
HOUSE BILL 2072

State of Washington 61st Legislature 2009 Regular Session

By Representatives Wallace, Clibborn, and Wood

Read first time 02/09/09. Referred to Committee on Transportation.

1 AN ACT Relating to advancing effective transportation for persons
2 with special transportation needs; amending RCW 47.06B.010, 47.06B.020,
3 47.06B.030, 47.06B.050, 36.57A.060, 35.58.2795, 36.57.070, 35.58.240,
4 81.112.030, 36.73.020, and 47.80.023; adding new sections to chapter
5 47.06B RCW; adding new sections to chapter 43.20A RCW; adding new
6 sections to chapter 43.70 RCW; adding a new section to chapter 28A.300
7 RCW; adding new sections to chapter 47.01 RCW; adding a new section to
8 chapter 36.57A RCW; adding a new section to chapter 36.57 RCW; adding
9 new sections to chapter 35.58 RCW; adding a new section to chapter
10 81.112 RCW; creating a new section; and repealing RCW 47.06B.900 and
11 47.06B.901.

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

13 **Sec. 1.** RCW 47.06B.010 and 2007 c 421 s 1 are each amended to read
14 as follows:

15 The legislature finds that transportation systems for persons with
16 special needs are not operated as efficiently as possible. In too many
17 cases, programs established by the legislature to assist persons with
18 special needs can not be accessed due to these inefficiencies and
19 coordination barriers.

1 The legislature further finds that the transportation needs of each
2 community are unique, and that transportation services may be improved
3 by establishing a system of statewide oversight that seeks input,
4 collaboration, and cooperation from and among all local service
5 providers, including public agencies, private organizations, and
6 community-based groups.

7 It is the intent of the legislature that public transportation
8 agencies, pupil transportation programs, private nonprofit
9 transportation providers, and other public agencies sponsoring programs
10 that require transportation services coordinate those transportation
11 services. Through coordination of transportation services, programs
12 will achieve increased efficiencies and will be able to provide more
13 rides to a greater number of persons with special needs.

14 **Sec. 2.** RCW 47.06B.020 and 2007 c 421 s 2 are each amended to read
15 as follows:

16 (1) The agency council on coordinated transportation is created.
17 The purpose of the council is to advance and improve accessibility to
18 and coordination of special needs transportation services statewide.
19 The council is composed of (~~ten~~) thirteen voting members and four
20 nonvoting, legislative members.

21 (2) The (~~ten~~) thirteen voting members are the superintendent of
22 public instruction or a designee, the secretary of transportation or a
23 designee, the secretary of the department of social and health services
24 or a designee, and seven members appointed by the governor as follows:

25 (a) One representative from the office of the governor;

26 (b) Three persons who are consumers of special needs transportation
27 services, which must include:

28 (i) One person designated by the executive director of the
29 governor's committee on disability issues and employment; and

30 (ii) One person who is designated by the executive director of the
31 developmental disabilities council;

32 (c) One representative from the Washington association of pupil
33 transportation;

34 (d) One representative from the Washington state transit
35 association; (~~and~~)

36 (e) One of the following:

1 (i) A representative from the community transportation association
2 of the Northwest; or

3 (ii) A representative from the community action council
4 association;

5 (f) One person who represents regional transportation planning
6 organizations and metropolitan planning organizations;

7 (g) One representative of brokers who provide nonemergency,
8 medically necessary trips to persons with special transportation needs
9 under the medicaid program administered by the department of social and
10 health services; and

11 (h) One representative of the state association of counties.

12 (3) The four nonvoting members are legislators as follows:

13 (a) Two members from the house of representatives, one from each of
14 the two largest caucuses, appointed by the speaker of the house of
15 representatives, including at least one member from the house
16 transportation policy and budget committee or the house appropriations
17 committee; and

18 (b) Two members from the senate, one from each of the two largest
19 caucuses, appointed by the president of the senate, including at least
20 one member from the senate transportation committee or the senate ways
21 and means committee.

22 (4) Gubernatorial appointees of the council will serve two-year
23 terms. Members may not receive compensation for their service on the
24 council, but will be reimbursed for actual and necessary expenses
25 incurred in performing their duties as members as set forth in RCW
26 43.03.220.

27 ~~(5) ((The secretary of transportation or a designee shall serve as~~
28 ~~the chair))~~ The council shall vote on an annual basis to elect one of
29 its voting members to serve as chair. The position of chair must
30 rotate among the represented agencies, associations, and interest
31 groups at least every two years. If the position of chair is vacated
32 for any reason, the secretary of transportation or the secretary's
33 designee shall serve as acting chair until the next regular meeting of
34 the council, at which time the members will elect a chair.

35 (6) The council shall periodically assess its membership to ensure
36 that there exists a balanced representation of persons with special
37 transportation needs and providers of special transportation needs

1 services. Recommendations for modifying the membership of the council
2 must be included in the council's biennial report to the legislature as
3 provided in RCW 47.06B.050.

4 ~~((+6))~~ (7) The department of transportation shall provide
5 necessary staff support for the council.

6 ~~((+7))~~ (8) The council may receive gifts, grants, or endowments
7 from public or private sources that are made from time to time, in
8 trust or otherwise, for the use and benefit of the purposes of the
9 council and spend gifts, grants, or endowments or income from the
10 public or private sources according to their terms, unless the receipt
11 of the gifts, grants, or endowments violates RCW 42.17.710.

12 ~~((+8))~~ (9) The meetings of the council must be open to the public,
13 with the agenda published in advance, and minutes kept and made
14 available to the public. The public notice of the meetings must
15 indicate that accommodations for persons with disabilities will be made
16 available upon request.

17 ~~((+9))~~ (10) All meetings of the council must be held in locations
18 that are readily accessible to public transportation, and must be
19 scheduled for times when public transportation is available.

20 ~~((+10))~~ (11) The council shall make an effort to include
21 presentations by and work sessions including persons with special
22 transportation needs.

23 **Sec. 3.** RCW 47.06B.030 and 2007 c 421 s 3 are each amended to read
24 as follows:

25 ~~((+1))~~ To assure implementation of an effective system of
26 coordinated transportation that meets the needs of persons with special
27 transportation needs, the agency council on coordinated transportation
28 shall:

29 (1) Consistent with the policy goals set forth in RCW 47.04.280,
30 propose statewide policies and objectives, subject to enactment by the
31 legislature, that are designed to advance the coordination of and to
32 increase efficiencies in special needs transportation services;

33 (2) Adopt a biennial work plan that must, at a minimum:

34 (a) Focus on projects that identify and address barriers in laws,
35 policies, and procedures;

36 (b) Focus on results; ~~((and))~~

1 (c) Identify and advocate for transportation system improvements
2 for persons with special transportation needs(~~(-~~

3 ~~(2) The council shall,~~); and

4 (d) Establish benchmarks and goals designed to assist local
5 coordinating coalitions and community access managers in advancing
6 their efforts to achieve their goals and objectives, as provided in
7 sections 6 and 10 of this act;

8 (3) Collaborate with and monitor the efforts of the local
9 coordinating coalitions and community access managers established under
10 sections 6 and 10 of this act;

11 (4) Establish uniform measurable outcome-based performance
12 objectives and measures for evaluating:

13 (a) The effectiveness of any grant programs administered by the
14 council;

15 (b) The council's progress made toward accomplishing its overall
16 objectives;

17 (c) In collaboration with local coordinating coalitions established
18 under section 6 of this act, the progress made in each region toward
19 advancing coordination of and accessibility to special needs
20 transportation services;

21 (5) Provide input and recommendations to local and regional
22 planning organizations for advancing special needs coordinated
23 transportation;

24 (6) Appoint members to local coordinating coalitions, as provided
25 in section 6 of this act;

26 (7) Designate community access managers, as provided in section 9
27 of this act;

28 (8) Beginning with the 2009-2011 biennial transportation budget,
29 and at the request of the department, review and assess applications
30 made for state paratransit/special needs grants, as provided in section
31 223(1), chapter 121, Laws of 2008, or other special needs
32 transportation grants administered by the department;

33 (9) As necessary, convene work groups at the state, regional, or
34 local level to develop and implement coordinated approaches to special
35 needs transportation(~~(-~~

36 ~~(3))~~);

37 (10) To improve the service experienced by persons with special
38 transportation needs, (~~the council shall~~) develop statewide

1 guidelines for customer complaint processes so that information about
2 policies regarding the complaint processes is available consistently
3 and consumers are appropriately educated about available options. To
4 be eligible for funding on or after January 1, 2008, organizations
5 applying for state paratransit/special needs grants as described in
6 section 226(1), chapter 370, Laws of 2006 must implement a process
7 following the guidelines established by the council(~~(-~~

8 ~~(4) The council shall~~); and

9 (11) Represent the needs and interests of persons with special
10 transportation needs in statewide efforts for emergency and disaster
11 preparedness planning by advising the emergency management council on
12 how to address transportation needs for high-risk individuals during
13 and after disasters.

14 NEW SECTION. Sec. 4. A new section is added to chapter 47.06B RCW
15 to read as follows:

16 The legislature acknowledges that successful models of coordination
17 among service providers recognize that cost accounting and cost
18 allocation are integral components in meeting the statutory obligations
19 of the various funding sources that may be used to support the purchase
20 of services from special needs transportation service providers. To
21 that end, the agency council on coordinated transportation shall:

22 (1) Develop and adopt common service definitions;

23 (2) Develop uniform performance and cost reporting systems; and

24 (3) In cooperation with the department of social and health
25 services and the Washington state patrol, make progress toward the goal
26 of establishing a single clearinghouse for driver background checks
27 within the department of social and health services or another
28 appropriate agency. To that end, the council shall, at a minimum:

29 (a) Review any previous relevant studies;

30 (b) Identify and collaborate with agencies engaged in background
31 check analysis; and

32 (c) Develop a work plan to achieve the objectives identified in
33 this subsection.

34 **Sec. 5.** RCW 47.06B.050 and 2007 c 421 s 6 are each amended to read
35 as follows:

36 (1) The agency council on coordinated transportation shall submit

1 a progress report (~~on council activities~~) to the legislature by
2 December 1, 2009, and every other year thereafter. The report must
3 describe the council's progress in achieving its objectives and in
4 attaining the applicable goals identified in the council's biennial
5 work plan and highlight any problems encountered in achieving these
6 goals. The report must also describe: The progress of local
7 coordinating coalitions, established in section 6 of this act, in
8 advancing local transportation initiatives and programs and in
9 addressing local and regional connectivity needs; the performance and
10 progress of community access managers established under section 10 of
11 this act; and the council's efforts made in achieving the tasks and
12 goals set forth in section 4 of this act. The information will be
13 reported in a form established by the council.

14 (2) If a local coordinating coalition established under section 6
15 of this act submits a report to the council that identifies local
16 service needs and strategies to address those needs, the council shall
17 transmit the report to the appropriate local and regional planning
18 organizations.

19 NEW SECTION. Sec. 6. A new section is added to chapter 47.06B RCW
20 to read as follows:

21 (1) A local coordinating coalition is created in each nonemergency
22 medical transportation brokerage region designated by the department of
23 social and health services. The purpose of a local coordinating
24 coalition is to advance local efforts to coordinate and maximize
25 efficiencies in special needs transportation programs and services,
26 contributing to the overall objectives and goals of the agency council
27 on coordinated transportation. The local coordinating coalition shall
28 serve in an advisory capacity to the agency council on coordinated
29 transportation by providing the council with a focused and ongoing
30 assessment of the special transportation needs and services provided
31 within its region.

32 (2) The composition and size of each local coordinating coalition
33 may vary by region, but total membership of each single coalition may
34 not exceed seven and total membership of each joint coalition, as
35 provided under subsection (3) of this section, may not exceed thirteen.
36 Local coordinating coalition members, appointed by the chair of the

1 agency council on coordinated transportation to two-year terms, must
2 reflect a balanced representation of the region's providers of special
3 needs transportation services and must include:

4 (a) A representative of the largest public transit agency serving
5 the region;

6 (b) A representative of private service providers;

7 (c) A representative of civic or community-based service providers;

8 (d) A consumer of special needs transportation services;

9 (e) A representative of nonemergency medical transportation
10 medicaid brokers; and

11 (f) A representative of social and human service programs.

12 (3) Once established, two or more coalitions formed in brokerage
13 regions described in subsection (1) of this section may agree to form
14 a single, joint coalition if:

15 (a) The coalitions are either:

16 (i) Part of a contiguous area; or

17 (ii) Partly or fully located within an area served by the same
18 regional transportation planning organization, as provided in chapter
19 47.80 RCW; and

20 (b) The formation of a single, joint coalition is agreed to by a
21 majority of the members of each coalition.

22 (4) Each coalition shall vote on an annual basis to elect one of
23 its members to serve as chair. The position of chair must rotate among
24 the represented members at least every two years. If the position of
25 chair is vacated for any reason, the member representing the largest
26 public transit agency serving the region shall serve as acting chair
27 until the next regular meeting of the coalition, at which time the
28 members will elect a chair.

29 (5) The regional transportation planning organization, as described
30 in chapter 47.80 RCW, serving the region in which the local
31 coordinating coalition is created shall provide necessary staff support
32 for the local coordinating coalition. In regions served by more than
33 one regional transportation planning organization, unless otherwise
34 agreed to by the relevant planning organizations, the regional
35 transportation planning organization serving the largest population
36 within the region shall provide the necessary staff support.

37 (6) Meetings of the local coordinating coalition may be convened at
38 the call of the chair or by a majority of the members. Meetings must

1 be open to the public, with the agenda published in advance, and
2 minutes kept and made available to the public. Public notice of the
3 meetings must indicate that accommodations for persons with
4 disabilities will be made available upon request. In addition,
5 meetings of the coalition must be held in locations that are readily
6 accessible to public transportation, and must be scheduled for times
7 when public transportation is available.

8 NEW SECTION. **Sec. 7.** A new section is added to chapter 47.06B RCW
9 to read as follows:

10 (1) Local coordinating coalitions shall:

11 (a) Identify, to the greatest extent possible and in collaboration
12 with the appropriate community access manager or managers established
13 under section 10 of this act, all local transportation facilities,
14 services, and providers serving persons with special transportation
15 needs in the region, including public transit agencies, private
16 companies, nonprofit organizations, and community-based groups. For
17 each service provider, the coalition shall identify the boundaries
18 within which services are provided;

19 (b) Identify local service needs, including connectivity gaps and
20 other barriers to reliable and efficient transportation within and
21 across service boundaries;

22 (c) Consider strategies to address the local service needs
23 identified in (b) of this subsection;

24 (d) Collaborate with local service providers and operators to
25 identify and propose common connectivity standards. The connectivity
26 standards must, at a minimum, address signage, transit information,
27 schedule coordination, and services provided to address access to and
28 from a transit stop or facility;

29 (e) When practicable, advance local coordination initiatives,
30 programs, and projects; and

31 (f) Assess service providers at least on an annual basis, using
32 performance objectives and measures established in collaboration with,
33 and approved by, the agency council on coordinated transportation.

34 (2) Local coordinating coalitions shall convene public meetings at
35 least quarterly and provide an opportunity for public comment at the
36 meetings. Public notice of the meetings must indicate that
37 accommodations for persons with disabilities will be made available

1 upon request. All meetings of the coalition must be held in locations
2 that are readily accessible to public transportation, and must be
3 scheduled for times when public transportation is available.

4 NEW SECTION. **Sec. 8.** A new section is added to chapter 47.06B RCW
5 to read as follows:

6 In addition to the duties identified in sections 6 and 7 of this
7 act, a local coordinating coalition shall:

8 (1) By December 1, 2010, submit its first annual report to the
9 agency council on coordinated transportation on the local coordinating
10 coalition's efforts to advance local coordination initiatives and
11 programs. The report must include a detailed explanation of progress
12 made toward the goals and duties established in section 7 of this act.
13 By November 1st of each year thereafter, the local coordinating
14 coalition shall submit an annual report to the council that must
15 include:

16 (a) Identified connectivity gaps and, to the greatest extent
17 possible, strategies to address those gaps;

18 (b) Any recommendations related to statewide policies adopted by
19 the council; and

20 (c) A performance analysis of the region's community access manager
21 based on the uniform measurable outcome-based performance objectives
22 and measures established by the council under RCW 47.06B.030.

23 (2) Submit periodic reports, as needed, to the agency council on
24 coordinated transportation updating the list of identified
25 transportation services, facilities, and providers.

26 NEW SECTION. **Sec. 9.** A new section is added to chapter 47.06B RCW
27 to read as follows:

28 (1) By July 1, 2010, the agency council on coordinated
29 transportation shall establish, after consultation with appropriate
30 agencies and transportation providers, a competitive solicitation and
31 procurement process consistent with the requirements of chapter 39.29
32 RCW for the purpose of designating a community access manager in each
33 transportation brokerage region as described in section 6 of this act.

34 (2) The agency council on coordinated transportation shall publish
35 at least once in a legal newspaper of general circulation that is
36 published in, or as near as possible to, the region in which the public

1 work will be done, a notice of the council's requests for
2 qualifications from community access manager applicants. The request
3 for qualifications must include, at a minimum:

4 (a) A general description of the duties and responsibilities of a
5 community access manager;

6 (b) A description of the specific level and type of services
7 required to serve the clients of the agencies serving persons with
8 special transportation needs within the region;

9 (c) A description of the qualifications required of the applicant;

10 (d) A description of the process that the public body will use to
11 evaluate qualifications, including evaluation factors and the relative
12 weight of factors and any specific forms to be used by the applicants;
13 and

14 (e) The schedule for the procurement process.

15 (3) The agency council on coordinated transportation shall
16 establish an evaluation committee to evaluate the responses to the
17 request for qualifications. The committee may solely reject all
18 applicants and shall provide its reasons for rejection in writing to
19 all applicants. After consultation with the appropriate local
20 coordinating coalitions as described under section 6 of this act and
21 other relevant public agencies, planning organizations, providers, or
22 users of the system, the committee shall recommend to the council not
23 more than two finalists. The list of finalists, along with the
24 recommendations from the local coordinating coalitions, must be
25 submitted to the full council for making final determinations.

26 (4) Subject to (a) of this subsection, after reviewing the
27 evaluation committee's selected finalists and related documentation,
28 the agency council on coordinated transportation shall designate a
29 finalist applicant as the community access manager in the designated
30 region. In making this final determination, the recommendations from
31 the local coordinating coalitions must be given substantial deference.

32 (a) The council may solely reject all applicants and shall provide
33 its reasons for rejection in writing.

34 (b) Once final designations have been made, the council shall enter
35 into a renewable memorandum of understanding with each successful
36 applicant. The memorandum of understanding must specify the roles and
37 responsibilities of the community access managers, including roles and

1 responsibilities related to other service providers, state agency
2 sponsors and purchasers of service, and the local coordinating
3 coalition in the region.

4 (5) The agency council on coordinated transportation may delegate
5 any or all responsibility for the procurement process to the
6 departments of social and health services, transportation, or general
7 administration. Once designated, community access managers are
8 responsible for coordinating and providing community transportation
9 services within their designated regions.

10 (6) The agency council on coordinated transportation shall review
11 and assess the performance of the designated community access managers
12 annually for the purpose of conducting performance evaluations based on
13 the performance objectives and measures adopted under RCW 47.06B.030.

14 NEW SECTION. **Sec. 10.** A new section is added to chapter 47.06B
15 RCW to read as follows:

16 (1) Subject to the requirements of section 9 of this act, a
17 community access manager is established in each nonemergency medical
18 transportation brokerage region as designated by the department of
19 social and health services.

20 (2) The purpose of a community access manager is, in cooperation
21 with the agency council on coordinated transportation, appropriate
22 local coordinating coalition or coalitions, and relevant transportation
23 service providers, to coordinate community special needs transportation
24 services within the designated region. In addition to coordinating
25 services, the community access manager may also provide special needs
26 transportation services within the designated region. The community
27 access manager must seek to improve the coordination of and
28 accessibility to transportation services for persons with special
29 transportation needs.

30 (3) To achieve the objectives identified in subsection (2) of this
31 section, each community access manager must work with the local
32 coordinating coalition to identify the transportation needs and all
33 transportation services providers within the region. Once identified,
34 the community access manager shall:

35 (a) Subject to the requirements of this subsection, contract with
36 appropriate transportation services providers to provide for the
37 identified needs and level of service;

1 (b) Coordinate the efforts of transportation services providers to
2 maximize efficiencies;

3 (c) Once established by the agency council on coordinated
4 transportation, adopt and use:

5 (i) Common service definitions as provided in section 4 of this
6 act, and include in each service provider contract a provision that
7 requires each service provider to adopt and use those service
8 definitions;

9 (ii) A uniform performance and cost reporting system developed
10 under section 4 of this act; and

11 (e) Establish a process that allows clients to comment on the
12 system and transportation services provided. Comments must be provided
13 to the appropriate local coordinating coalition or coalitions.

14 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.20A
15 RCW to read as follows:

16 The department shall provide each client who is a person with
17 special transportation needs, as defined in RCW 47.06B.012, with
18 printed materials identifying the transportation services, facilities,
19 and providers serving the region in which the client resides. The
20 materials must include all relevant information gathered by the
21 department of transportation under section 16 of this act and, if
22 available, instructions on how to access the department of
23 transportation's statewide transportation web site.

24 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.20A
25 RCW to read as follows:

26 Subsequent to the designation of community access managers
27 described under section 10 of this act, and subject to the terms of any
28 existing contract for regional special needs transportation services,
29 the department shall contract with the community access managers
30 designated by the agency council on coordinated transportation, as
31 provided in chapter 47.06B RCW, to provide transportation services to
32 eligible clients.

33 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.70 RCW
34 to read as follows:

35 The department shall provide each client who is a person with

1 special transportation needs, as defined in RCW 47.06B.012, with
2 printed materials identifying the transportation services, facilities,
3 and providers serving the region in which the client resides. The
4 materials must include all relevant information gathered by the
5 department of transportation under section 16 of this act and, if
6 available, instructions on how to access the department of
7 transportation's statewide transportation web site.

8 NEW SECTION. **Sec. 14.** A new section is added to chapter 43.70 RCW
9 to read as follows:

10 Subsequent to the designation of community access managers
11 described under section 10 of this act, and subject to the terms of any
12 existing contract for regional special needs transportation services,
13 the department shall contract with the community access managers
14 designated by the agency council on coordinated transportation, as
15 provided in chapter 47.06B RCW, to provide transportation services to
16 eligible clients.

17 NEW SECTION. **Sec. 15.** A new section is added to chapter 28A.300
18 RCW to read as follows:

19 By December 31, 2010, the office of the superintendent of public
20 instruction shall establish a uniform process designed to track the
21 additional expenditures for transporting homeless students, including
22 expenditures required under the McKinney Vento act, reauthorized as
23 Title X, Part C, of the no child left behind act, P.L. 107-110, in
24 January 2002. Once established, the superintendent shall adopt the
25 necessary administrative rules to direct each school district to adopt
26 and use the process and track these expenditures. The superintendent
27 shall provide information annually to the agency council on coordinated
28 transportation, as described in chapter 47.06B RCW, on total
29 expenditures related to the transportation of homeless students.

30 NEW SECTION. **Sec. 16.** A new section is added to chapter 47.01 RCW
31 to read as follows:

32 The department shall serve as the state's center for the collection
33 of information and available special needs transportation services and
34 providers. In providing this service, the department shall:

1 (1) Establish and maintain an updated web site with statewide
2 information regarding transportation facilities and service providers;

3 (2) Work with the local coordinating coalitions and community
4 access managers described under sections 6 and 10 of this act, and
5 other relevant public and private transportation providers, to identify
6 special needs transportation services, facilities, and providers
7 statewide; and

8 (3) Periodically provide information to the department of social
9 and health services and the department of health that identifies
10 transportation services, facilities, providers, and other resources
11 available to those with special transportation needs, in a format and
12 manner jointly agreed to by the agencies.

13 NEW SECTION. **Sec. 17.** A new section is added to chapter 36.57A
14 RCW to read as follows:

15 A public transportation benefit area shall work collaboratively
16 with the appropriate local coordinating coalition or coalitions as
17 described under section 6 of this act and the appropriate community
18 access manager or managers described under section 10 of this act to
19 advance the coordination of and maximize efficiencies in transportation
20 services provided to persons with special transportation needs as
21 defined in RCW 47.06B.012.

22 **Sec. 18.** RCW 36.57A.060 and 1975 1st ex.s. c 270 s 16 are each
23 amended to read as follows:

24 The public transportation benefit area authority authorized
25 pursuant to RCW 36.57A.050 shall develop a comprehensive transit plan
26 for the area. Such plan shall include, but not be limited to, the
27 following elements:

28 (1) The levels of transit service that can be reasonably provided
29 for various portions of the benefit area.

30 (2) The funding requirements, including local tax sources, state
31 and federal funds, necessary to provide various levels of service
32 within the area.

33 (3) The impact of such a transportation program on other transit
34 systems operating within that county or adjacent counties.

35 (4) The future enlargement of the benefit area or the consolidation
36 of such benefit area with other transit systems.

1 (5) The specific steps that the benefit area will take to advance
2 and maximize efficiencies in special needs coordinated transportation
3 as defined in RCW 47.06B.012. This element must also address
4 opportunities to share resources and otherwise collaborate with other
5 transit systems operating within that area or adjacent jurisdictions.

6 **Sec. 19.** RCW 35.58.2795 and 1994 c 158 s 6 are each amended to
7 read as follows:

8 By April 1st of each year, the legislative authority of each
9 municipality, as defined in RCW 35.58.272, and each regional transit
10 authority shall prepare a six-year transit development plan for that
11 calendar year and the ensuing five years. The program shall be
12 consistent with the comprehensive plans adopted by counties, cities,
13 and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the
14 inherent authority of a first-class city or charter county derived from
15 its charter, or chapter 36.70A RCW. The program shall contain
16 information as to how the municipality intends to meet state and local
17 long-range priorities for public transportation, capital improvements,
18 significant operating changes planned for the system, coordination of
19 transportation for persons with special transportation needs as defined
20 in RCW 47.06B.012, and how the municipality intends to fund program
21 needs. The six-year plan for each municipality and regional transit
22 authority shall specifically set forth those projects of regional
23 significance for inclusion in the transportation improvement program
24 within that region and identify those projects that will advance the
25 coordination of or increase efficiencies in special needs
26 transportation. Each municipality and regional transit authority shall
27 file the six-year program with the state department of transportation,
28 the transportation improvement board, and cities, counties, and
29 regional planning councils within which the municipality is located.

30 In developing its program, the municipality and the regional
31 transit authority shall consider those policy recommendations affecting
32 public transportation contained in the state transportation policy plan
33 approved by the state transportation commission and, where appropriate,
34 adopted by the legislature. The municipality shall conduct one or more
35 public hearings while developing its program and for each annual
36 update.

1 section 10 of this act to advance the coordination of and maximize
2 efficiencies in transportation services provided to persons with
3 special transportation needs as defined in RCW 47.06B.012; and

4 (2) Establish a plan, and periodically update the plan, that
5 identifies specific steps that the city will take to advance and
6 maximize efficiencies in special needs coordinated transportation as
7 defined in RCW 47.06B.012. The plan must also address opportunities to
8 share resources and otherwise collaborate with other transit systems
9 and transportation providers operating within the city, the county in
10 which the city is located, and adjacent counties. Prior to adoption of
11 the plan or updated plan, the city shall provide a minimum of sixty
12 days during which sufficient hearings must be held to provide
13 interested persons an opportunity to participate in the development of
14 the plan.

15 NEW SECTION. **Sec. 23.** A new section is added to chapter 35.58 RCW
16 to read as follows:

17 Metropolitan municipal corporations that provide public
18 transportation shall work collaboratively with the appropriate local
19 coordinating coalition or coalitions as described under section 6 of
20 this act and the appropriate community access manager or managers
21 described under section 10 of this act to advance the coordination of
22 and maximize efficiencies in transportation services provided to
23 persons with special transportation needs as defined in RCW 47.06B.012.

24 **Sec. 24.** RCW 35.58.240 and 1981 c 25 s 1 are each amended to read
25 as follows:

26 If a metropolitan municipal corporation shall be authorized to
27 perform the function of metropolitan transportation, it shall have the
28 following powers in addition to the general powers granted by this
29 chapter:

30 (1) To prepare, adopt, and carry out a general comprehensive plan
31 for public transportation service which will best serve the residents
32 of the metropolitan area and to amend said plan from time to time to
33 meet changed conditions and requirements. The plan must identify
34 specific steps that the metropolitan municipal corporation will take to
35 advance and maximize efficiencies in special needs coordinated
36 transportation as defined in RCW 47.06B.012. The plan must also

1 address opportunities to share resources and otherwise collaborate with
2 other transit systems and transportation providers operating within the
3 county in which the metropolitan municipal corporation was created and
4 adjacent counties.

5 (2) To acquire by purchase, condemnation, gift, or grant and to
6 lease, construct, add to, improve, replace, repair, maintain, operate,
7 and regulate the use of metropolitan transportation facilities and
8 properties within or without the metropolitan area, including systems
9 of surface, underground, or overhead railways, tramways, buses, or any
10 other means of local transportation except taxis, and including
11 escalators, moving sidewalks, or other people-moving systems, passenger
12 terminal and parking facilities and properties, and such other
13 facilities and properties as may be necessary for passenger and
14 vehicular access to and from such people-moving systems, terminal and
15 parking facilities and properties, together with all lands,
16 rights-of-way, property, equipment, and accessories necessary for such
17 systems and facilities. Public transportation facilities and
18 properties which are owned by any city may be acquired or used by the
19 metropolitan municipal corporation only with the consent of the city
20 council of the city owning such facilities. Cities are hereby
21 authorized to convey or lease such facilities to metropolitan
22 corporations or to contract for their joint use on such terms as may be
23 fixed by agreement between the city council of such city and the
24 metropolitan council, without submitting the matter to the voters of
25 such city.

26 (~~(The facilities and properties of a metropolitan public~~
27 ~~transportation system whose vehicles will operate primarily within the~~
28 ~~rights-of-way of public streets, roads, or highways, may be acquired,~~
29 ~~developed and operated without the corridor and design hearings which~~
30 ~~are required by RCW 35.58.273 for mass transit facilities operating on~~
31 ~~a separate right-of-way.))~~

32 (3) To fix rates, tolls, fares, and charges for the use of such
33 facilities and to establish various routes and classes of service.
34 Fares or charges may be adjusted or eliminated for any distinguishable
35 class of users including, but not limited to, senior citizens,
36 (~~handicapped~~) persons with disabilities, and students. Classes of
37 service and fares will be maintained in the several parts of the
38 metropolitan area at such levels as will provide, insofar as reasonably

1 practicable, that the portion of any annual transit operating deficit
2 of the metropolitan municipal corporation attributable to the operation
3 of all routes, taken as a whole, which are located within the central
4 city is approximately in proportion to the portion of total taxes
5 collected by or on behalf of the metropolitan municipal corporation for
6 transit purposes within the central city, and that the portion of such
7 annual transit operating deficit attributable to the operation of all
8 routes, taken as a whole, which are located outside the central city,
9 is approximately in proportion to the portion of such taxes collected
10 outside the central city.

11 In the event any metropolitan municipal corporation shall extend
12 its metropolitan transportation function to any area or service already
13 offered by any company holding a certificate of public convenience and
14 necessity from the Washington utilities and transportation commission
15 under RCW 81.68.040, it shall by purchase or condemnation acquire at
16 the fair market value, from the person holding the existing certificate
17 for providing the services, that portion of the operating authority and
18 equipment representing the services within the area of public
19 operation.

20 NEW SECTION. **Sec. 25.** A new section is added to chapter 81.112
21 RCW to read as follows:

22 A regional transit authority shall work collaboratively with the
23 appropriate local coordinating coalition or coalitions as described
24 under section 6 of this act and the appropriate community access
25 manager or managers described under section 10 of this act to advance
26 the coordination of and maximize efficiencies in transportation
27 services provided to persons with special transportation needs as
28 defined in RCW 47.06B.012.

29 **Sec. 26.** RCW 81.112.030 and 2007 c 509 s 3 are each amended to
30 read as follows:

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

35 The authority shall be formed in the following manner:

1 (1) The joint regional policy committee created pursuant to RCW
2 81.104.040 shall adopt a system and financing plan, including the
3 definition of the service area. This action shall be completed by
4 September 1, 1992, contingent upon satisfactory completion of the
5 planning process defined in RCW 81.104.100. The final system plan
6 shall be adopted no later than June 30, 1993. In addition to the
7 requirements of RCW 81.104.100, the plan for the proposed system shall
8 provide explicitly for a minimum portion of new tax revenues to be
9 allocated to local transit agencies for interim express services. Upon
10 adoption the joint regional policy committee shall immediately transmit
11 the plan to the county legislative authorities within the adopted
12 service area.

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

18 (3) Each county that chooses to participate in the authority shall
19 appoint its board members as set forth in RCW 81.112.040 and shall
20 submit its list of members to the secretary of the Washington state
21 department of transportation. These actions must be completed within
22 thirty days following each county's decision to participate in the
23 authority.

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

28 (5) The authority is formally constituted at its first meeting and
29 the board shall begin taking steps toward implementation of the system
30 and financing plan adopted by the joint regional policy committee. If
31 the joint regional policy committee fails to adopt a plan by June 30,
32 1993, the authority shall proceed to do so based on the work completed
33 by that date by the joint regional policy committee. Upon formation of
34 the authority, the joint regional policy committee shall cease to
35 exist. The authority may make minor modifications to the plan as
36 deemed necessary and shall at a minimum review local transit agencies'
37 plans to ensure feeder service/high capacity transit service
38 integration, ensure fare integration, ensure maximum efficiencies are

1 achieved in providing services at times and in locations that benefit
2 persons with special transportation needs as defined in RCW 47.06B.012,
3 and ensure avoidance of parallel competitive services. The authority
4 shall also conduct a minimum thirty-day public comment period.

5 (6) If the authority determines that major modifications to the
6 plan are necessary before the initial ballot proposition is submitted
7 to the voters, the authority may make those modifications with a
8 favorable vote of two-thirds of the entire membership. Any such
9 modification shall be subject to the review process set forth in RCW
10 81.104.110. The modified plan shall be transmitted to the legislative
11 authorities of the participating counties. The legislative authorities
12 shall have forty-five days following receipt to act by motion or
13 ordinance to confirm or rescind their continued participation in the
14 authority.

15 (7) If any county opts to not participate in the authority, but two
16 or more contiguous counties do choose to continue to participate, the
17 authority's board shall be revised accordingly. The authority shall,
18 within forty-five days, redefine the system and financing plan to
19 reflect elimination of one or more counties, and submit the redefined
20 plan to the legislative authorities of the remaining counties for their
21 decision as to whether to continue to participate. This action shall
22 be completed within forty-five days following receipt of the redefined
23 plan.

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

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

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

37 (c) Identifies the degree to which revenues generated within each

1 county will benefit the residents of that county, and identifies when
2 such benefits will accrue.

3 A simple majority of those voting within the boundaries of the
4 authority is required for approval. If the vote is affirmative, the
5 authority shall begin implementation of the projects identified in the
6 proposition. However, the authority may not submit any authorizing
7 proposition for voter-approved taxes prior to July 1, 1993; nor may the
8 authority issue bonds or form any local improvement district prior to
9 July 1, 1993.

10 (9) If the vote on a proposition fails, the board may redefine the
11 proposition, make changes to the authority boundaries, and make
12 corresponding changes to the composition of the board. If the
13 composition of the board is changed, the participating counties shall
14 revise the membership of the board accordingly. The board may then
15 submit the revised proposition or a different proposition to the
16 voters. No single proposition may be submitted to the voters more than
17 twice. Beginning no sooner than the 2007 general election, the
18 authority may place additional propositions on the ballot to impose
19 taxes to support additional phases of plan implementation.

20 (10) At the 2007 general election, the authority shall submit a
21 proposition to support a system and financing plan or additional
22 implementation phases of the authority's system and financing plan as
23 part of a single ballot proposition that includes a plan to support a
24 regional transportation investment plan developed under chapter 36.120
25 RCW. The authority's plan shall not be considered approved unless both
26 a majority of the persons voting on the proposition residing within the
27 authority vote in favor of the proposition and a majority of the
28 persons voting on the proposition residing within the proposed regional
29 transportation investment district vote in favor of the proposition.

30 (11) Additional phases of plan implementation may include a
31 transportation subarea equity element which (a) identifies the combined
32 authority and regional transportation investment district revenues
33 anticipated to be generated by corridor and by county within the
34 authority's boundaries, and (b) identifies the degree to which the
35 combined authority and regional transportation investment district
36 revenues generated within each county will benefit the residents of
37 that county, and identifies when such benefits will accrue. For
38 purposes of the transportation subarea equity principle established

1 under this subsection, the authority may use the five subareas within
2 the authority's boundaries as identified in the authority's system plan
3 adopted in May 1996.

4 (12) If the authority is unable to achieve a positive vote on a
5 proposition within two years from the date of the first election on a
6 proposition, the board may, by resolution, reconstitute the authority
7 as a single-county body. With a two-thirds vote of the entire
8 membership of the voting members, the board may also dissolve the
9 authority.

10 **Sec. 27.** RCW 36.73.020 and 2006 c 311 s 25 are each amended to
11 read as follows:

12 (1) The legislative authority of a county or city may establish a
13 transportation benefit district within the county or city area or
14 within the area specified in subsection (2) of this section, for the
15 purpose of acquiring, constructing, improving, providing, and funding
16 a transportation improvement within the district that is consistent
17 with any existing state, regional, and local transportation plans and
18 necessitated by existing or reasonably foreseeable congestion levels.
19 The transportation improvements shall be owned by the county of
20 jurisdiction if located in an unincorporated area, by the city of
21 jurisdiction if located in an incorporated area, or by the state in
22 cases where the transportation improvement is or becomes a state
23 highway. However, if deemed appropriate by the governing body of the
24 transportation benefit district, a transportation improvement may be
25 owned by a participating port district or transit district, unless
26 otherwise prohibited by law. Transportation improvements shall be
27 administered and maintained as other public streets, roads, highways,
28 and transportation improvements. To the extent practicable, the
29 district shall consider the following criteria when selecting
30 transportation improvements:

31 (a) Reduced risk of transportation facility failure and improved
32 safety;

33 (b) Improved travel time;

34 (c) Improved air quality;

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

36 (e) Improved modal connectivity;

37 (f) Improved freight mobility;

1 (g) Cost-effectiveness of the investment;

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

3 (i) Improved accessibility for, or other benefits to, persons with
4 special transportation needs as defined in RCW 47.06B.012; and

5 (j) Other criteria, as adopted by the governing body.

6 (2) Subject to subsection (6) of this section, the district may
7 include area within more than one county, city, port district, county
8 transportation authority, or public transportation benefit area, if the
9 legislative authority of each participating jurisdiction has agreed to
10 the inclusion as provided in an interlocal agreement adopted pursuant
11 to chapter 39.34 RCW. However, the boundaries of the district need not
12 include all territory within the boundaries of the participating
13 jurisdictions comprising the district.

14 (3) The members of the legislative authority proposing to establish
15 the district, acting ex officio and independently, shall constitute the
16 governing body of the district: PROVIDED, That where a district
17 includes area within more than one jurisdiction under subsection (2) of
18 this section, the district shall be governed under an interlocal
19 agreement adopted pursuant to chapter 39.34 RCW. However, the
20 governing body shall be composed of at least five members including at
21 least one elected official from the legislative authority of each
22 participating jurisdiction.

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

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

28 (6) Prior to December 1, 2007, the authority under this section,
29 regarding the establishment of or the participation in a district,
30 shall not apply to:

31 (a) Counties with a population greater than one million five
32 hundred thousand persons and any adjoining counties with a population
33 greater than five hundred thousand persons;

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

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

1 **Sec. 28.** RCW 47.80.023 and 2007 c 421 s 5 are each amended to read
2 as follows:

3 Each regional transportation planning organization shall have the
4 following duties:

5 (1) Prepare and periodically update a transportation strategy for
6 the region. The strategy shall address alternative transportation
7 modes and transportation demand management measures in regional
8 corridors, identify opportunities to advance special needs coordinated
9 transportation as defined in RCW 47.06B.012, and (~~shall~~) recommend
10 preferred transportation policies to implement adopted growth
11 strategies. The strategy shall serve as a guide in preparation of the
12 regional transportation plan.

13 (2) Prepare a regional transportation plan as set forth in RCW
14 47.80.030 that is consistent with county-wide planning policies if such
15 have been adopted pursuant to chapter 36.70A RCW, with county, city,
16 and town comprehensive plans, and state transportation plans.

17 (3) Certify by December 31, 1996, that the transportation elements
18 of comprehensive plans adopted by counties, cities, and towns within
19 the region reflect the guidelines and principles developed pursuant to
20 RCW 47.80.026, are consistent with the adopted regional transportation
21 plan, and, where appropriate, conform with the requirements of RCW
22 36.70A.070.

23 (4) Where appropriate, certify that county-wide planning policies
24 adopted under RCW 36.70A.210 and the adopted regional transportation
25 plan are consistent.

26 (5) Develop, in cooperation with the department of transportation,
27 operators of public transportation services and local governments
28 within the region, a six-year regional transportation improvement
29 program which proposes regionally significant transportation projects
30 and programs and transportation demand management measures. The
31 regional transportation improvement program shall be based on the
32 programs, projects, and transportation demand management measures of
33 regional significance as identified by transit agencies, cities, and
34 counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121,
35 respectively, and any recommended programs or projects identified by
36 the agency council on coordinated transportation, as provided in
37 chapter 47.06B RCW, that advance special needs coordinated
38 transportation as defined in RCW 47.06B.012. The program shall include

1 a priority list of projects and programs, project segments and
2 programs, transportation demand management measures, and a specific
3 financial plan that demonstrates how the transportation improvement
4 program can be funded. The program shall be updated at least every two
5 years for the ensuing six-year period.

6 (6) Designate a lead planning agency to coordinate preparation of
7 the regional transportation plan and carry out the other
8 responsibilities of the organization. The lead planning agency may be
9 a regional organization, a component county, city, or town agency, or
10 the appropriate Washington state department of transportation district
11 office.

12 (7) Review level of service methodologies used by cities and
13 counties planning under chapter 36.70A RCW to promote a consistent
14 regional evaluation of transportation facilities and corridors.

15 (8) Work with cities, counties, transit agencies, the department of
16 transportation, and others to develop level of service standards or
17 alternative transportation performance measures.

18 (9) Submit to the agency council on coordinated transportation, as
19 provided in chapter 47.06B RCW, beginning on July 1, 2007, and every
20 four years thereafter, an updated plan that includes the elements
21 identified by the council. Each regional transportation planning
22 organization must submit to the council every two years a prioritized
23 regional human service and transportation project list.

24 NEW SECTION. **Sec. 29.** A new section is added to chapter 47.01 RCW
25 to read as follows:

26 (1) To be eligible for funding on or after January 1, 2010, any
27 organization applying for state paratransit/special needs grants, as
28 described in section 223(1), chapter 121, Laws of 2008, or for other
29 funding provided for persons with special transportation needs, as
30 defined under RCW 47.06B.012, must include in its application, in
31 addition to meeting other eligibility requirements provided in law, an
32 explanation of how the requested funding will advance efficiencies in,
33 accessibility to, or coordination of transportation services provided
34 to persons with special transportation needs as defined in RCW
35 47.06B.012.

36 (2) Unless otherwise required by law, in administering federal
37 funding provided for special needs transportation purposes, including

1 funding under SAFETEA-LU, the safe, accountable, flexible, efficient
2 transportation equity act, P.L. 109-59, or its successor, the
3 department shall give priority to projects that result in increased
4 efficiencies in special needs transportation or improved coordination
5 among special needs transportation service providers.

6 (3) In making final grant award determinations under subsection (1)
7 of this section, the department shall seek input from the agency
8 council on coordinated transportation, as provided in chapter 47.06B
9 RCW, and shall give substantial deference to applications recommended
10 by the council.

11 NEW SECTION. **Sec. 30.** The department of social and health
12 services and the department of transportation shall jointly implement
13 or develop and implement two pilot projects to promote coordination of
14 public transit and medicaid services, and shall keep the agency council
15 on coordinated transportation, as described in chapter 47.06B RCW,
16 informed of progress made toward implementing the pilot projects. In
17 developing or implementing these projects, the department of social and
18 health services and department of transportation may collaborate with
19 other agencies and organizations as deemed appropriate. One pilot
20 project must be designed to demonstrate opportunities for cost sharing
21 among public paratransit and medicaid nonemergency medical trips. A
22 second pilot project must be designed to test the feasibility of
23 capturing the value of medicaid trips provided by public transit
24 agencies for which they are not currently reimbursed with a funding
25 match by federal medicaid dollars. By December 2011, the departments
26 and council shall issue a joint report to the transportation committees
27 of the legislature on progress made in implementing the pilot projects.

28 NEW SECTION. **Sec. 31.** The following acts or parts of acts are
29 each repealed:

- 30 (1) RCW 47.06B.900 (Council--Termination) and 2007 c 421 s 8, 1999
31 c 385 s 7, & 1998 c 173 s 6; and
- 32 (2) RCW 47.06B.901 (Repealer) and 2007 c 421 s 9, 1999 c 385 s 8,
33 & 1998 c 173 s 7.

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