

2 **ESSB 6753** - H COMM AMD **ADOPTED 2-28-96**  
3 By Committee on Transportation

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 47.46.030 and 1995 2nd sp.s. c 19 s 2 are each  
8 amended to read as follows:

9 (1) The secretary or a designee shall solicit proposals from, and  
10 negotiate and enter into agreements with, private entities to undertake  
11 as appropriate, together with the department and other public entities,  
12 all or a portion of the study, planning, design, construction,  
13 operation, and maintenance of transportation systems and facilities,  
14 using in whole or in part private sources of financing.

15 The public-private initiatives program may develop up to six  
16 demonstration projects. Each proposal shall be weighed on its own  
17 merits, and each of the six agreements shall be negotiated  
18 individually, and as a stand-alone project.

19 (2) If project proposals selected prior to September 1, 1994, are  
20 terminated by the public or private sectors, the department shall not  
21 select any new projects, including project proposals submitted to the  
22 department prior to September 1, 1994, and designated by the  
23 transportation commission as placeholder projects, after June 16, 1995,  
24 until June 30, 1997.

25 The department, in consultation with the legislative transportation  
26 committee, shall conduct a program and fiscal audit of the public-  
27 private initiatives program for the biennium ending June 30, 1997. The  
28 department shall submit a progress report to the legislative  
29 transportation committee on the program and fiscal audit by June 30,  
30 1996, with preliminary and final audit reports due December 1, 1996,  
31 and June 30, 1997, respectively.

32 The department shall develop and submit a proposed public  
33 involvement plan to the 1997 legislature to identify the process for  
34 selecting new potential projects and the associated costs of  
35 implementing the plan. The legislature must adopt the public  
36 involvement plan before the department may proceed with any activity  
37 related to project identification and selection. Following legislative

1 adoption of the public involvement plan, the department is authorized  
2 to implement the plan and to identify potential new projects.

3 The public involvement plan for projects selected after June 30,  
4 1997, shall, at a minimum, identify projects that: (a) Have the  
5 potential of achieving overall public support among users of the  
6 projects, residents of communities in the vicinity of the projects, and  
7 residents of communities impacted by the projects; (b) meet a state  
8 transportation need; (c) provide a significant state benefit; and (d)  
9 provide competition among proposers and maximum cost benefits to users.  
10 Prospective projects may include projects identified by the department  
11 or submitted by the private sector.

12 Projects that meet the minimum criteria established under this  
13 section and the requirements of the public involvement plan developed  
14 by the department and approved by the legislature shall be submitted to  
15 the Washington state transportation commission for its review. The  
16 commission, in turn, shall submit a list of eligible projects to the  
17 legislative transportation committee for its consideration. Forty-five  
18 days after the submission to the legislative transportation committee  
19 of the list of eligible projects, the secretary is authorized to  
20 solicit proposals for the eligible project.

21 (3) Prior to entering into agreements with private entities under  
22 the requirements of RCW 47.46.040 for any project proposal selected  
23 before September 1, 1994, or after June 30, 1997, except as provided  
24 for in subsections ~~((+10))~~ (11) and ~~((+11))~~ (12) of this section, the  
25 department shall require an advisory vote as provided under subsections  
26 ~~((+4))~~ (5) through ~~((+9))~~ (10) of this section.

27 (4) The advisory vote shall apply to project proposals selected  
28 prior to September 1, 1994, or after June 30, 1997, that receive public  
29 opposition as demonstrated by the submission to the department of  
30 original petitions bearing at least five thousand signatures of  
31 individuals opposing the project collected and submitted in accordance  
32 with the dates established in subsections (12) and (13) of this  
33 section. The advisory vote shall be on the preferred alternative  
34 identified under the requirements of chapter 43.21C RCW and, if  
35 applicable, the national environmental policy act, 42 U.S.C. 4321 et  
36 seq. The execution by the department of the advisory vote process  
37 established in this section is subject to the prior appropriation of  
38 funds by the legislature for the purpose of conducting environmental  
39 impact studies, a public involvement program, local involvement

1 committee activities, traffic and economic impact analyses, engineering  
2 and technical studies, and the advisory vote.

3 (5) In preparing for the advisory vote, the department shall  
4 conduct a comprehensive analysis of traffic patterns and economic  
5 impact to define the geographical boundary of the project area that is  
6 affected by the imposition of tolls or user fees authorized under this  
7 chapter. The area so defined is referred to in this section as the  
8 affected project area. In defining the affected project area, the  
9 department shall, at a minimum, undertake: (a) A comparison of the  
10 estimated percentage of residents of communities in the vicinity of the  
11 project and in other communities impacted by the project who could be  
12 subject to tolls or user fees and the estimated percentage of other  
13 users and transient traffic that could be subject to tolls or user  
14 fees; (b) an analysis of the anticipated traffic diversion patterns;  
15 (c) an analysis of the potential economic impact resulting from  
16 proposed toll rates or user fee rates imposed on residents, commercial  
17 traffic, and commercial entities in communities in the vicinity of and  
18 impacted by the project; (d) an analysis of the economic impact of  
19 tolls or user fees on the price of goods and services generally; and  
20 (e) an analysis of the relationship of the project to state  
21 transportation needs and benefits.

22 ((+5+)) (6)(a) After determining the definition of the affected  
23 project area, the department shall establish a committee comprised of  
24 individuals who represent cities and counties in the affected project  
25 area; organizations formed to support or oppose the project; and users  
26 of the project. The committee shall be named the public-private local  
27 involvement committee, and be known as the local involvement committee.

28 (b) The members of the local involvement committee shall be: (i)  
29 An elected official from each city within the affected project area;  
30 (ii) an elected official from each county within the affected project  
31 area; (iii) two persons from each county within the affected project  
32 area who represent an organization formed in support of the project, if  
33 the organization exists; (iv) two persons from each county within the  
34 affected project area who represent an organization formed to oppose  
35 the project, if the organization exists; and (v) four public members  
36 active in a state-wide transportation organization. If the committee  
37 makeup results in an even number of committee members, there shall be  
38 an additional appointment of an elected official from the county in  
39 which all, or the greatest portion of the project is located.

1 (c) City and county elected officials shall be appointed by a  
2 majority of the members of the city or county legislative authorities  
3 of each city or county within the affected project area, respectively.  
4 The county legislative authority of each county within the affected  
5 project area shall identify and validate organizations officially  
6 formed in support of or in opposition to the project and shall make the  
7 appointments required under this section from a list submitted by the  
8 chair of the organizations. Public members shall be appointed by the  
9 governor. All appointments to the local involvement committee shall be  
10 made and submitted to the department of transportation no later than  
11 January 1, 1996, for projects selected prior to September 1, 1994, and  
12 no later than thirty days after the affected project area is defined  
13 for projects selected after June 30, 1997. Vacancies in the membership  
14 of the local involvement committee shall be filled by the appointing  
15 authority under (b)(i) through (v) of this subsection for each position  
16 on the committee.

17 (d) The local involvement committee shall serve in an advisory  
18 capacity to the department on all matters related to the execution of  
19 the advisory vote.

20 (e) Members of the local involvement committee serve without  
21 compensation and may not receive subsistence, lodging expenses, or  
22 travel expenses.

23 ~~((+6))~~ (7) The department shall conduct a minimum thirty-day  
24 public comment period on the definition of the geographical boundary of  
25 the project area. The department, in consultation with the local  
26 involvement committee, shall make adjustments, if required, to the  
27 definition of the geographical boundary of the affected project area,  
28 based on comments received from the public. Within fourteen calendar  
29 days after the public comment period, the department shall set the  
30 boundaries of the affected project area in units no smaller than a  
31 precinct as defined in RCW 29.01.120.

32 ~~((+7))~~ (8) The department, in consultation with the local  
33 involvement committee, shall develop a description for selected project  
34 proposals. After developing the description of the project proposal,  
35 the department shall publish the project proposal description in  
36 newspapers of general circulation for seven calendar days in the  
37 affected project area. Within fourteen calendar days after the last  
38 day of the publication of the project proposal description, the  
39 department shall transmit a copy of the map depicting the affected

1 project area and the description of the project proposal to the county  
2 auditor of the county in which any portion of the affected project area  
3 is located.

4 ~~((+8+))~~ (9) The department shall provide the legislative  
5 transportation committee with progress reports on the status of the  
6 definition of the affected project area and the description of the  
7 project proposal.

8 ~~((+9+))~~ (10) Upon receipt of the map and the description of the  
9 project proposal, the county auditor shall, within thirty days, verify  
10 the precincts that are located within the affected project area. The  
11 county auditor shall prepare the text identifying and describing the  
12 affected project area and the project proposal using the definition of  
13 the geographical boundary of the affected project area and the project  
14 description submitted by the department and shall set an election date  
15 for the submission of a ballot proposition authorizing the imposition  
16 of tolls or user fees to implement the proposed project within the  
17 affected project area, which date may be the next succeeding general  
18 election to be held in the state, or at a special election, if  
19 requested by the department. The text of the project proposal must  
20 appear in a voter's pamphlet for the affected project area. The  
21 department shall pay the costs of publication and distribution. The  
22 special election date must be the next date for a special election  
23 provided under RCW 29.13.020 that is at least sixty days but, if  
24 authorized under RCW 29.13.020, no more than ninety days after the  
25 receipt of the final map and project description by the auditor. The  
26 department shall pay the cost of an election held under this section.

27 ~~((+10+))~~ (11) Notwithstanding any other provision of law, the  
28 department may contract with a private developer of a selected project  
29 proposal to conduct environmental impact studies, a public involvement  
30 program, and engineering and technical studies funded by the  
31 legislature. For projects subject to this subsection, the department  
32 shall not enter into an agreement under RCW 47.46.040 prior to the  
33 advisory vote on the preferred alternative.

34 (12) Subsections ~~((+4+))~~ (5) through ~~((+9+))~~ (10) of this section  
35 shall not apply to project proposals selected prior to September 1,  
36 1994, that have no organized public opposition as demonstrated by the  
37 submission to the department of original petitions bearing at least  
38 five thousand signatures of individuals opposing the project, collected

1 and submitted after September 1, 1994, and by thirty calendar days  
2 after June 16, 1995.

3 ~~((11))~~ (13) Subsections ~~((4))~~ (5) through ~~((9))~~ (10) of this  
4 section shall not apply to project proposals selected after June 30,  
5 1997, that have no organized public opposition as demonstrated by the  
6 submission to the department of original petitions bearing at least  
7 five thousand signatures of individuals opposing the project, collected  
8 and submitted by ninety calendar days after project selection.

9 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of the  
11 state government and its existing public institutions, and shall take  
12 effect immediately."

13 **ESSB 6753** - H COMM AMD  
14 By Committee on Transportation

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16 On page 1, line 3 of the title, after "program;" strike the  
17 remainder of the title and insert "amending RCW 47.46.030; and  
18 declaring an emergency."

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