
HOUSE BILL 2088

State of Washington 61st Legislature 2009 Regular Session

By Representatives Darneille, Clibborn, Morrell, Wallace, Kenney, Simpson, Wood, and Conway

Read first time 02/10/09. Referred to Committee on Transportation.

1 AN ACT Relating to improving access to facilities for persons with
2 special transportation needs; amending RCW 47.06B.040 and 47.80.023;
3 adding new sections to chapter 47.06B RCW; creating a new section; and
4 providing a contingent effective date.

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

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
7 provide more effective and efficient access to facilities and services
8 that primarily serve clients with special transportation needs. The
9 legislature recognizes that an important step in improving access is
10 strengthening the link between facility siting determinations and
11 decisions regarding transportation services provided to those
12 facilities. It is the intent of the legislature to establish a
13 coordinated effort, and to develop guidelines for both private and
14 public entities, which results in improved access to medical, social,
15 and human services facilities for persons with special transportation
16 needs.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.06B RCW
18 to read as follows:

1 (1) By January 1, 2010, the agency council on coordinated
2 transportation must appoint a work group, chaired by the office of
3 financial management, to develop criteria and guidelines described
4 under section 3 of this act to ensure better coordination between the
5 siting of state funded facilities, whether funded in part or in full,
6 which employ or provide services to a high proportion of persons with
7 special transportation needs, and access to those facilities by patrons
8 of special needs transportation providers. For purposes of this
9 section and section 3 of this act, "special needs transportation
10 providers" includes public transportation agencies, private for-profit
11 entities, private nonprofit entities, and civic and community-based
12 organizations.

13 (2) Membership of the work group includes, but is not limited to,
14 one or more representatives from:

15 (a) The departments of social and health services, health, general
16 administration, employment security, transportation, and community,
17 trade, and economic development;

18 (b) The office of financial management;

19 (c) The office of the superintendent of public instruction;

20 (d) Public transit agencies;

21 (e) Medicaid nonemergency medical transportation brokers;

22 (f) Patrons of special needs transportation;

23 (g) Appropriate care facility associations;

24 (h) Counties and cities;

25 (i) Regional transportation planning organizations; and

26 (j) The agency council on coordinated transportation.

27 (3) The work group must also consult with other persons who
28 directly provide services to special needs transportation patrons,
29 including drivers of special needs transportation vehicles and personal
30 attendants.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.06B RCW
32 to read as follows:

33 (1) In developing criteria and guidelines described under section
34 2 of this act, the work group established in section 2 of this act must
35 consider, at minimum:

36 (a) Transportation for persons with special needs as an element of

1 facility predesign and modified predesign phases, as described under
2 chapters 43.88 and 43.82 RCW, including whether this element should be
3 included in the life-cycle cost analysis of such facilities;

4 (b) The dependence of certain client populations and staff on
5 special needs transportation services to access the facilities;

6 (c) How the costs and convenience of transportation services for
7 facility users is or should be taken into account when facilities are:

8 (i) Established, contracted for, or are otherwise acquired or
9 located; and

10 (ii) Closed or divested;

11 (d) Existing and planned public and private transportation options
12 that provide service to such facilities;

13 (e) Transportation options that compensate for a lack of public
14 transportation to facilities, and costs related to those options;

15 (f) Cost reduction strategies that address facilities sited outside
16 of a public transit agency's service area;

17 (g) The impact of statutory parking requirements for housing that
18 primarily serves persons with special transportation needs on facility
19 siting decisions;

20 (h) The feasibility of allowing providers of special needs
21 transportation services an opportunity to comment on the siting of such
22 facilities in advance of siting determinations; and

23 (i) When applicable, the available transportation resources that
24 are part of the programs or services provided by a facility's occupant,
25 lessee, or contracting party.

26 (2) The work group must also identify, to the greatest extent
27 possible, improvements to medical, social, and human services
28 facilities that primarily serve persons with special transportation
29 needs that would enhance accessibility to transportation services.
30 Improvements may include, but are not limited to, accessible path of
31 travel improvements.

32 (3) By December 1, 2010, the work group must submit a report to the
33 agency council on coordinated transportation, the governor, and
34 appropriate committees of the legislature on the results of its
35 efforts. The submission must be made electronically. Appropriate
36 committees of the legislature include the transportation and human
37 services committees of the house of representatives and the senate, the
38 senate ways and means committee, and the capital budget and ways and

1 means committees of the house of representatives. The report must
2 explain the criteria and guidelines developed by the work group, and
3 must include specific recommendations to improve access to facilities
4 for persons with special transportation needs.

5 **Sec. 4.** RCW 47.06B.040 and 2007 c 421 s 4 are each amended to read
6 as follows:

7 (1) The agency council on coordinated transportation shall review
8 and recommend certification of local plans developed by regional
9 transportation planning organizations based on meeting federal
10 requirements. Each regional transportation planning organization must
11 submit to the council an updated plan that includes the elements,
12 consistent with federal planning requirements, identified by the
13 council beginning on July 1, 2007, and every four years thereafter. As
14 part of the updated plan and subject to the legislature's adoption of
15 recommendations described in section 2 of this act, beginning on July
16 1, 2011, the submission must include an element on the coordination
17 between transportation services for persons with special transportation
18 needs and existing and new locations of facilities serving persons with
19 those special transportation needs.

20 (2) Each regional transportation planning organization must submit
21 to the council every two years a prioritized regional human service and
22 transportation project list.

23 **Sec. 5.** RCW 47.80.023 and 2007 c 421 s 5 are each amended to read
24 as follows:

25 Each regional transportation planning organization shall have the
26 following duties:

27 (1) Prepare and periodically update a transportation strategy for
28 the region. The strategy shall address alternative transportation
29 modes and transportation demand management measures in regional
30 corridors and shall recommend preferred transportation policies to
31 implement adopted growth strategies. The strategy shall serve as a
32 guide in preparation of the regional transportation plan.

33 (2) Prepare a regional transportation plan as set forth in RCW
34 47.80.030 that is consistent with county-wide planning policies if such
35 have been adopted pursuant to chapter 36.70A RCW, with county, city,
36 and town comprehensive plans, and state transportation plans.

1 (3) Certify by December 31, 1996, that the transportation elements
2 of comprehensive plans adopted by counties, cities, and towns within
3 the region reflect the guidelines and principles developed pursuant to
4 RCW 47.80.026, are consistent with the adopted regional transportation
5 plan, and, where appropriate, conform with the requirements of RCW
6 36.70A.070.

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

10 (5) Develop, in cooperation with the department of transportation,
11 operators of public transportation services and local governments
12 within the region, a six-year regional transportation improvement
13 program which proposes regionally significant transportation projects
14 and programs and transportation demand management measures. The
15 regional transportation improvement program shall be based on the
16 programs, projects, and transportation demand management measures of
17 regional significance as identified by transit agencies, cities, and
18 counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121,
19 respectively. The program shall include a priority list of projects
20 and programs, project segments and programs, transportation demand
21 management measures, and a specific financial plan that demonstrates
22 how the transportation improvement program can be funded. The program
23 shall be updated at least every two years for the ensuing six-year
24 period.

25 (6) Designate a lead planning agency to coordinate preparation of
26 the regional transportation plan and carry out the other
27 responsibilities of the organization. The lead planning agency may be
28 a regional organization, a component county, city, or town agency, or
29 the appropriate Washington state department of transportation district
30 office.

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

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

37 (9) Submit to the agency council on coordinated transportation, as
38 provided in chapter 47.06B RCW, beginning on July 1, 2007, and every

1 four years thereafter, an updated plan that includes the elements
2 identified by the council. As part of the updated plan and subject to
3 the legislature's adoption of recommendations described in section 2 of
4 this act, the submission must include an element on the coordination
5 between transportation services for persons with special transportation
6 needs and existing and new locations of facilities serving regional
7 human services and other persons with special transportation needs.
8 This element must take into account a review and comment process for
9 transit agencies and other special needs transportation providers, on
10 proposed locations for those facilities. While developing this
11 element, the regional transportation planning organization must consult
12 with community access managers as established in section 10, chapter .
13 . . ., Laws of 2009 (H-1531/09), transit agencies and other special
14 transportation needs providers within the region, the appropriate local
15 coordinating councils established in section 6, chapter . . ., Laws of
16 2009 (H-1531/09), and others, as appropriate. Each regional
17 transportation planning organization must submit to the council every
18 two years a prioritized regional human service and transportation
19 project list.

20 NEW SECTION. **Sec. 6.** Section 5 of this act takes effect if
21 chapter . . ., Laws of 2009 (H-1531/09) is enacted into law.

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