

**HB 2101** - H AMD TO H AMD (2101 AMH CLIB LEAT 072) **864**  
By Representative Jarrett

1 Beginning on page 1, line 3 of the amendment, strike all  
2 material through page 4, line 24, and insert the following:

3 "NEW SECTION. **Sec. 1.** (1) In 2006, the regional  
4 transportation commission was created and tasked with evaluating  
5 transportation governance in the central Puget Sound region and  
6 directed to develop options for a new regional transportation  
7 governance proposal. The commission's 2006 report to the  
8 legislature strongly recommended creating a regional entity that  
9 has authority over the planning, prioritizing, and funding of  
10 regional transportation projects in the area.

11 (2) The existing transportation delivery system is highly  
12 fragmented. While each individual entity or agency may perform  
13 well, there is no overall political or performance accountability  
14 for the system as a whole. Implementation of a regional decision-  
15 making entity would facilitate the coordination and integration of  
16 both capital and operational planning, prioritizing, and funding,  
17 and could offer an improved method of decision-making for the Puget  
18 Sound region. Previously adopted performance measures, such as  
19 concurrency, have not resulted in reliable and predictable mobility  
20 for people and goods throughout the region. Implementation of a  
21 regional decision-making entity could assist in the development of  
22 new performance measures and expectations which lead to  
23 optimization of both existing transportation resources and future  
24 investments.

25 (3) Moving toward unification of some transportation functions  
26 and decision-making in a regional entity is a complex undertaking,  
27 requiring careful planning and consideration of existing and  
28 potential roles and responsibilities and existing and required  
29 contracts and operational challenges. The legislature finds that  
30 it is in the best interest of the citizens of the state to plan for

1 the institutional and structural changes needed to achieve a more  
2 unified approach to regional transportation.

3 (4) In moving toward structural change, it is imperative that  
4 transportation improvements that are being implemented in the Puget  
5 Sound region through the combined efforts of the transportation  
6 partnership act, the nickel package, and the Sound Move projects,  
7 and the progress being made on the joint roads and transit package  
8 required by the legislature in 2006, should be preserved and  
9 supported to avoid delays and additional cost and to maintain  
10 public confidence.

11 NEW SECTION. **Sec. 2.** IMPLEMENTATION BOARD FOR REGIONAL  
12 TRANSPORTATION. (1) An implementation board for regional  
13 transportation is created within the geographic boundaries of any  
14 regional transportation planning organization that contains a  
15 county with a population greater than one million five hundred  
16 thousand. An implementation board for regional transportation is  
17 a separate and independent authority from the regional  
18 transportation planning organization and has the same boundaries as  
19 the planning authority. The implementation board's primary purpose  
20 is to enable and assist with the transition to and creation of a  
21 regional transportation decision-making entity, as prescribed under  
22 this act.

23 (2) The implementation board for regional transportation shall  
24 consist of five voting board members. The chair of the board shall  
25 be designated by the governor. The members shall be appointed by  
26 the governor no later than July 1, 2007. Appointments of board  
27 members must reflect geographical balance and diversity of  
28 populations within the region, and include members with experience  
29 in regional transportation issues and in institutional or  
30 organizational structures and decision-making.

31  
32 NEW SECTION. **Sec. 3.** POWERS AND DUTIES The implementation  
33 board for regional transportation has the following powers and  
34 duties:

35 (1) Prepare findings, recommendations, and legislation directed  
36 toward the goal of providing for a more unified transportation  
37 system in the region, improving both political and performance  
38 accountability. The implementation board will recommend actions

1 consistent with recommendation 6 from the blue ribbon commission on  
2 transportation, dated December 2000: "Provide regions with the  
3 ability to plan, select, fund, and implement (or contract for the  
4 implementation of) projects identified to meet the region's  
5 transportation and land use goals," and with the findings of the  
6 regional transportation commission, dated December 2006. The  
7 implementation board must examine opportunities for improving  
8 transportation decision-making and for improving the reliable and  
9 predictable movement of people and goods throughout the region.  
10 The proposed legislation must make recommendations addressing the  
11 following accountability and regional decision-making issues:

12 (a) The appropriate responsibilities of a regional entity  
13 related to all modes of transportation, including ferries,  
14 highways, streets, roads, transit, rail, marine, and air, and the  
15 relationship to the existing entities or agencies responsible for  
16 these modes;

17 (b) The legal, financial, and programmatic details of any  
18 enabling legislation relating to existing local authorities, local  
19 transit agencies, and regional transit authorities;

20 (c) The responsibility for defining regional transportation  
21 goals and objectives, and the standards that the region should use  
22 to monitor achievement and performance and to ensure public  
23 accountability;

24 (d) Integration of regional planning with regional  
25 transportation planning, to ensure that the region's goals are met  
26 and that adverse externalities are minimized;

27 (e) The steps necessary for the orderly transition of existing  
28 organizations into a new entity, if required, and the steps  
29 necessary for federal approval to transition the new entity into  
30 the region's metropolitan planning organization;

31 (f) The participation mechanisms to be used to ensure adequate  
32 participation in policy development by local and regional  
33 governments; and

34 (g) Required revenue and other legal authority needed by the  
35 new entity.

36 (2) Establish a procedure, after November 15, 2007, requiring  
37 that bond issues, taxes, fees, tolls, or charges that require voter  
38 approval for mobility projects of regional significance, as defined  
39 by the implementation board for regional transportation, be

1 approved by the implementation board before placing those bond or  
2 revenue measures on a ballot for voter approval. Bond or revenue  
3 measures for mobility projects that do not constitute mobility  
4 projects of regional significance do not require implementation  
5 board approval before being placed on the ballot;

6 (3) Provide direction on reorganizing the department of  
7 transportation's existing administrative regions, such that only  
8 one administrative region is dedicated solely to supporting the  
9 central Puget Sound region, and that this administrative region  
10 coordinate, plan, and integrate project schedules and design plans  
11 with local and regional entities;

12 (4) Meet periodically, and adopt its own rules and procedures;

13 (5) Contract with appropriate professional consultants and  
14 establish legal, technical, and advisory work groups to assist in  
15 its work, as necessary;

16 (6) Contract with the department of transportation for  
17 administrative support and technical assistance;

18 (7) Authorize all expenses related to the board's work,  
19 including the members' compensation and necessary expenses; and

20 (8) The implementation board shall submit to the legislative  
21 standing transportation committees and the governor, along with any  
22 supporting material:

23 (a) By January 1, 2008, draft legislation creating a regional  
24 transportation decision-making entity, including appropriate  
25 initial powers and duties, that is comprised of nine nonpartisan  
26 members as follows: four members appointed by the governor and five  
27 elected members who represent five geographical districts,  
28 irrespective of county lines, and with district lines determined by  
29 a non-partisan commission appointed by the state supreme court; and

30 (b) By January 1, 2009:

31 (i) A status report reflecting progress made toward federal  
32 approval to transition the new entity into the region's  
33 metropolitan planning organization;

34 (ii) Findings and recommendations regarding reorganizing the  
35 department of transportation's existing administrative regions, as  
36 directed in subsection (3) of this section; and

37 (iii) Final findings and recommendations regarding the powers  
38 and duties that should be assigned to a regional transportation

1 decision-making entity, addressing the issues identified in  
2 subsection (1) of this section.

3 NEW SECTION. **Sec. 4.** PER DIEM COMPENSATION. (1) Each member  
4 of the implementation board for regional transportation may receive  
5 compensation in the amount of four hundred dollars for each day  
6 during which the member attends an official meeting of the group or  
7 performs statutorily duties approved by the chair, and  
8 reimbursement for actual necessary traveling and other expenses  
9 related to such duties. A board member may waive all or a portion  
10 of his or her compensation under this section during his or her  
11 term of office by a written waiver filed with the board.

12 (2) The implementation board may be entitled to state funding,  
13 as appropriated by the legislature, to pay for expenses incurred by  
14 the board or through contracts in carrying out the duties  
15 authorized in this act.

16 **Sec. 5.** RCW 36.120.030 and 2006 c 311 s 5 are each amended to  
17 read as follows:

18 Regional transportation investment district planning committees  
19 are advisory entities that are created, convened, and empowered as  
20 follows:

21 (1) A county with a population over one million five hundred  
22 thousand persons and any adjoining counties with a population over  
23 five hundred thousand persons may create a regional transportation  
24 investment district and shall convene a regional transportation  
25 investment district planning committee.

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

1 population of more than five hundred thousand persons, but less  
2 than one million five hundred thousand persons.

3 (b) After voters within the district boundaries have approved  
4 a plan under RCW 36.120.070, elections to add areas to the district  
5 boundaries may be called by a resolution of the board, after  
6 consultation with the regional transportation planning organization  
7 and affected transit agencies and with the concurrence of the  
8 legislative authority of the city or town if the area is  
9 incorporated or with the concurrence of the county legislative  
10 authority if the area is unincorporated. The election may include  
11 a single ballot measure providing annexation to the district,  
12 approval of the plan, and approval of revenue sources necessary to  
13 finance the plan. The electorate are the voters voting within the  
14 proposed area to be annexed. A simple majority of the persons  
15 voting on the single ballot measure is required for approval of the  
16 measure.

17 (2) The members of the legislative authorities participating in  
18 planning under this chapter shall serve as the district planning  
19 committee. Members of the planning committee receive no  
20 compensation, but may be reimbursed for travel and incidental  
21 expenses as the planning committee deems appropriate.

22 The secretary of transportation, or the appropriate regional  
23 administrator of the department, as named by the secretary, shall  
24 serve on the committee as a nonvoting member.

25 (3) A regional transportation investment district planning  
26 committee may be entitled to state funding, as appropriated by the  
27 legislature, for start-up funding to pay for salaries, expenses,  
28 overhead, supplies, and similar expenses ordinarily and necessarily  
29 incurred in selecting transportation projects and funding for those  
30 transportation projects under this chapter. Upon creation of a  
31 regional transportation investment district, the district shall  
32 within one year reimburse the state for any sums advanced for these  
33 start-up costs from the state.

34 (4) The planning committee shall conduct its affairs and  
35 formulate a regional transportation investment plan as provided  
36 under RCW 36.120.040, except that it shall elect an executive board  
37 of seven members to discharge the duties of the planning committee  
38 and formulate a regional transportation investment plan, subject to  
39 the approval of the full committee.

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

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

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

10 (8) If a multicounty regional transportation investment  
11 district is not formed by December 1, 2007, through approval by the  
12 voters voting on a regional transportation investment plan, then  
13 the authority under this chapter to create a district, and to fund  
14 and construct transportation projects, shall be available to each  
15 of the eligible counties described in subsection (1) of this  
16 section on an individual and independent basis. Any single county  
17 regional district sought to be formed after December 1, 2007, must  
18 first receive approval by the implementation board for regional  
19 transportation, as provided under section 2 of this act, before  
20 submitting a plan to the voters.

21 **Sec. 6.** RCW 36.120.070 and 2006 c 311 s 8 are each amended to  
22 read as follows:

23 (1) Beginning no sooner than the 2007 general election, two or  
24 more contiguous county legislative authorities, or a single county  
25 legislative authority as provided under RCW 36.120.030(8), upon  
26 receipt of the regional transportation investment plan under RCW  
27 36.120.040, may submit to the voters of the proposed district a  
28 single ballot measure that approves formation of the district,  
29 approves the regional transportation investment plan, and approves  
30 the revenue sources necessary to finance the plan. For a county to  
31 participate in the plan, the county legislative authority shall,  
32 within ninety days after receiving the plan, adopt an ordinance  
33 indicating the county's participation. The planning committee may  
34 draft the ballot measure on behalf of the county legislative  
35 authorities, and the county legislative authorities may give notice  
36 as required by law for ballot measures, and perform other duties as  
37 required to submit the measure to the voters of the proposed  
38 district for their approval or rejection. Counties may negotiate

1 interlocal agreements necessary to implement the plan. The  
2 electorate will be the voters voting within the boundaries of the  
3 proposed district. A simple majority of the total persons voting  
4 on the single ballot measure is required for approval.

5 (2) In conjunction with RCW 81.112.030(10), at the 2007 general  
6 election the participating counties shall submit a regional  
7 transportation investment plan on the same ballot along with a  
8 proposition to support additional implementation phases of the  
9 authority's system and financing plan developed under chapter  
10 81.112 RCW. The plan shall not be considered approved unless  
11 voters also approve the proposition to support additional  
12 implementation phases of the authority's system and financing plan.

13 (3) After the 2007 general election, the participating counties  
14 may submit a regional transportation investment plan to voters for  
15 approval only if the plan has been approved by the implementation  
16 board for regional transportation, as provided under section 2 of  
17 this act.

18 **Sec. 7.** 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  
21 four hundred thousand persons or more may establish a regional  
22 transit authority to develop and operate a high capacity  
23 transportation system 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  
32 shall provide explicitly for a minimum portion of new tax revenues  
33 to be allocated to local transit agencies for interim express  
34 services. Upon adoption the joint regional policy committee shall  
35 immediately transmit the plan to the county legislative authorities  
36 within the adopted service area.

37 (2) The legislative authorities of the counties within the  
38 service area shall decide by resolution whether to participate in

1 the authority. This action shall be completed within forty-five  
2 days following receipt of the adopted plan or by August 13, 1993,  
3 whichever comes first.

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

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

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

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

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

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

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

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

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

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

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

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

6 (10) In conjunction with RCW 36.120.070, at the 2007 general  
7 election the authority shall submit a proposition to support  
8 additional implementation phases of the authority's system and  
9 financing plan on the same ballot along with a regional  
10 transportation investment plan developed under chapter 36.120 RCW.  
11 The proposition shall not be considered approved unless voters also  
12 approve the regional transportation investment plan.

13 (11) After the 2007 general election, a regional transit  
14 authority shall submit additional phases of plan implementation  
15 ((may include a transportation subarea equity element which (a)  
16 identifies the combined authority and regional transportation  
17 investment district revenues anticipated to be generated by  
18 corridor and by county within the authority's boundaries, and (b)  
19 identifies the degree to which the combined authority and regional  
20 transportation investment district revenues generated within each  
21 county will benefit the residents of that county, and identifies  
22 when such benefits will accrue. For purposes of the transportation  
23 subarea equity principle established under this subsection, the  
24 authority may use the five subareas within the authority's  
25 boundaries as identified in the authority's system plan adopted in  
26 May 1996)) to the implementation board for regional transportation,  
27 as provided in section 2 of this act, for approval before  
28 submitting the plan to voters for approval.

29 (12) If the authority is unable to achieve a positive vote on  
30 a proposition within two years from the date of the first election  
31 on a proposition, the board may, by resolution, reconstitute the  
32 authority as a single-county body. With a two-thirds vote of the  
33 entire membership of the voting members, the board may also  
34 dissolve the authority.

35 NEW SECTION. Sec. 8. This act is necessary for the immediate  
36 preservation of the public peace, health, or safety, or support of  
37 the state government and its existing public institutions, and  
38 takes effect immediately.

1           NEW SECTION.   **Sec. 9.**   Sections 1 through 4 constitute a new  
2 chapter in Title 47 RCW.

3           NEW SECTION.   **Sec. 10.**   Captions and part headings used in this  
4 act are not any part of the law."

**EFFECT:**   Strikes all material in the striking amendment, which finds that the current system of transportation governance in the central Puget Sound region is inadequate to meet the needs of the region and state, directs the Joint Transportation Committee to convene a task force to consider the impacts of establishing a new regional governance structure, and requires the task force to submit draft legislation to the Legislature by December 15, 2007 that implements the recommendations of the Regional Transportation Commission.

Provides that the existing transportation delivery system is highly fragmented, and that implementation of a regional transportation decision-making entity would facilitate the coordination and integrating of capital and operational planning, prioritizing, and funding.

Creates a five-member implementation board for regional transportation within the full boundaries of King, Pierce, Snohomish, and Kitsap counties, with members appointed by the Governor. Establishes that the primary purpose of the implementation board is to enable and assist with the transition to and creation of a regional transportation decision-making authority that results in a more unified transportation system with improved public accountability. After November 15, 2007, directs the board to establish a procedure requiring that bond issues, taxes, fees, tolls, or charges that require voter approval for mobility projects of regional significance be approved by the board before placing those bond or revenue measures on a ballot for voter approval.

Requires that the implementation board submit to the Legislature and Governor, by January 1, 2008, draft legislation creating a new regional decision-making entity and establishing its initial powers and duties; and, by January 1, 2009, final recommendations for the entity's powers and duties, as well as a status report regarding redesignation of the new entity as the region's metropolitan planning organization, and recommendations for reorganizing the Department of Transportation's administrative regions.