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SENATE BILL 5885

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State of Washington                      59th Legislature                      2005 Regular Session

By Senators Kastama and Esser

Read first time 02/11/2005. Referred to Committee on Transportation.

1            AN ACT Relating to corrective changes to the regional  
2 transportation investment district enabling statutes; amending RCW  
3 36.120.020, 36.120.050, 36.120.070, 47.56.076, and 81.100.080; and  
4 adding a new section to chapter 82.80 RCW.

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

6            **Sec. 1.** RCW 36.120.020 and 2002 c 56 s 102 are each amended to  
7 read as follows:

8            The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10            (1) "Board" means the governing body of a regional transportation  
11 investment district.

12            (2) "Department" means the Washington state department of  
13 transportation.

14            (3) "Highway of statewide significance" means an existing or  
15 proposed state route or federal interstate designated as a highway of  
16 statewide significance by the transportation commission, its successor  
17 entity, or the legislature.

18            (4) "Lead agency" means a public agency that by law can plan,

1 design, and build a transportation project and has been so designated  
2 by the district.

3 (5) "Regional transportation investment district" or "district"  
4 means a municipal corporation whose boundaries are coextensive with two  
5 or more contiguous counties and that has been created by county  
6 legislative authorities and a vote of the people under this chapter to  
7 implement a regional transportation investment plan.

8 (6) "Regional transportation investment district planning  
9 committee" or "planning committee" means the advisory committee created  
10 under RCW 36.120.030 to create and propose to county legislative  
11 authorities a regional transportation investment plan to develop,  
12 finance, and construct transportation projects.

13 (7) "Regional transportation investment plan" or "plan" means a  
14 plan to develop, construct, and finance a transportation project or  
15 projects.

16 (8) "Transportation project" means:

17 (a) A capital improvement or improvements to a highway that has  
18 been designated, in whole or in part, as a highway of statewide  
19 significance, including an extension, that:

20 (i) Adds a lane or new lanes to an existing state or federal  
21 highway; or

22 (ii) Repairs or replaces a lane or lanes damaged by an event  
23 declared an emergency by the governor before January 1, 2002.

24 (b) A capital improvement or improvements to all or a portion of a  
25 highway of statewide significance, including an extension, and may  
26 include the following associated multimodal capital improvements:

27 (i) Approaches to highways of statewide significance;

28 (ii) High-occupancy vehicle lanes;

29 (iii) Flyover ramps;

30 (iv) Park and ride lots;

31 (v) Bus pullouts;

32 (vi) Vans for vanpools;

33 (vii) Buses; and

34 (viii) Signalization, ramp metering, and other transportation  
35 system management improvements.

36 (c) A capital improvement or improvements to all or a portion of a  
37 city street, county road, or existing highway or the creation of a new

1 highway that intersects with a highway of statewide significance, if  
2 all of the following conditions are met:

3 (i) The project is included in a plan that makes highway  
4 improvement projects that add capacity to a highway or highways of  
5 statewide significance;

6 (ii) The secretary of transportation determines that the project  
7 would better relieve traffic congestion than investing that same money  
8 in adding capacity to a highway of statewide significance;

9 (iii) Matching money equal to one-third of the total cost of the  
10 project is provided by local entities, including but not limited to a  
11 metropolitan planning organization, county, city, port, or private  
12 entity in which a county participating in a plan is located. Local  
13 entities may use federal grants to meet this matching requirement;

14 (iv) In no case may the cumulative regional transportation  
15 investment district contribution to all projects constructed under this  
16 subsection (8)(c) exceed ten percent of the revenues generated by the  
17 district;

18 (v) In no case may the cumulative regional transportation  
19 investment district contribution to all projects constructed under this  
20 subsection (8)(c) exceed one billion dollars; and

21 (vi) The specific projects are included within the plan and  
22 submitted as part of the plan to a vote of the people.

23 (d) Operations, preservation, and maintenance are excluded from  
24 this definition and may not be included in a regional transportation  
25 investment plan. However, operations, preservation, and maintenance of  
26 toll-related facilities where toll revenues have been pledged for the  
27 payment of contracts is expressly authorized and may be included in a  
28 regional transportation investment plan.

29 (9) "Weighted vote" means a vote that reflects the population each  
30 board or planning committee member represents relative to the  
31 population represented by the total membership of the board or planning  
32 committee. Population will be determined using the federal 2000 census  
33 or subsequent federal census data.

34 **Sec. 2.** RCW 36.120.050 and 2003 c 350 s 4 are each amended to read  
35 as follows:

36 (1) A regional transportation investment district planning  
37 committee may, as part of a regional transportation investment plan,

1 recommend the imposition of some or all of the following revenue  
2 sources, which a regional transportation investment district may impose  
3 upon approval of the voters as provided in this chapter:

4 (a) A regional sales and use tax, as specified in RCW 82.14.430, of  
5 up to 0.5 percent of the selling price, in the case of a sales tax, or  
6 value of the article used, in the case of a use tax, upon the  
7 occurrence of any taxable event in the regional transportation  
8 investment district;

9 (b) A local option vehicle license fee, as specified under RCW  
10 82.80.100, of up to one hundred dollars per vehicle registered in the  
11 district. As used in this subsection, "vehicle" means motor vehicle as  
12 defined in RCW 46.04.320. Certain classes of vehicles, as defined  
13 under chapter 46.04 RCW, may be exempted from this fee;

14 (c) A parking tax under RCW 82.80.030;

15 (d) A local motor vehicle excise tax under RCW 81.100.060 (~~and~~),  
16 chapter 81.104 RCW, and section 6 of this act;

17 (e) A local option fuel tax under RCW 82.80.120;

18 (f) An employer excise tax under RCW 81.100.030; and

19 (g) Vehicle tolls on new or reconstructed facilities. Unless  
20 otherwise specified by law or contract, the department shall administer  
21 the collection of vehicle tolls on designated facilities, and the state  
22 transportation commission, or its successor, shall be the tolling  
23 authority.

24 (2) Taxes, fees, and tolls may not be imposed without an  
25 affirmative vote of the majority of the voters within the boundaries of  
26 the district voting on a ballot proposition as set forth in RCW  
27 36.120.070. Revenues from these taxes and fees may be used only to  
28 implement the plan as set forth in this chapter. A district may  
29 contract with the state department of revenue or other appropriate  
30 entities for administration and collection of any of the taxes or fees  
31 authorized in this section.

32 (3) Existing statewide motor vehicle fuel and special fuel taxes,  
33 at the distribution rates in effect on January 1, 2001, are not  
34 intended to be altered by this chapter.

35 **Sec. 3.** RCW 36.120.070 and 2002 c 56 s 107 are each amended to  
36 read as follows:

37 Two or more contiguous county legislative authorities, upon receipt

1 of the regional transportation investment plan under RCW 36.120.040,  
2 may ~~((certify the plan to the ballot, including identification of the~~  
3 ~~tax options))~~ submit to the voters of the proposed district a single  
4 ballot measure that approves formation of the district, approves the  
5 regional transportation investment plan, and approves the revenue  
6 sources necessary to ((fund)) finance the plan. ((County legislative  
7 authorities)) The planning committee may draft ((a ballot title)) the  
8 ballot measure on behalf of the county legislative authorities, and the  
9 county legislative authorities may, give notice as required by law for  
10 ballot measures, and perform other duties as required to ~~((put the plan~~  
11 ~~before))~~ submit to measure to the voters of the proposed district for  
12 their approval or rejection ~~((as a single ballot measure that both~~  
13 ~~approves formation of the district and approves the plan))~~. Counties  
14 may negotiate interlocal agreements necessary to implement the plan.  
15 The electorate will be the voters voting within the boundaries of the  
16 participating counties. A simple majority of the total persons voting  
17 on the single ballot measure ~~((to approve the plan, establish the~~  
18 ~~district, and approve the taxes and fees))~~ is required for approval of  
19 the measure.

20 **Sec. 4.** RCW 47.56.076 and 2002 c 56 s 403 are each amended to read  
21 as follows:

22 Upon approval of a majority of the voters within its boundaries  
23 voting on the ballot proposition, and only for the purposes authorized  
24 in RCW 36.120.050(1)~~((+f))~~ (g), a regional transportation investment  
25 district may ~~((impose))~~ authorize vehicle tolls on state routes where  
26 improvements financed in whole or in part by a regional transportation  
27 investment district add additional lanes to, or reconstruct lanes on,  
28 a highway of statewide significance. The department shall administer  
29 the collection of vehicle tolls authorized on designated facilities  
30 unless otherwise specified in law or by contract, and the state  
31 transportation commission, or its successor, shall be the tolling  
32 authority.

33 **Sec. 5.** RCW 81.100.080 and 1990 c 43 s 19 are each amended to read  
34 as follows:

35 Funds collected under RCW 81.100.030 or 81.100.060 and any  
36 investment earnings accruing thereon shall be used by the county or the

1 regional transportation investment district in a manner consistent with  
2 the regional transportation plan only for costs of collection, costs of  
3 preparing, adopting, and enforcing agreements under RCW 81.100.030(3),  
4 for construction of high occupancy vehicle lanes and related  
5 facilities, mitigation of environmental concerns that result from  
6 construction or use of high occupancy vehicle lanes and related  
7 facilities, payment of principal and interest on bonds issued for the  
8 purposes of this section, for high occupancy vehicle programs as  
9 defined in RCW 81.100.020(5), and for commuter rail projects in  
10 accordance with RCW 81.104.120. Except for funds raised by a regional  
11 transportation investment district, no funds collected under RCW  
12 81.100.030 or 81.100.060 after June 30, 2000, may be pledged for the  
13 payment or security of the principal or interest on any bonds issued  
14 for the purposes of this section. Not more than ten percent of the  
15 funds may be used for transit agency high occupancy vehicle programs.

16 Priorities for construction of high occupancy vehicle lanes and  
17 related facilities shall be as follows:

18 (1)(a) To accelerate construction of high occupancy vehicle lanes  
19 on the interstate highway system, as well as related facilities;

20 (b) To finance or accelerate construction of high occupancy vehicle  
21 lanes on the noninterstate state highway system, as well as related  
22 facilities.

23 (2) To finance construction of high occupancy vehicle lanes on  
24 local arterials, as well as related facilities.

25 Moneys received by an agency under this chapter shall be used in  
26 addition to, and not as a substitute for, moneys currently used by the  
27 agency for the purposes specified in this section.

28 Counties and regional transportation investment districts may  
29 contract with cities or the state department of transportation for  
30 construction of high occupancy vehicle lanes and related facilities,  
31 and may issue general obligation bonds to fund such construction and  
32 use funds received under this chapter to pay the principal and interest  
33 on such bonds.

34 NEW SECTION. Sec. 6. A new section is added to chapter 82.80 RCW  
35 to read as follows:

36 (1) A regional transportation investment district may, with voter  
37 approval and as part of a regional transportation investment plan,

1 impose a local option surcharge of not more than three-tenths of one  
2 percent of the value of vehicles registered to a person residing within  
3 the district. The proceeds collected under this section shall be used  
4 for transportation projects as defined in RCW 36.120.020. No surcharge  
5 may be imposed on new vehicles, except that the surcharge shall apply  
6 to the initial registration of a vehicle previously licensed in another  
7 jurisdiction.

8 (2) An investment district imposing a tax under this section shall  
9 contract, before the effective date of the resolution or ordinance  
10 imposing a surcharge, administration and collection to the state  
11 department of licensing, and department of revenue, as appropriate,  
12 which shall deduct an amount, as provided by contract, for  
13 administration and collection expenses incurred by the department. All  
14 administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall  
15 insofar as they are applicable to motor vehicle excise taxes, be  
16 applicable to surcharges imposed under this section.

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