
ENGROSSED SUBSTITUTE HOUSE BILL 2151

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, G. Fisher, Forner, Mitchell, Prentice, Prince, Paris, Hine, Wood and Horn).

Read first time March 11, 1991.

1 AN ACT Relating to high capacity transportation systems; and
2 amending RCW 81.104.010, 81.104.020, 81.104.030, 81.104.040,
3 81.104.050, 81.104.060, 81.104.080, 81.104.090, 81.104.100, 81.104.110,
4 81.104.140, and 81.104.160.

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

6 **Sec. 1.** RCW 81.104.010 and 1990 c 43 s 22 are each amended to read
7 as follows:

8 Increasing congestion on Washington's roadways calls for
9 identification and implementation of high capacity transportation
10 system alternatives. "High capacity transportation system" means a
11 system of public transportation services((r)) within an urbanized
12 region operating principally on exclusive rights of way, and the
13 supporting services and facilities necessary to implement such a
14 system, including high occupancy vehicle lanes, which taken as a whole,
15 provides a substantially higher level of passenger capacity, speed, and

1 service frequency than traditional public transportation systems
2 operating principally ((on)) in general purpose ((roadway rights of
3 way)) roadways. The legislature believes that local jurisdictions
4 should coordinate and be responsible for high capacity transportation
5 policy development, program planning, and implementation. The state
6 should assist by working with local agencies on issues involving rights
7 of way, partially financing projects meeting established state criteria
8 including development and completion of the high occupancy vehicle lane
9 system, authorizing local jurisdictions to finance high capacity
10 transportation systems through voter-approved tax options, and
11 providing technical assistance and information.

12 **Sec. 2.** RCW 81.104.020 and 1990 c 43 s 23 are each amended to read
13 as follows:

14 The department of transportation's current policy role in transit
15 is expanded to include other high capacity transportation development
16 as part of a multimodal transportation system.

17 (1) The department of transportation shall implement a program for
18 high capacity transportation coordination, planning, and technical
19 studies with appropriations from the high capacity transportation
20 account.

21 (2) The department shall assist local jurisdictions and
22 ((metropolitan)) regional transportation planning organizations with
23 high capacity transportation planning efforts.

24 **Sec. 3.** RCW 81.104.030 and 1990 c 43 s 24 are each amended to read
25 as follows:

26 (1) In any class A county not bordered by a class AA county and in
27 counties of the first class and smaller, city-owned transit systems,
28 county transportation authorities, metropolitan municipal corporations,

1 and public transportation benefit areas may elect to establish high
2 capacity transportation service. Such agencies shall form a regional
3 policy committee with proportional representation based upon population
4 distribution within the designated service area and a representative of
5 the department of transportation.

6 ((+a)) City-owned transit systems, county transportation
7 authorities, metropolitan municipal corporations, and public
8 transportation benefit areas participating in joint regional policy
9 committees shall seek voter approval within their own service
10 boundaries of a high capacity transportation system plan and ((an
11 implementation program including a)) financing ((program.

12 (b) An interim regional authority may be formed pursuant to RCW
13 81.104.040(2) and shall seek voter approval of a high capacity
14 transportation plan and financing program within its proposed service
15 boundaries)) plan.

16 (2) City-owned transit systems, county transportation authorities,
17 metropolitan municipal corporations, and public transportation benefit
18 areas in counties adjoining state or international boundaries are
19 authorized to participate in the regional high capacity transportation
20 programs of an adjoining state or nation.

21 **Sec. 4.** RCW 81.104.040 and 1990 c 43 s 25 are each amended to read
22 as follows:

23 (1) Agencies in a class AA county and in class A counties bordering
24 a class AA county that are currently authorized to provide high
25 capacity transportation planning and operating services, including but
26 not limited to city-owned transit systems, county transportation
27 authorities, metropolitan municipal corporations, and public
28 transportation benefit areas, must establish through interlocal
29 agreements a joint regional policy committee with proportional

1 representation based upon the population distribution within each
2 agency's designated service area, as determined by the parties to the
3 agreement.

4 (a) The membership of the joint regional policy committee shall
5 consist of locally elected officials who serve on the legislative
6 authority of the existing transit systems and a representative from the
7 department of transportation. Nonvoting membership for elected
8 officials from adjoining counties may be allowed at the committee's
9 discretion.

10 (b) The joint regional policy committee shall be responsible for
11 the preparation and adoption of a regional high capacity transportation
12 implementation program, which shall include the system plan, project
13 plans, and ((an implementation program including)) a financing
14 ((package)) plan. This ((plan)) program shall be in conformance with
15 the ((metropolitan)) regional transportation planning organization's
16 regional transportation plan and consistent with RCW 81.104.080.

17 (c) ((Interlocal agreements shall be executed within two years of
18 March 14, 1990.)) The joint regional policy committee shall present a
19 high capacity transportation system plan and ((local funding program))
20 financing plan to the boards of directors of the transit agencies
21 within the service area for adoption.

22 (d) Transit agencies shall present the adopted high capacity
23 transportation system plan and financing ((program)) plan for voter
24 approval within four years of the execution of the interlocal
25 agreements. A simple majority vote is required for approval of the
26 high capacity transportation system plan and financing ((program)) plan
27 in any service district within each county. The implementation ((of
28 the)) program may proceed in any service area approving the ((plan and
29 program)) system and financing plans.

1 (2) ((If interlocal agreements have not been executed within two
2 years from March 14, 1990, the designated metropolitan planning
3 organization shall convene within one hundred eighty days a conference
4 to be attended by an elected representative selected by the legislative
5 authority of each city and county in a class AA county and in class A
6 counties bordering a class AA county.

7 (a) Public notice of the conference shall occur thirty days before
8 the date of the conference.

9 (b) The purpose of the conference is to evaluate the need for
10 developing high capacity transportation service in a class AA county
11 and in class A counties bordering a class AA county and to determine
12 the desirability of a regional approach to developing such service.

13 (c) The conference may elect to continue high capacity
14 transportation efforts on a subregional basis through existing transit
15 planning and operating agencies.

16 (d) The conference may elect to pursue regional development by
17 creating a multicounty interim regional high capacity transportation
18 authority. Conference members shall determine the structure and
19 composition of any interim regional authority.

20 (i) The interim regional authority shall propose a permanent
21 authority or authorities for voter approval. Permanent regional
22 authorities shall become the responsible agencies for planning,
23 construction, operations, and funding of high capacity transportation
24 systems within their service boundaries. Funding sources for a
25 regional high capacity transportation authority or authorities are
26 separate from currently authorized funding sources for city owned
27 transit systems, county transportation authorities, metropolitan
28 municipal authorities, or public transportation benefit areas.

29 (ii) State and local jurisdictions, county transportation
30 authorities, metropolitan municipal corporations, or public

1 transportation benefit areas shall retain responsibility for existing
2 facilities and/or services, unless the responsibility is transferred to
3 the high capacity transportation authority or authorities by interlocal
4 agreement.

5 (3) If, within four years of the execution of the interlocal
6 agreements, a high capacity transportation plan and financing program
7 has been approved by a simple majority vote within a participating
8 jurisdiction, that jurisdiction may proceed with high capacity
9 transportation development. If within four years of the execution of
10 the interlocal agreements, a high capacity transportation plan and
11 program has not been approved by a simple majority vote within one or
12 more of the participating jurisdictions, the joint regional policy
13 committee shall convene within one hundred eighty days, a conference to
14 be attended by participating jurisdictions within which a plan and
15 financing program have not been approved. Such a conference shall be
16 for the same purpose and shall be subject to the same conditions as
17 described in subsection (2) of this section.

18 (4)) High capacity transportation ((service)) planning,
19 construction, operations, and funding shall be governed through the
20 interlocal agreement process, including but not limited to provision
21 for a cost allocation and distribution formula, service corridors,
22 station area locations, right of way transfers, and feeder
23 transportation systems. The interlocal agreement shall include a
24 mechanism for resolving conflicts among parties to the agreement.

25 **Sec. 5.** RCW 81.104.050 and 1990 c 43 s 26 are each amended to read
26 as follows:

27 Regional high capacity transportation service boundaries may be
28 expanded beyond the established service district through interlocal

1 agreements among the transit agencies and the local jurisdictions
2 within which such expanded service is proposed.

3 **Sec. 6.** RCW 81.104.060 and 1990 c 43 s 27 are each amended to read
4 as follows:

5 (1) The state's planning role in high capacity transportation
6 development as one element of a multimodal transportation system should
7 facilitate cooperative state and local planning efforts.

8 ((+1))) (2) The department of transportation may serve as a
9 contractor for high capacity transportation system and project design,
10 administer construction, and assist agencies authorized to provide
11 service in the acquisition, preservation, and joint use of rights of
12 way.

13 ((+2))) (3) The department and local jurisdictions shall continue
14 to cooperate with respect to the development of ((park-and-ride)) high
15 occupancy vehicle lanes and related facilities, associated roadways,
16 transfer stations, people mover systems developed either by the public
17 or private sector, and other related projects.

18 ((+3))) (4) The department in cooperation with local jurisdictions
19 shall develop policies which enhance the development of high speed
20 ((intercity)) interregional systems by both the private and the public
21 sector. These policies may address joint use of rights of way,
22 identification and preservation of transportation corridors, and joint
23 development of stations and other facilities.

24 **Sec. 7.** RCW 81.104.080 and 1990 c 43 s 29 are each amended to read
25 as follows:

26 ((Regional transportation plans should be considered in adopting
27 local land use plans.)) Where applicable, regional transportation
28 plans and local ((land use)) comprehensive plans ((should)) shall

1 address the ((impacts of)) relationship between urban growth ((on)) and
2 an effective high capacity transportation ((planning and development))
3 system plan, and provide for cooperation between local jurisdictions
4 and transit agencies.

5 (1) Regional high capacity transportation plans shall be included
6 in the designated ((metropolitan)) regional transportation planning
7 organization's regional transportation plan review and update process
8 to facilitate development of a coordinated multimodal transportation
9 system and to meet federal funding requirements.

10 (2) ((The state and local jurisdictions)) Interlocal agreements
11 between transit authorities, cities, and counties shall ((cooperate in
12 encouraging)) set forth conditions for assuring land uses compatible
13 with development of high capacity transportation systems. These
14 include developing sufficient land use densities through local actions
15 in high capacity transportation corridors and near passenger stations,
16 preserving transit rights of way, and protecting the region's
17 environmental quality. The implementation program for high capacity
18 transportation systems shall favor cities and counties with supportive
19 land use plans. In developing local actions intended to carry out
20 these policies ((local governments)) cities and counties shall insure
21 the opportunity for public comment and participation in the siting of
22 such facilities, including stations or transfer facilities. Agencies
23 providing high capacity transportation services, in cooperation with
24 public and private interests, shall promote transit-compatible land
25 uses and development which includes joint development.

26 (3) Interlocal agreements shall be consistent with state planning
27 goals as set forth in chapter 36.70A RCW. Agreements shall also
28 include plans for concentrated employment centers, mixed-use
29 development, and housing densities that support high capacity
30 transportation systems.

1 (4) Agencies providing high capacity transportation service and
2 other transit agencies shall develop a cooperative process for the
3 planning, development, operations, and funding of feeder transportation
4 systems. Feeder systems may include existing and future intercity
5 passenger systems and alternative technology people mover systems which
6 may be developed by the private or public sector.

7 ((4) Jurisdictions, working through) (5) Cities and counties
8 along corridors designated in a high capacity transportation system
9 plan shall enter into agreements with their designated ((metropolitan))
10 regional transportation planning organizations, ((shall manage)) for
11 the purpose of participating in a right of way preservation review
12 process which includes activities to promote the preservation of the
13 high capacity transportation rights of way. The regional
14 transportation planning organization shall serve as the coordinator of
15 the review process.

16 (a) ((Jurisdictions)) Cities and counties shall forward all
17 development proposals for projects within and adjoining to the rights
18 of way proposed for preservation to the designated ((metropolitan))
19 regional transportation planning organizations, which shall distribute
20 the proposals for ((local and regional agency)) review by parties to
21 the right of way preservation review process.

22 (b) The ((metropolitan)) regional transportation planning
23 organizations shall also review proposals for conformance with the
24 regional transportation plan and associated regional development
25 strategies. The designated ((metropolitan)) regional transportation
26 planning organization shall within ninety days compile local and
27 regional agency comments and communicate the same to the originating
28 jurisdiction and the joint regional policy committee ((or, if
29 established, a regional high capacity transportation authority)).

1 **Sec. 8.** RCW 81.104.090 and 1990 c 43 s 30 are each amended to read
2 as follows:

3 The department of transportation shall ((, upon dissolution of the
4 rail development commission, assume responsibility)) be responsible for
5 distributing amounts appropriated from the high capacity transportation
6 account and shall prioritize funding requests based on criteria in
7 subsection (3) of this section.

8 (1) The department shall establish an advisory council of policy
9 and technical experts pursuant to RCW 47.01.091 to assist in the review
10 of requests for high capacity transportation account funds. The
11 council shall be comprised of one representative from each
12 congressional district, a designee of the governor, the executive
13 director or a designee of the transportation improvement board, the
14 director of the Washington state transportation center, and the chair
15 or designee of the legislative transportation committee.

16 (2) State high capacity transportation account funds may provide up
17 to eighty percent matching assistance for high capacity transportation
18 planning efforts ((and for support of interim regional high capacity
19 transportation authorities)).

20 (3) Authorizations for state funding for high capacity
21 transportation planning projects shall be subject to the following
22 criteria:

23 (a) Conformance with the designated ((metropolitan)) regional
24 transportation planning organization's regional transportation plan;

25 (b) Local matching funds;

26 (c) Demonstration of projected improvement in regional mobility;

27 (d) Conformance with planning requirements prescribed in RCW
28 81.104.100, and if five hundred thousand dollars or more in state
29 funding is requested, conformance with the requirements of RCW
30 81.104.110; and

1 (e)((i)) Establishment, through interlocal agreements, of a joint
2 regional policy committee ((with proportional representation based upon
3 population distribution within each agency's designated service area))
4 as defined in RCW 81.104.030((
5 (ii) Establishment of a demonstrated regional agreement through a
6 multijurisdictional conference to pursue high capacity transportation
7 development on a subregional basis through established transit planning
8 and operating agencies as defined in RCW 81.104.040; or
9 (iii) Establishment, through a multijurisdictional conference, of
10 an interim high capacity transportation authority as defined in RCW))
11 or 81.104.040.

12 (4) The department of transportation shall provide general review
13 and monitoring of the system and project planning process prescribed in
14 RCW 81.104.100.

15 **Sec. 9.** RCW 81.104.100 and 1990 c 43 s 31 are each amended to read
16 as follows:

17 To assure ((the adoption)) development of an effective high
18 capacity transportation system, local authorities shall follow the
19 following planning process:

20 (1) ((System)) Regional, multimodal transportation planning is the
21 ongoing urban transportation planning process conducted in each
22 urbanized area by its ((metropolitan)) regional transportation planning
23 organization. During this process, regional transportation goals are
24 identified, travel patterns are analyzed, and future land use and
25 travel are projected. The ((system planning)) process provides a
26 comprehensive view of the region's transportation needs but does not
27 select ((a)) specified modes to serve those needs. ((System planning))
28 The process shall identify a priority corridor or corridors for further

1 study of high capacity transportation facilities if it is deemed
2 feasible by local officials.

3 (2)((~~a~~ Project)) High capacity transportation system planning is
4 the detailed evaluation of a range of high capacity transportation
5 system options, including ((~~i~~)): Do nothing, ((~~ii~~)) low capital,
6 and ((~~iii~~)) ranges of higher capital facilities. To the extent
7 possible this evaluation shall take into account the urban mass
8 transportation administration's requirements identified in subsection
9 (3) of this section.

10 ((~~b~~ Project)) High capacity transportation system planning shall
11 proceed as follows:

12 ((~~i~~)) (a) Organization and management. The responsible local
13 transit agency or agencies shall define roles for various local
14 agencies, review background information, provide for public
15 involvement, and develop a detailed work plan for the ((project))
16 system planning process.

17 ((~~ii~~)) (b) Development of options. Options to be studied shall
18 be developed to ensure an appropriate range of technologies and service
19 policies can be evaluated. A do-nothing option and a low capital
20 option that maximizes the current system shall be developed. Several
21 higher capital options that consider several candidate technologies
22 shall be developed.

23 ((~~iii~~)) (c) Analysis methods. The local transit agency shall
24 develop reports describing the analysis and assumptions for the
25 estimation of capital costs, operating and maintenance costs, methods
26 for travel forecasting, a financial plan and an evaluation methodology.

27 ((~~iv~~ Study of options.)) (3) High capacity transportation project
28 planning is the detailed identification of alignments, station
29 locations, equipment and systems, construction schedules, environmental
30 effects, and costs. High capacity transportation project planning

1 shall proceed as follows: The local transit agency shall ((use the
2 methods described in (iii) of this subsection to)) analyze and produce
3 ((impact)) information needed for ((project evaluation and for)) the
4 preparation of ((an)) environmental impact statements. The impact
5 ((evaluation)) statements shall address the impact that development of
6 such a ((project)) system will have on abutting or nearby ((residential
7 or commercial)) property owners. The process of identification of
8 ((corridors)) alignments and station locations shall include
9 notification of affected property owners by normal legal publication.
10 At minimum, such notification shall include notice on the same day for
11 at least three weeks in at least two newspapers of general circulation
12 in the county where such project is proposed. Special notice of
13 hearings by the conspicuous posting of notice, in a manner designed to
14 attract public attention, in the vicinity of areas identified for
15 station locations or transfer sites shall also be provided.

16 ((v) Review and monitor. The department of transportation shall
17 provide project review and monitoring in cooperation with the expert
18 review panel identified in RCW 81.104.110. In addition, the local
19 transit agency shall maintain a continuous public involvement program
20 and seek involvement of other government agencies.

21 ((vi) Detailed planning process.)) In order to increase the
22 likelihood of future federal funding, the ((system and)) project
23 planning processes shall follow the urban mass transportation
24 administration's requirements as described in "Procedures and Technical
25 Methods for Transit Project Planning", published by the United States
26 department of transportation, urban mass transportation administration,
27 September 1986, or the most recent edition. Nothing in this subsection
28 shall be construed to preclude detailed evaluation of more than one
29 corridor in the planning process.

1 The department of transportation shall provide system and project
2 planning review and monitoring in cooperation with the expert review
3 panel identified in RCW 81.104.110. In addition, the local transit
4 agency shall maintain a continuous public involvement program and seek
5 involvement of other government agencies.

6 **Sec. 10.** RCW 81.104.110 and 1990 c 43 s 32 are each amended to
7 read as follows:

8 The legislature recognizes that the planning ((process)) processes
9 described in RCW 81.104.100 provide((s)) a recognized framework for
10 guiding high capacity transportation studies. However, the process
11 cannot guarantee appropriate ((transit)) decisions unless key study
12 assumptions are reasonable.

13 To assure appropriate ((project)) system plan assumptions and to
14 provide for review of ((project)) system plan results, ((the department
15 of transportation shall develop independent oversight procedures which
16 are appropriate to the scope of any project for which high capacity
17 transportation account funds are requested.)) an expert review panel
18 shall be appointed to provide independent technical review for
19 development of any ((project)) system plan which is to be funded in
20 whole or in part by the imposition of any voter-approved local option
21 funding sources enumerated in RCW 81.104.140.

22 (1) The expert review panel shall consist of ten members who are
23 recognized experts in relevant fields, such as transit operations,
24 planning, emerging transportation technologies, engineering, finance,
25 law, the environment, geography, economics, and political science.

26 (2) The expert review panel shall be selected cooperatively by the
27 chair of the legislative transportation committee, the secretary of the
28 department of transportation, and the governor to assure a balance of
29 disciplines.

1 (3) The chair of the expert review panel shall be designated by the
2 appointing ((body)) authorities.

3 (4) The expert review panel shall serve without compensation but
4 shall be reimbursed for expenses according to chapter 43.03 RCW.

5 (5) The panel shall carry out the duties set forth in subsections
6 (6) and (7) of this section until the date on which an election is held
7 to consider the high capacity transportation system and financing
8 plans. Funds appropriated for expenses of the expert panel shall be
9 administered by the department of transportation.

10 (6) The expert panel shall review all reports required in RCW
11 81.104.100(2)((b)(vi) ~~but~~) and shall concentrate on service modes and
12 concepts, costs, patronage((~~r~~)) and financing((~~,~~—~~and~~—~~project~~))
13 evaluations.

14 (7) The expert panel shall provide timely reviews and comments on
15 individual ((project)) reports and study conclusions to the governor,
16 the legislative transportation committee, the department of
17 transportation, the regional transportation planning organization, the
18 joint regional policy committee, and the submitting lead transit
19 agency.

20 (8) The legislative transportation committee shall contract for
21 consulting services for expert review panels. The amount of consultant
22 support shall be negotiated with each expert review panel by the
23 legislative transportation committee and shall be paid from
24 appropriations for that purpose from the high capacity transportation
25 account.

26 **Sec. 11.** RCW 81.104.140 and 1990 c 43 s 35 are each amended to
27 read as follows:

28 (1) Agencies authorized to provide high capacity transportation
29 service, including city-owned transit systems, county transportation

1 authorities, metropolitan municipal corporations and public
2 transportation benefit areas, are hereby granted dedicated funding
3 sources for such systems. These dedicated funding sources, as set
4 forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized
5 only for agencies located in class AA counties, class A counties,
6 counties of the first class which border another state, and counties
7 which, on March 14, 1990, are of the second class and which adjoin
8 class A counties.

9 (2) Agencies ((providing)) planning to construct and operate a high
10 capacity transportation ((service)) system should also seek other
11 funds, including federal, state, local, and private sector assistance.

12 (3) Funding sources should satisfy each of the following criteria
13 to the greatest extent possible:

- 14 (a) Acceptability;
- 15 (b) Ease of administration;
- 16 (c) Equity;
- 17 (d) Implementation feasibility;
- 18 (e) Revenue reliability; and
- 19 (f) Revenue yield.

20 (4) Agencies participating in regional high capacity transportation
21 system development through interlocal agreements ((or a conference-
22 approved interim regional rail authority or subregional process as
23 defined in RCW 81.104.040)) are authorized to levy and collect the
24 following voter-approved local option funding sources:

- 25 (a) Employer tax as provided in RCW 81.104.150;
- 26 (b) Special motor vehicle excise tax as provided in RCW 81.104.160;
- 27 and
- 28 (c) Sales and use tax as provided in RCW 81.104.170.

29 Revenues from these taxes may be used only to support those
30 purposes prescribed in subsection ((+8)) (10) of this section. Before

1 an agency may impose any of the taxes enumerated in this section and
2 authorized in RCW 81.104.150, 81.104.160, and 81.104.170, it must
3 comply with the process prescribed in RCW 81.104.100(1) and (2) and
4 81.104.110. No construction on exclusive right of way may occur before
5 the requirements of RCW 81.104.100(3) are met.

6 (5) Authorization in subsection (4) of this section shall not
7 adversely affect the funding authority of existing transit agencies.
8 Local option funds may be used to support implementation of interlocal
9 agreements with respect to the establishment of regional high capacity
10 transportation service. Local jurisdictions shall retain control over
11 moneys generated within their boundaries, although funds may be
12 commingled with those generated in other areas for planning,
13 construction, and operation of high capacity transportation systems as
14 set forth in the agreements.

15 (6) Agencies ((providing)) planning to construct and operate high
16 capacity transportation ((service)) systems may contract with the state
17 for collection and transference of voter-approved local option revenue.

18 (7) Dedicated high capacity transportation funding sources
19 authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be
20 subject to voter approval by a simple majority. A single ballot
21 proposition may seek approval for one or more of the authorized taxing
22 sources. The ballot title shall reference the document identified in
23 subsection (8) of this section.

24 (8) Agencies shall provide to the registered voters in the area a
25 document describing the systems plan and the financing plan set forth
26 in RCW 81.104.100. It shall also describe the relationship of the
27 system to regional issues such as development density at station
28 locations and activity centers, and the interrelationship of the system
29 to adopted land use and transportation demand management goals within

1 the region. This document shall be provided to the voters at least
2 twenty days prior to the date of the election.

3 (9) For any election in which voter approval is sought for a high
4 capacity transportation system plan and financing plan pursuant to RCW
5 81.104.040, a local voter's pamphlet shall be produced as provided in
6 chapter 29.81A RCW.

7 (10) Agencies providing high capacity transportation service shall
8 retain responsibility for revenue encumbrance, disbursement, and
9 bonding. Funds may be used for any purpose relating to planning,
10 construction, and operation of high capacity transportation systems,
11 commuter rail systems, and feeder transportation systems.

12 **Sec. 12.** RCW 81.104.160 and 1990 c 43 s 42 are each amended to
13 read as follows:

14 Any city that operates a transit system, county transportation
15 authority, metropolitan municipal corporation, or public transportation
16 benefit area, solely for the purpose of providing high capacity
17 transportation service may submit an authorizing proposition to the
18 voters, and if approved, may levy and collect an excise tax, at a rate
19 approved by the voters, but not exceeding eighty one-hundredths of one
20 percent on the value, under chapter 82.44 RCW, of every motor vehicle
21 owned by a resident of such city, county transportation authority,
22 metropolitan municipal corporation, or public transportation benefit
23 area. In any county imposing a motor vehicle excise tax surcharge
24 pursuant to RCW 81.100.060, the maximum tax rate under this section
25 shall be reduced to a rate equal to eighty one-hundredths of one
26 percent on the value less the equivalent motor vehicle excise tax rate
27 of the surcharge imposed pursuant to RCW 81.100.060. ((This authority
28 may be exercised only if all local agencies which are parties to an
29 interlocal agreement or members of a regional authority under RCW

1 81.104.040 are imposing the tax at the same rate.)) This rate shall
2 not apply to vehicles licensed under RCW 46.16.070 except vehicles with
3 an unladen weight of six thousand pounds or less, RCW 46.16.079,
4 46.16.080, 46.16.085, or 46.16.090.