

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2151

Chapter 318, Laws of 1991

52nd Legislature
1991 Regular Session

HIGH CAPACITY TRANSPORTATION DEVELOPMENT

EFFECTIVE DATE: 7/28/91

Passed by the House March 19, 1991
Yeas 97 Nays 1

JOE KING
Speaker of the
House of Representatives

Passed by the Senate April 18, 1991
Yeas 44 Nays 0

JOEL PRITCHARD
President of the Senate

Approved May 21, 1991

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2151** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 21, 1991 - 10:26 a.m.

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 2151

AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, G. Fisher, Forner, Mitchell, Prentice, Prince, Paris, Hine, Wood and Horn).

Read first time March 11, 1991.

1 AN ACT Relating to high capacity transportation systems; amending
2 RCW 81.104.010, 81.104.020, 81.104.030, 81.104.040, 81.104.050,
3 81.104.060, 81.104.080, 81.104.090, 81.104.100, 81.104.110, 81.104.140,
4 81.104.160, 82.80.020, 36.57A.040, 36.57A.055, and 36.57A.140; and
5 creating a new section.

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

7 **Sec. 1.** RCW 81.104.010 and 1990 c 43 s 22 are each amended to read
8 as follows:

9 Increasing congestion on Washington's roadways calls for
10 identification and implementation of high capacity transportation
11 system alternatives. "High capacity transportation system" means a
12 system of public transportation services((7)) within an urbanized
13 region operating principally on exclusive rights of way, and the
14 supporting services and facilities necessary to implement such a
15 system, including high occupancy vehicle lanes, which taken as a whole,

1 provides a substantially higher level of passenger capacity, speed, and
2 service frequency than traditional public transportation systems
3 operating principally ~~((en))~~ in general purpose ~~((roadway rights of~~
4 ~~way))~~ roadways. The legislature believes that local jurisdictions
5 should coordinate and be responsible for high capacity transportation
6 policy development, program planning, and implementation. The state
7 should assist by working with local agencies on issues involving rights
8 of way, partially financing projects meeting established state criteria
9 including development and completion of the high occupancy vehicle lane
10 system, authorizing local jurisdictions to finance high capacity
11 transportation systems through voter-approved tax options, and
12 providing technical assistance and information.

13 **Sec. 2.** RCW 81.104.020 and 1990 c 43 s 23 are each amended to read
14 as follows:

15 The department of transportation's current policy role in transit
16 is expanded to include other high capacity transportation development
17 as part of a multimodal transportation system.

18 (1) The department of transportation shall implement a program for
19 high capacity transportation coordination, planning, and technical
20 studies with appropriations from the high capacity transportation
21 account.

22 (2) The department shall assist local jurisdictions and
23 ~~((metropolitan))~~ regional transportation planning organizations with
24 high capacity transportation planning efforts.

25 **Sec. 3.** RCW 81.104.030 and 1990 c 43 s 24 are each amended to read
26 as follows:

27 (1) In any ~~((class A))~~ county with a population of from two hundred
28 ten thousand to less than one million that is not bordered by a ~~((class~~

1 ~~AA~~) county with a population of one million or more, and in (~~counties~~
2 ~~of the first class and smaller~~) each county with a population of less
3 than two hundred ten thousand, city-owned transit systems, county
4 transportation authorities, metropolitan municipal corporations, and
5 public transportation benefit areas may elect to establish high
6 capacity transportation service. Such agencies shall form a regional
7 policy committee with proportional representation based upon population
8 distribution within the designated service area and a representative of
9 the department of transportation.

10 (~~(a)~~) City-owned transit systems, county transportation
11 authorities, metropolitan municipal corporations, and public
12 transportation benefit areas participating in joint regional policy
13 committees shall seek voter approval within their own service
14 boundaries of a high capacity transportation system plan and (~~an~~
15 ~~implementation program including a~~) financing (~~program~~.

16 (~~b~~) ~~An interim regional authority may be formed pursuant to RCW~~
17 ~~81.104.040(2) and shall seek voter approval of a high capacity~~
18 ~~transportation plan and financing program within its proposed service~~
19 ~~boundaries~~) plan.

20 (2) City-owned transit systems, county transportation authorities,
21 metropolitan municipal corporations, and public transportation benefit
22 areas in counties adjoining state or international boundaries are
23 authorized to participate in the regional high capacity transportation
24 programs of an adjoining state or (~~nation~~) Canadian province.

25 **Sec. 4.** RCW 81.104.040 and 1990 c 43 s 25 are each amended to read
26 as follows:

27 (1) Agencies in (~~a class AA~~) each county with a population of one
28 million or more, and in (~~class A counties~~) each county with a
29 population of from two hundred ten thousand to less than one million

1 bordering a (~~class AA~~) county with a population of one million or
2 more that are currently authorized to provide high capacity
3 transportation planning and operating services, including but not
4 limited to city-owned transit systems, county transportation
5 authorities, metropolitan municipal corporations, and public
6 transportation benefit areas, must establish through interlocal
7 agreements a joint regional policy committee with proportional
8 representation based upon the population distribution within each
9 agency's designated service area, as determined by the parties to the
10 agreement.

11 (a) The membership of the joint regional policy committee shall
12 consist of locally elected officials who serve on the legislative
13 authority of the existing transit systems and a representative from the
14 department of transportation. Nonvoting membership for elected
15 officials from adjoining counties may be allowed at the committee's
16 discretion.

17 (b) The joint regional policy committee shall be responsible for
18 the preparation and adoption of a regional high capacity transportation
19 implementation program, which shall include the system plan, project
20 plans, and (~~an implementation program including~~) a financing
21 (~~package~~) plan. This (~~plan~~) program shall be in conformance with
22 the (~~metropolitan~~) regional transportation planning organization's
23 regional transportation plan and consistent with RCW 81.104.080.

24 (c) (~~Interlocal agreements shall be executed within two years of~~
25 ~~March 14, 1990.~~) The joint regional policy committee shall present a
26 high capacity transportation system plan and (~~local funding program~~)
27 financing plan to the boards of directors of the transit agencies
28 within the service area for adoption.

29 (d) Transit agencies shall present the adopted high capacity
30 transportation system plan and financing (~~program~~) plan for voter

1 approval within four years of the execution of the interlocal
2 agreements. A simple majority vote is required for approval of the
3 high capacity transportation system plan and financing ((program)) plan
4 in any service district within each county. The implementation ((of
5 the)) program may proceed in any service area approving the ((plan and
6 program)) system and financing plans.

7 (2) ((If interlocal agreements have not been executed within two
8 years from March 14, 1990, the designated metropolitan planning
9 organization shall convene within one hundred eighty days a conference
10 to be attended by an elected representative selected by the legislative
11 authority of each city and county in a class AA county and in class A
12 counties bordering a class AA county.

13 (a) Public notice of the conference shall occur thirty days before
14 the date of the conference.

15 (b) The purpose of the conference is to evaluate the need for
16 developing high capacity transportation service in a class AA county
17 and in class A counties bordering a class AA county and to determine
18 the desirability of a regional approach to developing such service.

19 (c) The conference may elect to continue high capacity
20 transportation efforts on a subregional basis through existing transit
21 planning and operating agencies.

22 (d) The conference may elect to pursue regional development by
23 creating a multicounty interim regional high capacity transportation
24 authority. Conference members shall determine the structure and
25 composition of any interim regional authority.

26 (i) The interim regional authority shall propose a permanent
27 authority or authorities for voter approval. Permanent regional
28 authorities shall become the responsible agencies for planning,
29 construction, operations, and funding of high capacity transportation
30 systems within their service boundaries. Funding sources for a

1 regional high capacity transportation authority or authorities are
2 separate from currently authorized funding sources for city owned
3 transit systems, county transportation authorities, metropolitan
4 municipal authorities, or public transportation benefit areas.

5 (ii) State and local jurisdictions, county transportation
6 authorities, metropolitan municipal corporations, or public
7 transportation benefit areas shall retain responsibility for existing
8 facilities and/or services, unless the responsibility is transferred to
9 the high capacity transportation authority or authorities by interlocal
10 agreement.

11 (3) If, within four years of the execution of the interlocal
12 agreements, a high capacity transportation plan and financing program
13 has been approved by a simple majority vote within a participating
14 jurisdiction, that jurisdiction may proceed with high capacity
15 transportation development. If within four years of the execution of
16 the interlocal agreements, a high capacity transportation plan and
17 program has not been approved by a simple majority vote within one or
18 more of the participating jurisdictions, the joint regional policy
19 committee shall convene within one hundred eighty days, a conference to
20 be attended by participating jurisdictions within which a plan and
21 financing program have not been approved. Such a conference shall be
22 for the same purpose and shall be subject to the same conditions as
23 described in subsection (2) of this section.

24 (4)) High capacity transportation ((service)) planning,
25 construction, operations, and funding shall be governed through the
26 interlocal agreement process, including but not limited to provision
27 for a cost allocation and distribution formula, service corridors,
28 station area locations, right of way transfers, and feeder
29 transportation systems. The interlocal agreement shall include a
30 mechanism for resolving conflicts among parties to the agreement.

1 **Sec. 5.** RCW 81.104.050 and 1990 c 43 s 26 are each amended to read
2 as follows:

3 Regional high capacity transportation service boundaries may be
4 expanded beyond the established service district through interlocal
5 agreements among the transit agencies and the local jurisdictions
6 within which such expanded service is proposed.

7 **Sec. 6.** RCW 81.104.060 and 1990 c 43 s 27 are each amended to read
8 as follows:

9 (1) The state's planning role in high capacity transportation
10 development as one element of a multimodal transportation system should
11 facilitate cooperative state and local planning efforts.

12 (~~(1)~~) (2) The department of transportation may serve as a
13 contractor for high capacity transportation system and project design,
14 administer construction, and assist agencies authorized to provide
15 service in the acquisition, preservation, and joint use of rights of
16 way.

17 (~~(2)~~) (3) The department and local jurisdictions shall continue
18 to cooperate with respect to the development of (~~(park and ride)~~) high
19 occupancy vehicle lanes and related facilities, associated roadways,
20 transfer stations, people mover systems developed either by the public
21 or private sector, and other related projects.

22 (~~(3)~~) (4) The department in cooperation with local jurisdictions
23 shall develop policies which enhance the development of high speed
24 (~~(intercity)~~) interregional systems by both the private and the public
25 sector. These policies may address joint use of rights of way,
26 identification and preservation of transportation corridors, and joint
27 development of stations and other facilities.

1 **Sec. 7.** RCW 81.104.080 and 1990 c 43 s 29 are each amended to read
2 as follows:

3 (~~Regional transportation plans should be considered in adopting~~
4 ~~local land use plans.~~) Where applicable, regional transportation
5 plans and local ((land use)) comprehensive plans ((should)) shall
6 address the ((impacts of)) relationship between urban growth ((on)) and
7 an effective high capacity transportation ((planning and development))
8 system plan, and provide for cooperation between local jurisdictions
9 and transit agencies.

10 (1) Regional high capacity transportation plans shall be included
11 in the designated ((metropolitan)) regional transportation planning
12 organization's regional transportation plan review and update process
13 to facilitate development of a coordinated multimodal transportation
14 system and to meet federal funding requirements.

15 (2) (~~The state and local jurisdictions~~) Interlocal agreements
16 between transit authorities, cities, and counties shall ((cooperate in
17 encouraging)) set forth conditions for assuring land uses compatible
18 with development of high capacity transportation systems. These
19 include developing sufficient land use densities through local actions
20 in high capacity transportation corridors and near passenger stations,
21 preserving transit rights of way, and protecting the region's
22 environmental quality. The implementation program for high capacity
23 transportation systems shall favor cities and counties with supportive
24 land use plans. In developing local actions intended to carry out
25 these policies ((local governments)) cities and counties shall insure
26 the opportunity for public comment and participation in the siting of
27 such facilities, including stations or transfer facilities. Agencies
28 providing high capacity transportation services, in cooperation with
29 public and private interests, shall promote transit-compatible land
30 uses and development which includes joint development.

1 (3) Interlocal agreements shall be consistent with state planning
2 goals as set forth in chapter 36.70A RCW. Agreements shall also
3 include plans for concentrated employment centers, mixed-use
4 development, and housing densities that support high capacity
5 transportation systems.

6 (4) Agencies providing high capacity transportation service and
7 other transit agencies shall develop a cooperative process for the
8 planning, development, operations, and funding of feeder transportation
9 systems. Feeder systems may include existing and future intercity
10 passenger systems and alternative technology people mover systems which
11 may be developed by the private or public sector.

12 (~~((4) Jurisdictions, working through))~~ (5) Cities and counties
13 along corridors designated in a high capacity transportation system
14 plan shall enter into agreements with their designated ((metropolitan))
15 regional transportation planning organizations, ((shall manage)) for
16 the purpose of participating in a right of way preservation review
17 process which includes activities to promote the preservation of the
18 high capacity transportation rights of way. The regional
19 transportation planning organization shall serve as the coordinator of
20 the review process.

21 (a) (~~((Jurisdictions))~~) Cities and counties shall forward all
22 development proposals for projects within and adjoining to the rights
23 of way proposed for preservation to the designated ((metropolitan))
24 regional transportation planning organizations, which shall distribute
25 the proposals for ((local and regional agency)) review by parties to
26 the right of way preservation review process.

27 (b) The ((metropolitan)) regional transportation planning
28 organizations shall also review proposals for conformance with the
29 regional transportation plan and associated regional development
30 strategies. The designated ((metropolitan)) regional transportation

1 planning organization shall within ninety days compile local and
2 regional agency comments and communicate the same to the originating
3 jurisdiction and the joint regional policy committee ((or, if
4 established, a regional high capacity transportation authority)).

5 **Sec. 8.** RCW 81.104.090 and 1990 c 43 s 30 are each amended to read
6 as follows:

7 The department of transportation shall((, upon dissolution of the
8 rail development commission, assume responsibility)) be responsible for
9 distributing amounts appropriated from the high capacity transportation
10 account and shall prioritize funding requests based on criteria in
11 subsection (3) of this section.

12 (1) The department shall establish an advisory council of policy
13 and technical experts pursuant to RCW 47.01.091 to assist in the review
14 of requests for high capacity transportation account funds. The
15 council shall be comprised of one representative from each
16 congressional district, a designee of the governor, the executive
17 director or a designee of the transportation improvement board, the
18 director of the Washington state transportation center, and the chair
19 or designee of the legislative transportation committee.

20 (2) State high capacity transportation account funds may provide up
21 to eighty percent matching assistance for high capacity transportation
22 planning efforts ((and for support of interim regional high capacity
23 transportation authorities)).

24 (3) Authorizations for state funding for high capacity
25 transportation planning projects shall be subject to the following
26 criteria:

27 (a) Conformance with the designated ((metropolitan)) regional
28 transportation planning organization's regional transportation plan;

29 (b) Local matching funds;

1 (c) Demonstration of projected improvement in regional mobility;

2 (d) Conformance with planning requirements prescribed in RCW
3 81.104.100, and if five hundred thousand dollars or more in state
4 funding is requested, conformance with the requirements of RCW
5 81.104.110; and

6 (e)((~~i~~)) Establishment, through interlocal agreements, of a joint
7 regional policy committee ((with proportional representation based upon
8 population distribution within each agency's designated service area))
9 as defined in RCW 81.104.030((~~r~~

10 (~~ii~~) Establishment of a demonstrated regional agreement through a
11 multijurisdictional conference to pursue high capacity transportation
12 development on a subregional basis through established transit planning
13 and operating agencies as defined in RCW 81.104.040; or

14 (~~iii~~) Establishment, through a multijurisdictional conference, of
15 an interim high capacity transportation authority as defined in RCW))
16 or 81.104.040.

17 (4) The department of transportation shall provide general review
18 and monitoring of the system and project planning process prescribed in
19 RCW 81.104.100.

20 **Sec. 9.** RCW 81.104.100 and 1990 c 43 s 31 are each amended to read
21 as follows:

22 To assure ((~~the adoption~~)) development of an effective high
23 capacity transportation system, local authorities shall follow the
24 following planning process:

25 (1) ((~~System~~)) Regional, multimodal transportation planning is the
26 ongoing urban transportation planning process conducted in each
27 urbanized area by its ((~~metropolitan~~)) regional transportation planning
28 organization. During this process, regional transportation goals are
29 identified, travel patterns are analyzed, and future land use and

1 travel are projected. The ~~((system planning))~~ process provides a
2 comprehensive view of the region's transportation needs but does not
3 select ~~((a))~~ specified modes to serve those needs. ~~((System planning))~~
4 The process shall identify a priority corridor or corridors for further
5 study of high capacity transportation facilities if it is deemed
6 feasible by local officials.

7 (2)~~((a) Project))~~ High capacity transportation system planning is
8 the detailed evaluation of a range of high capacity transportation
9 system options, including ~~((i))~~: Do nothing, ~~((ii))~~ low capital,
10 and ~~((iii))~~ ranges of higher capital facilities. To the extent
11 possible this evaluation shall take into account the urban mass
12 transportation administration's requirements identified in subsection
13 (3) of this section.

14 ~~((b) Project))~~ High capacity transportation system planning shall
15 proceed as follows:

16 ~~((i))~~ (a) Organization and management. The responsible local
17 transit agency or agencies shall define roles for various local
18 agencies, review background information, provide for public
19 involvement, and develop a detailed work plan for the ~~((project))~~
20 system planning process.

21 ~~((ii))~~ (b) Development of options. Options to be studied shall
22 be developed to ensure an appropriate range of technologies and service
23 policies can be evaluated. A do-nothing option and a low capital
24 option that maximizes the current system shall be developed. Several
25 higher capital options that consider a range of capital expenditures
26 for several candidate technologies shall be developed.

27 ~~((iii))~~ (c) Analysis methods. The local transit agency shall
28 develop reports describing the analysis and assumptions for the
29 estimation of capital costs, operating and maintenance costs, methods
30 for travel forecasting, a financial plan and an evaluation methodology.

1 ~~((iv) Study of options.))~~ (d) The system plan submitted to the
2 voters pursuant to RCW 81.04.140 shall address, but is not limited to
3 the following issues:

4 (i) Identification of level and types of high capacity
5 transportation services to be provided;

6 (ii) A plan of high occupancy vehicle lanes to be constructed;

7 (iii) Identification of route alignments and station locations with
8 sufficient specificity to permit calculation of costs, ridership, and
9 system impacts;

10 (iv) Performance characteristics of technologies in the system
11 plan;

12 (v) Patronage forecasts;

13 (vi) A financing plan describing: Phasing of investments; capital
14 and operating costs and expected revenues; cost-effectiveness
15 represented by a total cost per system rider and new rider estimate;
16 estimated ridership and the cost of service for each individual high
17 capacity line; and identification of the operating revenue to operating
18 expense ratio.

19 The financing plan shall specifically differentiate the proposed
20 use of funds between high capacity transportation facilities, high
21 occupancy vehicle facilities, and expanded local/feeder service;

22 (vii) Description of the relationship between the high capacity
23 transportation system plan and adopted land use plans;

24 (viii) An assessment of social, economic, and environmental
25 impacts; and

26 (ix) Mobility characteristics of the system presented, including
27 but not limited to: Qualitative description of system/service
28 philosophy and impacts; qualitative system reliability; travel time and
29 number of transfers between selected residential, employment, and
30 activity centers; and system and activity center mode splits.

1 (3) High capacity transportation project planning is the detailed
2 identification of alignments, station locations, equipment and systems,
3 construction schedules, environmental effects, and costs. High
4 capacity transportation project planning shall proceed as follows: The
5 local transit agency shall ~~((use the methods described in (iii) of this~~
6 ~~subsection to)) analyze and produce ((impact)) information needed for
7 ~~((project evaluation and for))~~ the preparation of ~~((an))~~ environmental
8 impact statements. The impact ~~((evaluation))~~ statements shall address
9 the impact that development of such a ~~((project))~~ system will have on
10 abutting or nearby ~~((residential or commercial))~~ property owners. The
11 process of identification of ~~((corridors))~~ alignments and station
12 locations shall include notification of affected property owners by
13 normal legal publication. At minimum, such notification shall include
14 notice on the same day for at least three weeks in at least two
15 newspapers of general circulation in the county where such project is
16 proposed. Special notice of hearings by the conspicuous posting of
17 notice, in a manner designed to attract public attention, in the
18 vicinity of areas identified for station locations or transfer sites
19 shall also be provided.~~

20 ~~((v) Review and monitor. The department of transportation shall~~
21 ~~provide project review and monitoring in cooperation with the expert~~
22 ~~review panel identified in RCW 81.104.110. In addition, the local~~
23 ~~transit agency shall maintain a continuous public involvement program~~
24 ~~and seek involvement of other government agencies.~~

25 ~~(vi) Detailed planning process.)~~ In order to increase the
26 likelihood of future federal funding, the ~~((system and))~~ project
27 planning processes shall follow the urban mass transportation
28 administration's requirements as described in "Procedures and Technical
29 Methods for Transit Project Planning", published by the United States
30 department of transportation, urban mass transportation administration,

1 September 1986, or the most recent edition. Nothing in this subsection
2 shall be construed to preclude detailed evaluation of more than one
3 corridor in the planning process.

4 The department of transportation shall provide system and project
5 planning review and monitoring in cooperation with the expert review
6 panel identified in RCW 81.104.110. In addition, the local transit
7 agency shall maintain a continuous public involvement program and seek
8 involvement of other government agencies.

9 **Sec. 10.** RCW 81.104.110 and 1990 c 43 s 32 are each amended to
10 read as follows:

11 The legislature recognizes that the planning ~~((process))~~ processes
12 described in RCW 81.104.100 provide~~((s))~~ a recognized framework for
13 guiding high capacity transportation studies. However, the process
14 cannot guarantee appropriate ~~((transit))~~ decisions unless key study
15 assumptions are reasonable.

16 To assure appropriate ~~((project))~~ system plan assumptions and to
17 provide for review of ~~((project))~~ system plan results, ~~((the department~~
18 ~~of transportation shall develop independent oversight procedures which~~
19 ~~are appropriate to the scope of any project for which high capacity~~
20 ~~transportation account funds are requested.))~~ an expert review panel
21 shall be appointed to provide independent technical review for
22 development of any ~~((project))~~ system plan which is to be funded in
23 whole or in part by the imposition of any voter-approved local option
24 funding sources enumerated in RCW 81.104.140.

25 (1) The expert review panel shall consist of ten members who are
26 recognized experts in relevant fields, such as transit operations,
27 planning, emerging transportation technologies, engineering, finance,
28 law, the environment, geography, economics, and political science.

1 (2) The expert review panel shall be selected cooperatively by the
2 chair of the legislative transportation committee, the secretary of the
3 department of transportation, and the governor to assure a balance of
4 disciplines.

5 (3) The chair of the expert review panel shall be designated by the
6 appointing ~~((body))~~ authorities.

7 (4) The expert review panel shall serve without compensation but
8 shall be reimbursed for expenses according to chapter 43.03 RCW.

9 (5) The panel shall carry out the duties set forth in subsections
10 (6) and (7) of this section until the date on which an election is held
11 to consider the high capacity transportation system and financing
12 plans. Funds appropriated for expenses of the expert panel shall be
13 administered by the department of transportation.

14 (6) The expert panel shall review all reports required in RCW
15 81.104.100(2)~~((~~(b)(vi) but~~))~~ and shall concentrate on service modes and
16 concepts, costs, patronage~~((~~7~~))~~ and financing~~((~~7~~ and project))~~
17 evaluations.

18 (7) The expert panel shall provide timely reviews and comments on
19 individual ~~((project))~~ reports and study conclusions to the governor,
20 the legislative transportation committee, the department of
21 transportation, the regional transportation planning organization, the
22 joint regional policy committee, and the submitting lead transit
23 agency.

24 (8) The legislative transportation committee shall contract for
25 consulting services for expert review panels. The amount of consultant
26 support shall be negotiated with each expert review panel by the
27 legislative transportation committee and shall be paid from
28 appropriations for that purpose from the high capacity transportation
29 account.

1 **Sec. 11.** RCW 81.104.140 and 1990 c 43 s 35 are each amended to
2 read as follows:

3 (1) Agencies authorized to provide high capacity transportation
4 service, including city-owned transit systems, county transportation
5 authorities, metropolitan municipal corporations and public
6 transportation benefit areas, are hereby granted dedicated funding
7 sources for such systems. These dedicated funding sources, as set
8 forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized
9 only for agencies located in (~~class AA counties, class A counties,~~
10 ~~counties of the first class which border another state, and counties~~
11 ~~which, on March 14, 1990, are of the second class and which adjoin~~
12 ~~class A counties~~)) (a) each county with a population of two hundred ten
13 thousand or more and (b) each county with a population of from one
14 hundred twenty-five thousand to less than two hundred ten thousand
15 except for those counties that do not border a county with a population
16 as described under (a) of this subsection.

17 (2) Agencies (~~providing~~) planning to construct and operate a high
18 capacity transportation ((service)) system should also seek other
19 funds, including federal, state, local, and private sector assistance.

20 (3) Funding sources should satisfy each of the following criteria
21 to the greatest extent possible:

- 22 (a) Acceptability;
- 23 (b) Ease of administration;
- 24 (c) Equity;
- 25 (d) Implementation feasibility;
- 26 (e) Revenue reliability; and
- 27 (f) Revenue yield.

28 (4) Agencies participating in regional high capacity transportation
29 system development through interlocal agreements (~~or a conference-~~
30 ~~approved interim regional rail authority or subregional process as~~

1 ~~defined in RCW 81.104.040~~) are authorized to levy and collect the
2 following voter-approved local option funding sources:

3 (a) Employer tax as provided in RCW 81.104.150;

4 (b) Special motor vehicle excise tax as provided in RCW 81.104.160;
5 and

6 (c) Sales and use tax as provided in RCW 81.104.170.

7 Revenues from these taxes may be used only to support those
8 purposes prescribed in subsection ~~((+8))~~ (10) of this section. Before
9 ~~((an agency may))~~ the date of an election authorizing an agency to
10 impose any of the taxes enumerated in this section and authorized in
11 RCW 81.104.150, 81.104.160, and 81.104.170, ~~((it))~~ the agency must
12 comply with the process prescribed in RCW 81.104.100(1) and (2) and
13 81.104.110. No construction on exclusive right of way may occur before
14 the requirements of RCW 81.104.100(3) are met.

15 (5) Authorization in subsection (4) of this section shall not
16 adversely affect the funding authority of existing transit agencies.
17 Local option funds may be used to support implementation of interlocal
18 agreements with respect to the establishment of regional high capacity
19 transportation service. Local jurisdictions shall retain control over
20 moneys generated within their boundaries, although funds may be
21 commingled with those generated in other areas for planning,
22 construction, and operation of high capacity transportation systems as
23 set forth in the agreements.

24 (6) Agencies ~~((providing))~~ planning to construct and operate high
25 capacity transportation ~~((service))~~ systems may contract with the state
26 for collection and transference of voter-approved local option revenue.

27 (7) Dedicated high capacity transportation funding sources
28 authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be
29 subject to voter approval by a simple majority. A single ballot
30 proposition may seek approval for one or more of the authorized taxing

1 sources. The ballot title shall reference the document identified in
2 subsection (8) of this section.

3 (8) Agencies shall provide to the registered voters in the area a
4 document describing the systems plan and the financing plan set forth
5 in RCW 81.104.100. It shall also describe the relationship of the
6 system to regional issues such as development density at station
7 locations and activity centers, and the interrelationship of the system
8 to adopted land use and transportation demand management goals within
9 the region. This document shall be provided to the voters at least
10 twenty days prior to the date of the election.

11 (9) For any election in which voter approval is sought for a high
12 capacity transportation system plan and financing plan pursuant to RCW
13 81.104.040, a local voter's pamphlet shall be produced as provided in
14 chapter 29.81A RCW.

15 (10) Agencies providing high capacity transportation service shall
16 retain responsibility for revenue encumbrance, disbursement, and
17 bonding. Funds may be used for any purpose relating to planning,
18 construction, and operation of high capacity transportation systems,
19 commuter rail systems, and feeder transportation systems.

20 **Sec. 12.** RCW 81.104.160 and 1990 c 43 s 42 are each amended to
21 read as follows:

22 Any city that operates a transit system, county transportation
23 authority, metropolitan municipal corporation, or public transportation
24 benefit area, solely for the purpose of providing high capacity
25 transportation service may submit an authorizing proposition to the
26 voters, and if approved, may levy and collect an excise tax, at a rate
27 approved by the voters, but not exceeding eighty one-hundredths of one
28 percent on the value, under chapter 82.44 RCW, of every motor vehicle
29 owned by a resident of such city, county transportation authority,

1 metropolitan municipal corporation, or public transportation benefit
2 area. In any county imposing a motor vehicle excise tax surcharge
3 pursuant to RCW 81.100.060, the maximum tax rate under this section
4 shall be reduced to a rate equal to eighty one-hundredths of one
5 percent on the value less the equivalent motor vehicle excise tax rate
6 of the surcharge imposed pursuant to RCW 81.100.060. (~~(This authority~~
7 ~~may be exercised only if all local agencies which are parties to an~~
8 ~~interlocal agreement or members of a regional authority under RCW~~
9 ~~81.104.040 are imposing the tax at the same rate.)) This rate shall
10 not apply to vehicles licensed under RCW 46.16.070 except vehicles with
11 an unladen weight of six thousand pounds or less, RCW 46.16.079,
12 46.16.080, 46.16.085, or 46.16.090.~~

13 **Sec. 13.** RCW 82.80.020 and 1990 c 42 s 206 are each amended to
14 read as follows:

15 (1) The legislative authority of a county may fix and impose an
16 additional fee, not to exceed fifteen dollars per vehicle, for each
17 vehicle that is subject to license fees under RCW 46.16.060 and is
18 determined by the department of licensing to be registered within the
19 boundaries of the county.

20 (2) The department of licensing shall administer and collect the
21 fee. The department shall deduct a percentage amount, as provided by
22 contract, not to exceed two percent of the taxes collected, for
23 administration and collection expenses incurred by it. The remaining
24 proceeds shall be remitted to the custody of the state treasurer for
25 monthly distribution under RCW 82.80.080.

26 (3) The proceeds of this fee shall be used strictly for
27 transportation purposes in accordance with RCW 82.80.070.

28 (4) A county imposing this fee shall delay the effective date at
29 least six months from the date the ordinance is enacted to allow the

1 department of licensing to implement administration and collection of
2 the fee.

3 (5) The legislative authority of a county may develop and initiate
4 a refund process of the fifteen dollar fee to the registered owners of
5 vehicles residing within the boundaries of the county who are sixty-one
6 years old or older at the time of payment of the fee and whose
7 household income for the previous calendar year is eighteen thousand
8 dollars or less or who has a physical disability and who has paid the
9 fifteen dollar additional fee.

10 NEW SECTION. Sec. 14. The legislature recognizes that certain
11 communities have important cultural, economic, or transportation
12 linkages to communities in other counties. Many public services can
13 most efficiently be delivered from public agencies located in counties
14 other than the county within which the community is located. It is the
15 intent of the legislature by enacting sections 15 through 17 of this
16 act to further more effective public transportation linkages between
17 communities, regardless of county association, in order to better serve
18 state citizen needs.

19 **Sec. 15.** RCW 36.57A.040 and 1983 c 65 s 2 are each amended to read
20 as follows:

21 At the time of its formation no public transportation benefit area
22 may include only a part of any city, and every city shall be either
23 wholly included or wholly excluded from the boundaries of such area.
24 Notwithstanding any other provision of law, if subsequent to the
25 formation of a public transportation benefit area additional area
26 became or will become a part of a component city by annexation, merger,
27 or otherwise, the additional area shall be included within the
28 boundaries of the transportation benefit area and be subject to all

1 taxes and other liabilities and obligations of the public
2 transportation benefit area. The component city shall be required to
3 notify the public transportation benefit area at the time the city has
4 added the additional area. Furthermore, notwithstanding any other
5 provisions of law, if a city that is not a component city of the public
6 transportation benefit area adds area to its boundaries that is within
7 the boundaries of the public transportation benefit area, the area so
8 added shall be deemed to be excluded from the public transportation
9 benefit area: PROVIDED, That the public transportation benefit area
10 shall be given notice of the city's intention to add such area.

11 The boundaries of any public transportation benefit area shall
12 follow school district lines or election precinct lines, as far as
13 practicable. Only such areas shall be included which the conference
14 determines could reasonably benefit from the provision of public
15 transportation services. Except as provided in RCW 36.57A.140(2), only
16 one public transportation benefit area may be created in any county.

17 **Sec. 16.** RCW 36.57A.055 and 1983 c 65 s 4 are each amended to read
18 as follows:

19 After a public transportation benefit area has been in existence
20 for four years, members of the county legislative authority and the
21 elected representative of each city within the boundaries of the public
22 transportation benefit area shall review the composition of the
23 governing body of the benefit area and change the composition of the
24 governing body if the change is deemed appropriate. The review shall
25 be at a meeting of the designated representatives of the component
26 county and cities, and the majority of those present shall constitute
27 a quorum at such meeting. Twenty days notice of the meeting shall be
28 given by the chief administrative officer of the public transportation

1 benefit area authority. After the initial review, a review shall be
2 held every four years.

3 If an area having a population greater than fifteen percent, or
4 areas with a combined population of greater than twenty-five percent of
5 the population of the existing public transportation benefit area as
6 constituted at the last review meeting, annex to the public
7 transportation benefit area, or if an area is added under RCW
8 36.57A.140(2), the representatives of the component county and cities
9 shall meet within ninety days to review and change the composition of
10 the governing body, if the change is deemed appropriate. This meeting
11 is in addition to the regular four-year review meeting and shall be
12 conducted pursuant to the same notice requirement and quorum provisions
13 of the regular review.

14 **Sec. 17.** RCW 36.57A.140 and 1983 c 65 s 5 are each amended to read
15 as follows:

16 (1) An election to authorize the annexation of territory contiguous
17 to a public transportation benefit area may be called within the area
18 to be annexed pursuant to resolution or petition in the following
19 manner:

20 (a) By resolution of a public transportation benefit area authority
21 when it determines that the best interests and general welfare of the
22 public transportation benefit area would be served. The authority
23 shall consider the question of areas to be annexed to the public
24 transportation benefit area at least once every two years.

25 (b) By petition calling for such an election signed by at least
26 four percent of the qualified voters residing within the area to be
27 annexed and filed with the auditor of the county wherein the largest
28 portion of the public transportation benefit area is located, and
29 notice thereof shall be given to the authority. Upon receipt of such

1 a petition, the auditor shall examine it and certify to the sufficiency
2 of the signatures thereon.

3 (c) By resolution of a public transportation benefit area authority
4 upon request of any city for annexation thereto.

5 (2) If the area proposed to be annexed is located within another
6 county, the petition or resolution for annexation as set forth in
7 subsection (1) of this section must be approved by the legislative
8 authority of the county if the area is unincorporated or by the
9 legislative authority of the city or town if the area is incorporated.
10 Any annexation under this subsection must involve contiguous areas.

11 (3) The resolution or petition shall describe the boundaries of the
12 area to be annexed. It shall require that there also be submitted to
13 the electorate of the territory sought to be annexed a proposition
14 authorizing the inclusion of the area within the public transportation
15 benefit area and authorizing the imposition of such taxes authorized by
16 law to be collected by the authority.

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