services on behalf of treasurer's trust funds
26 including, but not limited to, depository, safekeeping, and
27 disbursement functions for the state treasurer or affected state
28 agencies. The investment income account is subject in all respects to
29 chapter 43.88 RCW, but no appropriation is required for payments to
30 financial institutions. Payments shall occur prior to distribution of
31 earnings set forth in subsection (4) of this section.

32 (4)(a) Monthly, the state treasurer shall distribute the earnings
33 credited to the investment income account to the state general fund
34 except under (b) and (c) of this subsection.

35 (b) The following accounts and funds shall receive their
36 proportionate share of earnings based upon each account's or fund's
37 average daily balance for the period: The Washington promise

1 scholarship account, the college savings program account, the
2 Washington advanced college tuition payment program account, the
3 agricultural local fund, the American Indian scholarship endowment
4 fund, the foster care scholarship endowment fund, the foster care
5 endowed scholarship trust fund, the students with dependents grant
6 account, the basic health plan self-insurance reserve account, the
7 contract harvesting revolving account, the Washington state combined
8 fund drive account, the commemorative works account, the Washington
9 international exchange scholarship endowment fund, the developmental
10 disabilities endowment trust fund, the energy account, the fair fund,
11 the family leave insurance account, the fruit and vegetable inspection
12 account, the future teachers conditional scholarship account, the game
13 farm alternative account, the GET ready for math and science
14 scholarship account, the grain inspection revolving fund, the juvenile
15 accountability incentive account, the law enforcement officers' and
16 firefighters' plan 2 expense fund, the local tourism promotion account,
17 the produce railcar pool account, (~~the regional transportation~~
18 ~~investment district account,~~) the rural rehabilitation account, the
19 stadium and exhibition center account, the youth athletic facility
20 account, the self-insurance revolving fund, the sulfur dioxide
21 abatement account, the children's trust fund, the Washington horse
22 racing commission Washington bred owners' bonus fund account, the
23 Washington horse racing commission class C purse fund account, the
24 individual development account program account, the Washington horse
25 racing commission operating account (earnings from the Washington horse
26 racing commission operating account must be credited to the Washington
27 horse racing commission class C purse fund account), the life sciences
28 discovery fund, the Washington state heritage center account, and the
29 reading achievement account. However, the earnings to be distributed
30 shall first be reduced by the allocation to the state treasurer's
31 service fund pursuant to RCW 43.08.190.

32 (c) The following accounts and funds shall receive eighty percent
33 of their proportionate share of earnings based upon each account's or
34 fund's average daily balance for the period: The advanced right-of-way
35 revolving fund, the advanced environmental mitigation revolving
36 account, the city and county advance right-of-way revolving fund, the
37 federal narcotics asset forfeitures account, the high occupancy vehicle

1 account, the local rail service assistance account, and the
2 miscellaneous transportation programs account.

3 (5) In conformance with Article II, section 37 of the state
4 Constitution, no trust accounts or funds shall be allocated earnings
5 without the specific affirmative directive of this section.

6 **Sec. 403.** RCW 47.56.075 and 2002 c 56 s 404 are each amended to
7 read as follows:

8 The department shall approve for construction only such toll roads
9 as the legislature specifically authorizes or such toll facilities as
10 are specifically sponsored by a (~~regional transportation investment~~
11 ~~district,~~) city, town, or county.

12 **Sec. 404.** RCW 81.112.030 and 2007 c 509 s 3 are each amended to
13 read as follows:

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

18 The authority shall be formed in the following manner:

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

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

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

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

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

24 (6) If the authority determines that major modifications to the
25 plan are necessary before the initial ballot proposition is submitted
26 to the voters, the authority may make those modifications with a
27 favorable vote of two-thirds of the entire membership. Any such
28 modification shall be subject to the review process set forth in RCW
29 81.104.110. The modified plan shall be transmitted to the legislative
30 authorities of the participating counties. The legislative authorities
31 shall have forty-five days following receipt to act by motion or
32 ordinance to confirm or rescind their continued participation in the
33 authority.

34 (7) If any county opts to not participate in the authority, but two
35 or more contiguous counties do choose to continue to participate, the
36 authority's board shall be revised accordingly. The authority shall,
37 within forty-five days, redefine the system and financing plan to
38 reflect elimination of one or more counties, and submit the redefined

1 plan to the legislative authorities of the remaining counties for their
2 decision as to whether to continue to participate. This action shall
3 be completed within forty-five days following receipt of the redefined
4 plan.

5 (8) The authority shall place on the ballot within two years of the
6 authority's formation, a single ballot proposition to authorize the
7 imposition of taxes to support the implementation of an appropriate
8 phase of the plan within its service area. In addition to the system
9 plan requirements contained in RCW 81.104.100(2)(d), the system plan
10 approved by the authority's board before the submittal of a proposition
11 to the voters shall contain an equity element which:

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

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

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

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

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

1 ~~(10) ((At the 2007 general election, the authority shall submit a~~
2 ~~proposition to support a system and financing plan or additional~~
3 ~~implementation phases of the authority's system and financing plan as~~
4 ~~part of a single ballot proposition that includes a plan to support a~~
5 ~~regional transportation investment plan developed under chapter 36.120~~
6 ~~RCW. The authority's plan shall not be considered approved unless both~~
7 ~~a majority of the persons voting on the proposition residing within the~~
8 ~~authority vote in favor of the proposition and a majority of the~~
9 ~~persons voting on the proposition residing within the proposed regional~~
10 ~~transportation investment district vote in favor of the proposition.~~

11 ~~(11) Additional phases of plan implementation may include a~~
12 ~~transportation subarea equity element which (a) identifies the combined~~
13 ~~authority and regional transportation investment district revenues~~
14 ~~anticipated to be generated by corridor and by county within the~~
15 ~~authority's boundaries, and (b) identifies the degree to which the~~
16 ~~combined authority and regional transportation investment district~~
17 ~~revenues generated within each county will benefit the residents of~~
18 ~~that county, and identifies when such benefits will accrue. For~~
19 ~~purposes of the transportation subarea equity principle established~~
20 ~~under this subsection, the authority may use the five subareas within~~
21 ~~the authority's boundaries as identified in the authority's system plan~~
22 ~~adopted in May 1996.~~

23 ~~(12))~~ If the authority is unable to achieve a positive vote on a
24 proposition within two years from the date of the first election on a
25 proposition, the board may, by resolution, reconstitute the authority
26 as a single-county body. With a two-thirds vote of the entire
27 membership of the voting members, the board may also dissolve the
28 authority.

29 (11) This section does not apply to regional transportation
30 authorities established after the effective date of this section.

31 **Sec. 405.** RCW 82.80.070 and 2005 c 319 s 139 are each amended to
32 read as follows:

33 (1) The proceeds collected pursuant to the exercise of the local
34 option authority of RCW 82.80.010, 82.80.030, and 82.80.050 (hereafter
35 called "local option transportation revenues") shall be used for
36 transportation purposes only, including but not limited to the
37 following: The operation and preservation of roads, streets, and other

1 transportation improvements; new construction, reconstruction, and
2 expansion of city streets, county roads, and state highways and other
3 transportation improvements; development and implementation of public
4 transportation and high-capacity transit improvements and programs; and
5 planning, design, and acquisition of right-of-way and sites for such
6 transportation purposes. The proceeds collected from excise taxes on
7 the sale, distribution, or use of motor vehicle fuel and special fuel
8 under RCW 82.80.010 shall be used exclusively for "highway purposes" as
9 that term is construed in Article II, section 40 of the state
10 Constitution.

11 (2) The local option transportation revenues shall be expended for
12 transportation uses consistent with the adopted transportation and land
13 use plans of the jurisdiction expending the funds and consistent with
14 any applicable and adopted regional transportation plan for
15 metropolitan planning areas.

16 (3) Each local government with a population greater than eight
17 thousand that levies or expends local option transportation funds, is
18 also required to develop and adopt a specific transportation program
19 that contains the following elements:

20 (a) The program shall identify the geographic boundaries of the
21 entire area or areas within which local option transportation revenues
22 will be levied and expended.

23 (b) The program shall be based on an adopted transportation plan
24 for the geographic areas covered and shall identify the proposed
25 operation and construction of transportation improvements and services
26 in the designated plan area intended to be funded in whole or in part
27 by local option transportation revenues and shall identify the annual
28 costs applicable to the program.

29 (c) The program shall indicate how the local transportation plan is
30 coordinated with applicable transportation plans for the region and for
31 adjacent jurisdictions.

32 (d) The program shall include at least a six-year funding plan,
33 updated annually, identifying the specific public and private sources
34 and amounts of revenue necessary to fund the program. The program
35 shall include a proposed schedule for construction of projects and
36 expenditure of revenues. The funding plan shall consider the
37 additional local tax revenue estimated to be generated by new

1 development within the plan area if all or a portion of the additional
2 revenue is proposed to be earmarked as future appropriations for
3 transportation improvements in the program.

4 (4) Local governments with a population greater than eight thousand
5 exercising the authority for local option transportation funds shall
6 periodically review and update their transportation program to ensure
7 that it is consistent with applicable local and regional transportation
8 and land use plans and within the means of estimated public and private
9 revenue available.

10 (5) In the case of expenditure for new or expanded transportation
11 facilities, improvements, and services, priorities in the use of local
12 option transportation revenues shall be identified in the
13 transportation program and expenditures shall be made based upon the
14 following criteria, which are stated in descending order of weight to
15 be attributed:

16 (a) First, the project serves a multijurisdictional function;

17 (b) Second, it is necessitated by existing or reasonably
18 foreseeable congestion;

19 (c) Third, it has the greatest person-carrying capacity;

20 (d) Fourth, it is partially funded by other government funds, such
21 as from the state transportation improvement board, or by private
22 sector contributions, such as those from the local transportation act,
23 chapter 39.92 RCW; and

24 (e) Fifth, it meets such other criteria as the local government
25 determines is appropriate.

26 (6) It is the intent of the legislature that as a condition of
27 levying, receiving, and expending local option transportation revenues,
28 no local government agency use the revenues to replace, divert, or loan
29 any revenues currently being used for transportation purposes to
30 nontransportation purposes.

31 (7) Local governments are encouraged to enter into interlocal
32 agreements to jointly develop and adopt with other local governments
33 the transportation programs required by this section for the purpose of
34 accomplishing regional transportation planning and development.

35 (8) Local governments may use all or a part of the local option
36 transportation revenues for the amortization of local government
37 general obligation and revenue bonds issued for transportation purposes
38 consistent with the requirements of this section.

1 (9) Subsections (1) through (8) of this section do not apply to a
2 regional transportation ((investment district)) authority imposing a
3 tax or fee under the local option authority of this chapter. Proceeds
4 collected under the exercise of local option authority under this
5 chapter by a district must be used in accordance with chapter
6 ((36.120)) 81.112 RCW.

7 **PART V**
8 **TECHNICAL NAME CHANGES**

9 **Sec. 501.** RCW 9.91.025 and 2004 c 118 s 1 are each amended to read
10 as follows:

11 (1) A person is guilty of unlawful bus conduct if while on or in a
12 municipal transit vehicle as defined by RCW 46.04.355 or in or at a
13 municipal transit station and with knowledge that the conduct is
14 prohibited, he or she:

15 (a) Except while in or at a municipal transit station, smokes or
16 carries a lighted or smoldering pipe, cigar, or cigarette;

17 (b) Discards litter other than in designated receptacles;

18 (c) Plays any radio, recorder, or other sound-producing equipment
19 except that nothing herein prohibits the use of the equipment when
20 connected to earphones that limit the sound to individual listeners or
21 the use of a communication device by an employee of the owner or
22 operator of the municipal transit vehicle or municipal transit station;

23 (d) Spits or expectorates;

24 (e) Carries any flammable liquid, explosive, acid, or other article
25 or material likely to cause harm to others except that nothing herein
26 prevents a person from carrying a cigarette, cigar, or pipe lighter or
27 carrying a firearm or ammunition in a way that is not otherwise
28 prohibited by law;

29 (f) Intentionally obstructs or impedes the flow of municipal
30 transit vehicles or passenger traffic, hinders or prevents access to
31 municipal transit vehicles or stations, or otherwise unlawfully
32 interferes with the provision or use of public transportation services;

33 (g) Intentionally disturbs others by engaging in loud, raucous,
34 unruly, harmful, or harassing behavior; or

35 (h) Destroys, defaces, or otherwise damages property of a

1 municipality as defined in RCW 35.58.272 or a regional ((~~transit~~))
2 transportation authority authorized by chapter 81.112 RCW employed in
3 the provision or use of public transportation services.

4 (2) For the purposes of this section, "municipal transit station"
5 means all facilities, structures, lands, interest in lands, air rights
6 over lands, and rights-of-way of all kinds that are owned, leased,
7 held, or used by a municipality as defined in RCW 35.58.272, or a
8 regional ((~~transit~~)) transportation authority authorized by chapter
9 81.112 RCW for the purpose of providing public transportation services,
10 including, but not limited to, park and ride lots, transit centers and
11 tunnels, and bus shelters.

12 (3) Unlawful bus conduct is a misdemeanor.

13 **Sec. 502.** RCW 35.58.2795 and 1994 c 158 s 6 are each amended to
14 read as follows:

15 By April 1st of each year, the legislative authority of each
16 municipality, as defined in RCW 35.58.272, and each regional
17 ((~~transit~~)) transportation authority shall prepare a six-year transit
18 development plan for that calendar year and the ensuing five years.
19 The program shall be consistent with the comprehensive plans adopted by
20 counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or
21 36.70 RCW, the inherent authority of a first-class city or charter
22 county derived from its charter, or chapter 36.70A RCW. The program
23 shall contain information as to how the municipality intends to meet
24 state and local long-range priorities for public transportation,
25 capital improvements, significant operating changes planned for the
26 system, and how the municipality intends to fund program needs. The
27 six-year plan for each municipality and regional ((~~transit~~))
28 transportation authority shall specifically set forth those projects of
29 regional significance for inclusion in the transportation improvement
30 program within that region. Each municipality and regional ((~~transit~~))
31 transportation authority shall file the six-year program with the state
32 department of transportation, the transportation improvement board, and
33 cities, counties, and regional planning councils within which the
34 municipality is located.

35 In developing its program, the municipality and the regional
36 ((~~transit~~)) transportation authority shall consider those policy
37 recommendations affecting public transportation contained in the state

1 transportation policy plan approved by the state transportation
2 commission and, where appropriate, adopted by the legislature. The
3 municipality shall conduct one or more public hearings while developing
4 its program and for each annual update.

5 **Sec. 503.** RCW 35.95A.050 and 2002 c 248 s 5 are each amended to
6 read as follows:

7 Every authority has the following powers:

8 (1) To acquire by purchase, condemnation, gift, or grant and to
9 lease, construct, add to, improve, replace, repair, maintain, operate,
10 and regulate the use of public monorail transportation facilities,
11 including passenger terminal and parking facilities and properties, and
12 other facilities and properties as may be necessary for passenger and
13 vehicular access to and from public monorail transportation facilities,
14 together with all lands, rights-of-way, and property within or outside
15 the authority area, and together with equipment and accessories
16 necessary or appropriate for these facilities, except that property,
17 including but not limited to other types of public transportation
18 facilities, that is owned by any city, county, county transportation
19 authority, public transportation benefit area, metropolitan municipal
20 corporation, or regional (~~(transit)~~) transportation authority may be
21 acquired or used by an authority only with the consent of the public
22 entity owning the property. The entities are authorized to convey or
23 lease property to an authority or to contract for their joint use on
24 terms fixed by agreement between the entity and the authority;

25 (2) To fix rates, tolls, fares, and charges for the use of
26 facilities and to establish various routes and classes of service.
27 Rates, tolls, fares, or charges may be adjusted or eliminated for any
28 distinguishable class of users including, but not limited to, senior
29 citizens and (~~(handicapped)~~) persons with disabilities;

30 (3) To contract with the United States or any of its agencies, any
31 state or any of its agencies, any metropolitan municipal corporation,
32 and other country, city, other political subdivision or governmental
33 instrumentality, or governmental agency, or any private person, firm,
34 or corporation for the purpose of receiving any gifts or grants or
35 securing loans or advances for preliminary planning and feasibility
36 studies, or for the design, construction, operation, or maintenance of
37 public monorail transportation facilities as follows:

1 (a) Notwithstanding the provisions of any law to the contrary, and
2 in addition to any other authority provided by law, the governing body
3 of a city transportation authority may contract with one or more
4 vendors for the design, construction, operation, or maintenance, or
5 other service related to the development of a monorail public
6 transportation system including, but not limited to, monorail trains,
7 operating systems and control equipment, guideways, and pylons,
8 together with the necessary passenger stations, terminals, parking
9 facilities, and other related facilities necessary and appropriate for
10 passenger and vehicular access to and from the monorail train.

11 (b) If the governing body of the city transportation authority
12 decides to proceed with the consideration of qualifications or
13 proposals for services from qualified vendors, the authority must
14 publish notice of its requirements and request submission of
15 qualifications statements or proposals. The notice must be published
16 in the official newspaper of the city creating the authority at least
17 once a week for two weeks, not less than sixty days before the final
18 date for the submission of qualifications statements or proposals. The
19 notice must state in summary form: (i) The general scope and nature of
20 the design, construction, operation, maintenance, or other services
21 being sought related to the development of the proposed monorail, tram,
22 or trolley public transportation system; (ii) the name and address of
23 a representative of the city transportation authority who can provide
24 further details; (iii) the final date for the submission of
25 qualifications statements or proposals; (iv) an estimated schedule for
26 the consideration of qualifications statements or proposals, the
27 selection of vendors, and the negotiation of a contract or contracts
28 for services; (v) the location of which a copy of any requests for
29 qualifications statements or requests for proposals will be made
30 available; and (vi) the criteria established by the governing body of
31 the authority to select a vendor or vendors, which may include, but is
32 not limited to, the vendor's prior experience, including design,
33 construction, operation, or maintenance of other similar public
34 transportation facilities, respondent's management capabilities,
35 proposed project schedule, availability and financial resources, costs
36 of the services to be provided, nature of facility design proposed by
37 the vendors, system reliability, performance standards required for the
38 facilities, compatibility with existing public transportation

1 facilities operated by the authority or any other public body or other
2 providers of similar services to the public, project performance
3 guarantees, penalties, and other enforcement provisions, environmental
4 protection measures to be used by the vendor, consistency with the
5 applicable regional transportation plans, and the proposed allocation
6 of project risks.

7 (c) If the governing body of the city transportation authority
8 decides to proceed with the consideration of qualifications statements
9 or proposals submitted by vendors, it may designate a representative to
10 evaluate the vendors who submitted qualifications statements or
11 proposals and conduct discussions regarding qualifications or proposals
12 with one or more vendors. The governing body or its representative may
13 request submission of qualifications statements and may later request
14 more detailed proposals from one or more vendors who have submitted
15 qualifications statements, or may request detailed proposals without
16 having first received and evaluated qualifications statements. The
17 governing body or its representative will evaluate the qualifications
18 or proposals, as applicable. If two or more vendors submit
19 qualifications or proposals that meet the criteria established by the
20 governing body of the authority, discussions and interviews must be
21 held with at least two vendors. Any revisions to a request for
22 qualifications or request for proposals must be made available to all
23 vendors then under consideration by the governing body of the authority
24 and must be made available to any other person who has requested
25 receipt of that information.

26 (d) Based on the criteria established by the governing body of the
27 authority, the representative will recommend to the governing body a
28 vendor or vendors that are initially determined to be the best
29 qualified to provide one or more of the design, construction, operation
30 or maintenance, or other service related to the development of the
31 proposed monorail public transportation system.

32 (e) The governing body of the authority or its representative may
33 attempt to negotiate a contract with the vendor or vendors selected for
34 one or more of the design, construction, operation or maintenance, or
35 other service related to the development of the proposed monorail
36 public transportation system on terms that the governing body of the
37 authority determines to be fair and reasonable and in the best interest
38 of the authority. If the governing body, or its representative, is

1 unable to negotiate a contract with any one or more of the vendors
2 first selected on terms that it determines to be fair and reasonable
3 and in the best interest of the authority, negotiations with any one or
4 more of the vendors must be terminated or suspended and another
5 qualified vendor or vendors may be selected in accordance with the
6 procedures set forth in this section. If the governing body decides to
7 continue the process of selection, negotiations will continue with a
8 qualified vendor or vendors in accordance with this section at the sole
9 discretion of the governing body of the authority until an agreement is
10 reached with one or more qualified vendors, or the process is
11 terminated by the governing body. The process may be repeated until an
12 agreement is reached.

13 (f) Prior to entering into a contract with a vendor, the governing
14 body of the authority must make written findings, after holding a
15 public hearing on the proposal, that it is in the public interest to
16 enter into the contract, that the contract is financially sound, and
17 that it is advantageous for the governing body of the authority to use
18 this method for awarding contracts for one or more of the design,
19 construction, or operation or maintenance of the proposed monorail
20 public transportation system as compared to all other methods of
21 awarding such contracts.

22 (g) Each contract must include a project performance bond or bonds
23 or other security by the vendor.

24 (h) The provisions of chapters 39.12 and 39.19 RCW apply to a
25 contract entered into under this section as if the public
26 transportation systems and facilities were owned by a public body.

27 (i) The vendor selection process permitted by this section is
28 supplemental to and is not construed as a repeal of or limitation on
29 any other authority granted by law.

30 (j) Contracts for the construction of facilities, other than
31 contracts for facilities to be provided by the selected vendor, with an
32 estimated cost greater than two hundred thousand dollars must be
33 awarded after a competitive bid process consistent with chapter 39.04
34 RCW or awarded through an alternative public works contracting
35 procedure consistent with chapter 39.10 RCW;

36 (4) To contract with the United States or any of its agencies, any
37 state or any of its agencies, any metropolitan municipal corporation,
38 any other county, city, other political subdivision or governmental

1 instrumentality, any governmental agency, or any private person, firm,
2 or corporation for the use by either contracting party of all or any
3 part of the facilities, structures, lands, interests in lands, air
4 rights over lands, and rights-of-way of all kinds which are owned,
5 leased, or held by the other party and for the purpose of planning,
6 designing, constructing, operating any public transportation facility,
7 or performing any service related to transportation which the authority
8 is authorized to operate or perform, on terms as may be agreed upon by
9 the contracting parties;

10 (5) To acquire any existing public transportation facility by
11 conveyance, sale, or lease. In any acquisition from a county, city, or
12 other political subdivision of the state, the authority will receive
13 credit from the county or city or other political subdivision for any
14 federal assistance and state matching assistance used by the county or
15 city or other political subdivision in acquiring any portion of the
16 public transportation facility. Upon acquisition, the authority must
17 assume and observe all existing labor contracts relating to the public
18 transportation facility and, to the extent necessary for operation of
19 the public transportation facility, all of the employees of the public
20 transportation facility whose duties are necessary to efficiently
21 operate the public transportation facility must be appointed to
22 comparable positions to those which they held at the time of the
23 transfer, and no employee or retired or pensioned employee of the
24 public transportation facility will be placed in any worse position
25 with respect to pension seniority, wages, sick leave, vacation, or
26 other benefits than he or she enjoyed as an employee of the public
27 transportation facility prior to the acquisition. Furthermore, the
28 authority must engage in collective bargaining with the duly appointed
29 representatives of any employee labor organization having existing
30 contracts with the acquired facility and may enter into labor contracts
31 with the employee labor organization;

32 (6) To contract for, participate in, and support research,
33 demonstration, testing, and development of public monorail
34 transportation facilities, equipment, and use incentives, and have all
35 powers necessary to comply with any criteria, standards, and
36 regulations which may be adopted under state and federal law, and to
37 take all actions necessary to meet the requirements of those laws. The
38 authority has, in addition to these powers, the authority to prepare,

1 adopt, and carry out a comprehensive public monorail plan and to make
2 other plans and studies and to perform programs as the authority deems
3 necessary to implement and comply with those laws;

4 (7) To establish local improvement districts within the authority
5 area to finance public monorail transportation facilities, to levy
6 special assessments on property specially benefited by those
7 facilities, and to issue local improvement bonds to be repaid by the
8 collection of local improvement assessments. The method of
9 establishment, levying, collection, enforcement, and all other matters
10 relating to the local improvement districts, assessments, collection,
11 and bonds are as provided in the statutes governing local improvement
12 districts of cities and towns. The duties devolving upon the city
13 treasurer in those statutes are imposed on the treasurer of the
14 authority;

15 (8) To exercise all other powers necessary and appropriate to carry
16 out its responsibilities, including without limitation the power to sue
17 and be sued, to own, construct, purchase, lease, add to, and maintain
18 any real and personal property or property rights necessary for the
19 conduct of the affairs of the authority, to enter into contracts, and
20 to employ the persons as the authority deems appropriate. An authority
21 may also sell, lease, convey, or otherwise dispose of any real or
22 personal property no longer necessary for the conduct of the affairs of
23 the authority.

24 **Sec. 504.** RCW 39.50.010 and 2001 c 299 s 16 are each amended to
25 read as follows:

26 As used in this chapter, the following terms have the meanings
27 indicated unless the context clearly requires otherwise.

28 (1) "Governing body" means the legislative authority of a municipal
29 corporation by whatever name designated;

30 (2) "Local improvement district" includes local improvement
31 districts, utility local improvement districts, road improvement
32 districts, and other improvement districts that a municipal corporation
33 is authorized by law to establish;

34 (3) "Municipal corporation" means any city, town, county, water-
35 sewer district, school district, port district, public utility
36 district, metropolitan municipal corporation, public transportation
37 benefit area, park and recreation district, irrigation district, fire

1 protection district or any other municipal or quasi municipal
2 corporation described as such by statute, or regional (~~transit~~)
3 transportation authority, except joint operating agencies under chapter
4 43.52 RCW;

5 (4) "Ordinance" means an ordinance of a city or town or resolution
6 or other instrument by which the governing body of the municipal
7 corporation exercising any power under this chapter takes formal action
8 and adopts legislative provisions and matters of some permanency; and

9 (5) "Short-term obligations" are warrants, notes, capital leases,
10 or other evidences of indebtedness, except bonds.

11 **Sec. 505.** RCW 39.96.020 and 2005 c 154 s 1 are each amended to
12 read as follows:

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

15 (1) "Financial advisor" means a financial services or financial
16 advisory firm:

17 (a) With recognized knowledge and experience in connection with the
18 negotiation and execution of payment agreements;

19 (b) That is acting solely as financial advisor to the governmental
20 entity in connection with the execution of the payment agreement and
21 the issuance or incurring of any related obligations, and not as a
22 principal, placement agent, purchaser, underwriter, or other similar
23 party, and that does not control, nor is it controlled by or under
24 common control with, any such party;

25 (c) That is compensated for its services in connection with the
26 execution of payment agreements, either directly or indirectly, solely
27 by the governmental entity; and

28 (d) Whose compensation is not based on a percentage of the notional
29 amount of the payment agreement or of the principal amount of any
30 related obligations.

31 (2) "Governmental entity" means state government or local
32 government.

33 (3) "Local government" means any city, county, city transportation
34 authority, regional (~~transit~~) transportation authority established
35 under chapter 81.112 RCW, port district, public hospital district,
36 public facilities district, or public utility district, or any joint
37 operating agency formed under RCW 43.52.360, that has or will have

1 outstanding obligations in an aggregate principal amount of at least
2 one hundred million dollars as of the date a payment agreement is
3 executed or is scheduled by its terms to commence or had at least one
4 hundred million dollars in gross revenues during the preceding calendar
5 year.

6 (4) "Obligations" means bonds, notes, bond anticipation notes,
7 commercial paper, or other obligations for borrowed money, or lease,
8 installment purchase, or other similar financing agreements or
9 certificates of participation in such agreements.

10 (5) "Payment agreement" means a written agreement which provides
11 for an exchange of payments based on interest rates, or for ceilings or
12 floors on these payments, or an option on these payments, or any
13 combination, entered into on either a current or forward basis.

14 (6) "State government" means (a) the state of Washington, acting by
15 and through its state finance committee, (b) the Washington health care
16 facilities authority, (c) the Washington higher education facilities
17 authority, (d) the Washington state housing finance commission, or (e)
18 the state finance committee upon adoption of a resolution approving a
19 payment agreement on behalf of any state institution of higher
20 education as defined under RCW 28B.10.016: PROVIDED, That such
21 approval shall not constitute the pledge of the full faith and credit
22 of the state, but a pledge of only those funds specified in the
23 approved agreement.

24 **Sec. 506.** RCW 46.04.355 and 2004 c 118 s 2 are each amended to
25 read as follows:

26 Municipal transit vehicle includes every motor vehicle, streetcar,
27 train, trolley vehicle, and any other device, which (1) is capable of
28 being moved within, upon, above, or below a public highway, (2) is
29 owned or operated by a city, county, county transportation authority,
30 public transportation benefit area, regional (~~(transit)~~) transportation
31 authority, or metropolitan municipal corporation within the state, and
32 (3) is used for the purpose of carrying passengers together with
33 incidental baggage and freight on a regular schedule.

34 **Sec. 507.** RCW 46.70.051 and 2001 c 272 s 4 are each amended to
35 read as follows:

36 (1) After the application has been filed, the fee paid, and bond

1 posted, if required, the department shall, if no denial order is in
2 effect and no proceeding is pending under RCW 46.70.101, issue the
3 appropriate license, which license, in the case of a vehicle dealer,
4 shall designate the classification of the dealer. Nothing prohibits a
5 vehicle dealer from obtaining licenses for more than one
6 classification, and nothing prevents any vehicle dealer from dealing in
7 other classes of vehicles on an isolated basis.

8 (2) An auction company licensed under chapter 18.11 RCW may sell at
9 auction all classifications of vehicles under a motor vehicle dealer's
10 license issued under this chapter including motor vehicles,
11 miscellaneous type vehicles, and mobile homes and travel trailers.

12 (3) At the time the department issues a vehicle dealer license, the
13 department shall provide to the dealer a current, up-to-date vehicle
14 dealer manual that may be provided electronically setting forth the
15 various statutes and rules applicable to vehicle dealers. In addition,
16 at the time any such license is renewed under RCW 46.70.083, the
17 department shall provide the dealer with any updates or current
18 revisions to the vehicle dealer manual. These updates or current
19 revisions may be provided electronically.

20 (4) The department may contract with responsible private parties to
21 provide them elements of the vehicle database on a regular basis. The
22 private parties may only disseminate this information to licensed
23 vehicle dealers.

24 (a) Subject to the disclosure agreement provisions of RCW 46.12.380
25 and the requirements of Executive Order 97-01, the department may
26 provide to the contracted private parties the following information:

27 (i) All vehicle and title data necessary to accurately disclose
28 known title defects, brands, or flags and odometer discrepancies;

29 (ii) All registered and legal owner information necessary to
30 determine true ownership of the vehicle and the existence of any
31 recorded liens, including but not limited to liens of the department of
32 social and health services or its successor; and

33 (iii) Any data in the department's possession necessary to
34 calculate the motor vehicle excise tax, license, and registration fees
35 including information necessary to determine the applicability of
36 regional (~~transit~~) transportation authority excise and use tax
37 surcharges.

1 (b) The department may provide this information in any form the
2 contracted private party and the department agree upon, but if the data
3 is to be transmitted over the Internet or similar public network from
4 the department to the contracted private party, it must be encrypted.

5 (c) The department shall give these contracted private parties
6 advance written notice of any change in the information referred to in
7 (a)(i), (ii), or (iii) of this subsection, including information
8 pertaining to the calculation of motor vehicle excise taxes.

9 (d) The department shall revoke a contract made under this
10 subsection (4) with a private party who disseminates information from
11 the vehicle database to anyone other than a licensed vehicle dealer.
12 A private party who obtains information from the vehicle database under
13 a contract with the department and disseminates any of that information
14 to anyone other than a licensed vehicle dealer is guilty of a gross
15 misdemeanor punishable under chapter 9A.20 RCW.

16 (e) Nothing in this subsection (4) authorizes a vehicle dealer or
17 any other organization or entity not otherwise appointed as a vehicle
18 licensing subagent under RCW 46.01.140 to perform any of the functions
19 of a vehicle licensing subagent so appointed.

20 **Sec. 508.** RCW 47.12.063 and 2006 c 17 s 2 are each amended to read
21 as follows:

22 (1) It is the intent of the legislature to continue the
23 department's policy giving priority consideration to abutting property
24 owners in agricultural areas when disposing of property through its
25 surplus property program under this section.

26 (2) Whenever the department determines that any real property owned
27 by the state of Washington and under the jurisdiction of the department
28 is no longer required for transportation purposes and that it is in the
29 public interest to do so, the department may sell the property or
30 exchange it in full or part consideration for land or improvements or
31 for construction of improvements at fair market value to any of the
32 following governmental entities or persons:

33 (a) Any other state agency;

34 (b) The city or county in which the property is situated;

35 (c) Any other municipal corporation;

36 (d) Regional (~~transit~~) transportation authorities created under
37 chapter 81.112 RCW;

1 (e) The former owner of the property from whom the state acquired
2 title;

3 (f) In the case of residentially improved property, a tenant of the
4 department who has resided thereon for not less than six months and who
5 is not delinquent in paying rent to the state;

6 (g) Any abutting private owner but only after each other abutting
7 private owner (if any), as shown in the records of the county assessor,
8 is notified in writing of the proposed sale. If more than one abutting
9 private owner requests in writing the right to purchase the property
10 within fifteen days after receiving notice of the proposed sale, the
11 property shall be sold at public auction in the manner provided in RCW
12 47.12.283;

13 (h) To any person through the solicitation of written bids through
14 public advertising in the manner prescribed by RCW 47.28.050;

15 (i) To any other owner of real property required for transportation
16 purposes;

17 (j) In the case of property suitable for residential use, any
18 nonprofit organization dedicated to providing affordable housing to
19 very low-income, low-income, and moderate-income households as defined
20 in RCW 43.63A.510 and is eligible to receive assistance through the
21 Washington housing trust fund created in chapter 43.185 RCW; or

22 (k) A federally recognized Indian tribe within whose reservation
23 boundary the property is located.

24 (3) Sales to purchasers may at the department's option be for cash,
25 by real estate contract, or exchange of land or improvements.
26 Transactions involving the construction of improvements must be
27 conducted pursuant to chapter 47.28 RCW or Title 39 RCW, as applicable,
28 and must comply with all other applicable laws and rules.

29 (4) Conveyances made pursuant to this section shall be by deed
30 executed by the secretary of transportation and shall be duly
31 acknowledged.

32 (5) Unless otherwise provided, all moneys received pursuant to the
33 provisions of this section less any real estate broker commissions paid
34 pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

35 **Sec. 509.** RCW 47.26.121 and 1996 c 49 s 1 are each amended to read
36 as follows:

37 (1) There is hereby created a transportation improvement board of

1 twenty-one members, six of whom shall be county members and six of whom
2 shall be city members. The remaining members shall be: (a) One
3 representative appointed by the governor who shall be a state employee
4 with responsibility for transportation policy, planning, or funding;
5 (b) two representatives from the department of transportation; (c) two
6 representatives of public transit systems; (d) a private sector
7 representative; (e) a member representing the ports; (f) a member
8 representing nonmotorized transportation; and (g) a member representing
9 special needs transportation.

10 (2) Of the county members of the board, one shall be a county
11 engineer or public works director; one shall be the executive director
12 of the county road administration board; one shall be a county planning
13 director or planning manager; one shall be a county executive,
14 councilmember, or commissioner from a county with a population of one
15 hundred twenty-five thousand or more; one shall be a county executive,
16 councilmember, or commissioner of a county who serves on the board of
17 a public transit system; and one shall be a county executive,
18 councilmember, or commissioner from a county with a population of less
19 than one hundred twenty-five thousand. All county members of the
20 board, except the executive director of the county road administration
21 board, shall be appointed. Not more than one county member of the
22 board shall be from any one county. No more than two of the three
23 county-elected officials may represent counties located in either the
24 eastern or western part of the state as divided north and south by the
25 summit of the Cascade mountains.

26 (3) Of the city members of the board one shall be a chief city
27 engineer, public works director, or other city employee with
28 responsibility for public works activities, of a city with a population
29 of twenty thousand or more; one shall be a chief city engineer, public
30 works director, or other city employee with responsibility for public
31 works activities, of a city of less than twenty thousand population;
32 one shall be a city planning director or planning manager; one shall be
33 a mayor, commissioner, or city councilmember of a city with a
34 population of twenty thousand or more; one shall be a mayor,
35 commissioner, or city councilmember of a city who serves on the board
36 of a public transit system; and one shall be a mayor, commissioner, or
37 councilmember of a city of less than twenty thousand population. All
38 of the city members shall be appointed. Not more than one city member

1 of the board shall be from any one city. No more than two of the three
2 city-elected officials may represent cities located in either the
3 eastern or western part of the state as divided north and south by the
4 summit of the Cascade mountains.

5 (4) Of the transit members, at least one shall be a general
6 manager, executive director, or transit director of a public transit
7 system in an urban area with a population over two hundred thousand and
8 at least one representative from a rural or small urban transit system
9 in an area with a population less than two hundred thousand.

10 (5) The private sector member shall be a citizen with business,
11 management, and transportation related experience and shall be active
12 in a business community-based transportation organization.

13 (6) The port member shall be a commissioner or senior staff person
14 of a public port.

15 (7) The nonmotorized transportation member shall be a citizen with
16 a demonstrated interest and involvement with a nonmotorized
17 transportation group.

18 (8) The specialized transportation member shall be a citizen with
19 a demonstrated interest and involvement with a statewide specialized
20 needs transportation group.

21 (9) Appointments of county, city, Washington department of
22 transportation, transit, port, nonmotorized transportation, special
23 needs transportation, and private sector representatives shall be made
24 by the secretary of the department of transportation. Appointees shall
25 be chosen from a list of two persons for each position nominated by the
26 Washington state association of counties for county members, the
27 association of Washington cities for city members, the Washington state
28 transit association for the transit members, and the Washington public
29 ports association for the port member. The private sector,
30 nonmotorized transportation, and special needs members shall be sought
31 through classified advertisements in selected newspapers collectively
32 serving all urban areas of the state, and other appropriate means.
33 Persons applying for the private sector, nonmotorized transportation,
34 or special needs transportation member position must provide a letter
35 of interest and a resume to the secretary of the department of
36 transportation. In the case of a vacancy, the appointment shall be
37 only for the remainder of the unexpired term in which the vacancy has
38 occurred. A vacancy shall be deemed to have occurred on the board when

1 any member elected to public office completes that term of office or is
2 removed therefrom for any reason or when any member employed by a
3 political subdivision terminates such employment for whatsoever reason
4 or when a private sector, nonmotorized transportation, or special needs
5 transportation member resigns or is unable or unwilling to serve.

6 (10) Appointments shall be for terms of four years. Terms of all
7 appointed members shall expire on June 30th of even-numbered years.
8 The initial term of appointed members may be for less than four years.
9 No appointed member may serve more than two consecutive four-year
10 terms.

11 (11) The board shall elect a chair from among its members for a
12 two-year term.

13 (12) Expenses of the board shall be paid in accordance with RCW
14 47.26.140.

15 (13) For purposes of this section, "public transit system" means a
16 city-owned transit system, county transportation authority,
17 metropolitan municipal corporation, public transportation benefit area,
18 or regional (~~(transit)~~) transportation authority.

19 **Sec. 510.** RCW 47.80.060 and 2007 c 511 s 1 are each amended to
20 read as follows:

21 In order to qualify for state planning funds available to regional
22 transportation planning organizations, the regional transportation
23 planning organizations containing any county with a population in
24 excess of one million shall provide voting membership on its executive
25 board to the state transportation commission, the state department of
26 transportation, the four largest public port districts within the
27 region as determined by gross operating revenues, any incorporated
28 principal city of a metropolitan statistical area within the region, as
29 designated by the United States census bureau, and any incorporated
30 city within the region with a population in excess of eighty thousand.
31 It shall further assure that at least fifty percent of the county and
32 city local elected officials who serve on the executive board also
33 serve on transit agency boards or on a regional (~~(transit)~~)
34 transportation authority.

35 **Sec. 511.** RCW 63.29.190 and 2005 c 502 s 4, 2005 c 367 s 3, and
36 2005 c 285 s 2 are each reenacted and amended to read as follows:

1 (1) Except as otherwise provided in subsections (2) and (3) of this
2 section, a person who is required to file a report under RCW 63.29.170
3 shall pay or deliver to the department all abandoned property required
4 to be reported at the time of filing the report.

5 (2)(a) Counties, cities, towns, and other municipal and quasi-
6 municipal corporations that hold funds representing warrants canceled
7 pursuant to RCW 36.22.100 and 39.56.040, uncashed checks, and property
8 tax overpayments or refunds may retain the funds until the owner
9 notifies them and establishes ownership as provided in RCW 63.29.135.
10 Counties, cities, towns, or other municipal or quasi-municipal
11 corporations shall provide to the department a report of property it is
12 holding pursuant to this section. The report shall identify the
13 property and owner in the manner provided in RCW 63.29.170 and the
14 department shall publish the information as provided in RCW 63.29.180.

15 (b)(i) A public transportation authority that holds funds
16 representing value on abandoned fare cards may retain the funds until
17 the owner notifies the authority and establishes ownership as provided
18 in RCW 63.29.135.

19 (ii) For the purposes of this subsection (2)(b), "public
20 transportation authority" means a municipality, as defined in RCW
21 35.58.272, a regional (~~(transit)~~) transportation authority authorized
22 by chapter 81.112 RCW, a public mass transportation system authorized
23 by chapter 47.60 RCW, or a city transportation authority authorized by
24 chapter 35.95A RCW.

25 (3) The contents of a safe deposit box or other safekeeping
26 repository presumed abandoned under RCW 63.29.160 and reported under
27 RCW 63.29.170 shall be paid or delivered to the department within six
28 months after the final date for filing the report required by RCW
29 63.29.170.

30 If the owner establishes the right to receive the abandoned
31 property to the satisfaction of the holder before the property has been
32 delivered or it appears that for some other reason the presumption of
33 abandonment is erroneous, the holder need not pay or deliver the
34 property to the department, and the property will no longer be presumed
35 abandoned. In that case, the holder shall file with the department a
36 verified written explanation of the proof of claim or of the error in
37 the presumption of abandonment.

1 (4) The holder of an interest under RCW 63.29.100 shall deliver a
2 duplicate certificate or other evidence of ownership if the holder does
3 not issue certificates of ownership to the department. Upon delivery
4 of a duplicate certificate to the department, the holder and any
5 transfer agent, registrar, or other person acting for or on behalf of
6 a holder in executing or delivering the duplicate certificate is
7 relieved of all liability of every kind in accordance with RCW
8 63.29.200 to every person, including any person acquiring the original
9 certificate or the duplicate of the certificate issued to the
10 department, for any losses or damages resulting to any person by the
11 issuance and delivery to the department of the duplicate certificate.

12 **Sec. 512.** RCW 81.104.015 and 1999 c 202 s 9 are each amended to
13 read as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this chapter.

16 (1) "High-capacity transportation system" means a system of public
17 transportation services within an urbanized region operating
18 principally on exclusive rights-of-way, and the supporting services and
19 facilities necessary to implement such a system, including interim
20 express services and high occupancy vehicle lanes, which taken as a
21 whole, provides a substantially higher level of passenger capacity,
22 speed, and service frequency than traditional public transportation
23 systems operating principally in general purpose roadways.

24 (2) "Rail fixed guideway system" means a light, heavy, or rapid
25 rail system, monorail, inclined plane, funicular, trolley, or other
26 fixed rail guideway component of a high-capacity transportation system
27 that is not regulated by the Federal Railroad Administration, or its
28 successor. "Rail fixed guideway system" does not mean elevators,
29 moving sidewalks or stairs, and vehicles suspended from aerial cables,
30 unless they are an integral component of a station served by a rail
31 fixed guideway system.

32 (3) "Regional transit system" means a high-capacity transportation
33 system under the jurisdiction of one or more transit agencies except
34 where a regional (~~(transit)~~) transportation authority created under
35 chapter 81.112 RCW exists, in which case "regional transit system"
36 means the high-capacity transportation system under the jurisdiction of
37 a regional (~~(transit)~~) transportation authority.

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

4 **Sec. 513.** RCW 81.104.040 and 1992 c 101 s 21 are each amended to
5 read as follows:

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

15 (1) The membership of the joint regional policy committee shall
16 consist of locally elected officials who serve on the legislative
17 authority of the existing transit systems and a representative from the
18 department of transportation. Nonvoting membership for elected
19 officials from adjoining counties may be allowed at the committee's
20 discretion.

21 (2) The joint regional policy committee shall be responsible for
22 the preparation and adoption of a regional high capacity transportation
23 implementation program, which shall include the system plan, project
24 plans, and a financing plan. This program shall be in conformance with
25 the regional transportation planning organization's regional
26 transportation plan and consistent with RCW 81.104.080.

27 (3) The joint regional policy committee shall present an adopted
28 high capacity transportation system plan and financing plan to the
29 boards of directors of the transit agencies within the service area or
30 to the regional (~~transit~~) transportation authority, if such authority
31 has been formed. The authority shall proceed as prescribed in RCW
32 81.112.030.

33 **Sec. 514.** RCW 81.104.050 and 1992 c 101 s 22 are each amended to
34 read as follows:

35 Regional high capacity transportation service may be expanded

1 beyond the established district boundaries through interlocal
2 agreements among the transit agencies and any regional (~~transit~~)
3 transportation authorities in existence.

4 **Sec. 515.** RCW 81.104.120 and 1993 c 428 s 2 are each amended to
5 read as follows:

6 (1) Transit agencies and regional (~~transit~~) transportation
7 authorities may operate or contract for commuter rail service where it
8 is deemed to be a reasonable alternative transit mode. A reasonable
9 alternative is one whose passenger costs per mile, including costs of
10 trackage, equipment, maintenance, operations, and administration are
11 equal to or less than comparable bus, entrained bus, trolley, or
12 personal rapid transit systems.

13 (2) A county may use funds collected under RCW 81.100.030 or
14 81.100.060 to contract with one or more transit agencies or regional
15 (~~transit~~) transportation authorities for planning, operation, and
16 maintenance of commuter rail projects which: (a) Are consistent with
17 the regional transportation plan; (b) have met the project planning and
18 oversight requirements of RCW 81.104.100 and 81.104.110; and (c) have
19 been approved by the voters within the service area of each transit
20 agency or regional (~~transit~~) transportation authority participating
21 in the project. For transit agencies in counties adjoining state or
22 international boundaries where the high capacity transportation system
23 plan and financing plan propose a bi-state or international high
24 capacity transportation system, such voter approval shall be required
25 from only those voters residing within the service area in the state of
26 Washington. The phrase "approved by the voters" includes specific
27 funding authorization for the commuter rail project.

28 (3) The utilities and transportation commission shall maintain
29 safety responsibility for passenger rail service operating on freight
30 rail lines. Agencies providing passenger rail service on lines other
31 than freight rail lines shall maintain safety responsibility for that
32 service.

33 **Sec. 516.** RCW 81.104.150 and 1992 c 101 s 26 are each amended to
34 read as follows:

35 Cities that operate transit systems, county transportation
36 authorities, metropolitan municipal corporations, public transportation

1 benefit areas, and regional ((~~transit~~)) transportation authorities may
2 submit an authorizing proposition to the voters and if approved may
3 impose an excise tax of up to two dollars per month per employee on all
4 employers located within the agency's jurisdiction, measured by the
5 number of full-time equivalent employees, solely for the purpose of
6 providing high capacity transportation service. The rate of tax shall
7 be approved by the voters. This tax may not be imposed by: (1) A
8 transit agency when the county within which it is located is imposing
9 an excise tax pursuant to RCW 81.100.030; or (2) a regional ((~~transit~~))
10 transportation authority when any county within the authority's
11 boundaries is imposing an excise tax pursuant to RCW 81.100.030. The
12 agency imposing the tax authorized in this section may provide for
13 exemptions from the tax to such educational, cultural, health,
14 charitable, or religious organizations as it deems appropriate.

15 **Sec. 517.** RCW 81.104.170 and 1997 c 450 s 5 are each amended to
16 read as follows:

17 Cities that operate transit systems, county transportation
18 authorities, metropolitan municipal corporations, public transportation
19 benefit areas, and regional ((~~transit~~)) transportation authorities may
20 submit an authorizing proposition to the voters and if approved by a
21 majority of persons voting, fix and impose a sales and use tax in
22 accordance with the terms of this chapter, solely for the purpose of
23 providing high capacity transportation service.

24 The tax authorized pursuant to this section shall be in addition to
25 the tax authorized by RCW 82.14.030 and shall be collected from those
26 persons who are taxable by the state pursuant to chapters 82.08 and
27 82.12 RCW upon the occurrence of any taxable event within the taxing
28 district. The maximum rate of such tax shall be approved by the voters
29 and shall not exceed one percent of the selling price (in the case of
30 a sales tax) or value of the article used (in the case of a use tax).
31 The maximum rate of such tax that may be imposed shall not exceed
32 nine-tenths of one percent in any county that imposes a tax under RCW
33 82.14.340, or within a regional ((~~transit~~)) transportation authority if
34 any county within the authority imposes a tax under RCW 82.14.340. The
35 exemptions in RCW 82.08.820 and 82.12.820 are for the state portion of
36 the sales and use tax and do not extend to the tax authorized in this
37 section.

1 **Sec. 522.** RCW 81.112.180 and 2007 c 422 s 6 are each amended to
2 read as follows:

3 (1) Each (~~regional transit~~) authority that owns or operates a
4 rail fixed guideway system as defined in RCW 81.104.015 shall submit a
5 system safety program plan and a system security and emergency
6 preparedness plan for that guideway to the state department of
7 transportation by September 1, 1999, or at least one hundred eighty
8 calendar days before beginning operations or instituting revisions to
9 its plans. These plans must describe the authority's procedures for
10 (a) reporting and investigating reportable accidents, unacceptable
11 hazardous conditions, and security breaches, (b) submitting corrective
12 action plans and annual safety and security audit reports, (c)
13 facilitating on-site safety and security reviews by the state
14 department of transportation, and (d) addressing passenger and employee
15 security. The plans must, at a minimum, conform to the standards
16 adopted by the state department of transportation. If required by the
17 department, the (~~regional transit~~) authority shall revise its plans
18 to incorporate the department's review comments within sixty days after
19 their receipt, and resubmit its revised plans for review.

20 (2) Each (~~regional transit~~) authority shall implement and comply
21 with its system safety program plan and system security and emergency
22 preparedness plan. The (~~regional transit~~) authority shall perform
23 internal safety and security audits to evaluate its compliance with the
24 plans, and submit its audit schedule to the department of
25 transportation no later than December 15th each year. The (~~regional
26 transit~~) authority shall prepare an annual report for its internal
27 safety and security audits undertaken in the prior year and submit it
28 to the department no later than February 15th. This annual report must
29 include the dates the audits were conducted, the scope of the audit
30 activity, the audit findings and recommendations, the status of any
31 corrective actions taken as a result of the audit activity, and the
32 results of each audit in terms of the adequacy and effectiveness of the
33 plans.

34 (3) Each (~~regional transit~~) authority shall notify the department
35 of transportation within two hours of an occurrence of a reportable
36 accident, unacceptable hazardous condition, or security breach. The
37 department may adopt rules further defining a reportable accident,
38 unacceptable hazardous condition, or security breach. The (~~regional~~

1 ~~transit~~) authority shall investigate all reportable accidents,
2 unacceptable hazardous conditions, or security breaches and provide a
3 written investigation report to the department within forty-five
4 calendar days after the reportable accident, unacceptable hazardous
5 condition, or security breach.

6 (4) The system security and emergency preparedness plan required in
7 subsection (1)(d) of this section is exempt from public disclosure
8 under chapter 42.56 RCW. However, the system safety program plan as
9 described in this section is not subject to this exemption.

10 **Sec. 523.** RCW 81.112.210 and 1999 c 20 s 3 are each amended to
11 read as follows:

12 (1) An authority is authorized to establish, by resolution, a
13 schedule of fines and penalties for civil infractions established in
14 RCW 81.112.220. Fines established by (~~a regional transit~~) an
15 authority shall not exceed those imposed for class 1 infractions under
16 RCW 7.80.120.

17 (2)(a) (~~A regional transit~~) An authority may designate persons to
18 monitor fare payment who are equivalent to and are authorized to
19 exercise all the powers of an enforcement officer, defined in RCW
20 7.80.040. An authority is authorized to employ personnel to either
21 monitor fare payment, or to contract for such services, or both.

22 (b) In addition to the specific powers granted to enforcement
23 officers under RCW 7.80.050 and 7.80.060, persons designated to monitor
24 fare payment also have the authority to take the following actions:

- 25 (i) Request proof of payment from passengers;
- 26 (ii) Request personal identification from a passenger who does not
27 produce proof of payment when requested;
- 28 (iii) Issue a citation conforming to the requirements established
29 in RCW 7.80.070; and
- 30 (iv) Request that a passenger leave the (~~regional transit~~)
31 authority train, including but not limited to commuter trains and light
32 rail trains, when the passenger has not produced proof of payment after
33 being asked to do so by a person designated to monitor fare payment.

34 (3) (~~Regional transit~~) Authorities shall keep records of
35 citations in the manner prescribed by RCW 7.80.150. All civil
36 infractions established by chapter 20, Laws of 1999 shall be heard and
37 determined by a district court as provided in RCW 7.80.010 (1) and (4).

1 **Sec. 524.** RCW 81.112.300 and 2000 2nd sp.s. c 4 s 18 are each
2 amended to read as follows:

3 (1) In order to enable (~~regional transit~~) authorities to acquire
4 or finance equipment or facilities, or reduce the cost of equipment or
5 facilities, (~~regional transit~~) authorities may enter into sale and
6 leaseback, leaseout and leaseback, and other similar transactions with
7 respect to equipment, facilities, and other real and personal property.
8 In connection with any such transaction, (~~a regional transit~~) an
9 authority may execute, as it considers appropriate, contracts,
10 agreements, notes, security agreements, conveyances, bills of sale,
11 deeds, leases as lessee or lessor, and currency hedges, defeasance
12 arrangements, interest rate, currency or other swap transactions, one
13 or more payment undertaking agreements, and agreements relating to
14 foreign and domestic currency. These agreements or instruments must
15 have terms, maturities, durations, provisions as to governing laws,
16 grants of security interests, and other provisions that are approved by
17 the board of the (~~regional transit~~) authority.

18 (2) "Payment undertaking agreement" means one or more agreements,
19 undertakings or arrangements under which all or a portion of the funds
20 generated by a sale and leaseback, leaseout and leaseback, or other
21 similar transaction are directed or paid over to a financial
22 institution, insurance company, or other entity that agrees to meet or
23 fulfill, in consideration for the funds, some or all of the obligations
24 of the (~~regional transit~~) authority, or any public corporation or
25 other entity created under RCW 81.112.320, to make future rent, debt
26 service, or purchase price installment payments in connection with the
27 transaction.

28 **Sec. 525.** RCW 81.112.310 and 2000 2nd sp.s. c 4 s 19 are each
29 amended to read as follows:

30 Transactions undertaken under RCW 81.112.300 are subject to the
31 following conditions:

32 (1) The financial institution, insurance company, or other entity
33 that enters into a payment undertaking agreement with the (~~regional~~
34 ~~transit~~) authority or public development corporation or entity created
35 under RCW 81.112.320 as a counterparty must have a rating from at least
36 two nationally recognized credit rating agencies, as of the date of
37 execution of the payment undertaking agreement, that is within the two

1 highest long-term investment grade rating categories, without regard to
2 subcategories, or the obligations of the counterparty must be
3 guaranteed by a financial institution, insurance company, or other
4 entity with that credit rating. The payment undertaking agreement must
5 require that the obligations of the counterparty or the guarantor, as
6 the case may be, must be collateralized by collateral of a type and in
7 an amount specified by the governing body of the ((~~regional transit~~))
8 authority if the credit ratings of the counterparty or its guarantor
9 fall below the level required by this subsection.

10 (2) The amount to be paid by the counterparties under payment
11 undertaking agreements for a transaction under the terms of the
12 agreements, when combined with the amount of securities, deposits, and
13 investments set aside by the ((~~regional transit~~)) authority for payment
14 in respect of the transactions, together with interest or other
15 earnings on the securities, deposits, or investments, must be
16 sufficient to pay when due all amounts required to be paid by the
17 ((~~regional transit~~)) authority, or public corporation or entity created
18 under RCW 81.112.320, as rent, debt service, or installments of
19 purchase price, as the case may be, over the full term of the
20 transaction plus any optional purchase price due under the transaction.
21 A certification by an independent financial expert, banker, or
22 certified public accountant, who is not an employee of the ((~~regional~~
23 ~~transit~~)) authority or public corporation or entity created under RCW
24 81.112.320, certifying compliance with this requirement is conclusive
25 evidence that the arrangements, by their terms, comply with the
26 requirement under this subsection on the sufficiency of the amount.

27 (3) The payment undertaking agreements, and all other basic and
28 material agreements entered into in connection with the transactions,
29 must specify that the parties to the agreements consent to the
30 jurisdiction of state courts of Washington for disputes arising out of
31 the agreements and agree not to contest venue before such courts.
32 Regardless of the choice of law specified in the foregoing agreements,
33 the agreements must acknowledge that the ((~~regional transit~~)) authority
34 or public development corporation or entity created under RCW
35 81.112.320 that is a party to the agreements is an entity created under
36 the laws of the state of Washington whose power and authority and
37 limitations and restrictions on the power and authority are governed by
38 the laws of the state of Washington.

1 Payment undertaking agreements that meet the foregoing requirement
2 must be treated for all relevant purposes as agreements under which
3 future services are performed for a present payment and shall not be
4 treated as payment agreements within the meaning of chapter 39.96 RCW.

5 **Sec. 526.** RCW 81.112.320 and 2000 2nd sp.s. c 4 s 20 are each
6 amended to read as follows:

7 To accomplish any of the activities under RCW 81.112.300, ((a
8 regional transit)) an authority may create a public corporation,
9 commission, or authority under RCW 35.21.730 through 35.21.755, and
10 authorize the corporation, commission, or authority to provide any of
11 the facilities and services that ((a regional transit)) an authority
12 may provide including any activities under RCW 81.112.300. ((A
13 regional transit)) An authority has all the powers, authorities, and
14 rights granted to any city, town, or county or their agents under RCW
15 35.21.730 through 35.21.755 for the purposes of entering into and
16 implementing transactions under RCW 81.112.300.

17 **Sec. 527.** RCW 81.112.330 and 2000 2nd sp.s. c 4 s 30 are each
18 amended to read as follows:

19 (1) Except as provided in subsection (3) of this section, no
20 ((regional transit)) authority may initiate a transaction authorized
21 under RCW 81.112.300 after June 30, 2007.

22 (2) The termination of authority to enter into transactions after
23 June 30, 2007, does not affect the validity of any transactions entered
24 into under RCW 81.112.300.

25 (3) ((A regional transit)) An authority may enter into a
26 transaction in accordance with RCW 81.112.300 after June 30, 2007, to
27 replace or refinance a transaction that relates to specific obligations
28 entered into on or before that date and that has terminated, or is,
29 under the terms of the replacement or refinance, to terminate, before
30 the final stated term of that transaction. The exemptions from taxes
31 provided by RCW 82.08.834, 82.12.834, 82.04.4201, 82.29A.134,
32 ((82.36.605 [84.36.605])) 84.36.605, 35.21.756, 82.04.050, 82.45.010,
33 and 35.21.755 apply to the replacement or refinance transactions.

34 (4) ((A regional transit)) An authority, or public corporation or
35 entity created under RCW 81.112.320, that undertakes a transaction
36 authorized by RCW 81.112.300, shall provide to the state finance

1 committee, or its financial advisor, at the state finance committee's
2 discretion, a copy of all material agreements executed in connection
3 with the transaction within three months of the closing of the
4 transaction and shall make a report to the state finance committee, the
5 president of the senate, and the speaker of the house of
6 representatives on transactions authorized by RCW 81.112.300. The
7 report must include the amount of the transactions, the expected
8 savings or losses resulting from the transactions, the transaction
9 costs, including fees and detailed pricing information, the risks
10 associated with the transaction, and any other information the
11 ((~~regional transit~~)) authority determines relevant. The report must be
12 submitted within six months of the closing of each transaction.

13 **Sec. 528.** RCW 82.04.050 and 2007 c 54 s 4 and 2007 c 6 s 1004 are
14 each reenacted and amended to read as follows:

15 (1) "Sale at retail" or "retail sale" means every sale of tangible
16 personal property (including articles produced, fabricated, or
17 imprinted) to all persons irrespective of the nature of their business
18 and including, among others, without limiting the scope hereof, persons
19 who install, repair, clean, alter, improve, construct, or decorate real
20 or personal property of or for consumers other than a sale to a person
21 who presents a resale certificate under RCW 82.04.470 and who:

22 (a) Purchases for the purpose of resale as tangible personal
23 property in the regular course of business without intervening use by
24 such person, but a purchase for the purpose of resale by a regional
25 ((~~transit~~)) transportation authority under RCW 81.112.300 is not a sale
26 for resale; or

27 (b) Installs, repairs, cleans, alters, imprints, improves,
28 constructs, or decorates real or personal property of or for consumers,
29 if such tangible personal property becomes an ingredient or component
30 of such real or personal property without intervening use by such
31 person; or

32 (c) Purchases for the purpose of consuming the property purchased
33 in producing for sale a new article of tangible personal property or
34 substance, of which such property becomes an ingredient or component or
35 is a chemical used in processing, when the primary purpose of such
36 chemical is to create a chemical reaction directly through contact with
37 an ingredient of a new article being produced for sale; or

1 (d) Purchases for the purpose of consuming the property purchased
2 in producing ferrosilicon which is subsequently used in producing
3 magnesium for sale, if the primary purpose of such property is to
4 create a chemical reaction directly through contact with an ingredient
5 of ferrosilicon; or

6 (e) Purchases for the purpose of providing the property to
7 consumers as part of competitive telephone service, as defined in RCW
8 82.04.065. The term shall include every sale of tangible personal
9 property which is used or consumed or to be used or consumed in the
10 performance of any activity classified as a "sale at retail" or "retail
11 sale" even though such property is resold or utilized as provided in
12 (a), (b), (c), (d), or (e) of this subsection following such use. The
13 term also means every sale of tangible personal property to persons
14 engaged in any business which is taxable under RCW 82.04.280 (2) and
15 (7), 82.04.290, and 82.04.2908; or

16 (f) Purchases for the purpose of satisfying the person's
17 obligations under an extended warranty as defined in subsection (7) of
18 this section, if such tangible personal property replaces or becomes an
19 ingredient or component of property covered by the extended warranty
20 without intervening use by such person.

21 (2) The term "sale at retail" or "retail sale" shall include the
22 sale of or charge made for tangible personal property consumed and/or
23 for labor and services rendered in respect to the following:

24 (a) The installing, repairing, cleaning, altering, imprinting, or
25 improving of tangible personal property of or for consumers, including
26 charges made for the mere use of facilities in respect thereto, but
27 excluding charges made for the use of self-service laundry facilities,
28 and also excluding sales of laundry service to nonprofit health care
29 facilities, and excluding services rendered in respect to live animals,
30 birds and insects;

31 (b) The constructing, repairing, decorating, or improving of new or
32 existing buildings or other structures under, upon, or above real
33 property of or for consumers, including the installing or attaching of
34 any article of tangible personal property therein or thereto, whether
35 or not such personal property becomes a part of the realty by virtue of
36 installation, and shall also include the sale of services or charges
37 made for the clearing of land and the moving of earth excepting the
38 mere leveling of land used in commercial farming or agriculture;

1 (c) The constructing, repairing, or improving of any structure
2 upon, above, or under any real property owned by an owner who conveys
3 the property by title, possession, or any other means to the person
4 performing such construction, repair, or improvement for the purpose of
5 performing such construction, repair, or improvement and the property
6 is then reconveyed by title, possession, or any other means to the
7 original owner;

8 (d) The cleaning, fumigating, razing, or moving of existing
9 buildings or structures, but shall not include the charge made for
10 janitorial services; and for purposes of this section the term
11 "janitorial services" shall mean those cleaning and caretaking services
12 ordinarily performed by commercial janitor service businesses
13 including, but not limited to, wall and window washing, floor cleaning
14 and waxing, and the cleaning in place of rugs, drapes and upholstery.
15 The term "janitorial services" does not include painting, papering,
16 repairing, furnace or septic tank cleaning, snow removal or
17 sandblasting;

18 (e) Automobile towing and similar automotive transportation
19 services, but not in respect to those required to report and pay taxes
20 under chapter 82.16 RCW;

21 (f) The furnishing of lodging and all other services by a hotel,
22 rooming house, tourist court, motel, trailer camp, and the granting of
23 any similar license to use real property, as distinguished from the
24 renting or leasing of real property, and it shall be presumed that the
25 occupancy of real property for a continuous period of one month or more
26 constitutes a rental or lease of real property and not a mere license
27 to use or enjoy the same. For the purposes of this subsection, it
28 shall be presumed that the sale of and charge made for the furnishing
29 of lodging for a continuous period of one month or more to a person is
30 a rental or lease of real property and not a mere license to enjoy the
31 same;

32 (g) Persons taxable under (a), (b), (c), (d), (e), and (f) of this
33 subsection when such sales or charges are for property, labor and
34 services which are used or consumed in whole or in part by such persons
35 in the performance of any activity defined as a "sale at retail" or
36 "retail sale" even though such property, labor and services may be
37 resold after such use or consumption. Nothing contained in this

1 subsection shall be construed to modify subsection (1) of this section
2 and nothing contained in subsection (1) of this section shall be
3 construed to modify this subsection.

4 (3) The term "sale at retail" or "retail sale" shall include the
5 sale of or charge made for personal, business, or professional services
6 including amounts designated as interest, rents, fees, admission, and
7 other service emoluments however designated, received by persons
8 engaging in the following business activities:

9 (a) Amusement and recreation services including but not limited to
10 golf, pool, billiards, skating, bowling, ski lifts and tows, day trips
11 for sightseeing purposes, and others, when provided to consumers;

12 (b) Abstract, title insurance, and escrow services;

13 (c) Credit bureau services;

14 (d) Automobile parking and storage garage services;

15 (e) Landscape maintenance and horticultural services but excluding
16 (i) horticultural services provided to farmers and (ii) pruning,
17 trimming, repairing, removing, and clearing of trees and brush near
18 electric transmission or distribution lines or equipment, if performed
19 by or at the direction of an electric utility;

20 (f) Service charges associated with tickets to professional
21 sporting events; and

22 (g) The following personal services: Physical fitness services,
23 tanning salon services, tattoo parlor services, steam bath services,
24 turkish bath services, escort services, and dating services.

25 (4)(a) The term shall also include:

26 (i) The renting or leasing of tangible personal property to
27 consumers; and

28 (ii) Providing tangible personal property along with an operator
29 for a fixed or indeterminate period of time. A consideration of this
30 is that the operator is necessary for the tangible personal property to
31 perform as designed. For the purpose of this subsection (4)(a)(ii), an
32 operator must do more than maintain, inspect, or set up the tangible
33 personal property.

34 (b) The term shall not include the renting or leasing of tangible
35 personal property where the lease or rental is for the purpose of
36 sublease or subrent.

37 (5) The term shall also include the providing of "competitive

1 telephone service," "telecommunications service," or "ancillary
2 services," as those terms are defined in RCW 82.04.065, to consumers.

3 (6) The term shall also include the sale of prewritten computer
4 software other than a sale to a person who presents a resale
5 certificate under RCW 82.04.470, regardless of the method of delivery
6 to the end user, but shall not include custom software or the
7 customization of prewritten computer software.

8 (7) The term shall also include the sale of or charge made for an
9 extended warranty to a consumer. For purposes of this subsection,
10 "extended warranty" means an agreement for a specified duration to
11 perform the replacement or repair of tangible personal property at no
12 additional charge or a reduced charge for tangible personal property,
13 labor, or both, or to provide indemnification for the replacement or
14 repair of tangible personal property, based on the occurrence of
15 specified events. The term "extended warranty" does not include an
16 agreement, otherwise meeting the definition of extended warranty in
17 this subsection, if no separate charge is made for the agreement and
18 the value of the agreement is included in the sales price of the
19 tangible personal property covered by the agreement. For purposes of
20 this subsection, "sales price" has the same meaning as in RCW
21 82.08.010.

22 (8) The term shall not include the sale of or charge made for labor
23 and services rendered in respect to the building, repairing, or
24 improving of any street, place, road, highway, easement, right-of-way,
25 mass public transportation terminal or parking facility, bridge,
26 tunnel, or trestle which is owned by a municipal corporation or
27 political subdivision of the state or by the United States and which is
28 used or to be used primarily for foot or vehicular traffic including
29 mass transportation vehicles of any kind.

30 (9) The term shall also not include sales of chemical sprays or
31 washes to persons for the purpose of postharvest treatment of fruit for
32 the prevention of scald, fungus, mold, or decay, nor shall it include
33 sales of feed, seed, seedlings, fertilizer, agents for enhanced
34 pollination including insects such as bees, and spray materials to:

35 (a) Persons who participate in the federal conservation reserve
36 program, the environmental quality incentives program, the wetlands
37 reserve program, and the wildlife habitat incentives program, or their
38 successors administered by the United States department of agriculture;

1 (b) farmers for the purpose of producing for sale any agricultural
2 product; and (c) farmers acting under cooperative habitat development
3 or access contracts with an organization exempt from federal income tax
4 under 26 U.S.C. Sec. 501(c)(3) or the Washington state department of
5 fish and wildlife to produce or improve wildlife habitat on land that
6 the farmer owns or leases.

7 (10) The term shall not include the sale of or charge made for
8 labor and services rendered in respect to the constructing, repairing,
9 decorating, or improving of new or existing buildings or other
10 structures under, upon, or above real property of or for the United
11 States, any instrumentality thereof, or a county or city housing
12 authority created pursuant to chapter 35.82 RCW, including the
13 installing, or attaching of any article of tangible personal property
14 therein or thereto, whether or not such personal property becomes a
15 part of the realty by virtue of installation. Nor shall the term
16 include the sale of services or charges made for the clearing of land
17 and the moving of earth of or for the United States, any
18 instrumentality thereof, or a county or city housing authority. Nor
19 shall the term include the sale of services or charges made for
20 cleaning up for the United States, or its instrumentalities,
21 radioactive waste and other byproducts of weapons production and
22 nuclear research and development.

23 (11) The term shall not include the sale of or charge made for
24 labor, services, or tangible personal property pursuant to agreements
25 providing maintenance services for bus, rail, or rail fixed guideway
26 equipment when a regional (~~(transit)~~) transportation authority is the
27 recipient of the labor, services, or tangible personal property, and a
28 transit agency, as defined in RCW 81.104.015, performs the labor or
29 services.

30 **Sec. 529.** RCW 82.14.440 and 2003 c 83 s 207 are each amended to
31 read as follows:

32 Public transportation benefit areas providing passenger-only ferry
33 service as provided in RCW 36.57A.200 whose boundaries (1) are on the
34 Puget Sound, but (2) do not include an area where a regional
35 (~~(transit)~~) transportation authority has been formed, may submit an
36 authorizing proposition to the voters and, if approved by a majority of

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

4 The tax authorized by this section is in addition to other taxes
5 authorized by law and must be collected from those persons who are
6 taxable by the state under chapters 82.08 and 82.12 RCW upon the
7 occurrence of a taxable event within the taxing district. The maximum
8 rate of the tax must be approved by the voters and may not exceed four-
9 tenths of one percent of the selling price in the case of a sales tax
10 or value of the article used in the case of a use tax.

11 **Sec. 530.** RCW 82.14.495 and 2007 c 6 s 902 are each amended to
12 read as follows:

13 (1) The streamlined sales and use tax mitigation account is created
14 in the state treasury. The state treasurer shall transfer into the
15 account from the general fund amounts as directed in RCW 82.14.500.
16 Expenditures from the account may be used only for the purpose of
17 mitigating the negative fiscal impacts to local taxing jurisdictions as
18 a result of RCW 82.14.490 and the chapter 6, Laws of 2007 amendments to
19 RCW 82.14.020.

20 (2) Beginning July 1, 2008, the state treasurer, as directed by the
21 department, shall distribute the funds in the streamlined sales and use
22 tax mitigation account to local taxing jurisdictions in accordance with
23 RCW 82.14.500.

24 (3) The definitions in this subsection apply throughout this
25 section and RCW 82.14.390 and 82.14.500.

26 (a) "Agreement" means the same as in RCW 82.32.020.

27 (b) "Local taxing jurisdiction" means counties, cities,
28 transportation authorities under RCW 82.14.045, public facilities
29 districts under chapters 36.100 and 35.57 RCW, public transportation
30 benefit areas under RCW 82.14.440, and regional (~~transit~~)
31 transportation authorities under chapter 81.112 RCW, that impose a
32 sales and use tax.

33 (c) "Loss" or "losses" means the local sales and use tax revenue
34 reduction to a local taxing jurisdiction resulting from the sourcing
35 provisions in RCW (~~82.14.020~~) 82.14.490 and the chapter 6, Laws of
36 2007 amendments to RCW 82.14.020.

1 (d) "Net loss" or "net losses" means a loss offset by any voluntary
2 compliance revenue.

3 (e) "Voluntary compliance revenue" means the local sales tax
4 revenue gain to each local taxing jurisdiction reported to the
5 department from persons registering through the central registration
6 system authorized under the agreement.

7 (f) "Working day" has the same meaning as in RCW 82.45.180.

8 **Sec. 531.** RCW 82.29A.134 and 2000 2nd sp.s. c 4 s 25 are each
9 amended to read as follows:

10 All leasehold interests in property of a regional (~~(transit)~~)
11 transportation authority or public corporation created under RCW
12 81.112.320 under an agreement under RCW 81.112.300 are exempt from tax
13 under this chapter.

14 **Sec. 532.** RCW 82.45.010 and 2000 2nd sp.s. c 4 s 26 are each
15 amended to read as follows:

16 (1) As used in this chapter, the term "sale" shall have its
17 ordinary meaning and shall include any conveyance, grant, assignment,
18 quitclaim, or transfer of the ownership of or title to real property,
19 including standing timber, or any estate or interest therein for a
20 valuable consideration, and any contract for such conveyance, grant,
21 assignment, quitclaim, or transfer, and any lease with an option to
22 purchase real property, including standing timber, or any estate or
23 interest therein or other contract under which possession of the
24 property is given to the purchaser, or any other person at the
25 purchaser's direction, and title to the property is retained by the
26 vendor as security for the payment of the purchase price. The term
27 also includes the grant, assignment, quitclaim, sale, or transfer of
28 improvements constructed upon leased land.

29 (2) The term "sale" also includes the transfer or acquisition
30 within any twelve-month period of a controlling interest in any entity
31 with an interest in real property located in this state for a valuable
32 consideration. For purposes of this subsection, all acquisitions of
33 persons acting in concert shall be aggregated for purposes of
34 determining whether a transfer or acquisition of a controlling interest
35 has taken place. The department of revenue shall adopt standards by

1 rule to determine when persons are acting in concert. In adopting a
2 rule for this purpose, the department shall consider the following:

3 (a) Persons shall be treated as acting in concert when they have a
4 relationship with each other such that one person influences or
5 controls the actions of another through common ownership; and

6 (b) When persons are not commonly owned or controlled, they shall
7 be treated as acting in concert only when the unity with which the
8 purchasers have negotiated and will consummate the transfer of
9 ownership interests supports a finding that they are acting as a single
10 entity. If the acquisitions are completely independent, with each
11 purchaser buying without regard to the identity of the other
12 purchasers, then the acquisitions shall be considered separate
13 acquisitions.

14 (3) The term "sale" shall not include:

15 (a) A transfer by gift, devise, or inheritance.

16 (b) A transfer of any leasehold interest other than of the type
17 mentioned above.

18 (c) A cancellation or forfeiture of a vendee's interest in a
19 contract for the sale of real property, whether or not such contract
20 contains a forfeiture clause, or deed in lieu of foreclosure of a
21 mortgage.

22 (d) The partition of property by tenants in common by agreement or
23 as the result of a court decree.

24 (e) The assignment of property or interest in property from one
25 spouse to the other in accordance with the terms of a decree of divorce
26 or in fulfillment of a property settlement agreement.

27 (f) The assignment or other transfer of a vendor's interest in a
28 contract for the sale of real property, even though accompanied by a
29 conveyance of the vendor's interest in the real property involved.

30 (g) Transfers by appropriation or decree in condemnation
31 proceedings brought by the United States, the state or any political
32 subdivision thereof, or a municipal corporation.

33 (h) A mortgage or other transfer of an interest in real property
34 merely to secure a debt, or the assignment thereof.

35 (i) Any transfer or conveyance made pursuant to a deed of trust or
36 an order of sale by the court in any mortgage, deed of trust, or lien
37 foreclosure proceeding or upon execution of a judgment, or deed in lieu
38 of foreclosure to satisfy a mortgage or deed of trust.

1 (j) A conveyance to the federal housing administration or veterans
2 administration by an authorized mortgagee made pursuant to a contract
3 of insurance or guaranty with the federal housing administration or
4 veterans administration.

5 (k) A transfer in compliance with the terms of any lease or
6 contract upon which the tax as imposed by this chapter has been paid or
7 where the lease or contract was entered into prior to the date this tax
8 was first imposed.

9 (l) The sale of any grave or lot in an established cemetery.

10 (m) A sale by the United States, this state or any political
11 subdivision thereof, or a municipal corporation of this state.

12 (n) A sale to a regional (~~transit~~) transportation authority or
13 public corporation under RCW 81.112.320 under a sale/leaseback
14 agreement under RCW 81.112.300.

15 (o) A transfer of real property, however effected, if it consists
16 of a mere change in identity or form of ownership of an entity where
17 there is no change in the beneficial ownership. These include
18 transfers to a corporation or partnership which is wholly owned by the
19 transferor and/or the transferor's spouse or children: PROVIDED, That
20 if thereafter such transferee corporation or partnership voluntarily
21 transfers such real property, or such transferor, spouse, or children
22 voluntarily transfer stock in the transferee corporation or interest in
23 the transferee partnership capital, as the case may be, to other than
24 (1) the transferor and/or the transferor's spouse or children, (2) a
25 trust having the transferor and/or the transferor's spouse or children
26 as the only beneficiaries at the time of the transfer to the trust, or
27 (3) a corporation or partnership wholly owned by the original
28 transferor and/or the transferor's spouse or children, within three
29 years of the original transfer to which this exemption applies, and the
30 tax on the subsequent transfer has not been paid within sixty days of
31 becoming due, excise taxes shall become due and payable on the original
32 transfer as otherwise provided by law.

33 (p)(i) A transfer that for federal income tax purposes does not
34 involve the recognition of gain or loss for entity formation,
35 liquidation or dissolution, and reorganization, including but not
36 limited to nonrecognition of gain or loss because of application of
37 section 332, 337, 351, 368(a)(1), 721, or 731 of the Internal Revenue
38 Code of 1986, as amended.

1 (ii) However, the transfer described in (p)(i) of this subsection
2 cannot be preceded or followed within a twelve-month period by another
3 transfer or series of transfers, that, when combined with the otherwise
4 exempt transfer or transfers described in (p)(i) of this subsection,
5 results in the transfer of a controlling interest in the entity for
6 valuable consideration, and in which one or more persons previously
7 holding a controlling interest in the entity receive cash or property
8 in exchange for any interest the person or persons acting in concert
9 hold in the entity. This subsection (3)(p)(ii) does not apply to that
10 part of the transfer involving property received that is the real
11 property interest that the person or persons originally contributed to
12 the entity or when one or more persons who did not contribute real
13 property or belong to the entity at a time when real property was
14 purchased receive cash or personal property in exchange for that person
15 or persons' interest in the entity. The real estate excise tax under
16 this subsection (3)(p)(ii) is imposed upon the person or persons who
17 previously held a controlling interest in the entity.

18 **Sec. 533.** RCW 82.80.130 and 2006 c 318 s 4 are each amended to
19 read as follows:

20 (1) Public transportation benefit areas authorized to implement
21 passenger-only ferry service under RCW 36.57A.200 whose boundaries (a)
22 are on the Puget Sound, but (b) do not include an area where a regional
23 (~~(transit)~~) transportation authority has been formed, may submit an
24 authorizing proposition to the voters and, if approved, may levy and
25 collect an excise tax, at a rate approved by the voters, but not
26 exceeding four-tenths of one percent on the value of every motor
27 vehicle owned by a resident of the taxing district, solely for the
28 purpose of providing passenger-only ferry service. The tax must be
29 collected only at the time of vehicle license renewal under chapter
30 46.16 RCW. The tax will be imposed on vehicles previously registered
31 in another state or nation when they are initially registered in this
32 state. The tax will not be imposed at the time of sale by a licensed
33 vehicle dealer. In a county imposing a motor vehicle excise tax
34 surcharge under RCW 81.100.060, the maximum tax rate under this section
35 must be reduced to a rate equal to four-tenths of one percent on the
36 value less the equivalent motor vehicle excise tax rate of the
37 surcharge imposed under RCW 81.100.060. This rate does not apply to

1 vehicles licensed under RCW 46.16.070 with an unladen weight more than
2 six thousand pounds, or to vehicles licensed under RCW 46.16.079,
3 46.16.085, or 46.16.090.

4 (2) The department of licensing shall administer and collect the
5 tax in accordance with chapter 82.44 RCW. The department shall deduct
6 a percentage amount, as provided by contract, not to exceed one percent
7 of the taxes collected, for administration and collection expenses
8 incurred by it. The remaining proceeds must be remitted to the custody
9 of the state treasurer for monthly distribution to the public
10 transportation benefit area.

11 (3) The public transportation benefit area imposing this tax shall
12 delay the effective date at least six months from the date the fee is
13 approved by the qualified voters of the authority area to allow the
14 department of licensing to implement administration and collection of
15 the tax.

16 (4) Before an authority may impose a tax authorized under this
17 section, the authorization for imposition of the tax must be approved
18 by a majority of the qualified electors of the authority area voting on
19 that issue.

20 **PART VI**
21 **MISCELLANEOUS**

22 NEW SECTION. **Sec. 601.** The following acts or parts of acts are
23 each repealed:

24 (1) RCW 29A.36.230 (Regional transportation investment district and
25 regional transit authority single ballot) and 2007 c 509 s 4;

26 (2) RCW 36.120.010 (Findings) and 2002 c 56 s 101;

27 (3) RCW 36.120.020 (Definitions) and 2006 c 334 s 13, 2006 c 311 s
28 4, & 2002 c 56 s 102;

29 (4) RCW 36.120.030 (Planning committee--Formation) and 2006 c 311
30 s 5 & 2002 c 56 s 103;

31 (5) RCW 36.120.040 (Planning committee--Duties) and 2006 c 311 s 6,
32 2003 c 194 s 1, & 2002 c 56 s 104;

33 (6) RCW 36.120.045 (Planning committee--State route No. 520
34 improvements) and 2006 c 311 s 7;

35 (7) RCW 36.120.050 (Planning committee--Taxes, fees, and tolls) and
36 2006 c 311 s 13, 2003 c 350 s 4, & 2002 c 56 s 105;

1 (8) RCW 36.120.060 (Project selection--Performance criteria) and
2 2002 c 56 s 106;

3 (9) RCW 36.120.070 (Submission of ballot propositions to the
4 voters) and 2007 c 509 s 2, 2006 c 311 s 8, & 2002 c 56 s 107;

5 (10) RCW 36.120.080 (Formation--Certification) and 2006 c 311 s 10
6 & 2002 c 56 s 108;

7 (11) RCW 36.120.090 (Governing board--Composition) and 2002 c 56 s
8 109;

9 (12) RCW 36.120.100 (Governing board--Organization) and 2002 c 56
10 s 110;

11 (13) RCW 36.120.110 (Governing board--Powers and duties--Intent)
12 and 2006 c 311 s 11 & 2002 c 56 s 111;

13 (14) RCW 36.120.120 (Treasurer) and 2002 c 56 s 112;

14 (15) RCW 36.120.130 (Indebtedness--Bonds--Limitation) and 2003 c
15 372 s 1 & 2002 c 56 s 113;

16 (16) RCW 36.120.140 (Transportation project or plan modification--
17 Accountability) and 2003 c 194 s 2 & 2002 c 56 s 114;

18 (17) RCW 36.120.150 (Department of transportation--Role) and 2002
19 c 56 s 115;

20 (18) RCW 36.120.160 (Ownership of improvements) and 2002 c 56 s
21 116;

22 (19) RCW 36.120.170 (Dissolution of district) and 2002 c 56 s 117;

23 (20) RCW 36.120.180 (Findings--Regional models--Grants) and 2002 c
24 56 s 118;

25 (21) RCW 36.120.190 (Joint ballot measure) and 2002 c 56 s 201;

26 (22) RCW 36.120.200 (Regional transportation investment district
27 account) and 2002 c 56 s 401;

28 (23) RCW 36.120.210 (Advisory ballot for Alaskan Way viaduct
29 improvements--Preferred alternative for Alaskan Way viaduct and Seattle
30 Seawall improvements) and 2006 c 311 s 29;

31 (24) RCW 36.120.900 (Captions and subheadings not law--2002 c 56)
32 and 2002 c 56 s 501;

33 (25) RCW 36.120.901 (Severability--2002 c 56) and 2002 c 56 s 503;

34 (26) RCW 47.56.076 (Regional transportation investment district--
35 Tolls) and 2006 c 311 s 19, 2005 c 335 s 3, & 2002 c 56 s 403;

36 (27) RCW 47.56.0761 (Regional transportation investment district--
37 Tolls on Lake Washington bridges) and 2006 c 311 s 20;

1 (28) RCW 81.112.040 (Board appointments--Voting--Expenses) and 1994
2 c 109 s 1 & 1992 c 101 s 4;

3 (29) RCW 82.44.135 (Local government must contract with department
4 of licensing) and 2006 c 318 s 9; and

5 (30) RCW 82.80.005 ("District" defined) and 2002 c 56 s 415.

6 NEW SECTION. **Sec. 602.** APPLICABILITY OF PUBLIC LAWS. A regional
7 transportation authority, its officers, and the governing body of
8 commissioners, created under this act, are subject to the general laws
9 regulating local governments and local governmental officials
10 including, but not limited to, applicable requirements under chapters
11 42.17, 42.23, 42.30, 42.41, 42.56, and 43.09 RCW.

12 NEW SECTION. **Sec. 603.** Part headings and captions used in this
13 act are not any part of the law.

14 NEW SECTION. **Sec. 604.** Sections 201 through 207 and 210 of this
15 act are each added to chapter 81.112 RCW.

16 NEW SECTION. **Sec. 605.** If any provision of this act or its
17 application to any person or circumstance is held invalid, the
18 remainder of the act or the application of the provision to other
19 persons or circumstances is not affected.

20 NEW SECTION. **Sec. 606.** This act shall be liberally construed to
21 effect the policies and purposes of this act.

22 NEW SECTION. **Sec. 607.** The code reviser shall alphabetize and
23 renumber the definitions in RCW 81.112.020.

24 NEW SECTION. **Sec. 608.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of the
26 state government and its existing public institutions, and takes effect
27 immediately, except for sections 528 and 530 of this act which take
28 effect July 1, 2008.

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