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**SUBSTITUTE SENATE BILL 5001**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** Senate Transportation (originally sponsored by Senators O'Ban, Angel, Miloscia, Becker, Padden, Honeyford, King, and Fortunato)

READ FIRST TIME 02/24/17.

1 AN ACT Relating to the election and authority of regional transit  
2 authority board members; amending RCW 81.112.010 and 81.112.030;  
3 adding a new section to chapter 81.112 RCW; creating new sections;  
4 repealing RCW 81.112.040; and providing a contingent effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 81.112  
7 RCW to read as follows:

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

19 (2) A five-member districting commission appointed by the  
20 governor must define the districts as soon as possible after the  
21 effective date of this section. Each commission member must reside in

1 a different authority subarea. The districting commission has all  
2 reasonably necessary powers and must determine a reasonable budget,  
3 which must be funded upon its request, by an authority. The  
4 districting commission must promptly approve a plan for eleven  
5 numbered electoral districts in a service area, and publicize and  
6 file the plan with the county clerks of the counties within a service  
7 area. The plan must be drawn to ensure that the electoral districts:  
8 Have nearly equal populations in accordance with the one person, one  
9 vote principle; do not divide a precinct; are compact, convenient,  
10 and contiguous; do not exceed five electoral districts solely in one  
11 county; and minimize the number of districts that consist of portions  
12 of different counties or different authority subareas. An objection  
13 to the plan must commence within thirty days, and be heard within  
14 sixty days, of filing the plan.

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

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

33 (5) Local jurisdiction expenditures incurred through  
34 administering the election of the authority's board members must be  
35 reimbursed by the authority.

36 (6) Every decade, after the release of federal census  
37 information, the governor must appoint a new districting commission  
38 in accordance with subsection (2) of this section. The commission  
39 must operate in accordance with the standards provided in subsection

1 (2) of this section and prepare a timetable for transition to any new  
2 districts.

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

7 (8) Major decisions of the authority require a favorable vote of  
8 two-thirds of the entire membership. "Major decisions" include at  
9 least the following: System plan adoption and amendment, system  
10 phasing decisions, annual budget adoption, authorization of  
11 annexations, modification of board composition, and executive  
12 director employment.

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

16 **Sec. 2.** RCW 81.112.010 and 1992 c 101 s 1 are each amended to  
17 read as follows:

18 The legislature recognizes that existing transportation  
19 facilities in the central Puget Sound area are inadequate to address  
20 mobility needs of the area. The geography of the region, travel  
21 demand growth, and public resistance to new roadways combine to  
22 further necessitate the rapid development of alternative modes of  
23 travel.

24 The legislature finds that local governments have been effective  
25 in cooperatively planning a multicounty, high capacity transportation  
26 system. However, a continued multijurisdictional approach to funding,  
27 construction, and operation of a multicounty high capacity  
28 transportation system may impair the successful implementation of  
29 such a system.

30 The legislature finds that a single agency will be more effective  
31 than several local jurisdictions working collectively at planning,  
32 developing, operating, and funding a high capacity transportation  
33 system. The single agency's services must be carefully integrated and  
34 coordinated with public transportation services currently provided.  
35 As the single agency's services are established, any public  
36 transportation services currently provided that are duplicative  
37 should be eliminated. Further, the single agency must coordinate its  
38 activities with other agencies providing local and state roadway  
39 services, implementing comprehensive planning, and implementing

1 transportation demand management programs and assist in developing  
2 infrastructure to support high capacity systems including but not  
3 limited to feeder systems, park and ride facilities, intermodal  
4 centers, and related roadway and operational facilities. Because the  
5 legislature finds a need to ensure that the single agency is  
6 accountable to the people, coordination can be best achieved through  
7 ((common governance, such as integrated governing boards)) direct  
8 election of board members.

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

15 **Sec. 3.** RCW 81.112.030 and 2007 c 509 s 3 are each amended to  
16 read as follows:

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

21 The authority shall be formed in the following manner:

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

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

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

7           (4)) The secretary shall call the first meeting of the  
8 authority, to be held within thirty days following receipt of the  
9 ((~~appointments~~)) names of the elected board members. At its first  
10 meeting, the authority shall elect officers and provide for the  
11 adoption of rules and other operating procedures.

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

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

35           ((~~+7~~)) (6) If any county opts to not participate in the  
36 authority, but two or more contiguous counties do choose to continue  
37 to participate, the authority's board shall be revised accordingly.  
38 The authority shall, within forty-five days, redefine the system and  
39 financing plan to reflect elimination of one or more counties, and  
40 submit the redefined plan to the legislative authorities of the

1 remaining counties for their decision as to whether to continue to  
2 participate. This action shall be completed within forty-five days  
3 following receipt of the redefined plan.

4 ~~((+8))~~ (7) The authority shall place on the ballot within two  
5 years of the authority's formation, a single ballot proposition to  
6 authorize the imposition of taxes to support the implementation of an  
7 appropriate phase of the plan within its service area. In addition to  
8 the system plan requirements contained in RCW 81.104.100(2)(d), the  
9 system plan approved by the authority's board before the submittal of  
10 a proposition to the voters shall contain an equity element which:

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

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

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

20 A simple majority of those voting within the boundaries of the  
21 authority is required for approval. If the vote is affirmative, the  
22 authority shall begin implementation of the projects identified in  
23 the proposition. However, the authority may not submit any  
24 authorizing proposition for voter-approved taxes prior to July 1,  
25 1993; nor may the authority issue bonds or form any local improvement  
26 district prior to July 1, 1993.

27 ~~((+9))~~ (8) If the vote on a proposition fails, the board may  
28 redefine the proposition, make changes to the authority boundaries,  
29 and make corresponding changes to the composition of the board,  
30 subject to section 1 of this act. If the composition of the board is  
31 changed, the participating counties shall revise the membership of  
32 the board ~~((accordingly))~~ subject to section 1 of this act. The board  
33 may then submit the revised proposition or a different proposition to  
34 the voters. No single proposition may be submitted to the voters more  
35 than twice. Beginning no sooner than the 2007 general election, the  
36 authority may place additional propositions on the ballot to impose  
37 taxes to support additional phases of plan implementation.

38 ~~((+10))~~ (9) At the 2007 general election, the authority shall  
39 submit a proposition to support a system and financing plan or  
40 additional implementation phases of the authority's system and

1 financing plan as part of a single ballot proposition that includes a  
2 plan to support a regional transportation investment plan developed  
3 under chapter 36.120 RCW. The authority's plan shall not be  
4 considered approved unless both a majority of the persons voting on  
5 the proposition residing within the authority vote in favor of the  
6 proposition and a majority of the persons voting on the proposition  
7 residing within the proposed regional transportation investment  
8 district vote in favor of the proposition.

9 ~~((11))~~ (10) Additional phases of plan implementation may  
10 include a transportation subarea equity element which (a) identifies  
11 the combined authority and regional transportation investment  
12 district revenues anticipated to be generated by corridor and by  
13 county within the authority's boundaries, and (b) identifies the  
14 degree to which the combined authority and regional transportation  
15 investment district revenues generated within each county will  
16 benefit the residents of that county, and identifies when such  
17 benefits will accrue. For purposes of the transportation subarea  
18 equity principle established under this subsection, the authority may  
19 use the five subareas within the authority's boundaries as identified  
20 in the authority's system plan adopted in May 1996.

21 ~~((12))~~ (11) If the authority is unable to achieve a positive  
22 vote on a proposition within two years from the date of the first  
23 election on a proposition, the board may, by resolution, reconstitute  
24 the authority as a single-county body. With a two-thirds vote of the  
25 entire membership of the voting members, the board may also dissolve  
26 the authority.

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

29 NEW SECTION. **Sec. 5.** This act is remedial in nature and applies  
30 to all regional transit authorities established before or after the  
31 effective date of this section.

32 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect upon  
33 certification of the 2018 general election results as described under  
34 section 1(3) of this act.

35 NEW SECTION. **Sec. 7.** The department of transportation must  
36 provide notice of the effective date of section 4 of this act to

1 affected parties, the chief clerk of the house of representatives,  
2 the secretary of the senate, the office of the code reviser, and  
3 others as deemed appropriate by the department.

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