

SSB 5803 - S AMD 211

By Senators Murray, Haugen, Weinstein, Swecker

ADOPTED AS AMENDED 03/12/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "PART I

4 **DECLARATION OF POLICY AND PURPOSE**

5 NEW SECTION. **Sec. 101.** FINDINGS AND DECLARATION OF POLICY. The
6 legislature finds that:

7 (1) The absence of unified regional transportation governance,
8 planning, funding, and prioritization has resulted in a road and
9 transit system that is inadequate for the current and future needs of
10 the state, particularly in dense urban regions. There is a severe
11 strain on regional transportation systems that is clearly noticeable
12 through several important indicators, including congestion. Continued
13 population and transportation demand growth has created a looming
14 regional transportation crisis caused in part by a history of under
15 funding transportation.

16 (2) The existing approach to transportation governance has left the
17 state with a struggle to maintain deteriorating transportation
18 infrastructure, insufficient road and transit capacity, an inconsistent
19 system for planning and funding transportation, insufficient
20 cooperation among transportation jurisdictions, and reduced public
21 confidence in governmental ability to solve transportation problems.

22 (3) An overly localized and insufficient focus on regional needs,
23 particularly on large and multijurisdictional projects, have caused
24 costly delays in constructing new transit and highway systems.
25 Regional transportation projects must be effectively prioritized on a
26 unified basis, but this has not occurred because there is no regional
27 governmental entity responsible for prioritizing regional projects
28 across geographic lines and modes.

1 (4) There is an inadequate connection between transportation
2 demand, land use planning, and transportation planning, which also
3 causes costly delays in meeting transportation demand. No governmental
4 entity views the systemic needs of the entire region, and
5 prioritization of those needs, as its primary responsibility.

6 (5) The lack of transportation demand/capacity management, pricing
7 coordination, mass transit, and coordinated transportation governance
8 is limiting the mobility of both people and goods in the state.

9 (6) Most transit systems were initially developed to provide local
10 service, but are now forced to play a large role in regional
11 transportation networks. Effective transportation planning in
12 urbanized regions requires stronger and clearer lines of responsibility
13 and accountability. Integrated, multimodal transportation planning and
14 prioritization will help reduce transportation congestion and improve
15 security and safety, and that streamlined decision making will help
16 reduce political congestion.

17 (7) The coordinated planning of, investment in, and operation of
18 transportation systems will have significant benefit to the citizens of
19 Washington, and it is the will of the people to fund regional
20 transportation solutions, including improving transit service in
21 urbanized areas and among multiple transit agencies. Equity
22 considerations must be respected, but transportation problems are
23 broader and deeper than the sum of geographic subareas.

24 (8) Our current system of transportation governance delivers
25 inadequate results, and requires fundamental systemic change to meet
26 our state's transportation needs.

27 (9) Accordingly, the policy of the state of Washington is to allow
28 the formation of regional transportation commissions as regional
29 transportation governing entities more directly accountable to the
30 public, to coordinate and prioritize regional transportation planning,
31 to fund regional mobility projects, and to develop and facilitate the
32 implementation of integrated regional transportation demand, capacity,
33 pricing, and operating solutions.

34 **PART II**
35 **DEFINITIONS**

1 NEW SECTION. **Sec. 201.** DEFINITIONS. The definitions in this
2 section apply throughout this chapter unless the context clearly
3 requires otherwise.

4 (1) "Regional transportation commission" or "commission" means a
5 municipal corporation created under this chapter or the governing body
6 of commissioners of the municipal corporation.

7 (2) "Component county" means a county included in the jurisdiction
8 of a regional transportation commission.

9 (3) "Department" means the department of transportation.

10 (4) "Local elected official" means an individual who has been
11 elected to serve as a mayor, executive, councilmember, or commissioner
12 for a county, city, town, or port within a regional transportation
13 commission's geographic area.

14 (5) "Mobility project" means:

15 (a) The design, financing, construction, operation, and maintenance
16 of a road, street, highway, high-occupancy vehicle lane, ramp, parking
17 facility, vehicle pullout, signal, meter, or other transportation
18 system management improvement or public transportation facility,
19 including equipment; or

20 (b) Public transportation, including the transport of passengers,
21 their incidental baggage, and packages, together with the necessary
22 passenger terminals and parking facilities or other properties
23 necessary for passenger and vehicular access to and from these
24 people-moving systems. Public transportation includes, without
25 limitation, buses, vans, trolleys, and rail-based transit. Public
26 transportation does not include personal vehicles, chartered buses,
27 sightseeing buses, taxicabs regulated under chapter 81.72 RCW, or
28 similar means of conveyance, or Washington state ferries.

29 (6) "Mobility project of regional significance" means a mobility
30 project that connects or serves two or more counties or that a
31 commission otherwise designates as having major significance to
32 regional transportation. "Mobility project of regional significance"
33 includes all public transportation of a regional transit authority that
34 includes more than one county.

35 (7) "Transportation policy board" means a body convened by the
36 commission under section 304 of this act.

37 (8) "Public transportation agency" means any municipal corporation,
38 state department or agency, or other entity, instrumentality, or

1 division, or affiliate that owns or operates public transportation.
2 "Public transportation agency" includes, without limitation, regional
3 transit authorities and the department.

4 (9) "Regional mobility investment plan" or "plan" means a regional
5 mobility investment plan prepared in accordance with section 305 of
6 this act.

7 **PART III**
8 **REGIONAL TRANSPORTATION COMMISSION**

9 NEW SECTION. **Sec. 301.** FORMATION AND EXPANSION. (1) A regional
10 transportation commission must be created in an area within the
11 complete boundaries of a county with a population greater than one
12 million five hundred thousand persons and any adjoining counties with
13 a population greater than two hundred thirty thousand persons.

14 (2) A regional transportation commission must be created by
15 ordinance of the legislative authorities of the contiguous counties
16 referenced in subsection (1) of this section such that the governing
17 body is fully constituted, and the commission is authorized to exercise
18 the powers granted in section 303 of this act, by January 1, 2009.
19 However, a commission may not be created before January 1, 2008.

20 (3) A regional transportation commission is a municipal corporation
21 and possesses all the usual corporate powers as well as all other
22 powers conferred by statute.

23 (4) A regional transportation commission is an independent taxing
24 authority within the meaning of Article VII, section 1 of the state
25 Constitution, and a taxing district within the meaning of Article VII,
26 section 2 of the state Constitution. However, solely for the purposes
27 of establishing the regional transportation commission's independent
28 taxing authority and the taxing district boundaries, the taxing
29 district shall not include the following geographic area, and the
30 commission shall not impose or authorize any taxes, fees, tolls, or
31 charges within the geographic area:

32 (a) Any portion of a county that is located on a peninsula if it is
33 connected to the other portion of the county by a bridge improved under
34 chapter 47.46 RCW; and

35 (b) The complete boundaries of a county with a population greater
36 than two hundred thirty thousand, but fewer than five hundred thousand.

1 (5) The state and federal regional planning functions prescribed
2 under this act must apply throughout the complete boundaries of all the
3 counties described in subsection (1) of this section.

4 (6) A regional transportation commission may be expanded to include
5 the complete boundaries of additional contiguous counties, regardless
6 of population, if the commission and the legislative authority of every
7 county in the proposed expanded commission adopts a resolution
8 authorizing the expanded commission. At least sixty days before
9 adopting a resolution approving expansion, the commission shall adopt
10 policies governing the expansion process and integration of new
11 counties into the existing commission. However, only one regional
12 transportation commission may exist in any county or counties.

13 NEW SECTION. **Sec. 302.** GOVERNANCE. (1) The governing body of a
14 regional transportation commission consists of twelve nonpartisan
15 commissioners.

16 (2) Commissioners are apportioned and elected as follows:

17 (a) One commissioner appointed by each county executive of the
18 component counties, or by the chair of the component county's
19 legislative authority if the position of county executive is not
20 applicable, and confirmed by the legislative authority of the
21 respective component county. The appointments should include
22 individuals who have experience in regional transportation issues and
23 are experienced in the design, construction, operation, maintenance, or
24 financing of public transportation and mobility projects;

25 (b) Eight commissioners apportioned to eight geographical districts
26 and elected on a nonpartisan basis. Each commissioner representing a
27 district must be a registered voter residing within that district.
28 Initial apportionment and establishment of district lines must be
29 determined by the component counties within thirty days of the
30 formation of a regional transportation commission according to the
31 requirements in (c) of this subsection. Subsequent reapportionment and
32 drawing of district lines must be conducted by the Washington state
33 redistricting commission during its decennial redistricting operations
34 under Article II, section 43 of the state Constitution;

35 (c) Each district must contain a population, excluding nonresident
36 military personnel, as equal as practicable to the population of any
37 other district. To a reasonable extent, each district must contain

1 contiguous territory, be compact and convenient, and be separated from
2 adjoining districts by natural geographic barriers, artificial
3 barriers, or political subdivision boundaries. However, commissioners
4 may not be apportioned, and districts may not be established, for the
5 geographic area described in section 301(4) (a) and (b) of this act.

6 (3) Commissioners shall serve six-year terms of office, except that
7 three of the initially elected commissioners representing a district
8 shall serve a two-year term of office and three of the initially
9 elected commissioners representing a district shall serve four-year
10 terms. The component counties shall designate which districts have
11 commissioners that serve two-year, four-year, and six-year terms. The
12 first election for commissioners must be held at the general election
13 following the formation of a commission, consistent with Title 29A RCW.

14 (4) The commissioners shall appoint a chair every three years from
15 among the commission membership.

16 (5) Vacancies in appointed positions must be filled by appointment
17 of the county executive representing the county that the vacating
18 appointee represented, and the appointee filling the vacancy shall
19 serve for the remainder of the unexpired term of the respective office.
20 Vacancies in elected positions must be filled by a person approved by
21 a majority of the remaining commissioners, who shall serve on an
22 interim basis until the vacancy is filled at the next general election
23 held more than one hundred eighty days after the date the vacancy is
24 filled, or for the remainder of the unexpired term of the respective
25 office, whichever comes sooner. A person elected to fill a vacancy
26 shall serve for the remainder of the unexpired term of the respective
27 office.

28 (6) Commissioners may only be removed for malfeasance or
29 misfeasance in office.

30 NEW SECTION. **Sec. 303.** POWERS AND PURPOSES. A regional
31 transportation commission shall:

32 (1) Prepare, adopt, and implement a comprehensive and integrated
33 corridor-based multimodal regional mobility investment plan described
34 under section 305 of this act that plans, prioritizes, and finances
35 improvements to highways, streets, roads, and public transportation
36 that will serve the residents of the region, and amend the plan to meet
37 changed conditions and requirements. In implementing the plan, or

1 exercising its authority under this section, the commission may: Levy,
2 impose, collect, and spend taxes, user fees, tolls, and charges;
3 receive and spend state, federal, and private funds; and lend and grant
4 funds to public transportation agencies, cities, counties, other local
5 governments, and the department for the purposes of planning,
6 designing, constructing, operating, or maintaining mobility projects,
7 including, without limitation, public transportation;

8 (2) Consistent with its functions as a regional transportation
9 planning organization under subsection (7) of this section: Conduct
10 comprehensive and integrated corridor-based multimodal transportation
11 planning and prioritization activities that will improve the mobility
12 of people and goods in the region; reduce transportation congestion,
13 improve security and safety; coordinate and integrate transportation
14 and land use planning, including multimodal transportation improvements
15 and strategies that comply with the transportation concurrency
16 requirements under RCW 36.70A.070(6) and 36.70A.108; improve modal
17 connectivity; and generally assist in providing an efficient regional
18 transportation system. The transportation planning and prioritization
19 activities must provide for, wherever feasible, transportation
20 demand/capacity management, pricing coordination, mass transit, and
21 coordinated transportation governance. Corridor planning should
22 include the full range of strategies available that most efficiently
23 move people and goods consistent with the region's land use goals
24 including, without limitation: Demand management tools, such as
25 congestion pricing, parking pricing, and trip reduction incentives;
26 high capacity transit expansion; increased local transit; investments
27 in regionally significant bicycle paths and pedestrian connections; and
28 expanded roadway capacity;

29 (3) Establish routes and classes of service, fix rates, tolls,
30 fares, and charges for public transportation services or routes that
31 constitute public transportation of regional significance;

32 (4) In consultation with local public transportation agencies
33 operating within the region, establish a program for interconnecting
34 fares, schedules, and transfers on trips using public transportation
35 agencies for public transportation or public transportation routes that
36 constitute public transportation of regional significance, and require
37 the participation of public transportation agencies in that program.
38 In developing the program under this subsection (4), the commission

1 shall develop standards for the coordination of capital investment,
2 service standards, and service coordination of public transportation
3 agencies in the region. The goal of these standards is to maximize
4 coordination within and among systems, use resources more effectively,
5 and enhance services to the public. The standards must also address
6 vanpool coordination, fare policies, and transportation demand
7 management programs;

8 (5) Establish a procedure requiring that bond issues, taxes, user
9 fees, tolls, or charges that (a) require voter approval, for mobility
10 projects located within the commission's geographic boundaries and (b)
11 constitute mobility projects of regional significance, be approved by
12 the commission before placing those bond or revenue measures on a
13 ballot for voter approval. Bond issues, property taxes, and excise
14 taxes for mobility projects that do not constitute mobility projects of
15 regional significance shall not require a commission's approval before
16 being placed on the ballot;

17 (6) Negotiate with the state and appropriate local jurisdictions to
18 prioritize all state transportation projects within the commission's
19 borders and the order in which state transportation funds for mobility
20 projects within the commission's borders are expended;

21 (7) Serve as the regional transportation planning organization
22 under chapter 47.80 RCW for the area within the commission's borders
23 and, if designated or redesignated under federal law, serve as the
24 metropolitan planning organization for the commission's geographic
25 area. A commission has all the powers and responsibilities of a
26 regional transportation planning organization described under chapter
27 47.80 RCW. The commission is the lead planning agency for planning
28 under chapter 47.80 RCW unless the commission designates another lead
29 agency for a specified project. If a commission is fully constituted
30 and authorized to exercise its powers as prescribed in section 301(2)
31 of this act within a geographic area that includes an existing regional
32 transportation planning organization and metropolitan planning
33 organization, the planning organizations dissolve upon the exercise of
34 the commission's powers, and all the obligations of the planning
35 organizations must be transferred to the commission as successor to the
36 planning organizations. However, the existing metropolitan planning
37 organization dissolves, and its obligations transfer to the commission
38 as the successor entity, only if the commission is designated or

1 redesignated under federal law to serve as the metropolitan planning
2 organization. The regional transportation planning organization's
3 powers and responsibilities may be exercised whether the commission has
4 been designated or redesignated under federal law to serve as the
5 metropolitan planning organization;

6 (8) Employ or contract with engineering, legal, financial, or other
7 employees, specialized personnel, or consultants as necessary to
8 accomplish the purposes of the commission;

9 (9) Exercise all other powers necessary and appropriate to carry
10 out its responsibilities including, without limitation, the power to
11 sue and be sued, to enter into contracts, and to acquire, own, and
12 transfer real and personal property and property rights by lease,
13 sublease, purchase, or sale. A commission may establish an expert
14 review panel, composed of members with areas of expertise that benefit
15 the commission, to review, analyze, and make recommendations on any
16 aspect of a proposed mobility project of regional significance. A
17 commission may also sell, lease, convey, or otherwise dispose of any
18 real or personal property or property rights no longer necessary or
19 desirable for the conduct of the affairs of the commission. However,
20 unless negotiated and agreed upon by applicable parties, a regional
21 transportation commission may not own, operate, construct, or maintain
22 mobility projects or public transportation assets, but shall contract
23 or otherwise provide for such ownership, operation, construction, or
24 maintenance to be carried out by other public or private entities;

25 (10) In accordance with section 306 of this act, determine and
26 establish the tolls and charges for mobility projects of regional
27 significance within the commission's geographic area. Any
28 determination and establishment of tolls and charges for bridges,
29 highways, lanes, roads, and other facilities must be consistent with
30 tolling policies adopted by the transportation commission;

31 (11) If approved by the governor and necessary local parties under
32 23 U.S.C. Sec. 134, be the metropolitan planning organization for the
33 region to promote consistency between transportation improvements and
34 state and local planned growth and economic development patterns;

35 (12) Establish an incentives-based process of negotiating
36 cooperative relationships with affected local jurisdictions within the
37 region in order to promote an efficient, comprehensive, and integrated
38 corridor-based multimodal regional transportation system;

1 (13) Enter into interlocal agreements or agreements with local
2 governments, the state, or the federal government regarding the
3 establishment, composition, and responsibilities of a transportation
4 policy board under section 304 of this act; and

5 (14) Adopt policies and procedures regarding the reimbursement for
6 expenses incurred by commissioners for activities related to their work
7 as commissioners.

8 NEW SECTION. **Sec. 304.** TRANSPORTATION POLICY BOARD. (1) Each
9 commission shall create a transportation policy board to provide a
10 forum for state, regional, and local officials, transportation
11 providers, and private citizens to deliberate issues that affect
12 transportation planning, prioritization, and funding within the
13 commission's boundaries. The commission shall develop procedures
14 governing the transportation policy board's duties, procedures, and
15 formal review of plans and programs.

16 (2) The commission, along with local governments, the state, and
17 the federal government as required under section 303(13) of this act,
18 shall jointly determine the composition and responsibilities of the
19 transportation policy board, including any functions necessary to
20 comply with federal law as directed by a federal agency. Members
21 should include local elected officials, representatives of public
22 transportation agencies, the secretary of transportation or his or her
23 designee, representatives of private sector transportation and shipping
24 industries, private citizens, and representatives of major employers
25 within the region. Members of a commission may also be appointed as
26 transportation policy board members, and elected commissioners who
27 serve on a transportation policy board are deemed local elected
28 officials for the purposes of this section.

29 (3) The transportation policy board shall formally review and
30 comment on the regional mobility investment plan, the transportation
31 improvement program prepared to comply with applicable federal law, and
32 other transportation planning documents relevant to the region before
33 adoption and implementation by the commission. The transportation
34 policy board shall hold at least one public hearing in each component
35 county before issuing formal comments on a transportation improvement
36 program.

1 (4) If required by a federal agency, the commission may provide
2 that a transportation improvement program for federal purposes be
3 approved by the transportation policy board and that the transportation
4 policy board serve as the policy board of a metropolitan planning
5 organization under 23 U.S.C. Sec. 134 and 23 C.F.R. Part 450. However,
6 any transportation improvement program shall not be considered adopted
7 unless it receives final approval from the commission.

8 NEW SECTION. **Sec. 305.** REGIONAL MOBILITY INVESTMENT PLAN. (1)(a)

9 The commission shall prepare a comprehensive and integrated corridor-
10 based multimodal regional mobility investment plan for highways and
11 transit improvements that creates a prioritized list of mobility
12 projects of regional significance, or local mobility projects if
13 applicable under subsection (3) of this section, that will be funded in
14 whole or in part by or through the regional transportation commission,
15 the state, the federal government, or private sources. The plan must
16 also identify which funding sources, as authorized by this chapter,
17 will be levied, imposed, or otherwise authorized to carry out the
18 projects identified in the regional mobility investment plan.

19 (b) Projects in the plan must be evaluated against the following
20 criteria:

21 (i) Preservation: To maintain, preserve, and extend the life and
22 utility of prior investments in transportation systems and services;

23 (ii) Safety: To provide for and improve the safety and security of
24 transportation customers and the transportation system;

25 (iii) Mobility: To improve the predictable movement of goods and
26 people throughout the region;

27 (iv) Environment: To enhance the region's quality of life through
28 transportation investments that promote energy conservation, enhance
29 healthy communities, and protect the environment; and

30 (v) Stewardship: To be effective managers of the regional
31 transportation system.

32 (2) An initial plan must be placed on a general election ballot for
33 elector approval. However, before being submitted for elector
34 approval, the plan must receive unanimous approval of the commission.
35 If a majority of the electors voting on the plan vote in favor of it,
36 the commission may implement measures contained in the plan. The
37 ballot title must reference the regional mobility investment plan.

1 However, if a regional transportation commission is fully constituted
2 and authorized to exercise its powers as prescribed in section 301(2)
3 of this act, after voter approval of a ballot measure under RCW
4 36.120.070, the commission, without the need for additional voter
5 approval, shall adopt the regional transportation investment district
6 voter-approved plan as part of the commission's regional mobility
7 investment plan. Subject to unanimous approval of the commission, the
8 commission may submit subsequent plans for voter approval at general or
9 special elections that the commission determines as appropriate.

10 (3) Municipal corporations within a commission's borders, including
11 regional transit authorities, may request that the commission
12 incorporate, in the regional mobility investment plan, any local plans
13 or proposed mobility projects, or both, together with taxes, user fees,
14 tolls, and charges to finance those projects. Voter approval of a
15 regional mobility investment plan that includes local plans or proposed
16 mobility projects, or both, constitutes the necessary voter approval
17 for (a) the local plans and projects and (b) the levy, imposition, or
18 authorization of the local taxes, tolls, charges, and user fees by the
19 municipal corporations. The commission shall establish procedures for
20 the inclusion of local plans, proposed projects, taxes, and user fees
21 in the regional mobility investment plan. The commission may decline
22 to include any local plans, projects, taxes, tolls, charges, or user
23 fees in the regional mobility investment plan.

24 (4) After a regional mobility investment plan has received voter
25 approval, a two-thirds majority of the commission may amend any aspect
26 of the plan including, without limitation, the regional project list
27 and prioritization of projects included in the plan, and may redirect
28 the expenditure of taxes, user fees, tolls, and charges. The plan may
29 also be amended in any respect by a majority vote of the electors of
30 the commission, if the amendments are proposed to the electors by a
31 majority of the commission. A local jurisdiction or transit agency
32 shall not redirect taxes or fees approved by voters as part of a
33 regional mobility investment plan without the approval of a two-thirds
34 majority of the commission.

35 (5) Before adoption, approval, or amendment of a regional mobility
36 investment plan, the commission shall review any recommendations of the
37 transportation policy board and hold at least one public hearing in
38 each component county to allow citizens, public agencies, freight

1 shippers, providers of freight and public transportation services,
2 representatives of pedestrian walkway and bicycle facility users,
3 representatives for individuals with disabilities, and agencies for
4 safety/security operations a reasonable opportunity to be involved in
5 the transportation planning process.

6 NEW SECTION. **Sec. 306.** TAXES, USER FEES, AND TOLLS. (1) A
7 regional transportation commission may, as part of a regional mobility
8 investment plan, recommend the imposition or authorization of some or
9 all of the following revenue sources, which a regional transportation
10 commission may levy, impose, or authorize if contained in a regional
11 mobility investment plan approved by the electors under section 305 of
12 this act:

13 (a) A regional sales and use tax, as specified in RCW 82.14.430, of
14 up to one percent of the selling price, in the case of a sales tax, or
15 value of the article used, in the case of a use tax, upon the
16 occurrence of any taxable event in the regional transportation
17 commission's boundaries;

18 (b) A local option vehicle license fee, as specified under RCW
19 82.80.100, of up to one hundred dollars per vehicle registered in the
20 commission's boundaries. As used in this subsection, "vehicle" means
21 motor vehicle as defined in RCW 46.04.320. Certain classes of
22 vehicles, as defined under chapter 46.04 RCW, may be exempted from this
23 fee;

24 (c) A parking tax under RCW 82.80.030;

25 (d) A local motor vehicle excise tax under RCW 81.100.060;

26 (e) A local option fuel tax under RCW 82.80.120;

27 (f) An employer excise tax under RCW 81.100.030; and

28 (g) Vehicle tolls, including corridor tolling, and demand
29 management charges on mobility projects of regional significance
30 including, without limitation, state or federal highways within the
31 boundaries of the commission, if the following conditions are met:

32 (i) The regional mobility investment plan must identify the
33 facilities that may be tolled;

34 (ii) The tolls must be consistent with tolling policies adopted by
35 the transportation commission; and

36 (iii) Unless otherwise specified by law or by contract between a
37 commission and the department, the department shall administer the

1 collection of vehicle rates, tolls, and charges on designated
2 facilities, which must, if required by the department, be compatible
3 with statewide standards and protocols for intermodal and interfacility
4 charges. For purposes of this section, "vehicle tolls" includes
5 vehicle user fees imposed for capacity/demand management including, but
6 not limited to, high-occupancy lane charges, value pricing, and
7 congestion pricing.

8 (2) Taxes and vehicle license fees described in this section may
9 not be imposed or authorized without an affirmative vote of the
10 majority of the voters within the boundaries of the regional
11 transportation commission voting on a ballot proposition either as part
12 of the voter approval of a regional mobility investment plan under
13 section 305 of this act or as a separate ballot measure. Vehicle tolls
14 may be imposed or authorized on any project approved by the commission.
15 Revenues from taxes, fees, and tolls may be used only to implement a
16 regional mobility investment plan as set forth in this chapter and to
17 provide for the commission's costs incurred in carrying out its
18 responsibilities under this chapter. A commission may contract with
19 the state department of revenue or other appropriate entities for the
20 administration and collection of any of the taxes, fees, charges, or
21 tolls authorized in this section.

22 (3) A commission may impose taxes or fees that are substantially
23 similar to those previously imposed or levied by a regional transit
24 authority within the commission's geographic area under chapter 81.104
25 RCW, only to the extent that the tax or fee does not exceed the
26 statutory limits prescribed under this section.

27 (4) A commission shall not, unless otherwise negotiated and agreed
28 upon by applicable parties, directly spend, or otherwise control, a
29 local jurisdiction's or transit agency's locally imposed funds.

30 (5) The taxes, fees, charges, and tolls collected by a commission
31 are not subject to utility, business and occupation, or other excise
32 taxes imposed by municipal corporations located within the commission's
33 boundaries.

34 NEW SECTION. **Sec. 307.** TREASURER. (1) A regional transportation
35 commission, by resolution, shall designate a person with experience in
36 financial or fiscal matters as treasurer of the commission. The
37 commission may designate the treasurer of any county within which the

1 commission is located to act as its treasurer. The designated
2 treasurer has all of the powers, responsibilities, and duties the
3 county treasurer has related to investing surplus funds. The
4 commission shall require a bond with a surety company authorized to do
5 business in this state in an amount and under the terms and conditions
6 the commission, by resolution, from time to time finds will protect the
7 commission against loss. The commission shall pay the premium on the
8 bond.

9 (2) If the treasurer of the commission is also the treasurer of a
10 county, all commission funds must be deposited with a county depository
11 under the same restrictions, contracts, and security as provided for
12 county depositories. If the treasurer of the commission is not the
13 treasurer of a county, all funds must be deposited in a bank or banks
14 that are public depositories as defined in RCW 39.58.010 and are
15 qualified for insured deposits under any federal deposit insurance act
16 as the commission, by resolution, designates, or funds shall be
17 invested in legal investments for counties.

18 (3) The commission may provide and require a reasonable bond of any
19 other person handling money or securities of the commission, but the
20 commission shall pay the premium on the bond.

21 NEW SECTION. **Sec. 308.** PER DIEM COMPENSATION. Each commissioner
22 may receive compensation equal to the salary applicable to a member of
23 the legislative authority of the most populous county within the
24 commission's geographic area. A commissioner may waive all or a
25 portion of his or her compensation under this section during his or her
26 term of office, by a written waiver filed with the regional
27 transportation commission. The compensation provided in this section
28 is in addition to reimbursement for expenses paid to commissioners by
29 the regional transportation commission.

30 NEW SECTION. **Sec. 309.** EMPLOYEES, SALARIES, AND BENEFITS. A
31 regional transportation commission may create and fill positions, fix
32 reasonable wages and salaries, pay costs involved in hiring employees,
33 and establish reasonable benefits for employees, including holiday pay,
34 vacations or vacation pay, retirement benefits, and medical, life,
35 accident, or health disability insurance, as approved by the
36 commission.

1 NEW SECTION. **Sec. 310.** EXISTING REGIONAL PLANNING STAFFS. (1) If
2 a commission is fully constituted and authorized to exercise its powers
3 as prescribed in section 301(2) of this act in an area with an existing
4 regional transportation planning organization and metropolitan planning
5 organization, the commission shall, as a successor employer, initially
6 hire all employees of the regional transportation planning
7 organization, and the metropolitan planning organization if the
8 commission has been designated or redesignated to serve as the
9 metropolitan planning organization, to continue employment in
10 substantively similar positions and on terms similar to their prior
11 employment.

12 (2) If a commission is formed in an area with an existing regional
13 transit agency, the commission shall, as a successor employer,
14 initially hire all employees of the regional transit agency engaged in
15 long-range planning, including system plans, to continue employment in
16 substantively similar positions and on terms similar to their prior
17 employment.

18 (3) This section does not prevent the dismissal of employees that
19 is necessary to meet budget constraints or for other reasons in the
20 ordinary course of business.

21 (4) The combined staff indicated under this section shall work
22 cooperatively, and in a coordinated fashion, with the administrative
23 region within the department of transportation established under
24 section 316 of this act. The commission shall establish a negotiated
25 process with the department, and other applicable local planning
26 offices, that ensures the respective agencies are planning for a
27 comprehensive and integrated corridor-based multimodal regional
28 transportation system.

29 NEW SECTION. **Sec. 311.** TRANSIT STUDIES. (1) The commission shall
30 submit to the legislature a report and recommendations regarding
31 whether integrating or combining public transit agencies in the central
32 Puget Sound region would facilitate the implementation of a
33 comprehensive and integrated corridor-based multimodal regional
34 transportation system. The report and recommendations must be
35 submitted no later than eighteen months after formation of the
36 commission.

1 (2) The commission shall submit to the legislature a report and
2 recommendations regarding the application of regional transportation
3 governance to waterways and passenger-only ferries in the central Puget
4 Sound region no later than eighteen months after formation of the
5 commission.

6 **Sec. 312.** RCW 47.80.020 and 1990 1st ex.s. c 17 s 54 are each
7 amended to read as follows:

8 The legislature hereby authorizes creation of regional
9 transportation planning organizations within the state. Each regional
10 transportation planning organization shall be formed through the
11 voluntary association of local governments within a county, or within
12 geographically contiguous counties. Each organization shall:

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

19 The state department of transportation must verify that each
20 regional transportation planning organization conforms with the
21 requirements of this section. If a regional transportation commission
22 serves as the regional transportation planning organization under
23 section 303 of this act, it shall be deemed in conformance with the
24 requirements of this section.

25 In urbanized areas, the regional transportation planning
26 organization is the same as the metropolitan planning organization
27 designated for federal transportation planning purposes. If a regional
28 transportation commission serves as the regional transportation
29 planning organization under section 303 of this act and if required by
30 a federal agency, the transportation policy board of the regional
31 transportation commission may, subject to section 304(4) of this act,
32 take approval actions required of metropolitan planning organizations
33 under 23 U.S.C. Sec. 134 and 23 C.F.R. Part 450.

34 **Sec. 313.** RCW 47.80.060 and 2005 c 334 s 1 are each amended to
35 read as follows:

36 In order to qualify for state planning funds available to regional

1 transportation planning organizations, the regional transportation
2 planning organizations containing any county with a population in
3 excess of one million shall provide voting membership on its executive
4 board to the state transportation commission, the state department of
5 transportation, and the four largest public port districts within the
6 region as determined by gross operating revenues. It shall further
7 assure that at least fifty percent of the county and city local elected
8 officials who serve on the executive board also serve on transit agency
9 boards or on a regional transit authority. This section does not apply
10 to a regional transportation commission that serves as a regional
11 transportation planning organization under section 303 of this act.

12 **Sec. 314.** RCW 81.112.080 and 1992 c 101 s 8 are each amended to
13 read as follows:

14 An authority shall have the following powers in addition to the
15 general powers granted by this chapter:

16 (1) To carry out the planning processes set forth in RCW
17 81.104.100. If an authority is located in the geographic area of a
18 regional transportation commission created under section 301 of this
19 act, the regional transportation commission shall carry out the
20 planning process set forth in RCW 81.104.100;

21 (2) To acquire by purchase, condemnation, gift, or grant and to
22 lease, construct, add to, improve, replace, repair, maintain, operate,
23 and regulate the use of high capacity transportation facilities and
24 properties within authority boundaries including surface, underground,
25 or overhead railways, tramways, busways, buses, bus sets, entrained and
26 linked buses, ferries, or other means of local transportation except
27 taxis, and including escalators, moving sidewalks, personal rapid
28 transit systems or other people-moving systems, passenger terminal and
29 parking facilities and properties, and such other facilities and
30 properties as may be necessary for passenger, vehicular, and vessel
31 access to and from such people-moving systems, terminal and parking
32 facilities and properties, together with all lands, rights of way,
33 property, equipment, and accessories necessary for such high capacity
34 transportation systems. When developing specifications for high
35 capacity transportation system operating equipment, an authority shall
36 take into account efforts to establish or sustain a domestic
37 manufacturing capacity for such equipment. The right of eminent domain

1 shall be exercised by an authority in the same manner and by the same
2 procedure as or may be provided by law for cities of the first class,
3 except insofar as such laws may be inconsistent with the provisions of
4 this chapter. Public transportation facilities and properties which
5 are owned by any city, county, county transportation authority, public
6 transportation benefit area, or metropolitan municipal corporation may
7 be acquired or used by an authority only with the consent of the agency
8 owning such facilities. Such agencies are hereby authorized to convey
9 or lease such facilities to an authority or to contract for their joint
10 use on such terms as may be fixed by agreement between the agency and
11 the authority((-

12 ~~The facilities and properties of an authority whose vehicles will~~
13 ~~operate primarily within the rights of way of public streets, roads, or~~
14 ~~highways, may be acquired, developed, and operated without the corridor~~
15 ~~and design hearings that are required by RCW 35.58.273 for mass transit~~
16 ~~facilities operating on a separate right of way));~~

17 (3) To dispose of any real or personal property acquired in
18 connection with any authority function and that is no longer required
19 for the purposes of the authority, in the same manner as provided for
20 cities of the first class. When an authority determines that a
21 facility or any part thereof that has been acquired from any public
22 agency without compensation is no longer required for authority
23 purposes, but is required by the agency from which it was acquired, the
24 authority shall by resolution transfer it to such agency;

25 (4) To fix rates, tolls, fares, and charges for the use of such
26 facilities and to establish various routes and classes of service,
27 subject to approval by and coordination with a regional transportation
28 commission under section 303 of this act. Fares or charges may be
29 adjusted or eliminated for any distinguishable class of users.

30 **Sec. 315.** RCW 47.56.030 and 2002 c 114 s 19 are each amended to
31 read as follows:

32 (1) Except as permitted under chapter 47.46 RCW or sections 301
33 through 305 of this act:

34 (a) The department of transportation shall have full charge of the
35 construction of all toll bridges and other toll facilities including
36 the Washington state ferries, and the operation and maintenance
37 thereof.

1 (b) The transportation commission shall determine and establish the
2 tolls and charges thereon, and shall perform all duties and exercise
3 all powers relating to the financing, refinancing, and fiscal
4 management of all toll bridges and other toll facilities including the
5 Washington state ferries, and bonded indebtedness in the manner
6 provided by law.

7 (c) The department shall have full charge of design of all toll
8 facilities.

9 (d) Except as provided in this section, the department shall
10 proceed with the construction of such toll bridges and other facilities
11 and the approaches thereto by contract in the manner of state highway
12 construction immediately upon there being made available funds for such
13 work and shall prosecute such work to completion as rapidly as
14 practicable. The department is authorized to negotiate contracts for
15 any amount without bid under (d)(i) and (ii) of this subsection:

16 (i) Emergency contracts, in order to make repairs to ferries or
17 ferry terminal facilities or removal of such facilities whenever
18 continued use of ferries or ferry terminal facilities constitutes a
19 real or immediate danger to the traveling public or precludes prudent
20 use of such ferries or facilities; and

21 (ii) Single source contracts for vessel dry dockings, when there is
22 clearly and legitimately only one available bidder to conduct dry dock-
23 related work for a specific class or classes of vessels. The contracts
24 may be entered into for a single vessel dry docking or for multiple
25 vessel dry dockings for a period not to exceed two years.

26 (2) The department shall proceed with the procurement of materials,
27 supplies, services, and equipment needed for the support, maintenance,
28 and use of a ferry, ferry terminal, or other facility operated by
29 Washington state ferries, in accordance with chapter 43.19 RCW except
30 as follows:

31 (a) Except as provided in (d) of this subsection, when the
32 secretary of the department of transportation determines in writing
33 that the use of invitation for bid is either not practicable or not
34 advantageous to the state and it may be necessary to make competitive
35 evaluations, including technical or performance evaluations among
36 acceptable proposals to complete the contract award, a contract may be
37 entered into by use of a competitive sealed proposals method, and a

1 formal request for proposals solicitation. Such formal request for
2 proposals solicitation shall include a functional description of the
3 needs and requirements of the state and the significant factors.

4 (b) When purchases are made through a formal request for proposals
5 solicitation the contract shall be awarded to the responsible proposer
6 whose competitive sealed proposal is determined in writing to be the
7 most advantageous to the state taking into consideration price and
8 other evaluation factors set forth in the request for proposals. No
9 significant factors may be used in evaluating a proposal that are not
10 specified in the request for proposals. Factors that may be considered
11 in evaluating proposals include but are not limited to: Price;
12 maintainability; reliability; commonality; performance levels; life
13 cycle cost if applicable under this section; cost of transportation or
14 delivery; delivery schedule offered; installation cost; cost of spare
15 parts; availability of parts and service offered; and the following:

16 (i) The ability, capacity, and skill of the proposer to perform the
17 contract or provide the service required;

18 (ii) The character, integrity, reputation, judgment, experience,
19 and efficiency of the proposer;

20 (iii) Whether the proposer can perform the contract within the time
21 specified;

22 (iv) The quality of performance of previous contracts or services;

23 (v) The previous and existing compliance by the proposer with laws
24 relating to the contract or services;

25 (vi) Objective, measurable criteria defined in the request for
26 proposal. These criteria may include but are not limited to items such
27 as discounts, delivery costs, maintenance services costs, installation
28 costs, and transportation costs; and

29 (vii) Such other information as may be secured having a bearing on
30 the decision to award the contract.

31 (c) When purchases are made through a request for proposal process,
32 proposals received shall be evaluated based on the evaluation factors
33 set forth in the request for proposal. When issuing a request for
34 proposal for the procurement of propulsion equipment or systems that
35 include an engine, the request for proposal must specify the use of a
36 life cycle cost analysis that includes an evaluation of fuel
37 efficiency. When a life cycle cost analysis is used, the life cycle
38 cost of a proposal shall be given at least the same relative importance

1 as the initial price element specified in the request of proposal
2 documents. The department may reject any and all proposals received.
3 If the proposals are not rejected, the award shall be made to the
4 proposer whose proposal is most advantageous to the department,
5 considering price and the other evaluation factors set forth in the
6 request for proposal.

7 (d) If the department is procuring large equipment or systems
8 (e.g., electrical, propulsion) needed for the support, maintenance, and
9 use of a ferry operated by Washington state ferries, the department
10 shall proceed with a formal request for proposal solicitation under
11 this subsection (2) without a determination of necessity by the
12 secretary.

13 NEW SECTION. **Sec. 316.** A new section is added to chapter 47.01
14 RCW to read as follows:

15 (1) The secretary shall reorganize the department's existing
16 administrative regions such that one administrative region is dedicated
17 solely to supporting King, Pierce, and Snohomish counties.

18 (2) If a regional transportation commission is formed under section
19 301 of this act, and in accordance with section 310 of this act, the
20 department's administrative region established under this section shall
21 work cooperatively, and in a coordinated fashion, with the planning
22 staff employed by the regional transportation commission.
23 Additionally, the department shall participate in the negotiated
24 planning process provided under section 310 of this act.

25 **Sec. 317.** RCW 47.80.040 and 2003 c 351 s 1 are each amended to
26 read as follows:

27 Each regional transportation planning organization shall create a
28 transportation policy board. Transportation policy boards shall
29 provide policy advice to the regional transportation planning
30 organization and shall allow representatives of major employers within
31 the region, the department of transportation, transit districts, port
32 districts, and member cities, towns, and counties within the region to
33 participate in policy making. Any members of the house of
34 representatives or the state senate whose districts are wholly or
35 partly within the boundaries of the regional transportation planning
36 organization are considered ex officio, nonvoting policy board members

1 of the regional transportation planning organization. This does not
2 preclude legislators from becoming full-time, voting board members.
3 This section does not apply to a regional transportation commission
4 that serves as a regional transportation planning organization under
5 section 303 of this act.

6 **PART IV**
7 **ADDITIONAL TAXING AND TOLLING AUTHORITY**

8 **Sec. 401.** RCW 82.14.430 and 2006 c 311 s 17 are each amended to
9 read as follows:

10 (1) If approved by the majority of the voters within its boundaries
11 voting on the ballot proposition for a regional mobility investment
12 plan or regional transportation investment district, a regional
13 transportation commission or regional transportation investment
14 district may impose a sales and use tax of up to one percent of the
15 selling price or value of the article used in the case of a use tax, if
16 imposed by a regional transportation commission, and up to 0.1 percent
17 of the selling price or value of the article used in the case of a use
18 tax, if imposed by a regional transportation investment district. The
19 tax authorized by this section is in addition to the tax authorized by
20 RCW 82.14.030 and must be collected from those persons who are taxable
21 by the state under chapters 82.08 and 82.12 RCW upon the occurrence of
22 any taxable event within the taxing district. Motor vehicles are
23 exempt from the sales and use tax imposed under this subsection.

24 (2) If approved by the majority of the voters within its boundaries
25 voting on the ballot proposition, a regional transportation commission
26 or regional transportation investment district may impose a tax on the
27 use of a motor vehicle within a regional transportation commission or
28 regional transportation investment district. The tax applies to those
29 persons who reside within the regional transportation commission or
30 regional transportation investment district. The rate of the tax may
31 not exceed one percent of the value of the motor vehicle, in the case
32 of a regional transportation commission, or 0.1 percent of the value of
33 the motor vehicle, in the case of a regional transportation investment
34 district. The tax authorized by this subsection is in addition to the
35 tax authorized under RCW 82.14.030 and must be imposed and collected at
36 the time a taxable event under RCW 82.08.020(1) or 82.12.020 takes

1 place. ((All revenue received under this subsection must be deposited
2 in the local sales and use tax account and distributed to the regional
3 transportation investment district according to RCW 82.14.050.)) The
4 following provisions apply to the use tax in this subsection:

5 (a) Where persons are taxable under chapter 82.08 RCW, the seller
6 shall collect the use tax from the buyer using the collection
7 provisions of RCW 82.08.050.

8 (b) Where persons are taxable under chapter 82.12 RCW, the use tax
9 must be collected using the provisions of RCW 82.12.045.

10 (c) "Motor vehicle" has the meaning provided in RCW 46.04.320, but
11 does not include farm tractors or farm vehicles as defined in RCW
12 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in
13 RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

14 (d) "Person" has the meaning given in RCW 82.04.030.

15 (e) The value of a motor vehicle must be determined under RCW
16 82.12.010.

17 (f) Except as specifically stated in this subsection (2), chapters
18 82.12 and 82.32 RCW apply to the use tax. The use tax is a local tax
19 imposed under the authority of chapter 82.14 RCW, and chapter 82.14 RCW
20 applies fully to the use tax.

21 (3) In addition to fulfilling the notice requirements under RCW
22 82.14.055(1), and unless waived by the department, a regional
23 transportation commission or regional transportation investment
24 district shall provide the department of revenue with digital mapping
25 and legal descriptions of areas in which the tax will be collected.

26 (4) All revenue received under this section must be deposited in
27 the local sales and use tax account and distributed to the regional
28 transportation commission or regional transportation investment
29 district according to RCW 82.14.050.

30 **Sec. 402.** RCW 82.80.010 and 2003 c 350 s 1 are each amended to
31 read as follows:

32 (1) For purposes of this section:

33 (a) "Distributor" means every person who imports, refines,
34 manufactures, produces, or compounds motor vehicle fuel and special
35 fuel as defined in RCW 82.36.010 and 82.38.020, respectively, and sells
36 or distributes the fuel into a county;

37 (b) "Person" has the same meaning as in RCW 82.04.030.

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

22 (3) The local option motor vehicle fuel tax on each gallon of motor
23 vehicle fuel and on each gallon of special fuel is imposed upon the
24 distributor of the fuel.

25 (4) A taxable event for the purposes of this section occurs upon
26 the first distribution of the fuel within the boundaries of a county to
27 a retail outlet, bulk fuel user, or ultimate user of the fuel.

28 (5) All administrative provisions in chapters 82.01, 82.03, and
29 82.32 RCW, insofar as they are applicable, apply to local option fuel
30 taxes imposed under this section.

31 (6) Before the effective date of the imposition of the fuel taxes
32 under this section, a county shall contract with the department of
33 revenue for the administration and collection of the taxes. The
34 contract must provide that a percentage amount, not to exceed one
35 percent of the taxes imposed under this section, will be deposited into
36 the local tax administration account created in the custody of the
37 state treasurer. The department of revenue may spend money from this

1 account, upon appropriation, for the administration of the local taxes
2 imposed under this section.

3 (7) The state treasurer shall distribute monthly to the levying
4 county and cities contained therein the proceeds of the additional
5 excise taxes collected under this section, after the deductions for
6 payments and expenditures as provided in RCW 46.68.090(1) (a) and (b)
7 and under the conditions and limitations provided in RCW 82.80.080.

8 (8) The proceeds of the additional excise taxes levied under this
9 section shall be used strictly for transportation purposes in
10 accordance with RCW 82.80.070.

11 (9) A county may not levy the tax under this section if they are
12 levying the tax in RCW 82.80.110 or if they are a member of a regional
13 transportation investment district or regional transportation
14 commission levying the tax in RCW 82.80.120.

15 **Sec. 403.** RCW 82.80.030 and 2005 c 336 s 24 are each amended to
16 read as follows:

17 (1) Subject to the conditions of this section, the legislative
18 authority of a county, city, regional transportation commission created
19 under section 301 of this act, or district may fix and impose a parking
20 tax on all persons engaged in a commercial parking business within its
21 respective jurisdiction. A city or county may impose the tax only to
22 the extent that it has not been imposed by the district, and a district
23 may impose the tax only to the extent that it has not been imposed by
24 a city or county. The jurisdiction of a county, for purposes of this
25 section, includes only the unincorporated area of the county. The
26 jurisdiction of a city or district includes only the area within its
27 boundaries.

28 (2) In lieu of the tax in subsection (1) of this section, a city,
29 a county in its unincorporated area, a regional transportation
30 commission, or a district may fix and impose a tax for the act or
31 privilege of parking a motor vehicle in a facility operated by a
32 commercial parking business.

33 The city, county, regional transportation commission, or district
34 may provide that:

- 35 (a) The tax is paid by the operator or owner of the motor vehicle;
- 36 (b) The tax applies to all parking for which a fee is paid, whether

1 paid or leased, including parking supplied with a lease of
2 nonresidential space;

3 (c) The tax is collected by the operator of the facility and
4 remitted to the city, county, regional transportation commission, or
5 district;

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

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

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

13 (3) "Commercial parking business" as used in this section, means
14 the ownership, lease, operation, or management of a commercial parking
15 lot in which fees are charged. "Commercial parking lot" means a
16 covered or uncovered area with stalls for the purpose of parking motor
17 vehicles.

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

22 (5) The county, city, regional transportation commission, or
23 district levying the tax provided for in subsection (1) or (2) of this
24 section may provide for its payment on a monthly, quarterly, or annual
25 basis. Each local government may develop by ordinance or resolution
26 rules for administering the tax, including provisions for reporting by
27 commercial parking businesses, collection, and enforcement.

28 (6) The proceeds of the commercial parking tax fixed and imposed by
29 a city or county under subsection (1) or (2) of this section shall be
30 used for transportation purposes in accordance with RCW 82.80.070 or
31 for transportation improvements in accordance with chapter 36.73 RCW.
32 The proceeds of the parking tax imposed by a district must be used as
33 provided in chapter 36.120 RCW. The proceeds of the parking tax
34 imposed by a regional transportation commission must be used to
35 implement a regional mobility investment plan described under section
36 305 of this act.

1 **Sec. 404.** RCW 82.80.100 and 2002 c 56 s 408 are each amended to
2 read as follows:

3 (1) Upon approval of a majority of the voters within its boundaries
4 voting on the ballot proposition for a regional mobility investment
5 plan or regional transportation investment district, a regional
6 transportation commission or regional transportation investment
7 district may set and impose an annual local option vehicle license fee,
8 or a schedule of fees based upon the age of the vehicle, of up to one
9 hundred dollars per motor vehicle registered within the boundaries of
10 the ((~~region~~)) commission or district on every motor vehicle. As used
11 in this section "motor vehicle" has the meaning provided in RCW
12 46.04.320, but does not include farm tractors or farm vehicles as
13 defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway
14 vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW
15 46.10.010. Vehicles registered under chapter 46.87 RCW and the
16 international registration plan are exempt from the annual local option
17 vehicle license fee set forth in this section. The department of
18 licensing shall administer and collect this fee on behalf of regional
19 transportation commissions or regional transportation investment
20 districts and remit this fee to the custody of the state treasurer for
21 monthly distribution under RCW 82.80.080.

22 (2) The local option vehicle license fee applies only when renewing
23 a vehicle registration, and is effective upon the registration renewal
24 date as provided by the department of licensing.

25 (3) A regional transportation commission or regional transportation
26 investment district imposing the local option vehicle license fee or
27 initiating an exemption process shall enter into a contract with the
28 department of licensing. The contract must contain provisions that
29 fully recover the costs to the department of licensing for collection
30 and administration of the fee.

31 (4) A regional transportation commission or regional transportation
32 investment district imposing the local option fee shall delay the
33 effective date of the local option vehicle license fee imposed by this
34 section at least six months from the date of the final certification of
35 the approval election to allow the department of licensing to implement
36 the administration and collection of or exemption from the fee.

1 **Sec. 405.** RCW 82.80.110 and 2003 c 350 s 2 are each amended to
2 read as follows:

3 (1) For purposes of this section:

4 (a) "Distributor" means every person who imports, refines,
5 manufactures, produces, or compounds motor vehicle fuel and special
6 fuel as defined in RCW 82.36.010 and 82.38.020, respectively, and sells
7 or distributes the fuel into a county;

8 (b) "Person" has the same meaning as in RCW 82.04.030.

9 (2) For purposes of dedication to a regional transportation
10 investment district plan under chapter 36.120 RCW, subject to the
11 conditions of this section, a county may levy additional excise taxes
12 equal to ten percent of the statewide motor vehicle fuel tax rate under
13 RCW 82.36.025 on each gallon of motor vehicle fuel as defined in RCW
14 82.36.010 and on each gallon of special fuel as defined in RCW
15 82.38.020 sold within the boundaries of the county. The additional
16 excise tax is subject to the approval of the county's legislative body
17 and a majority of the registered voters of the county voting on the
18 proposition at a general or special election. An election held under
19 this section must be held not more than twelve months before the date
20 on which the proposed tax is to be levied. The ballot setting forth
21 the proposition must state that the revenues from the tax will be used
22 for a regional transportation investment district plan. The county's
23 authority to levy additional excise taxes under this section includes
24 the incorporated and unincorporated areas of the county. Vehicles
25 paying an annual license fee under RCW 82.38.075 are exempt from the
26 county fuel excise tax. The additional excise taxes are subject to the
27 same exceptions and rights of refund as applicable to other motor
28 vehicle fuel and special fuel excise taxes levied under chapters 82.36
29 and 82.38 RCW. The proposed tax may not be levied less than one month
30 from the date the election results are certified by the county election
31 officer. The commencement date for the levy of any tax under this
32 section will be the first day of January, April, July, or October.

33 (3) The local option motor vehicle fuel tax on each gallon of motor
34 vehicle fuel and on each gallon of special fuel is imposed upon the
35 distributor of the fuel.

36 (4) A taxable event for the purposes of this section occurs upon
37 the first distribution of the fuel within the boundaries of a county to
38 a retail outlet, bulk fuel user, or ultimate user of the fuel.

1 (5) All administrative provisions in chapters 82.01, 82.03, and
2 82.32 RCW, insofar as they are applicable, apply to local option fuel
3 taxes imposed under this section.

4 (6) Before the effective date of the imposition of the fuel taxes
5 under this section, a county shall contract with the department of
6 revenue for the administration and collection of the taxes. The
7 contract must provide that a percentage amount, not to exceed one
8 percent of the taxes imposed under this section, will be deposited into
9 the local tax administration account created in the custody of the
10 state treasurer. The department of revenue may spend money from this
11 account, upon appropriation, for the administration of the local taxes
12 imposed under this section.

13 (7) The state treasurer shall distribute monthly to the county
14 levying the tax as part of a regional transportation investment plan,
15 after the deductions for payments and expenditures as provided in RCW
16 46.68.090(1) (a) and (b).

17 (8) The proceeds of the additional taxes levied by a county in this
18 section, to be used as a part of a regional transportation investment
19 plan, must be used in accordance with chapter 36.120 RCW, but only for
20 those areas that are considered "highway purposes" as that term is
21 construed in Article II, section 40 of the state Constitution.

22 (9) A county may not levy the tax under this section if they are a
23 member of a regional transportation investment district or regional
24 transportation commission that is levying the tax in RCW 82.80.120 or
25 the county is levying the tax in RCW 82.80.010.

26 **Sec. 406.** RCW 82.80.120 and 2006 c 311 s 18 are each amended to
27 read as follows:

28 (1) For purposes of this section:

29 (a) "Distributor" means every person who imports, refines,
30 manufactures, produces, or compounds motor vehicle fuel and special
31 fuel as defined in RCW 82.36.010 and 82.38.020, respectively, and sells
32 or distributes the fuel into a county;

33 (b) "Person" has the same meaning as in RCW 82.04.030;

34 (c) "District" means a regional transportation investment district
35 under chapter 36.120 RCW;

36 (d) "Commission" means a regional transportation commission as
37 defined in section 201 of this act.

1 (2) A commission under chapter 36.-- RCW (as created in section 805
2 of this act) or regional transportation investment district under
3 chapter 36.120 RCW, subject to the conditions of this section, may levy
4 additional excise taxes equal to ten percent of the statewide motor
5 vehicle fuel tax rate under RCW 82.36.025 on each gallon of motor
6 vehicle fuel as defined in RCW 82.36.010 and on each gallon of special
7 fuel as defined in RCW 82.38.020 sold within the boundaries of the
8 commission or district. The additional excise tax is subject to the
9 approval of a majority of the voters within the commission or district
10 boundaries. Vehicles paying an annual license fee under RCW 82.38.075
11 are exempt from the commission or district's fuel excise tax. The
12 additional excise taxes are subject to the same exceptions and rights
13 of refund as applicable to other motor vehicle fuel and special fuel
14 excise taxes levied under chapters 82.36 and 82.38 RCW. The proposed
15 tax may not be levied less than one month from the date the election
16 results are certified. The commencement date for the levy of any tax
17 under this section will be the first day of January, April, July, or
18 October.

19 (3) The local option motor vehicle fuel tax on each gallon of motor
20 vehicle fuel and on each gallon of special fuel is imposed upon the
21 distributor of the fuel.

22 (4) A taxable event for the purposes of this section occurs upon
23 the first distribution of the fuel within the boundaries of the
24 commission or district to a retail outlet, bulk fuel user, or ultimate
25 user of the fuel.

26 (5) All administrative provisions in chapters 82.01, 82.03, and
27 82.32 RCW, insofar as they are applicable, apply to local option fuel
28 taxes imposed under this section.

29 (6) Before the effective date of the imposition of the fuel taxes
30 under this section, a commission or district shall contract with the
31 department of (~~licensing~~) revenue for the administration and
32 collection of the taxes. The contract must provide that a percentage
33 amount, not to exceed one percent of the taxes imposed under this
34 section, will be deposited into the local tax administration account
35 created in the custody of the state treasurer. The department of
36 (~~licensing~~) revenue may spend money from this account, upon
37 appropriation, for the administration of the local taxes imposed under
38 this section.

1 (7) The state treasurer shall distribute monthly to the commission
2 or district levying the tax as part of the regional mobility investment
3 plan or regional transportation investment district plan, after the
4 deductions for payments and expenditures as provided in RCW
5 46.68.090(1) (a) and (b).

6 (8) The proceeds of the additional taxes levied by a commission or
7 district in this section, to be used as a part of a regional mobility
8 investment plan or regional transportation investment district plan,
9 must be used in accordance with chapter 36.-- RCW (as created in
10 section 805 of this act), or chapter 36.120 RCW, respectively, but only
11 for those areas that are considered "highway purposes" as that term is
12 construed in Article II, section 40 of the state Constitution.

13 (9) A district or commission may only levy the tax under this
14 section if the district or commission is comprised of boundaries
15 identical to the boundaries of a county or counties. A district or
16 commission may not levy the tax in this section if a member county is
17 levying the tax in RCW 82.80.010 or 82.80.110.

18 **Sec. 407.** RCW 81.100.030 and 2002 c 56 s 410 are each amended to
19 read as follows:

20 (1) A county with a population of one million or more, or a county
21 with a population of from two hundred ten thousand to less than one
22 million that is adjoining a county with a population of one million or
23 more, and having within its boundaries existing or planned
24 high-occupancy vehicle lanes on the state highway system, a regional
25 transportation commission, or a regional transportation investment
26 district for capital improvements, (~~but only to the extent that the~~
27 ~~tax has not already been imposed by the county,~~) may, with voter
28 approval impose an excise tax of up to two dollars per employee per
29 month on all employers or any class or classes of employers, public and
30 private, including the state located in the agency's jurisdiction,
31 measured by the number of full-time equivalent employees. In no event
32 may the total taxes imposed under this section exceed two dollars per
33 employee per month for any single employer. The county, regional
34 transportation commission, or investment district imposing the tax
35 authorized in this section may provide for exemptions from the tax to
36 such educational, cultural, health, charitable, or religious
37 organizations as it deems appropriate.

1 Counties, regional transportation commissions, or investment
2 districts may contract with the state department of revenue or other
3 appropriate entities for administration and collection of the tax.
4 Such contract shall provide for deduction of an amount for
5 administration and collection expenses.

6 (2) The tax shall not apply to employment of a person when the
7 employer has paid for at least half of the cost of a transit pass
8 issued by a transit agency for that employee, valid for the period for
9 which the tax would otherwise be owed.

10 (3) A county, regional transportation commission, or investment
11 district shall adopt rules that exempt from all or a portion of the tax
12 any employer that has entered into an agreement with the county,
13 regional transportation commission, or investment district that is
14 designed to reduce the proportion of employees who drive in single-
15 occupant vehicles during peak commuting periods in proportion to the
16 degree that the agreement is designed to meet the goals for the
17 employer's location adopted under RCW 81.100.040.

18 The agreement shall include a list of specific actions that the
19 employer will undertake to be entitled to the exemption. Employers
20 having an exemption from all or part of the tax through this subsection
21 shall annually certify to the county, regional transportation
22 commission, or investment district that the employer is fulfilling the
23 terms of the agreement. The exemption continues as long as the
24 employer is in compliance with the agreement.

25 ~~((If the tax authorized in RCW 81.100.060 is also imposed, the
26 total proceeds from both tax sources each year shall not exceed the
27 maximum amount which could be collected under RCW 81.100.060.))~~

28 **Sec. 408.** RCW 81.100.060 and 2006 c 318 s 2 and 2006 c 311 s 15
29 are each reenacted and amended to read as follows:

30 (1) A county with a population of one million or more and a county
31 with a population of from two hundred ten thousand to less than one
32 million that is adjoining a county with a population of one million or
33 more, having within their boundaries existing or planned high-occupancy
34 vehicle lanes on the state highway system, a regional transportation
35 commission, or a regional transportation investment district, ~~((but~~
36 ~~only to the extent that the surcharge has not already been imposed by~~
37 ~~the county,))~~ may, with voter approval, impose a local surcharge of not

1 more than three-tenths of one percent in the case of a county, or
2 eight-tenths of one percent in the case of a regional transportation
3 commission or regional transportation investment district, of the value
4 on vehicles registered to a person residing within the county, regional
5 transportation commission, or investment district and not more than
6 13.64 percent on the state sales and use taxes paid under the rate in
7 RCW 82.08.020(2) on retail car rentals within the county, regional
8 transportation commission, or investment district. A county may impose
9 the surcharge only to the extent that it has not been imposed by the
10 regional transportation commission or investment district. No
11 surcharge may be imposed on vehicles licensed under RCW 46.16.070
12 except vehicles with an unladen weight of six thousand pounds or less,
13 RCW 46.16.079, 46.16.085, or 46.16.090.

14 (2) Counties, regional transportation commissions, or investment
15 districts imposing a surcharge under this section shall contract,
16 before the effective date of the resolution or ordinance imposing a
17 surcharge, administration and collection to the state department of
18 licensing, and department of revenue, as appropriate, which shall
19 deduct a percentage amount, as provided by contract, not to exceed two
20 percent of the taxes, for administration and collection expenses
21 incurred by the department.

22 (3) All administrative provisions in chapters 82.03, 82.08, 82.12,
23 and 82.32 RCW shall, insofar as they are applicable to state sales and
24 use taxes, be applicable to surcharges imposed under this section.

25 (4) If a surcharge, authorized under this section, is first imposed
26 before June 7, 2006, all administrative provisions in chapters 82.03,
27 82.32, and 82.44 RCW shall, insofar as they are applicable to motor
28 vehicle excise taxes, be applicable to such surcharges ((imposed under
29 this section)). ((All administrative provisions in chapters 82.03,
30 82.08, 82.12, and 82.32 RCW shall, insofar as they are applicable to
31 state sales and use taxes, be applicable to surcharges imposed under
32 this section. A surcharge imposed under this section, or a change to
33 the))

34 (5) If a surcharge, authorized under this section, is first imposed
35 on or after June 7, 2006:

36 (a) Motor vehicles subject to such surcharge shall be administered
37 in accordance with chapter 318, Laws of 2006; and

1 (b) The surcharge or a change to the surcharge shall take effect no
2 sooner than seventy-five days after the department of licensing or the
3 department of revenue receives notice of the surcharge or change to the
4 surcharge, and shall take effect only on the first day of January,
5 April, July, or October. Unless waived by the department of licensing
6 or the department of revenue, notice includes providing the appropriate
7 department with digital mapping and legal descriptions of areas in
8 which the ~~((tax))~~ surcharge will be collected.

9 ~~((If the tax authorized in RCW 81.100.030 is also imposed, the
10 total proceeds from tax sources imposed under this section and RCW
11 81.100.030 each year shall not exceed the maximum amount which could be
12 collected under this section.))~~

13 **Sec. 409.** RCW 47.56.075 and 2002 c 56 s 404 are each amended to
14 read as follows:

15 The department shall approve for construction only such toll roads
16 as the legislature specifically authorizes or such toll facilities as
17 are specifically sponsored by a regional transportation investment
18 district, regional transportation commission, city, town, or county.

19 **Sec. 410.** RCW 82.32.470 and 2002 c 56 s 407 are each amended to
20 read as follows:

21 (1) The tax imposed and collected under chapters 82.08 and 82.12
22 RCW, less any credits allowed under chapter 82.14 RCW, on initial
23 construction for a transportation project to be constructed under
24 chapter 36.120 RCW, or for a mobility project of regional significance
25 to be constructed under chapter 36.-- RCW (as created in section 805 of
26 this act), must be transferred to the transportation project or the
27 mobility project of regional significance to defray costs or pay debt
28 service on that ~~((transportation))~~ project. In the case of a toll
29 project, this transfer or credit must be used to lower the overall cost
30 of the project and thereby the corresponding tolls.

31 (2) This transaction is exempt from the requirements in RCW
32 43.135.035(4).

33 (3) Government entities constructing transportation projects under
34 chapter 36.120 RCW, or mobility projects of regional significance under
35 chapter 36.-- RCW (as created in section 805 of this act), shall report

1 to the department the amount of state sales or use tax covered under
2 this section.

3 **Sec. 411.** RCW 82.14.050 and 2005 c 336 s 20 are each amended to
4 read as follows:

5 The counties, cities, and transportation authorities under RCW
6 82.14.045, public facilities districts under chapters 36.100 and 35.57
7 RCW, public transportation benefit areas under RCW 82.14.440, regional
8 transportation commissions, regional transportation investment
9 districts, and transportation benefit districts under chapter 36.73 RCW
10 shall contract, prior to the effective date of a resolution or
11 ordinance imposing a sales and use tax, the administration and
12 collection to the state department of revenue, which shall deduct a
13 percentage amount, as provided by contract, not to exceed two percent
14 of the taxes collected for administration and collection expenses
15 incurred by the department. The remainder of any portion of any tax
16 authorized by this chapter that is collected by the department of
17 revenue shall be deposited by the state department of revenue in the
18 local sales and use tax account hereby created in the state treasury.
19 Moneys in the local sales and use tax account may be spent only for
20 distribution to counties, cities, transportation authorities, public
21 facilities districts, public transportation benefit areas, regional
22 transportation commissions, regional transportation investment
23 districts, and transportation benefit districts imposing a sales and
24 use tax. All administrative provisions in chapters 82.03, 82.08,
25 82.12, and 82.32 RCW, as they now exist or may hereafter be amended,
26 shall, insofar as they are applicable to state sales and use taxes, be
27 applicable to taxes imposed pursuant to this chapter. Counties,
28 cities, transportation authorities, public facilities districts,
29 regional transportation commissions, and regional transportation
30 investment districts may not conduct independent sales or use tax
31 audits of sellers registered under the streamlined sales tax agreement.
32 Except as provided in RCW 43.08.190, all earnings of investments of
33 balances in the local sales and use tax account shall be credited to
34 the local sales and use tax account and distributed to the counties,
35 cities, transportation authorities, public facilities districts, public
36 transportation benefit areas, regional transportation commissions,

1 regional transportation investment districts, and transportation
2 benefit districts monthly.

3 **Sec. 412.** RCW 82.80.080 and 2002 c 56 s 414 are each amended to
4 read as follows:

5 (1) The state treasurer shall distribute revenues, less authorized
6 deductions, generated by the local option taxes authorized in RCW
7 82.80.010 (~~and 82.80.020~~), levied by counties to the levying
8 counties, and cities contained in those counties, based on the relative
9 per capita population. County population for purposes of this section
10 is equal to one and one-half of the unincorporated population of the
11 county. In calculating the distributions, the state treasurer shall
12 use the population estimates prepared by the state office of financial
13 management and shall further calculate the distribution based on
14 information supplied by the departments of licensing and revenue, as
15 appropriate.

16 (2) The state treasurer shall distribute revenues, less authorized
17 deductions, generated by the local option taxes authorized in RCW
18 82.80.010 (~~and 82.80.020~~) levied by qualifying cities and towns to
19 the levying cities and towns.

20 (3) The state treasurer shall distribute to the district or
21 regional transportation commission, as appropriate, revenues, less
22 authorized deductions, generated by the local option taxes under RCW
23 82.80.010 or fees under RCW 82.80.100 levied by a district or regional
24 transportation commission.

25 **PART V**

26 **AUTHORITY TO ISSUE BONDS**

27 NEW SECTION. **Sec. 501.** COMMISSION TO ISSUE GENERAL OBLIGATION
28 BONDS. In addition to any other authority provided by law, and subject
29 to applicable constitutional limitations, a regional transportation
30 commission may issue general obligation bonds or other evidences of
31 indebtedness for public transportation and mobility project capital
32 purposes. However, the general indebtedness incurred under this
33 section when considered together with all the other outstanding general
34 indebtedness of the regional transportation commission shall not exceed
35 one and one-half percent of taxable property within its boundaries

1 without the approval of three-fifths of the voters therein voting at an
2 election held for that purpose, and in cases requiring such approval,
3 not exceeding a total of five percent of taxable property within its
4 boundaries. The bonds shall be issued and sold in accordance with
5 chapter 39.46 RCW, and may be in any form, including bearer bonds or
6 registered bonds as provided in RCW 39.46.030.

7 Any regional transportation commission may pledge any portion of
8 any taxes and any tolls, charges, or user taxes authorized to be levied
9 or imposed by the commission for the payment or security of the
10 principal of and interest on any bonds issued for authorized public
11 transportation purposes.

12 NEW SECTION. **Sec. 502.** (1) The commission may at any time borrow
13 money for public transportation and mobility project capital purposes
14 and may issue revenue bonds or other evidences of indebtedness, secured
15 by the pledge of one or more of the taxes, tolls, charges, or user fees
16 authorized to be imposed by the commission. These obligations shall be
17 issued and sold in accordance with chapter 39.46 RCW.

18 (2) The commission may enter into agreements with public
19 transportation agencies, counties, cities, or the state of Washington,
20 when authorized by the plan, to pledge taxes or other revenues of the
21 commission for the purpose of paying in part or whole principal and
22 interest on bonds issued by any public transportation agency, county,
23 city, or by the state of Washington. The agreements pledging revenues
24 and taxes shall be binding for their terms, but not to exceed forty
25 years, and no tax pledged by an agreement may be eliminated or modified
26 if it would impair the pledge made in any agreement.

27 **PART VI**

28 **RTC AND RTID MUTUALLY EXCLUSIVE**

29 NEW SECTION. **Sec. 601.** If a regional transportation commission,
30 created under section 301 of this act, is fully constituted and
31 authorized to exercise its powers as prescribed in section 301(2) of
32 this act within a geographic area that includes an existing regional
33 transportation investment district, that district dissolves upon the
34 exercise of the commission's powers, and all the obligations of the
35 district and governing board must be transferred to the regional

1 transportation commission as successor to the district. Additionally,
2 the commission, without the need for additional voter approval, shall
3 adopt the regional transportation investment district voter-approved
4 plan as part of the commission's regional mobility investment plan.

5 **PART VII**

6 **2007 RTA BALLOT MEASURES**

7 **Sec. 701.** RCW 81.112.030 and 2006 c 311 s 12 are each amended to
8 read as follows:

9 Two or more contiguous counties each having a population of four
10 hundred thousand persons or more may establish a regional transit
11 authority to develop and operate a high capacity transportation system
12 as defined in chapter 81.104 RCW.

13 The authority shall be formed in the following manner:

14 (1) The joint regional policy committee created pursuant to RCW
15 81.104.040 shall adopt a system and financing plan, including the
16 definition of the service area. This action shall be completed by
17 September 1, 1992, contingent upon satisfactory completion of the
18 planning process defined in RCW 81.104.100. The final system plan
19 shall be adopted no later than June 30, 1993. In addition to the
20 requirements of RCW 81.104.100, the plan for the proposed system shall
21 provide explicitly for a minimum portion of new tax revenues to be
22 allocated to local transit agencies for interim express services. Upon
23 adoption the joint regional policy committee shall immediately transmit
24 the plan to the county legislative authorities within the adopted
25 service area.

26 (2) The legislative authorities of the counties within the service
27 area shall decide by resolution whether to participate in the
28 authority. This action shall be completed within forty-five days
29 following receipt of the adopted plan or by August 13, 1993, whichever
30 comes first.

31 (3) Each county that chooses to participate in the authority shall
32 appoint its board members as set forth in RCW 81.112.040 and shall
33 submit its list of members to the secretary of the Washington state
34 department of transportation. These actions must be completed within
35 thirty days following each county's decision to participate in the
36 authority.

1 (4) The secretary shall call the first meeting of the authority, to
2 be held within thirty days following receipt of the appointments. At
3 its first meeting, the authority shall elect officers and provide for
4 the adoption of rules and other operating procedures.

5 (5) The authority is formally constituted at its first meeting and
6 the board shall begin taking steps toward implementation of the system
7 and financing plan adopted by the joint regional policy committee. If
8 the joint regional policy committee fails to adopt a plan by June 30,
9 1993, the authority shall proceed to do so based on the work completed
10 by that date by the joint regional policy committee. Upon formation of
11 the authority, the joint regional policy committee shall cease to
12 exist. The authority may make minor modifications to the plan as
13 deemed necessary and shall at a minimum review local transit agencies'
14 plans to ensure feeder service/high capacity transit service
15 integration, ensure fare integration, and ensure avoidance of parallel
16 competitive services. The authority shall also conduct a minimum
17 thirty-day public comment period.

18 (6) If the authority determines that major modifications to the
19 plan are necessary before the initial ballot proposition is submitted
20 to the voters, the authority may make those modifications with a
21 favorable vote of two-thirds of the entire membership. Any such
22 modification shall be subject to the review process set forth in RCW
23 81.104.110. The modified plan shall be transmitted to the legislative
24 authorities of the participating counties. The legislative authorities
25 shall have forty-five days following receipt to act by motion or
26 ordinance to confirm or rescind their continued participation in the
27 authority.

28 (7) If any county opts to not participate in the authority, but two
29 or more contiguous counties do choose to continue to participate, the
30 authority's board shall be revised accordingly. The authority shall,
31 within forty-five days, redefine the system and financing plan to
32 reflect elimination of one or more counties, and submit the redefined
33 plan to the legislative authorities of the remaining counties for their
34 decision as to whether to continue to participate. This action shall
35 be completed within forty-five days following receipt of the redefined
36 plan.

37 (8) The authority shall place on the ballot within two years of the
38 authority's formation, a single ballot proposition to authorize the

1 imposition of taxes to support the implementation of an appropriate
2 phase of the plan within its service area. In addition to the system
3 plan requirements contained in RCW 81.104.100(2)(d), the system plan
4 approved by the authority's board before the submittal of a proposition
5 to the voters shall contain an equity element which:

6 (a) Identifies revenues anticipated to be generated by corridor and
7 by county within the authority's boundaries;

8 (b) Identifies the phasing of construction and operation of high
9 capacity system facilities, services, and benefits in each corridor.
10 Phasing decisions should give priority to jurisdictions which have
11 adopted transit-supportive land use plans; and

12 (c) Identifies the degree to which revenues generated within each
13 county will benefit the residents of that county, and identifies when
14 such benefits will accrue.

15 A simple majority of those voting within the boundaries of the
16 authority is required for approval. If the vote is affirmative, the
17 authority shall begin implementation of the projects identified in the
18 proposition. However, the authority may not submit any authorizing
19 proposition for voter-approved taxes prior to July 1, 1993; nor may the
20 authority issue bonds or form any local improvement district prior to
21 July 1, 1993.

22 (9) If the vote on a proposition fails, the board may redefine the
23 proposition, make changes to the authority boundaries, and make
24 corresponding changes to the composition of the board. If the
25 composition of the board is changed, the participating counties shall
26 revise the membership of the board accordingly. The board may then
27 submit the revised proposition or a different proposition to the
28 voters. No single proposition may be submitted to the voters more than
29 twice. Beginning no sooner than the 2007 general election, the
30 authority may place additional propositions on the ballot to impose
31 taxes to support additional phases of plan implementation.

32 (10) In conjunction with RCW 36.120.070, at the 2007 general
33 election the authority shall submit a proposition to support additional
34 implementation phases of the authority's system and financing plan on
35 the same ballot along with a regional transportation investment plan
36 developed under chapter 36.120 RCW. The proposition shall not be
37 considered approved unless voters also approve the regional
38 transportation investment plan.

1 (11) A regional transit authority shall submit additional phases of
2 plan implementation ((may include a transportation subarea equity
3 element which (a) identifies the combined authority and regional
4 transportation investment district revenues anticipated to be generated
5 by corridor and by county within the authority's boundaries, and (b)
6 identifies the degree to which the combined authority and regional
7 transportation investment district revenues generated within each
8 county will benefit the residents of that county, and identifies when
9 such benefits will accrue. For purposes of the transportation subarea
10 equity principle established under this subsection, the authority may
11 use the five subareas within the authority's boundaries as identified
12 in the authority's system plan adopted in May 1996)) to the regional
13 transportation commission, if fully constituted and authorized to
14 exercise its powers as prescribed in section 301(2) of this act within
15 the authority's geographic area, for inclusion in the regional mobility
16 investment plan for voter approval under section 305(2) of this act.

17 (12) If the authority is unable to achieve a positive vote on a
18 proposition within two years from the date of the first election on a
19 proposition, the board may, by resolution, reconstitute the authority
20 as a single-county body. With a two-thirds vote of the entire
21 membership of the voting members, the board may also dissolve the
22 authority.

23 **PART VIII**
24 **MISCELLANEOUS**

25 NEW SECTION. Sec. 801. The following acts or parts of acts, as
26 now existing or hereafter amended, are each repealed, effective January
27 1, 2008, only if a regional transportation investment district has not
28 been formed under chapter 36.120 RCW by January 1, 2008, or effective
29 January 1, 2009, if a regional transportation investment district has
30 been formed by January 1, 2008:

- 31 (1) RCW 36.120.010 (Findings) and 2002 c 56 s 101;
32 (2) RCW 36.120.020 (Definitions) and 2006 c 334 s 13, 2006 c 311 s
33 4, & 2002 c 56 s 102;
34 (3) RCW 36.120.030 (Planning committee--Formation) and 2006 c 311
35 s 5 & 2002 c 56 s 103;

1 (4) RCW 36.120.040 (Planning committee--Duties) and 2006 c 311 s 6,
2 2003 c 194 s 1, & 2002 c 56 s 104;
3 (5) RCW 36.120.045 (Planning committee--State route No. 520
4 improvements) and 2006 c 311 s 7;
5 (6) RCW 36.120.050 (Planning committee--Taxes, fees, and tolls) and
6 2006 c 311 s 13, 2003 c 350 s 4, & 2002 c 56 s 105;
7 (7) RCW 36.120.060 (Project selection--Performance criteria) and
8 2002 c 56 s 106;
9 (8) RCW 36.120.070 (Submission of ballot measures to the voters)
10 and 2006 c 311 s 8 & 2002 c 56 s 107;
11 (9) RCW 36.120.080 (Formation--Certification) and 2006 c 311 s 10
12 & 2002 c 56 s 108;
13 (10) RCW 36.120.090 (Governing board--Composition) and 2002 c 56 s
14 109;
15 (11) RCW 36.120.100 (Governing board--Organization) and 2002 c 56
16 s 110;
17 (12) RCW 36.120.110 (Governing board--Powers and duties--Intent)
18 and 2006 c 311 s 11 & 2002 c 56 s 111;
19 (13) RCW 36.120.120 (Treasurer) and 2002 c 56 s 112;
20 (14) RCW 36.120.130 (Indebtedness--Bonds--Limitation) and 2003 c
21 372 s 1 & 2002 c 56 s 113;
22 (15) RCW 36.120.140 (Transportation project or plan modification--
23 Accountability) and 2003 c 194 s 2 & 2002 c 56 s 114;
24 (16) RCW 36.120.150 (Department of transportation--Role) and 2002
25 c 56 s 115;
26 (17) RCW 36.120.160 (Ownership of improvements) and 2002 c 56 s
27 116;
28 (18) RCW 36.120.170 (Dissolution of district) and 2002 c 56 s 117;
29 (19) RCW 36.120.180 (Findings--Regional models--Grants) and 2002 c
30 56 s 118;
31 (20) RCW 36.120.190 (Joint ballot measure) and 2002 c 56 s 201;
32 (21) RCW 36.120.200 (Regional transportation investment district
33 account) and 2002 c 56 s 401;
34 (22) RCW 36.120.210 (Advisory ballot for Alaskan Way viaduct
35 improvements--Preferred alternative for Alaskan Way viaduct and Seattle
36 Seawall improvements) and 2006 c 311 s 29;
37 (23) RCW 36.120.900 (Captions and subheadings not law--2002 c 56)
38 and 2002 c 56 s 501; and

1 (24) RCW 36.120.901 (Severability--2002 c 56) and 2002 c 56 s 503.

2 NEW SECTION. **Sec. 802.** RCW 82.44.135 (Local government must
3 contract with department of licensing) and 2006 c 318 s 9 are each
4 repealed.

5 NEW SECTION. **Sec. 803.** APPLICABILITY OF PUBLIC LAWS. A regional
6 transportation commission, its officers, and the governing body of
7 commissioners, created under this act, are subject to the general laws
8 regulating local governments and local governmental officials
9 including, but not limited to, applicable requirements under chapters
10 42.17, 42.23, 42.30, 42.41, and 43.09 RCW.

11 NEW SECTION. **Sec. 804.** Part headings and captions used in this
12 act are not any part of the law.

13 NEW SECTION. **Sec. 805.** Sections 101, 201, 301 through 310, 501,
14 502, and 601 of this act constitute a new chapter in Title 36 RCW.

15 NEW SECTION. **Sec. 806.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 807.** This act shall be liberally construed to
20 effect the policies and purposes of this act."

SSB 5803 - S AMD

By Senators Murray, Haugen, Weinstein, Swecker

ADOPTED AS AMENDED 03/12/2007

21 On page 1, line 2 of the title, after "commissions;" strike the
22 remainder of the title and insert "amending RCW 47.80.020, 47.80.060,
23 81.112.080, 47.56.030, 47.80.040, 82.14.430, 82.80.010, 82.80.030,
24 82.80.100, 82.80.110, 82.80.120, 81.100.030, 47.56.075, 82.32.470,

1 82.14.050, 82.80.080, and 81.112.030; reenacting and amending RCW
2 81.100.060; adding a new section to chapter 47.01 RCW; adding a new
3 chapter to Title 36 RCW; creating new sections; repealing RCW
4 36.120.010, 36.120.020, 36.120.030, 36.120.040, 36.120.045, 36.120.050,
5 36.120.060, 36.120.070, 36.120.080, 36.120.090, 36.120.100, 36.120.110,
6 36.120.120, 36.120.130, 36.120.140, 36.120.150, 36.120.160, 36.120.170,
7 36.120.180, 36.120.190, 36.120.200, 36.120.210, 36.120.900, 36.120.901,
8 and 82.44.135; and providing an effective date."

--- END ---