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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1960

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State of Washington

58th Legislature

2004 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Murray, Jarrett, Cooper, Dickerson and Hudgins)

READ FIRST TIME 01/29/04.

1 AN ACT Relating to regional transportation governance; amending RCW  
2 35.58.2795, 35.95A.030, 36.120.090, 36.120.110, 36.120.140, 47.26.080,  
3 47.26.086, 47.80.020, 47.80.030, 47.80.040, 47.80.060, and 81.112.040;  
4 adding a new chapter to Title 36 RCW; creating a new section; providing  
5 a contingent effective date; and providing for submission of this act  
6 to a vote of the people.

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

8 PART I

9 BASIC ORGANIZATION

10 NEW SECTION. **Sec. 101.** LEGISLATIVE INTENT. The legislature finds  
11 that increased demands on transportation resources require increased  
12 efficiency and effectiveness in decision making within urbanized  
13 regions. Legislative enactments, public votes on local and state  
14 initiatives and referenda, and the number of agencies involved in  
15 transportation planning and delivery of services has significantly  
16 added to the complexity of transportation programs.

17 The legislature further finds that coordinated planning, investment  
18 in, and operation of transportation systems by the state and by local

1 governments, can help ensure an efficient, effective transportation  
2 system that ensures mobility and addresses community needs. Improved  
3 planning, investment, and operation can also enhance local and state  
4 objectives for effective regional transportation strategies and  
5 effective coordination between land use and transportation.

6 The legislature finds that addressing this need for better  
7 accountability and coordinated action regarding transportation and  
8 comprehensive planning necessitates an innovative approach. Improved  
9 integration among transportation programs, particularly in the state's  
10 largest metropolitan area is imperative, and will have significant  
11 benefit to the citizens of Washington. It is therefore the policy of  
12 the state of Washington to provide the authority for the citizens of  
13 the central Puget Sound counties to create a single regional government  
14 council, more directly accountable to the public, with adequate  
15 resources to develop and encourage implementation of a comprehensive  
16 transportation plan within the state's largest urbanized region.

17 NEW SECTION. **Sec. 102.** DEFINITIONS. Unless the context clearly  
18 requires otherwise, the definitions in this section apply throughout  
19 this chapter.

20 (1) "Council" means the Puget Sound regional transportation  
21 district council created under section 105 of this act, and the  
22 governing body of the district.

23 (2) "District" means the Puget Sound regional transportation  
24 district created under section 103 of this act.

25 (3) "Policy advisory committee" or "committee" means the policy  
26 advisory committee authorized in section 202 of this act.

27 (4) "Public transportation providers" means those agencies  
28 providing transit services to the public including public agencies that  
29 operate ferries, regional transit authorities, public transit agencies,  
30 and city transportation authorities.

31 (5) "Puget Sound regional council" means the Puget Sound regional  
32 council, which, as of January 1, 2004, is the organization designated  
33 by units of general purpose local governments within the region as the  
34 metropolitan planning organization under federal requirements and as  
35 the regional transportation organization under chapter 47.80 RCW, or  
36 any successor organization.

1 (6) "Project of regional significance" means those projects  
2 identified by the characteristics set forth in section 201(3) and (4)  
3 of this act.

4 (8) "Region" means that area within the jurisdiction of the  
5 council.

6 (9) "Regional plan" or "plan" means the metropolitan transportation  
7 plan required under federal law.

8 NEW SECTION. **Sec. 103.** DISTRICT CREATED. A political subdivision  
9 known as the Puget Sound regional transportation district is created,  
10 subject to section 504 of this act, to consist of the counties that are  
11 included within the regional transportation planning organization  
12 having the largest population on January 1, 2003, known as "central  
13 Puget Sound counties."

14 NEW SECTION. **Sec. 104.** COUNCILOR DISTRICTS. By May 1, 2005, the  
15 legislative authorities of the central Puget Sound counties shall  
16 jointly assemble and determine eight councilor districts, based on  
17 equal populations.

18 The counties shall provide for the nomination and election of  
19 district councilors at the state's September primary and November  
20 general elections.

21 NEW SECTION. **Sec. 105.** DISTRICT COUNCIL. (1) Creation and  
22 powers. The district council is created as the governing body of the  
23 Puget Sound regional transportation district. Except as provided for  
24 in this chapter, all district powers are vested in the council.

25 (2) Composition. Beginning January 1, 2006, the council consists  
26 of nine councilors, one elected at large and designated as president of  
27 the council, and eight nominated and elected from individual districts  
28 within the region.

29 (3) Initial terms of office. The terms of office of the four  
30 councilors receiving the highest number of votes among the eight  
31 councilors elected in 2005 end on the first Monday of 2010. The terms  
32 of office of the other four councilors end on the first Monday of 2007.  
33 Thereafter the term of office of councilor is four years. The first  
34 term of the president ends the first Monday of 2010.

1 (4) Presiding officer, council president. The council president  
2 presides over the council. The council president sets the council  
3 agenda subject to general rules established by a council-adopted  
4 ordinance. Except as provided otherwise in this chapter, the council  
5 president appoints all members of the committees, commissions, and  
6 boards created by the rules of the council and ordinances of the  
7 district.

8 (5) Annual organizing resolution. At the first council meeting  
9 each January the council shall adopt an annual organizing resolution  
10 naming a deputy and establishing such committees as the council deems  
11 necessary for the orderly conduct of council business.

12 (6) Council meetings. The council shall meet regularly in the area  
13 at times and places it designates. The council shall prescribe by  
14 ordinance the rules to govern conduct of its meetings. Except as this  
15 chapter provides otherwise, the agreement of a majority of councilors  
16 present and constituting a quorum is necessary to decide affirmatively  
17 a question before the council.

18 (7) Quorum. A majority of councilors in office is a quorum for  
19 council business, but fewer councilors may compel absent councilors to  
20 attend.

21 (8) Record of proceedings. The council shall keep and authenticate  
22 a record of council proceedings.

23 NEW SECTION. **Sec. 106.** COUNCIL FOR REGIONAL TRANSPORTATION  
24 INVESTMENT DISTRICT GOVERNANCE. Effective January 1, 2007, the members  
25 of the council, acting ex officio and independently shall constitute  
26 the governing body of any regional transportation investment district  
27 located within the boundaries of the Puget Sound regional  
28 transportation district.

29 NEW SECTION. **Sec. 107.** DISTRICT AUDITOR. (1) Creation. The  
30 office of district auditor is created. The auditor is elected from the  
31 district at large for a term of four years. The auditor serves full  
32 time and may not be employed by any other person or entity while  
33 serving as auditor.

34 (2) First election; disqualification for councilor. The auditor is  
35 first nominated and elected in the first statewide primary and general

1 election in 2005. During the term for which elected, and for four  
2 years thereafter, the auditor is ineligible to hold the office of  
3 district councilor.

4 (3) Duties. The auditor shall: (a) Make continuous investigations  
5 of the operations of the district, including financial and performance  
6 auditing and review of financial transactions, personnel, equipment,  
7 facilities, and all other aspects of those operations; and (b) make  
8 reports to the council of the results of any investigation with any  
9 recommendations for remedial action. Except as provided in this  
10 section, the auditor may not be given responsibility to perform any  
11 executive function.

12 **PART II**  
13 **POWERS AND DUTIES**

14 NEW SECTION. **Sec. 201.** COUNCIL'S DUTIES. The council shall:

15 (1) Be the designated regional transportation planning organization  
16 for its area and have, except where provided otherwise, the same duties  
17 and obligations of those organizations as prescribed in chapter 47.80  
18 RCW;

19 (2) Assume the responsibility for the metropolitan planning  
20 function within the region under 23 U.S.C. Sec. 134 and act as the  
21 governing body for that activity;

22 (3) Identify those transportation facilities and services within  
23 the region provided by the department of transportation, cities,  
24 counties, public transportation providers, and other publicly financed  
25 transportation providers that serve regionally significant corridors or  
26 are otherwise regionally significant;

27 (4) Prepare and adopt a plan setting forth the priorities for  
28 investment and the allocation of resources for operating and investment  
29 for those regionally significant transportation facilities and services  
30 for each of those agencies enumerated in subsection (3) of this  
31 section. The goal is an integrated systematic approach for investment  
32 resulting in a coordinated transportation network. To carry out this  
33 duty, the council may enter into interlocal contracts and memoranda of  
34 understanding for the affected agencies to reimburse the council for  
35 the costs of these planning functions;

1 (5) Plan, develop, and enforce standards for the coordination of  
2 public transportation services in the region as set forth in section  
3 204 of this act;

4 (6) Plan, develop, and enforce standards for the coordination of  
5 regional traffic operations in the region as set forth in section 205  
6 of this act;

7 (7) Approve in total, or disapprove all or certain elements of the  
8 regional transportation improvement program submitted to it by the  
9 policy advisory committee;

10 (8) Effective January 1, 2007, assume the role as governing  
11 authority for any regional transportation investment district located  
12 within the boundaries of the region;

13 (9) Effective January 1, 2007, assume the role as governing  
14 authority for any regional transit authority under chapter 81.112 RCW  
15 located within the boundaries of the region;

16 (10) By January 1, 2010, determine the role of the council in  
17 governing the city transportation authority and implement the  
18 determination;

19 (11) Appoint any other advisory committees it deems necessary to  
20 carry out the intent of this chapter.

21 NEW SECTION. **Sec. 202.** DISTRICT POLICY ADVISORY COMMITTEE. (1)  
22 The council shall appoint a district policy advisory committee, to be  
23 made up of local elected officials, officials of agencies that  
24 administer or operate major modes or systems of transportation,  
25 appropriate state officials, and other persons as determined by the  
26 council.

27 (2) After appointment a vote of both a majority of the policy  
28 advisory committee and a majority of all councilors may change the  
29 composition of the committee at any time.

30 (3) The policy advisory committee shall perform the duties assigned  
31 to it in this chapter and any other duties the council prescribes.

32 (4) The policy advisory committee shall adopt bylaws governing the  
33 conduct and recording of its meetings and the terms of its members.

34 NEW SECTION. **Sec. 203.** ADVISORY COMMITTEE DUTIES. The policy  
35 advisory committee shall:

1 (1) Provide a forum for representatives from local and state units  
2 of government to assess transportation policies and programs throughout  
3 the region, evaluate transportation needs, and to make recommendations  
4 to the council;

5 (2) Develop a recommended regional plan and a regional  
6 transportation improvement program, to be forwarded to the council for  
7 approval or rejection;

8 (3) Develop and recommend to the council the allocation of federal  
9 funds available to the region;

10 (4) Review public agencies' plans for consistency under sections  
11 204 and 205 of this act and make recommendations to the council.

12 NEW SECTION. **Sec. 204.** PUBLIC TRANSPORTATION COORDINATION. (1)

13 The council shall develop standards for (a) the coordination of capital  
14 investment, (b) service, (c) service coordination of public  
15 transportation providers in the region, and (d) in cooperation with the  
16 transportation commission, performance. The goal of these standards is  
17 to maximize coordination within and among systems, use resources more  
18 effectively, and enhance services to the public. In developing these  
19 standards, the council shall consult with regional transit authorities,  
20 city transportation authorities, other transit and transportation  
21 agencies, and ferry providers operating within the region. The  
22 standards must also address vanpool coordination, fare policies, and  
23 transportation demand management programs.

24 (2) In addition to the duties under section 201 of this act, the  
25 council shall approve each plan prepared under RCW 35.58.2795 by public  
26 transportation providers operating in the region, if it finds that  
27 those plans meet the standards developed under subsection (1) of this  
28 section. If the council finds that those plans do not meet the  
29 standards set forth in subsection (1) of this section, it shall  
30 immediately notify the agency that prepared the plan of the reasons for  
31 noncompliance. The plan may be amended and resubmitted to the council.

32 (3) If the council does not approve the plan of a public  
33 transportation provider operating in its area of jurisdiction, that  
34 agency's plan may not be included in the regional transportation  
35 improvement program.

36 NEW SECTION. **Sec. 205.** REGIONAL TRAFFIC OPERATIONS COORDINATION.

1  
2 (1) The council shall develop standards for the coordination of the  
3 traffic operations of state and local roads of regional significance.  
4 The objective of these standards is to maximize coordination across  
5 jurisdictional boundaries, to invest capital and operational resources  
6 more effectively, and to improve transportation system efficiency for  
7 the benefit of the traveling public and the movement of goods and  
8 services. In developing these standards the council shall consult with  
9 the state department of transportation and local traffic operations  
10 agencies.

11 (2) The council shall ensure that elements of the regional  
12 transportation improvement program include a regional traffic  
13 operations coordination element that meets the standards under  
14 subsection (1) of this section. This plan must include the appropriate  
15 application of intelligent transportation systems technologies to the  
16 freeways and regional arterials, coordination of signal timing on  
17 regional arterials, and the coordination of operating policies on  
18 freeways and regional arterials to ensure that the system of freeways  
19 and regional arterials operates as an integrated network.

20 **PART III**  
21 **TECHNICAL MATTERS**

22 NEW SECTION. **Sec. 301.** TERM OF OFFICE. The term of office of an  
23 officer elected at a general election begins the first Monday of the  
24 year after election and continues until a successor assumes the office.

25 NEW SECTION. **Sec. 302.** QUALIFICATIONS AND SALARIES OF ELECTED  
26 OFFICERS. (1) Councilor. A councilor must be a qualified elector  
27 under the Constitution of this state when his or her term of office  
28 begins and must have resided during the preceding twelve months in the  
29 district from which elected or appointed. When the boundaries of that  
30 district have been apportioned or reapportioned during that period,  
31 residency in that district for purposes of this subsection includes  
32 residency in any former district with area in the district from which  
33 the councilor is elected or appointed if residency is established in  
34 the apportioned or reapportioned district within sixty days after the  
35 apportionment or reapportionment is effective.

1 (2) Council president and auditor. The council president and  
2 auditor must each be a qualified elector under the Constitution of this  
3 state when his or her term of office begins and must have resided  
4 during the preceding twelve months within the boundaries of the  
5 district as they exist when the term of office begins. At the time of  
6 election or appointment, the auditor must also hold the designation of  
7 certified public accountant or certified internal auditor.

8 (3) Multiple elected offices. A district elected officer may not  
9 be an elected officer of the state or a city, county, or special  
10 district during his or her term of office. As used in this chapter,  
11 special district does not include school districts.

12 (4) Judging elections and qualifications. The council is the judge  
13 of the election and qualification of its members.

14 (5) Oath. Before assuming office an elected officer shall take an  
15 oath or affirm that he or she will faithfully perform the duties of the  
16 office and support the constitutions and laws of the United States and  
17 this state and the charter and laws of the district.

18 (6) The salary of the council president will be equal to the salary  
19 of members of the county legislative authority of the largest county  
20 within the district. The salary of each other councilor will be two-  
21 thirds of the salary of the president. The salary of the auditor will  
22 be eighty percent of the salary of the president.

23 NEW SECTION. **Sec. 303.** VACANCIES IN OFFICE. (1) Councilor. The  
24 office of councilor becomes vacant upon the incumbent's: (a) Death;  
25 (b) adjudicated incompetency; (c) recall from office; (d) failure after  
26 election or appointment to qualify for the office within ten days after  
27 the time for his or her term of office to begin; (e) absence from all  
28 meetings of the council within a sixty-day period without the council's  
29 consent; (f) ceasing to reside in the district from which elected or  
30 appointed, except when district boundaries are reapportioned and a  
31 councilor is assigned to a district where the councilor does not reside  
32 and the councilor becomes a resident of the reapportioned district  
33 within sixty days after the reapportionment is effective; (g) ceasing  
34 to be a qualified elector under state law; (h) conviction of a felony  
35 or conviction of a federal or state offense punishable by loss of  
36 liberty and pertaining to his or her office; (i) resignation from

1 office; or (j) becoming an elected officer of the state or a city,  
2 county, or special district.

3 (2) Council president and auditor. The offices of council  
4 president or auditor become vacant in the circumstances described in  
5 subsection (1)(a) through (d) and (g) through (j) of this section, or  
6 if the council president or auditor ceases to reside in the area. The  
7 office of auditor also becomes vacant if the incumbent ceases to hold  
8 the designation of certified public accountant or certified internal  
9 auditor.

10 (3) Determination of vacancy. The council is the final judge of  
11 the existence of a vacancy.

12 NEW SECTION. Sec. 304. FILLING VACANCIES. A majority of  
13 councilors holding office shall fill a vacancy by appointment within  
14 ninety days after it occurs. The term of office of the appointee runs  
15 from the time he or she qualifies for the office after appointment  
16 until a successor is duly elected and qualifies for the office. If the  
17 vacancy occurs more than twenty days before the first general election  
18 after the beginning of the term for that office, the term of office of  
19 the appointee runs only until the first council meeting in the year  
20 immediately after that election. A person will be nominated and  
21 elected for the remainder of the term at the first primary and general  
22 election after the beginning of the term.

23 NEW SECTION. Sec. 305. LIMITATIONS OF TERMS OF OFFICE. No person  
24 may be elected councilor for more than three consecutive full terms,  
25 not including any term or terms as council president. No person may be  
26 elected council president for more than two consecutive full terms.

27 **PART IV**  
28 **AMENDMENTS AND MISCELLANEOUS SECTIONS**

29 **Sec. 401.** RCW 35.58.2795 and 1994 c 158 s 6 are each amended to  
30 read as follows:

31 (1) As used in this section "agency" means a municipality as  
32 defined in RCW 35.58.272 and a regional transit authority, and within  
33 a district as defined in section 102 of this act it means a public  
34 transportation provider as defined in section 102 of this act.

1       (2) By April 1st of each year, the legislative authority of each  
2       (~~municipality, as defined in RCW 35.58.272, and each regional transit~~  
3       ~~authority~~) agency shall prepare a six-year transit development plan  
4       for that calendar year and the ensuing five years. Agencies located in  
5       the central Puget Sound regional transportation district shall provide  
6       resources to the Puget Sound regional transportation council to prepare  
7       elements of those plans identified by that council. The program shall  
8       be consistent with the comprehensive plans adopted by counties, cities,  
9       and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the  
10      inherent authority of a first class city or charter county derived from  
11      its charter, or chapter 36.70A RCW. The program shall contain  
12      information as to how the municipality intends to meet state and local  
13      long-range priorities for public transportation, capital improvements,  
14      significant operating changes planned for the system, coordinate  
15      services with other agencies, and how the (~~municipality~~) agency  
16      intends to fund program needs. The six-year plan for each  
17      (~~municipality and regional transit authority shall~~) agency must  
18      specifically set forth those projects of regional significance for  
19      inclusion in the transportation improvement program within that region.  
20      For those agencies located within the jurisdiction of the Puget Sound  
21      regional transportation district, the plan must address the standards  
22      developed under sections 204 and 205 of this act for inclusion in the  
23      transportation improvement program in that region. Each (~~municipality~~  
24      ~~and regional transit authority~~) agency shall file the six-year program  
25      with the state department of transportation, the transportation  
26      improvement board, and cities, counties, and regional planning councils  
27      within which the municipality is located.

28      In developing its program, the (~~municipality and the regional~~  
29      ~~transit authority~~) agency shall consider those policy recommendations  
30      affecting public transportation contained in the state transportation  
31      policy plan approved by the state transportation commission and, where  
32      appropriate, adopted by the legislature. The (~~municipality~~) agency  
33      shall conduct one or more public hearings while developing its program  
34      and for each annual update.

35      **Sec. 402.** RCW 35.95A.030 and 2002 c 248 s 3 are each amended to  
36      read as follows:

1 (1) A city that undertakes to propose creation of an authority must  
2 propose the authority by ordinance of the city legislative body. The  
3 ordinance must:

4 (a) Propose the authority area and the size and method of selection  
5 of the governing body of the authority, which governing body may be  
6 appointed or elected, provided that officers or employees of any single  
7 city government body may not compose a majority of the members of the  
8 authority's governing body;

9 (b) Propose whether all or a specified portion of the public  
10 monorail transportation function will be exercised by the authority;

11 (c) Propose an initial array of taxes to be voted upon by the  
12 electors within the proposed authority area; and

13 (d) Provide for an interim governing body of the authority which  
14 will govern the authority upon voter approval of formation of the  
15 authority, until a permanent governing body is selected, but in no  
16 event longer than fourteen months.

17 (2) An authority may also be proposed to be created by a petition  
18 setting forth the matters described in subsection (1) of this section,  
19 and signed by one percent of the qualified electors of the proposed  
20 authority area.

21 (3) Upon approval by the qualified electors of the formation of the  
22 city transportation authority and any proposed taxes, either by  
23 ordinance or by petition as provided in this chapter, the governing  
24 body of an authority, or interim governing body, as applicable, will  
25 adopt bylaws determining, among other things, the authority's officers  
26 and the method of their selection, and other matters the governing body  
27 deems appropriate.

28 (4) The governing body of the authority is the body determined by  
29 the regional transportation district council under section 201(10) of  
30 this act. If the council has any part as the governing body, the vote  
31 of each councilor, including the president, is weighted to reflect that  
32 portion of the city transportation authority population that is within  
33 each councilor district.

34 **Sec. 403.** RCW 36.120.090 and 2002 c 56 s 109 are each amended to  
35 read as follows:

36 (1) Initially the governing board of a district consists of the  
37 members of the legislative authority of each member county, acting ex

1 officio and independently. The secretary of transportation or the  
2 appropriate regional administrator of the department, as named by the  
3 secretary, shall also serve as a nonvoting member of the board. The  
4 governing board may elect an executive board of seven members to  
5 discharge the duties of the governing board subject to the approval of  
6 the full governing board.

7 (2) Effective January 1, 2007, for a district located within a  
8 regional transportation district, the Puget Sound regional  
9 transportation district council is the governing board. For votes of  
10 the council regarding board decisions, the vote of each councilor,  
11 including the president, is weighted to reflect that portion of the  
12 regional transportation investment district population that is within  
13 each councilor district.

14 (3) Until January 1, 2007, a sixty-percent majority of the weighted  
15 votes of the total board membership is required to submit to the  
16 counties a modified plan under RCW 36.120.140 or any other proposal to  
17 be submitted to the voters. Until January 1, 2007, the counties may,  
18 with majority vote of each county legislative authority, submit a  
19 modified plan or proposal to the voters.

20 **Sec. 404.** RCW 36.120.110 and 2002 c 56 s 111 are each amended to  
21 read as follows:

22 (1) The governing board of the district is responsible for the  
23 execution of the voter-approved plan. The board shall:

24 (a) Impose taxes and fees authorized by district voters;

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

28 (c) Accept gifts, grants, or other contributions of funds that will  
29 support the purposes and programs of the district;

30 (d) Monitor and audit the progress and execution of transportation  
31 projects to protect the investment of the public and annually make  
32 public its findings;

33 (e) Pay for services and enter into leases and contracts, including  
34 professional service contracts;

35 (f) Until January 1, 2007, hire no more than ten employees,  
36 including a director or executive officer, a treasurer or financial

1 officer, a project manager or engineer, a project permit coordinator,  
2 and clerical staff; and

3 (g) Exercise other powers and duties as may be reasonable to carry  
4 out the purposes of the district.

5 (2) It is the intent of the legislature that existing staff  
6 resources of lead agencies be used in implementing this chapter. A  
7 district may coordinate its activities with the department, which shall  
8 provide services, data, and personnel to assist as desired by the  
9 regional transportation investment district. Lead agencies for  
10 transportation projects that are not state facilities shall also  
11 provide staff support for the board.

12 (3) A district may not acquire, hold, or dispose of real property.

13 (4) A district may not own, operate, or maintain an ongoing  
14 facility, road, or transportation system.

15 (5) A district may accept and expend or use gifts, grants, or  
16 donations.

17 (6) It is the intent of the legislature that administrative and  
18 overhead costs of a regional transportation investment district be  
19 minimized. For transportation projects costing up to fifty million  
20 dollars, administrative and overhead costs may not exceed three percent  
21 of the total construction and design project costs per year. For  
22 transportation projects costing more than fifty million dollars,  
23 administrative and overhead costs may not exceed three percent of the  
24 first fifty million dollars in costs, plus an additional one-tenth of  
25 one percent of each additional dollar above fifty million. These  
26 limitations apply only to the district, and do not limit the  
27 administration or expenditures of the department.

28 (7) A district may use the design-build procedure for  
29 transportation projects developed by it. As used in this section  
30 "design-build procedure" means a method of contracting under which the  
31 district contracts with another party for that party to both design and  
32 build the structures, facilities, and other items specified in the  
33 contract. The requirements and limitations of RCW 47.20.780 and  
34 47.20.785 do not apply to the transportation projects under this  
35 chapter.

36 **Sec. 405.** RCW 36.120.140 and 2003 c 194 s 2 are each amended to  
37 read as follows:

1 (1) The board may modify the plan to change transportation projects  
2 or revenue sources if:

3 (a) Two or more participating counties adopt a resolution to modify  
4 the plan; and

5 (b) The counties submit to the voters in the district, and after  
6 January 1, 2007, the governing board submits, a ballot measure that  
7 redefines the scope of the plan, its projects, its schedule, its costs,  
8 or the revenue sources. If the voters fail to approve the redefined  
9 plan, the district shall continue to work on and complete the plan, and  
10 the projects in it, that was originally approved by the voters. If the  
11 voters approve the redefined plan, the district shall work on and  
12 complete the projects under the redefined plan.

13 (2) The board may modify the plan to change transportation projects  
14 within a participating county if:

15 (a) A majority of the board approves the change;

16 (b) The modifications are limited to projects within the county;

17 (c) The county submits to the voters in the county a ballot measure  
18 that redefines:

19 (i) Projects;

20 (ii) Scopes of projects; or

21 (iii) Costs; and

22 (iv) The financial plan for the county;

23 (d) The proposed modifications maintain the equity of the plan and  
24 (~~does not~~) do not increase the total level of plan expenditure for  
25 the county.

26 If the voters fail to approve the modified plan, the district shall  
27 continue to work on and complete the plan, and the projects in it, that  
28 was originally approved by the voters. If the voters approve the  
29 redefined plan, the district shall work on and complete the projects  
30 under the redefined plan.

31 (3) If a transportation project cost exceeds its original cost by  
32 more than twenty percent as identified in the plan:

33 (a) The board shall, in coordination with the county legislative  
34 authorities, submit to the voters in the district or county a ballot  
35 measure that redefines the scope of the transportation project, its  
36 schedule, or its costs. If the voters fail to approve the redefined  
37 transportation project, the district shall terminate work on that  
38 transportation project, except that the district may take reasonable

1 steps to use, preserve, or connect any improvement already constructed.  
2 The remainder of any funds that would otherwise have been expended on  
3 the terminated transportation project must first be used to retire any  
4 outstanding debt attributable to the plan and then may be used to  
5 implement the remainder of the plan.

6 (b) Alternatively, upon adoption of a resolution by two or more  
7 participating counties:

8 (i) The counties shall submit, and after January 1, 2007, the  
9 governing board shall submit, to the voters in the district a ballot  
10 measure that redefines the scope of the plan, its transportation  
11 projects, its schedule, or its costs. If the voters fail to approve  
12 the redefined plan, the district shall terminate work on that plan,  
13 except that the district may take reasonable steps to use, preserve, or  
14 connect any improvement already constructed. The remainder of any  
15 funds must be used to retire any outstanding debt attributable to the  
16 plan; or

17 (ii) Until January 1, 2007, the counties, and after January 1,  
18 2007, the board may elect to have the district continue the  
19 transportation project without submitting an additional ballot proposal  
20 to the voters.

21 (4) To assure accountability to the public for the timely  
22 construction of the transportation improvement project or projects  
23 within cost projections, the district shall issue a report, at least  
24 annually, to the public and copies of the report to newspapers of  
25 record in the district. In the report, the district shall indicate the  
26 status of transportation project costs, transportation project  
27 expenditures, revenues, and construction schedules. The report may  
28 also include progress towards meeting the performance criteria provided  
29 under this chapter.

30 **Sec. 406.** RCW 47.26.080 and 1999 c 94 s 16 are each amended to  
31 read as follows:

32 There is hereby created in the motor vehicle fund the urban  
33 arterial trust account. The intent of the urban arterial trust account  
34 program is to improve the arterial street system of the state by  
35 improving mobility and safety while supporting an environment essential  
36 to the quality of life of the citizens of the state of Washington. The

1 city hardship assistance program, as provided in RCW 47.26.164, and the  
2 small city program, as provided for in RCW 47.26.115, are implemented  
3 within the urban arterial trust account.

4 For funds apportioned to projects in counties in the Puget Sound  
5 regional transportation district, the board shall give preference to  
6 projects that meet the standards established under sections 204 and 205  
7 of this act. The board shall not allocate funds, nor make payments of  
8 the funds under RCW 47.26.260, to any county, city, or town identified  
9 by the governor under RCW 36.70A.340.

10 **Sec. 407.** RCW 47.26.086 and 1994 c 179 s 11 are each amended to  
11 read as follows:

12 Transportation improvement account projects selected for funding  
13 programs after fiscal year 1995 are governed by the requirements of  
14 this section.

15 The board shall allocate funds from the account by June 30th of  
16 each year for the ensuing fiscal year to urban counties, cities with a  
17 population of five thousand and over, and to transportation benefit  
18 districts. Projects may include, but are not limited to, multi-agency  
19 projects and arterial improvement projects in fast-growing areas. The  
20 board shall endeavor to provide geographical diversity in selecting  
21 improvement projects to be funded from the account.

22 The intent of the program is to improve mobility of people and  
23 goods in Washington state by supporting economic development and  
24 environmentally responsive solutions to our statewide transportation  
25 system needs.

26 To be eligible to receive these funds, a project must be consistent  
27 with the Growth Management Act, the Clean Air Act including conformity,  
28 and the Commute Trip Reduction Law and consideration must have been  
29 given to the project's relationship, both actual and potential, with  
30 the statewide rail passenger program and rapid mass transit. Projects  
31 must be consistent with any adopted high capacity transportation plan,  
32 must consider existing or reasonably foreseeable congestion levels  
33 attributable to economic development or growth and all modes of  
34 transportation and safety, and must be partially funded by local  
35 government or private contributions, or a combination of such  
36 contributions. For projects proposed in counties in the Puget Sound  
37 regional transportation district, the board shall give preference to

1 projects that meet the standards established under sections 204 and 205  
2 of this act. Priority consideration shall be given to those projects  
3 with the greatest percentage of local or private contribution, or both.

4 Within one year after board approval of an application for funding,  
5 the lead agency shall provide written certification to the board of the  
6 pledged local and private funding for the phase of the project  
7 approved. Funds allocated to an applicant that does not certify its  
8 funding within one year after approval may be reallocated by the board.

9 **Sec. 408.** RCW 47.80.020 and 1990 1st ex.s. c 17 s 54 are each  
10 amended to read as follows:

11 The legislature hereby authorizes creation of regional  
12 transportation planning organizations within the state. Each regional  
13 transportation planning organization shall be formed through the  
14 voluntary association of local governments within a county, or within  
15 geographically contiguous counties. Except as provided in section 201  
16 of this act, each organization shall:

- 17 (1) Encompass at least one complete county;
- 18 (2) Have a population of at least one hundred thousand, or contain  
19 a minimum of three counties; and
- 20 (3) Have as members all counties within the region, and at least  
21 sixty percent of the cities and towns within the region representing a  
22 minimum of seventy-five percent of the cities' and towns' population.

23 The state department of transportation must verify that each  
24 regional transportation planning organization conforms with the  
25 requirements of this section.

26 In urbanized areas, the regional transportation planning  
27 organization is the same as the metropolitan planning organization  
28 designated for federal transportation planning purposes.

29 **Sec. 409.** RCW 47.80.030 and 1998 c 171 s 9 are each amended to  
30 read as follows:

- 31 (1) Each regional transportation planning organization shall  
32 develop in cooperation with the department of transportation, providers  
33 of public transportation and high capacity transportation, ports, and  
34 local governments within the region, adopt, and periodically update a  
35 regional transportation plan that:

- 1 (a) Is based on a least cost planning methodology that identifies  
2 the most cost-effective facilities, services, and programs;
- 3 (b) Identifies existing or planned transportation facilities,  
4 services, and programs, including but not limited to major roadways  
5 including state highways and regional arterials, transit and  
6 nonmotorized services and facilities, multimodal and intermodal  
7 facilities, marine ports and airports, railroads, and noncapital  
8 programs including transportation demand management that should  
9 function as an integrated regional transportation system, giving  
10 emphasis to those facilities, services, and programs that exhibit one  
11 or more of the following characteristics:
- 12 (i) Crosses member county lines;
- 13 (ii) Is or will be used by a significant number of people who live  
14 or work outside the county in which the facility, service, or project  
15 is located;
- 16 (iii) Significant impacts are expected to be felt in more than one  
17 county;
- 18 (iv) Potentially adverse impacts of the facility, service, program,  
19 or project can be better avoided or mitigated through adherence to  
20 regional policies;
- 21 (v) Transportation needs addressed by a project have been  
22 identified by the regional transportation planning process and the  
23 remedy is deemed to have regional significance; and
- 24 (vi) Provides for system continuity;
- 25 (c) Establishes level of service standards for state highways and  
26 state ferry routes, with the exception of transportation facilities of  
27 statewide significance as defined in RCW 47.06.140. These regionally  
28 established level of service standards for state highways and state  
29 ferries shall be developed jointly with the department of  
30 transportation, to encourage consistency across jurisdictions. In  
31 establishing level of service standards for state highways and state  
32 ferries, consideration shall be given for the necessary balance between  
33 providing for the free interjurisdictional movement of people and goods  
34 and the needs of local commuters using state facilities;
- 35 (d) Includes a financial plan demonstrating how the regional  
36 transportation plan can be implemented, indicating resources from  
37 public and private sources that are reasonably expected to be made

1 available to carry out the plan, and recommending any innovative  
2 financing techniques to finance needed facilities, services, and  
3 programs;

4 (e) Assesses regional development patterns, capital investment and  
5 other measures necessary to:

6 (i) Ensure the preservation of the existing regional transportation  
7 system, including requirements for operational improvements,  
8 resurfacing, restoration, and rehabilitation of existing and future  
9 major roadways, as well as operations, maintenance, modernization, and  
10 rehabilitation of existing and future transit, railroad systems and  
11 corridors, and nonmotorized facilities; and

12 (ii) Make the most efficient use of existing transportation  
13 facilities to relieve vehicular congestion and maximize the mobility of  
14 people and goods;

15 (f) Sets forth a proposed regional transportation approach,  
16 including capital investments, service improvements, programs, and  
17 transportation demand management measures to guide the development of  
18 the integrated, multimodal regional transportation system; and

19 (g) Where appropriate, sets forth the relationship of high capacity  
20 transportation providers and other public transit providers with regard  
21 to responsibility for, and the coordination between, services and  
22 facilities.

23 (2) The organization shall review the regional transportation plan  
24 biennially for currency and forward the adopted plan along with  
25 documentation of the biennial review to the state department of  
26 transportation.

27 (3) All transportation projects, programs, and transportation  
28 demand management measures within the region that have an impact upon  
29 regional facilities or services must be consistent with the plan and  
30 with the adopted regional growth and transportation strategies.

31 (4) In the case of a regional transportation planning organization  
32 located in a Puget Sound regional transportation district, the plan  
33 must be based on the guidelines and plan prepared by the Puget Sound  
34 regional transportation council under section 201(2) and (3) of this  
35 act. The plan must include recommendations to the department of  
36 transportation regarding levels of service standards for highways of  
37 statewide significance.

1       **Sec. 410.** RCW 47.80.040 and 2003 c 351 s 1 are each amended to  
2 read as follows:

3       Each regional transportation planning organization other than a  
4 Puget Sound regional transportation district shall, and a Puget Sound  
5 regional transportation district may, create a transportation policy  
6 board. Transportation policy boards shall provide policy advice to the  
7 regional transportation planning organization and shall allow  
8 representatives of major employers within the region, the department of  
9 transportation, transit districts, port districts, and member cities,  
10 towns, and counties within the region to participate in policy making.  
11 Any members of the house of representatives or the state senate whose  
12 districts are wholly or partly within the boundaries of the regional  
13 transportation planning organization or Puget Sound regional  
14 transportation district are considered ex officio, nonvoting policy  
15 board members of the regional transportation planning organization.  
16 This does not preclude legislators from becoming full-time, voting  
17 board members.

18       **Sec. 411.** RCW 47.80.060 and 1992 c 101 s 31 are each amended to  
19 read as follows:

20       In order to qualify for state planning funds available to regional  
21 transportation planning organizations, the regional transportation  
22 planning organizations containing any county with a population in  
23 excess of one million, other than a Puget Sound regional transportation  
24 district, shall provide voting membership on its executive board to the  
25 state transportation commission, the state department of  
26 transportation, and the three largest public port districts within the  
27 region as determined by gross operating revenues. It shall further  
28 assure that at least fifty percent of the county and city local elected  
29 officials who serve on the executive board also serve on transit agency  
30 boards or on a regional transit authority.

31       **Sec. 412.** RCW 81.112.040 and 1994 c 109 s 1 are each amended to  
32 read as follows:

33       (1) Except as provided in subsection (2) of this section, the  
34 regional transit authority shall be governed by a board consisting of  
35 representatives appointed by the county executive and confirmed by the  
36 council or other legislative authority of each member county.

1 Membership shall be based on population from that portion of each  
2 county which lies within the service area. Board members shall be  
3 appointed initially on the basis of one for each one hundred forty-five  
4 thousand population within the county. Such appointments shall be made  
5 following consultation with city and town jurisdictions within the  
6 service area. In addition, the secretary of transportation or the  
7 secretary's designee shall serve as a member of the board and may have  
8 voting status with approval of a majority of the other members of the  
9 board. Only board members, not including alternates or designees, may  
10 cast votes.

11 Each member of the board, except the secretary of transportation or  
12 the secretary's designee, shall be:

13 (a) An elected official who serves on the legislative authority of  
14 a city or as mayor of a city within the boundaries of the authority;

15 (b) On the legislative authority of the county, if fifty percent of  
16 the population of the legislative official's district is within the  
17 authority boundaries; or

18 (c) A county executive from a member county within the authority  
19 boundaries.

20 When making appointments, each county executive shall ensure that  
21 representation on the board includes an elected city official  
22 representing the largest city in each county and assures proportional  
23 representation from other cities, and representation from  
24 unincorporated areas of each county within the service area. At least  
25 one-half of all appointees from each county shall serve on the  
26 governing authority of a public transportation system.

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

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

37 (2) For a regional transit authority located within a regional  
38 transportation district, effective January 1, 2007, the Puget Sound

1 regional transportation district council is the governing board. For  
2 votes of the council regarding board decisions, the vote of each  
3 councilor, including the president, is weighted to reflect that portion  
4 of the regional transit authority population that is within each  
5 councilor district.

6 (3) Major decisions of the authority shall require a favorable vote  
7 of two-thirds of the entire membership of the voting members or for a  
8 regional transportation district council, two-thirds of the weighted  
9 votes. "Major decisions" include at least the following: System plan  
10 adoption and amendment; system phasing decisions; annual budget  
11 adoption; authorization of annexations; modification of board  
12 composition; and executive director employment.

13 ((+3)) (4) Each member of the board is eligible to be reimbursed  
14 for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and  
15 to receive compensation as provided in RCW 43.03.250.

16 **PART V**  
17 **OTHER PROVISIONS**

18 NEW SECTION. Sec. 501. Captions and part headings used in this  
19 act are not part of the law.

20 NEW SECTION. Sec. 502. Sections 101 through 305 of this act  
21 constitute a new chapter in Title 36 RCW.

22 NEW SECTION. Sec. 503. 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. 504. The counties within the district  
27 identified in section 103 of this act shall submit to the voters within  
28 the district, at the next general election, a single ballot measure  
29 that approves formation of the district, authorizes establishment of  
30 the district council, and approves the powers of the council as set  
31 forth in this act. The auditors of those counties shall transmit the  
32 results of the election to the secretary of state in the manner  
33 described in RCW 29A.60.230 for canvassing by the secretary in the

1 manner described by RCW 29A.60.260. A simple majority of the persons  
2 voting on the single ballot measure is required for the district to be  
3 established.

4 Sections 408 through 411 of this act take effect January 1, 2006,  
5 if the district is formed.

--- END ---