
SECOND SUBSTITUTE HOUSE BILL 1960

State of Washington 58th Legislature 2004 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Murray, Jarrett, Cooper, Dickerson and Hudgins)

READ FIRST TIME 01/29/04.

1 AN ACT Relating to regional transportation governance; amending RCW
2 35.58.2795, 35.95A.030, 36.120.090, 36.120.110, 36.120.140, 47.26.080,
3 47.26.086, 47.80.020, 47.80.030, 47.80.040, 47.80.060, and 81.112.040;
4 adding a new chapter to Title 36 RCW; creating a new section; providing
5 a contingent effective date; and providing for submission of this act
6 to a vote of the people.

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

8 **PART I**
9 **BASIC ORGANIZATION**

10 NEW SECTION. **Sec. 101.** LEGISLATIVE INTENT. The legislature finds
11 that increased demands on transportation resources require increased
12 efficiency and effectiveness in decision making within urbanized
13 regions. Legislative enactments, public votes on local and state
14 initiatives and referenda, and the number of agencies involved in
15 transportation planning and delivery of services has significantly
16 added to the complexity of transportation programs.

17 The legislature further finds that coordinated planning, investment
18 in, and operation of transportation systems by the state and by local

1 governments, can help ensure an efficient, effective transportation
2 system that ensures mobility and addresses community needs. Improved
3 planning, investment, and operation can also enhance local and state
4 objectives for effective regional transportation strategies and
5 effective coordination between land use and transportation.

6 The legislature finds that addressing this need for better
7 accountability and coordinated action regarding transportation and
8 comprehensive planning necessitates an innovative approach. Improved
9 integration among transportation programs, particularly in the state's
10 largest metropolitan area is imperative, and will have significant
11 benefit to the citizens of Washington. It is therefore the policy of
12 the state of Washington to provide the authority for the citizens of
13 the central Puget Sound counties to create a single regional government
14 council, more directly accountable to the public, with adequate
15 resources to develop and encourage implementation of a comprehensive
16 transportation plan within the state's largest urbanized region.

17 NEW SECTION. **Sec. 102.** DEFINITIONS. Unless the context clearly
18 requires otherwise, the definitions in this section apply throughout
19 this chapter.

20 (1) "Council" means the Puget Sound regional transportation
21 district council created under section 105 of this act, and the
22 governing body of the district.

23 (2) "District" means the Puget Sound regional transportation
24 district created under section 103 of this act.

25 (3) "Policy advisory committee" or "committee" means the policy
26 advisory committee authorized in section 202 of this act.

27 (4) "Public transportation providers" means those agencies
28 providing transit services to the public including public agencies that
29 operate ferries, regional transit authorities, public transit agencies,
30 and city transportation authorities.

31 (5) "Puget Sound regional council" means the Puget Sound regional
32 council, which, as of January 1, 2004, is the organization designated
33 by units of general purpose local governments within the region as the
34 metropolitan planning organization under federal requirements and as
35 the regional transportation organization under chapter 47.80 RCW, or
36 any successor organization.

1 (6) "Project of regional significance" means those projects
2 identified by the characteristics set forth in section 201(3) and (4)
3 of this act.

4 (8) "Region" means that area within the jurisdiction of the
5 council.

6 (9) "Regional plan" or "plan" means the metropolitan transportation
7 plan required under federal law.

8 NEW SECTION. **Sec. 103.** DISTRICT CREATED. A political subdivision
9 known as the Puget Sound regional transportation district is created,
10 to consist of the counties that are included within the regional
11 transportation planning organization having the largest population on
12 January 1, 2003, known as "central Puget Sound counties."

13 NEW SECTION. **Sec. 104.** COUNCILOR DISTRICTS. By May 1, 2005, the
14 legislative authorities of the central Puget Sound counties shall
15 jointly assemble and determine eight councilor districts, based on
16 equal populations.

17 The counties shall provide for the nomination and election of
18 district councilors at the state's September primary and November
19 general elections.

20 NEW SECTION. **Sec. 105.** DISTRICT COUNCIL. (1) Creation and
21 powers. The district council is created as the governing body of the
22 Puget Sound regional transportation district. Except as provided for
23 in this chapter, all district powers are vested in the council.

24 (2) Composition. Beginning January 1, 2006, the council consists
25 of nine councilors, one elected at large and designated as president of
26 the council, and eight nominated and elected from individual districts
27 within the region.

28 (3) Initial terms of office. The terms of office of the four
29 councilors receiving the highest number of votes among the eight
30 councilors elected in 2005 end on the first Monday of 2010. The terms
31 of office of the other four councilors end on the first Monday of 2007.
32 Thereafter the term of office of councilor is four years. The first
33 term of the president ends the first Monday of 2010.

34 (4) Presiding officer, council president. The council president
35 presides over the council. The council president sets the council

1 agenda subject to general rules established by a council-adopted
2 ordinance. Except as provided otherwise in this chapter, the council
3 president appoints all members of the committees, commissions, and
4 boards created by the rules of the council and ordinances of the
5 district.

6 (5) Annual organizing resolution. At the first council meeting
7 each January the council shall adopt an annual organizing resolution
8 naming a deputy and establishing such committees as the council deems
9 necessary for the orderly conduct of council business.

10 (6) Council meetings. The council shall meet regularly in the area
11 at times and places it designates. The council shall prescribe by
12 ordinance the rules to govern conduct of its meetings. Except as this
13 chapter provides otherwise, the agreement of a majority of councilors
14 present and constituting a quorum is necessary to decide affirmatively
15 a question before the council.

16 (7) Quorum. A majority of councilors in office is a quorum for
17 council business, but fewer councilors may compel absent councilors to
18 attend.

19 (8) Record of proceedings. The council shall keep and authenticate
20 a record of council proceedings.

21 NEW SECTION. **Sec. 106.** COUNCIL FOR REGIONAL TRANSPORTATION
22 INVESTMENT DISTRICT GOVERNANCE. Effective January 1, 2007, the members
23 of the council, acting ex officio and independently shall constitute
24 the governing body of any regional transportation investment district
25 located within the boundaries of the Puget Sound regional
26 transportation district.

27 NEW SECTION. **Sec. 107.** DISTRICT AUDITOR. (1) Creation. The
28 office of district auditor is created. The auditor is elected from the
29 district at large for a term of four years. The auditor serves full
30 time and may not be employed by any other person or entity while
31 serving as auditor.

32 (2) First election; disqualification for councilor. The auditor is
33 first nominated and elected in the first statewide primary and general
34 election in 2005. During the term for which elected, and for four
35 years thereafter, the auditor is ineligible to hold the office of
36 district councilor.

1 (3) Duties. The auditor shall: (a) Make continuous investigations
2 of the operations of the district, including financial and performance
3 auditing and review of financial transactions, personnel, equipment,
4 facilities, and all other aspects of those operations; and (b) make
5 reports to the council of the results of any investigation with any
6 recommendations for remedial action. Except as provided in this
7 section, the auditor may not be given responsibility to perform any
8 executive function.

9 **PART II**
10 **POWERS AND DUTIES**

11 NEW SECTION. **Sec. 201.** COUNCIL'S DUTIES. The council shall:

12 (1) Be the designated regional transportation planning organization
13 for its area and have, except where provided otherwise, the same duties
14 and obligations of those organizations as prescribed in chapter 47.80
15 RCW;

16 (2) Assume the responsibility for the metropolitan planning
17 function within the region under 23 U.S.C. Sec. 134 and act as the
18 governing body for that activity;

19 (3) Identify those transportation facilities and services within
20 the region provided by the department of transportation, cities,
21 counties, public transportation providers, and other publicly financed
22 transportation providers that serve regionally significant corridors or
23 are otherwise regionally significant;

24 (4) Prepare and adopt a plan setting forth the priorities for
25 investment and the allocation of resources for operating and investment
26 for those regionally significant transportation facilities and services
27 for each of those agencies enumerated in subsection (3) of this
28 section. The goal is an integrated systematic approach for investment
29 resulting in a coordinated transportation network. To carry out this
30 duty, the council may enter into interlocal contracts and memoranda of
31 understanding for the affected agencies to reimburse the council for
32 the costs of these planning functions;

33 (5) Plan, develop, and enforce standards for the coordination of
34 public transportation services in the region as set forth in section
35 204 of this act;

1 (6) Plan, develop, and enforce standards for the coordination of
2 regional traffic operations in the region as set forth in section 205
3 of this act;

4 (7) Approve in total, or disapprove all or certain elements of the
5 regional transportation improvement program submitted to it by the
6 policy advisory committee;

7 (8) Effective January 1, 2007, assume the role as governing
8 authority for any regional transportation investment district located
9 within the boundaries of the region;

10 (9) Effective January 1, 2007, assume the role as governing
11 authority for any regional transit authority under chapter 81.112 RCW
12 located within the boundaries of the region;

13 (10) By January 1, 2010, determine the role of the council in
14 governing the city transportation authority and implement the
15 determination;

16 (11) Appoint any other advisory committees it deems necessary to
17 carry out the intent of this chapter.

18 NEW SECTION. **Sec. 202.** DISTRICT POLICY ADVISORY COMMITTEE. (1)
19 The council shall appoint a district policy advisory committee, to be
20 made up of local elected officials, officials of agencies that
21 administer or operate major modes or systems of transportation,
22 appropriate state officials, and other persons as determined by the
23 council.

24 (2) After appointment a vote of both a majority of the policy
25 advisory committee and a majority of all councilors may change the
26 composition of the committee at any time.

27 (3) The policy advisory committee shall perform the duties assigned
28 to it in this chapter and any other duties the council prescribes.

29 (4) The policy advisory committee shall adopt bylaws governing the
30 conduct and recording of its meetings and the terms of its members.

31 NEW SECTION. **Sec. 203.** ADVISORY COMMITTEE DUTIES. The policy
32 advisory committee shall:

33 (1) Provide a forum for representatives from local and state units
34 of government to assess transportation policies and programs throughout
35 the region, evaluate transportation needs, and to make recommendations
36 to the council;

1 (2) Develop a recommended regional plan and a regional
2 transportation improvement program, to be forwarded to the council for
3 approval or rejection;

4 (3) Develop and recommend to the council the allocation of federal
5 funds available to the region;

6 (4) Review public agencies' plans for consistency under sections
7 204 and 205 of this act and make recommendations to the council.

8 NEW SECTION. **Sec. 204.** PUBLIC TRANSPORTATION COORDINATION. (1)

9 The council shall develop standards for (a) the coordination of capital
10 investment, (b) service, (c) service coordination of public
11 transportation providers in the region, and (d) in cooperation with the
12 transportation commission, performance. The goal of these standards is
13 to maximize coordination within and among systems, use resources more
14 effectively, and enhance services to the public. In developing these
15 standards, the council shall consult with regional transit authorities,
16 city transportation authorities, other transit and transportation
17 agencies, and ferry providers operating within the region. The
18 standards must also address vanpool coordination, fare policies, and
19 transportation demand management programs.

20 (2) In addition to the duties under section 201 of this act, the
21 council shall approve each plan prepared under RCW 35.58.2795 by public
22 transportation providers operating in the region, if it finds that
23 those plans meet the standards developed under subsection (1) of this
24 section. If the council finds that those plans do not meet the
25 standards set forth in subsection (1) of this section, it shall
26 immediately notify the agency that prepared the plan of the reasons for
27 noncompliance. The plan may be amended and resubmitted to the council.

28 (3) If the council does not approve the plan of a public
29 transportation provider operating in its area of jurisdiction, that
30 agency's plan may not be included in the regional transportation
31 improvement program.

32 NEW SECTION. **Sec. 205.** REGIONAL TRAFFIC OPERATIONS COORDINATION.
33

34 (1) The council shall develop standards for the coordination of the
35 traffic operations of state and local roads of regional significance.
36 The objective of these standards is to maximize coordination across

1 jurisdictional boundaries, to invest capital and operational resources
2 more effectively, and to improve transportation system efficiency for
3 the benefit of the traveling public and the movement of goods and
4 services. In developing these standards the council shall consult with
5 the state department of transportation and local traffic operations
6 agencies.

7 (2) The council shall ensure that elements of the regional
8 transportation improvement program include a regional traffic
9 operations coordination element that meets the standards under
10 subsection (1) of this section. This plan must include the appropriate
11 application of intelligent transportation systems technologies to the
12 freeways and regional arterials, coordination of signal timing on
13 regional arterials, and the coordination of operating policies on
14 freeways and regional arterials to ensure that the system of freeways
15 and regional arterials operates as an integrated network.

16 **PART III**
17 **TECHNICAL MATTERS**

18 NEW SECTION. **Sec. 301.** TERM OF OFFICE. The term of office of an
19 officer elected at a general election begins the first Monday of the
20 year after election and continues until a successor assumes the office.

21 NEW SECTION. **Sec. 302.** QUALIFICATIONS AND SALARIES OF ELECTED
22 OFFICERS. (1) Councilor. A councilor must be a qualified elector
23 under the Constitution of this state when his or her term of office
24 begins and must have resided during the preceding twelve months in the
25 district from which elected or appointed. When the boundaries of that
26 district have been apportioned or reapportioned during that period,
27 residency in that district for purposes of this subsection includes
28 residency in any former district with area in the district from which
29 the councilor is elected or appointed if residency is established in
30 the apportioned or reapportioned district within sixty days after the
31 apportionment or reapportionment is effective.

32 (2) Council president and auditor. The council president and
33 auditor must each be a qualified elector under the Constitution of this
34 state when his or her term of office begins and must have resided
35 during the preceding twelve months within the boundaries of the

1 district as they exist when the term of office begins. At the time of
2 election or appointment, the auditor must also hold the designation of
3 certified public accountant or certified internal auditor.

4 (3) Multiple elected offices. A district elected officer may not
5 be an elected officer of the state or a city, county, or special
6 district during his or her term of office. As used in this chapter,
7 special district does not include school districts.

8 (4) Judging elections and qualifications. The council is the judge
9 of the election and qualification of its members.

10 (5) Oath. Before assuming office an elected officer shall take an
11 oath or affirm that he or she will faithfully perform the duties of the
12 office and support the constitutions and laws of the United States and
13 this state and the charter and laws of the district.

14 (6) The salary of the council president will be equal to the salary
15 of members of the county legislative authority of the largest county
16 within the district. The salary of each other councilor will be two-
17 thirds of the salary of the president. The salary of the auditor will
18 be eighty percent of the salary of the president.

19 NEW SECTION. **Sec. 303.** VACANCIES IN OFFICE. (1) Councilor. The
20 office of councilor becomes vacant upon the incumbent's: (a) Death;
21 (b) adjudicated incompetency; (c) recall from office; (d) failure after
22 election or appointment to qualify for the office within ten days after
23 the time for his or her term of office to begin; (e) absence from all
24 meetings of the council within a sixty-day period without the council's
25 consent; (f) ceasing to reside in the district from which elected or
26 appointed, except when district boundaries are reapportioned and a
27 councilor is assigned to a district where the councilor does not reside
28 and the councilor becomes a resident of the reapportioned district
29 within sixty days after the reapportionment is effective; (g) ceasing
30 to be a qualified elector under state law; (h) conviction of a felony
31 or conviction of a federal or state offense punishable by loss of
32 liberty and pertaining to his or her office; (i) resignation from
33 office; or (j) becoming an elected officer of the state or a city,
34 county, or special district.

35 (2) Council president and auditor. The offices of council
36 president or auditor become vacant in the circumstances described in
37 subsection (1)(a) through (d) and (g) through (j) of this section, or

1 if the council president or auditor ceases to reside in the area. The
2 office of auditor also becomes vacant if the incumbent ceases to hold
3 the designation of certified public accountant or certified internal
4 auditor.

5 (3) Determination of vacancy. The council is the final judge of
6 the existence of a vacancy.

7 NEW SECTION. Sec. 304. FILLING VACANCIES. A majority of
8 councilors holding office shall fill a vacancy by appointment within
9 ninety days after it occurs. The term of office of the appointee runs
10 from the time he or she qualifies for the office after appointment
11 until a successor is duly elected and qualifies for the office. If the
12 vacancy occurs more than twenty days before the first general election
13 after the beginning of the term for that office, the term of office of
14 the appointee runs only until the first council meeting in the year
15 immediately after that election. A person will be nominated and
16 elected for the remainder of the term at the first primary and general
17 election after the beginning of the term.

18 NEW SECTION. Sec. 305. LIMITATIONS OF TERMS OF OFFICE. No person
19 may be elected councilor for more than three consecutive full terms,
20 not including any term or terms as council president. No person may be
21 elected council president for more than two consecutive full terms.

22 **PART IV**
23 **AMENDMENTS AND MISCELLANEOUS SECTIONS**

24 **Sec. 401.** RCW 35.58.2795 and 1994 c 158 s 6 are each amended to
25 read as follows:

26 (1) As used in this section "agency" means a municipality as
27 defined in RCW 35.58.272 and a regional transit authority, and within
28 a district as defined in section 102 of this act it means a public
29 transportation provider as defined in section 102 of this act.

30 (2) By April 1st of each year, the legislative authority of each
31 ((municipality, as defined in RCW 35.58.272, and each regional transit
32 authority)) agency shall prepare a six-year transit development plan
33 for that calendar year and the ensuing five years. Agencies located in
34 the central Puget Sound regional transportation district shall provide

1 resources to the Puget Sound regional transportation council to prepare
2 elements of those plans identified by that council. The program shall
3 be consistent with the comprehensive plans adopted by counties, cities,
4 and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the
5 inherent authority of a first class city or charter county derived from
6 its charter, or chapter 36.70A RCW. The program shall contain
7 information as to how the municipality intends to meet state and local
8 long-range priorities for public transportation, capital improvements,
9 significant operating changes planned for the system, coordinate
10 services with other agencies, and how the ((~~municipality~~)) agency
11 intends to fund program needs. The six-year plan for each
12 ((~~municipality and regional transit authority shall~~)) agency must
13 specifically set forth those projects of regional significance for
14 inclusion in the transportation improvement program within that region.
15 For those agencies located within the jurisdiction of the Puget Sound
16 regional transportation district, the plan must address the standards
17 developed under sections 204 and 205 of this act for inclusion in the
18 transportation improvement program in that region. Each ((~~municipality~~
19 ~~and regional transit authority~~)) agency shall file the six-year program
20 with the state department of transportation, the transportation
21 improvement board, and cities, counties, and regional planning councils
22 within which the municipality is located.

23 In developing its program, the ((~~municipality and the regional~~
24 ~~transit authority~~)) agency shall consider those policy recommendations
25 affecting public transportation contained in the state transportation
26 policy plan approved by the state transportation commission and, where
27 appropriate, adopted by the legislature. The ((~~municipality~~)) agency
28 shall conduct one or more public hearings while developing its program
29 and for each annual update.

30 **Sec. 402.** RCW 35.95A.030 and 2002 c 248 s 3 are each amended to
31 read as follows:

32 (1) A city that undertakes to propose creation of an authority must
33 propose the authority by ordinance of the city legislative body. The
34 ordinance must:

35 (a) Propose the authority area and the size and method of selection
36 of the governing body of the authority, which governing body may be

1 appointed or elected, provided that officers or employees of any single
2 city government body may not compose a majority of the members of the
3 authority's governing body;

4 (b) Propose whether all or a specified portion of the public
5 monorail transportation function will be exercised by the authority;

6 (c) Propose an initial array of taxes to be voted upon by the
7 electors within the proposed authority area; and

8 (d) Provide for an interim governing body of the authority which
9 will govern the authority upon voter approval of formation of the
10 authority, until a permanent governing body is selected, but in no
11 event longer than fourteen months.

12 (2) An authority may also be proposed to be created by a petition
13 setting forth the matters described in subsection (1) of this section,
14 and signed by one percent of the qualified electors of the proposed
15 authority area.

16 (3) Upon approval by the qualified electors of the formation of the
17 city transportation authority and any proposed taxes, either by
18 ordinance or by petition as provided in this chapter, the governing
19 body of an authority, or interim governing body, as applicable, will
20 adopt bylaws determining, among other things, the authority's officers
21 and the method of their selection, and other matters the governing body
22 deems appropriate.

23 (4) The governing body of the authority is the body determined by
24 the regional transportation district council under section 201(10) of
25 this act. If the council has any part as the governing body, the vote
26 of each councilor, including the president, is weighted to reflect that
27 portion of the city transportation authority population that is within
28 each councilor district.

29 **Sec. 403.** RCW 36.120.090 and 2002 c 56 s 109 are each amended to
30 read as follows:

31 (1) Initially the governing board of a district consists of the
32 members of the legislative authority of each member county, acting ex
33 officio and independently. The secretary of transportation or the
34 appropriate regional administrator of the department, as named by the
35 secretary, shall also serve as a nonvoting member of the board. The
36 governing board may elect an executive board of seven members to

1 discharge the duties of the governing board subject to the approval of
2 the full governing board.

3 (2) Effective January 1, 2007, the Puget Sound regional
4 transportation district council is the governing board. For votes of
5 the council regarding board decisions, the vote of each councilor,
6 including the president, is weighted to reflect that portion of the
7 regional transportation investment district population that is within
8 each councilor district.

9 (3) Until January 1, 2007, a sixty-percent majority of the weighted
10 votes of the total board membership is required to submit to the
11 counties a modified plan under RCW 36.120.140 or any other proposal to
12 be submitted to the voters. Until January 1, 2007, the counties may,
13 with majority vote of each county legislative authority, submit a
14 modified plan or proposal to the voters.

15 **Sec. 404.** RCW 36.120.110 and 2002 c 56 s 111 are each amended to
16 read as follows:

17 (1) The governing board of the district is responsible for the
18 execution of the voter-approved plan. The board shall:

19 (a) Impose taxes and fees authorized by district voters;

20 (b) Enter into agreements with state, local, and regional agencies
21 and departments as necessary to accomplish district purposes and
22 protect the district's investment in transportation projects;

23 (c) Accept gifts, grants, or other contributions of funds that will
24 support the purposes and programs of the district;

25 (d) Monitor and audit the progress and execution of transportation
26 projects to protect the investment of the public and annually make
27 public its findings;

28 (e) Pay for services and enter into leases and contracts, including
29 professional service contracts;

30 (f) Until January 1, 2007, hire no more than ten employees,
31 including a director or executive officer, a treasurer or financial
32 officer, a project manager or engineer, a project permit coordinator,
33 and clerical staff; and

34 (g) Exercise other powers and duties as may be reasonable to carry
35 out the purposes of the district.

36 (2) It is the intent of the legislature that existing staff
37 resources of lead agencies be used in implementing this chapter. A

1 district may coordinate its activities with the department, which shall
2 provide services, data, and personnel to assist as desired by the
3 regional transportation investment district. Lead agencies for
4 transportation projects that are not state facilities shall also
5 provide staff support for the board.

6 (3) A district may not acquire, hold, or dispose of real property.

7 (4) A district may not own, operate, or maintain an ongoing
8 facility, road, or transportation system.

9 (5) A district may accept and expend or use gifts, grants, or
10 donations.

11 (6) It is the intent of the legislature that administrative and
12 overhead costs of a regional transportation investment district be
13 minimized. For transportation projects costing up to fifty million
14 dollars, administrative and overhead costs may not exceed three percent
15 of the total construction and design project costs per year. For
16 transportation projects costing more than fifty million dollars,
17 administrative and overhead costs may not exceed three percent of the
18 first fifty million dollars in costs, plus an additional one-tenth of
19 one percent of each additional dollar above fifty million. These
20 limitations apply only to the district, and do not limit the
21 administration or expenditures of the department.

22 (7) A district may use the design-build procedure for
23 transportation projects developed by it. As used in this section
24 "design-build procedure" means a method of contracting under which the
25 district contracts with another party for that party to both design and
26 build the structures, facilities, and other items specified in the
27 contract. The requirements and limitations of RCW 47.20.780 and
28 47.20.785 do not apply to the transportation projects under this
29 chapter.

30 **Sec. 405.** RCW 36.120.140 and 2003 c 194 s 2 are each amended to
31 read as follows:

32 (1) The board may modify the plan to change transportation projects
33 or revenue sources if:

34 (a) Two or more participating counties adopt a resolution to modify
35 the plan; and

36 (b) The counties submit to the voters in the district, and after
37 January 1, 2007, the governing board submits, a ballot measure that

1 redefines the scope of the plan, its projects, its schedule, its costs,
2 or the revenue sources. If the voters fail to approve the redefined
3 plan, the district shall continue to work on and complete the plan, and
4 the projects in it, that was originally approved by the voters. If the
5 voters approve the redefined plan, the district shall work on and
6 complete the projects under the redefined plan.

7 (2) The board may modify the plan to change transportation projects
8 within a participating county if:

9 (a) A majority of the board approves the change;

10 (b) The modifications are limited to projects within the county;

11 (c) The county submits to the voters in the county a ballot measure
12 that redefines:

13 (i) Projects;

14 (ii) Scopes of projects; or

15 (iii) Costs; and

16 (iv) The financial plan for the county;

17 (d) The proposed modifications maintain the equity of the plan and
18 (~~does not~~) do not increase the total level of plan expenditure for
19 the county.

20 If the voters fail to approve the modified plan, the district shall
21 continue to work on and complete the plan, and the projects in it, that
22 was originally approved by the voters. If the voters approve the
23 redefined plan, the district shall work on and complete the projects
24 under the redefined plan.

25 (3) If a transportation project cost exceeds its original cost by
26 more than twenty percent as identified in the plan:

27 (a) The board shall, in coordination with the county legislative
28 authorities, submit to the voters in the district or county a ballot
29 measure that redefines the scope of the transportation project, its
30 schedule, or its costs. If the voters fail to approve the redefined
31 transportation project, the district shall terminate work on that
32 transportation project, except that the district may take reasonable
33 steps to use, preserve, or connect any improvement already constructed.
34 The remainder of any funds that would otherwise have been expended on
35 the terminated transportation project must first be used to retire any
36 outstanding debt attributable to the plan and then may be used to
37 implement the remainder of the plan.

1 (b) Alternatively, upon adoption of a resolution by two or more
2 participating counties:

3 (i) The counties shall submit, and after January 1, 2007, the
4 governing board shall submit, to the voters in the district a ballot
5 measure that redefines the scope of the plan, its transportation
6 projects, its schedule, or its costs. If the voters fail to approve
7 the redefined plan, the district shall terminate work on that plan,
8 except that the district may take reasonable steps to use, preserve, or
9 connect any improvement already constructed. The remainder of any
10 funds must be used to retire any outstanding debt attributable to the
11 plan; or

12 (ii) Until January 1, 2007, the counties, and after January 1,
13 2007, the board may elect to have the district continue the
14 transportation project without submitting an additional ballot proposal
15 to the voters.

16 (4) To assure accountability to the public for the timely
17 construction of the transportation improvement project or projects
18 within cost projections, the district shall issue a report, at least
19 annually, to the public and copies of the report to newspapers of
20 record in the district. In the report, the district shall indicate the
21 status of transportation project costs, transportation project
22 expenditures, revenues, and construction schedules. The report may
23 also include progress towards meeting the performance criteria provided
24 under this chapter.

25 **Sec. 406.** RCW 47.26.080 and 1999 c 94 s 16 are each amended to
26 read as follows:

27 There is hereby created in the motor vehicle fund the urban
28 arterial trust account. The intent of the urban arterial trust account
29 program is to improve the arterial street system of the state by
30 improving mobility and safety while supporting an environment essential
31 to the quality of life of the citizens of the state of Washington. The
32 city hardship assistance program, as provided in RCW 47.26.164, and the
33 small city program, as provided for in RCW 47.26.115, are implemented
34 within the urban arterial trust account.

35 For funds apportioned to projects in counties in the Puget Sound
36 regional transportation district, the board shall give preference to
37 projects that meet the standards established under sections 204 and 205

1 of this act. The board shall not allocate funds, nor make payments of
2 the funds under RCW 47.26.260, to any county, city, or town identified
3 by the governor under RCW 36.70A.340.

4 **Sec. 407.** RCW 47.26.086 and 1994 c 179 s 11 are each amended to
5 read as follows:

6 Transportation improvement account projects selected for funding
7 programs after fiscal year 1995 are governed by the requirements of
8 this section.

9 The board shall allocate funds from the account by June 30th of
10 each year for the ensuing fiscal year to urban counties, cities with a
11 population of five thousand and over, and to transportation benefit
12 districts. Projects may include, but are not limited to, multi-agency
13 projects and arterial improvement projects in fast-growing areas. The
14 board shall endeavor to provide geographical diversity in selecting
15 improvement projects to be funded from the account.

16 The intent of the program is to improve mobility of people and
17 goods in Washington state by supporting economic development and
18 environmentally responsive solutions to our statewide transportation
19 system needs.

20 To be eligible to receive these funds, a project must be consistent
21 with the Growth Management Act, the Clean Air Act including conformity,
22 and the Commute Trip Reduction Law and consideration must have been
23 given to the project's relationship, both actual and potential, with
24 the statewide rail passenger program and rapid mass transit. Projects
25 must be consistent with any adopted high capacity transportation plan,
26 must consider existing or reasonably foreseeable congestion levels
27 attributable to economic development or growth and all modes of
28 transportation and safety, and must be partially funded by local
29 government or private contributions, or a combination of such
30 contributions. For projects proposed in counties in the Puget Sound
31 regional transportation district, the board shall give preference to
32 projects that meet the standards established under sections 204 and 205
33 of this act. Priority consideration shall be given to those projects
34 with the greatest percentage of local or private contribution, or both.

35 Within one year after board approval of an application for funding,
36 the lead agency shall provide written certification to the board of the

1 pledged local and private funding for the phase of the project
2 approved. Funds allocated to an applicant that does not certify its
3 funding within one year after approval may be reallocated by the board.

4 **Sec. 408.** RCW 47.80.020 and 1990 1st ex.s. c 17 s 54 are each
5 amended to read as follows:

6 The legislature hereby authorizes creation of regional
7 transportation planning organizations within the state. Each regional
8 transportation planning organization shall be formed through the
9 voluntary association of local governments within a county, or within
10 geographically contiguous counties. Except as provided in section 201
11 of this act, each organization shall:

- 12 (1) Encompass at least one complete county;
- 13 (2) Have a population of at least one hundred thousand, or contain
14 a minimum of three counties; and
- 15 (3) Have as members all counties within the region, and at least
16 sixty percent of the cities and towns within the region representing a
17 minimum of seventy-five percent of the cities' and towns' population.

18 The state department of transportation must verify that each
19 regional transportation planning organization conforms with the
20 requirements of this section.

21 In urbanized areas, the regional transportation planning
22 organization is the same as the metropolitan planning organization
23 designated for federal transportation planning purposes.

24 **Sec. 409.** RCW 47.80.030 and 1998 c 171 s 9 are each amended to
25 read as follows:

26 (1) Each regional transportation planning organization shall
27 develop in cooperation with the department of transportation, providers
28 of public transportation and high capacity transportation, ports, and
29 local governments within the region, adopt, and periodically update a
30 regional transportation plan that:

31 (a) Is based on a least cost planning methodology that identifies
32 the most cost-effective facilities, services, and programs;

33 (b) Identifies existing or planned transportation facilities,
34 services, and programs, including but not limited to major roadways
35 including state highways and regional arterials, transit and
36 nonmotorized services and facilities, multimodal and intermodal

1 facilities, marine ports and airports, railroads, and noncapital
2 programs including transportation demand management that should
3 function as an integrated regional transportation system, giving
4 emphasis to those facilities, services, and programs that exhibit one
5 or more of the following characteristics:

6 (i) Crosses member county lines;

7 (ii) Is or will be used by a significant number of people who live
8 or work outside the county in which the facility, service, or project
9 is located;

10 (iii) Significant impacts are expected to be felt in more than one
11 county;

12 (iv) Potentially adverse impacts of the facility, service, program,
13 or project can be better avoided or mitigated through adherence to
14 regional policies;

15 (v) Transportation needs addressed by a project have been
16 identified by the regional transportation planning process and the
17 remedy is deemed to have regional significance; and

18 (vi) Provides for system continuity;

19 (c) Establishes level of service standards for state highways and
20 state ferry routes, with the exception of transportation facilities of
21 statewide significance as defined in RCW 47.06.140. These regionally
22 established level of service standards for state highways and state
23 ferries shall be developed jointly with the department of
24 transportation, to encourage consistency across jurisdictions. In
25 establishing level of service standards for state highways and state
26 ferries, consideration shall be given for the necessary balance between
27 providing for the free interjurisdictional movement of people and goods
28 and the needs of local commuters using state facilities;

29 (d) Includes a financial plan demonstrating how the regional
30 transportation plan can be implemented, indicating resources from
31 public and private sources that are reasonably expected to be made
32 available to carry out the plan, and recommending any innovative
33 financing techniques to finance needed facilities, services, and
34 programs;

35 (e) Assesses regional development patterns, capital investment and
36 other measures necessary to:

37 (i) Ensure the preservation of the existing regional transportation
38 system, including requirements for operational improvements,

1 resurfacing, restoration, and rehabilitation of existing and future
2 major roadways, as well as operations, maintenance, modernization, and
3 rehabilitation of existing and future transit, railroad systems and
4 corridors, and nonmotorized facilities; and

5 (ii) Make the most efficient use of existing transportation
6 facilities to relieve vehicular congestion and maximize the mobility of
7 people and goods;

8 (f) Sets forth a proposed regional transportation approach,
9 including capital investments, service improvements, programs, and
10 transportation demand management measures to guide the development of
11 the integrated, multimodal regional transportation system; and

12 (g) Where appropriate, sets forth the relationship of high capacity
13 transportation providers and other public transit providers with regard
14 to responsibility for, and the coordination between, services and
15 facilities.

16 (2) The organization shall review the regional transportation plan
17 biennially for currency and forward the adopted plan along with
18 documentation of the biennial review to the state department of
19 transportation.

20 (3) All transportation projects, programs, and transportation
21 demand management measures within the region that have an impact upon
22 regional facilities or services must be consistent with the plan and
23 with the adopted regional growth and transportation strategies.

24 (4) In the case of a regional transportation planning organization
25 located in a Puget Sound regional transportation district, the plan
26 must be based on the guidelines and plan prepared by the Puget Sound
27 regional transportation council under section 201(2) and (3) of this
28 act. The plan must include recommendations to the department of
29 transportation regarding levels of service standards for highways of
30 statewide significance.

31 **Sec. 410.** RCW 47.80.040 and 2003 c 351 s 1 are each amended to
32 read as follows:

33 Each regional transportation planning organization other than a
34 Puget Sound regional transportation district shall, and a Puget Sound
35 regional transportation district may, create a transportation policy
36 board. Transportation policy boards shall provide policy advice to the
37 regional transportation planning organization and shall allow

1 representatives of major employers within the region, the department of
2 transportation, transit districts, port districts, and member cities,
3 towns, and counties within the region to participate in policy making.
4 Any members of the house of representatives or the state senate whose
5 districts are wholly or partly within the boundaries of the regional
6 transportation planning organization or Puget Sound regional
7 transportation district are considered ex officio, nonvoting policy
8 board members of the regional transportation planning organization.
9 This does not preclude legislators from becoming full-time, voting
10 board members.

11 **Sec. 411.** RCW 47.80.060 and 1992 c 101 s 31 are each amended to
12 read as follows:

13 In order to qualify for state planning funds available to regional
14 transportation planning organizations, the regional transportation
15 planning organizations containing any county with a population in
16 excess of one million, other than a Puget Sound regional transportation
17 district, shall provide voting membership on its executive board to the
18 state transportation commission, the state department of
19 transportation, and the three largest public port districts within the
20 region as determined by gross operating revenues. It shall further
21 assure that at least fifty percent of the county and city local elected
22 officials who serve on the executive board also serve on transit agency
23 boards or on a regional transit authority.

24 **Sec. 412.** RCW 81.112.040 and 1994 c 109 s 1 are each amended to
25 read as follows:

26 (1) Except as provided in subsection (2) of this section, the
27 regional transit authority shall be governed by a board consisting of
28 representatives appointed by the county executive and confirmed by the
29 council or other legislative authority of each member county.
30 Membership shall be based on population from that portion of each
31 county which lies within the service area. Board members shall be
32 appointed initially on the basis of one for each one hundred forty-five
33 thousand population within the county. Such appointments shall be made
34 following consultation with city and town jurisdictions within the
35 service area. In addition, the secretary of transportation or the
36 secretary's designee shall serve as a member of the board and may have

1 voting status with approval of a majority of the other members of the
2 board. Only board members, not including alternates or designees, may
3 cast votes.

4 Each member of the board, except the secretary of transportation or
5 the secretary's designee, shall be:

6 (a) An elected official who serves on the legislative authority of
7 a city or as mayor of a city within the boundaries of the authority;

8 (b) On the legislative authority of the county, if fifty percent of
9 the population of the legislative official's district is within the
10 authority boundaries; or

11 (c) A county executive from a member county within the authority
12 boundaries.

13 When making appointments, each county executive shall ensure that
14 representation on the board includes an elected city official
15 representing the largest city in each county and assures proportional
16 representation from other cities, and representation from
17 unincorporated areas of each county within the service area. At least
18 one-half of all appointees from each county shall serve on the
19 governing authority of a public transportation system.

20 Members appointed from each county shall serve staggered four-year
21 terms. Vacancies shall be filled by appointment for the remainder of
22 the unexpired term of the position being vacated.

23 The governing board shall be reconstituted, with regard to the
24 number of representatives from each county, on a population basis,
25 using the official office of financial management population estimates,
26 five years after its initial formation and, at minimum, in the year
27 following each official federal census. The board membership may be
28 reduced, maintained, or expanded to reflect population changes but
29 under no circumstances may the board membership exceed twenty-five.

30 (2) For a regional transit authority located within a regional
31 transportation district, effective January 1, 2007, the Puget Sound
32 regional transportation district council is the governing board. For
33 votes of the council regarding board decisions, the vote of each
34 councilor, including the president, is weighted to reflect that portion
35 of the regional transit authority population that is within each
36 councilor district.

37 (3) Major decisions of the authority shall require a favorable vote
38 of two-thirds of the entire membership of the voting members or for a

1 regional transportation district council, two-thirds of the weighted
2 votes. "Major decisions" include at least the following: System plan
3 adoption and amendment; system phasing decisions; annual budget
4 adoption; authorization of annexations; modification of board
5 composition; and executive director employment.

6 ((+3+)) (4) Each member of the board is eligible to be reimbursed
7 for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and
8 to receive compensation as provided in RCW 43.03.250.

9 **PART V**
10 **OTHER PROVISIONS**

11 NEW SECTION. **Sec. 501.** Captions and part headings used in this
12 act are not part of the law.

13 NEW SECTION. **Sec. 502.** Sections 101 through 305 of this act
14 constitute a new chapter in Title 36 RCW.

15 NEW SECTION. **Sec. 503.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 504.** (1) The secretary of state shall submit
20 this act to the people in the district established in section 103 of
21 this act for their adoption and ratification, or rejection, at the next
22 general election to be held in the district established in section 103
23 of this act, in accordance with Article II, section 1 of the state
24 Constitution and the laws adopted to facilitate its operation.

25 (2) If this act is adopted by the people in accordance with
26 subsection (1) of this section, this act, except for sections 408
27 through 411 of this act, is necessary for the immediate preservation of
28 the public peace, health, or safety, or support of the state government
29 and its existing public institutions, and takes effect immediately.

30 (3) If this act is adopted by the people in accordance with
31 subsection (1) of this section, sections 408 through 411 of this act
32 take effect January 1, 2006.

1 (4) If this act is not adopted by the people in accordance with
2 subsection (1) of this section, this act is null and void in its
3 entirety.

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