

SSB 5412 - H AMD 868

By Representative Jarrett

ADOPTED 04/17/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds and declares that the
4 citizens of the state expect clear and concise goals, objectives, and
5 responsibilities regarding the operation of the statewide
6 transportation system. Furthermore, the state's citizens expect that
7 the state periodically receive clear and streamlined information that
8 measures whether the goals and objectives are being satisfied.
9 Therefore, it is the intent of the legislature that this act serve to
10 clarify existing goals, objectives, and responsibilities related to the
11 operation of an efficient statewide transportation system.

12 **Sec. 2.** RCW 47.01.011 and 1977 ex.s. c 151 s 1 are each amended to
13 read as follows:

14 The legislature hereby recognizes the following imperative needs
15 within the state: To create a statewide transportation development
16 plan which identifies present status and sets goals for the future; to
17 coordinate transportation modes; to promote and protect land use
18 programs required in local, state, and federal law; to coordinate
19 transportation with the economic development of the state; to supply a
20 broad framework in which regional, metropolitan, and local
21 transportation needs can be related; to facilitate the supply of
22 federal and state aid to those areas which will most benefit the state
23 as a whole; to provide for public involvement in the transportation
24 planning and development process; to administer programs within the
25 jurisdiction of this title relating to the safety of the state's
26 transportation systems; and to coordinate and implement national
27 transportation policy with the state transportation planning program.

28 The legislature finds and declares that placing all elements of

1 transportation in a single department is fully consistent with and
2 shall in no way impair the use of moneys in the motor vehicle fund
3 exclusively for highway purposes.

4 Through this chapter, a unified department of transportation is
5 created. To the jurisdiction of this department will be transferred
6 the present powers, duties, and functions of the department of
7 highways, the highway commission, the toll bridge authority, the
8 aeronautics commission, and the canal commission, and the
9 transportation related powers, duties, and functions of the planning
10 and community affairs agency. The powers, duties, and functions of the
11 department of transportation must be performed in a manner consistent
12 with the policy goals set forth in RCW 47.01.012 (as recodified by this
13 act).

14 **Sec. 3.** RCW 47.01.012 and 2002 c 5 s 101 are each amended to read
15 as follows:

16 (1) It is the intent of the legislature to establish policy goals
17 for the planning, operation, performance of, and investment in, the
18 state's transportation system. The policy goals ~~((shall consist of,~~
19 ~~but not be limited to, the following))~~ established under this section
20 are deemed consistent with the benchmark categories~~((τ))~~ adopted by the
21 state's blue ribbon commission on transportation on November 30, 2000.
22 ~~((In addition to improving safety,))~~ Public investments in
23 transportation ~~((shall))~~ should support achievement of these ~~((and~~
24 ~~other priority))~~ policy goals:

25 ~~((No interstate highways, state routes, and local arterials shall~~
26 ~~be in poor condition; no bridges shall be structurally deficient, and~~
27 ~~safety retrofits shall be performed on those state bridges at the~~
28 ~~highest seismic risk levels; traffic congestion on urban state highways~~
29 ~~shall be significantly reduced and be no worse than the national mean;~~
30 ~~delay per driver shall be significantly reduced and no worse than the~~
31 ~~national mean; per capita vehicle miles traveled shall be maintained at~~
32 ~~2000 levels; the nonauto share of commuter trips shall be increased in~~
33 ~~urban areas; administrative costs as a percentage of transportation~~
34 ~~spending shall achieve the most efficient quartile nationally; and the~~
35 ~~state's public transit agencies shall achieve the median cost per~~
36 ~~vehicle revenue hour of peer transit agencies, adjusting for the~~
37 ~~regional cost of living.))~~

1 (a) Preservation: To maintain, preserve, and extend the life and
2 utility of prior investments in transportation systems and services;

3 (b) Safety: To provide for and improve the safety and security of
4 transportation customers and the transportation system;

5 (c) Mobility: To improve the predictable movement of goods and
6 people throughout Washington state;

7 (d) Environment: To enhance Washington's quality of life through
8 transportation investments that promote energy conservation, enhance
9 healthy communities, and protect the environment; and

10 (e) Stewardship: To continuously improve the quality,
11 effectiveness, and efficiency of the transportation system.

12 (2) The powers, duties, and functions of state transportation
13 agencies must be performed in a manner consistent with the policy goals
14 set forth in subsection (1) of this section.

15 (3) These policy goals (~~shall~~) are intended to be the basis for
16 (~~establishment of~~) establishing detailed and measurable objectives
17 and related performance (~~benchmarks~~) measures.

18 (4) It is the intent of the legislature that the (~~transportation~~
19 commission)) office of financial management establish objectives and
20 performance measures for the department of transportation and other
21 state agencies with transportation-related responsibilities to ensure
22 transportation system performance at local, regional, and state
23 government levels(~~, and the transportation commission should work with~~
24 appropriate government entities to accomplish this)) progresses toward
25 the attainment of the policy goals set forth in subsection (1) of this
26 section. The office of financial management shall submit initial
27 objectives and performance measures to the legislature for its review
28 and shall provide copies of the same to the commission during the 2008
29 legislative session. The office of financial management shall submit
30 objectives and performance measures to the legislature for its review
31 and shall provide copies of the same to the commission during each
32 regular session of the legislature during an even-numbered year
33 thereafter.

34 (5) This section does not create a private right of action.

35 **Sec. 4.** RCW 47.01.071 and 2006 c 334 s 3 are each amended to read
36 as follows:

1 The transportation commission shall have the following functions,
2 powers, and duties:

3 (1) To propose policies to be adopted by the governor and the
4 legislature designed to assure the development and maintenance of a
5 comprehensive and balanced statewide transportation system which will
6 meet the needs of the people of this state for safe and efficient
7 transportation services. Wherever appropriate, the policies shall
8 provide for the use of integrated, intermodal transportation systems
9 (~~to implement the social, economic, and environmental policies, goals,~~
10 ~~and objectives of the people of the state, and especially to conserve~~
11 ~~nonrenewable natural resources including land and energy)). The
12 policies must be aligned with the goals established in RCW 47.01.012
13 (as recodified by this act). To this end the commission shall:~~

14 (a) Develop transportation policies which are based on the
15 policies, goals, and objectives expressed and inherent in existing
16 state laws;

17 (b) Inventory the adopted policies, goals, and objectives of the
18 local and area-wide governmental bodies of the state and define the
19 role of the state, regional, and local governments in determining
20 transportation policies, in transportation planning, and in
21 implementing the state transportation plan;

22 (~~(c) ((Propose a transportation policy for the state;~~
23 ~~(d))~~) Establish a procedure for review and revision of the state
24 transportation policy and for submission of proposed changes to the
25 governor and the legislature; and

26 (~~((e) To))~~ (d) Integrate the statewide transportation plan with the
27 needs of the elderly and (~~(handicapped))~~ persons with disabilities, and
28 (~~(to))~~ coordinate federal and state programs directed at assisting
29 local governments to answer such needs;

30 (2) To provide for the effective coordination of state
31 transportation planning with national transportation policy, state and
32 local land use policies, and local and regional transportation plans
33 and programs;

34 (3) In conjunction with the provisions under RCW 47.01.075, to
35 provide for public involvement in transportation designed to elicit the
36 public's views both with respect to adequate transportation services
37 and appropriate means of minimizing adverse social, economic,
38 environmental, and energy impact of transportation programs;

1 (4) By December 2010, to prepare a comprehensive and balanced
2 statewide transportation plan ((which shall be)) consistent with the
3 state's growth management goals and based on the transportation policy
4 ((adopted by the governor and the legislature,)) goals provided under
5 RCW 47.01.012 (as recodified by this act) and applicable state and
6 federal laws. The plan must reflect the priorities of government
7 developed by the office of financial management and address regional
8 needs, including multimodal transportation planning. The plan must, at
9 a minimum: (a) Establish a vision for the development of the statewide
10 transportation system; (b) identify significant statewide
11 transportation policy issues; and (c) recommend statewide
12 transportation policies and strategies to the legislature to fulfill
13 the requirements of subsection (1) of this section. The plan must be
14 the product of an ongoing process that involves representatives of
15 significant transportation interests and the general public from across
16 the state. Every four years, the plan shall be reviewed and revised,
17 and submitted to the governor and the house of representatives and
18 senate standing committees on transportation((, prior to each regular
19 session of the legislature during an even numbered year thereafter.
20 The plan shall be subject to the approval of the legislature in the
21 biennial transportation budget act)).

22 The plan shall take into account federal law and regulations
23 relating to the planning, construction, and operation of transportation
24 facilities;

25 (5) By December 2007, the office of financial management shall
26 submit a baseline report on the progress toward attaining the policy
27 goals under RCW 47.01.012 (as recodified by this act) in the 2005-2007
28 fiscal biennium. By October 1, 2008, beginning with the development of
29 the 2009-2011 biennial transportation budget, and by October 1st
30 biennially thereafter, the office of financial management shall submit
31 to the legislature and the governor a report on the progress toward the
32 attainment by state transportation agencies of the state transportation
33 policy goals and objectives prescribed by statute, appropriation, and
34 governor directive. The report must, at a minimum, include the degree
35 to which state transportation programs have progressed toward the
36 attainment of the policy goals established under RCW 47.01.012 (as
37 recodified by this act), as measured by the objectives and performance

1 measures established by the office of financial management under RCW
2 47.01.012 (as recodified by this act);

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

7 ((+6+)) (7) To adopt such rules as may be necessary to carry out
8 reasonably and properly those functions expressly vested in the
9 commission by statute;

10 ((+7+)) (8) To contract with the office of financial management or
11 other appropriate state agencies for administrative support, accounting
12 services, computer services, and other support services necessary to
13 carry out its other statutory duties;

14 ((+8+)) (9) To conduct transportation-related studies and policy
15 analysis to the extent directed by the legislature or governor in the
16 biennial transportation budget act, or as otherwise provided in law,
17 and subject to the availability of amounts appropriated for this
18 specific purpose; and

19 ((+9+)) (10) To exercise such other specific powers and duties as
20 may be vested in the transportation commission by this or any other
21 provision of law.

22 **Sec. 5.** RCW 47.01.075 and 2006 c 334 s 4 are each amended to read
23 as follows:

24 (1) The transportation commission shall provide a public forum for
25 the development of transportation policy in Washington state to include
26 coordination with regional transportation planning organizations,
27 transportation stakeholders, counties, cities, and citizens. ~~((It may
28 recommend to the secretary of transportation, the governor, and the
29 legislature means for obtaining appropriate citizen and professional
30 involvement in all transportation policy formulation and other matters
31 related to the powers and duties of the department. It may further
32 hold hearings and explore ways to improve the mobility of the
33 citizenry.))~~ At least every five years, the commission shall convene
34 regional forums to gather citizen input on transportation issues. The
35 commission shall consider the input gathered at the forums as it
36 establishes the statewide transportation plan under RCW 47.01.071(4).

1 ~~(2) ((Every two years, in coordination with the development of the~~
2 ~~state biennial budget, the commission shall prepare the statewide~~
3 ~~multimodal transportation progress report and propose to the office of~~
4 ~~financial management transportation priorities for the ensuing~~
5 ~~biennium. The report must:~~

6 ~~(a) Consider the citizen input gathered at the forums;~~

7 ~~(b) Be developed with the assistance of state transportation-~~
8 ~~related agencies and organizations;~~

9 ~~(c) Be developed with the input from state, local, and regional~~
10 ~~jurisdictions, transportation service providers, key transportation~~
11 ~~stakeholders, and the office of financial management;~~

12 ~~(d) Be considered by the secretary of transportation and other~~
13 ~~state transportation related agencies in preparing proposed agency~~
14 ~~budgets and executive request legislation;~~

15 ~~(e) Be submitted by the commission to the governor and the~~
16 ~~legislature by October 1st of each even numbered year for consideration~~
17 ~~by the governor.~~

18 ~~(3))~~ In fulfilling its responsibilities under this section, the
19 commission may create ad hoc committees or other such committees of
20 limited duration as necessary.

21 ~~((4))~~ (3) In order to promote a better transportation system, the
22 commission ~~((shall))~~ may offer policy guidance and make recommendations
23 to the governor and the legislature in key issue areas, including but
24 not limited to:

25 (a) Transportation finance;

26 (b) Preserving, maintaining, and operating the statewide
27 transportation system;

28 (c) Transportation infrastructure needs;

29 (d) Promoting best practices for adoption and use by
30 transportation-related agencies and programs;

31 (e) Transportation efficiencies that will improve service delivery
32 and/or coordination;

33 (f) Improved planning and coordination among transportation
34 agencies and providers; and

35 (g) Use of intelligent transportation systems and other technology-
36 based solutions(~~;~~ and

37 ~~(h) Reporting of performance against goals, targets, and~~
38 ~~benchmarks)).~~

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 47.01 RCW
2 to read as follows:

3 To support achievement of the policy goals described in RCW
4 47.01.012, the department shall:

5 (1) Maintain an inventory of the condition of structures and
6 corridors in most urgent need of retrofit or rehabilitation;

7 (2) Develop long-term financing tools that reliably provide ongoing
8 maintenance and preservation of the transportation infrastructure;

9 (3) Balance system safety and convenience through all phases of a
10 project to accommodate all users of the transportation system to
11 safely, reliably, and efficiently provide mobility to people and goods;

12 (4) Develop strategies to gradually reduce the per capita vehicle
13 miles traveled based on consideration of a range of reduction methods;

14 (5) Consider efficiency tools, including high-occupancy vehicle and
15 high-occupancy toll lanes, corridor-specific and systemwide pricing
16 strategies, active traffic management, commute trip reduction, and
17 other demand management tools;

18 (6) Promote integrated multimodal planning; and

19 (7) Consider engineers and architects to design environmentally
20 sustainable, context-sensitive transportation systems.

21 **Sec. 7.** RCW 47.05.030 and 2006 c 334 s 45 are each amended to read
22 as follows:

23 (1) The ((transportation commission)) office of financial
24 management shall ((develop)) propose a comprehensive ten-year
25 investment program ((specifying program objectives and performance
26 measures)) for the preservation and improvement programs defined in
27 this section, consistent with the policy goals described under RCW
28 47.01.012 (as recodified by this act). The ((adopted)) proposed ten-
29 year investment program must be forwarded as a recommendation ((to)) by
30 the ((governor and)) office of financial management to the legislature,
31 and ((is subject to the approval of the legislature in the biennial
32 transportation budget act. In the specification of investment program
33 objectives and performance measures, the transportation commission, in
34 consultation with the Washington state department of transportation,
35 shall define and adopt standards for effective programming and
36 prioritization practices including a needs analysis process. The
37 analysis process must ensure the identification of problems and

1 ~~deficiencies, the evaluation of alternative solutions and trade-offs,~~
2 ~~and estimations of the costs and benefits of prospective projects. The~~
3 ~~investment program)) must be based upon the needs identified in the~~
4 ~~((state-owned highway component of the)) statewide ((comprehensive))~~
5 ~~transportation plan established under RCW 47.01.071(4).~~

6 ~~((1)) (2) The preservation program consists of those investments~~
7 ~~necessary to preserve the existing state highway system and to restore~~
8 ~~existing safety features, giving consideration to lowest life cycle~~
9 ~~costing. ((The preservation program must require use of the most cost-~~
10 ~~effective pavement surfaces, considering:~~

- 11 ~~(a) Life cycle cost analysis;~~
- 12 ~~(b) Traffic volume;~~
- 13 ~~(c) Subgrade soil conditions;~~
- 14 ~~(d) Environmental and weather conditions;~~
- 15 ~~(e) Materials available; and~~
- 16 ~~(f) Construction factors.~~

17 ~~The comprehensive ten-year investment program for preservation must~~
18 ~~identify projects for two years and an investment plan for the~~
19 ~~remaining eight years.~~

20 ~~(2)) (3) The improvement program consists of investments needed to~~
21 ~~address identified deficiencies on the state highway system to~~
22 ~~((increase mobility, address congestion, and improve safety, support~~
23 ~~for the economy, and protection of the environment. The ten-year~~
24 ~~investment program for improvements must identify projects for two~~
25 ~~years and major deficiencies proposed to be addressed in the ten-year~~
26 ~~period giving consideration to relative benefits and life cycle~~
27 ~~costing. The transportation commission shall give higher priority for~~
28 ~~correcting identified deficiencies on those facilities classified as~~
29 ~~facilities of statewide significance as defined in RCW 47.06.140.~~
30 ~~Project prioritization must be based primarily upon cost-benefit~~
31 ~~analysis, where appropriate)) meet the goals established in RCW~~
32 ~~47.01.012 (as recodified by this act).~~

33 **Sec. 8.** RCW 47.05.035 and 2006 c 334 s 46 are each amended to read
34 as follows:

35 (1) The department shall use the transportation demand modeling
36 tools developed under subsection (2) of this section to evaluate
37 investments based on the best mode or improvement, or mix of modes and

1 improvements, to meet current and future long-term demand within a
2 corridor or system for the lowest cost. The end result of these demand
3 modeling tools is to provide a cost-benefit analysis by which the
4 department can determine the relative mobility improvement and
5 congestion relief each mode or improvement under consideration will
6 provide and the relative investment each mode or improvement under
7 consideration will need to achieve that relief.

8 (2) The department will participate in the refinement, enhancement,
9 and application of existing transportation demand modeling tools to be
10 used to evaluate investments. This participation and use of
11 transportation demand modeling tools will be phased in.

12 ~~((3) In developing program objectives and performance measures,~~
13 ~~the department shall evaluate investment trade offs between the~~
14 ~~preservation and improvement programs. In making these investment~~
15 ~~trade offs, the department shall evaluate, using cost benefit~~
16 ~~techniques, roadway and bridge maintenance activities as compared to~~
17 ~~roadway and bridge preservation program activities and adjust those~~
18 ~~programs accordingly.~~

19 ~~(4) The department shall allocate the estimated revenue between~~
20 ~~preservation and improvement programs giving primary consideration to~~
21 ~~the following factors:~~

22 ~~(a) The relative needs in each of the programs and the system~~
23 ~~performance levels that can be achieved by meeting these needs;~~

24 ~~(b) The need to provide adequate funding for preservation to~~
25 ~~protect the state's investment in its existing highway system;~~

26 ~~(c) The continuity of future transportation development with those~~
27 ~~improvements previously programmed; and~~

28 ~~(d) The availability of dedicated funds for a specific type of~~
29 ~~work.~~

30 ~~(5) The department shall consider the findings in this section in~~
31 ~~the development of the ten year investment program.))~~

32 **Sec. 9.** RCW 47.06.020 and 1993 c 446 s 2 are each amended to read
33 as follows:

34 The specific role of the department in transportation planning
35 ~~((shall))~~ must be, consistent with the policy goals described under RCW
36 47.01.012 (as recodified by this act): (1) Ongoing coordination and
37 development of statewide transportation policies that guide all

1 Washington transportation providers; (2) ongoing development of a
2 statewide multimodal transportation plan that includes both state-owned
3 and state-interest facilities and services; (3) coordinating the state
4 high-capacity transportation planning and regional transportation
5 planning programs; ~~((and))~~ (4) conducting special transportation
6 planning studies that impact state transportation facilities or relate
7 to transportation facilities and services of statewide significance;
8 and (5) assisting the transportation commission in the development of
9 the statewide transportation plan required under RCW 47.01.071(4).
10 Specific requirements for each of these state transportation planning
11 components are described in this chapter.

12 **Sec. 10.** RCW 47.06.050 and 2002 c 5 s 413 are each amended to read
13 as follows:

14 The state-owned facilities component of the statewide multimodal
15 transportation plan shall consist of:

16 (1) The state highway system plan, which identifies program and
17 financing needs and recommends specific and financially realistic
18 improvements to preserve the structural integrity of the state highway
19 system, ensure acceptable operating conditions, and provide for
20 enhanced access to scenic, recreational, and cultural resources. The
21 state highway system plan shall contain the following elements:

22 (a) A system preservation element, which shall establish structural
23 preservation objectives for the state highway system including bridges,
24 identify current and future structural deficiencies based upon analysis
25 of current conditions and projected future deterioration, and recommend
26 program funding levels and specific actions necessary to preserve the
27 structural integrity of the state highway system consistent with
28 adopted objectives. Lowest life cycle cost methodologies must be used
29 in developing a pavement management system. This element shall serve
30 as the basis for the preservation component of the six-year highway
31 program and the two-year biennial budget request to the legislature;

32 (b) A highway maintenance element, establishing service levels for
33 highway maintenance on state-owned highways ~~((that meet benchmarks~~
34 ~~established by the transportation commission))~~. The highway
35 maintenance element must include an estimate of costs for achieving
36 those service levels over twenty years. This element will serve as the

1 basis for the maintenance component of the six-year highway program and
2 the two-year biennial budget request to the legislature;

3 (c) A capacity and operational improvement element, which shall
4 establish operational objectives, including safety considerations, for
5 moving people and goods on the state highway system, identify current
6 and future capacity, operational, and safety deficiencies, and
7 recommend program funding levels and specific improvements and
8 strategies necessary to achieve the operational objectives. In
9 developing capacity and operational improvement plans the department
10 shall first assess strategies to enhance the operational efficiency of
11 the existing system before recommending system expansion. Strategies
12 to enhance the operational efficiencies include but are not limited to
13 access management, transportation system management, demand management,
14 and high-occupancy vehicle facilities. The capacity and operational
15 improvement element must conform to the state implementation plan for
16 air quality and be consistent with regional transportation plans
17 adopted under chapter 47.80 RCW, and shall serve as the basis for the
18 capacity and operational improvement portions of the six-year highway
19 program and the two-year biennial budget request to the legislature;

20 (d) A scenic and recreational highways element, which shall
21 identify and recommend designation of scenic and recreational highways,
22 provide for enhanced access to scenic, recreational, and cultural
23 resources associated with designated routes, and recommend a variety of
24 management strategies to protect, preserve, and enhance these
25 resources. The department, affected counties, cities, and towns,
26 regional transportation planning organizations, and other state or
27 federal agencies shall jointly develop this element;

28 (e) A paths and trails element, which shall identify the needs of
29 nonmotorized transportation modes on the state transportation systems
30 and provide the basis for the investment of state transportation funds
31 in paths and trails, including funding provided under chapter 47.30
32 RCW.

33 (2) The state ferry system plan, which shall guide capital and
34 operating investments in the state ferry system. The plan shall
35 establish service objectives for state ferry routes, forecast travel
36 demand for the various markets served in the system, develop strategies
37 for ferry system investment that consider regional and statewide
38 vehicle and passenger needs, support local land use plans, and assure

1 that ferry services are fully integrated with other transportation
2 services. The plan must provide for maintenance of capital assets.
3 The plan must also provide for preservation of capital assets based on
4 lowest life cycle cost methodologies. The plan shall assess the role
5 of private ferries operating under the authority of the utilities and
6 transportation commission and shall coordinate ferry system capital and
7 operational plans with these private operations. The ferry system plan
8 must be consistent with the regional transportation plans for areas
9 served by the state ferry system, and shall be developed in conjunction
10 with the ferry advisory committees.

11 **Sec. 11.** RCW 47.06.140 and 1998 c 171 s 7 are each amended to read
12 as follows:

13 The legislature declares the following transportation facilities
14 and services to be of statewide significance: Highways of statewide
15 significance as designated by the legislature under chapter 47.05 RCW,
16 the interstate highway system, interregional state principal arterials
17 including ferry connections that serve statewide travel, intercity
18 passenger rail services, intercity high-speed ground transportation,
19 major passenger intermodal terminals excluding all airport facilities
20 and services, the freight railroad system, the Columbia/Snake navigable
21 river system, marine port facilities and services that are related
22 solely to marine activities affecting international and interstate
23 trade, and high-capacity transportation systems serving regions as
24 defined in RCW 81.104.015. The department, in cooperation with
25 regional transportation planning organizations, counties, cities,
26 transit agencies, public ports, private railroad operators, and private
27 transportation providers, as appropriate, shall plan for improvements
28 to transportation facilities and services of statewide significance in
29 the statewide multimodal transportation plan. Improvements to
30 facilities and services of statewide significance identified in the
31 statewide multimodal transportation plan, or to highways of statewide
32 significance designated by the legislature under chapter 47.05 RCW, are
33 essential state public facilities under RCW 36.70A.200.

34 The department of transportation, in consultation with local
35 governments, shall set level of service standards for state highways
36 and state ferry routes of statewide significance. Although the
37 department shall consult with local governments when setting level of

1 service standards, the department retains authority to make final
2 decisions regarding level of service standards for state highways and
3 state ferry routes of statewide significance. In establishing level of
4 service standards for state highways and state ferry routes of
5 statewide significance, the department shall consider the necessary
6 balance between providing for the free interjurisdictional movement of
7 people and goods and the needs of local communities using these
8 facilities.

9 **Sec. 12.** RCW 35.95A.120 and 2003 c 147 s 14 are each amended to
10 read as follows:

11 (1) Except as provided in subsection (2) of this section, the city
12 transportation authority may be dissolved by a vote of the people
13 residing within the boundaries of the authority if the authority is
14 faced with significant financial problems. However, the authority may
15 covenant with holders of its bonds that it may not be dissolved and
16 shall continue to exist solely for the purpose of continuing to levy
17 and collect any taxes or assessments levied by it and pledged to the
18 repayment of debt and to take other actions, including the appointment
19 of a trustee, as necessary to allow it to repay any remaining debt. No
20 such debt may be incurred by the authority on a project until thirty
21 days after a final environmental impact statement on that project has
22 been issued as required by chapter 43.21C RCW. The amount of the
23 authority's initial bond issue is limited to the amount of the project
24 costs in the subsequent two years as documented by a certified engineer
25 or by submitted bids, plus any reimbursable capital expenses already
26 incurred at the time of the bond issue. The authority may size the
27 first bond issue consistent with the internal revenue service five-year
28 spend down schedule if an independent financial advisor recommends such
29 an approach is financially advisable. Any referendum petition to
30 dissolve the city transportation authority must be filed with the city
31 council and contain provisions for dissolution of the authority.
32 Within seven days, the city prosecutor must review the validity of the
33 petition and submit its report to the petitioner and city council. If
34 the petitioner's claims are deemed valid by the city prosecutor, within
35 ten days of the petitioner's filing, the city council will confer with
36 the petitioner concerning the form and style of the petition, issue an
37 identification number for the petition, and write a ballot title for

1 the measure. The ballot title must be posed as a question and an
2 affirmative vote on the measure results in authority retention and a
3 negative vote on the measure results in the authority's dissolution.
4 The petitioner will be notified of the identification number and ballot
5 title within this ten-day period.

6 After this notification, the petitioner has ninety days in which to
7 secure on petition forms, the signatures of not less than fifteen
8 percent of the registered voters in the authority area and to file the
9 signed petitions with the filing officer. Each petition form must
10 contain the ballot title and the full text of the measure to be
11 referred. The filing officer will verify the sufficiency of the
12 signatures on the petitions. If sufficient valid signatures are
13 properly submitted, the filing officer shall submit the initiative to
14 the authority area voters at a general or special election held on one
15 of the dates provided in RCW (~~(29.13.010)~~) 29A.04.321 as determined by
16 the city council, which election will not take place later than one
17 hundred twenty days after the signed petition has been filed with the
18 filing officer.

19 (2) A city transportation authority is dissolved and terminated if
20 all of the following events occur before or after the effective date of
21 this section:

22 (a) A majority of the qualified electors voting at a regular or
23 special election determine that new public monorail transportation
24 facilities must not be built;

25 (b) The governing body of the authority adopts a resolution and
26 publishes a notice of the proposed dissolution at least once every week
27 for three consecutive weeks in a newspaper of general circulation
28 published in the authority area. The resolution and notice must:

29 (i) Describe information that must be included in a notice of claim
30 against the authority including, but not limited to, any claims for
31 refunds of special motor vehicle excise tax levied under RCW 35.95A.080
32 and collected by or on behalf of the authority;

33 (ii) Provide a mailing address where a notice of claim may be sent;

34 (iii) State the deadline, which must be at least ninety days from
35 the date of the third publication, by which the authority must receive
36 a notice of claim; and

37 (iv) State that a claim will be barred if a notice of claim is not
38 received by the deadline;

1 (c) The authority resolves all claims timely made under (b) of this
2 subsection; and

3 (d) The governing body adopts a resolution (i) finding that the
4 conditions of (a) through (c) of this subsection have been met and (ii)
5 dissolving and terminating the authority.

6 (3) A claim against a city transportation authority is barred if
7 (a) a claimant does not deliver a notice of claim to the authority by
8 the deadline stated in subsection (2)(b)(iii) of this section or (b) a
9 claimant whose claim was rejected by the authority does not commence a
10 proceeding to enforce the claim within sixty days from receipt of the
11 rejection notice. For purposes of this subsection, "claim" includes,
12 but is not limited to, any right to payment, whether liquidated,
13 unliquidated, fixed, contingent, matured, unmatured, disputed,
14 undisputed, legal, equitable, secured, or unsecured, or the right to an
15 equitable remedy for breach of performance if the breach gives rise to
16 a right to payment, whether or not the right to an equitable remedy is
17 fixed, contingent, matured, unmatured, disputed, undisputed, secured,
18 or unsecured, including, but not limited to, any claim for a refund of
19 special motor vehicle excise tax levied under RCW 35.95A.080 and
20 collected by or on behalf of the authority.

21 (4) The governing body of the authority may transfer any net assets
22 to one or more other political subdivisions with instructions as to
23 their use or disposition. The governing body shall authorize this
24 transfer in the resolution that dissolves and terminates the authority
25 under subsection (2)(d) of this section.

26 (5) Upon the dissolution and termination of the authority, the
27 former officers, directors, employees, and agents of the authority
28 shall be immune from personal liability in connection with any claims
29 brought against them arising from or relating to their service to the
30 authority, and any claim brought against any of them is barred.

31 (6) Upon satisfaction of the conditions set forth in subsection
32 (2)(a) and (b) of this section, the terms of all members of the
33 governing body of the city transportation authority, whether elected or
34 appointed, who are serving as of the date of the adoption of the
35 resolution described in subsection (2)(b) of this section, shall be
36 extended, and incumbent governing body members shall remain in office
37 until dissolution of the authority, notwithstanding any provision of
38 any law to the contrary.

1 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 47.01.370 (Review of performance and outcome measures of
4 transportation-related agencies--Definition) and 2006 c 334 s 44;

5 (2) RCW 47.05.051 (Ten-year comprehensive investment program--
6 Priority selection criteria--Improvement program criteria) and 2006 c
7 334 s 47, 2005 c 319 s 11, 2002 c 189 s 3, 2002 c 5 s 406, 1998 c 175
8 s 12, 1993 c 490 s 5, 1987 c 179 s 5, 1979 ex.s. c 122 s 5, & 1975 1st
9 ex.s. c 143 s 4; and

10 (3) RCW 47.06.030 (Transportation policy plan) and 1997 c 369 s 8
11 and 1993 c 446 s 3.

12 NEW SECTION. **Sec. 14.** RCW 47.01.012 is recodified as a section in
13 chapter 47.04 RCW."

14 Correct the title.

EFFECT: To support achievement of the new policy goals, requires
the Department of Transportation to perform new duties, including the
following: Maintain an inventory of the condition of structures and
corridors in most urgent need of retrofit or rehabilitation; consider
efficiency tools; develop strategies to reduce the per capita vehicle
miles traveled; and consider engineers and architects to design
environmentally sustainable, context-sensitive transportation systems.
Modifies the stewardship goal such that the goal is expressed as
seeking to continuously improve the quality, effectiveness, and
efficiency of the transportation system.

Requires that the objectives and performance measures developed by
the Office of Financial Management be submitted to the Legislature for
its review. Requires that the reports on attaining the new policy
goals be submitted by the Office of Financial Management, not the
Transportation Commission.

Provides for the dissolution and termination of a city
transportation authority if certain conditions are met.

--- END ---