
HOUSE BILL 1122

State of Washington 58th Legislature 2003 Regular Session

By Representatives Morris, Murray, Romero, Hatfield, Kessler, Miloscia, Cooper, Simpson, Darneille, Lovick, Hunter, O'Brien, Veloria, Moeller, Eickmeyer, Hunt, Kenney, Schual-Berke, Fromhold, Conway, Wood, Linville, Berkey, Sullivan, McDermott, Haigh, Rockefeller, McCoy, Upthegrove and Ruderman

Read first time 01/17/2003. Referred to Committee on Transportation.

1 AN ACT Relating to transportation governance; amending RCW
2 43.17.020, 47.01.021, 47.01.041, and 47.01.071; reenacting and amending
3 RCW 47.01.101; adding a new section to chapter 47.01 RCW; creating a
4 new section; repealing RCW 36.79.070, 47.01.051, 47.01.061, 47.01.070,
5 47.06A.001, 47.06A.030, 47.06A.040, 47.06A.070, 47.06A.900, and
6 47.26.167; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** The legislature recognizes the need to
9 streamline governance of the transportation system in order to increase
10 efficiency and accountability to the people it serves. By phasing out
11 the transportation commission, the legislature intends to create a
12 single point of accountability for the performance of the state's
13 transportation system as managed by the department of transportation.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.01 RCW
15 to read as follows:

16 All references in the Revised Code of Washington to the
17 transportation commission that assign committee membership, or

1 administrative or policy-making authority, are construed to mean the
2 secretary of transportation.

3 **Sec. 3.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended
4 to read as follows:

5 There shall be a chief executive officer of each department to be
6 known as: (1) The secretary of social and health services, (2) the
7 director of ecology, (3) the director of labor and industries, (4) the
8 director of agriculture, (5) the director of fish and wildlife, (6) the
9 secretary of transportation, (7) the director of licensing, (8) the
10 director of general administration, (9) the director of community,
11 trade, and economic development, (10) the director of veterans affairs,
12 (11) the director of revenue, (12) the director of retirement systems,
13 (13) the secretary of corrections, (~~and~~) (14) the secretary of
14 health, and (15) the director of financial institutions.

15 Such officers, except (~~the secretary of transportation and~~) the
16 director of fish and wildlife, shall be appointed by the governor, with
17 the consent of the senate, and hold office at the pleasure of the
18 governor. (~~The secretary of transportation shall be appointed by the~~
19 ~~transportation commission as prescribed by RCW 47.01.041.~~) The
20 director of fish and wildlife shall be appointed by the fish and
21 wildlife commission as prescribed by RCW 77.04.055.

22 **Sec. 4.** RCW 47.01.021 and 1977 ex.s. c 151 s 2 are each amended to
23 read as follows:

24 As used in this title unless the context indicates otherwise:

25 (1) "Department" means the department of transportation created in
26 RCW 47.01.031;

27 (2) "Commission" means the secretary of transportation (~~commission~~
28 ~~created in RCW 47.01.051~~);

29 (3) "Secretary" means the secretary of transportation as provided
30 for in RCW 47.01.041.

31 **Sec. 5.** RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each
32 amended to read as follows:

33 The executive head of the department of transportation shall be the
34 secretary of transportation, who shall be appointed by and serve at the
35 pleasure of the (~~transportation commission~~) governor, and shall be

1 paid a salary to be fixed by the governor in accordance with the
2 provisions of RCW 43.03.040. (~~The secretary shall be an ex officio~~
3 ~~member of the commission without a vote. The secretary shall be the~~
4 ~~chief executive officer of the commission and be responsible to it, and~~
5 ~~shall be guided by policies established by it. The secretary shall~~
6 ~~serve until removed by the commission, but only for incapacity,~~
7 ~~incompetence, neglect of duty, malfeasance in office, or failure to~~
8 ~~carry out the commission's policies. Before a motion for dismissal~~
9 ~~shall be acted on by the commission, the secretary shall be granted a~~
10 ~~hearing on formal written charges before the full commission. An~~
11 ~~action by the commission to remove the secretary shall be final.))~~

12 **Sec. 6.** RCW 47.01.071 and 1981 c 59 s 2 are each amended to read
13 as follows:

14 The (~~transportation commission shall have~~) department has the
15 following functions, powers, and duties:

16 (1) To propose policies to be adopted by the legislature designed
17 to assure the development and maintenance of a comprehensive and
18 balanced statewide transportation system which will meet the needs of
19 the people of this state for safe and efficient transportation
20 services. Wherever appropriate the policies shall provide for the use
21 of integrated, intermodal transportation systems to implement the
22 social, economic, and environmental policies, goals, and objectives of
23 the people of the state, and especially to conserve nonrenewable
24 natural resources including land and energy. To this end the
25 (~~commission~~) department shall:

26 (a) Develop transportation policies which are based on the
27 policies, goals, and objectives expressed and inherent in existing
28 state laws;

29 (b) Inventory the adopted policies, goals, and objectives of the
30 local and area-wide governmental bodies of the state and define the
31 role of the state, regional, and local governments in determining
32 transportation policies, in transportation planning, and in
33 implementing the state transportation plan;

34 (c) Propose a transportation policy for the state, and after notice
35 and public hearings, submit the proposal to the legislative
36 transportation committee and the senate and house transportation

1 committees by January (~~1, 1978~~) 1st of each even-numbered year, for
2 consideration in the next legislative session;

3 (d) Establish a procedure for review and revision of the state
4 transportation policy and for submission of proposed changes to the
5 legislature;

6 (e) To integrate the statewide transportation plan with the needs
7 of the elderly and handicapped, and to coordinate federal and state
8 programs directed at assisting local governments to answer such needs;

9 (2) To establish the policy of the department (~~to be followed by~~
10 ~~the secretary~~) on each of the following items:

11 (a) To provide for the effective coordination of state
12 transportation planning with national transportation policy, state and
13 local land use policies, and local and regional transportation plans
14 and programs;

15 (b) To provide for public involvement in transportation designed to
16 elicit the public's views both with respect to adequate transportation
17 services and appropriate means of minimizing adverse social, economic,
18 environmental, and energy impact of transportation programs;

19 (c) To provide for the administration of grants in aid and other
20 financial assistance to counties and municipal corporations for
21 transportation purposes;

22 (d) To provide for the management, sale, and lease of property or
23 property rights owned by the department which are not required for
24 transportation purposes;

25 (3) To (~~direct the secretary to~~) prepare and submit (~~to the~~
26 ~~commission~~) a comprehensive and balanced statewide transportation plan
27 which shall be based on the transportation policy adopted by the
28 legislature and applicable state and federal laws. After public notice
29 and hearings, the (~~commission~~) secretary shall adopt the plan and
30 submit it to the legislative transportation committee and to the house
31 and senate standing committees on transportation (~~before January 1,~~
32 ~~1980, for consideration in the 1980 regular legislative session~~). The
33 plan shall be reviewed and revised prior to each regular session of the
34 legislature during an even-numbered year thereafter. (~~A preliminary~~
35 ~~plan shall be submitted to such committees by January 1, 1979.~~)

36 The plan shall take into account federal law and regulations
37 relating to the planning, construction, and operation of transportation
38 facilities;

1 (4) ~~((To propose to the governor and the legislature prior to the~~
2 ~~convening of each regular session held in an odd numbered year a~~
3 ~~recommended budget for the operations of the commission as required by~~
4 ~~RCW 47.01.061;~~

5 ~~(5))~~ To ~~((approve and))~~ propose to the governor ~~((and to the~~
6 ~~legislature prior to the convening of each regular session during an~~
7 ~~odd numbered year))~~ a recommended budget for the operation of the
8 department and for carrying out the program of the department for the
9 ensuing biennium. The proposed budget shall separately state the
10 appropriations to be made from the motor vehicle fund for highway
11 purposes in accordance with constitutional limitations and
12 appropriations and expenditures to be made from the general fund, or
13 accounts thereof, and other available sources for other operations and
14 programs of the department;

15 ~~((6) To review and authorize all departmental requests for~~
16 ~~legislation;~~

17 ~~(7))~~ (5) To approve the issuance and sale of all bonds authorized
18 by the legislature for capital construction of state highways, toll
19 facilities, Columbia Basin county roads (for which reimbursement to the
20 motor vehicle fund has been provided), urban arterial projects, and
21 aviation facilities;

22 ~~((8))~~ (6) To adopt such rules, regulations, and policy directives
23 as may be necessary to carry out reasonably and properly those
24 functions expressly vested in the ~~((commission))~~ department by statute;

25 ~~((9) To delegate any of its powers to the secretary of~~
26 ~~transportation whenever it deems it desirable for the efficient~~
27 ~~administration of the department and consistent with the purposes of~~
28 ~~this title;~~

29 ~~(10))~~ (7) To exercise such other specific powers and duties as may
30 be vested in the ~~((transportation commission))~~ department by this or
31 any other provision of law.

32 **Sec. 7.** RCW 47.01.101 and 1987 c 505 s 48 and 1987 c 179 s 1 are
33 each reenacted and amended to read as follows:

34 The secretary shall have the authority and it shall be his or her
35 duty~~((, subject to policy guidance from the commission))~~:

36 (1) To serve as chief executive officer of the department with full
37 administrative authority to direct all its activities;

1 (2) To organize the department as he or she may deem necessary to
2 carry out the work and responsibilities of the department effectively;

3 (3) To designate and establish such transportation district or
4 branch offices as may be necessary or convenient, and to appoint
5 assistants and delegate any powers, duties, and functions to them or
6 any officer or employee of the department as deemed necessary to
7 administer the department efficiently;

8 (4) To direct and coordinate the programs of the various divisions
9 of the department to assure that they achieve the greatest possible
10 mutual benefit, produce a balanced overall effort, and eliminate
11 unnecessary duplication of activity;

12 (5) To adopt all department rules that are subject to the adoption
13 procedures contained in the state Administrative Procedure Act((
14 ~~except rules subject to adoption by the commission pursuant to~~
15 ~~statute~~));

16 (6) To maintain and safeguard the official records of the
17 department(~~, including the commission's recorded resolutions and~~
18 ~~orders~~));

19 (~~To provide full staff support to the commission to assist it~~
20 ~~in carrying out its functions, powers, and duties and to execute the~~
21 ~~policy established by the commission pursuant to its legislative~~
22 ~~authority;~~

23 ~~(8))~~ To execute and implement the biennial operating budget for
24 the operation of the department in accordance with chapter 43.88 RCW
25 and with legislative appropriation and, in such manner as prescribed
26 therein, to make and report to the (~~commission and the~~) chairs of the
27 transportation committees of the senate and house of representatives,
28 including one copy to the staff of each of the committees, deviations
29 from the planned biennial category A and H highway construction
30 programs necessary to adjust to unexpected delays or other
31 unanticipated circumstances.

32 ~~((9))~~ (8) To exercise all other powers and perform all other
33 duties as are now or hereafter provided by law.

34 NEW SECTION. Sec. 8. The following acts or parts of acts are each
35 repealed:

36 (1) RCW 36.79.070 (Board may contract with department of

1 transportation for staff services and facilities) and 1983 1st ex.s. c
2 49 s 7;

3 (2) RCW 47.01.051 (Commission created--Appointment of members--
4 Terms--Qualifications--Removal) and 1977 ex.s. c 151 s 5;

5 (3) RCW 47.01.061 (Commission--Procedures and internal operations)
6 and 1987 c 364 s 2, 1984 c 287 s 94, 1983 1st ex.s. c 53 s 29, 1981 c
7 59 s 1, & 1977 ex.s. c 151 s 6;

8 (4) RCW 47.01.070 (Director's and commissioner's prior assignments
9 may be delegated) and 1977 ex.s. c 151 s 27 & 1961 c 13 s 47.01.070;

10 (5) RCW 47.06A.001 (Findings) and 1998 c 175 s 1;

11 (6) RCW 47.06A.030 (Board--Creation--Membership) and 1999 c 216 s
12 2 & 1998 c 175 s 4;

13 (7) RCW 47.06A.040 (Board--Administration and staffing) and 1999 c
14 216 s 3 & 1998 c 175 s 5;

15 (8) RCW 47.06A.070 (Records) and 1998 c 175 s 8;

16 (9) RCW 47.06A.900 (Severability--1998 c 175) and 1998 c 175 s 15;

17 and

18 (10) RCW 47.26.167 (Jurisdictional transfers) and 1991 c 342 s 62.

19 NEW SECTION. **Sec. 9.** This act takes effect January 1, 2004.

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