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**SUBSTITUTE HOUSE BILL 2191**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Transportation (originally sponsored by Representatives Timmons, Duerr, Reed, Ramel, and Reeves)

READ FIRST TIME 01/29/24.

1 AN ACT Relating to adding two voting members that are transit  
2 users to the governing body of public transportation benefit areas;  
3 amending RCW 36.57A.050; and providing an effective date.

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

5 **Sec. 1.** RCW 36.57A.050 and 2020 c 83 s 2 are each amended to  
6 read as follows:

7 (1)(a) Within ~~((sixty))~~ 60 days of the establishment of the  
8 boundaries of the public transportation benefit area the members of  
9 the county legislative authority and the elected representative of  
10 each city within the area shall provide for the selection of the  
11 governing body of such area, the public transportation benefit area  
12 authority, which shall consist of elected officials selected by and  
13 serving at the pleasure of the governing bodies of component cities  
14 within the area and the county legislative authority of each county  
15 within the area, as well as two other appointed members.

16 (b) The elected official members of the governing body of the  
17 public transportation benefit area, if the population of the county  
18 in which the public transportation benefit area is located is more  
19 than ~~((four hundred thousand))~~ 400,000 and the county does not also  
20 contain a city with a population of ~~((seventy-five thousand))~~ 75,000  
21 or more operating a transit system pursuant to chapter 35.95 RCW,

1 must be selected to assure proportional representation, based on  
2 population, of each of the component cities located within the public  
3 transportation benefit area and the unincorporated areas of the  
4 county located within the public transportation benefit area, to the  
5 extent possible within the restrictions placed on the size of the  
6 governing body of a public transportation benefit area. If necessary  
7 to assure such proportional representation, multiple cities may be  
8 represented by a single elected official from one of the cities. A  
9 majority of the governing board may not be selected to represent a  
10 single component city.

11 (c) If at the time a public transportation benefit area authority  
12 assumes the public transportation functions previously provided under  
13 the interlocal cooperation act (chapter 39.34 RCW) there are citizen  
14 positions on the governing board of the transit system, those  
15 positions may be retained as positions on the governing board of the  
16 public transportation benefit area authority.

17 (2) Within such (~~sixty-day~~) 60-day period, any city may by  
18 resolution of its legislative body withdraw from participation in the  
19 public transportation benefit area. The county legislative authority  
20 and each city remaining in the public transportation benefit area may  
21 disapprove and prevent the establishment of any governing body of a  
22 public transportation benefit area if the composition thereof does  
23 not meet its approval.

24 (3)(a) In no case shall the governing body of a single county  
25 public transportation benefit area be greater than (~~nine~~) 11 voting  
26 members and in the case of a multicounty area, (~~fifteen~~) 17 voting  
27 members. Those cities within the public transportation benefit area  
28 and excluded from direct membership on the authority are hereby  
29 authorized to designate a member of the authority who shall be  
30 entitled to represent the interests of such city which is excluded  
31 from direct membership on the authority. The legislative body of such  
32 city shall notify the authority as to the determination of its  
33 authorized representative on the authority.

34 (b)(i) In addition to the maximum of nine elected official voting  
35 members of the governing body of a single county public  
36 transportation benefit area or 15 elected official voting members of  
37 the governing body, in the case of a multicounty area, there may be  
38 two transit-using voting members appointed to each governing body by  
39 the elected official voting members.

1 (ii) One transit-using voting member must primarily rely on  
2 public transportation systems for transportation.

3 (iii) One transit-using voting member must represent an  
4 organization that serves individuals who are primarily transit-  
5 dependent. If no such organizational representative in the public  
6 transportation benefit area's service area is available to serve, the  
7 governing body must appoint a second transit-using voting member who  
8 meets the requirements of (b) (ii) of this subsection.

9 (iv) If transit-using voting members are appointed to a governing  
10 body, meetings of the governing body must occur at a time and a place  
11 that are reasonably accessible by transit, in order to facilitate the  
12 participation of the transit-using voting members.

13 (v) Transit-using voting members must be provided comprehensive  
14 training regarding the open public meetings act established in  
15 chapter 42.30 RCW and the public records act established in chapter  
16 42.56 RCW, as soon as is reasonably practicable after the member's  
17 appointment.

18 (vi) This subsection (3) (b) does not apply to any public  
19 transportation benefit area authority where there are retained  
20 citizen positions on the governing board, pursuant to subsection  
21 (1) (c) of this section.

22 (c) There is one nonvoting member of the public transportation  
23 benefit area authority. The nonvoting member is recommended by the  
24 labor organization representing the public transportation employees  
25 within the local public transportation system. If the public  
26 transportation employees are represented by more than one labor  
27 organization, all such labor organizations shall select the nonvoting  
28 member by majority vote. The nonvoting member shall comply with all  
29 governing bylaws and policies of the authority. The chair or cochair  
30 of the authority shall exclude the nonvoting member from attending  
31 any executive session held for the purpose of discussing negotiations  
32 with labor organizations. The chair or cochair may exclude the  
33 nonvoting member from attending any other executive session. The  
34 requirement that a nonvoting member be appointed to the governing  
35 body of a public transportation benefit area authority does not apply  
36 to an authority that has no employees represented by a labor union.

37 (4) (a) Each member of the authority is eligible to be reimbursed  
38 for travel expenses in accordance with RCW 43.03.050 and 43.03.060  
39 and to receive compensation, as set by the authority, in an amount  
40 not to exceed (~~forty-four dollars~~) \$44 for each day during which

1 the member attends official meetings of the authority or performs  
2 prescribed duties approved by the chair of the authority. Except that  
3 the authority may, by resolution, increase the payment of per diem  
4 compensation to each member from (~~forty-four dollars~~) \$44 up to  
5 (~~ninety dollars~~) \$90 per day or portion of a day for actual  
6 attendance at board meetings or for performance of other official  
7 services or duties on behalf of the authority. In no event may a  
8 member be compensated in any year for more than (~~seventy-five~~) 75  
9 days, except the chair who may be paid compensation for not more than  
10 (~~one hundred~~) 100 days: PROVIDED, That compensation shall not be  
11 paid to an elected official or employee of federal, state, or local  
12 government who is receiving regular full-time compensation from such  
13 government for attending meetings and performing prescribed duties of  
14 the authority.

15 (b) The dollar thresholds established in this section must be  
16 adjusted for inflation by the office of financial management every  
17 five years, beginning January 1, 2024, based upon changes in the  
18 consumer price index during that time period. "Consumer price index"  
19 means, for any calendar year, that year's annual average consumer  
20 price index, for Washington state, for wage earners and clerical  
21 workers, all items, compiled by the bureau of labor and statistics,  
22 United States department of labor. If the bureau of labor and  
23 statistics develops more than one consumer price index for areas  
24 within the state, the index covering the greatest number of people,  
25 covering areas exclusively within the boundaries of the state, and  
26 including all items shall be used for the adjustments for inflation  
27 in this section. The office of financial management must calculate  
28 the new dollar threshold and transmit it to the office of the code  
29 reviser for publication in the Washington State Register at least one  
30 month before the new dollar threshold is to take effect.

31 (c) A person holding office as commissioner for two or more  
32 special purpose districts shall receive only that per diem  
33 compensation authorized for one of his or her commissioner positions  
34 as compensation for attending an official meeting or conducting  
35 official services or duties while representing more than one of his  
36 or her districts. However, such commissioner may receive additional  
37 per diem compensation if approved by resolution of all boards of the  
38 affected commissions.

1        NEW SECTION.    **Sec. 2.**    This act takes effect January 1, 2025.

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