

HOUSE BILL REPORT

ESSB 6774

As Reported by House Committee On:
Transportation

Title: An act relating to transportation benefit districts.

Brief Description: Concerning transportation benefit districts.

Sponsors: Senate Committee on Transportation (originally sponsored by Senator Marr).

Brief History:

Committee Activity:

Transportation: 2/18/10, 2/24/10 [DPA].

**Brief Summary of Engrossed Substitute Bill
(As Amended by House)**

- Provides an optional, alternative governance structure for transportation benefit districts (TBD) that include territory within more than one jurisdiction, by allowing such TBDs to be governed by the governing body of a metropolitan planning organization (MPO) if the TBD and the MPO have identical boundaries.
- Clarifies that a TBD may propose to fund transportation improvements that are consistent with any existing relevant state, regional, or local transportation plan, instead of all relevant transportation plans.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 18 members: Representatives Clibborn, Chair; Liias, Vice Chair; Armstrong, Dickerson, Driscoll, Eddy, Finn, Flannigan, Johnson, Moeller, Rolfes, Sells, Simpson, Springer, Takko, Upthegrove, Williams and Wood.

Minority Report: Do not pass. Signed by 9 members: Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Ericksen, Herrera, Klippert, Kristiansen, Nealey and Shea.

Staff: Kathryn Leathers (786-7114).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Transportation Benefit District.

A transportation benefit district (TBD) is a quasi-municipal corporation and independent taxing authority that may be established by a county or city for the purpose of acquiring, constructing, improving, providing, and funding transportation improvements within the district. The proposed transportation improvement or improvements must be consistent with any existing state, regional, and local transportation plans, and must be necessitated by existing or reasonably foreseeable congestion levels. Various revenue options are available to a TBD in order to finance the improvements, most of which are subject to voter approval.

A TBD is governed by the legislative authority of the jurisdiction proposing to create it, or by a governance structure prescribed in an interlocal agreement among multiple jurisdictions. If a TBD includes an area within more than one jurisdiction, the governing body must have at least five members, including at least one elected official from each of the participating jurisdictions. Port districts and transit districts may participate in the establishment of a TBD but may not initiate TBD formation.

Metropolitan Planning Organization.

Federal law requires that urban areas having greater than 50,000 persons must establish a metropolitan planning organization (MPO). The formation of an MPO is a precondition for receiving federal highway and transit funds. Typically, the MPO designation is made by the Governor and must have the concurrence of local government officials representing 75 percent of the population within the area, including the central city. The governing body of an MPO is determined by the interlocal agreement creating the MPO. Each MPO must have a transportation policy board which must include local elected officials, officials of agencies that administer or operate major modes of transportation systems, and appropriate state officials. There are currently 11 MPOs in Washington.

Regional Transportation Planning Organization.

State law authorizes the voluntary association of governments for transportation planning purposes in the form of regional transportation planning organizations (RTPO). The purpose of an RTPO is to coordinate local comprehensive planning with state transportation planning. If formed, each RTPO must: (1) encompass at least one county; (2) have a population of at least 100,000 or contain at least three counties; and (3) have as members all counties within the region, and at least 60 percent of the cities and towns within the region representing at least 75 percent of the combined population of the cities and towns. Under state law, the federally-mandated MPOs are designated as the RTPOs. State requirements for regional transportation planning largely mirror federal requirements, and also include a requirement to certify that the transportation elements of local comprehensive plans conform with the Growth Management Act and are consistent with the regional transportation plan. Each RTPO must create a transportation policy board to provide policy advice to the RTPO. There are currently 14 RTPOs in Washington, which include every county in the state except San Juan County.

Summary of Amended Bill:

An alternative governance structure is permitted for TBDs that include territory within more than one jurisdiction (e.g., more than one city or county), such that multi-jurisdiction TBDs may be governed by the governing body of the MPO serving the TBD if the TBD and the MPO have identical boundaries.

If a TBD is governed by the governing body of an MPO, only those members of the MPO that are elected officials may determine whether the district will impose or seek voter approval of any authorized taxes, charges, or fees.

It is clarified that a transportation improvement must only be consistent with any existing relevant state, regional, *or* local transportation plan, and is not required to be consistent with any existing state, regional, *and* local transportation plans.

Amended Bill Compared to Engrossed Substitute Bill:

It is established that if a TBD is governed by the governing body of an MPO, only those members of the MPO that are elected officials may determine whether the district will impose or seek voter approval of any authorized taxes, charges, or fees.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The idea behind this bill was brought forward to address transportation needs in Spokane. Some of the smaller jurisdictions that want to form a TBD do not necessarily have the planning staff that larger jurisdictions and MPOs have. The intent is that participation in a TBD that is governed by an MPO would be established and controlled by an interlocal agreement, and every jurisdiction within the boundaries of the MPO would need to agree to be included in the TBD.

(Opposed) None.

Persons Testifying: Mike Burgess, Spokane County.

Persons Signed In To Testify But Not Testifying: None.