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**ENGROSSED SUBSTITUTE SENATE BILL 5457**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Transportation (originally sponsored by Senators White, Shin, Murray, Kohl-Welles, Harper, Nelson, Keiser, Prentice, Kline, and McAuliffe)

READ FIRST TIME 02/25/11.

1       AN ACT Relating to providing a congestion reduction charge to fund  
2 the operational and capital needs of transit agencies; adding a new  
3 section to chapter 82.80 RCW; adding a new section to chapter 46.68  
4 RCW; creating a new section; and providing an expiration date.

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

6       NEW SECTION. **Sec. 1.** The legislature recognizes that public  
7 transportation provides many benefits to the citizens of the state and  
8 the environment, including through public transportation's ability to  
9 alleviate congestion and offset the burdens placed by general vehicular  
10 traffic on the state's transportation infrastructure. In these  
11 challenging economic times, many transit agencies find themselves  
12 struggling to continue to provide a level of service that reduces  
13 congestion.

14       The legislature further recognizes that King county conducted a  
15 regional transit task force in 2010 that considered a policy framework  
16 for the potential future growth and, if necessary, contraction of King  
17 county's transit system. The task force members were selected to  
18 represent a broad diversity of interests and perspectives. The task  
19 force recommendations, which were unanimously accepted, addressed key

1 elements, such as the adoption of performance measures, controlling  
2 operating costs, developing policy guidance for making service  
3 reductions, and clear and transparent guidelines for service  
4 allocation. As a result of the work done by the task force and King  
5 county's commitment to comply with the recommendations, it is the  
6 intent of the legislature that King county be provided the opportunity  
7 to impose a temporary congestion reduction charge, which is separate  
8 and distinct from the base motor vehicle license fee, that can help  
9 address its revenue shortfalls during this economic crisis and allow it  
10 to continue reducing congestion and the corresponding burdens placed on  
11 the highway system on some of the state's most crowded corridors.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.80 RCW  
13 to read as follows:

14 (1)(a) Except as provided in subsection (2) of this section, the  
15 governing body of a county that has assumed the rights, powers,  
16 functions, and obligations of a metropolitan municipal corporation  
17 under chapter 36.56 RCW and is operating a public transportation system  
18 may impose, if approved by a majority of the voters within that county  
19 or a two-thirds majority of the governing body, an annual congestion  
20 reduction charge of up to twenty dollars per vehicle registered in the  
21 boundaries of the county for each vehicle subject to vehicle license  
22 fees under RCW 46.17.350(1) (a), (c), (d), (e), (g), (h), (j), (n),  
23 (o), (p), or (q) and for each vehicle subject to gross weight license  
24 fees under RCW 46.17.355 with an unladen weight of six thousand pounds  
25 or less.

26 (b) Prior to the imposition of a congestion reduction charge  
27 authorized under (a) of this subsection, a governing body must complete  
28 a congestion reduction plan indicating the proposed expenditures of the  
29 proceeds of the congestion reduction charge.

30 (c) If a governing body that imposes a congestion reduction charge  
31 authorized under (a) of this subsection completed a regional transit  
32 task force evaluating system improvements and efficiencies within two  
33 years prior to the imposition of the charge, the proceeds from the  
34 charge must be expended in a manner consistent with the recommendations  
35 of the regional transit task force.

36 (d) A governing body that imposes a congestion reduction charge

1 authorized under (a) of this subsection must complete a report by July  
2 1, 2012, detailing the expenditures of the proceeds of the congestion  
3 reduction charge through June 1, 2012.

4 (e) A governing body that imposes a congestion reduction charge  
5 authorized under (a) of this subsection must complete a report by June  
6 1, 2014, detailing the expenditures of the proceeds of the congestion  
7 reduction charge.

8 (2) The governing body of a county that has assumed the rights,  
9 powers, functions, and obligations of a metropolitan municipal  
10 corporation under chapter 36.56 RCW and is operating a public  
11 transportation system may not impose a congestion reduction charge  
12 authorized under subsection (1)(a) of this section for a passenger-only  
13 ferry transportation improvement, unless the charge is first approved  
14 by a majority of the voters within that county.

15 (3) The governing body of a county that has assumed the rights,  
16 powers, functions, and obligations of a metropolitan municipal  
17 corporation under chapter 36.56 RCW and is operating a public  
18 transportation system shall contract with the department of licensing  
19 as provided under section 3 of this act for the collection of the  
20 congestion reduction charge.

21 (4) A congestion reduction charge imposed under this section may  
22 not be assessed until six months after approval.

23 (5) A congestion reduction charge imposed under this section  
24 applies only for vehicle registration renewals and is effective upon  
25 the registration renewal date as provided by the department of  
26 licensing.

27 (6) The following vehicles are exempt from the congestion reduction  
28 charge imposed under this section:

29 (a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and  
30 46.04.181;

31 (b) Off-road vehicles as defined in RCW 46.04.365;

32 (c) Nonhighway vehicles as defined in RCW 46.09.310;

33 (d) Vehicles registered under chapter 46.87 RCW and the  
34 international registration plan; and

35 (e) Snowmobiles as defined in RCW 46.04.546.

36 (7) The authority to impose a congestion reduction charge  
37 authorized in subsection (1)(a) of this section expires with vehicle

1 registrations that expire two years after the imposition of the charge  
2 or no later than June 30, 2014, whichever comes first.

3 (8) A congestion reduction charge authorized under subsection  
4 (1)(a) of this section may only be imposed after June 30, 2014, if  
5 approved by a majority of the voters within a county that has assumed  
6 the rights, powers, functions, and obligations of a metropolitan  
7 municipal corporation under chapter 36.56 RCW and is operating a public  
8 transportation system.

9 (9) This section expires December 31, 2014.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.68 RCW  
11 to read as follows:

12 Whenever the department enters into a contract with the governing  
13 body of a county that has assumed the rights, powers, functions, and  
14 obligations of a metropolitan municipal corporation under chapter 36.56  
15 RCW and is operating a public transportation system for the collection  
16 of congestion reduction charges authorized under section 2 of this act:

17 (1) The contract must require that the governing body provide any  
18 information specified by the department to identify the vehicle owners  
19 who owe the congestion reduction charges, and must specify that it is  
20 the responsibility of the governing body to ensure that the congestion  
21 reduction charges are appropriately applied;

22 (2) The department is not responsible for the collection of  
23 congestion reduction charges until a date agreed to by both parties as  
24 specified in the contract;

25 (3) The department shall deduct a percentage amount as provided in  
26 the contract, not to exceed three percent of the charges collected,  
27 necessary to reimburse the department for the costs incurred for the  
28 collection of the congestion reduction charges; and

29 (4) The department shall remit remaining proceeds to the custody of  
30 the state treasurer. The state treasurer shall distribute the proceeds  
31 to the governing body on a monthly basis.

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