
SENATE BILL 5138

State of Washington 54th Legislature 1995 Regular Session

By Senators Quigley, Drew, Long, McAuliffe, C. Anderson and Rasmussen

Read first time 01/12/95. Referred to Committee on Transportation.

1 AN ACT Relating to public-private initiatives in transportation;
2 amending RCW 47.46.010, 47.46.020, and 47.46.030; and declaring an
3 emergency.

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

5 **Sec. 1.** RCW 47.46.010 and 1993 c 370 s 1 are each amended to read
6 as follows:

7 The legislature finds and declares:

8 It is essential for the economic, social, and environmental well-
9 being of the state and the maintenance of a high quality of life that
10 the people of the state have an efficient transportation system.

11 The ability of the state to provide an efficient transportation
12 system will be enhanced by a public-private sector program providing
13 for private entities to undertake all or a portion of the study,
14 planning, design, development, financing, acquisition, installation,
15 construction or improvement, operation, and maintenance of
16 transportation systems and facility projects.

17 A public-private initiatives program will provide benefits to both
18 the public and private sectors. Public-private initiatives provide a
19 sound economic investment opportunity for the private sector. Such

1 initiatives will provide the state with increased access to property
2 development and project opportunities, financial and development
3 expertise, and will supplement state transportation revenues, allowing
4 the state to use its limited resources for other needed projects.

5 The public-private initiatives program, to the fullest extent
6 possible, should encourage and promote business and employment
7 opportunities for Washington state citizens.

8 The public-private initiatives program (~~should~~) will be
9 implemented in cooperation and consultation with affected local
10 jurisdictions.

11 Public support for projects undertaken by the public-private
12 initiatives program is necessary and will be enhanced through electoral
13 participation.

14 In order to enhance public support and confidence and to assure
15 proper cooperation and consultation with the public, proposed projects
16 that involve charging user fees or tolls for the use of a state route
17 must be approved by a majority of the voters residing within the
18 affected local jurisdictions at the next general election as required
19 by RCW 47.46.030.

20 The secretary of transportation should be permitted and encouraged
21 to test the feasibility of building privately funded transportation
22 systems and facilities or segments thereof through the use of
23 innovative agreements with the private sector. The secretary of
24 transportation should be vested with the authority to solicit,
25 evaluate, negotiate, and administer public-private agreements with the
26 private sector relating to the planning, construction, upgrading, or
27 reconstruction of transportation systems and facilities.

28 The department of transportation should be encouraged to take
29 advantage of new opportunities provided by federal legislation under
30 section 1012 of the Intermodal Surface Transportation Efficiency Act of
31 1991 (ISTEA). That section establishes a new program authorizing
32 federal participation in construction or improvement or improvement of
33 publicly or privately owned toll roads, bridges, and tunnels, and
34 allows states to leverage available federal funds as a means for
35 attracting private sector capital.

36 **Sec. 2.** RCW 47.46.020 and 1993 c 370 s 2 are each amended to read
37 as follows:

1 As used in this chapter, "transportation systems and facilities"
2 means capital-related improvements and additions to the state's
3 transportation infrastructure, including but not limited to highways,
4 roads, bridges, vehicles, and equipment, marine-related facilities,
5 vehicles, and equipment, park and ride lots, transit stations and
6 equipment, transportation management systems, and other transportation-
7 related investments.

8 An "affected local jurisdiction" means the legislative voting
9 precincts that, either in whole or in part, are located within seven
10 miles of a proposed project.

11 **Sec. 3.** RCW 47.46.030 and 1993 c 370 s 3 are each amended to read
12 as follows:

13 The secretary or a designee shall solicit proposals from, and
14 negotiate and enter into agreements with, private entities to undertake
15 as appropriate, together with the department and other public entities,
16 all or a portion of the study, planning, design, construction,
17 operation, and maintenance of transportation systems and facilities,
18 using in whole or in part private sources of financing.

19 The public-private initiative program may develop up to six
20 demonstration projects. Each proposal shall be weighed on its own
21 merits, and each of the six agreements shall be negotiated
22 individually, and as a stand-alone project. The commission shall
23 approve each of the selected projects.

24 Before executing an agreement with private entities for a proposed
25 project that involves charging user fees or tolls for the use of a
26 state route, a majority of the voters residing within an affected local
27 jurisdiction of a proposed project must approve the project at the next
28 general election.

29 The text of the proposed project must appear in the state voter's
30 pamphlet for the affected area. The secretary of transportation shall
31 reimburse the secretary of state for the costs of the publication.

32 An agreement that is not approved by a majority of the votes cast
33 on a proposed project in an affected local jurisdiction is void, and
34 all parties to the agreement are released from any legal or financial
35 obligations under the agreement.

36 An agreement must include a clearly stated provision that sets
37 forth the requirement of voter approval by the affected local
38 jurisdiction.

1 The secretary shall reimburse any unit of local government for all
2 costs associated with any ballot measure required by this section.

3 Proposals and demonstration projects may be selected by the public
4 and private sectors at their discretion. All projects designed,
5 constructed, and operated under this authority must comply with all
6 applicable rules and statutes in existence at the time the agreement is
7 executed, including but not limited to the following provisions:
8 Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW
9 49.60.180, and 49 C.F.R. Part 21.

10 The secretary or a designee shall consult with legal, financial,
11 and other experts within and outside state government in the
12 negotiation and development of the agreements.

13 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of the
15 state government and its existing public institutions, and shall take
16 effect immediately.

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