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SENATE BILL 6077

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State of Washington

56th Legislature

1999 Regular Session

By Senators Horn and T. Sheldon

Read first time 03/04/1999. Referred to Committee on Transportation.

1 AN ACT Relating to transportation benefit districts; amending RCW  
2 36.73.020; and adding a new section to chapter 36.73 RCW.

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

4 **Sec. 1.** RCW 36.73.020 and 1989 c 53 s 1 are each amended to read  
5 as follows:

6 The legislative authority of a county may establish one or more  
7 transportation benefit districts within the county for the purpose of  
8 acquiring, constructing, improving, providing, and funding any city  
9 street, county road, or state highway improvement within the district  
10 that is (1) consistent with state, regional, and local transportation  
11 plans as defined under chapter 36.70A RCW and Title 47 RCW, (2)  
12 necessitated by existing or reasonably foreseeable congestion levels  
13 attributable to economic growth, and (3) partially funded by local  
14 government or private developer contributions, or a combination of such  
15 contributions. Such transportation improvements shall be owned by the  
16 county of jurisdiction if located in an unincorporated area, by the  
17 city of jurisdiction if located in an incorporated area, or by the  
18 state in cases where the transportation improvement is or becomes a  
19 state highway; and all such transportation improvements shall be

1 administered and maintained as other public streets, roads, and  
2 highways. The district may not include any area within the corporate  
3 limits of a city unless the city legislative authority has agreed to  
4 the inclusion pursuant to chapter 39.34 RCW. The agreement shall  
5 specify the area and such powers as may be granted to the benefit  
6 district.

7 The members of the county legislative authority, acting ex officio  
8 and independently, shall compose the governing body of the district:  
9 PROVIDED, That where a transportation benefit district includes any  
10 portion of an incorporated city, town, or another county, the district  
11 may be governed as provided in an interlocal agreement adopted pursuant  
12 to chapter 39.34 RCW. The county treasurer shall act as the ex officio  
13 treasurer of the district. The electors of the district shall all be  
14 registered voters residing within the district. For purposes of this  
15 section, the term "city" means both cities and towns.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.73 RCW  
17 to read as follows:

18 (1) A transportation benefit district may impose a trip generation  
19 fee or charge to be defined by the legislative authorities of the  
20 transportation benefit district. The fees or charges so imposed must  
21 be reasonably necessary as a result of the development and traffic  
22 generated within the district that requires the transportation  
23 improvement.

24 (2) For purposes of this section, "traffic generators" are defined  
25 as concentrated developments that qualify under zoning or floor area  
26 ratios as defined by the legislative authorities comprising the  
27 transportation benefit district. Traffic generators can be, but are  
28 not limited to, businesses, multifamily residences, and public  
29 facilities.

30 (3) The trip generation fee or charge should (a) be based on the  
31 traffic generators within a transportation benefit district; (b)  
32 consider the impact to the transportation facility improvement during  
33 peak travel hours or a measurement time period selected by the  
34 transportation benefit district; and (c) be structured to defray a  
35 proportional share of the transportation improvement. Unless otherwise  
36 specified, the trip generation fee or charge is supplemental to either  
37 public or private resources that are provided and must not be construed  
38 to pay for the entire transportation improvement.

1       (4) The transportation benefit district may exempt traffic  
2 generators from the fee or charge.

3       (5) The fee or charge imposed under this section must be used  
4 exclusively for transportation improvements constructed by a  
5 transportation benefit district. The fee or charge imposed under this  
6 section will be terminated upon project completion or when all  
7 indebtedness has been retired.

8       (6) When fees or charges are imposed by a district within which  
9 there is more than one city or both incorporated and unincorporated  
10 areas, the legislative authority for each city in the district and the  
11 county legislative authority for the unincorporated area must approve  
12 the imposition of the fees or charges before they take effect. Once  
13 the fees or charges are established, they must, at a minimum, be  
14 resubmitted to the appropriate legislative authorities for approval  
15 every two years.

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