



1        NEW SECTION.    **Sec. 101.**    LEGISLATIVE INTENT.    The Legislature  
2 recognizes that existing transportation facilities in the central Puget  
3 Sound area are inadequate to address mobility needs of the area.    The  
4 geography of the region, travel demand growth, and public resistance to  
5 new roadways combine to further necessitate the rapid development of  
6 alternative modes of travel.

7        The legislature finds that local governments have been effective in  
8 cooperatively planning a multicounty, high capacity transportation  
9 system.    However, a continued multijurisdictional approach to funding,  
10 construction, and operation of a multicounty high capacity  
11 transportation system may impair the successful implementation of such  
12 a system.

13        The legislature finds that a single agency will be more effective  
14 than several local jurisdictions working collectively at planning,  
15 developing, operating, and funding a high capacity transportation  
16 system.    The single agency's services must be carefully integrated and  
17 coordinated with public transportation services currently provided.  
18 Further, the single agency must coordinate its activities with other  
19 agencies providing local and state roadway services, implementing  
20 comprehensive planning, and implementing transportation demand  
21 management programs and assist in developing infrastructure to support  
22 high capacity systems including but not limited to feeder systems, park  
23 and ride facilities, intermodal centers, and related roadway and  
24 operational facilities.    Coordination can be best achieved through  
25 common governance, such as integrated governing boards.

26        It is therefore the policy of the state of Washington to empower  
27 counties in the state's most populous region to create a local agency  
28 for planning and implementing a high capacity transportation system  
29 within that region.    The authorization for such an agency, except as

1 specifically provided in this chapter, is not intended to limit the  
2 powers of existing transit agencies.

3 NEW SECTION. **Sec. 102.** DEFINITIONS. Unless the context clearly  
4 requires otherwise, the definitions in this section apply throughout  
5 this chapter.

6 (1) "Authority" means the regional transit authority authorized  
7 under this chapter.

8 (2) "Board" means the regional transit authority board.

9 (3) "Service area" or "area" means the area included within the  
10 boundaries of the regional transit authority.

11 (4) "System" means a regional transit system authorized under this  
12 chapter and under the jurisdiction of a regional transit authority.

13 (5) "Facilities" means any lands, interest in land, air rights over  
14 lands, and improvements thereto, and any equipment, vehicles, and other  
15 components necessary to support the system.

16 NEW SECTION. **Sec. 103.** REGIONAL TRANSIT AUTHORITY. Two or more  
17 contiguous counties each having a population of four hundred thousand  
18 persons or more may establish a regional transit authority to develop  
19 and operate a high capacity transportation system as defined in chapter  
20 81.104 RCW.

21 The authority shall be formed in the following manner:

22 (1) The joint regional policy committee created pursuant to RCW  
23 81.104.040 shall adopt a system and financing plan, including the  
24 definition of the service area. This action shall be completed by  
25 September 1, 1992, contingent upon satisfactory completion of the  
26 planning process defined in RCW 81.104.100. In addition to the  
27 requirements of RCW 81.104.100, the plan for the proposed system shall  
28 provide explicitly for a minimum portion of new tax revenues to be

1 allocated to local transit agencies for local feeder services and  
2 facilities. Upon adoption the joint regional policy committee shall  
3 immediately transmit the plan to the county legislative authorities  
4 within the adopted service area.

5 (2) The legislative authorities of the counties within the service  
6 area shall decide by resolution whether to participate in the  
7 authority. This action shall be completed within forty-five days  
8 following receipt of the adopted plan.

9 (3) If any of the counties do not opt to participate in the  
10 authority, the joint regional policy committee shall, within forty-five  
11 days, redefine the system and financing plan and resubmit the adopted  
12 redefined plan to the remaining county legislative authorities for  
13 their decision as to whether to participate. This action shall be  
14 completed within forty-five days following receipt of the redefined  
15 plan.

16 (4) Each county that chooses to participate in the authority shall  
17 appoint its board members as set forth in section 104 of this act and  
18 shall submit its list of members to the secretary of the Washington  
19 state department of transportation. These actions must be completed  
20 within thirty days following each county's decision to participate in  
21 the authority.

22 (5) The secretary shall call the first meeting of the authority, to  
23 be held within thirty days following receipt of the appointments. At  
24 its first meeting, the authority shall elect officers and provide for  
25 the adoption of rules and other operating procedures.

26 (6) The authority is formally constituted at its first meeting and  
27 shall begin taking steps toward implementation of the system and  
28 financing plan adopted by the joint regional policy committee. The  
29 authority may make minor modifications to the plan as deemed necessary  
30 and shall at a minimum review local transit agencies' plans to ensure

1 feeder service/high capacity transit service integration, ensure fare  
2 integration, and avoidance of parallel competitive services.

3 (7) The authority shall place on the ballot within two years of the  
4 authority's formation, a single ballot proposition to ratify formation  
5 of the authority, approve the system and finance plan, and authorize  
6 the imposition of the taxes to support the plan within its service  
7 area. A simple majority of those voting within the boundaries of the  
8 authority is required for approval. If the vote is affirmative, the  
9 authority shall begin implementation of the plan.

10 (8) If the vote fails, the authority may redefine the system and  
11 financing plan and make changes to the boundary of the service area and  
12 to the composition of the board. If the composition of the board is  
13 changed, the participating counties shall revise the membership of the  
14 board accordingly.

15 If the authority is unable to achieve a positive vote on the second  
16 or subsequent attempt, the board may, by resolution, (a) reconstitute  
17 the authority as a single-county body, if two years have passed, or (b)  
18 dissolve the authority.

19 NEW SECTION. **Sec. 104.** GOVERNANCE. (1) The regional transit  
20 authority shall be governed by a board consisting of representatives  
21 appointed by the county executive and confirmed by the council or other  
22 legislative authority of each member county. Membership shall be based  
23 on population from that portion of each county which lies within the  
24 service area. Board members shall be appointed initially on the basis  
25 of one for each one hundred forty-five thousand population within the  
26 county. Such appointments shall be made following consultation with  
27 city and town jurisdictions within the service area. In addition, the  
28 secretary of transportation or the secretary's designee shall serve as

1 a member of the board and may have voting status with approval of a  
2 majority of the other members of the board.

3 All members of the board except the secretary of transportation or  
4 the secretary's designee shall be elected officials and serve on the  
5 legislative authority or as mayor of cities within the boundaries of  
6 the authority, or on the legislative authority of the county and fifty  
7 percent of the population of whose districts are within the authority  
8 boundaries. When making appointments, each county executive shall  
9 ensure that representation on the board includes representation from  
10 the largest city in each county and assures proportional representation  
11 from other cities, and unincorporated areas of each county within the  
12 service area. At least one-half of all appointees from each county  
13 shall serve on the governing authority of a public transportation  
14 system.

15 Members appointed from each county shall serve staggered four-year  
16 terms. Vacancies shall be filled by appointment for the remainder of  
17 the unexpired term of the position being vacated.

18 The governing board shall be reconstituted, with regard to the  
19 number of representatives from each county, on a population basis,  
20 using the official office of financial management population estimates,  
21 five years after its initial formation and, at minimum, in the year  
22 following each official federal census. The board membership may be  
23 reduced, maintained, or expanded to reflect population changes but  
24 under no circumstances may the board membership exceed twenty-five.

25 (2) Major decisions of the authority shall require a favorable vote  
26 of two-thirds of the voting members. "Major decisions" include at  
27 least the following: System plan adoption and amendment; system  
28 phasing decisions; annual budget adoption; authorization of  
29 annexations; modification of board composition; and executive director  
30 employment.

1 (3) Each member of the board is eligible to be reimbursed for  
2 travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to  
3 receive compensation as provided in RCW 43.03.250.

4 NEW SECTION. **Sec. 105.** AREA INCLUDED. (1) At the time of  
5 formation, the area to be included within the boundary of the authority  
6 shall be that area set forth in the system plan adopted by the joint  
7 regional policy committee. The area shall be based on the service area  
8 identified in the system plan, shall include, to the extent possible,  
9 at least the urban growth area designated by the county under chapter  
10 36.70A RCW that includes the largest population of any urban growth  
11 area in the county, and shall follow election precinct lines as far as  
12 practicable. The area may also include other contiguous areas that  
13 would benefit from the services provided by the authority.

14 (2) After voters within the service area have approved the system  
15 and financing plan, elections to add areas contiguous to the service  
16 area may be called by resolution of the regional transit authority,  
17 after consultation with affected transit agencies and with the  
18 concurrence of the legislative authority of a city or town if the area  
19 is incorporated, or with the concurrence of the county legislative  
20 authority if the area is unincorporated. Only those areas that would  
21 benefit from the services provided by the authority may be included and  
22 services or projects proposed for the area must be consistent with the  
23 regional transportation plan. The election may include a single ballot  
24 proposition providing for annexation to the service area and imposition  
25 of the taxes at rates already imposed in the remainder of the service  
26 area.

27 NEW SECTION. **Sec. 106.** AUTHORITY POWERS. An authority shall have  
28 the following powers:

1 (1) To establish offices, departments, boards, and commissions that  
2 are necessary to carry out the purposes of an authority, and to  
3 prescribe the functions, powers, and duties thereof.

4 (2) To appoint or provide for the appointment of, and to remove or  
5 to provide for the removal of, all officers and employees of an  
6 authority.

7 (3) To fix the salaries, wages, and other compensation of all  
8 officers and employees of an authority.

9 (4) To employ such engineering, legal, financial, or other  
10 specialized personnel as may be necessary to accomplish the purposes of  
11 an authority.

12 NEW SECTION. **Sec. 107.** GENERAL POWERS. In addition to the powers  
13 specifically granted by this chapter an authority shall have all powers  
14 necessary to implement a high capacity transportation system and to  
15 develop revenues for system support. An authority may contract with  
16 the United States or any agency thereof, any state or agency thereof,  
17 any public transportation benefit area, any county, county  
18 transportation authority, city, metropolitan municipal corporation,  
19 special district, or governmental agency, within or without the state,  
20 and any private person, firm, or corporation for: (1) The purpose of  
21 receiving gifts or grants or securing loans or advances for preliminary  
22 planning and feasibility studies; (2) the design, construction, or  
23 operation of high capacity transportation system facilities; or (3) the  
24 provision or receipt of services, facilities, or property rights to  
25 provide revenues for the system. An authority shall have the power to  
26 contract pursuant to RCW 39.33.050. In addition, an authority may  
27 contract with any governmental agency or with any private person, firm,  
28 or corporation for the use by either contracting party of all or any  
29 part of the facilities, structures, lands, interests in lands, air

1 rights over lands and rights of way of all kinds which are owned,  
2 leased, or held by the other party and for the purpose of planning,  
3 constructing, or operating any facility or performing any service that  
4 the authority may be authorized to operate or perform, on such terms as  
5 may be agreed upon by the contracting parties. Before any contract for  
6 the lease or operation of any authority facilities is let to any  
7 private person, firm, or corporation, a general schedule of rental  
8 rates for equipment with or without operators applicable to all private  
9 certificated carriers shall be publicly posted, and for other  
10 facilities competitive bids shall first be called upon such notice,  
11 bidder qualifications, and bid conditions as the board shall determine.  
12 This shall allow use of negotiated procurements.

13 An authority may sue and be sued in its corporate capacity in all  
14 courts and in all proceedings.

15 NEW SECTION. **Sec. 108.** LIBERAL CONSTRUCTION. The rule of strict  
16 construction shall have no application to this chapter, but the same  
17 shall be liberally construed in all respects in order to carry out the  
18 purposes and objects for which this chapter is intended.

19 NEW SECTION. **Sec. 109.** ADDITIONAL POWERS--ACQUISITION OF  
20 FACILITIES. An authority shall have the following powers in addition  
21 to the general powers granted by this chapter:

22 (1) To carry out the planning processes set forth in RCW  
23 81.104.100;

24 (2) To acquire by purchase, condemnation, gift, or grant and to  
25 lease, construct, add to, improve, replace, repair, maintain, operate,  
26 and regulate the use of high capacity transportation facilities and  
27 properties within authority boundaries including surface, underground,  
28 or overhead railways, tramways, buses, or other means of local

1 transportation except taxis, and including escalators, moving  
2 sidewalks, or other people-moving systems, passenger terminal and  
3 parking facilities and properties, and such other facilities and  
4 properties as may be necessary for passenger and vehicular access to  
5 and from such people-moving systems, terminal and parking facilities  
6 and properties, together with all lands, rights of way, property,  
7 equipment, and accessories necessary for such high capacity  
8 transportation systems. When developing specifications for high  
9 capacity transportation system operating equipment, the authority shall  
10 take into account efforts to establish or sustain a domestic  
11 manufacturing capacity for such equipment. The right of eminent domain  
12 shall be exercised by the authority in the same manner and by the same  
13 procedure as or may be provided by law for cities of the first class,  
14 except insofar as such laws may be inconsistent with the provisions of  
15 this chapter. Public transportation facilities and properties which  
16 are owned by any city, county, county transportation authority, public  
17 transportation benefit area, or metropolitan municipal corporation may  
18 be acquired or used by the authority only with the consent of the  
19 agency owning such facilities. Such agencies are hereby authorized to  
20 convey or lease such facilities to an authority or to contract for  
21 their joint use on such terms as may be fixed by agreement between the  
22 agency and the authority.

23 The facilities and properties of an authority whose vehicles will  
24 operate primarily within the rights of way of public streets, roads, or  
25 highways, may be acquired, developed, and operated without the corridor  
26 and design hearings that are required by RCW 35.58.273 for mass transit  
27 facilities operating on a separate right of way;

28 (3) To dispose of any real or personal property acquired in  
29 connection with any authority function and that is no longer required  
30 for the purposes of the authority, in the same manner as provided for

1 cities of the first class. When the authority determines that a  
2 facility or any part thereof that has been acquired from any public  
3 agency without compensation is no longer required for authority  
4 purposes, but is required by the agency from which it was acquired, the  
5 authority shall by resolution transfer it to such agency.

6 (4) To fix rates, tolls, fares, and charges for the use of such  
7 facilities and to establish various routes and classes of service.  
8 Fares or charges may be adjusted or eliminated for any distinguishable  
9 class of users.

10 In the event any person holding a certificate of public convenience  
11 and necessity from the Washington utilities and transportation  
12 commission under RCW 81.68.040 has operated under such certificate for  
13 a continuous period of one year prior to the date of certification and  
14 is offering service within the authority boundary on the date of the  
15 certification by the county canvassing board that a majority of votes  
16 cast authorize a tax to be levied and collected by the authority, such  
17 authority may by purchase or condemnation acquire at the fair market  
18 value, from the person holding the existing certificate for providing  
19 the services, that portion of the operating authority and equipment  
20 representing the services within the area of public operation. The  
21 person holding such existing certificate may require the authority to  
22 initiate such purchase of those assets of such person, existing as of  
23 the date of the county canvassing board certification, within sixty  
24 days after the date of such certification.

25 NEW SECTION. **Sec. 110.** AGREEMENTS WITH OPERATORS OF HIGH CAPACITY  
26 TRANSPORTATION SERVICES. Except in accordance with an agreement made  
27 as provided in this section or in accordance with the provisions of  
28 section 109 of this act, upon the date the authority begins high  
29 capacity transportation service, no person or private corporation may

1 operate a high capacity transportation service within the authority  
2 boundary with the exception of services owned or operated by any  
3 corporation or organization solely for the purposes of the corporation  
4 or organization and for the use of which no fee or fare is charged.

5 The authority and any person or corporation legally operating a  
6 high capacity transportation service wholly within or partly within and  
7 partly without the authority boundary on the date the authority begins  
8 high capacity transportation service may enter into an agreement under  
9 which such person or corporation may continue to operate such service  
10 or any part thereof for such time and upon such terms and conditions as  
11 provided in such agreement. Such agreement shall provide for a  
12 periodic review of the terms and conditions contained therein. Where  
13 any such high capacity transportation service will be required to cease  
14 to operate within the authority boundary, the authority may agree with  
15 the owner of such service to purchase the assets used in providing such  
16 service, or if no agreement can be reached, the authority shall condemn  
17 such assets in the manner and by the same procedure as is or may be  
18 provided by law for the condemnation of other properties for cities of  
19 the first class, except insofar as such laws may be inconsistent with  
20 this chapter.

21 Wherever a privately owned public carrier operates wholly or partly  
22 within an authority boundary, the Washington utilities and  
23 transportation commission shall continue to exercise jurisdiction over  
24 such operation as provided by law.

25 NEW SECTION. **Sec. 111.** TRANSFER OF LOCAL GOVERNMENT POWERS TO  
26 AUTHORITY. The authority shall have and exercise all rights with  
27 respect to the construction, acquisition, maintenance, operation,  
28 extension, alteration, repair, control and management of high capacity  
29 transportation system facilities that are identified in the system plan

1 developed pursuant to RCW 81.104.100 that any city, county, county  
2 transportation authority, metropolitan municipal corporation, or public  
3 transportation benefit area within the authority boundary has been  
4 previously empowered to exercise and such powers shall not thereafter  
5 be exercised by such agencies without the consent of the authority.

6 The authority may adopt, in whole or in part, and may complete,  
7 modify, or terminate any planning, environmental review, or procurement  
8 processes related to the high capacity transportation system that had  
9 been commenced by a joint regional policy committee or a city, county,  
10 county transportation authority, metropolitan municipality, or public  
11 transportation benefit area prior to the formation of the authority.

12 NEW SECTION. **Sec. 112.** ACQUISITION OF EXISTING SYSTEM. If an  
13 authority acquires any existing components of a high capacity  
14 transportation system, it shall assume and observe all existing labor  
15 contracts relating to the transportation system and, to the extent  
16 necessary for operation of facilities, all of the employees of such  
17 acquired transportation system whose duties are necessary to operate  
18 efficiently the facilities acquired shall be appointed to comparable  
19 positions to those which they held at the time of such transfer, and no  
20 employee or retired or pensioned employee of such transportation  
21 systems shall be placed in any worse position with respect to pension  
22 seniority, wages, sick leave, vacation or other benefits that he or she  
23 enjoyed as an employee of the transportation system prior to such  
24 acquisition. At such times as may be required by such contracts, the  
25 authority shall engage in collective bargaining with the duly appointed  
26 representatives of any employee labor organization having existing  
27 contracts with the acquired transportation system and may enter into  
28 labor contracts with such employee labor organization. Facilities and  
29 equipment which are acquired after July 1, 1993, related to high

1 capacity transportation services which are to be assumed by the  
2 authority as specifically identified in the adopted system plan shall  
3 be acquired by the authority in a manner consistent with sections 107,  
4 109, 110, and 111 of this act.

5 NEW SECTION. **Sec. 113.** AUTHORITY FINANCES. The board, by  
6 resolution, shall designate a person having experience in financial or  
7 fiscal matters as treasurer of the authority. The board may designate,  
8 with the concurrence of the treasurer, the treasurer of a county within  
9 which the authority is located. Such a treasurer shall possess all of  
10 the powers, responsibilities, and duties the county treasurer possesses  
11 for a public transportation benefit area authority related to investing  
12 surplus authority funds. The board shall require a bond with a surety  
13 company authorized to do business in the state of Washington in an  
14 amount and under the terms and conditions the board, by resolution,  
15 from time to time finds will protect the authority against loss. The  
16 premium on any such bond shall be paid by the authority.

17 All authority funds shall be paid to the treasurer and shall be  
18 disbursed by the treasurer only on warrants issued by the authority  
19 upon orders or vouchers approved by the board.

20 The authority may by resolution designate a person having  
21 experience in financial or fiscal matters, as the auditor of the  
22 authority. Such an auditor shall possess all of the powers,  
23 responsibilities, and duties related to creating and maintaining funds,  
24 issuing warrants, and maintaining a record of receipts and  
25 disbursements.

26 The treasurer shall establish a special fund, into which shall be  
27 paid all authority funds, and the treasurer shall maintain such special  
28 accounts as may be created by the authority into which shall be placed  
29 all money as the board may, by resolution, direct.

1 If the treasurer of the authority is a treasurer of the county, all  
2 authority funds shall be deposited with the county depository under the  
3 same restrictions, contracts, and security as provided for county  
4 depositories. If the treasurer of the authority is some other person,  
5 all funds shall be deposited in such bank or banks authorized to do  
6 business in this state that have qualified for insured deposits under  
7 any federal deposit insurance act as the board, by resolution, shall  
8 designate.

9 The board may provide and require a reasonable bond of any other  
10 person handling moneys or securities of the authority, but the  
11 authority shall pay the premium on the bond.

12 NEW SECTION. **Sec. 114.** BONDING. Notwithstanding RCW  
13 39.36.020(1), an authority may at any time contract indebtedness or  
14 borrow money for authority purposes and may issue general obligation  
15 bonds in an amount not exceeding, together with any existing  
16 indebtedness of the authority not authorized by the voters, one and  
17 one-half percent of the value of the taxable property in the authority;  
18 and with the assent of three-fifths of the voters therein voting at an  
19 election called for that purpose, may contract indebtedness or borrow  
20 money for authority purposes and may issue general obligation bonds  
21 therefor, provided the total indebtedness of the authority shall not  
22 exceed five percent of the value of the taxable property therein. Such  
23 bonds shall be issued and sold in accordance with chapter 39.46 RCW.

24 The term "value of the taxable property" shall have the meaning set  
25 forth in RCW 39.36.015.

26 NEW SECTION. **Sec. 115.** REVENUE BONDS. (1) An authority may  
27 issue revenue bonds to provide funds to carry out its authorized  
28 functions without submitting the matter to the voters of the authority.

1 The authority shall create a special fund or funds for the sole purpose  
2 of paying the principal of and interest on the bonds of each such  
3 issue, into which fund or funds the authority may obligate itself to  
4 pay such amounts of the gross revenue of the high capacity  
5 transportation system constructed, acquired, improved, added to, or  
6 repaired out of the proceeds of sale of such bonds, as the authority  
7 shall determine and may obligate the authority to pay such amounts out  
8 of otherwise unpledged revenue that may be derived from the ownership,  
9 use, or operation of properties or facilities owned, used, or operated  
10 incident to the performance of the authorized function for which such  
11 bonds are issued or out of otherwise unpledged fees, tolls, charges,  
12 tariffs, fares, rentals, special taxes, or other sources of payment  
13 lawfully authorized for such purpose, as the authority shall determine.  
14 The principal of, and interest on, such bonds shall be payable only out  
15 of such special fund or funds, and the owners of such bonds shall have  
16 a lien and charge against the gross revenue of such high capacity  
17 transportation system or any other revenue, fees, tolls, charges,  
18 tariffs, fares, special taxes, or other authorized sources pledged to  
19 the payment of such bonds.

20 Such revenue bonds and the interest thereon issued against such  
21 fund or funds shall be a valid claim of the owners thereof only as  
22 against such fund or funds and the revenue pledged therefor, and shall  
23 not constitute a general indebtedness of the authority.

24 (2) Notwithstanding subsection (1) of this section, such bonds may  
25 be issued and sold in accordance with chapter 39.46 RCW.

26 NEW SECTION. **Sec. 116.** LOCAL IMPROVEMENT DISTRICTS AUTHORIZED.

27 (1) An authority may form a local improvement district to provide any  
28 transportation improvement it has the authority to provide, impose  
29 special assessments on all property specially benefited by the

1 transportation improvements, and issue special assessment bonds or  
2 revenue bonds to fund the costs of the transportation improvement.  
3 Local improvement districts shall be created and assessments shall be  
4 made and collected pursuant to chapters 35.43, 35.44, 35.49, 35.50,  
5 35.51, 35.53, and 35.54 RCW.

6 (2) The board shall by resolution establish for each special  
7 assessment bond issue the amount, date, terms, conditions,  
8 denominations, maximum fixed or variable interest rate or rates,  
9 maturity or maturities, redemption rights, registration privileges, if  
10 any, covenants, and form, including registration as to principal and  
11 interest, registration as to principal only, or bearer. Registration  
12 may include, but not be limited to: (a) A book entry system of  
13 recording the ownership of a bond whether or not physical bonds are  
14 issued; or (b) recording the ownership of a bond together with the  
15 requirement that the transfer of ownership may only be effected by the  
16 surrender of the old bond and either the reissuance of the old bond or  
17 the issuance of a new bond to the new owner. Facsimile signatures may  
18 be used on the bonds and any coupons. The maximum term of any special  
19 assessment bonds shall not exceed thirty years beyond the date of  
20 issue. Special assessment bonds issued pursuant to this section shall  
21 not be an indebtedness of the authority issuing the bonds, and the  
22 interest and principal on the bonds shall only be payable from special  
23 assessments made for the improvement for which the bonds were issued  
24 and any local improvement guaranty fund that the authority has created.  
25 The owner or bearer of a special assessment bond or any interest coupon  
26 issued pursuant to this section shall not have any claim against the  
27 authority arising from the bond or coupon except for the payment from  
28 special assessments made for the improvement for which the bonds were  
29 issued and any local improvement guaranty fund the authority has  
30 created. The authority issuing the special assessment bonds is not

1 liable to the owner or bearer of any special assessment bond or any  
2 interest coupon issued pursuant to this section for any loss occurring  
3 in the lawful operation of its local improvement guaranty fund. The  
4 substance of the limitations included in this subsection shall be  
5 plainly printed, written, or engraved on each special assessment bond  
6 issued pursuant to this section.

7 (3) Assessments shall reflect any credits given by an authority for  
8 real property or property right donations made pursuant to RCW  
9 47.14.030.

10 (4) The board may establish and pay moneys into a local improvement  
11 guaranty fund to guarantee special assessment bonds issued by the  
12 authority.

13 NEW SECTION. **Sec. 117.** COUNTY ASSESSOR'S DUTIES. It shall be the  
14 duty of the assessor of each component county to certify annually to a  
15 regional transit authority the aggregate assessed valuation of all  
16 taxable property within the boundaries of the authority as the same  
17 appears from the last assessment roll of the county.

18 NEW SECTION. **Sec. 118.** INTERIM FINANCING. A regional transit  
19 authority may apply for high capacity transportation account funds and  
20 for central Puget Sound account funds for high capacity transit  
21 planning and system development.

22 Transit agencies contained wholly or partly within a regional  
23 transit authority may make grants or loans to the authority for high  
24 capacity transportation planning and system development.

25 **Sec. 119.** RCW 81.104.010 and 1991 c 318 s 1 are each amended to  
26 read as follows:

1       Increasing congestion on Washington's roadways calls for  
2 identification and implementation of high capacity transportation  
3 system alternatives. (~~("High capacity transportation system" means a~~  
4 ~~system of public transportation services within an urbanized region~~  
5 ~~operating principally on exclusive rights of way, and the supporting~~  
6 ~~services and facilities necessary to implement such a system, including~~  
7 ~~high occupancy vehicle lanes, which taken as a whole, provides a~~  
8 ~~substantially higher level of passenger capacity, speed, and service~~  
9 ~~frequency than traditional public transportation systems operating~~  
10 ~~principally in general purpose roadways.)) The legislature believes  
11 that local jurisdictions should coordinate and be responsible for high  
12 capacity transportation policy development, program planning, and  
13 implementation. The state should assist by working with local agencies  
14 on issues involving rights of way, partially financing projects meeting  
15 established state criteria including development and completion of the  
16 high occupancy vehicle lane system, authorizing local jurisdictions to  
17 finance high capacity transportation systems through voter-approved tax  
18 options, and providing technical assistance and information.~~

19       NEW SECTION.   **Sec. 120.** A new section is added to chapter 81.104  
20 RCW to read as follows:

21       Unless the context clearly requires otherwise, the definitions in  
22 this section apply throughout this chapter.

23       (1) "High capacity transportation system" means a system of public  
24 transportation services within an urbanized region operating  
25 principally on exclusive rights of way, and the supporting services and  
26 facilities necessary to implement such a system, including feeder  
27 systems and facilities and high occupancy vehicle lanes, which taken as  
28 a whole, provides a substantially higher level of passenger capacity,

1 speed, and service frequency than traditional public transportation  
2 systems operating principally in general purpose roadways.

3 (2) "Regional transit system" means a high capacity transportation  
4 system under the jurisdiction of a transit agency except where a  
5 regional transit authority created under chapter 81.--- RCW (sections  
6 101 through 118 of this act) exists, in which case "regional transit  
7 system" means the high capacity transit system under the jurisdiction  
8 of a regional transit authority.

9 (3) "Transit agency" means city-owned transit systems, county  
10 transportation authorities, metropolitan municipal corporations, and  
11 public transportation benefit areas.

12 **Sec. 121.** RCW 81.104.030 and 1991 c 318 s 3 and 1991 c 309 s 2 are  
13 each reenacted and amended to read as follows:

14 In any county with a population of from two hundred ten thousand to  
15 less than one million that is not bordered by a county with a  
16 population of one million or more, and in each county with a population  
17 of less than two hundred ten thousand, (~~city-owned transit systems,~~  
18 ~~county transportation authorities, metropolitan municipal corporations,~~  
19 ~~and public transportation benefit areas~~)) transit agencies may elect to  
20 establish high capacity transportation service. Such agencies shall  
21 form a regional policy committee with proportional representation based  
22 upon population distribution within the designated service area and a  
23 representative of the department of transportation, or such agencies  
24 may use the designated metropolitan planning organization as the  
25 regional policy committee.

26 (~~City-owned transit systems, county transportation authorities,~~  
27 ~~metropolitan municipal corporations, and public transportation benefit~~  
28 ~~areas~~)) Transit agencies participating in joint regional policy  
29 committees shall seek voter approval within their own service

1 boundaries of a high capacity transportation system plan and financing  
2 plan.

3 (2) (~~City-owned transit systems, county transportation~~  
4 ~~authorities, metropolitan municipal corporations, and public~~  
5 ~~transportation benefit areas~~) Transit agencies in counties adjoining  
6 state or international boundaries are authorized to participate in the  
7 regional high capacity transportation programs of an adjoining state or  
8 Canadian province.

9 **Sec. 122.** RCW 81.104.040 and 1991 c 318 s 4 are each amended to  
10 read as follows:

11 (~~(1)~~) Transit agencies in each county with a population of one  
12 million or more, and in each county with a population of from two  
13 hundred ten thousand to less than one million bordering a county with  
14 a population of one million or more that are (~~currently~~) authorized  
15 on January 1, 1991, to provide high capacity transportation planning  
16 and operating services, including but not limited to (~~city-owned~~  
17 ~~transit systems, county transportation authorities, metropolitan~~  
18 ~~municipal corporations, and public transportation benefit areas~~)  
19 transit agencies, must establish through interlocal agreements a joint  
20 regional policy committee with proportional representation based upon  
21 the population distribution within each agency's designated service  
22 area, as determined by the parties to the agreement.

23 (~~(a)~~) (1) The membership of the joint regional policy committee  
24 shall consist of locally elected officials who serve on the legislative  
25 authority of the existing transit systems and a representative from the  
26 department of transportation. Nonvoting membership for elected  
27 officials from adjoining counties may be allowed at the committee's  
28 discretion.

1       (~~(b)~~) (2) The joint regional policy committee shall be  
2 responsible for the preparation and adoption of a regional high  
3 capacity transportation implementation program, which shall include the  
4 system plan, project plans, and a financing plan. This program shall  
5 be in conformance with the regional transportation planning  
6 organization's regional transportation plan and consistent with RCW  
7 81.104.080.

8       (~~(c)~~) (3) The joint regional policy committee shall present (~~(a)~~)  
9 an adopted high capacity transportation system plan and financing plan  
10 to the boards of directors of the transit agencies within the service  
11 area (~~for adoption.~~

12       ~~(d) Transit agencies shall present the adopted high capacity~~  
13 ~~transportation system plan and financing plan for voter approval within~~  
14 ~~four years of the execution of the interlocal agreements. A simple~~  
15 ~~majority vote is required for approval of the high capacity~~  
16 ~~transportation system plan and financing plan in any service district~~  
17 ~~within each county. The implementation program may proceed in any~~  
18 ~~service area approving the system and financing plans.~~

19       ~~(2) High capacity transportation planning, construction,~~  
20 ~~operations, and funding shall be governed through the interlocal~~  
21 ~~agreement process, including but not limited to provision for a cost~~  
22 ~~allocation and distribution formula, service corridors, station area~~  
23 ~~locations, right of way transfers, and feeder transportation systems.~~  
24 ~~The interlocal agreement shall include a mechanism for resolving~~  
25 ~~conflicts among parties to the agreement)) or to the regional transit~~  
26 ~~authority, if such authority has been formed. The authority shall~~  
27 ~~proceed as prescribed in section 103 of this act.~~

28       **Sec. 123.** RCW 81.104.050 and 1991 c 318 s 5 are each amended to  
29 read as follows:

1 Regional high capacity transportation service (~~(boundaries)~~) may be  
2 expanded beyond the established (~~(service)~~) district boundaries through  
3 interlocal agreements among the transit agencies and (~~(the local~~  
4 ~~jurisdictions within which such expanded service is proposed)~~) any  
5 regional transit authorities in existence.

6 **Sec. 124.** RCW 81.104.120 and 1990 c 43 s 33 are each amended to  
7 read as follows:

8 (1) (~~(City-owned transit service, county transportation~~  
9 ~~authorities, metropolitan municipal corporations, and public~~  
10 ~~transportation benefit areas)~~) Transit agencies and regional transit  
11 authorities may operate or contract for commuter rail service where it  
12 is deemed to be a reasonable alternative transit mode.

13 (2) A county may use funds collected under RCW 81.100.030 or  
14 81.100.060 to contract with one or more transit agencies or regional  
15 transit authorities for planning, operation, and maintenance of  
16 commuter rail projects which: (a) Are consistent with the regional  
17 transportation plan; (b) have met the project planning and oversight  
18 requirements of RCW 81.104.100 and 81.104.110; and (c) have been  
19 approved by the voters within the service area of each transit agency  
20 or regional transit authority participating in the project. The phrase  
21 "approved by the voters" includes specific funding authorization for  
22 the commuter rail project.

23 (3) The utilities and transportation commission shall maintain  
24 safety responsibility for passenger rail service operating on freight  
25 rail lines. Agencies providing passenger rail service on lines other  
26 than freight rail lines shall maintain safety responsibility for that  
27 service.

1       **Sec. 125.** RCW 81.104.140 and 1991 c 318 s 11 and 1991 c 309 s 4

2 are each reenacted and amended to read as follows:

3       (1) Agencies authorized to provide high capacity transportation  
4 service, including (~~(city-owned transit systems, county transportation~~  
5 ~~authorities, metropolitan municipal corporations and public~~  
6 ~~transportation benefit areas)) transit agencies and regional transit  
7 authorities, are hereby granted dedicated funding sources for such  
8 systems. These dedicated funding sources, as set forth in RCW  
9 81.104.150, 81.104.160, and 81.104.170, are authorized only for  
10 agencies located in (a) each county with a population of two hundred  
11 ten thousand or more and (b) each county with a population of from one  
12 hundred twenty-five thousand to less than two hundred ten thousand  
13 except for those counties that do not border a county with a population  
14 as described under (a) of this subsection. In any county with a  
15 population of one million or more or in any county having a population  
16 of two hundred ten thousand or more bordering a county with a  
17 population of one million or more, these funding sources may be imposed  
18 only by a regional transit authority.~~

19       (2) Agencies planning to construct and operate a high capacity  
20 transportation system should also seek other funds, including federal,  
21 state, local, and private sector assistance.

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

- 24       (a) Acceptability;
- 25       (b) Ease of administration;
- 26       (c) Equity;
- 27       (d) Implementation feasibility;
- 28       (e) Revenue reliability; and
- 29       (f) Revenue yield.

1 (4) Agencies participating in regional high capacity transportation  
2 system development (~~((through interlocal agreements))~~) are authorized to  
3 levy and collect the following voter-approved local option funding  
4 sources:

5 (a) Employer tax as provided in RCW 81.104.150;

6 (b) Special motor vehicle excise tax as provided in RCW 81.104.160;  
7 and

8 (c) Sales and use tax as provided in RCW 81.104.170.

9 Revenues from these taxes may be used only to support those  
10 purposes prescribed in subsection (10) of this section. Before the  
11 date of an election authorizing an agency to impose any of the taxes  
12 enumerated in this section and authorized in RCW 81.104.150,  
13 81.104.160, and 81.104.170, the agency must comply with the process  
14 prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No  
15 construction on exclusive right of way may occur before the  
16 requirements of RCW 81.104.100(3) are met.

17 (5) Authorization in subsection (4) of this section shall not  
18 adversely affect the funding authority of (~~((existing))~~) transit agencies  
19 not provided for in this chapter. Local option funds may be used to  
20 support implementation of interlocal agreements with respect to the  
21 establishment of regional high capacity transportation service. Except  
22 when a regional transit authority exists, local jurisdictions shall  
23 retain control over moneys generated within their boundaries, although  
24 funds may be commingled with those generated in other areas for  
25 planning, construction, and operation of high capacity transportation  
26 systems as set forth in the agreements.

27 (6) Agencies planning to construct and operate high capacity  
28 transportation systems may contract with the state for collection and  
29 transference of voter-approved local option revenue.

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

7 (8) Agencies shall provide to the registered voters in the area a  
8 document describing the systems plan and the financing plan set forth  
9 in RCW 81.104.100. It shall also describe the relationship of the  
10 system to regional issues such as development density at station  
11 locations and activity centers, and the interrelationship of the system  
12 to adopted land use and transportation demand management goals within  
13 the region. This document shall be provided to the voters at least  
14 twenty days prior to the date of the election.

15 (9) For any election in which voter approval is sought for a high  
16 capacity transportation system plan and financing plan pursuant to RCW  
17 81.104.040, a local voter's pamphlet shall be produced as provided in  
18 chapter 29.81A RCW.

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

24 **Sec. 126.** RCW 81.104.150 and 1990 c 43 s 41 are each amended to  
25 read as follows:

26 Cities that operate transit systems, county transportation  
27 authorities, metropolitan municipal corporations, ~~((and))~~ public  
28 transportation benefit areas, ~~((solely for the purpose of providing  
29 high capacity transportation service))~~ and regional transit authorities

1 may submit an authorizing proposition to the voters and if approved may  
2 impose an excise tax of up to two dollars per month on all employers  
3 located within the agency's jurisdiction, measured by the number of  
4 full-time equivalent employees, solely for the purpose of providing  
5 high capacity transportation service. The rate of tax shall be  
6 approved by the voters. This tax may not be imposed by ~~((an))~~: (1) A  
7 transit agency when the county within which it is located is imposing  
8 an excise tax pursuant to RCW 81.100.030; or (2) a regional transit  
9 authority when any county within the authority's boundaries is imposing  
10 an excise tax pursuant to RCW 81.100.030. The agency imposing the tax  
11 authorized in this section may provide for exemptions from the tax to  
12 such educational, cultural, health, charitable, or religious  
13 organizations as it deems appropriate.

14 **Sec. 127.** RCW 81.104.160 and 1991 c 318 s 12 are each amended to  
15 read as follows:

16 ~~((Any city that operates a))~~ Cities that operate transit systems,  
17 county transportation ((authority)) authorities, metropolitan municipal  
18 corporations, ((or)) public transportation benefit areas, ((solely for  
19 the purpose of providing high capacity transportation service)) and  
20 regional transit authorities may submit an authorizing proposition to  
21 the voters, and if approved, may levy and collect an excise tax, at a  
22 rate approved by the voters, but not exceeding eighty one-hundredths of  
23 one percent on the value, under chapter 82.44 RCW, of every motor  
24 vehicle owned by a resident of ~~((such city, county transportation~~  
25 ~~authority, metropolitan municipal corporation, or public transportation~~  
26 ~~benefit area))~~ the taxing district, solely for the purpose of providing  
27 high capacity transportation service. In any county imposing a motor  
28 vehicle excise tax surcharge pursuant to RCW 81.100.060, the maximum  
29 tax rate under this section shall be reduced to a rate equal to eighty

1 one-hundredths of one percent on the value less the equivalent motor  
2 vehicle excise tax rate of the surcharge imposed pursuant to RCW  
3 81.100.060. This rate shall not apply to vehicles licensed under RCW  
4 46.16.070 except vehicles with an unladen weight of six thousand pounds  
5 or less, RCW 46.16.079, 46.16.080, 46.16.085, or 46.16.090.

6 **Sec. 128.** RCW 81.104.170 and 1990 2nd ex.s. c 1 s 902 are each  
7 amended to read as follows:

8 ~~((The legislative bodies of))~~ Cities that operate transit systems,  
9 county transportation authorities, metropolitan municipal corporations,  
10 ~~((and))~~ public transportation benefit areas, ~~((solely for the purpose~~  
11 ~~of providing high capacity transportation service))~~ and regional  
12 transit authorities may submit an authorizing proposition to the voters  
13 and if approved by a majority of persons voting, fix and impose a sales  
14 and use tax in accordance with the terms of this chapter, solely for  
15 the purpose of providing high capacity transportation service.

16 The tax authorized pursuant to this section shall be in addition to  
17 the tax authorized by RCW 82.14.030 and shall be collected from those  
18 persons who are taxable by the state pursuant to chapters 82.08 and  
19 82.12 RCW upon the occurrence of any taxable event within ~~((such city,~~  
20 ~~county transportation authority, metropolitan municipal corporation, or~~  
21 ~~public transportation benefit area, as the case may be))~~ the taxing  
22 district. The maximum rate of such tax shall be approved by the voters  
23 and shall not exceed one percent of the selling price (in the case of  
24 a sales tax) or value of the article used (in the case of a use tax).  
25 The maximum rate of such tax that may be imposed shall not exceed  
26 nine-tenths of one percent ~~((if))~~ in any county that imposes a tax ~~((is~~  
27 ~~imposed in the county))~~ under RCW 82.14.340, or within a regional  
28 transit authority if any county within the authority imposes a tax  
29 under RCW 82.14.340.



1 a unique opportunity for integration of local comprehensive plans and  
2 regional goals with state and local transportation programs. Further,  
3 approaches to transportation demand management initiatives and local  
4 and state transportation funding can be better coordinated to insure an  
5 efficient, effective transportation system that insures mobility and  
6 addresses community needs.

7 The legislature further finds that transportation and land use  
8 share a critical relationship that policy makers can better utilize to  
9 address regional strategies.

10 Prudent investment, by the state and by local governments, in  
11 highway facilities, local arterials, marine facilities, transportation  
12 facilities and systems, public transit systems, transportation system  
13 management, and the development of a high capacity transit system can  
14 help to effectively address mobility needs. Such investment can also  
15 enhance local and state objectives for effective comprehensive  
16 planning, clean air policies, and transportation demand management.

17 The legislature finds that addressing public initiatives regarding  
18 transportation and comprehensive planning necessitates an innovative  
19 approach. Improved integration between transportation and  
20 comprehensive planning among public institutions, particularly in the  
21 state's largest metropolitan area is considered by the state to be  
22 imperative, and to have significant benefit to the citizens of  
23 Washington. It is therefore the policy of the state of Washington to  
24 ensure a single regional government council with adequate resources to  
25 develop and encourage implementation of a comprehensive transportation  
26 plan within the state's urbanized region.

27 NEW SECTION. **Sec. 202.** DEFINITIONS. Unless the context clearly  
28 requires otherwise, the definitions in this section apply throughout  
29 this chapter.

1 (1) "Council" means the Puget Sound regional council which, as of  
2 January 1, 1992, is the organization designated by units of general  
3 purpose local governments within the region as the metropolitan  
4 planning organization under federal requirements and as the regional  
5 transportation organization pursuant to chapter 47.80 RCW, or any  
6 successor organization.

7 (2) "Project of regional significance" means those projects  
8 identified by the characteristics set forth in section 208(1)(a) of  
9 this act.

10 (3) "Region" means that area within the jurisdiction of the Puget  
11 Sound regional council.

12 (4) "Regional plan" or "plan" means the regional transportation  
13 plan prescribed in section 208 of this act.

14 NEW SECTION. **Sec. 203.** CERTIFICATION. The department of  
15 transportation shall, at least every three years, certify that the  
16 council is carrying out a continuing, cooperative, and comprehensive  
17 regional transportation planning process that meets the requirements of  
18 this chapter and of chapter 47.80 RCW.

19 NEW SECTION. **Sec. 204.** FAILURE TO DESIGNATE. If the units of  
20 general purpose local government within the region fail to designate a  
21 regional transportation planning organization, or the organization  
22 falls below the required membership of units of general purpose local  
23 government representing seventy-five percent of the counties'  
24 population including the central cities, or if the organization fails  
25 to carry out a continuing, cooperative, and comprehensive regional  
26 transportation planning process certified by the department of  
27 transportation, then no state or federal highway or transit  
28 construction funds may be expended within the region until such time as

1 the regional transportation planning organization is certified by the  
2 department as meeting the requirements of this chapter.

3 NEW SECTION. **Sec. 205.** EXECUTIVE BOARD MEMBERSHIP. In order to  
4 qualify for state planning funds available to regional transportation  
5 planning organizations, the council shall provide membership on its  
6 executive board to the state department of transportation, the state  
7 department of community development, and the two largest public port  
8 districts within the region. It shall further assure that at least  
9 fifty percent of the county and city local elected officials who serve  
10 on the executive board also serve on transit agency boards or on a  
11 regional transit authority.

12 NEW SECTION. **Sec. 206.** COUNCIL'S DUTIES. The council shall have  
13 the following duties:

14 (1) Prepare and update periodically a regional growth and  
15 transportation strategy for the region. The strategy shall address  
16 alternative regional development patterns and alternative  
17 transportation modes in regional corridors and shall recommend a  
18 preferred regional development pattern and transportation policies to  
19 implement that pattern. The strategy shall serve as a guide in  
20 preparation of the regional transportation plan.

21 (2) Prepare a regional transportation plan as set forth in section  
22 208 of this act.

23 (3) Certify that the transportation elements of comprehensive plans  
24 adopted by counties, cities, and towns within the region conform with  
25 the requirements of RCW 36.70A.070, reflect the guidelines and  
26 principles developed pursuant to section 207 of this act, and are  
27 consistent with the adopted regional transportation plan.

1 (4) Certify that county-wide planning policies adopted under RCW  
2 36.70A.210 are consistent with the adopted regional transportation  
3 plan.

4 (5) Develop, in cooperation with the department of transportation,  
5 operators of public transportation services and local governments  
6 within the region, a regional transportation improvement program which  
7 proposes regionally significant transportation projects. The program  
8 shall include a priority list of projects, project segments and  
9 programs, and a specific financial plan that demonstrates how the  
10 transportation improvement program can be funded. The program shall be  
11 updated at least every two years for the ensuing six-year period.  
12 Inclusion in the program may represent a finding of consistency as  
13 provided for in section 211 of this act.

14 (6) Establish and maintain a regional data base for use in the  
15 region by local governments and the state and to support council  
16 responsibilities; monitor and forecast economic, demographic, and  
17 travel conditions in the region.

18 NEW SECTION. **Sec. 207.** COMPREHENSIVE PLANS, TRANSPORTATION  
19 GUIDELINES, AND PRINCIPLES. The council, with cooperation from cities,  
20 towns, and counties, shall establish guidelines and principles that  
21 provide specific direction for the development and evaluation of the  
22 transportation elements of comprehensive plans to assure that state,  
23 regional, and local goals for the development of transportation systems  
24 are met. These guidelines and principles shall address at a minimum  
25 the relationship between transportation systems and the following  
26 factors: Concentration of economic activity, residential density,  
27 development corridors and urban design that supports high capacity  
28 transit, freight transportation and port access, development patterns  
29 that promote pedestrian and nonmotorized transportation, circulation

1 systems, access to regional systems, effective and efficient highway  
2 systems, transportation concurrency, transportation demand management,  
3 joint and mixed use developments, and intermodal connections.

4 The council shall also develop and conduct regional forums and  
5 workshops to provide education and gain advice from officials and the  
6 public. Comprehensive examples shall be published by the council to  
7 assist local governments in interpreting and explaining the  
8 requirements of this section.

9 NEW SECTION. **Sec. 208.** REGIONAL TRANSPORTATION PLAN. (1) The  
10 council shall develop, in cooperation with the department of  
11 transportation, providers of public transportation, and local  
12 governments within the region, adopt, and periodically update a  
13 regional transportation plan that:

14 (a) Identifies transportation facilities and programs, including  
15 but not limited to major roadways including state highways and regional  
16 arterials, transit services and facilities, and multimodal and  
17 intermodal facilities, ports and airports, and noncapital programs  
18 including transportation demand management that should function as an  
19 integrated regional transportation system, giving emphasis to those  
20 facilities, services, and programs that exhibit one or more of the  
21 following characteristics:

22 (i) Crosses county lines;

23 (ii) Is or will be used by a significant number of people who live  
24 or work outside the county in which the facility, service, or project  
25 is located;

26 (iii) Significant impacts are expected to be felt in more than one  
27 county within the region;

1 (iv) Potentially adverse impacts of the facility, service, project,  
2 or program can be better avoided or mitigated through adherence to  
3 regional policies; and

4 (v) Transportation needs addressed by a project have been  
5 identified by the regional transportation planning process and the  
6 remedy is deemed by the council to have regional significance;

7 (b) Includes a financial plan demonstrating how the regional  
8 transportation plan can be implemented, indicating resources from  
9 public and private sources that are reasonably expected to be made  
10 available to carry out the plan, and recommending any innovative  
11 financing techniques to finance needed projects and programs;

12 (c) Assesses regional development patterns, capital investment and  
13 other measures necessary to:

14 (i) Ensure the preservation of the existing regional transportation  
15 system, including requirements for operational improvements,  
16 resurfacing, restoration, and rehabilitation of existing and future  
17 major roadways, as well as operations, maintenance, modernization, and  
18 rehabilitation of existing and future transit facilities; and

19 (ii) Make the most efficient use of existing transportation  
20 facilities to relieve vehicular congestion and maximize the mobility of  
21 people and goods;

22 (d) Sets forth a proposed regional transportation approach,  
23 including capital investments, service improvements, and programs, to  
24 guide the development of the integrated, multimodal regional  
25 transportation system; and

26 (e) Sets forth the relationship of high capacity transportation  
27 providers and other public transit providers with regard to  
28 responsibility for, and the coordination between, services and  
29 facilities.

1 (2) The council shall review the regional transportation plan  
2 biennially for currency, and forward the adopted plan along with  
3 documentation of the biennial review to the state department of  
4 transportation.

5 (3) All transportation projects or programs within the region that  
6 have an impact upon regional facilities or services must be consistent  
7 with the plan and adopted regional growth and transportation  
8 strategies.

9 NEW SECTION. **Sec. 209.** METROPOLITAN PLANNING FUNCTION. The  
10 council shall assume the responsibility for the metropolitan planning  
11 function within the region under 23 U.S.C. Sec. 134.

12 NEW SECTION. **Sec. 210.** CONDITIONS FOR FUNDING. After January 1,  
13 1994:

14 (1) An agency or a political subdivision of the state may not  
15 accept or expend funds from the following sources for transportation  
16 projects or programs within the region if the council has made a  
17 finding of inconsistency pursuant to section 211 of this act:

18 (a) Federal funds distributed under the authority of the federal  
19 highway administration, the federal aviation administration, and the  
20 federal transit administration;

21 (b) Planning funds provided to regional transportation planning  
22 organizations under chapter 47.80 RCW;

23 (c) The central Puget Sound public transportation account and the  
24 public transportation systems account created in RCW 82.44.180 (2) and  
25 (3);

26 (d) The urban arterial trust account and transportation improvement  
27 account created and distributed under RCW 47.26.080, 47.26.084, and  
28 47.26.260;

1 (e) The high capacity transportation account created in RCW  
2 47.78.010; and

3 (f) Appropriations from the motor vehicle fund for improvements to  
4 marine terminals located within the region serving the state ferry  
5 system.

6 (2) An agency or a political subdivision of the state may not levy  
7 or collect the following taxes or fees within the region if the council  
8 has made a finding of inconsistency pursuant to section 211 of this  
9 act:

10 (a) Taxes authorized for high capacity transportation purposes in  
11 chapter 81.104 RCW; the local option fuel tax authorized in RCW  
12 82.80.010, the local option vehicle license fee authorized in RCW  
13 82.80.020, the commercial parking tax authorized in RCW 82.80.030, and  
14 the street utility charge authorized in RCW 82.80.050 any of which are  
15 imposed after January 1, 1994;

16 (b) After 1994, public port district taxes governed under section  
17 218 of this act; and

18 (c) Sales and use tax rates higher than those effective January 1,  
19 1994, imposed by transit agencies under RCW 82.14.045.

20 NEW SECTION. **Sec. 211.** FINDINGS OF CONSISTENCY. (1) Between the  
21 effective date of this act and January 1, 1994, as cities and counties  
22 prepare and adopt comprehensive plans pursuant to the state growth  
23 management act, the council, in cooperation with affected state and  
24 local agencies shall evaluate department of transportation plans within  
25 the region, the transportation elements of local comprehensive plans,  
26 and the plans of regional transit authorities, other transit agencies  
27 and public port districts for their consistency with: (a) Adopted  
28 regional growth and transportation strategies and plans; (b) adopted  
29 state transportation policies and planning goals developed pursuant to

1 chapter 47.01 RCW; (c) transportation demand management plans and  
2 strategies developed pursuant to chapter 70.94 RCW; and (d) the  
3 transportation control measures of the state implementation plan for  
4 air quality developed pursuant to chapter 70.94 RCW.

5 (2) Plans and amendments to plans adopted after January 1, 1994,  
6 shall be evaluated in the same manner as that set forth in subsection  
7 (1) of this section.

8 (3) After such evaluation and no later than sixty days after  
9 receipt of the plan adopted by the local agency, or receipt of any  
10 adopted amendments thereto, the council shall determine whether the  
11 plans of the agency or political subdivision are consistent. If the  
12 council fails to make a finding within sixty days, the plan shall be  
13 deemed consistent. If the council determines that the plans are not  
14 consistent it shall notify the agency as to the cause of such finding.  
15 Notwithstanding the limitations imposed under RCW 36.70A.280, the  
16 agency or political subdivision may appeal the council's finding to the  
17 growth planning hearings board in the manner prescribed in chapter  
18 36.70A RCW.

19 (4) By January 1, 1993, the council shall develop and make  
20 available to all affected agencies guidelines and procedures under  
21 which the evaluations shall be conducted.

22 **Sec. 212.** RCW 35.58.2795 and 1990 1st ex.s. c 17 s 60 are each  
23 amended to read as follows:

24 By April 1st of each year, the legislative authority of each  
25 municipality, as defined in RCW 35.58.272, and each regional transit  
26 authority shall prepare a six-year transit development (~~and financial~~  
27 ~~program~~) plan for that calendar year and the ensuing five years. The  
28 program shall be consistent with the comprehensive plans adopted by  
29 counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or

1 36.70 RCW, the inherent authority of a first class city or charter  
2 county derived from its charter, or chapter 36.70A RCW. The program  
3 shall contain information as to how the municipality intends to meet  
4 state and local long-range priorities for public transportation,  
5 capital improvements, significant operating changes planned for the  
6 system, and how the municipality intends to fund program needs. The  
7 six-year plan for each municipality and regional transit authority  
8 lying within the jurisdiction of the Puget Sound regional  
9 transportation planning organization shall specifically set forth those  
10 projects of regional significance as defined in section 202 of this act  
11 for inclusion in the transportation improvement program within that  
12 region. Each municipality and regional transit authority shall file  
13 the six-year program with the state department of transportation, the  
14 transportation improvement board, and cities, counties, and regional  
15 planning councils within which the municipality is located.

16 In developing its program, the municipality and the regional  
17 transit authority shall consider those policy recommendations affecting  
18 public transportation contained in the state transportation policy plan  
19 approved by the state transportation commission and, where appropriate,  
20 adopted by the legislature. The municipality shall conduct one or more  
21 public hearings while developing its program and for each annual  
22 update.

23 **Sec. 213.** RCW 35.77.010 and 1990 1st ex.s. c 17 s 59 are each  
24 amended to read as follows:

25 (1) The legislative body of each city and town, pursuant to one or  
26 more public hearings thereon, shall prepare and adopt a comprehensive  
27 street program for the ensuing six calendar years. If the city or town  
28 has adopted a comprehensive plan pursuant to chapter 35.63 or 35A.63  
29 RCW, the inherent authority of a first class city derived from its

1 charter, or chapter 36.70A RCW, the program shall be consistent with  
2 this comprehensive plan.

3 The program shall be filed with the secretary of transportation not  
4 more than thirty days after its adoption. Annually thereafter the  
5 legislative body of each city and town shall review the work  
6 accomplished under the program and determine current city street needs.  
7 Based on these findings each such legislative body shall prepare and  
8 after public hearings thereon adopt a revised and extended  
9 comprehensive street program before July 1st of each year, and each  
10 one-year extension and revision shall be filed with the secretary of  
11 transportation not more than thirty days after its adoption. The  
12 purpose of this section is to assure that each city and town shall  
13 perpetually have available advanced plans looking to the future for not  
14 less than six years as a guide in carrying out a coordinated street  
15 construction program. The program may at any time be revised by a  
16 majority of the legislative body of a city or town, but only after a  
17 public hearing.

18 The six-year plan for each city or town lying within the  
19 jurisdiction of the Puget Sound regional transportation planning  
20 organization shall specifically set forth those projects of regional  
21 significance as defined in section 202 of this act for inclusion in the  
22 transportation improvement program within that region.

23 The six-year program of each city lying within an urban area shall  
24 contain a separate section setting forth the six-year program for  
25 arterial street construction based upon its long range construction  
26 plan and formulated in accordance with rules of the transportation  
27 improvement board. The six-year program for arterial street  
28 construction shall be submitted to the transportation improvement board  
29 forthwith after its annual revision and adoption by the legislative  
30 body of the city. The six-year program for arterial street

1 construction shall be based upon estimated revenues available for such  
2 construction together with such additional sums as the legislative  
3 authority may request for urban arterials from the urban arterial trust  
4 account or the transportation improvement account for the six-year  
5 period. The arterial street construction program shall provide for a  
6 more rapid rate of completion of the long-range construction needs of  
7 principal arterial streets than for minor and collector arterial  
8 streets, pursuant to rules of the transportation improvement board:  
9 PROVIDED, That urban arterial trust funds made available to the group  
10 of incorporated cities lying outside the boundaries of federally  
11 approved urban areas within each region need not be divided between  
12 functional classes of arterials but shall be available for any  
13 designated arterial street.

14 (2) Each six-year program forwarded to the secretary in compliance  
15 with subsection (1) of this section shall contain information as to how  
16 a city or town will expend its moneys, including funds made available  
17 pursuant to chapter 47.30 RCW, for bicycle, pedestrian, and equestrian  
18 purposes.

19 **Sec. 214.** RCW 36.81.121 and 1990 1st ex.s. c 17 s 58 are each  
20 amended to read as follows:

21 (1) Before July 1st of each year, the legislative authority of each  
22 county with the advice and assistance of the county road engineer, and  
23 pursuant to one or more public hearings thereon, shall prepare and  
24 adopt a comprehensive road program for the ensuing six calendar years.  
25 If the county has adopted a comprehensive plan pursuant to chapter  
26 35.63 or 36.70 RCW, the inherent authority of a charter county derived  
27 from its charter, or chapter 36.70A RCW, the program shall be  
28 consistent with this comprehensive plan.

1       The program shall include proposed road and bridge construction  
2 work, and for those counties operating ferries shall also include a  
3 separate section showing proposed capital expenditures for ferries,  
4 docks, and related facilities. Copies of the program shall be filed  
5 with the county road administration board and with the state secretary  
6 of transportation not more than thirty days after its adoption by the  
7 legislative authority. The purpose of this section is to assure that  
8 each county shall perpetually have available advanced plans looking to  
9 the future for not less than six years as a guide in carrying out a  
10 coordinated road construction program. The program may at any time be  
11 revised by a majority of the legislative authority but only after a  
12 public hearing thereon.

13       (2) The six-year program of each county having an urban area within  
14 its boundaries shall contain a separate section setting forth the six-  
15 year program for arterial road construction based upon its long-range  
16 construction plan and formulated in accordance with regulations of the  
17 transportation improvement board. The six-year program for arterial  
18 road construction shall be submitted to the transportation improvement  
19 board forthwith after its annual revision and adoption by the  
20 legislative authority of each county. The six-year program for  
21 arterial road construction shall be based upon estimated revenues  
22 available for such construction together with such additional sums as  
23 the legislative authority of each county may request for urban  
24 arterials from the urban arterial trust account or the transportation  
25 improvement account for the six-year period. The arterial road  
26 construction program shall provide for a more rapid rate of completion  
27 of the long-range construction needs of principal arterial roads than  
28 for minor and collector arterial roads, pursuant to regulations of the  
29 transportation improvement board.

1 (3) Each six-year program forwarded to the secretary in compliance  
2 with subsection (1) of this section shall contain information as to how  
3 a county will expend its moneys, including funds made available  
4 pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and  
5 equestrian purposes.

6 (4) The six-year plan for each county lying within the jurisdiction  
7 of the Puget Sound regional transportation planning organization shall  
8 specifically set forth those projects of regional significance as  
9 defined in section 202 of this act for inclusion in the transportation  
10 improvement program within that region.

11 **Sec. 215.** RCW 47.26.080 and 1991 sp.s. c 32 s 32 are each amended  
12 to read as follows:

13 There is hereby created in the motor vehicle fund the urban  
14 arterial trust account. All moneys deposited in the motor vehicle fund  
15 to be credited to the urban arterial trust account shall be expended  
16 for the construction and improvement of city arterial streets and  
17 county arterial roads within urban areas, for expenses of the  
18 transportation improvement board, or for the payment of principal or  
19 interest on bonds issued for the purpose of constructing or improving  
20 city arterial streets and county arterial roads within urban areas, or  
21 for reimbursement to the state, counties, cities, and towns in  
22 accordance with RCW 47.26.4252 and 47.26.4254, the amount of any  
23 payments made on principal or interest on urban arterial trust account  
24 bonds from motor vehicle or special fuel tax revenues which were  
25 distributable to the state, counties, cities, and towns.

26 The board shall not allocate funds, nor make payments of the funds  
27 under RCW 47.26.260, to any county, city, or town identified by the  
28 governor under RCW 36.70A.340 nor to any county, city, or town failing

1 to meet the conditions of section 210 of this act when required to do  
2 so.

3 **Sec. 216.** RCW 47.26.084 and 1988 c 167 s 2 are each amended to  
4 read as follows:

5 The transportation improvement account is hereby created in the  
6 motor vehicle fund. The board shall adopt rules and procedures which  
7 shall govern the allocation of funds in the transportation improvement  
8 account at such time as funds become available.

9 The board shall allocate funds from the account by June 30 of each  
10 year for the ensuing fiscal year and shall endeavor to provide  
11 geographical diversity in selecting improvement projects to be funded  
12 from the account.

13 Of the amount made available to the transportation improvement  
14 board from the transportation improvement account for improvement  
15 projects:

16 (1) Eighty-seven percent shall be allocated to counties, to cities  
17 with a population of over five thousand, and to transportation benefit  
18 districts. Improvement projects may include, but are not limited to,  
19 multi-agency and suburban arterial improvement projects.

20 To be eligible to receive these funds, a project must be (a)  
21 consistent with state, regional, and local transportation plans and  
22 consideration shall be given to the project's relationship, both actual  
23 and potential, with rapid mass transit (~~and at such time as a rail~~  
24 ~~plan is developed by the rail development commission, projects must be~~  
25 ~~consistent therewith)), (b) necessitated by existing or reasonably  
26 foreseeable congestion levels attributable to economic development or  
27 growth, and (c) partially funded by local government or private  
28 contributions, or a combination of such contributions. The board  
29 shall, for those projects meeting the eligibility criteria, determine~~

1 what percentage of each project is funded by local and/or private  
2 contribution. Priority consideration shall be given to those projects  
3 with the greatest percentage of local and/or private contribution.

4 Within one year after board approval of an application for funding,  
5 a county, city, or transportation benefit district shall provide  
6 written certification to the board of the pledged local and/or private  
7 funding. Funds allocated to an applicant that does not certify its  
8 funding within one year after approval may be reallocated by the board.

9 (2) Thirteen percent shall be allocated by the board to cities with  
10 a population of five thousand or less for street improvement projects  
11 in a manner determined by the board.

12 The distribution of funds to agencies shall be consistent with the  
13 conditions of section 210 of this act.

14 **Sec. 217.** RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each  
15 amended to read as follows:

16 There is hereby established in the state treasury the high capacity  
17 transportation account. Money in the account shall be used, after  
18 appropriation and consistent with the conditions of section 210 of this  
19 act, for local high capacity transportation purposes including rail  
20 freight.

21 NEW SECTION. **Sec. 218.** A new section is added to chapter 53.36  
22 RCW to read as follows:

23 PORT DISTRICT LEVIES. After 1992, a port district whose boundaries  
24 lie partly or wholly within the boundaries of the Puget Sound regional  
25 transportation planning organization as defined in section 202 of this  
26 act may not impose a tax levy under this chapter that generates an  
27 amount of tax receipts greater than the amount of tax receipts  
28 collected in the previous year, if that district uses any revenues from

1 tax levies to construct or operate transportation facilities of  
2 regional significance included in the regional transportation plan if  
3 there has been a finding of inconsistency pursuant to section 211 of  
4 this act.

5 **Sec. 219.** RCW 82.14.045 and 1991 c 363 s 158 are each amended to  
6 read as follows:

7 (1) The legislative body of any city pursuant to RCW 35.92.060, of  
8 any county which has created an unincorporated transportation benefit  
9 area pursuant to RCW 36.57.100 and 36.57.110, of any public  
10 transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090,  
11 of any county transportation authority established pursuant to chapter  
12 36.57 RCW, and of any metropolitan municipal corporation within a  
13 county with a population of one million or more pursuant to chapter  
14 35.58 RCW, may, by resolution or ordinance for the sole purpose of  
15 providing funds for the operation, maintenance, or capital needs of  
16 public transportation systems and in lieu of the excise taxes  
17 authorized by RCW 35.95.040, submit an authorizing proposition to the  
18 voters or include such authorization in a proposition to perform the  
19 function of public transportation and if approved by a majority of  
20 persons voting thereon, fix and impose a sales and use tax in  
21 accordance with the terms of this chapter: PROVIDED, That no such  
22 legislative body shall impose such a sales and use tax without  
23 submitting such an authorizing proposition to the voters and obtaining  
24 the approval of a majority of persons voting thereon: PROVIDED  
25 FURTHER, That where such a proposition is submitted by a county on  
26 behalf of an unincorporated transportation benefit area, it shall be  
27 voted upon by the voters residing within the boundaries of such  
28 unincorporated transportation benefit area and, if approved, the sales  
29 and use tax shall be imposed only within such area. Notwithstanding

1 any provisions of this section to the contrary, any county in which a  
2 county public transportation plan has been adopted pursuant to RCW  
3 36.57.070 and the voters of such county have authorized the imposition  
4 of a sales and use tax pursuant to the provisions of section 10,  
5 chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be  
6 authorized to fix and impose a sales and use tax as provided in this  
7 section at not to exceed the rate so authorized without additional  
8 approval of the voters of such county as otherwise required by this  
9 section.

10 The tax authorized pursuant to this section shall be in addition to  
11 the tax authorized by RCW 82.14.030 and shall be collected from those  
12 persons who are taxable by the state pursuant to chapters 82.08 and  
13 82.12 RCW upon the occurrence of any taxable event within such city,  
14 public transportation benefit area, county, or metropolitan municipal  
15 corporation as the case may be. The rate of such tax shall be one-  
16 tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-  
17 tenths of one percent of the selling price (in the case of a sales tax)  
18 or value of the article used (in the case of a use tax). The rate of  
19 such tax shall not exceed the rate authorized by the voters unless such  
20 increase shall be similarly approved and meets the conditions of  
21 section 210 of this act.

22 (2)(a) In the event a metropolitan municipal corporation shall  
23 impose a sales and use tax pursuant to this chapter no city, county  
24 which has created an unincorporated transportation benefit area, public  
25 transportation benefit area authority, or county transportation  
26 authority wholly within such metropolitan municipal corporation shall  
27 be empowered to levy and/or collect taxes pursuant to RCW 35.58.273,  
28 35.95.040, and/or 82.14.045, but nothing herein shall prevent such city  
29 or county from imposing sales and use taxes pursuant to any other  
30 authorization.

1 (b) In the event a county transportation authority shall impose a  
2 sales and use tax pursuant to this section, no city, county which has  
3 created an unincorporated transportation benefit area, public  
4 transportation benefit area, or metropolitan municipal corporation,  
5 located within the territory of the authority, shall be empowered to  
6 levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or  
7 82.14.045.

8 (c) In the event a public transportation benefit area shall impose  
9 a sales and use tax pursuant to this section, no city, county which has  
10 created an unincorporated transportation benefit area, or metropolitan  
11 municipal corporation, located wholly or partly within the territory of  
12 the public transportation benefit area, shall be empowered to levy or  
13 collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

14 (3) Any local sales and use tax revenue collected pursuant to this  
15 section by any city or by any county for transportation purposes  
16 pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally  
17 generated tax revenues for the purposes of apportionment and  
18 distribution, in the manner prescribed by chapter 82.44 RCW, of the  
19 proceeds of the motor vehicle excise tax authorized pursuant to RCW  
20 35.58.273.

21 **Sec. 220.** RCW 82.44.180 and 1991 c 199 s 224 are each amended to  
22 read as follows:

23 (1) The transportation fund is created in the state treasury.  
24 Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the  
25 surcharge under RCW 82.50.510 shall be deposited into the fund as  
26 provided in those sections.

27 Moneys in the fund may be spent only after appropriation.  
28 Expenditures from the fund may be used only for transportation  
29 purposes.

1 (2) There is hereby created the central Puget Sound public  
2 transportation account within the transportation fund. Moneys  
3 deposited into the account under RCW 82.44.150(2)(b) shall be expended  
4 within the three county region from which the funds are derived,  
5 subject to the conditions of section 210 of this act solely for:

6 (a) Development of high capacity transportation systems as defined  
7 in RCW 81.104.010;

8 (b) Development of high occupancy vehicle lanes and related  
9 facilities as defined in RCW 81.100.020; and

10 (c) Public transportation system contributions required to fund  
11 projects approved by the transportation improvement board.

12 (3) There is hereby created the public transportation systems  
13 account within the transportation fund. Moneys deposited into the  
14 account under RCW 82.44.150(2)(c) shall be available to the public  
15 transportation system from which the funds are derived, subject to the  
16 conditions of section 210 of this act solely for:

17 (a) Development of high capacity transportation systems as defined  
18 in RCW 81.104.010;

19 (b) Development of high occupancy vehicle lanes and related  
20 facilities as defined in RCW 81.100.020;

21 (c) Other public transportation system-related roadway projects on  
22 state highways, county roads, or city streets; and

23 (d) Public transportation system contributions required to fund  
24 projects approved by the transportation improvement board.

25 **Sec. 221.** RCW 82.80.010 and 1991 c 339 s 12 are each amended to  
26 read as follows:

27 (1) Subject to the conditions of this section and section 210 of  
28 this act, any county may levy, by approval of its legislative body and  
29 a majority of the registered voters of the county voting on the

1 proposition at a general or special election, additional excise taxes  
2 equal to ten percent of the state-wide motor vehicle fuel tax rate  
3 under RCW 82.36.025 on each gallon of motor vehicle fuel as defined in  
4 RCW 82.36.010(2) and on each gallon of special fuel as defined in RCW  
5 82.38.020(5) sold within the boundaries of the county. Vehicles paying  
6 an annual license fee under RCW 82.38.075 are exempt from the county  
7 fuel excise tax. An election held under this section must be held not  
8 more than twelve months before the date on which the proposed tax is to  
9 be levied. The ballot setting forth the proposition shall state the  
10 tax rate that is proposed. The county's authority to levy additional  
11 excise taxes under this section includes the incorporated and  
12 unincorporated areas of the county. The additional excise taxes are  
13 subject to the same exceptions and rights of refund as applicable to  
14 other motor vehicle fuel and special fuel excise taxes levied under  
15 chapters 82.36 and 82.38 RCW. The proposed tax shall not be levied  
16 less than one month from the date the election results are certified by  
17 the county election officer. The commencement date for the levy of any  
18 tax under this section shall be the first day of January, April, July,  
19 or October.

20 (2) Every person subject to the tax shall pay, in addition to any  
21 other taxes provided by law, an additional excise tax to the director  
22 of licensing at the rate levied by a county exercising its authority  
23 under this section.

24 (3) The state treasurer shall distribute monthly to the levying  
25 county and cities contained therein the proceeds of the additional  
26 excise taxes collected under this section, after the deductions for  
27 payments and expenditures as provided in RCW 46.68.090 (1) and (2) and  
28 under the conditions and limitations provided in RCW 82.80.080.

1 (4) The proceeds of the additional excise taxes levied under this  
2 section shall be used strictly for transportation purposes in  
3 accordance with RCW 82.80.070.

4 (5) The department of licensing shall administer and collect the  
5 county fuel taxes. The department shall deduct a percentage amount, as  
6 provided by contract, for administrative, collection, refund, and audit  
7 expenses incurred. The remaining proceeds shall be remitted to the  
8 custody of the state treasurer for monthly distribution under RCW  
9 82.80.080.

10 **Sec. 222.** RCW 82.80.020 and 1991 c 318 s 13 are each amended to  
11 read as follows:

12 (1) Except as limited by section 210 of this act, the legislative  
13 authority of a county may fix and impose an additional fee, not to  
14 exceed fifteen dollars per vehicle, for each vehicle that is subject to  
15 license fees under RCW 46.16.060 and is determined by the department of  
16 licensing to be registered within the boundaries of the county.

17 (2) The department of licensing shall administer and collect the  
18 fee. The department shall deduct a percentage amount, as provided by  
19 contract, not to exceed two percent of the taxes collected, for  
20 administration and collection expenses incurred by it. The remaining  
21 proceeds shall be remitted to the custody of the state treasurer for  
22 monthly distribution under RCW 82.80.080.

23 (3) The proceeds of this fee shall be used strictly for  
24 transportation purposes in accordance with RCW 82.80.070.

25 (4) A county imposing this fee shall delay the effective date at  
26 least six months from the date the ordinance is enacted to allow the  
27 department of licensing to implement administration and collection of  
28 the fee.

1 (5) The legislative authority of a county may develop and initiate  
2 a refund process of the fifteen dollar fee to the registered owners of  
3 vehicles residing within the boundaries of the county who are sixty-one  
4 years old or older at the time of payment of the fee and whose  
5 household income for the previous calendar year is eighteen thousand  
6 dollars or less or who has a physical disability and who has paid the  
7 fifteen dollar additional fee.

8 **Sec. 223.** RCW 82.80.030 and 1990 c 42 s 208 are each amended to  
9 read as follows:

10 (1) Subject to the conditions of this section and section 210 of  
11 this act, the legislative authority of a county or city may fix and  
12 impose a parking tax on all persons engaged in a commercial parking  
13 business within its respective jurisdiction. The jurisdiction of a  
14 county, for purposes of this section, includes only the unincorporated  
15 area of the county. The jurisdiction of a city includes only the area  
16 within its incorporated boundaries.

17 (2) In lieu of the tax in subsection (1) of this section, a city or  
18 a county in its unincorporated area may fix and impose a tax for the  
19 act or privilege of parking a motor vehicle in a facility operated by  
20 a commercial parking business.

21 The city or county may provide that:

22 (a) The tax is paid by the operator or owner of the motor vehicle;

23 (b) The tax applies to all parking for which a fee is paid, whether  
24 paid or leased, including parking supplied with a lease of  
25 nonresidential space;

26 (c) The tax is collected by the operator of the facility and  
27 remitted to the city or county;

28 (d) The tax is a fee per vehicle or is measured by the parking  
29 charge;

1 (e) The tax rate varies with zoning or location of the facility,  
2 the duration of the parking, the time of entry or exit, the type or use  
3 of the vehicle, or other reasonable factors; and

4 (f) Tax exempt carpools, vehicles with handicapped decals, or  
5 government vehicles are exempt from the tax.

6 (3) "Commercial parking business" as used in this section, means  
7 the ownership, lease, operation, or management of a commercial parking  
8 lot in which fees are charged. "Commercial parking lot" means a  
9 covered or uncovered area with stalls for the purpose of parking motor  
10 vehicles.

11 (4) The rate of the tax under subsection (1) of this section may be  
12 based either upon gross proceeds or the number of vehicle stalls  
13 available for commercial parking use. The rates charged must be  
14 uniform for the same class or type of commercial parking business.

15 (5) The county or city levying the tax provided for in subsection  
16 (1) or (2) of this section may provide for its payment on a monthly,  
17 quarterly, or annual basis. Each local government may develop by  
18 ordinance or resolution rules for administering the tax, including  
19 provisions for reporting by commercial parking businesses, collection,  
20 and enforcement.

21 (6) The proceeds of the commercial parking tax fixed and imposed  
22 under subsection (1) or (2) of this section shall be used strictly for  
23 transportation purposes in accordance with RCW 82.80.070.

24 **Sec. 224.** RCW 82.80.050 and 1991 c 141 s 2 are each amended to  
25 read as follows:

26 Except as limited by section 210 of this act, a city or town  
27 electing to own, construct, maintain, operate, and preserve its streets  
28 as a separate street utility may levy periodic charges for the use or  
29 availability of the streets in a total annual amount of up to fifty

1 percent of the actual costs for maintenance, operation, and  
2 preservation of facilities under the jurisdiction of the street  
3 utility. The rates charged for the use must be uniform for the same  
4 class of service and all business and residential properties must be  
5 subject to the utility charge. Charges imposed on businesses shall be  
6 measured solely by the number of employees and shall not exceed the  
7 equivalent of two dollars per full-time equivalent employee per month.  
8 Charges imposed against owners or occupants of residential property  
9 shall not exceed two dollars per month per housing unit as defined in  
10 RCW 35.95.040. Charges authorized in this section shall not be imposed  
11 against owners of property: (1) Exempt under RCW 84.36.010; (2) exempt  
12 from the leasehold tax under chapter 82.29A RCW; or (3) used for  
13 nonprofit or sectarian purposes, which if said property were owned by  
14 such organization would qualify for exemption under chapter 84.36 RCW.  
15 The charges shall not be computed on the basis of an ad valorem charge  
16 on the underlying real property and improvements. This section shall  
17 not be used as a basis to directly or indirectly charge transportation  
18 impact fees or mitigation fees of any kind against new development. A  
19 city or town may contract with any other utility or local government to  
20 provide for billing and collection of the street utility charges.

21 In classifying service furnished within the general categories of  
22 business and residential, the city or town legislative authority may in  
23 its discretion consider any or all of the following factors: The  
24 difference in cost of service to the various users or traffic  
25 generators; location of the various users or traffic generators within  
26 the city or town; the difference in cost of maintenance, operation,  
27 construction, repair, and replacement of the various parts of the  
28 enterprise and facility; the different character of the service  
29 furnished to various users or traffic generators within the city or  
30 town; the size and quality of the street service furnished; the time of

1 use or traffic generation; capital contributions made to the facility  
2 including but not limited to special assessments; and any other matters  
3 that present a reasonable difference as a ground for distinction, or  
4 the entire category of business or residential may be established as a  
5 single class. The city or town may reduce or exempt charges on  
6 residential properties to the extent of their occupancy by low-income  
7 senior citizens and low-income disabled citizens as provided in RCW  
8 74.38.070(1), or to the extent of their occupancy by the needy or  
9 infirm.

10 The charges shall be charges against the property and the use  
11 thereof and shall become liens and be enforced in the same manner as  
12 rates and charges for the use of systems of sewerage under chapter  
13 35.67 RCW.

14 Any city or town ordinance or resolution creating a street utility  
15 must contain a provision granting to any business a credit against any  
16 street utility charge the full amount of any commuter or employer tax  
17 paid for transportation purposes by that business.

18 NEW SECTION. **Sec. 225.** Sections 201 through 211 of this act  
19 shall constitute a new chapter in Title 47 RCW.

20 NEW SECTION. **Sec. 226.** Part and section headings as used in  
21 this act do not constitute any part of the law.

22 NEW SECTION. **Sec. 227.** If any provision of this act or its  
23 application to any person or circumstance is held invalid, the  
24 remainder of the act or the application of the provision to other  
25 persons or circumstances is not affected.

26 NEW SECTION. **Sec. 228.** This act shall take effect July 1, 1992.