

SSB 5955 - S AMD 563  
By Senator O'Ban

NOT ADOPTED 02/28/2018

1 On page 1, line 10, after "(1)" strike "Before" and insert  
2 "Except as otherwise provided in this section, before"

3 On page 1, after line 20, insert the following:  
4 "(3) A regional transit authority may contract with the  
5 department for the collection of a motor vehicle excise tax only if  
6 the authority has a directly elected board."

7 On page 4, after line 34, insert the following:

8 "NEW SECTION. **Sec. 7.** A new section is added to chapter 81.112  
9 RCW to read as follows:

10 (1) A regional transit authority is governed by a board  
11 consisting of the secretary of the department of transportation, or  
12 his or her designee, who is a nonvoting member, and eleven directly  
13 elected nonpartisan members. One nonpartisan member must be elected  
14 from each of the eleven numbered districts in primary and general  
15 elections commencing with the elections held in 2018. Commencing with  
16 such elections, a person seeking election or serving on the board may  
17 not hold other public office and must be a registered voter residing  
18 in the relevant electoral district during the term in office and for  
19 a period from at least thirty days before filing a petition for  
20 candidacy.

21 (2) A five-member districting commission appointed by the  
22 governor must define the districts as soon as possible after the  
23 effective date of this section. Each commission member must reside in  
24 a different authority subarea. The districting commission has all  
25 reasonably necessary powers and must determine a reasonable budget,  
26 which must be funded upon its request, by an authority. The  
27 districting commission must promptly approve a plan for eleven  
28 numbered electoral districts in a service area, and publicize and  
29 file the plan with the county clerks of the counties within a service  
30 area. The plan must be drawn to ensure that the electoral districts:  
31 Have nearly equal populations in accordance with the one person, one

1 vote principle; do not divide a precinct; are compact, convenient,  
2 and contiguous; do not exceed five electoral districts solely in one  
3 county; and minimize the number of districts that consist of portions  
4 of different counties or different authority subareas. An objection  
5 to the plan must commence within thirty days, and be heard within  
6 sixty days, of filing the plan.

7 (3) Upon certification of the 2018 general election, terms of  
8 office of an authority's board members expire, if any are existing on  
9 the effective date of this section, and the eleven elected  
10 nonpartisan members must take office. Each elected member must serve  
11 the remainder of 2018 plus an additional period of two or four years.  
12 Lots must be drawn to determine which six of the eleven elected  
13 members must serve an additional four years, and which five of the  
14 eleven elected members must serve an additional two years. All  
15 successors elected in subsequent elections in odd-numbered years must  
16 have terms of office for four years, commencing January 1st after the  
17 election.

18 (4) An authority's board positions become vacant upon failure to  
19 maintain residence or other qualification, recall, death,  
20 resignation, or adjudication of permanent disability. The nonpartisan  
21 vacancy must be filled as provided in chapter 42.12 RCW. The  
22 appointed temporary member must serve until a successor for the  
23 remainder of the vacated term is chosen in the next primary and  
24 general election.

25 (5) Local jurisdiction expenditures incurred through  
26 administering the election of the authority's board members must be  
27 reimbursed by the authority.

28 (6) Every decade, after the release of federal census  
29 information, the governor must appoint a new districting commission  
30 in accordance with subsection (2) of this section. The commission  
31 must operate in accordance with the standards provided in subsection  
32 (2) of this section and prepare a timetable for transition to any new  
33 districts.

34 (7) To allow staggered terms after a redistricting, a board  
35 member who has an uncompleted four-year term and no longer resides in  
36 his or her prior district solely due to redistricting must serve the  
37 remainder of the four-year term.

38 (8) Major decisions of the authority require a favorable vote of  
39 two-thirds of the entire membership. "Major decisions" include at  
40 least the following: System plan adoption and amendment, system

1 phasing decisions, annual budget adoption, authorization of  
2 annexations, modification of board composition, and executive  
3 director employment.

4 (9) Each member of the board is eligible to be reimbursed for  
5 travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to  
6 receive compensation up to ten thousand dollars per year.

7 **Sec. 8.** RCW 81.112.010 and 1992 c 101 s 1 are each amended to  
8 read as follows:

9 The legislature recognizes that existing transportation  
10 facilities in the central Puget Sound area are inadequate to address  
11 mobility needs of the area. The geography of the region, travel  
12 demand growth, and public resistance to new roadways combine to  
13 further necessitate the rapid development of alternative modes of  
14 travel.

15 The legislature finds that local governments have been effective  
16 in cooperatively planning a multicounty, high capacity transportation  
17 system. However, a continued multijurisdictional approach to funding,  
18 construction, and operation of a multicounty high capacity  
19 transportation system may impair the successful implementation of  
20 such a system.

21 The legislature finds that a single agency will be more effective  
22 than several local jurisdictions working collectively at planning,  
23 developing, operating, and funding a high capacity transportation  
24 system. The single agency's services must be carefully integrated and  
25 coordinated with public transportation services currently provided.  
26 As the single agency's services are established, any public  
27 transportation services currently provided that are duplicative  
28 should be eliminated. Further, the single agency must coordinate its  
29 activities with other agencies providing local and state roadway  
30 services, implementing comprehensive planning, and implementing  
31 transportation demand management programs and assist in developing  
32 infrastructure to support high capacity systems including but not  
33 limited to feeder systems, park and ride facilities, intermodal  
34 centers, and related roadway and operational facilities. Because the  
35 legislature finds a need to ensure that the single agency is  
36 accountable to the people, coordination can be best achieved through  
37 ((common governance, such as integrated governing boards)) direct  
38 election of board members.

1 It is therefore the policy of the state of Washington to empower  
2 counties in the state's most populous region to create a local agency  
3 for planning and implementing a high capacity transportation system  
4 within that region. The authorization for such an agency, except as  
5 specifically provided in this chapter, is not intended to limit the  
6 powers of existing transit agencies.

7 **Sec. 9.** RCW 81.112.030 and 2007 c 509 s 3 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  
12 system 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  
21 shall provide explicitly for a minimum portion of new tax revenues to  
22 be allocated to local transit agencies for interim express services.  
23 Upon adoption the joint regional policy committee shall immediately  
24 transmit the plan to the county legislative authorities within the  
25 adopted service area.

26 (2) The legislative authorities of the counties within the  
27 service 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,  
30 whichever comes first.

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

37 ~~(4))~~ The secretary shall call the first meeting of the  
38 authority, to be held within thirty days following receipt of the  
39 ~~((appointments))~~ names of the elected board members. At its first

1 meeting, the authority shall elect officers and provide for the  
2 adoption of rules and other operating procedures.

3 ~~((+5))~~ (4) The authority is formally constituted at its first  
4 meeting and the board shall begin taking steps toward implementation  
5 of the system and financing plan adopted by the joint regional policy  
6 committee. If the joint regional policy committee fails to adopt a  
7 plan by June 30, 1993, the authority shall proceed to do so based on  
8 the work completed by that date by the joint regional policy  
9 committee. Upon formation of the authority, the joint regional policy  
10 committee shall cease to exist. The authority may make minor  
11 modifications to the plan as deemed necessary and shall at a minimum  
12 review local transit agencies' plans to ensure feeder service/high  
13 capacity transit service integration, ensure fare integration, and  
14 ensure avoidance of parallel competitive services. The authority  
15 shall also conduct a minimum thirty-day public comment period.

16 ~~((+6))~~ (5) If the authority determines that major modifications  
17 to the plan are necessary before the initial ballot proposition is  
18 submitted to the voters, the authority may make those modifications  
19 with a favorable vote of two-thirds of the entire membership. Any  
20 such modification shall be subject to the review process set forth in  
21 RCW 81.104.110. The modified plan shall be transmitted to the  
22 legislative authorities of the participating counties. The  
23 legislative authorities shall have forty-five days following receipt  
24 to act by motion or ordinance to confirm or rescind their continued  
25 participation in the authority.

26 ~~((+7))~~ (6) If any county opts to not participate in the  
27 authority, but two or more contiguous counties do choose to continue  
28 to participate, the authority's board shall be revised accordingly.  
29 The authority shall, within forty-five days, redefine the system and  
30 financing plan to reflect elimination of one or more counties, and  
31 submit the redefined plan to the legislative authorities of the  
32 remaining counties for their decision as to whether to continue to  
33 participate. This action shall be completed within forty-five days  
34 following receipt of the redefined plan.

35 ~~((+8))~~ (7) The authority shall place on the ballot within two  
36 years of the authority's formation, a single ballot proposition to  
37 authorize the imposition of taxes to support the implementation of an  
38 appropriate phase of the plan within its service area. In addition to  
39 the system plan requirements contained in RCW 81.104.100(2)(d), the

1 system plan approved by the authority's board before the submittal of  
2 a proposition to the voters shall contain an equity element which:

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

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

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

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

19 ~~((+9))~~ (8) If the vote on a proposition fails, the board may  
20 redefine the proposition, make changes to the authority boundaries,  
21 and make corresponding changes to the composition of the board,  
22 subject to section 7 of this act. If the composition of the board is  
23 changed, the participating counties shall revise the membership of  
24 the board ~~((accordingly))~~ subject to section 7 of this act. The board  
25 may then submit the revised proposition or a different proposition to  
26 the voters. No single proposition may be submitted to the voters more  
27 than twice. Beginning no sooner than the 2007 general election, the  
28 authority may place additional propositions on the ballot to impose  
29 taxes to support additional phases of plan implementation.

30 ~~((+10))~~ (9) At the 2007 general election, the authority shall  
31 submit a proposition to support a system and financing plan or  
32 additional implementation phases of the authority's system and  
33 financing plan as part of a single ballot proposition that includes a  
34 plan to support a regional transportation investment plan developed  
35 under chapter 36.120 RCW. The authority's plan shall not be  
36 considered approved unless both a majority of the persons voting on  
37 the proposition residing within the authority vote in favor of the  
38 proposition and a majority of the persons voting on the proposition  
39 residing within the proposed regional transportation investment  
40 district vote in favor of the proposition.

1       (~~(11)~~) (10) Additional phases of plan implementation may  
2 include a transportation subarea equity element which (a) identifies  
3 the combined authority and regional transportation investment  
4 district revenues anticipated to be generated by corridor and by  
5 county within the authority's boundaries, and (b) identifies the  
6 degree to which the combined authority and regional transportation  
7 investment district revenues generated within each county will  
8 benefit the residents of that county, and identifies when such  
9 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.

13       (~~(12)~~) (11) If the authority is unable to achieve a positive  
14 vote on a proposition within two years from the date of the first  
15 election on a proposition, the board may, by resolution, reconstitute  
16 the authority as a single-county body. With a two-thirds vote of the  
17 entire membership of the voting members, the board may also dissolve  
18 the authority.

19       NEW SECTION.   **Sec. 10.**   RCW 81.112.040 (Board appointments—Voting  
20 —Expenses) and 1994 c 109 s 1 & 1992 c 101 s 4 are each repealed.

21       NEW SECTION.   **Sec. 11.**   This act is remedial in nature and  
22 applies to all regional transit authorities established before or  
23 after the effective date of this section.

24       NEW SECTION.   **Sec. 12.**   Section 10 of this act takes effect upon  
25 certification of the 2018 general election results as described under  
26 section 7(3) of this act.

27       NEW SECTION.   **Sec. 13.**   The department of transportation must  
28 provide notice of the effective date of section 10 of this act to  
29 affected parties, the chief clerk of the house of representatives,  
30 the secretary of the senate, the office of the code reviser, and  
31 others as deemed appropriate by the department."

32       Renumber the remaining sections consecutively.

33       On page 5, line 1, after "**Sec. 8.**" strike "This" and insert  
34 "Except for sections 7 through 13 of this act, this"

**NOT ADOPTED 02/28/2018**

1 On page 1, line 3 of the title, after "82.44.135" strike "and"  
2 and insert ",,"

3 On page 1, line 4 of the title, after "81.112.360" insert ",  
4 81.112.010, and 81.112.030"

5 On page 1, line 6 of the title, after "creating" strike "a new  
6 section" and insert "new sections; repealing RCW 81.112.040;  
7 providing a contingent effective date"

EFFECT: Changes the board of a Regional Transit Authority (RTA) from appointed to elected. An RTA may only contract with the Department of Licensing for the collection of a motor vehicle excise tax if the RTA has a directly elected board.

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