
HOUSE BILL 2282

State of Washington 60th Legislature 2007 Regular Session

By Representatives Clibborn, Jarrett and Upthegrove

Read first time 02/16/2007. Referred to Committee on Transportation.

1 AN ACT Relating to regional transportation governance; and amending
2 RCW 36.73.020, 36.120.030, 36.120.070, and 81.112.030.

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

4 **Sec. 1.** RCW 36.73.020 and 2006 c 311 s 25 are each amended to read
5 as follows:

6 (1) The legislative authority of a county or city may establish a
7 transportation benefit district within the county or city area or
8 within the area specified in subsection (2) of this section, for the
9 purpose of acquiring, constructing, improving, providing, and funding
10 a transportation improvement within the district that is consistent
11 with any existing state, regional, and local transportation plans and
12 necessitated by existing or reasonably foreseeable congestion levels.
13 The transportation improvements shall be owned by the county of
14 jurisdiction if located in an unincorporated area, by the city of
15 jurisdiction if located in an incorporated area, or by the state in
16 cases where the transportation improvement is or becomes a state
17 highway. However, if deemed appropriate by the governing body of the
18 transportation benefit district, a transportation improvement may be
19 owned by a participating port district or transit district, unless

1 otherwise prohibited by law. Transportation improvements shall be
2 administered and maintained as other public streets, roads, highways,
3 and transportation improvements. To the extent practicable, the
4 district shall consider the following criteria when selecting
5 transportation improvements:

6 (a) Reduced risk of transportation facility failure and improved
7 safety;

8 (b) Improved travel time;

9 (c) Improved air quality;

10 (d) Increases in daily and peak period trip capacity;

11 (e) Improved modal connectivity;

12 (f) Improved freight mobility;

13 (g) Cost-effectiveness of the investment;

14 (h) Optimal performance of the system through time; and

15 (i) Other criteria, as adopted by the governing body.

16 (2) Subject to subsection (6) of this section, the district may
17 include area within more than one county, city, port district, county
18 transportation authority, or public transportation benefit area, if the
19 legislative authority of each participating jurisdiction has agreed to
20 the inclusion as provided in an interlocal agreement adopted pursuant
21 to chapter 39.34 RCW. However, the boundaries of the district need not
22 include all territory within the boundaries of the participating
23 jurisdictions comprising the district.

24 (3) The members of the legislative authority proposing to establish
25 the district, acting ex officio and independently, shall constitute the
26 governing body of the district: PROVIDED, That where a district
27 includes area within more than one jurisdiction under subsection (2) of
28 this section, the district shall be governed under an interlocal
29 agreement adopted pursuant to chapter 39.34 RCW. However, the
30 governing body shall be composed of at least five members including at
31 least one elected official from the legislative authority of each
32 participating jurisdiction.

33 (4) The treasurer of the jurisdiction proposing to establish the
34 district shall act as the ex officio treasurer of the district, unless
35 an interlocal agreement states otherwise.

36 (5) The electors of the district shall all be registered voters
37 residing within the district.

1 (6) Prior to December 1, (~~2007~~) 2009, the authority under this
2 section, regarding the establishment of or the participation in a
3 district, shall not apply to:

4 (a) Counties with a population greater than one million five
5 hundred thousand persons and any adjoining counties with a population
6 greater than five hundred thousand persons;

7 (b) Cities with any area within the counties under (a) of this
8 subsection; and

9 (c) Other jurisdictions with any area within the counties under (a)
10 of this subsection.

11 **Sec. 2.** RCW 36.120.030 and 2006 c 311 s 5 are each amended to read
12 as follows:

13 Regional transportation investment district planning committees are
14 advisory entities that are created, convened, and empowered as follows:

15 (1) A county with a population over one million five hundred
16 thousand persons and any adjoining counties with a population over five
17 hundred thousand persons may create a regional transportation
18 investment district and shall convene a regional transportation
19 investment district planning committee.

20 (a) The boundaries of the district should include at least the
21 contiguous areas within the regional transit authority serving the
22 counties. The boundaries must be proposed by the planning committee
23 and approved by the county legislative authorities by ordinance before
24 or in conjunction with approval of a regional transportation investment
25 plan. Boundaries must follow complete parcels of land. However, any
26 portion of a county that is located on a peninsula shall be exempt from
27 a regional transportation investment district in which more than one
28 county is included if (i) the portion of the county located on the
29 peninsula is connected to the other portion of the county by a bridge
30 improved under chapter 47.46 RCW, and (ii) the county has a national
31 park and a population of more than five hundred thousand persons, but
32 less than one million five hundred thousand persons.

33 (b) After voters within the district boundaries have approved a
34 plan under RCW 36.120.070, elections to add areas to the district
35 boundaries may be called by a resolution of the board, after
36 consultation with the regional transportation planning organization and
37 affected transit agencies and with the concurrence of the legislative

1 authority of the city or town if the area is incorporated or with the
2 concurrence of the county legislative authority if the area is
3 unincorporated. The election may include a single ballot measure
4 providing annexation to the district, approval of the plan, and
5 approval of revenue sources necessary to finance the plan. The
6 electorate are the voters voting within the proposed area to be
7 annexed. A simple majority of the persons voting on the single ballot
8 measure is required for approval of the measure.

9 (2) The members of the legislative authorities participating in
10 planning under this chapter shall serve as the district planning
11 committee. Members of the planning committee receive no compensation,
12 but may be reimbursed for travel and incidental expenses as the
13 planning committee deems appropriate.

14 The secretary of transportation, or the appropriate regional
15 administrator of the department, as named by the secretary, shall serve
16 on the committee as a nonvoting member.

17 (3) A regional transportation investment district planning
18 committee may be entitled to state funding, as appropriated by the
19 legislature, for start-up funding to pay for salaries, expenses,
20 overhead, supplies, and similar expenses ordinarily and necessarily
21 incurred in selecting transportation projects and funding for those
22 transportation projects under this chapter. Upon creation of a
23 regional transportation investment district, the district shall within
24 one year reimburse the state for any sums advanced for these start-up
25 costs from the state.

26 (4) The planning committee shall conduct its affairs and formulate
27 a regional transportation investment plan as provided under RCW
28 36.120.040, except that it shall elect an executive board of seven
29 members to discharge the duties of the planning committee and formulate
30 a regional transportation investment plan, subject to the approval of
31 the full committee.

32 (5) At its first meeting, a regional transportation investment
33 district planning committee may elect officers and provide for the
34 adoption of rules and other operating procedures.

35 (6) Governance of and decisions by a regional transportation
36 investment district planning committee must be by a sixty-percent
37 weighted majority vote of the total membership.

1 (7) The planning committee may dissolve itself at any time by a
2 two-thirds weighted majority vote of the total membership of the
3 planning committee.

4 (8) If a multicounty regional transportation investment district is
5 not formed by December 1, ((2007)) 2009, through approval by the voters
6 voting on a regional transportation investment plan, then the authority
7 under this chapter to create a district, and to fund and construct
8 transportation projects, shall be available to each of the eligible
9 counties described in subsection (1) of this section on an individual
10 and independent basis.

11 **Sec. 3.** RCW 36.120.070 and 2006 c 311 s 8 are each amended to read
12 as follows:

13 (1) Beginning no sooner than the 2007 general election, two or more
14 contiguous county legislative authorities, or a single county
15 legislative authority as provided under RCW 36.120.030(8), upon receipt
16 of the regional transportation investment plan under RCW 36.120.040,
17 may submit to the voters of the proposed district a single ballot
18 ((measure)) proposition that approves formation of the district,
19 approves the regional transportation investment plan, and approves the
20 revenue sources necessary to finance the plan. For a county to
21 participate in the plan, the county legislative authority shall, within
22 ninety days after receiving the plan, adopt an ordinance indicating the
23 county's participation. The planning committee may draft the ballot
24 ((measure)) proposition on behalf of the county legislative
25 authorities, and the county legislative authorities may give notice as
26 required by law for ballot ((measures)) propositions, and perform other
27 duties as required to submit the ((measure)) proposition to the voters
28 of the proposed district for their approval or rejection. Counties may
29 negotiate interlocal agreements necessary to implement the plan. The
30 electorate will be the voters voting within the boundaries of the
31 proposed district. A simple majority of the total persons voting on
32 the single ballot ((measure)) proposition is required for approval.

33 (2) In conjunction with RCW 81.112.030(10), at the 2007 general
34 election the participating counties shall submit a regional
35 transportation investment plan on the same ballot along with a
36 proposition to support additional implementation phases of the
37 authority's system and financing plan developed under chapter 81.112

1 RCW. The plan shall not be considered approved unless voters also
2 approve the proposition to support additional implementation phases of
3 the authority's system and financing plan.

4 (3) If the joint November 2007 ballot proposition established under
5 subsection (2) of this section is not approved by the voters, the
6 participating counties shall, beginning at the November 2009 general
7 election, submit to the voters a regional transportation investment
8 plan as part of a single ballot proposition that includes, in
9 conjunction with RCW 81.112.030(10), a plan to support an authority's
10 system and financing plan, or additional implementation phases of the
11 system and financing plan, developed under chapter 81.112 RCW. The
12 regional transportation investment plan shall not be considered
13 approved unless both a majority of the persons voting on the
14 proposition residing within the proposed district vote in favor of the
15 proposition and a majority of the persons voting on the proposition
16 residing within the regional transit authority vote in favor of the
17 proposition.

18 **Sec. 4.** RCW 81.112.030 and 2006 c 311 s 12 are each amended to
19 read as follows:

20 Two or more contiguous counties each having a population of four
21 hundred thousand persons or more may establish a regional transit
22 authority to develop and operate a high capacity transportation system
23 as defined in chapter 81.104 RCW.

24 The authority shall be formed in the following manner:

25 (1) The joint regional policy committee created pursuant to RCW
26 81.104.040 shall adopt a system and financing plan, including the
27 definition of the service area. This action shall be completed by
28 September 1, 1992, contingent upon satisfactory completion of the
29 planning process defined in RCW 81.104.100. The final system plan
30 shall be adopted no later than June 30, 1993. In addition to the
31 requirements of RCW 81.104.100, the plan for the proposed system shall
32 provide explicitly for a minimum portion of new tax revenues to be
33 allocated to local transit agencies for interim express services. Upon
34 adoption the joint regional policy committee shall immediately transmit
35 the plan to the county legislative authorities within the adopted
36 service area.

1 (2) The legislative authorities of the counties within the service
2 area shall decide by resolution whether to participate in the
3 authority. This action shall be completed within forty-five days
4 following receipt of the adopted plan or by August 13, 1993, whichever
5 comes first.

6 (3) Each county that chooses to participate in the authority shall
7 appoint its board members as set forth in RCW 81.112.040 and shall
8 submit its list of members to the secretary of the Washington state
9 department of transportation. These actions must be completed within
10 thirty days following each county's decision to participate in the
11 authority.

12 (4) The secretary shall call the first meeting of the authority, to
13 be held within thirty days following receipt of the appointments. At
14 its first meeting, the authority shall elect officers and provide for
15 the adoption of rules and other operating procedures.

16 (5) The authority is formally constituted at its first meeting and
17 the board shall begin taking steps toward implementation of the system
18 and financing plan adopted by the joint regional policy committee. If
19 the joint regional policy committee fails to adopt a plan by June 30,
20 1993, the authority shall proceed to do so based on the work completed
21 by that date by the joint regional policy committee. Upon formation of
22 the authority, the joint regional policy committee shall cease to
23 exist. The authority may make minor modifications to the plan as
24 deemed necessary and shall at a minimum review local transit agencies'
25 plans to ensure feeder service/high capacity transit service
26 integration, ensure fare integration, and ensure avoidance of parallel
27 competitive services. The authority shall also conduct a minimum
28 thirty-day public comment period.

29 (6) If the authority determines that major modifications to the
30 plan are necessary before the initial ballot proposition is submitted
31 to the voters, the authority may make those modifications with a
32 favorable vote of two-thirds of the entire membership. Any such
33 modification shall be subject to the review process set forth in RCW
34 81.104.110. The modified plan shall be transmitted to the legislative
35 authorities of the participating counties. The legislative authorities
36 shall have forty-five days following receipt to act by motion or
37 ordinance to confirm or rescind their continued participation in the
38 authority.

1 (7) If any county opts to not participate in the authority, but two
2 or more contiguous counties do choose to continue to participate, the
3 authority's board shall be revised accordingly. The authority shall,
4 within forty-five days, redefine the system and financing plan to
5 reflect elimination of one or more counties, and submit the redefined
6 plan to the legislative authorities of the remaining counties for their
7 decision as to whether to continue to participate. This action shall
8 be completed within forty-five days following receipt of the redefined
9 plan.

10 (8) The authority shall place on the ballot within two years of the
11 authority's formation, a single ballot proposition to authorize the
12 imposition of taxes to support the implementation of an appropriate
13 phase of the plan within its service area. In addition to the system
14 plan requirements contained in RCW 81.104.100(2)(d), the system plan
15 approved by the authority's board before the submittal of a proposition
16 to the voters shall contain an equity element which:

17 (a) Identifies revenues anticipated to be generated by corridor and
18 by county within the authority's boundaries;

19 (b) Identifies the phasing of construction and operation of high
20 capacity system facilities, services, and benefits in each corridor.
21 Phasing decisions should give priority to jurisdictions which have
22 adopted transit-supportive land use plans; and

23 (c) Identifies the degree to which revenues generated within each
24 county will benefit the residents of that county, and identifies when
25 such benefits will accrue.

26 A simple majority of those voting within the boundaries of the
27 authority is required for approval. If the vote is affirmative, the
28 authority shall begin implementation of the projects identified in the
29 proposition. However, the authority may not submit any authorizing
30 proposition for voter-approved taxes prior to July 1, 1993; nor may the
31 authority issue bonds or form any local improvement district prior to
32 July 1, 1993.

33 (9) If the vote on a proposition fails, the board may redefine the
34 proposition, make changes to the authority boundaries, and make
35 corresponding changes to the composition of the board. If the
36 composition of the board is changed, the participating counties shall
37 revise the membership of the board accordingly. The board may then
38 submit the revised proposition or a different proposition to the

1 voters. No single proposition may be submitted to the voters more than
2 twice. Beginning no sooner than the 2007 general election, the
3 authority may place additional propositions on the ballot to impose
4 taxes to support additional phases of plan implementation.

5 (10) (~~In conjunction with RCW 36.120.070,~~) At the 2007 general
6 election the authority shall submit a proposition to support additional
7 implementation phases of the authority's system and financing plan ((on
8 the same ballot along with a regional transportation investment plan
9 developed under chapter 36.120 RCW. The proposition shall not be
10 considered approved unless voters also approve the regional
11 transportation investment plan)) as part of a single ballot proposition
12 that includes a plan to support a regional transportation investment
13 plan developed under chapter 36.120 RCW. The authority's system and
14 financing plan shall not be considered approved unless both a majority
15 of the persons voting on the proposition residing within the authority
16 vote in favor of the proposition and a majority of the persons voting
17 on the proposition residing within the proposed regional transportation
18 investment district vote in favor of the proposition.

19 (11) If the joint November 2007 ballot proposition established in
20 subsection (10) of this section is not approved by the voters, the
21 authority shall, beginning at the November 2009 general election,
22 submit to the voters a proposition to support additional implementation
23 phases of the authority's system and financing plan as part of a single
24 ballot proposition that includes a plan to support a regional
25 transportation investment plan developed under chapter 36.120 RCW. The
26 authority's system and financing plan shall not be considered approved
27 unless both a majority of the persons voting on the proposition
28 residing within the authority vote in favor of the proposition and a
29 majority of the persons voting on the proposition residing within the
30 proposed regional transportation investment district vote in favor of
31 the proposition.

32 (12) Additional phases of plan implementation may include a
33 transportation subarea equity element which (a) identifies the combined
34 authority and regional transportation investment district revenues
35 anticipated to be generated by corridor and by county within the
36 authority's boundaries, and (b) identifies the degree to which the
37 combined authority and regional transportation investment district
38 revenues generated within each county will benefit the residents of

1 that county, and identifies when such benefits will accrue. For
2 purposes of the transportation subarea equity principle established
3 under this subsection, the authority may use the five subareas within
4 the authority's boundaries as identified in the authority's system plan
5 adopted in May 1996.

6 ((+12+)) (13) If the authority is unable to achieve a positive vote
7 on a joint ballot proposition (~~((within two years from the date of the~~
8 ~~first election on a proposition))~~ in either the November 2007 or
9 November 2009 general election, the board may, by resolution,
10 reconstitute the authority as a single-county body beginning no sooner
11 than January 1, 2010. With a two-thirds vote of the entire membership
12 of the voting members, the board may also dissolve the authority.

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