

# Chapter 468-85 WAC

## REGULATIONS REGARDING ADVANCED FINANCIAL SUPPORT PAYMENTS FOR THE DEVELOPMENT OF COMPREHENSIVE TRANSIT PLANS

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

468-85-260	Prospects for geographic expansion of service area element. [Statutory Authority: RCW 36.57A.150. WSR 80-01-029 (Order 42), § 468-85-260, filed 12/17/79.] Repealed by WSR 98-11-046 (Order 176), filed 5/18/98, effective 6/18/98. Statutory Authority: RCW 36.57A.150.
468-85-270	Minorities, elderly, handicapped and low-income persons transportation service element. [Statutory Authority: RCW 36.57A.150. WSR 80-01-029 (Order 42), § 468-85-270, filed 12/17/79.] Repealed by WSR 98-11-046 (Order 176), filed 5/18/98, effective 6/18/98. Statutory Authority: RCW 36.57A.150.
468-85-280	Citizen participation element. [Statutory Authority: RCW 36.57A.150. WSR 80-01-029 (Order 42), § 468-85-280, filed 12/17/79.] Repealed by WSR 98-11-046 (Order 176), filed 5/18/98, effective 6/18/98. Statutory Authority: RCW 36.57A.150.

### WAC 468-85-010 General purpose and applicability.

(1) Purpose: These regulations are to assist county transportation authorities and public transportation benefit areas in the development of comprehensive transit plans consistent with chapter 36.57A RCW, RCW 35.58.2795, and local developmental goals. The comprehensive transit plans are intended to lead to the development and management of regional public transit systems which are energy-efficient, provide viable transportation alternatives, serve all elements of the public, and are responsive to the public need.

(2) Applicability: These regulations apply only to county transportation authorities created pursuant to chapter 36.57 RCW and to public transportation benefit areas created pursuant to chapter 36.57A RCW.

[Statutory Authority: RCW 36.57A.150. WSR 98-11-046 (Order 176), § 468-85-010, filed 5/18/98, effective 6/18/98; WSR 80-01-029 (Order 42), § 468-85-010, filed 12/17/79.]

**WAC 468-85-015 Definitions.** (1) "Department" means the Washington state department of transportation, through its public transportation and rail division, or its successor.

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(2) "Comprehensive transit plan" means the official document required of every county transportation authority pursuant to RCW 36.57.070 and of every public transportation benefit area pursuant to RCW 36.57A.060.

(3) "County transportation authority" means an entity created pursuant to chapter 36.57 RCW.

(4) "Population" means the number of residents as shown by the most recent population determination made by the office of financial management.

(5) "Public transportation benefit area" means an entity created pursuant to chapter 36.57A RCW.

[Statutory Authority: RCW 36.57A.150. WSR 98-11-046 (Order 176), § 468-85-015, filed 5/18/98, effective 6/18/98; WSR 80-01-029 (Order 42), § 468-85-015, filed 12/17/79.]

### WAC 468-85-110 Application for advanced financial support payment.

(1) Eligible applicants: Any county transportation authority established pursuant to chapter 36.57 RCW and any public transportation benefit area established pursuant to chapter 36.57A RCW may receive a one-time advanced financial support payment from the department after submitting an application containing the information specified in subsection (2) of this section to the department.

(2) Contents of application: There is no particular form specified for applying for an advanced financial support payment. The application for such payment must be addressed to the department, signed by the chief executive officer of the applicant, and include the following information and related materials:

(a) A copy of a minute entry or resolution of the applicant authorizing or directing that body, or a designated individual acting for that body, to apply for such payment;

(b) In the event the applicant is a public transportation benefit area, and unless it is county-wide, a map indicating the precise boundaries of any unincorporated areas within the public transportation benefit area;

(c) A description of the methods anticipated to be used to secure citizen participation in the comprehensive transit planning process; such methods must ensure a reasonable opportunity is provided for input to be made by racial and ethnic minorities, low-income, elderly individuals, and persons with disabilities.

[Statutory Authority: RCW 36.57A.150. WSR 98-11-046 (Order 176), § 468-85-110, filed 5/18/98, effective 6/18/98; WSR 80-01-029 (Order 42), § 468-85-110, filed 12/17/79.]

**WAC 468-85-120 Department response to application.** The department shall respond to applications on a "first-come, first-served" basis. Therefore, upon receipt of an appli-

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cation for an advanced financial support payment, the department shall:

(1) Determination of completeness: Determine whether or not the application contains or includes all of the information or material required by WAC 468-85-110(2). In the event an application is incomplete, the department shall notify the applicant within seven days of receipt of such application by the department, of the application's deficiencies and that further processing of the application is being suspended until the applicant corrects the deficiencies;

(2) Determination of population: Request the office of financial management to determine the population of the applicant. Where the sum of the populations of the incorporated areas within the applicant's jurisdiction exceeds fifty thousand people, or if the applicant's jurisdiction is county-wide according to the most recently published estimate of the office of financial management, the department will not make such request; and

(3) Allocation of funds: Allocate for distribution to the applicant as an advanced financial support payment the product of one dollar times the applicant's population as determined by the office of financial management or the department. Under no circumstances will the amount allocated exceed the sum of fifty thousand dollars per applicant.

[Statutory Authority: RCW 36.57A.150. WSR 98-11-046 (Order 176), § 468-85-120, filed 5/18/98, effective 6/18/98; WSR 80-01-029 (Order 42), § 468-85-120, filed 12/17/79.]

**WAC 468-85-130 Conditions of advanced financial support payments.** (1) Payment constitutes a loan: Funds received by county transportation authorities or public transportation benefit areas as advanced financial support payments constitute loans. The recipient shall repay the department such loan not later than two years after the date such recipient received the advanced financial support payment. The department shall waive such repayment if the voters in the recipient's area fail to authorize taxes permitted under chapters 35.95 or 82.14 RCW within two years after the date such advanced financial support payment was received.

(2) Obligation to develop a comprehensive transit plan: Following receipt of the advanced financial support payment, the county transportation authority or public transportation benefit area shall undertake and complete the development of a comprehensive transit plan that meets the specifications contained in WAC 468-85-200 through 468-85-290. In the development of such plan, the recipient shall ensure a reasonable opportunity for the receipt of citizens input and participation in the planning process is provided to racial and ethnic minorities; low-income, elderly individuals and persons with disabilities.

(3) Payment may constitute matching contribution: Any payment received pursuant to this chapter may be used as all or any portion of a matching contribution required for the receipt of federal funds, provided federal law and applicable regulations allow such payment as a matching contribution, and provided, further, such federal funds are used to assist the recipient in the development of a comprehensive transit plan.

(4) Notice of election: The chief executive officer of a recipient of an advanced financial support payment or his/her designee shall inform the department of the date chosen for a popular election on taxation authorized by chapter 35.95 or

82.14 RCW to finance public transportation in the recipient's jurisdiction, in advance of such election(s).

(5) Required election: An election to determine the taxes authorized by chapter 35.95 or 82.14 RCW proposed to be levied and collected in the county or public transportation benefit area must be held within two years of the receipt of an advanced financial support payment.

(6) Notice of election results: The chief executive officer of a recipient of an advanced financial support payment or his/her designee shall inform the department of the election results within ten days of its official certification.

[Statutory Authority: RCW 36.57A.150. WSR 98-11-046 (Order 176), § 468-85-130, filed 5/18/98, effective 6/18/98; WSR 80-01-029 (Order 42), § 468-85-130, filed 12/17/79.]

**WAC 468-85-200 Required elements of comprehensive transit plan.** A comprehensive transit plan prepared pursuant to RCW 36.57.070, 36.57A.060 and WAC 468-85-130(2) shall contain the elements described in WAC 468-85-210 through 468-85-290.

[Statutory Authority: RCW 36.57A.150. WSR 80-01-029 (Order 42), § 468-85-200, filed 12/17/79.]

**WAC 468-85-210 Community context.** The comprehensive plan shall describe the community context of the public transit services. This context shall include:

- (1) Demographics according to the most recent census:
  - (a) Distribution of persons aged sixty-five years and older;
  - (b) Distribution of persons aged six to eighteen years;
  - (c) Location of concentrations of any ethnic minorities;
  - (d) Location of concentrations of low-income households; and
  - (e) Automobile ownership by household;
- (2) Location of significant destinations, including:
  - (a) Employment centers with more than fifty employees;
  - (b) Schools, colleges and universities;
  - (c) Shopping centers with five or more shopping opportunities;
  - (d) Medical clinics and hospitals;
  - (e) Public parks;
  - (f) City halls;
  - (g) County courthouses;
  - (h) Airports with scheduled air passenger service; and
  - (i) Passenger rail stations;
- (3) Public transportation operations within the boundaries of and three miles beyond the transit district, including:
  - (a) Intercity bus carriers;
  - (b) Rail passenger service;
  - (c) Municipally operated public transit service;
  - (d) School pupil transportation; and
  - (e) Specialized transportation for elderly or low-income persons, and persons with disabilities;
- (4) An explanation of how the proposed public transit service will serve destinations contained in subsection (2) of this section and integrate with elements contained in subsection (3) of this section;
- (5) A discussion of future annexations to the public transportation benefit area.

[Statutory Authority: RCW 36.57A.150. WSR 98-11-046 (Order 176), § 468-85-210, filed 5/18/98, effective 6/18/98; WSR 80-01-029 (Order 42), § 468-85-210, filed 12/17/79.]

**WAC 468-85-220 Level of service element.** The comprehensive transit plan shall contain the following information:

- (1) Where scheduled service is anticipated in the plan, the frequency that in-revenue-service vehicles would pass selected points along proposed routes; and
- (2) The days and hours of service operations;
- (3) Annual revenue vehicle hours and annual vehicle hours of service separated by type of service;
- (4) Annual revenue vehicle miles and annual vehicle miles of service separated by type of service.

[Statutory Authority: RCW 36.57A.150. WSR 98-11-046 (Order 176), § 468-85-220, filed 5/18/98, effective 6/18/98; WSR 80-01-029 (Order 42), § 468-85-220, filed 12/17/79.]

**WAC 468-85-230 Capital improvements element.** The comprehensive transit plan shall identify anticipated capital improvements. Estimate the annual costs of purchasing the following items during each of the first six years of operation, identifying costs for each of the following categories:

- (1) Vehicles - Number to be purchased according to passenger seating capacity;
- (2) Equipment such as shelters, benches, and signing - Number of each to be purchased;
- (3) Parking facilities and stations/terminals - Number of each to be purchased or constructed; and
- (4) Garage and vehicle maintenance, operations and administrative structures, including associated equipment - Number of each to be purchased or constructed. *Sites* for the fixed facilities in this subsection or subsection (3) of this section need not be identified.

[Statutory Authority: RCW 36.57A.150. WSR 98-11-046 (Order 176), § 468-85-230, filed 5/18/98, effective 6/18/98; WSR 80-01-029 (Order 42), § 468-85-230, filed 12/17/79.]

**WAC 468-85-240 Funding for annual operations element.** The comprehensive transit plan shall include, but need not be limited to, the following information:

- (1) An estimate of the annual costs of operating the recommended public transit system during each of the first six years of operation; such estimate shall include costs for marketing, administration, maintenance and operations.
- (2) Passenger fare levels, estimated ridership, and estimated fare box revenue;
- (3) The amounts and sources of federal and state assistance separated by operations and capital purposes;
- (4) The amount of long term debt for the purchase of facilities and equipment;
- (5) Whether any of the following sources of local public transit subsidy are anticipated to assist in the funding of the proposed system:
  - (a) Household tax authorized by chapter 35.95 RCW;
  - (b) Business and occupation tax authorized by chapter 35.95 RCW; or
  - (c) The .1%, .2%, .3%, .4%, .5%, or .6% sales and use tax in lieu of the household tax and business and occupation tax referenced immediately above; together with the rate(s)

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for any levied tax identified above and the estimated revenues from any such sources anticipated to be collected; (Assumptions made in order to estimate such revenues should be identified.)

(6) The amount of any state matching funds assumed. (Such amount shall equal the sum of either one state dollar for each local dollar anticipated to be collected, as identified in WAC 468-85-230(5), or the amount of the motor vehicle excise tax mass transit levy authorized under RCW 35.58.272 through 35.58.279, whichever is less; minus the amount advanced by the department to a county transportation authority or public transportation benefit area for the development of a comprehensive transit plan pursuant to this chapter.)

[Statutory Authority: RCW 36.57A.150. WSR 98-11-046 (Order 176), § 468-85-240, filed 5/18/98, effective 6/18/98; WSR 80-01-029 (Order 42), § 468-85-240, filed 12/17/79.]

**WAC 468-85-250 Citizen participation element.** The comprehensive transit plan citizen participation element shall identify how citizens shall be consulted by the county transportation authority or public transportation benefit area. County transportation authorities and public transportation benefit areas shall ensure that they receive citizens' input on a continuing basis.

[Statutory Authority: RCW 36.57A.150. WSR 98-11-046 (Order 176), § 468-85-250, filed 5/18/98, effective 6/18/98; WSR 80-01-029 (Order 42), § 468-85-250, filed 12/17/79.]

**WAC 468-85-290 Coordinated planning element.** The comprehensive transit plan coordinated planning element shall contain comments on the comprehensive transit plan's compatibility with the adopted goals, objectives and policies for transportation by: Every unit of general purpose local government that is located within the county transportation authority or public transportation benefit area; the regional transportation planning organization that is located in whole or in part within the jurisdiction of that transit service planning entity; and the Washington state department of transportation.

[Statutory Authority: RCW 36.57A.150. WSR 98-11-046 (Order 176), § 468-85-290, filed 5/18/98, effective 6/18/98; WSR 80-01-029 (Order 42), § 468-85-290, filed 12/17/79.]

**WAC 468-85-300 Submission of comprehensive transit plans to agency.** A county transportation authority or public transportation benefit area shall assemble into a single written document all of the elements prepared by it pursuant to WAC 468-85-200 and transmit such document to the department.

[Statutory Authority: RCW 36.57A.150. WSR 80-01-029 (Order 42), § 468-85-300, filed 12/17/79.]

**WAC 468-85-310 Review of comprehensive transit plan of public transportation benefit area.** (1) Within sixty days of the receipt thereof, the department shall review any comprehensive transit plan submitted by a public transportation benefit area. The department shall determine whether or not such comprehensive transit plan can be "approved" on the basis of the following standards:

(a) The capital improvement program and anticipated upgrading costs are offset by the proposed system funding;

(b) The comprehensive transit plan as submitted contains all of the elements required by WAC 468-85-200.

(2) In the event such plan is approved, the department shall certify to the state treasurer that a public transportation benefit area that submitted a reviewed and approved plan is eligible to receive the motor vehicle excise tax proceeds authorized pursuant to RCW 35.58.273, as now or hereafter amended, in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended.

(3) The county transportation authority or public transportation benefit area shall supply a copy of the comprehensive transit plan and any updated portions thereof shall be supplied within thirty days of the official adoption thereof to the chief executives of every unit of general purpose local government located in whole or in part within the jurisdiction of that planning entity; every regional transportation planning organization, and engineering or public works department of any unit of general purpose local government, located in whole or in part within the jurisdiction of that planning entity; the department; and the regional administrator and public transportation and rail division director of the department.

(4) In the event a comprehensive transit plan is disapproved and a public transportation benefit area is determined to be ineligible to receive such motor vehicle tax proceeds, the department shall provide written notice to such entity within thirty days as to the reasons for the plan disapproval and the entity's ineligibility, together with notice that such public transportation benefit area may resubmit a corrected plan at any time.

[Statutory Authority: RCW 36.57A.150. WSR 98-11-046 (Order 176), § 468-85-310, filed 5/18/98, effective 6/18/98; WSR 80-01-029 (Order 42), § 468-85-310, filed 12/17/79.]