

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2072

Chapter 515, Laws of 2009
(partial veto)

61st Legislature
2009 Regular Session

SPECIAL NEEDS TRANSPORTATION

EFFECTIVE DATE: 07/26/09

Passed by the House April 20, 2009
Yeas 95 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 10, 2009
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved May 15, 2009, 2:36 p.m., with
the exception of Sections 2, 5, 6, 7 and
19 which are vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of
the House of Representatives of
the State of Washington, do hereby
certify that the attached is
**ENGROSSED SUBSTITUTE HOUSE BILL
2072** as passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 18, 2009

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2072

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

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

READ FIRST TIME 03/03/09.

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

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

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

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

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

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

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

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

- 24 (a) The departments of transportation, veterans affairs, health,
25 and social and health services;
- 26 (b) Medicaid nonemergency medical transportation brokers;
- 27 (c) Public transit agencies;
- 28 (d) Regional and metropolitan transportation planning
29 organizations, including a representative of the regional
30 transportation planning organization or organizations that provide
31 staff support to the local coordinating coalition established under
32 section 9 of this act;
- 33 (e) Indian tribes;
- 34 (f) The agency council on coordinated transportation;
- 35 (g) The local coordinating coalitions established under section 9
36 of this act; and
- 37 (h) The office of the superintendent of public instruction.

1 (5) The work group shall elect one or more of its members to
2 service as chair or cochaurs.

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

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

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

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

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

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

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

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

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

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

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

- 14 (i) *Regional and metropolitan planning organizations;*
15 (ii) *Transit agencies;*
16 (iii) *Brokerages providing nonemergency medical transportation*
17 *services; and*
18 (iv) *The department of social and health services.*

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

- 23 (i) *The most appropriate agency to make those designations;*
24 (ii) *The preferred geographic regions in which to establish*
25 *community access managers;*
26 (iii) *The duties and responsibilities of community access managers;*
27 *and*
28 (iv) *Any study recommendations that may interfere with the*
29 *department's application as described in section 1(2) of this act, and*
30 *potential solutions to those issues.*

31 (4) *The work group may also develop an alternative to the community*
32 *access manager model proposed in the 2009 special needs transportation*
33 *study recommendations, as described in section 1(1) of this act, as a*
34 *recommendation to be considered by the joint transportation committee.*
35 *Any proposed alternative model must build upon the work conducted in*
36 *the pilot projects under section 11 of this act and the work completed*
37 *in the 2009 study, and must be consistent with the goals of the 2009*
38 *study.*

1 (5) *Subject to available funds, the work group may consult with*
2 *other agencies and organizations as needed.*

3 (6) *By December 1, 2009, the agency council on coordinated*
4 *transportation shall submit a report to the joint transportation*
5 *committee describing the work group's findings and recommendations for*
6 *implementing the study recommendations. If the work group finds that*
7 *additional time is needed to complete its analysis, a second progress*
8 *report must be submitted to the joint transportation committee by June*
9 *1, 2010.*

**Sec. 2 was vetoed. See message at end of chapter.*

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

12 The legislature finds that transportation systems for persons with
13 special needs are not operated as efficiently as possible. In too many
14 cases, programs established by the legislature to assist persons with
15 special needs can not be accessed due to these inefficiencies and
16 coordination barriers.

17 The legislature further finds that the transportation needs of each
18 community are unique, and that transportation services may be improved
19 by establishing a system of statewide oversight that seeks input,
20 collaboration, and cooperation from and among all local service
21 providers, including public agencies, private organizations, and
22 community-based groups.

23 It is the intent of the legislature that public transportation
24 agencies, pupil transportation programs, private nonprofit
25 transportation providers, and other public agencies sponsoring programs
26 that require transportation services coordinate those transportation
27 services. Through coordination of transportation services, programs
28 will achieve increased efficiencies and will be able to provide more
29 rides to a greater number of persons with special needs.

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

32 (1) The agency council on coordinated transportation is created.
33 The purpose of the council is to advance and improve accessibility to
34 and coordination of special needs transportation services statewide.
35 The council is composed of (~~ten~~) fourteen voting members and four
36 nonvoting, legislative members.

1 (2) The (~~ten~~) fourteen voting members are the superintendent of
2 public instruction or a designee, the secretary of transportation or a
3 designee, the secretary of the department of social and health services
4 or a designee, and (~~seven~~) eleven members appointed by the governor
5 as follows:

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

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

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

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

13 (c) One representative from the Washington association of pupil
14 transportation;

15 (d) One representative from the Washington state transit
16 association; (~~and~~)

17 (e) One of the following:

18 (i) A representative from the community transportation association
19 of the Northwest; or

20 (ii) A representative from the community action council
21 association;

22 (f) One person who represents regional transportation planning
23 organizations and metropolitan planning organizations;

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

28 (h) One representative from the Washington state department of
29 veterans affairs; and

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

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

32 (a) Two members from the house of representatives, one from each of
33 the two largest caucuses, appointed by the speaker of the house of
34 representatives, including at least one member from the house
35 transportation policy and budget committee or the house appropriations
36 committee; and

37 (b) Two members from the senate, one from each of the two largest

1 caucuses, appointed by the president of the senate, including at least
2 one member from the senate transportation committee or the senate ways
3 and means committee.

4 (4) Gubernatorial appointees of the council will serve two-year
5 terms. Members may not receive compensation for their service on the
6 council, but will be reimbursed for actual and necessary expenses
7 incurred in performing their duties as members as set forth in RCW
8 43.03.220.

9 ~~(5) ((The secretary of transportation or a designee shall serve as
10 the chair.~~

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

18 (6) The council shall periodically assess its membership to ensure
19 that there exists a balanced representation of persons with special
20 transportation needs and providers of special transportation needs
21 services. Recommendations for modifying the membership of the council
22 must be included in the council's biennial report to the legislature as
23 provided in RCW 47.06B.050.

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

26 ~~((7))~~ (8) The council may receive gifts, grants, or endowments
27 from public or private sources that are made from time to time, in
28 trust or otherwise, for the use and benefit of the purposes of the
29 council and spend gifts, grants, or endowments or income from the
30 public or private sources according to their terms, unless the receipt
31 of the gifts, grants, or endowments violates RCW 42.17.710.

32 ~~((8))~~ (9) The meetings of the council must be open to the public,
33 with the agenda published in advance, and minutes kept and made
34 available to the public. The public notice of the meetings must
35 indicate that accommodations for persons with disabilities will be made
36 available upon request.

37 ~~((9))~~ (10) All meetings of the council must be held in locations

1 that are readily accessible to public transportation, and must be
2 scheduled for times when public transportation is available.

3 ~~((+10+))~~ (11) The council shall make an effort to include
4 presentations by and work sessions including persons with special
5 transportation needs.

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

8 ~~((+1+))~~ To assure implementation of an effective system of
9 coordinated transportation that meets the needs of persons with special
10 transportation needs, the agency council on coordinated transportation
11 shall:

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

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

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

19 (b) Focus on results; and

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

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

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

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

27 (a) The effectiveness of any grant programs administered by the
28 council;

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

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

35 (5) Periodically provide input and recommendations to local and
36 regional planning organizations for advancing special needs coordinated
37 transportation;

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

3 (7) Beginning with the 2009-2011 biennial transportation budget,
4 and at the request of the department, review and assess applications
5 made for state paratransit/special needs grants, as provided in section
6 223(1), chapter 121, Laws of 2008, or other special needs
7 transportation grants administered by the department;

8 (8) As necessary, convene work groups at the state, regional, or
9 local level to develop and implement coordinated approaches to special
10 needs transportation(

11 (3));

12 (9) To improve the service experienced by persons with special
13 transportation needs, ((the council shall)) develop statewide
14 guidelines for customer complaint processes so that information about
15 policies regarding the complaint processes is available consistently
16 and consumers are appropriately educated about available options. To
17 be eligible for funding on or after January 1, 2008, organizations
18 applying for state paratransit/special needs grants as described in
19 section 226(1), chapter 370, Laws of 2006 must implement a process
20 following the guidelines established by the council(

21 (4) The council shall)); and

22 (10) Represent the needs and interests of persons with special
23 transportation needs in statewide efforts for emergency and disaster
24 preparedness planning by advising the emergency management council on
25 how to address transportation needs for high-risk individuals during
26 and after disasters.

*Sec. 5 was vetoed. See message at end of chapter.

27 *NEW SECTION. Sec. 6. A new section is added to chapter 47.06B RCW
28 to read as follows:

29 (1) The legislature acknowledges that successful models of
30 coordination among state, regional, and local service providers
31 recognize that cost accounting and cost allocation are integral
32 components in meeting the statutory obligations of the various funding
33 sources that may be used to support the purchase of services from
34 special needs transportation service providers. To that end, the
35 agency council on coordinated transportation must work collaboratively
36 with any appropriate agencies and transportation providers and
37 organizations to:

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

8 (b) Develop uniform performance and cost reporting systems,
9 consistent with performance and cost reporting systems established
10 under section 1 of this act.

11 (2) By December 1, 2009, the agency council on coordinated
12 transportation shall submit a report to the joint transportation
13 committee that, at a minimum, describes the progress made towards the
14 goals of this section. If necessary, a second progress report must be
15 submitted to the joint transportation committee by June 1, 2010, and a
16 final report must be submitted to the joint transportation committee by
17 December 1, 2010.

*Sec. 6 was vetoed. See message at end of chapter.

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

20 (1) In cooperation with the department of social and health
21 services and the Washington state patrol, the agency council on
22 coordinated transportation shall make progress toward the goal of
23 establishing a single clearinghouse for driver background checks within
24 the most cost-effective agency. To that end, the council shall, at a
25 minimum:

26 (a) Review any previous relevant studies;

27 (b) Identify and collaborate with agencies engaged in background
28 check analysis; and

29 (c) Develop a work plan to achieve the objectives identified in
30 this subsection.

31 (2) By December 1, 2009, the agency council on coordinated
32 transportation shall submit a report to the joint transportation
33 committee that, at a minimum, describes the progress made towards the
34 goals of this section. If necessary, a second progress report must be
35 submitted to the joint transportation committee by June 1, 2010, and a
36 final report must be submitted to the joint transportation committee by
37 December 1, 2010.

*Sec. 7 was vetoed. See message at end of chapter.

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

3 The agency council on coordinated transportation shall submit a
4 progress report (~~(on council activities)~~) to the legislature by
5 December 1, 2009, and every other year thereafter. The report must
6 describe the council's progress in achieving its objectives and in
7 attaining the applicable goals identified in the council's biennial
8 work plan and highlight any problems encountered in achieving these
9 goals. The report must also include the required performance measure
10 evaluations established in RCW 47.06B.030(4). The information will be
11 reported in a form established by the council.

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

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

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

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

21 (2) The purpose of a local coordinating coalition is to advance
22 local efforts to coordinate and maximize efficiencies in special needs
23 transportation programs and services, contributing to the overall
24 objectives and goals of the agency council on coordinated
25 transportation. The local coordinating coalition shall serve in an
26 advisory capacity to the agency council on coordinated transportation
27 by providing the council with a focused and ongoing assessment of the
28 special transportation needs and services provided within its region.

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

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

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

- 1 (c) One or more representatives of private service providers;
- 2 (d) A representative of civic or community-based service providers;
- 3 (e) A consumer of special needs transportation services;
- 4 (f) A representative of nonemergency medical transportation
- 5 medicaid brokers;
- 6 (g) A representative of social and human service programs;
- 7 (h) A representative of local high school districts; and
- 8 (i) A representative from the Washington state department of
- 9 veterans affairs.

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

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

21 (6) The regional transportation planning organization, as described
22 in chapter 47.80 RCW, serving the region in which the local
23 coordinating coalition is created shall provide necessary staff support
24 for the local coordinating coalition. In regions served by more than
25 one regional transportation planning organization, unless otherwise
26 agreed to by the relevant planning organizations, the regional
27 transportation planning organization serving the largest population
28 within the region shall provide the necessary staff support.

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

31 Local coordinating coalitions established under section 9 of this
32 act shall:

33 (1) Identify, to the greatest extent possible, all local
34 transportation facilities, services, and providers serving persons with
35 special transportation needs in the region, including public transit
36 agencies, private companies, nonprofit organizations, and community-

1 based groups. For each service provider, the coalition shall identify
2 the boundaries within which services are provided;

3 (2) Identify local service needs, including connectivity gaps and
4 other barriers to reliable and efficient transportation within and
5 across service boundaries;

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

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

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

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

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

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

34 (a) Demonstrate opportunities for cost sharing, including but not
35 limited to opportunities among public paratransit and medicaid
36 nonemergency medical trips; and

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

4 (3) By December 1, 2009, and by June 1, 2010, each local
5 coordinating coalition shall submit a status report to the joint
6 transportation committee and agency council on coordinated
7 transportation describing progress made in implementing the pilot
8 project. By December 1, 2010, each local coordinating coalition shall
9 issue a final report to the joint transportation committee and the
10 agency council on coordinated transportation describing progress made
11 in implementing the pilot project.

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

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

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

27 A municipality, as defined in RCW 35.58.272, and each regional
28 transit authority shall work collaboratively with the appropriate local
29 coordinating coalition or coalitions as described under section 9 of
30 this act to advance the coordination of and maximize efficiencies in
31 transportation services provided to persons with special transportation
32 needs as defined in RCW 47.06B.012.

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

35 (1) The legislative authority of a county or city may establish a

1 transportation benefit district within the county or city area or
2 within the area specified in subsection (2) of this section, for the
3 purpose of acquiring, constructing, improving, providing, and funding
4 a transportation improvement within the district that is consistent
5 with any existing state, regional, and local transportation plans and
6 necessitated by existing or reasonably foreseeable congestion levels.
7 The transportation improvements shall be owned by the county of
8 jurisdiction if located in an unincorporated area, by the city of
9 jurisdiction if located in an incorporated area, or by the state in
10 cases where the transportation improvement is or becomes a state
11 highway. However, if deemed appropriate by the governing body of the
12 transportation benefit district, a transportation improvement may be
13 owned by a participating port district or transit district, unless
14 otherwise prohibited by law. Transportation improvements shall be
15 administered and maintained as other public streets, roads, highways,
16 and transportation improvements. To the extent practicable, the
17 district shall consider the following criteria when selecting
18 transportation improvements:

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

31 (2) Subject to subsection (6) of this section, the district may
32 include area within more than one county, city, port district, county
33 transportation authority, or public transportation benefit area, if the
34 legislative authority of each participating jurisdiction has agreed to
35 the inclusion as provided in an interlocal agreement adopted pursuant
36 to chapter 39.34 RCW. However, the boundaries of the district need not
37 include all territory within the boundaries of the participating
38 jurisdictions comprising the district.

1 (3) The members of the legislative authority proposing to establish
2 the district, acting ex officio and independently, shall constitute the
3 governing body of the district: PROVIDED, That where a district
4 includes area within more than one jurisdiction under subsection (2) of
5 this section, the district shall be governed under an interlocal
6 agreement adopted pursuant to chapter 39.34 RCW. However, the
7 governing body shall be composed of at least five members including at
8 least one elected official from the legislative authority of each
9 participating jurisdiction.

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

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

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

18 (a) Counties with a population greater than one million five
19 hundred thousand persons and any adjoining counties with a population
20 greater than five hundred thousand persons;

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

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

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

27 Each regional transportation planning organization shall have the
28 following duties:

29 (1) Prepare and periodically update a transportation strategy for
30 the region. The strategy shall address alternative transportation
31 modes and transportation demand management measures in regional
32 corridors and shall recommend preferred transportation policies to
33 implement adopted growth strategies. The strategy shall serve as a
34 guide in preparation of the regional transportation plan.

35 (2) Prepare a regional transportation plan as set forth in RCW
36 47.80.030 that is consistent with county-wide planning policies if such

1 have been adopted pursuant to chapter 36.70A RCW, with county, city,
2 and town comprehensive plans, and state transportation plans.

3 (3) Certify by December 31, 1996, that the transportation elements
4 of comprehensive plans adopted by counties, cities, and towns within
5 the region reflect the guidelines and principles developed pursuant to
6 RCW 47.80.026, are consistent with the adopted regional transportation
7 plan, and, where appropriate, conform with the requirements of RCW
8 36.70A.070.

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

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

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

34 (7) Designate a lead planning agency to coordinate preparation of
35 the regional transportation plan and carry out the other
36 responsibilities of the organization. The lead planning agency may be
37 a regional organization, a component county, city, or town agency, or

1 the appropriate Washington state department of transportation district
2 office.

3 ~~((7))~~ (8) Review level of service methodologies used by cities
4 and counties planning under chapter 36.70A RCW to promote a consistent
5 regional evaluation of transportation facilities and corridors.

6 ~~((8))~~ (9) Work with cities, counties, transit agencies, the
7 department of transportation, and others to develop level of service
8 standards or alternative transportation performance measures.

9 ~~((9))~~ (10) Submit to the agency council on coordinated
10 transportation, as provided in chapter 47.06B RCW, beginning on July 1,
11 2007, and every four years thereafter, an updated plan that includes
12 the elements identified by the council. Each regional transportation
13 planning organization must submit to the council every two years a
14 prioritized regional human service and transportation project list.

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

17 (1) To be eligible for funding on or after January 1, 2010, any
18 organization applying for state paratransit/special needs grants, as
19 described in section 223(1), chapter 121, Laws of 2008, or for other
20 funding provided for persons with special transportation needs, as
21 defined in RCW 47.06B.012, must include in its application, in addition
22 to meeting other eligibility requirements provided in law, an
23 explanation of how the requested funding will advance efficiencies in,
24 accessibility to, or coordination of transportation services provided
25 to persons with special transportation needs as defined in RCW
26 47.06B.012.

27 (2) Unless otherwise required by law, in administering federal
28 funding provided for special needs transportation purposes, including
29 funding under SAFETEA-LU, the safe, accountable, flexible, efficient
30 transportation equity act, P.L. 109-59, or its successor, the
31 department shall give priority to projects that result in increased
32 efficiencies in special needs transportation or improved coordination
33 among special needs transportation service providers.

34 (3) In making final grant award determinations under subsection (1)
35 of this section, the department shall seek input from the agency
36 council on coordinated transportation, as provided in chapter 47.06B

1 RCW, and shall give substantial deference to applications recommended
2 by the council.

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

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

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

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

11 (1) RCW 47.06B.010 and 2009 c . . . s 3 (section 3 of this act),
12 2007 c 421 § 1, 1999 c 385 § 1, & 1998 c 173 § 1;

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

14 (3) RCW 47.06B.020 and 2009 c . . . s 4 (section 4 of this act),
15 2007 c 421 § 2, & 1998 c 173 § 2;

16 (4) RCW 47.06B.030 and 2009 c . . . s 5 (section 5 of this act),
17 2007 c 421 § 3, 1999 c 385 § 5, & 1998 c 173 § 3;

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

19 (6) RCW 47.06B.050 and 2009 c . . . s 8 (section 8 of this act) &
20 2007 c 421 § 6;

21 (7) Section 1 of this act;

22 (8) Section 2 of this act;

23 (9) Section 6 of this act;

24 (10) Section 7 of this act;

25 (11) Section 9 of this act;

26 (12) Section 10 of this act; and

27 (13) Section 11 of this act.

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

**Sec. 19 was vetoed. See message at end of chapter.*

Passed by the House April 20, 2009.

Passed by the Senate April 10, 2009.

Approved by the Governor May 15, 2009, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 18, 2009.

Note: Governor's explanation of partial veto is as follows:

"I have approved, except for Sections 2, 5, 6, 7 and 19, Engrossed Substitute House Bill 2072 entitled:

"AN ACT Relating to advancing effective transportation for persons with special transportation needs."

Section 19 of the bill makes the provisions of the legislation null and void if sufficient funding to implement the legislation is not included in the 2009-11 Transportation Budget. The 2009-11 Transportation Budget does include sufficient funding to implement portions of the legislation, but not the entire bill. I have decided to veto Sections 2, 5, 6 and 7 of the legislation that do not have sufficient funding for implementation, as well as the null and void clause in Section 19. As a result, we will be able to move forward with providing special needs transportation services in a more coordinated and efficient manner, without imposing unfunded mandates on state agencies.

For these reasons, I have vetoed Sections 2, 5, 6, 7 and 19 of Engrossed Substitute House Bill 2072.

With the exception of Sections 2, 5, 6, 7 and 19, Engrossed Substitute House Bill 2072 is approved."