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HOUSE BILL 2601

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State of Washington                      62nd Legislature                      2012 Regular Session

By Representatives Eddy, Lillas, Ryu, Ladenburg, and Moscoso

Read first time 01/18/12. Referred to Committee on Transportation.

1            AN ACT Relating to improving public transit through the creation of  
2 transit service overlay zones; amending RCW 47.80.023, 36.70A.080, and  
3 43.21C.110; adding a new section to chapter 47.80 RCW; and creating a  
4 new section.

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

6            NEW SECTION.    **Sec. 1.** The legislature finds and declares that the  
7 transit service overlay zone describes a concept for subregional  
8 collaborations between municipalities and transit agencies to better  
9 link transit and land use decision making and planning.

10           The legislature further finds that this process is intended to  
11 provide sufficient incentives and remove enough barriers to stimulate  
12 transit supportive development in proximity to a set of core, high  
13 frequency bus transit corridors. The process also helps better  
14 prioritize the allocation of new transit agency service hours, as well  
15 as ensure the reliability and productivity of existing higher capacity  
16 bus transit by engaging land use authorities in local corridor planning  
17 processes.

18           To be eligible for the transit service overlay zone program, a  
19 corridor must meet an agreed upon set of criteria, including a minimum

1 population density within walking distance to the corridor and frequent  
2 all-day, two direction bus service. A transit service overlay zone  
3 corridor must also connect to high density employment/population  
4 centers, as well as to other destinations along the corridor to allow  
5 for other nonwork trips to occur.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.80 RCW  
7 to read as follows:

8 (1) Each regional transportation planning organization may  
9 establish eligibility criteria for cities, counties, and transit  
10 agencies to enact transit service overlay zones. The eligibility  
11 criteria must include:

12 (a) Frequent all-day, two direction bus service or inclusion in a  
13 transit agency's long-range plan for frequent all-day, two direction  
14 bus service;

15 (b) A minimum existing or planned population and employment density  
16 within walking distance to the corridor; and

17 (c) A requirement for connecting high density employment and  
18 population centers.

19 (2) Cities, counties, and transit agencies may establish transit  
20 service overlay zones through an interlocal agreement under chapter  
21 39.34 RCW that meets the eligibility criteria established by the local  
22 regional transportation planning organization, as determined by the  
23 local regional transportation planning organization.

24 **Sec. 3.** RCW 47.80.023 and 2009 c 515 s 15 are each amended to read  
25 as follows:

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

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

34 (2) Prepare a regional transportation plan as set forth in RCW  
35 47.80.030 that is consistent with countywide 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 countywide 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 (8) Review level of service methodologies used by cities and  
4 counties planning under chapter 36.70A RCW to promote a consistent  
5 regional evaluation of transportation facilities and corridors.

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

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

15 (11) Work with interested cities, counties, transit agencies, the  
16 department of transportation, and others to develop transit service  
17 overlay zones as prescribed in section 2 of this act.

18 **Sec. 4.** RCW 36.70A.080 and 2011 c 318 s 801 are each amended to  
19 read as follows:

20 (1) A comprehensive plan may include additional elements, items, or  
21 studies dealing with other subjects relating to the physical  
22 development within its jurisdiction, including, but not limited to:

23 (a) Conservation;

24 (b) Solar energy; ~~((and))~~

25 (c) Recreation; and

26 (d) Transit service overlay zones, as prescribed in section 2 of  
27 this act.

28 (2) A comprehensive plan may include, where appropriate, subarea  
29 plans, each of which is consistent with the comprehensive plan.

30 (3)(a) Cities that qualify as a receiving city may adopt a  
31 comprehensive plan element and associated development regulations that  
32 apply within receiving areas under chapter 39.108 RCW.

33 (b) For purposes of this subsection, the terms "receiving city" and  
34 "receiving area" have the same meanings as provided in RCW 39.108.010.

35 **Sec. 5.** RCW 43.21C.110 and 1997 c 429 s 47 are each amended to  
36 read as follows:

1 It shall be the duty and function of the department of ecology:

2 (1) To adopt and amend thereafter rules of interpretation and  
3 implementation of this chapter, subject to the requirements of chapter  
4 34.05 RCW, for the purpose of providing uniform rules and guidelines to  
5 all branches of government including state agencies, political  
6 subdivisions, public and municipal corporations, and counties. The  
7 proposed rules shall be subject to full public hearings requirements  
8 associated with rule promulgation. Suggestions for modifications of  
9 the proposed rules shall be considered on their merits, and the  
10 department shall have the authority and responsibility for full and  
11 appropriate independent promulgation and adoption of rules, assuring  
12 consistency with this chapter as amended and with the preservation of  
13 protections afforded by this chapter. The rule-making powers  
14 authorized in this section shall include, but shall not be limited to,  
15 the following phases of interpretation and implementation of this  
16 chapter:

17 (a) Categories of governmental actions which are not to be  
18 considered as potential major actions significantly affecting the  
19 quality of the environment, including categories pertaining to  
20 applications for water right permits pursuant to chapters 90.03 and  
21 90.44 RCW. The types of actions included as categorical exemptions in  
22 the rules shall be limited to those types which are not major actions  
23 significantly affecting the quality of the environment, including any  
24 project in a transit service overlay zone established as prescribed in  
25 section 2 of this act that is less than one hundred fifty residential  
26 units and one hundred thousand commercial square feet. The rules shall  
27 provide for certain circumstances where actions which potentially are  
28 categorically exempt require environmental review. An action that is  
29 categorically exempt under the rules adopted by the department may not  
30 be conditioned or denied under this chapter.

31 (b) Rules for criteria and procedures applicable to the  
32 determination of when an act of a branch of government is a major  
33 action significantly affecting the quality of the environment for which  
34 a detailed statement is required to be prepared pursuant to RCW  
35 43.21C.030.

36 (c) Rules and procedures applicable to the preparation of detailed  
37 statements and other environmental documents, including but not limited  
38 to rules for timing of environmental review, obtaining comments, data

1 and other information, and providing for and determining areas of  
2 public participation which shall include the scope and review of draft  
3 environmental impact statements.

4 (d) Scope of coverage and contents of detailed statements assuring  
5 that such statements are simple, uniform, and as short as practicable;  
6 statements are required to analyze only reasonable alternatives and  
7 probable adverse environmental impacts which are significant, and may  
8 analyze beneficial impacts.

9 (e) Rules and procedures for public notification of actions taken  
10 and documents prepared.

11 (f) Definition of terms relevant to the implementation of this  
12 chapter including the establishment of a list of elements of the  
13 environment. Analysis of environmental considerations under RCW  
14 43.21C.030(2) may be required only for those subjects listed as  
15 elements of the environment (or portions thereof). The list of  
16 elements of the environment shall consist of the "natural" and "built"  
17 environment. The elements of the built environment shall consist of  
18 public services and utilities (such as water, sewer, schools, fire and  
19 police protection), transportation, environmental health (such as  
20 explosive materials and toxic waste), and land and shoreline use  
21 (including housing, and a description of the relationships with land  
22 use and shoreline plans and designations, including population).

23 (g) Rules for determining the obligations and powers under this  
24 chapter of two or more branches of government involved in the same  
25 project significantly affecting the quality of the environment.

26 (h) Methods to assure adequate public awareness of the preparation  
27 and issuance of detailed statements required by RCW 43.21C.030(2)(c).

28 (i) To prepare rules for projects setting forth the time limits  
29 within which the governmental entity responsible for the action shall  
30 comply with the provisions of this chapter.

31 (j) Rules for utilization of a detailed statement for more than one  
32 action and rules improving environmental analysis of nonproject  
33 proposals and encouraging better interagency coordination and  
34 integration between this chapter and other environmental laws.

35 (k) Rules relating to actions which shall be exempt from the  
36 provisions of this chapter in situations of emergency.

37 (l) Rules relating to the use of environmental documents in

1 planning and decision making and the implementation of the substantive  
2 policies and requirements of this chapter, including procedures for  
3 appeals under this chapter.

4 (m) Rules and procedures that provide for the integration of  
5 environmental review with project review as provided in RCW 43.21C.240.  
6 The rules and procedures shall be jointly developed with the department  
7 of (~~community, trade, and economic development~~) commerce and shall be  
8 applicable to the preparation of environmental documents for actions in  
9 counties, cities, and towns planning under RCW 36.70A.040. The rules  
10 and procedures shall also include procedures and criteria to analyze  
11 planned actions under RCW 43.21C.031(2) and revisions to the rules  
12 adopted under this section to ensure that they are compatible with the  
13 requirements and authorizations of chapter 347, Laws of 1995, as  
14 amended by chapter 429, Laws of 1997. Ordinances or procedures adopted  
15 by a county, city, or town to implement the provisions of chapter 347,  
16 Laws of 1995 prior to the effective date of rules adopted under this  
17 subsection (1)(m) shall continue to be effective until the adoption of  
18 any new or revised ordinances or procedures that may be required. If  
19 any revisions are required as a result of rules adopted under this  
20 subsection (1)(m), those revisions shall be made within the time limits  
21 specified in RCW 43.21C.120.

22 (2) In exercising its powers, functions, and duties under this  
23 section, the department may:

24 (a) Consult with the state agencies and with representatives of  
25 science, industry, agriculture, labor, conservation organizations,  
26 state and local governments, and other groups, as it deems advisable;  
27 and

28 (b) Utilize, to the fullest extent possible, the services,  
29 facilities, and information (including statistical information) of  
30 public and private agencies, organizations, and individuals, in order  
31 to avoid duplication of effort and expense, overlap, or conflict with  
32 similar activities authorized by law and performed by established  
33 agencies.

34 (3) Rules adopted pursuant to this section shall be subject to the  
35 review procedures of chapter 34.05 RCW.

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