

ESHB 2072 - S COMM AMD

By Committee on Transportation

ADOPTED AND ENGROSSED 04/10/2009

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 47.06B
4 RCW to read as follows:

5 (1) In 2007, the legislature directed the joint transportation
6 committee to conduct a study of special needs transportation to examine
7 and evaluate the effectiveness of special needs transportation in the
8 state. A particular goal of the study was to explore opportunities to
9 enhance coordination of special needs transportation programs to ensure
10 that they are delivered efficiently and result in improved access and
11 increased mobility options for their clients. It is the intent of the
12 legislature to further consider some of the recommendations, and to
13 implement many of these recommendations in the form of two pilot
14 projects that will test the potential for applying these
15 recommendations statewide in the future.

16 (2) The legislature is aware that the department of social and
17 health services submitted an application in December of 2008 to the
18 federal centers for medicare and medicaid services, seeking approval to
19 use the medical match system, a federal funding system that has
20 different requirements from the federal administrative match system
21 currently used by the department. It is the intent of the legislature
22 to advance the goals of this act and the recommendations of the study
23 identified in subsection (1) of this section without jeopardizing the
24 application made by the department.

25 (3) By August 15, 2009, the agency council on coordinated
26 transportation shall appoint a work group for the purpose of
27 identifying relevant federal requirements related to special needs
28 transportation, and identifying solutions to streamline the
29 requirements and increase efficiencies in transportation services
30 provided for persons with special transportation needs. To advance its

1 purpose, the work group shall work with relevant federal
2 representatives and agencies to identify and address various challenges
3 and barriers.

4 (4) Membership of the work group must include, but not be limited
5 to, one or more representatives from:

6 (a) The departments of transportation, veterans affairs, health,
7 and social and health services;

8 (b) Medicaid nonemergency medical transportation brokers;

9 (c) Public transit agencies;

10 (d) Regional and metropolitan transportation planning
11 organizations, including a representative of the regional
12 transportation planning organization or organizations that provide
13 staff support to the local coordinating coalition established under
14 section 9 of this act;

15 (e) Indian tribes;

16 (f) The agency council on coordinated transportation;

17 (g) The local coordinating coalitions established under section 9
18 of this act; and

19 (h) The office of the superintendent of public instruction.

20 (5) The work group shall elect one or more of its members to
21 service as chair or cochairs.

22 (6) The work group shall immediately contact representatives of the
23 federal congressional delegation for Washington state and the relevant
24 federal agencies and coordinating authorities including, but not
25 limited to, the federal transit administration, the United States
26 department of health and human services, and the interagency
27 transportation coordinating council on access and mobility, and invite
28 the federal representatives to work collaboratively to:

29 (a) Identify transportation definitions and terminology used in the
30 various relevant state and federal programs, and establish consistent
31 transportation definitions and terminology. For purposes of this
32 subsection, relevant state definitions exclude terminology that
33 requires a medical determination, including whether a trip or service
34 is medically necessary;

35 (b) Identify restrictions or barriers that preclude federal, state,
36 and local agencies from sharing client lists or other client
37 information, and make progress towards removing any restrictions or
38 barriers;

1 (c) Identify relevant state and federal performance and cost
2 reporting systems and requirements, and work towards establishing
3 consistent and uniform performance and cost reporting systems and
4 requirements; and

5 (d) Explore, subject to federal approval, opportunities to test
6 cost allocation models, including the pilot projects established in
7 section 11 of this act, that:

8 (i) Allow for cost sharing among public paratransit and medicaid
9 nonemergency medical trips; and

10 (ii) Capture the value of medicaid trips provided by public transit
11 agencies for which they are not currently reimbursed with a funding
12 match by federal medicaid dollars.

13 (7) By December 1, 2009, the work group shall submit a report to
14 the joint transportation committee that explains the progress made
15 towards the goals of this section and identifies any necessary
16 legislative action that must be taken to implement all the provisions
17 of this section. A second progress report must be submitted to the
18 joint transportation committee by June 1, 2010, and a final report must
19 be submitted to the joint transportation committee by December 1, 2010.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.06B RCW
21 to read as follows:

22 (1) By August 15, 2009, the agency council on coordinated
23 transportation shall appoint a work group to consider certain
24 recommendations resulting from the study identified in section 1(1) of
25 this act. In conducting its analysis, the work group must consult with
26 the appropriate federal agencies, including the federal transit
27 administration, the United States department of health and human
28 services, and the interagency transportation coordinating council on
29 access and mobility.

30 (2) The work group must be chaired by a representative of the
31 agency council on coordinated transportation, and members must include
32 one or more representatives of:

33 (a) Regional and metropolitan planning organizations;

34 (b) Transit agencies;

35 (c) Brokerages providing nonemergency medical transportation
36 services; and

37 (d) The department of social and health services.

1 (3) The work group may consider any recommendation resulting from
2 the study identified in section 1(1) of this act, and shall
3 specifically consider the study's recommendations regarding the
4 procurement and designation of community access managers, including:

5 (a) The most appropriate agency to make those designations;

6 (b) The preferred geographic regions in which to establish
7 community access managers;

8 (c) The duties and responsibilities of community access managers;
9 and

10 (d) Any study recommendations that may interfere with the
11 department's application as described in section 1(2) of this act, and
12 potential solutions to those issues.

13 (4) The work group may also develop an alternative to the community
14 access manager model proposed in the 2009 special needs transportation
15 study recommendations, as described in section 1(1) of this act, as a
16 recommendation to be considered by the joint transportation committee.
17 Any proposed alternative model must build upon the work conducted in
18 the pilot projects under section 11 of this act and the work completed
19 in the 2009 study, and must be consistent with the goals of the 2009
20 study.

21 (5) Subject to available funds, the work group may consult with
22 other agencies and organizations as needed.

23 (6) By December 1, 2009, the agency council on coordinated
24 transportation shall submit a report to the joint transportation
25 committee describing the work group's findings and recommendations for
26 implementing the study recommendations. If the work group finds that
27 additional time is needed to complete its analysis, a second progress
28 report must be submitted to the joint transportation committee by June
29 1, 2010.

30 **Sec. 3.** RCW 47.06B.010 and 2007 c 421 s 1 are each amended to read
31 as follows:

32 The legislature finds that transportation systems for persons with
33 special needs are not operated as efficiently as possible. In too many
34 cases, programs established by the legislature to assist persons with
35 special needs can not be accessed due to these inefficiencies and
36 coordination barriers.

1 The legislature further finds that the transportation needs of each
2 community are unique, and that transportation services may be improved
3 by establishing a system of statewide oversight that seeks input,
4 collaboration, and cooperation from and among all local service
5 providers, including public agencies, private organizations, and
6 community-based groups.

7 It is the intent of the legislature that public transportation
8 agencies, pupil transportation programs, private nonprofit
9 transportation providers, and other public agencies sponsoring programs
10 that require transportation services coordinate those transportation
11 services. Through coordination of transportation services, programs
12 will achieve increased efficiencies and will be able to provide more
13 rides to a greater number of persons with special needs.

14 **Sec. 4.** RCW 47.06B.020 and 2007 c 421 s 2 are each amended to read
15 as follows:

16 (1) The agency council on coordinated transportation is created.
17 The purpose of the council is to advance and improve accessibility to
18 and coordination of special needs transportation services statewide.
19 The council is composed of (~~ten~~) fourteen voting members and four
20 nonvoting, legislative members.

21 (2) The (~~ten~~) fourteen voting members are the superintendent of
22 public instruction or a designee, the secretary of transportation or a
23 designee, the secretary of the department of social and health services
24 or a designee, and (~~seven~~) eleven members appointed by the governor
25 as follows:

26 (a) One representative from the office of the governor;

27 (b) Three persons who are consumers of special needs transportation
28 services, which must include:

29 (i) One person designated by the executive director of the
30 governor's committee on disability issues and employment; and

31 (ii) One person who is designated by the executive director of the
32 developmental disabilities council;

33 (c) One representative from the Washington association of pupil
34 transportation;

35 (d) One representative from the Washington state transit
36 association; (~~and~~)

37 (e) One of the following:

1 (i) A representative from the community transportation association
2 of the Northwest; or

3 (ii) A representative from the community action council
4 association;

5 (f) One person who represents regional transportation planning
6 organizations and metropolitan planning organizations;

7 (g) One representative of brokers who provide nonemergency,
8 medically necessary trips to persons with special transportation needs
9 under the medicaid program administered by the department of social and
10 health services;

11 (h) One representative from the Washington state department of
12 veterans affairs; and

13 (i) One representative of the state association of counties.

14 (3) The four nonvoting members are legislators as follows:

15 (a) Two members from the house of representatives, one from each of
16 the two largest caucuses, appointed by the speaker of the house of
17 representatives, including at least one member from the house
18 transportation policy and budget committee or the house appropriations
19 committee; and

20 (b) Two members from the senate, one from each of the two largest
21 caucuses, appointed by the president of the senate, including at least
22 one member from the senate transportation committee or the senate ways
23 and means committee.

24 (4) Gubernatorial appointees of the council will serve two-year
25 terms. Members may not receive compensation for their service on the
26 council, but will be reimbursed for actual and necessary expenses
27 incurred in performing their duties as members as set forth in RCW
28 43.03.220.

29 ~~(5) ((The secretary of transportation or a designee shall serve as~~
30 ~~the chair.~~

31 ~~(6))~~ The council shall vote on an annual basis to elect one of its
32 voting members to serve as chair. The position of chair must rotate
33 among the represented agencies, associations, and interest groups at
34 least every two years. If the position of chair is vacated for any
35 reason, the secretary of transportation or the secretary's designee
36 shall serve as acting chair until the next regular meeting of the
37 council, at which time the members will elect a chair.

1 (6) The council shall periodically assess its membership to ensure
2 that there exists a balanced representation of persons with special
3 transportation needs and providers of special transportation needs
4 services. Recommendations for modifying the membership of the council
5 must be included in the council's biennial report to the legislature as
6 provided in RCW 47.06B.050.

7 (7) The department of transportation shall provide necessary staff
8 support for the council.

9 (~~(7)~~) (8) The council may receive gifts, grants, or endowments
10 from public or private sources that are made from time to time, in
11 trust or otherwise, for the use and benefit of the purposes of the
12 council and spend gifts, grants, or endowments or income from the
13 public or private sources according to their terms, unless the receipt
14 of the gifts, grants, or endowments violates RCW 42.17.710.

15 (~~(8)~~) (9) The meetings of the council must be open to the public,
16 with the agenda published in advance, and minutes kept and made
17 available to the public. The public notice of the meetings must
18 indicate that accommodations for persons with disabilities will be made
19 available upon request.

20 (~~(9)~~) (10) All meetings of the council must be held in locations
21 that are readily accessible to public transportation, and must be
22 scheduled for times when public transportation is available.

23 (~~(10)~~) (11) The council shall make an effort to include
24 presentations by and work sessions including persons with special
25 transportation needs.

26 **Sec. 5.** RCW 47.06B.030 and 2007 c 421 s 3 are each amended to read
27 as follows:

28 (~~(1)~~) To assure implementation of an effective system of
29 coordinated transportation that meets the needs of persons with special
30 transportation needs, the agency council on coordinated transportation
31 shall:

32 (1) Consistent with the policy goals set forth in RCW 47.04.280,
33 propose statewide policies and objectives, subject to enactment by the
34 legislature, that are designed to advance the coordination of and to
35 increase efficiencies in special needs transportation services;

36 (2) Adopt a biennial work plan that must, at a minimum:

- 1 (a) Focus on projects that identify and address barriers in laws,
2 policies, and procedures;
- 3 (b) Focus on results; and
- 4 (c) Identify and advocate for transportation system improvements
5 for persons with special transportation needs(~~(-~~
6 ~~(2) The council shall,~~));
- 7 (3) Collaborate with and monitor the efforts of the local
8 coordinating coalitions established under section 9 of this act;
- 9 (4) Establish uniform measurable outcome-based performance
10 objectives and measures for evaluating:
- 11 (a) The effectiveness of any grant programs administered by the
12 council;
- 13 (b) The council's progress made toward accomplishing its overall
14 objectives; and
- 15 (c) In collaboration with local coordinating coalitions established
16 under section 9 of this act, the progress made in each region toward
17 advancing coordination of and accessibility to special needs
18 transportation services;
- 19 (5) Periodically provide input and recommendations to local and
20 regional planning organizations for advancing special needs coordinated
21 transportation;
- 22 (6) Appoint members to local coordinating coalitions, as provided
23 in section 9 of this act;
- 24 (7) Beginning with the 2009-2011 biennial transportation budget,
25 and at the request of the department, review and assess applications
26 made for state paratransit/special needs grants, as provided in section
27 223(1), chapter 121, Laws of 2008, or other special needs
28 transportation grants administered by the department;
- 29 (8) As necessary, convene work groups at the state, regional, or
30 local level to develop and implement coordinated approaches to special
31 needs transportation(~~(-~~
32 ~~(3))~~);
- 33 (9) To improve the service experienced by persons with special
34 transportation needs, ((the council shall)) develop statewide
35 guidelines for customer complaint processes so that information about
36 policies regarding the complaint processes is available consistently
37 and consumers are appropriately educated about available options. To
38 be eligible for funding on or after January 1, 2008, organizations

1 applying for state paratransit/special needs grants as described in
2 section 226(1), chapter 370, Laws of 2006 must implement a process
3 following the guidelines established by the council((-

4 ~~(4) The council shall~~); and

5 (10) Represent the needs and interests of persons with special
6 transportation needs in statewide efforts for emergency and disaster
7 preparedness planning by advising the emergency management council on
8 how to address transportation needs for high-risk individuals during
9 and after disasters.

10 NEW SECTION. Sec. 6. A new section is added to chapter 47.06B RCW
11 to read as follows:

12 (1) The legislature acknowledges that successful models of
13 coordination among state, regional, and local service providers
14 recognize that cost accounting and cost allocation are integral
15 components in meeting the statutory obligations of the various funding
16 sources that may be used to support the purchase of services from
17 special needs transportation service providers. To that end, the
18 agency council on coordinated transportation must work collaboratively
19 with any appropriate agencies and transportation providers and
20 organizations to:

21 (a) Develop and adopt common units of service definitions
22 including, but not limited to, definitions for vehicle miles, vehicle
23 hours, and passenger trips, consistent with any relevant definitions
24 established under section 1 of this act. For purposes of this
25 subsection, "common units of service" excludes elements involving
26 medical determinations, including whether a trip type or transportation
27 service is medically necessary; and

28 (b) Develop uniform performance and cost reporting systems,
29 consistent with performance and cost reporting systems established
30 under section 1 of this act.

31 (2) By December 1, 2009, the agency council on coordinated
32 transportation shall submit a report to the joint transportation
33 committee that, at a minimum, describes the progress made towards the
34 goals of this section. If necessary, a second progress report must be
35 submitted to the joint transportation committee by June 1, 2010, and a
36 final report must be submitted to the joint transportation committee by
37 December 1, 2010.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 47.06B RCW
2 to read as follows:

3 (1) In cooperation with the department of social and health
4 services and the Washington state patrol, the agency council on
5 coordinated transportation shall make progress toward the goal of
6 establishing a single clearinghouse for driver background checks within
7 the most cost-effective agency. To that end, the council shall, at a
8 minimum:

9 (a) Review any previous relevant studies;

10 (b) Identify and collaborate with agencies engaged in background
11 check analysis; and

12 (c) Develop a work plan to achieve the objectives identified in
13 this subsection.

14 (2) By December 1, 2009, the agency council on coordinated
15 transportation shall submit a report to the joint transportation
16 committee that, at a minimum, describes the progress made towards the
17 goals of this section. If necessary, a second progress report must be
18 submitted to the joint transportation committee by June 1, 2010, and a
19 final report must be submitted to the joint transportation committee by
20 December 1, 2010.

21 **Sec. 8.** RCW 47.06B.050 and 2007 c 421 s 6 are each amended to read
22 as follows:

23 The agency council on coordinated transportation shall submit a
24 progress report (~~((on-council-activities))~~) to the legislature by
25 December 1, 2009, and every other year thereafter. The report must
26 describe the council's progress in achieving its objectives and in
27 attaining the applicable goals identified in the council's biennial
28 work plan and highlight any problems encountered in achieving these
29 goals. The report must also include the required performance measure
30 evaluations established in RCW 47.06B.030(4). The information will be
31 reported in a form established by the council.

32 NEW SECTION. **Sec. 9.** A new section is added to chapter 47.06B RCW
33 to read as follows:

34 (1) A local coordinating coalition is created in each nonemergency
35 medical transportation brokerage region, as designated by the
36 department of social and health services, that encompasses:

1 (a) A single county that has a population of more than seven
2 hundred fifty thousand but less than one million; and

3 (b) Five counties, and is comprised of at least one county that has
4 a population of more than four hundred thousand.

5 (2) The purpose of a local coordinating coalition is to advance
6 local efforts to coordinate and maximize efficiencies in special needs
7 transportation programs and services, contributing to the overall
8 objectives and goals of the agency council on coordinated
9 transportation. The local coordinating coalition shall serve in an
10 advisory capacity to the agency council on coordinated transportation
11 by providing the council with a focused and ongoing assessment of the
12 special transportation needs and services provided within its region.

13 (3) The composition and size of each local coordinating coalition
14 may vary by region. Local coordinating coalition members, appointed by
15 the chair of the agency council on coordinated transportation to two-
16 year terms, must reflect a balanced representation of the region's
17 providers of special needs transportation services and must include:

18 (a) Members of existing local coordinating coalitions, with
19 approval by those members;

20 (b) One or more representatives of the public transit agency or
21 agencies serving the region;

22 (c) One or more representatives of private service providers;

23 (d) A representative of civic or community-based service providers;

24 (e) A consumer of special needs transportation services;

25 (f) A representative of nonemergency medical transportation
26 medicaid brokers;

27 (g) A representative of social and human service programs;

28 (h) A representative of local high school districts; and

29 (i) A representative from the Washington state department of
30 veterans affairs.

31 (4) Each coalition shall vote on an annual basis to elect one of
32 its members to serve as chair. The position of chair must rotate among
33 the represented members at least every two years. If the position of
34 chair is vacated for any reason, the member representing the regional
35 transportation planning organization described in subsection (6) of
36 this section shall serve as acting chair until the next regular meeting
37 of the coalition, at which time the members will elect a chair.

1 (5) Regular meetings of the local coordinating coalition may be
2 convened at the call of the chair or by a majority of the members.
3 Meetings must be open to the public, and held in locations that are
4 readily accessible to public transportation.

5 (6) The regional transportation planning organization, as described
6 in chapter 47.80 RCW, serving the region in which the local
7 coordinating coalition is created shall provide necessary staff support
8 for the local coordinating coalition. In regions served by more than
9 one regional transportation planning organization, unless otherwise
10 agreed to by the relevant planning organizations, the regional
11 transportation planning organization serving the largest population
12 within the region shall provide the necessary staff support.

13 NEW SECTION. **Sec. 10.** A new section is added to chapter 47.06B
14 RCW to read as follows:

15 Local coordinating coalitions established under section 9 of this
16 act shall:

17 (1) Identify, to the greatest extent possible, all local
18 transportation facilities, services, and providers serving persons with
19 special transportation needs in the region, including public transit
20 agencies, private companies, nonprofit organizations, and community-
21 based groups. For each service provider, the coalition shall identify
22 the boundaries within which services are provided;

23 (2) Identify local service needs, including connectivity gaps and
24 other barriers to reliable and efficient transportation within and
25 across service boundaries;

26 (3) Consider strategies to address the local service needs and gaps
27 identified in subsection (2) of this section;

28 (4) In consultation with the agency council on coordinated
29 transportation, collaborate with local service providers and operators
30 to identify and propose common connectivity standards. The
31 connectivity standards must, at a minimum, address signage, transit
32 information, schedule coordination, and services provided to address
33 access to and from a transit stop or facility; and

34 (5) Beginning December 1, 2009, submit an annual report to the
35 agency council on coordinated transportation that must, at a minimum,
36 describe local efforts to coordinate and maximize efficiencies in

1 special needs transportation programs and services, and progress made
2 in addressing the duties described in this section.

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 47.06B
4 RCW to read as follows:

5 (1) In addition to the duties identified in sections 9 and 10 of
6 this act, each local coordinating coalition shall develop or implement
7 a pilot project within the coalition's region, as described under
8 section 9(1) of this act, for the purpose of demonstrating cost sharing
9 and cost saving opportunities as described in subsection (2) of this
10 section, and shall keep the agency council on coordinated
11 transportation informed of progress made toward implementing the pilot
12 project. In developing or implementing the pilot project, the local
13 coordinating coalition shall collaborate with the appropriate federal
14 agencies, including the federal transit authority and United States
15 department of health and human services, and may collaborate with other
16 agencies and organizations as deemed appropriate.

17 (2) The pilot project must be designed to:

18 (a) Demonstrate opportunities for cost sharing, including but not
19 limited to opportunities among public paratransit and medicaid
20 nonemergency medical trips; and

21 (b) Test the feasibility of capturing the value of medicaid trips
22 provided by public transit agencies for which they are not currently
23 reimbursed with a funding match by federal medicaid dollars.

24 (3) By December 1, 2009, and by June 1, 2010, each local
25 coordinating coalition shall submit a status report to the joint
26 transportation committee and agency council on coordinated
27 transportation describing progress made in implementing the pilot
28 project. By December 1, 2010, each local coordinating coalition shall
29 issue a final report to the joint transportation committee and the
30 agency council on coordinated transportation describing progress made
31 in implementing the pilot project.

32 NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.300
33 RCW to read as follows:

34 By December 31, 2010, the office of the superintendent of public
35 instruction shall establish a uniform process designed to track the
36 additional expenditures for transporting homeless students, including

1 expenditures required under the McKinney Vento act, reauthorized as
2 Title X, Part C, of the no child left behind act, P.L. 107-110, in
3 January 2002. Once established, the superintendent shall adopt the
4 necessary administrative rules to direct each school district to adopt
5 and use the uniform process and track these expenditures. The
6 superintendent shall provide information annually to the agency council
7 on coordinated transportation, created in chapter 47.06B RCW, on total
8 expenditures related to the transportation of homeless students.

9 NEW SECTION. **Sec. 13.** A new section is added to chapter 35.58 RCW
10 to read as follows:

11 A municipality, as defined in RCW 35.58.272, and each regional
12 transit authority shall work collaboratively with the appropriate local
13 coordinating coalition or coalitions as described under section 9 of
14 this act to advance the coordination of and maximize efficiencies in
15 transportation services provided to persons with special transportation
16 needs as defined in RCW 47.06B.012.

17 **Sec. 14.** RCW 36.73.020 and 2006 c 311 s 25 are each amended to
18 read as follows:

19 (1) The legislative authority of a county or city may establish a
20 transportation benefit district within the county or city area or
21 within the area specified in subsection (2) of this section, for the
22 purpose of acquiring, constructing, improving, providing, and funding
23 a transportation improvement within the district that is consistent
24 with any existing state, regional, and local transportation plans and
25 necessitated by existing or reasonably foreseeable congestion levels.
26 The transportation improvements shall be owned by the county of
27 jurisdiction if located in an unincorporated area, by the city of
28 jurisdiction if located in an incorporated area, or by the state in
29 cases where the transportation improvement is or becomes a state
30 highway. However, if deemed appropriate by the governing body of the
31 transportation benefit district, a transportation improvement may be
32 owned by a participating port district or transit district, unless
33 otherwise prohibited by law. Transportation improvements shall be
34 administered and maintained as other public streets, roads, highways,
35 and transportation improvements. To the extent practicable, the

1 district shall consider the following criteria when selecting
2 transportation improvements:

3 (a) Reduced risk of transportation facility failure and improved
4 safety;

5 (b) Improved travel time;

6 (c) Improved air quality;

7 (d) Increases in daily and peak period trip capacity;

8 (e) Improved modal connectivity;

9 (f) Improved freight mobility;

10 (g) Cost-effectiveness of the investment;

11 (h) Optimal performance of the system through time; (~~and~~)

12 (i) Improved accessibility for, or other benefits to, persons with
13 special transportation needs as defined in RCW 47.06B.012; and

14 (j) Other criteria, as adopted by the governing body.

15 (2) Subject to subsection (6) of this section, the district may
16 include area within more than one county, city, port district, county
17 transportation authority, or public transportation benefit area, if the
18 legislative authority of each participating jurisdiction has agreed to
19 the inclusion as provided in an interlocal agreement adopted pursuant
20 to chapter 39.34 RCW. However, the boundaries of the district need not
21 include all territory within the boundaries of the participating
22 jurisdictions comprising the district.

23 (3) The members of the legislative authority proposing to establish
24 the district, acting ex officio and independently, shall constitute the
25 governing body of the district: PROVIDED, That where a district
26 includes area within more than one jurisdiction under subsection (2) of
27 this section, the district shall be governed under an interlocal
28 agreement adopted pursuant to chapter 39.34 RCW. However, the
29 governing body shall be composed of at least five members including at
30 least one elected official from the legislative authority of each
31 participating jurisdiction.

32 (4) The treasurer of the jurisdiction proposing to establish the
33 district shall act as the ex officio treasurer of the district, unless
34 an interlocal agreement states otherwise.

35 (5) The electors of the district shall all be registered voters
36 residing within the district.

37 (6) Prior to December 1, 2007, the authority under this section,

1 regarding the establishment of or the participation in a district,
2 shall not apply to:

3 (a) Counties with a population greater than one million five
4 hundred thousand persons and any adjoining counties with a population
5 greater than five hundred thousand persons;

6 (b) Cities with any area within the counties under (a) of this
7 subsection; and

8 (c) Other jurisdictions with any area within the counties under (a)
9 of this subsection.

10 **Sec. 15.** RCW 47.80.023 and 2007 c 421 s 5 are each amended to read
11 as follows:

12 Each regional transportation planning organization shall have the
13 following duties:

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

20 (2) Prepare a regional transportation plan as set forth in RCW
21 47.80.030 that is consistent with county-wide planning policies if such
22 have been adopted pursuant to chapter 36.70A RCW, with county, city,
23 and town comprehensive plans, and state transportation plans.

24 (3) Certify by December 31, 1996, that the transportation elements
25 of comprehensive plans adopted by counties, cities, and towns within
26 the region reflect the guidelines and principles developed pursuant to
27 RCW 47.80.026, are consistent with the adopted regional transportation
28 plan, and, where appropriate, conform with the requirements of RCW
29 36.70A.070.

30 (4) Where appropriate, certify that county-wide planning policies
31 adopted under RCW 36.70A.210 and the adopted regional transportation
32 plan are consistent.

33 (5) Develop, in cooperation with the department of transportation,
34 operators of public transportation services and local governments
35 within the region, a six-year regional transportation improvement
36 program which proposes regionally significant transportation projects
37 and programs and transportation demand management measures. The

1 regional transportation improvement program shall be based on the
2 programs, projects, and transportation demand management measures of
3 regional significance as identified by transit agencies, cities, and
4 counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121,
5 respectively, and any recommended programs or projects identified by
6 the agency council on coordinated transportation, as provided in
7 chapter 47.06B RCW, that advance special needs coordinated
8 transportation as defined in RCW 47.06B.012. The program shall include
9 a priority list of projects and programs, project segments and
10 programs, transportation demand management measures, and a specific
11 financial plan that demonstrates how the transportation improvement
12 program can be funded. The program shall be updated at least every two
13 years for the ensuing six-year period.

14 (6) Include specific opportunities and projects to advance special
15 needs coordinated transportation, as defined in RCW 47.06B.012, in the
16 coordinated transit-human services transportation plan, after providing
17 opportunity for public comment.

18 (7) Designate a lead planning agency to coordinate preparation of
19 the regional transportation plan and carry out the other
20 responsibilities of the organization. The lead planning agency may be
21 a regional organization, a component county, city, or town agency, or
22 the appropriate Washington state department of transportation district
23 office.

24 ~~((7))~~ (8) Review level of service methodologies used by cities
25 and counties planning under chapter 36.70A RCW to promote a consistent
26 regional evaluation of transportation facilities and corridors.

27 ~~((8))~~ (9) Work with cities, counties, transit agencies, the
28 department of transportation, and others to develop level of service
29 standards or alternative transportation performance measures.

30 ~~((9))~~ (10) Submit to the agency council on coordinated
31 transportation, as provided in chapter 47.06B RCW, beginning on July 1,
32 2007, and every four years thereafter, an updated plan that includes
33 the elements identified by the council. Each regional transportation
34 planning organization must submit to the council every two years a
35 prioritized regional human service and transportation project list.

36 NEW SECTION. Sec. 16. A new section is added to chapter 47.01 RCW
37 to read as follows:

1 (1) To be eligible for funding on or after January 1, 2010, any
2 organization applying for state paratransit/special needs grants, as
3 described in section 223(1), chapter 121, Laws of 2008, or for other
4 funding provided for persons with special transportation needs, as
5 defined in RCW 47.06B.012, must include in its application, in addition
6 to meeting other eligibility requirements provided in law, an
7 explanation of how the requested funding will advance efficiencies in,
8 accessibility to, or coordination of transportation services provided
9 to persons with special transportation needs as defined in RCW
10 47.06B.012.

11 (2) Unless otherwise required by law, in administering federal
12 funding provided for special needs transportation purposes, including
13 funding under SAFETEA-LU, the safe, accountable, flexible, efficient
14 transportation equity act, P.L. 109-59, or its successor, the
15 department shall give priority to projects that result in increased
16 efficiencies in special needs transportation or improved coordination
17 among special needs transportation service providers.

18 (3) In making final grant award determinations under subsection (1)
19 of this section, the department shall seek input from the agency
20 council on coordinated transportation, as provided in chapter 47.06B
21 RCW, and shall give substantial deference to applications recommended
22 by the council.

23 **Sec. 17.** RCW 47.06B.900 and 2007 c 421 s 8 are each amended to
24 read as follows:

25 The agency council on coordinated transportation is terminated on
26 June 30, (~~2010~~) 2011, as provided in RCW 47.06B.901.

27 **Sec. 18.** RCW 47.06B.901 and 2007 c 421 s 9 are each amended to
28 read as follows:

29 The following acts or parts of acts, as now existing or hereafter
30 amended, are each repealed, effective June 30, (~~2011~~) 2012:

31 (1) RCW 47.06B.010 and 2009 c . . . s 3 (section 3 of this act),
32 2007 c 421 § 1, 1999 c 385 § 1, & 1998 c 173 § 1;

33 (2) RCW 47.06B.012 and 1999 c 385 § 2;

34 (3) RCW 47.06B.020 and 2009 c . . . s 4 (section 4 of this act),
35 2007 c 421 § 2, & 1998 c 173 § 2;

- 1 (4) RCW 47.06B.030 and 2009 c . . . s 5 (section 5 of this act),
- 2 2007 c 421 § 3, 1999 c 385 § 5, & 1998 c 173 § 3;
- 3 (5) RCW 47.06B.040 and 2007 c 421 § 4 & 1999 c 385 § 6; (~~and~~)
- 4 (6) RCW 47.06B.050 and 2009 c . . . s 8 (section 8 of this act) &
- 5 2007 c 421 § 6;
- 6 (7) Section 1 of this act;
- 7 (8) Section 2 of this act;
- 8 (9) Section 6 of this act;
- 9 (10) Section 7 of this act;
- 10 (11) Section 9 of this act;
- 11 (12) Section 10 of this act; and
- 12 (13) Section 11 of this act.

13 NEW SECTION. **Sec. 19.** If specific funding for the purposes of
14 this act, referencing this act by bill or chapter number, is not
15 provided by June 30, 2009, in the omnibus transportation appropriations
16 act, this act is null and void."

ESHB 2072 - S COMM AMD
By Committee on Transportation

ADOPTED AND ENGROSSED 04/10/2009

17 On page 1, line 2 of the title, after "needs;" strike the remainder
18 of the title and insert "amending RCW 47.06B.010, 47.06B.020,
19 47.06B.030, 47.06B.050, 36.73.020, 47.80.023, 47.06B.900, and
20 47.06B.901; adding new sections to chapter 47.06B RCW; adding a new
21 section to chapter 28A.300 RCW; adding a new section to chapter 35.58
22 RCW; adding a new section to chapter 47.01 RCW; creating a new section;
23 and providing an effective date."

--- END ---