

SSB 5412 - H AMD TO TR COMM AMD (5412-S AMH TR H3318.1) **612**
By Representative Anderson

SCOPE AND OBJECT 4/10/2007

1 On page 17, after line 13 of the amendment, insert:

2 "NEW SECTION. **Sec. 13.** The legislature finds that the
3 replacement of the Alaskan Way Viaduct and the state route number
4 520 floating bridge are the highest priority transportation
5 projects that represent an immediate threat to public safety and
6 are vital to the economic strength of the Puget Sound region and
7 the state as a whole. The legislature also finds that imposing
8 tolls of seven dollars or more on the Lake Washington bridges would
9 be a barrier to low and moderate- income households in the Puget
10 Sound region and would serve to discourage free movement of people
11 throughout the region.

12 NEW SECTION. **Sec. 14.** A new section is added to chapter
13 81.112 RCW to read as follows:

14 (1) As part of the proposition to support additional
15 implementation phases of the regional transit authority's system
16 and financing plan submitted to voters at the 2007 general election
17 under RCW 36.120.070 and 81.112.030(10), the authority shall not
18 fund any planning, development, or construction that is not
19 described in the sound transit 2 draft package, dated January 11,
20 2007. In addition, the authority may not apply any revenues
21 received from the 2007 general election under RCW 36.120.070 and
22 81.112.040(10) toward planning, development, construction,
23 acquisition of right-of-way, or financing of light rail over Lake
24 Washington. This section is not intended to limit a regional
25 transit authority's ability to expand light rail beyond the
26 limitation of this section after November 2007.

27 (2) Revenues equal to the amount necessary to fund the
28 expansion of light rail as proposed in the sound transit 2 draft
29 package, dated January 11, 2007, shall be distributed to a regional

1 transportation investment district established under chapter 36.120
2 RCW in accordance with section 5 of this act.

3 **Sec. 15.** RCW 81.104.160 and 2003 c 1 s 6 are each amended to
4 read as follows:

5 An agency may impose a sales and use tax solely for the purpose
6 of providing high capacity transportation service, except as
7 otherwise provided in section 2 of this act, in addition to the tax
8 authorized by RCW 82.14.030, upon retail car rentals within the
9 agency's jurisdiction that are taxable by the state under chapters
10 82.08 and 82.12 RCW. The rate of tax shall not exceed 2.172
11 percent. The base of the tax shall be the selling price in the
12 case of a sales tax or the rental value of the vehicle used in the
13 case of a use tax.

14 Any motor vehicle excise tax previously imposed under the
15 provisions of RCW 81.104.160(1) shall be repealed, terminated and
16 expire on December 5, 2002.

17 **Sec. 16.** RCW 81.104.170 and 1997 c 450 s 5 are each amended to
18 read as follows:

19 (1) Cities that operate transit systems, county transportation
20 authorities, metropolitan municipal corporations, public
21 transportation benefit areas, and regional transit authorities may
22 submit an authorizing proposition to the voters and if approved by
23 a majority of persons voting, fix and impose a sales and use tax in
24 accordance with the terms of this chapter, solely for the purpose
25 of providing high capacity transportation service except as
26 otherwise provided in section 2 of this act.

27 (2) The tax authorized pursuant to this section shall be in
28 addition to the tax authorized by RCW 82.14.030 and shall be
29 collected from those persons who are taxable by the state pursuant
30 to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable
31 event within the taxing district. The maximum rate of such tax
32 shall be approved by the voters and shall not exceed one percent of
33 the selling price (in the case of a sales tax) or value of the
34 article used (in the case of a use tax). The maximum rate of such
35 tax that may be imposed shall not exceed nine-tenths of one percent
36 in any county that imposes a tax under RCW 82.14.340, or within a
37 regional transit authority if any county within the authority

1 imposes a tax under RCW 82.14.340. The exemptions in RCW 82.08.820
2 and 82.12.820 are for the state portion of the sales and use tax
3 and do not extend to the tax authorized in this section.

4 NEW SECTION. **Sec. 17.** A new section is added to chapter
5 36.120 RCW to read as follows:

6 (1) As part of the proposition to support additional
7 implementation phases of the regional transit authority's system
8 and financing plan submitted to voters at the 2007 general election
9 under RCW 36.120.070 and 81.112.040(10), funds received under
10 section 2 of this act shall be allocated to the projects listed
11 below in the amounts described and in the following order of
12 priority:

13 (a) One billion one hundred million dollars for a tunnel
14 replacement option for the Alaskan Way Viaduct that maintains or
15 exceeds the current capacity.

16 (i) If a tunnel replacement option is not selected, these funds
17 shall be used to ensure the completion of the projects listed in
18 (b) through (e) of this subsection and to fund projects described
19 in subsection (2) of this section. Any funds that are not
20 necessary to carry out the purposes of this section shall be
21 returned to the regional transit authority.

22 (ii) The district must reallocate these funds in accordance
23 with subsection (2) of this section if, within one year of passage
24 of the 2007 general election ballot measure approved in RCW
25 36.120.070 and RCW 81.112.040(10), local jurisdictions have not
26 agreed to contribute seven hundred fifty million dollars in funds
27 from local sources that may include, but are not limited to, a
28 local improvement district and a local utility tax.

29 (b) Two billion seven hundred million dollars for the
30 improvement and replacement of the state route number 520 bridge
31 replacement and HOV project between Interstate 5 and Interstate
32 405. The district must include in its ballot measure one billion
33 one hundred million dollars for the state route number 520 floating
34 bridge. These funds must be combined with any additional funds
35 appropriated by federal, state, and local sources to fully fund the
36 state route number 520 bridge replacement and improvements as
37 designated by the district. The funding package for the state

1 route number 520 bridge replacement and HOV project may not include
2 tolling.

3 (c) Six hundred forty million dollars for the construction of
4 state route number 167 to the port of Tacoma in addition to any
5 other funds provided by the plan developed by the regional
6 transportation investment district.

7 (d) One hundred thirteen million dollars for the construction
8 of state route number 704 between Interstate 5 and state route
9 number 7, in addition to any other funds provided by the plan
10 developed by the regional transportation investment district.

11 (e) Ninety-four million dollars for the connection of state
12 route number 509 and Interstate 5 at Sea-Tac in addition to funds
13 already provided by the regional transportation investment
14 district.

15 (2) Funds not necessary for the implementation of the projects
16 in subsection (1) of this section shall be transferred to sound
17 transit for the purpose of completing light rail to the Tacoma Dome
18 transit center.

19 **Sec. 18.** RCW 36.120.040 and 2006 c 311 s 6 are each amended to
20 read as follows:

21 (1) A regional transportation investment district planning
22 committee shall adopt a regional transportation investment plan
23 providing for the development, construction, and financing of
24 transportation projects. The planning committee may consider the
25 following factors in formulating its plan:

26 (a) Land use planning criteria;

27 (b) The input of cities located within a participating county;
28 and

29 (c) The input of regional transportation planning organizations
30 of which a participating county is a member. A regional
31 transportation planning organization in which a participating
32 county is located shall review its adopted regional transportation
33 plan and submit, for the planning committee's consideration, its
34 list of transportation improvement priorities.

35 (2) The planning committee may coordinate its activities with
36 the department, which shall provide services, data, and personnel
37 to assist in this planning as desired by the planning committee.
38 In addition, the planning committee may coordinate its activities

1 with affected cities, towns, and other local governments, including
2 any regional transit authority existing within the participating
3 counties' boundaries, that engage in transportation planning.

4 (3) The planning committee shall:

5 (a) Conduct public meetings that are needed to assure active
6 public participation in the development of the plan;

7 (b) Adopt a plan proposing the:

8 (i) Creation of a regional transportation investment district,
9 including district boundaries; and

10 (ii) Construction of transportation projects to improve
11 mobility within each county and within the region. Operations,
12 maintenance, and preservation of facilities or systems may not be
13 part of the plan, except for the limited purposes provided under
14 RCW 36.120.020(8); and

15 (c) Recommend sources of revenue authorized by RCW 36.120.050
16 and a financing plan to fund selected transportation projects. The
17 overall plan of the district must leverage the district's financial
18 contributions so that the federal, state, local, and other revenue
19 sources continue to fund major congestion relief and transportation
20 capacity improvement projects in each county and the district. A
21 combination of local, state, and federal revenues may be necessary
22 to pay for transportation projects, and the planning committee
23 shall consider all of these revenue sources in developing a plan.

24 (4) The plan must use tax revenues and related debt for
25 projects that generally benefit a participating county in
26 proportion to the general level of tax revenues generated within
27 that participating county. This equity principle applies to all
28 modifications to the plan, appropriation of contingency funds not
29 identified within the project estimate, and future phases of the
30 plan. Per agreement with a regional transit authority serving the
31 counties participating in a district, the equity principle
32 identified under this subsection may include using the combined
33 district and regional transit authority revenues generated within
34 a participating county to determine the distribution that
35 proportionally benefits the county. Modifications made under
36 section 5 of this act are in compliance with this equity principle.
37 For purposes of the transportation subarea equity principle
38 established under this subsection, a district may use the five
39 subareas within a regional transit authority's boundaries as

1 identified in an authority's system plan adopted in May 1996.
2 During implementation of the plan, the board shall retain the
3 flexibility to manage distribution of revenues, debt, and project
4 schedules so that the district may effectively implement the plan.
5 Nothing in this section should be interpreted to prevent the
6 district from pledging district-wide tax revenues for payment of
7 any contract or debt entered into under RCW 36.120.130.

8 (5) Before adopting the plan, the planning committee, with
9 assistance from the department, shall work with the lead agency to
10 develop accurate cost forecasts for transportation projects. This
11 project costing methodology must be integrated with revenue
12 forecasts in developing the plan and must at a minimum include
13 estimated project costs in constant dollars as well as year of
14 expenditure dollars, the range of project costs reflected by the
15 level of project design, project contingencies, identification of
16 mitigation costs, the range of revenue forecasts, and project and
17 plan cash flow and bond analysis. The plan submitted to the voters
18 must provide cost estimates for each project, including reasonable
19 contingency costs. Plans submitted to the voters must provide that
20 the maximum amount possible of the funds raised will be used to
21 fund projects in the plan, including environmental improvements and
22 mitigation, and that administrative costs be minimized. If actual
23 revenue exceeds actual plan costs, the excess revenues must be used
24 to retire any outstanding debt associated with the plan.

25 (6) If a county opts not to adopt the plan or participate in
26 the regional transportation investment district, but two or more
27 contiguous counties do choose to continue to participate, then the
28 planning committee may, within ninety days, redefine the regional
29 transportation investment plan and the ballot measure to be
30 submitted to the people to reflect elimination of the county, and
31 submit the redefined plan to the legislative authorities of the
32 remaining counties for their decision as to whether to continue to
33 adopt the redefined plan and participate. This action must be
34 completed within sixty days after receipt of the redefined plan.

35 (7) Once adopted by the planning committee, the plan must be
36 forwarded to the participating county legislative authorities to
37 initiate the election process under RCW 36.120.070. The planning
38 committee shall at the same time provide notice to each city and
39 town within the district, the governor, the chairs of the

1 transportation committees of the legislature, the secretary of
2 transportation, and each legislator whose legislative district is
3 partially or wholly within the boundaries of the district.

4 (8) If the ballot measure is not approved, the planning
5 committee may redefine the selected transportation projects,
6 financing plan, and the ballot measure. The county legislative
7 authorities may approve the new plan and ballot measure, and may
8 then submit the revised proposition to the voters at the next
9 election or a special election. If no ballot measure is approved by
10 the voters by the third vote, the planning committee is dissolved.

11 **Sec. 19.** RCW 36.120.045 and 2006 c 311 s 7 are each amended to
12 read as follows:

13 The planning committee must develop and include in the regional
14 transportation investment plan a funding proposal for the state
15 route number 520 bridge replacement and HOV project that assures
16 full project funding for seismic safety and corridor connectivity
17 on state route number 520 between Interstate 5 and Interstate 405
18 without assessing tolls on either state route number 520 or
19 Interstate 90 across Lake Washington."

20 Correct the title.

21 Renumber the sections consecutively and correct any internal
22 references.

EFFECT: Finds that replacement of the Alaskan Way viaduct and
state route 520 bridge are the highest priority transportation
projects, and that imposing tolls of seven or more dollars on
the Lake Washington bridges would be a barrier to low and
moderate income households and would discourage free movement
of people throughout the region.

As part of its November 2007 ballot proposition finance
plan, precludes Sound Transit from funding any planning,
development, or construction that is not included in their
draft package dated January 11, 2007.

Requires that revenues equal to the amount necessary to fund
the expansion of light rail as proposed in Sound Transit's
November 2007 ballot proposition be distributed to a regional
transportation investment district (RTID) as follows: \$1.1
billion for a tunnel replacement option for the Alaskan Way

viaduct that maintains or exceeds current capacity. If a tunnel option is not selected for the viaduct, requires that the funds be allocated as follow: \$2.7 billion for the SR 520 bridge replacement project; \$640 million for state route 167 to the Port of Tacoma; \$113 million for construction of state route 704 between Interstate 5 and state route number 7; and \$94 million for the state route 509 connection to Interstate 5 at Sea-Tac. Requires that funds not necessary for the implementation of these projects be transferred to Sound Transit for the purpose of completing light rail to the Tacoma Dome transit center. Declares that these expenditures are in compliance with the sub-area equity principle. Precludes any transit agency from imposing sales and use tax in a manner inconsistent with distribution of funds as required under the Act.

Precludes Sound Transit from applying any revenues from the 2007 ballot proposition toward light rail over Lake Washington.

Prohibits the RTID from fully funding the SR 520 bridge project by tolling either of the bridges across Lake Washington.