

HOUSE BILL REPORT

ESHB 2610

As Amended by the Senate

Title: An act relating to regional transportation.

Brief Description: Authorizing regional transit authorities and creating a regional transportation council.

Sponsor(s): By House Committee on Transportation (originally sponsored by Representatives R. Fisher, Haugen, Hine, Zellinsky, Winsley, Nelson, Mitchell, Wang, Prentice, R. Meyers, R. King, Schmidt, Locke, Heavey, Pruitt, J. Kohl, Jacobsen, Dorn, Fraser, Appelwick, Franklin, Roland, Wineberry, Betrozoff, Cantwell, G. Cole, Belcher, Braddock, May, Valle, Ebersole, Morris, Leonard, Scott, Horn, Anderson, Vance, Basich, Kremen, Paris, G. Fisher, Ferguson and Spanel).

Brief History:

Reported by House Committee on:
Transportation, February 6, 1992, DPS;
Passed House, February 17, 1992, 61-36;
Amended by Senate.

**HOUSE COMMITTEE ON
TRANSPORTATION**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 14 members: Representatives R. Fisher, Chair; R. Meyers, Vice Chair; Basich; Cantwell; Cooper; Day; G. Fisher; Haugen; R. Johnson; Jones; Nelson; Orr; Prentice; and Zellinsky.

Minority Report: *Do not pass.* Signed by 12 members: Representatives Betrozoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Brough; Forner; Heavey; Horn; P. Johnson; Mitchell; Prince; Schmidt; Wilson; and Wood.

Staff: Gene Baxstrom (786-7303); Judy Burns (786-7301).

Background: PART I (sections 101-131): State law enacted in 1990 and 1991 made local transit agencies in King, Pierce and Snohomish Counties responsible for high capacity transit (HCT) system planning, construction and operation in the Puget Sound region. An HCT system is defined as a "system of public transportation services within an urbanized region

operating principally on exclusive rights of way, and the supporting services and facilities necessary to implement such a system, including high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed and service frequency than traditional public transportation systems operating principally in general purpose roadways."

The law prescribes: (a) processes for evaluation of HCT systems; (b) requirements for what must be included in the HCT system plan presented to voters; and (c) certain local option taxes which, with voter approval, can be imposed to develop an HCT system. Pursuant to those statutes, planning for the HCT system is being governed by the Joint Regional Policy Committee composed of representatives of the four transit agencies (Metro, Pierce Transit, Community Transit and Everett Transit), and of the Department of Transportation (DOT).

Participants in the HCT planning process have identified a number of impediments to ultimate development of an HCT system under current law, including: the need for separate votes in each participating jurisdiction; the inability to provide HCT taxing district boundaries different from transit district boundaries; the complexity of revenue allocation and staging of the project among multiple jurisdictions; and inadequate bonding capacity among the transit agencies.

PART II (Sections 201-231): Since the 1960s, federal law has required urbanized regions to have a Metropolitan Planning Organization (MPO) representing cities and counties within the region. The MPO is responsible for developing a regional transportation plan and six-year transportation improvement program for the region as a prerequisite for obtaining and expending federal highway and transit funds within the region. The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 provides for an enhanced role for MPOs in regional transportation matters. For urbanized areas over 200,000 population, this includes the selection of Surface Transportation Program projects.

The MPO for the Puget Sound region is the newly-restructured Puget Sound Regional Council (PSRC; formerly PSCOG) which encompasses King, Pierce, Snohomish and Kitsap Counties. It is a voluntary association of county and city governments established through interlocal agreements.

The federally-mandated MPOs are also designated as Regional Transportation Planning Organizations (RTPOs) under the state's 1990 Growth Management Act (GMA). Under this act, state requirements for regional transportation planning were

overlaid on the federal requirements, including a requirement to certify that the transportation elements of local comprehensive plans conform with the GMA and are consistent with the regional transportation plan. Receipt of certain state funds, and imposition of certain taxes such as those for high capacity transit systems, are contingent upon the plans being consistent.

Through the passage of the GMA, transportation demand management (TDM), HCT authorization and other state enactments, the state's interest in regional transportation issues has been enhanced, and additional transportation funding sanctions have been imposed on local governments for non-compliance. However, no state agencies are voting members of MPOs.

Summary of Bill: PART I: Contiguous counties having populations of 400,000 or more (King, Pierce and Snohomish) are authorized to create a Regional Transit Authority (RTA) which would have responsibility to plan, construct and operate a high capacity transit system within the region. Formation of an RTA requires participation of at least two contiguous counties, which would opt to participate by resolution of the county legislative authority.

The RTA would be governed by a board made up of local elected officials with membership proportionate to county population; appointment of city officials must be proportionate to incorporated population. The secretary of the Department of Transportation would serve as a non-voting member, but could be given voting status by the board. Appointments from each county would be made by the county executive, with council approval; at least 50 percent of the appointees from each county must serve on a transit agency board.

A two-thirds majority of governing board membership would be required for major decisions of the board, defined to include: System plan adoption and amendment; system phasing decisions; annual budget adoption; authorization of annexations; modification of board composition; and executive director employment.

The initial boundaries of the RTA would be based on the system plan developed by the Joint Regional Policy Committee (predecessor to the RTA), to include the largest urban growth area in each county.

The authority is given powers to design, construct and operate an HCT system within its borders. The HCT system plan is to address system revenues, facility development and benefits to each corridor.

Transit agency taxing authority for HCT purposes is transferred to the RTA (1.0 percent sales tax; .8 percent motor vehicle excise tax; \$2/month employer tax). Bonding authority is provided the authority--up to 1 1/2 percent of assessed valuation, and with voter approval, 5 percent). The authority may also create local improvement districts (LIDs).

PART II: The Puget Sound Regional Council (the federally-mandated Metropolitan Planning Organization for King, Pierce, Snohomish and Kitsap Counties) is recognized in state law as the state-authorized Regional Transportation Planning Organization (RTPO). In order to receive the allocation of state planning funds for RTPOs, the council must (a) provide voting membership on its executive board to the state departments of Transportation and Community Development, and to the two largest ports within the region; and (b) assure that at least 50 percent of the city- and county-elected officials on the board are also members of transit agency boards.

In addition to the duties already prescribed by state and federal law with regard to regional transportation planning, the council is directed to develop, in coordination with cities and counties, guidelines and principles that provide direction for development and evaluation of transportation elements of comprehensive plans. The council is also to assure that countywide planning policies and regional transportation plans are consistent.

After January 1, 1994, if the council finds the transportation element of an agency's comprehensive plan is inconsistent with the regional plan and program, the agency is precluded from receiving certain additional funds and from imposing certain taxes: Public transit accounts in the Transportation Fund; Urban Arterial Trust Account; Ferry System terminal improvements; local option fuel, vehicle license, parking and street utility taxes; increases in public port levies; and local transit sales tax increases.

A finding of inconsistency by the council can be appealed to the Growth Planning Hearings Board.

EFFECT OF SENATE AMENDMENT(S):

Part I: The Regional Transit Authority (RTA) may not call an election to approve the system plan and its funding until July 1, 1993. It is clarified that the RTA can call no more than two votes on any system plan. A single county authority may be formed if a positive vote cannot be achieved after two years from date of first vote.

The term "feeder systems and facilities" is deleted from the high capacity transportation definition and "interim express service" is added. Specific reference is made to alternative transit technologies such as personal rapid transit systems, linked buses, and ferries and terminals.

The system plan is required to identify when benefits will accrue to residents of different counties. Preference in corridor phasing is to be given to communities with compatible land uses. The RTA is not required to acquire competing carriers within its service area, and cities and counties are allowed to operate personal rapid transit systems within RTA boundaries.

The liberal construction clause and the reference that an RTA may sue and be sued is deleted. Cost criteria is provided to assess commuter rail as a "reasonable" alternative. The Joint Regional Policy Committee is eliminated after the RTA approves the system plan. Technical changes are made and the imposition of the existing employer tax is corrected.

Part II: Except for the section relating to membership on the Executive Board of the Puget Sound Regional Council, all of Part II is deleted. State and public port appointments are to be voting members on the executive board. A transportation commissioner and a representative from the third largest port district is added to the board and the representative from the Department of Community Development is deleted.

Fiscal Note: Available.

Effective Date: The bill takes effect July 1, 1992.

Testimony For: Local comprehensive plans and regional planning are tied together. Local involvement in the regional planning process is insured. Sanctions insure commitment to the process. A separate regional authority for high capacity transit better enables development of that system in Central Puget Sound.

Testimony Against: It should not be a state agency. Thurston County should not be included. Fares should fund more of the system.

Witnesses: Duane Berentson, Department of Transportation (pro); Fred Jarrett, Joint Regional Policy Committee (pro); Rick Silva, Pierce Transit (pro); Jim Street, Puget Sound Regional Council (pro--Part I); Mary McCumber, Puget Sound Regional Council (pro--Part I); Paul Cyr, Pierce County Council (pro with amendments to Part II); Dick Ford, citizen

(pro with amendments); Evelyn Walseth, League of Women Voters (pro--Part I); Paul Locke, citizen (con); Barbara Roder, Thurston Regional Planning Council (pro with amendments); George Tyler, citizen (con); Preston Schiller, Sierra Club (pro with amendments).

VOTE ON FINAL PASSAGE:

Yeas 61; Nays 36; Excused 1

Nays: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Carlson, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Horn, Johnson P, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Prince, Schmidt, Silver, Sommers D, Tate, Vance, Van Luven, Wilson, Wynne

Excused: Representative Hochstatter