
SENATE BILL 6172

State of Washington

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2001 Regular Session

By Senators Patterson, Horn, Haugen, Finkbeiner, Costa, McDonald, Prentice, Constantine, Kohl-Welles, Eide, McAuliffe, Fairley and Jacobsen

Read first time 04/02/2001. Referred to Committee on Transportation.

1 AN ACT Relating to regional transportation governance; and adding
2 a new chapter to Title 36 RCW.

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

4 NEW SECTION. **Sec. 1.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Regional congestion relief district" or "district" means a
7 quasi-municipal corporation created pursuant to this chapter.

8 (2) "Transportation projects" or "projects" means regional
9 transportation improvements that contribute to relieving congestion and
10 add infrastructure capacity for the movement of people and goods within
11 a district. Projects authorized by this chapter shall be located on
12 major transportation corridors within the district and may include:

13 (a) Improvements to a highway which increases vehicle capacity; (b)
14 purchase and development of public transit right-of-way; (c)
15 development and installation of traffic management systems; and (d) any
16 other infrastructure improvements that contribute to relieving
17 congestion or increasing capacity for the movement of persons or goods
18 within a transportation corridor.

1 (3) "Funding qualification" means projects that qualify for
2 regional funding only if they are designated as congestion relief
3 projects in the transportation plan of the state, a regional
4 transportation planning organization or a metropolitan planning
5 organization.

6 (4) "Project sponsor" means a public agency which by law can plan,
7 design, and build a project and may include: The state department of
8 transportation; a county; a city; a transit agency; or a port district.

9 (5) "Caucus" means the state and local officials who are also
10 designated as the "district formation committee."

11 (6) "District formation committee" or "committee" means the body
12 responsible for drafting the plan which is submitted to the voters for
13 approval and shall include three elected county officials; provided,
14 however, if four or more counties are included in a proposed district,
15 each county executive and chair of a board of county commissioners of
16 such counties shall be the county officials to serve on the committee;
17 the mayor of the largest city in the proposed district and the mayor of
18 any other city of more than ninety thousand population; the secretary
19 of the department of transportation; and the chair or vice-chair of any
20 metropolitan planning organization with jurisdiction within the
21 proposed district.

22 (7) "Directors" means individuals appointed by the governor to
23 direct district affairs; however, the secretary of the department of
24 transportation and the chair or vice-chair of the metropolitan planning
25 organization of the region, or his or her designees, shall be ex
26 officio, nonvoting, noncompensated directors of districts created
27 pursuant to this chapter.

28 (8) "Congestion relief plan" or "plan" means a document which sets
29 forth projects which meet funding qualification requirements and which
30 makes provision for financing such projects, including proposed taxes.

31 NEW SECTION. **Sec. 2.** The legislature finds that:

32 (1) The capacity of many of Washington state's transportation
33 facilities have failed to keep up with the state's growth, particularly
34 in major urban regions;

35 (2) The state cannot by itself fund, in a timely way, many of the
36 major capacity and other improvements required on state and interstate
37 highways in urban regions;

1 (3) Providing a comprehensive multimodal transportation system
2 which provides efficient mobility choices for persons and freight
3 requires a partnership between the state, local, and regional
4 governments, and the private sector; and

5 (4) Timely construction and development of congestion relief
6 projects can best be achieved by establishing regional congestion
7 relief districts.

8 NEW SECTION. **Sec. 3.** A county executive or chair of a county
9 commission may convene a committee to form a district by providing
10 written notice to eligible members of the committee and the chairs of
11 the transportation committees in the senate and house of
12 representatives. If the members agree to activate the committee, it
13 shall have the following duties and powers:

14 (1) To set the boundaries of the proposed district which reasonably
15 incorporate areas benefited by the projects proposed in the plan;

16 (2) To appoint such advisors and conduct such public meetings as
17 needed to assure active public participation in the development of the
18 plan;

19 (3) To adopt a plan which shall include projects that meet funding
20 qualifications and provide for the financing for those projects;

21 (4) To submit to the legislative bodies of each county and city
22 within the proposed district recommendations to improve governance of
23 regional services and to enhance regional growth management
24 implementation;

25 (5) To serve as a caucus and submit to the governor, at the time a
26 plan is certified to the ballot, the names of three nominees for each
27 director position set forth in the plan;

28 (6) If a majority of the committee agree, to submit a plan to the
29 legislative bodies of the county or counties included in the proposed
30 district for certification to a general election ballot for approval or
31 rejection of the voters.

32 NEW SECTION. **Sec. 4.** County legislative bodies receiving such
33 plans shall certify the plans to the ballot; however, legislative
34 bodies may reasonably adjust boundaries if they fail to follow precinct
35 lines, and they shall draft a ballot title, give notices as required by
36 law for ballot measures, and perform such other duties as may be
37 required to put the plan before the voters of the proposed district.

1 NEW SECTION. **Sec. 5.** If the voters approve the plan and taxes,
2 the district shall be declared formed. The county election official of
3 a county, or if the district is composed of more than a single county,
4 county election officials jointly, shall, within fifteen days of the
5 final certification of the election results, publish a notice in a
6 newspaper or newspapers of general circulation in the district
7 declaring the district formed, and shall mail copies of the notice to
8 the governor, secretary of transportation, members of the committee,
9 and to the treasurer of the county or, if the district is multicounty,
10 the treasurer of the largest county who shall thereafter serve as the
11 treasurer of the district. Any party challenging the formation of a
12 voter-approved district must file his or her challenge in writing by
13 serving the prosecuting attorneys of each county within the district
14 and the attorney general within thirty days after the final
15 certification of the election. Failure to challenge within the time
16 provided shall forever bar further challenge of the district's valid
17 formation.

18 NEW SECTION. **Sec. 6.** Each district shall have either five, seven,
19 or nine directors, as set forth in the plan, to manage its affairs.
20 Directors shall be appointed by the governor from a list of nominees
21 provided by the caucus. The initial nominees list shall be submitted
22 to the governor not less than twenty days after the district is
23 declared formed. Thereafter, the caucus shall convene at the call of
24 the county executive or chair of the county commission of the county
25 or, if a multicounty district, by the chair or executive of the largest
26 county, to provide the governor with additional nominees to fill vacant
27 positions. The governor shall, in making initial appointments, number
28 the positions and stagger the terms of the positions so that
29 approximately one-third of the member's terms shall expire each year.
30 Except for initial terms, or to fill a vacancy where the term has not
31 expired, appointments shall be for three-year terms.

32 NEW SECTION. **Sec. 7.** Directors shall be residents and registered
33 voters within the districts and shall be free of conflicts with project
34 sponsors. Directors may, by resolution, set a meeting fee of not more
35 than one hundred fifty dollars per official meeting, but total
36 compensation may not exceed five thousand dollars in any calendar year.
37 Directors may be reimbursed for reasonable and necessary expenses when

1 traveling on authorized district business outside the district's
2 boundaries.

3 NEW SECTION. **Sec. 8.** The directors are the governing board of the
4 district and responsible for the execution of the voter-approved plan.
5 The board shall:

6 (1) Adopt bylaws to govern its affairs which may include:

7 (a) The time and place of its regular meetings;

8 (b) Rules for calling special meetings;

9 (c) The method of keeping records of its proceedings and official
10 acts;

11 (d) Titles of district officers and terms and method of election;

12 (e) The requirements for hiring employees and consultants;

13 (f) Procedures for the safekeeping and disbursement of funds; and

14 (g) Any other provisions the directors find necessary to include in
15 the district bylaws;

16 (2) Provide for the levying and collection of taxes authorized by
17 the voters;

18 (3) Request from time to time, that a new committee with membership
19 as provided for the district formation committees, to place on a ballot
20 for voter approval a new or revised plan with additional projects and
21 taxes;

22 (4) Hire such employees, professional service providers, or
23 contractors as may be required for district purposes;

24 (5) Enter into agreements with state, local and regional agencies,
25 and departments as necessary to accomplish district purposes and
26 protect the district's investment in projects;

27 (6) Accept gifts, grants, or other contributions of funds which
28 will support the purposes and programs of the district;

29 (7) Monitor and audit the progress and execution of projects to
30 protect the investment of the public and make public its findings from
31 time to time; and

32 (8) Exercise such other powers and duties as may be reasonable
33 related to carrying out the mission of the district.

34 NEW SECTION. **Sec. 9.** The district shall accomplish its purposes
35 by entering into agreements with project sponsors as to who will
36 acquire, construct, or develop projects approved by the voters. The
37 district shall negotiate reasonable terms and conditions to assist

1 project sponsors in funding projects. The overall plan of the district
2 must leverage the district's financial contributions so that project
3 sponsors and other revenue sources continue to fund major congestion
4 relief and transportation capacity improvement projects in the
5 district. The plan submitted to the voters shall provide funding
6 estimates for each priority project. The plan may also list additional
7 projects that may be funded if the district has a surplus because a
8 priority project is abandoned or curtailed by the project sponsor, or
9 surplus revenues become available for any other reason. Plans
10 submitted to the voters must provide that ninety-five percent of all
11 funds raised will fund projects in the plan including environmental
12 improvements and mitigation. Not more than five percent of funds
13 authorized by the plan may be used for the administrative costs of the
14 district.

15 NEW SECTION. **Sec. 10.** The district's plan may recommend the
16 imposition of some or all of the following revenue sources:

17 (1) A vehicle license fee of up to seventy-five dollars per vehicle
18 registered in the district, except commercial vehicles as defined in
19 RCW 46.04.140, per year on passenger cars, sport utility vehicles,
20 motorcycles, motorhomes, pickup trucks, and trailers or trailing units.
21 The department of licensing shall administer and collect this fee on
22 behalf of a congestion relief district and remit this fee to the
23 custody of the state treasurer, who shall distribute it as directed by
24 a regional congestion relief district;

25 (2) Tolls;

26 (3) Property tax road levy as provided in RCW 36.82.040; and

27 (4) A commercial vehicle fee of up to one hundred fifty dollars per
28 commercial vehicle registered in the district as defined in RCW
29 46.04.140. The department of licensing shall administer and collect
30 this fee on behalf of a regional congestion relief district and remit
31 this fee to the custody of the state treasurer, who shall distribute it
32 as directed by a regional congestion relief district.

33 No taxes may be imposed without a vote of the people within the
34 district boundaries.

35 NEW SECTION. **Sec. 11.** The district may not issue any debt of its
36 own for more than two years duration. A district may, when authorized
37 by the plan, enter into agreements with project sponsors to pledge

1 taxes or other revenues of the district for the purpose of paying in
2 part or whole principal and interest on bonds issued by the project
3 sponsor. The contracts pledging revenues and taxes shall be binding
4 for the term of the agreement, but not to exceed twenty-five years, and
5 no tax pledged by an agreement may be eliminated or modified if it
6 would impair the pledge of the agreement.

7 NEW SECTION. **Sec. 12.** A district once formed shall continue so
8 long as projects are being actively developed or taxes levied to meet
9 continuing district obligations. When a district is no longer engaged
10 in a project's development or levying taxes to fund projects, the
11 directors shall submit to the county legislative bodies of the district
12 a resolution of dissolution. Such resolution shall be published in
13 newspapers of general circulation within the district at least three
14 times in a period of thirty days. Creditors must file claims for
15 payment of claims due within thirty days of the last published notice
16 or such claim shall be considered extinguished. The district treasurer
17 shall within ninety days of the last published notice forward remaining
18 funds in the accounts of the district to the motor vehicle fund to be
19 used to fund state transportation projects within the former district
20 boundaries.

21 NEW SECTION. **Sec. 13.** To assure accountability to the public for
22 the timely construction of the transportation project or projects
23 within cost projections, the district shall issue a public report every
24 six months from the date the project begins to the date it concludes.
25 In the report, the district shall detail the progress of the project in
26 two areas: (1) Whether the project or projects costs-to-date are
27 within the amount of revenue raised for the project or projects under
28 the vote of the people as provided in section 3 of this act; and (2)
29 whether the project or projects are proceeding in accordance with the
30 original construction schedule. If the progress of the project is
31 inconsistent with either the cost projections or timeliness, the
32 district shall provide the public with a plan to move the project or
33 projects back into compliance with the original construction schedule
34 and cost projections.

1 NEW SECTION. **Sec. 14.** Sections 1 through 13 of this act
2 constitute a new chapter in Title 36 RCW.

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