
SENATE BILL 5793

State of Washington

63rd Legislature

2013 Regular Session

By Senators Darneille and Conway

Read first time 02/15/13. Referred to Committee on Transportation.

1 AN ACT Relating to the funding of enhanced public transportation
2 zones for public transportation systems; amending RCW 82.14.045; and
3 providing an effective date.

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

5 **Sec. 1.** RCW 82.14.045 and 2008 c 86 s 102 are each amended to read
6 as follows:

7 (1)(a) The legislative body of any city pursuant to RCW 35.92.060,
8 of any county which has created an unincorporated transportation
9 benefit area pursuant to RCW 36.57.100 and 36.57.110, of any public
10 transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090,
11 of any county transportation authority established pursuant to chapter
12 36.57 RCW, and of any metropolitan municipal corporation within a
13 county with a population of one million or more pursuant to chapter
14 35.58 RCW, may, by resolution or ordinance for the sole purpose of
15 providing funds for the operation, maintenance, or capital needs of
16 public transportation systems or public transportation limited to
17 persons with special needs under RCW 36.57.130 and 36.57A.180, and in
18 lieu of the excise taxes authorized by RCW 35.95.040, submit an
19 authorizing proposition to the voters or include such authorization in

1 a proposition to perform the function of public transportation or
2 public transportation limited to persons with special needs under RCW
3 36.57.130 and 36.57A.180, and if approved by a majority of persons
4 voting thereon, impose a sales and use tax in accordance with the terms
5 of this chapter. Where an authorizing proposition is submitted by a
6 county on behalf of an unincorporated transportation benefit area, it
7 shall be voted upon by the voters residing within the boundaries of
8 such unincorporated transportation benefit area and, if approved, the
9 sales and use tax shall be imposed only within such area.
10 Notwithstanding any provisions of this section to the contrary, any
11 county in which a county public transportation plan has been adopted
12 pursuant to RCW 36.57.070 and the voters of such county have authorized
13 the imposition of a sales and use tax pursuant to the provisions of
14 section 10, chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975,
15 shall be authorized to fix and impose a sales and use tax as provided
16 in this section at not to exceed the rate so authorized without
17 additional approval of the voters of such county as otherwise required
18 by this section.

19 (b)(i) The tax authorized under this section may also be imposed if
20 the legislative body of any of the entities set forth in (a) of this
21 subsection establishes an enhanced public transportation zone within a
22 portion of the territory of the entity and if approved by the voters in
23 the enhanced public transportation zone in the manner provided for in
24 this section. An enhanced public transportation zone may include all
25 or a portion of any city or town as long as all or a portion of the
26 city or town is within the territory of the establishing entity. The
27 establishing entity must consult with the department of revenue on
28 sales tax collection methods when establishing the boundaries of the
29 enhanced public transportation zone.

30 (ii) A tax imposed pursuant to this subsection (1)(b), when
31 combined with the existing rate of tax imposed by the establishing
32 entity, may not exceed the rate allowed under this section, and expires
33 either five years after imposition, unless reauthorized in the manner
34 provided for in this section, or upon failure of a reauthorization.
35 Prior to reauthorization, the enhanced public transportation zone
36 boundaries must be readjusted, if necessary, to meet the definition
37 provided for in (b)(iv) of this subsection. A tax imposed pursuant to
38 this subsection (1)(b) must be imposed only in the territory of the

1 enhanced public transportation zone. The revenue from the tax imposed
2 pursuant to this subsection (1)(b) must be expended only for public
3 transportation service within the enhanced public transportation zone
4 and must not supplant existing revenues allocated to the enhanced
5 public transportation zone.

6 (iii) Six months prior to the voter authorization or
7 reauthorization of the tax authorized under this subsection (1)(b), the
8 establishing entity must determine a baseline level of fixed-route
9 public transportation service. This baseline level of service must be
10 publicly posted on the web site of the establishing entity. Upon the
11 collection of the tax imposed pursuant to this subsection (1)(b),
12 fixed-route public transportation service within the enhanced public
13 transportation zone must increase proportionally to additional revenue
14 generated within the enhanced public transportation zone. Service
15 hours within the enhanced public transportation zone must increase from
16 the baseline level in accordance with the establishing entity's most
17 recent cost of fixed-route public transportation per service hour, as
18 approved by the national transit database. A report on the increase in
19 public transportation service must be publicly posted annually on the
20 establishing entity's web site.

21 (iv) For purposes of this subsection (1)(b), "enhanced public
22 transportation zone" means a zone in which the establishing entity by
23 resolution or ordinance finds that the zone warrants consistent and
24 sustainable transportation service levels of passenger capacity, speed,
25 and service frequency to serve persons within the zone that would
26 otherwise be substantially disadvantaged if the zone were not created.
27 An enhanced public transportation zone must include fifty-five percent
28 or more of the population of the establishing entity designated as low
29 income or minority for purposes of Title VI of the federal civil rights
30 act of 1964, but may not include more than forty-nine percent of the
31 population of the establishing entity. The boundaries of any enhanced
32 public transportation zone must follow election precinct lines as far
33 as practicable.

34 (c) The tax authorized by this section shall be in addition to the
35 tax authorized by RCW 82.14.030 and shall be collected from those
36 persons who are taxable by the state under chapters 82.08 and 82.12 RCW
37 upon the occurrence of any taxable event within such city, public
38 transportation benefit area, county, or metropolitan municipal

1 corporation as the case may be. The rate of such tax shall be one-
2 tenth, two-tenths, three-tenths, four-tenths, five-tenths, six-tenths,
3 seven-tenths, eight-tenths, or nine-tenths of one percent of the
4 selling price (in the case of a sales tax) or value of the article used
5 (in the case of a use tax). The rate of such tax shall not exceed the
6 rate authorized by the voters unless such increase shall be similarly
7 approved.

8 (2)(a) In the event a metropolitan municipal corporation imposes a
9 sales and use tax pursuant to this chapter no city, county which has
10 created an unincorporated transportation benefit area, public
11 transportation benefit area authority, or county transportation
12 authority wholly within such metropolitan municipal corporation shall
13 be empowered to impose and/or collect taxes under RCW 35.95.040 or this
14 section, but nothing herein shall prevent such city or county from
15 imposing sales and use taxes pursuant to any other authorization.

16 (b) In the event a county transportation authority imposes a sales
17 and use tax under this section, no city, county which has created an
18 unincorporated transportation benefit area, public transportation
19 benefit area, or metropolitan municipal corporation, located within the
20 territory of the authority, shall be empowered to impose or collect
21 taxes under RCW 35.95.040 or this section.

22 (c) In the event a public transportation benefit area imposes a
23 sales and use tax under this section, no city, county which has created
24 an unincorporated transportation benefit area, or metropolitan
25 municipal corporation, located wholly or partly within the territory of
26 the public transportation benefit area, shall be empowered to impose or
27 collect taxes under RCW 35.95.040 or this section.

28 NEW SECTION. **Sec. 2.** This act takes effect August 1, 2013.

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