

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6753

Chapter 280, Laws of 1996

54th Legislature
1996 Regular Session

TACOMA NARROWS BRIDGE--IMPROVEMENTS--ADVISORY VOTE

EFFECTIVE DATE: 3/29/96

Passed by the Senate March 4, 1996
YEAS 42 NAYS 1

JOEL PRITCHARD

President of the Senate

Passed by the House February 28, 1996
YEAS 92 NAYS 2

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 29, 1996

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6753** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 29, 1996 - 5:03 p.m.

MIKE LOWRY

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6753

AS AMENDED BY THE HOUSE

Passed Legislature - 1996 Regular Session

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Oke, Prince, Prentice, Sheldon, Swecker, Wojahn, Deccio, Schow, A. Anderson, Sellar, Winsley, Strannigan, Finkbeiner, Moyer, McDonald, Haugen, Wood and Rasmussen)

Read first time 02/06/96.

1 AN ACT Relating to agreements, advisory vote procedures, and
2 funding for the Tacoma Narrows bridge under the public-private
3 transportation initiatives program; amending RCW 47.46.030; and
4 declaring an emergency.

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

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

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

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

18 (2) If project proposals selected prior to September 1, 1994, are
19 terminated by the public or private sectors, the department shall not

1 select any new projects, including project proposals submitted to the
2 department prior to September 1, 1994, and designated by the
3 transportation commission as placeholder projects, after June 16, 1995,
4 until June 30, 1997.

5 The department, in consultation with the legislative transportation
6 committee, shall conduct a program and fiscal audit of the public-
7 private initiatives program for the biennium ending June 30, 1997. The
8 department shall submit a progress report to the legislative
9 transportation committee on the program and fiscal audit by June 30,
10 1996, with preliminary and final audit reports due December 1, 1996,
11 and June 30, 1997, respectively.

12 The department shall develop and submit a proposed public
13 involvement plan to the 1997 legislature to identify the process for
14 selecting new potential projects and the associated costs of
15 implementing the plan. The legislature must adopt the public
16 involvement plan before the department may proceed with any activity
17 related to project identification and selection. Following legislative
18 adoption of the public involvement plan, the department is authorized
19 to implement the plan and to identify potential new projects.

20 The public involvement plan for projects selected after June 30,
21 1997, shall, at a minimum, identify projects that: (a) Have the
22 potential of achieving overall public support among users of the
23 projects, residents of communities in the vicinity of the projects, and
24 residents of communities impacted by the projects; (b) meet a state
25 transportation need; (c) provide a significant state benefit; and (d)
26 provide competition among proposers and maximum cost benefits to users.
27 Prospective projects may include projects identified by the department
28 or submitted by the private sector.

29 Projects that meet the minimum criteria established under this
30 section and the requirements of the public involvement plan developed
31 by the department and approved by the legislature shall be submitted to
32 the Washington state transportation commission for its review. The
33 commission, in turn, shall submit a list of eligible projects to the
34 legislative transportation committee for its consideration. Forty-five
35 days after the submission to the legislative transportation committee
36 of the list of eligible projects, the secretary is authorized to
37 solicit proposals for the eligible project.

38 (3) Prior to entering into agreements with private entities under
39 the requirements of RCW 47.46.040 for any project proposal selected

1 before September 1, 1994, or after June 30, 1997, except as provided
2 for in subsections (~~((+10))~~) (11) and (~~((+11))~~) (12) of this section, the
3 department shall require an advisory vote as provided under subsections
4 (~~((+4))~~) (5) through (~~((+9))~~) (10) of this section.

5 (4) The advisory vote shall apply to project proposals selected
6 prior to September 1, 1994, or after June 30, 1997, that receive public
7 opposition as demonstrated by the submission to the department of
8 original petitions bearing at least five thousand signatures of
9 individuals opposing the project collected and submitted in accordance
10 with the dates established in subsections (12) and (13) of this
11 section. The advisory vote shall be on the preferred alternative
12 identified under the requirements of chapter 43.21C RCW and, if
13 applicable, the national environmental policy act, 42 U.S.C. 4321 et
14 seq. The execution by the department of the advisory vote process
15 established in this section is subject to the prior appropriation of
16 funds by the legislature for the purpose of conducting environmental
17 impact studies, a public involvement program, local involvement
18 committee activities, traffic and economic impact analyses, engineering
19 and technical studies, and the advisory vote.

20 (5) In preparing for the advisory vote, the department shall
21 conduct a comprehensive analysis of traffic patterns and economic
22 impact to define the geographical boundary of the project area that is
23 affected by the imposition of tolls or user fees authorized under this
24 chapter. The area so defined is referred to in this section as the
25 affected project area. In defining the affected project area, the
26 department shall, at a minimum, undertake: (a) A comparison of the
27 estimated percentage of residents of communities in the vicinity of the
28 project and in other communities impacted by the project who could be
29 subject to tolls or user fees and the estimated percentage of other
30 users and transient traffic that could be subject to tolls or user
31 fees; (b) an analysis of the anticipated traffic diversion patterns;
32 (c) an analysis of the potential economic impact resulting from
33 proposed toll rates or user fee rates imposed on residents, commercial
34 traffic, and commercial entities in communities in the vicinity of and
35 impacted by the project; (d) an analysis of the economic impact of
36 tolls or user fees on the price of goods and services generally; and
37 (e) an analysis of the relationship of the project to state
38 transportation needs and benefits.

1 (~~(5)~~) (6)(a) After determining the definition of the affected
2 project area, the department shall establish a committee comprised of
3 individuals who represent cities and counties in the affected project
4 area; organizations formed to support or oppose the project; and users
5 of the project. The committee shall be named the public-private local
6 involvement committee, and be known as the local involvement committee.

7 (b) The members of the local involvement committee shall be: (i)
8 An elected official from each city within the affected project area;
9 (ii) an elected official from each county within the affected project
10 area; (iii) two persons from each county within the affected project
11 area who represent an organization formed in support of the project, if
12 the organization exists; (iv) two persons from each county within the
13 affected project area who represent an organization formed to oppose
14 the project, if the organization exists; and (v) four public members
15 active in a state-wide transportation organization. If the committee
16 makeup results in an even number of committee members, there shall be
17 an additional appointment of an elected official from the county in
18 which all, or the greatest portion of the project is located.

19 (c) City and county elected officials shall be appointed by a
20 majority of the members of the city or county legislative authorities
21 of each city or county within the affected project area, respectively.
22 The county legislative authority of each county within the affected
23 project area shall identify and validate organizations officially
24 formed in support of or in opposition to the project and shall make the
25 appointments required under this section from a list submitted by the
26 chair of the organizations. Public members shall be appointed by the
27 governor. All appointments to the local involvement committee shall be
28 made and submitted to the department of transportation no later than
29 January 1, 1996, for projects selected prior to September 1, 1994, and
30 no later than thirty days after the affected project area is defined
31 for projects selected after June 30, 1997. Vacancies in the membership
32 of the local involvement committee shall be filled by the appointing
33 authority under (b)(i) through (v) of this subsection for each position
34 on the committee.

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

1 (e) Members of the local involvement committee serve without
2 compensation and may not receive subsistence, lodging expenses, or
3 travel expenses.

4 (~~(6)~~) (7) The department shall conduct a minimum thirty-day
5 public comment period on the definition of the geographical boundary of
6 the project area. The department, in consultation with the local
7 involvement committee, shall make adjustments, if required, to the
8 definition of the geographical boundary of the affected project area,
9 based on comments received from the public. Within fourteen calendar
10 days after the public comment period, the department shall set the
11 boundaries of the affected project area in units no smaller than a
12 precinct as defined in RCW 29.01.120.

13 (~~(7)~~) (8) The department, in consultation with the local
14 involvement committee, shall develop a description for selected project
15 proposals. After developing the description of the project proposal,
16 the department shall publish the project proposal description in
17 newspapers of general circulation for seven calendar days in the
18 affected project area. Within fourteen calendar days after the last
19 day of the publication of the project proposal description, the
20 department shall transmit a copy of the map depicting the affected
21 project area and the description of the project proposal to the county
22 auditor of the county in which any portion of the affected project area
23 is located.

24 (~~(8)~~) (9) The department shall provide the legislative
25 transportation committee with progress reports on the status of the
26 definition of the affected project area and the description of the
27 project proposal.

28 (~~(9)~~) (10) Upon receipt of the map and the description of the
29 project proposal, the county auditor shall, within thirty days, verify
30 the precincts that are located within the affected project area. The
31 county auditor shall prepare the text identifying and describing the
32 affected project area and the project proposal using the definition of
33 the geographical boundary of the affected project area and the project
34 description submitted by the department and shall set an election date
35 for the submission of a ballot proposition authorizing the imposition
36 of tolls or user fees to implement the proposed project within the
37 affected project area, which date may be the next succeeding general
38 election to be held in the state, or at a special election, if
39 requested by the department. The text of the project proposal must

1 appear in a voter's pamphlet for the affected project area. The
2 department shall pay the costs of publication and distribution. The
3 special election date must be the next date for a special election
4 provided under RCW 29.13.020 that is at least sixty days but, if
5 authorized under RCW 29.13.020, no more than ninety days after the
6 receipt of the final map and project description by the auditor. The
7 department shall pay the cost of an election held under this section.

8 ~~((+10+))~~ (11) Notwithstanding any other provision of law, the
9 department may contract with a private developer of a selected project
10 proposal to conduct environmental impact studies, a public involvement
11 program, and engineering and technical studies funded by the
12 legislature. For projects subject to this subsection, the department
13 shall not enter into an agreement under RCW 47.46.040 prior to the
14 advisory vote on the preferred alternative.

15 (12) Subsections ~~((+4+))~~ (5) through ~~((+9+))~~ (10) of this section
16 shall not apply to project proposals selected prior to September 1,
17 1994, that have no organized public opposition as demonstrated by the
18 submission to the department of original petitions bearing at least
19 five thousand signatures of individuals opposing the project, collected
20 and submitted after September 1, 1994, and by thirty calendar days
21 after June 16, 1995.

22 ~~((+11+))~~ (13) Subsections ~~((+4+))~~ (5) through ~~((+9+))~~ (10) of this
23 section shall not apply to project proposals selected after June 30,
24 1997, that have no organized public opposition as demonstrated by the
25 submission to the department of original petitions bearing at least
26 five thousand signatures of individuals opposing the project, collected
27 and submitted by ninety calendar days after project selection.

28 NEW SECTION. Sec. 2. This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of the
30 state government and its existing public institutions, and shall take
31 effect immediately.

Passed the Senate March 4, 1996.

Passed the House February 28, 1996.

Approved by the Governor March 29, 1996.

Filed in Office of Secretary of State March 29, 1996.