

---

SENATE BILL 6169

---

State of Washington

60th Legislature

2007 Regular Session

By Senator Pflug

Read first time 03/30/2007. Referred to Committee on Transportation.

1 AN ACT Relating to funding high priority transportation projects;  
2 amending RCW 81.104.160, 81.104.170, 36.120.040, and 36.120.045; adding  
3 a new section to chapter 81.112 RCW; adding a new section to chapter  
4 36.120 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the replacement  
7 of the Alaskan Way Viaduct and the state route number 520 floating  
8 bridge are the highest priority transportation projects that represent  
9 an immediate threat to public safety and are vital to the economic  
10 strength of the Puget Sound region and the state as a whole. The  
11 legislature also finds that imposing tolls of seven dollars or more on  
12 the Lake Washington bridges would be a barrier to low and moderate-  
13 income households in the Puget Sound region and would serve to  
14 discourage free movement of people throughout the region.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 81.112 RCW  
16 to read as follows:

17 (1) As part of the proposition to support additional implementation  
18 phases of the regional transit authority's system and financing plan

1 submitted to voters at the 2007 general election under RCW 36.120.070  
2 and 81.112.030(10), the authority shall not fund any planning,  
3 development, or construction that is not described in the sound transit  
4 2 draft package, dated January 11, 2007. In addition, the authority  
5 may not apply any revenues received from the 2007 general election  
6 under RCW 36.120.070 and 81.112.040(10) toward planning, development,  
7 construction, acquisition of right-of-way, or financing of light rail  
8 over Lake Washington. This section is not intended to limit a regional  
9 transit authority's ability to expand light rail beyond the limitation  
10 of this section after November 2007.

11 (2) Revenues equal to the amount necessary to fund the expansion of  
12 light rail as proposed in the sound transit 2 draft package, dated  
13 January 11, 2007, shall be distributed to a regional transportation  
14 investment district established under chapter 36.120 RCW in accordance  
15 with section 5 of this act.

16 **Sec. 3.** RCW 81.104.160 and 2003 c 1 s 6 are each amended to read  
17 as follows:

18 An agency may impose a sales and use tax solely for the purpose of  
19 providing high capacity transportation service, except as otherwise  
20 provided in section 2 of this act, in addition to the tax authorized by  
21 RCW 82.14.030, upon retail car rentals within the agency's jurisdiction  
22 that are taxable by the state under chapters 82.08 and 82.12 RCW. The  
23 rate of tax shall not exceed 2.172 percent. The base of the tax shall  
24 be the selling price in the case of a sales tax or the rental value of  
25 the vehicle used in the case of a use tax.

26 Any motor vehicle excise tax previously imposed under the  
27 provisions of RCW 81.104.160(1) shall be repealed, terminated and  
28 expire on December 5, 2002.

29 **Sec. 4.** RCW 81.104.170 and 1997 c 450 s 5 are each amended to read  
30 as follows:

31 (1) Cities that operate transit systems, county transportation  
32 authorities, metropolitan municipal corporations, public transportation  
33 benefit areas, and regional transit authorities may submit an  
34 authorizing proposition to the voters and if approved by a majority of  
35 persons voting, fix and impose a sales and use tax in accordance with

1 the terms of this chapter, solely for the purpose of providing high  
2 capacity transportation service except as otherwise provided in section  
3 2 of this act.

4 (2) The tax authorized pursuant to this section shall be in  
5 addition to the tax authorized by RCW 82.14.030 and shall be collected  
6 from those persons who are taxable by the state pursuant to chapters  
7 82.08 and 82.12 RCW upon the occurrence of any taxable event within the  
8 taxing district. The maximum rate of such tax shall be approved by the  
9 voters and shall not exceed one percent of the selling price (in the  
10 case of a sales tax) or value of the article used (in the case of a use  
11 tax). The maximum rate of such tax that may be imposed shall not  
12 exceed nine-tenths of one percent in any county that imposes a tax  
13 under RCW 82.14.340, or within a regional transit authority if any  
14 county within the authority imposes a tax under RCW 82.14.340. The  
15 exemptions in RCW 82.08.820 and 82.12.820 are for the state portion of  
16 the sales and use tax and do not extend to the tax authorized in this  
17 section.

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.120 RCW  
19 to read as follows:

20 (1) As part of the proposition to support additional implementation  
21 phases of the regional transit authority's system and financing plan  
22 submitted to voters at the 2007 general election under RCW 36.120.070  
23 and 81.112.040(10), funds received under section 2 of this act shall be  
24 allocated to the projects listed below in the amounts described and in  
25 the following order of priority:

26 (a) One billion one hundred million dollars for a tunnel  
27 replacement option for the Alaskan Way Viaduct that maintains or  
28 exceeds the current capacity.

29 (i) If a tunnel replacement option is not selected, these funds  
30 shall be used to ensure the completion of the projects listed in (b)  
31 through (e) of this subsection and to fund projects described in  
32 subsection (2) of this section. Any funds that are not necessary to  
33 carry out the purposes of this section shall be returned to the  
34 regional transit authority.

35 (ii) The district must reallocate these funds in accordance with  
36 subsection (2) of this section if, within one year of passage of the  
37 2007 general election ballot measure approved in RCW 36.120.070 and RCW

1 81.112.040(10), local jurisdictions have not agreed to contribute seven  
2 hundred fifty million dollars in funds from local sources that may  
3 include, but are not limited to, a local improvement district and a  
4 local utility tax.

5 (b) Two billion seven hundred million dollars for the improvement  
6 and replacement of the state route number 520 bridge replacement and  
7 HOV project between Interstate 5 and Interstate 405. The district must  
8 include in its ballot measure one billion one hundred million dollars  
9 for the state route number 520 floating bridge. These funds must be  
10 combined with any additional funds appropriated by federal, state, and  
11 local sources to fully fund the state route number 520 bridge  
12 replacement and improvements as designated by the district. The  
13 funding package for the state route number 520 bridge replacement and  
14 HOV project may not include tolling.

15 (c) Six hundred forty million dollars for the construction of state  
16 route number 167 to the port of Tacoma in addition to any other funds  
17 provided by the plan developed by the regional transportation  
18 investment district.

19 (d) One hundred thirteen million dollars for the construction of  
20 state route number 704 between Interstate 5 and state route number 7,  
21 in addition to any other funds provided by the plan developed by the  
22 regional transportation investment district.

23 (e) Ninety-four million dollars for the connection of state route  
24 number 509 and Interstate 5 at Sea-Tac in addition to funds already  
25 provided by the regional transportation investment district.

26 (2) Funds not necessary for the implementation of the projects in  
27 subsection (1) of this section shall be transferred to sound transit  
28 for the purpose of completing light rail to the Tacoma Dome transit  
29 center.

30 **Sec. 6.** RCW 36.120.040 and 2006 c 311 s 6 are each amended to read  
31 as follows:

32 (1) A regional transportation investment district planning  
33 committee shall adopt a regional transportation investment plan  
34 providing for the development, construction, and financing of  
35 transportation projects. The planning committee may consider the  
36 following factors in formulating its plan:

37 (a) Land use planning criteria;

1 (b) The input of cities located within a participating county; and  
2 (c) The input of regional transportation planning organizations of  
3 which a participating county is a member. A regional transportation  
4 planning organization in which a participating county is located shall  
5 review its adopted regional transportation plan and submit, for the  
6 planning committee's consideration, its list of transportation  
7 improvement priorities.

8 (2) The planning committee may coordinate its activities with the  
9 department, which shall provide services, data, and personnel to assist  
10 in this planning as desired by the planning committee. In addition,  
11 the planning committee may coordinate its activities with affected  
12 cities, towns, and other local governments, including any regional  
13 transit authority existing within the participating counties'  
14 boundaries, that engage in transportation planning.

15 (3) The planning committee shall:

16 (a) Conduct public meetings that are needed to assure active public  
17 participation in the development of the plan;

18 (b) Adopt a plan proposing the:

19 (i) Creation of a regional transportation investment district,  
20 including district boundaries; and

21 (ii) Construction of transportation projects to improve mobility  
22 within each county and within the region. Operations, maintenance, and  
23 preservation of facilities or systems may not be part of the plan,  
24 except for the limited purposes provided under RCW 36.120.020(8); and

25 (c) Recommend sources of revenue authorized by RCW 36.120.050 and  
26 a financing plan to fund selected transportation projects. The overall  
27 plan of the district must leverage the district's financial  
28 contributions so that the federal, state, local, and other revenue  
29 sources continue to fund major congestion relief and transportation  
30 capacity improvement projects in each county and the district. A  
31 combination of local, state, and federal revenues may be necessary to  
32 pay for transportation projects, and the planning committee shall  
33 consider all of these revenue sources in developing a plan.

34 (4) The plan must use tax revenues and related debt for projects  
35 that generally benefit a participating county in proportion to the  
36 general level of tax revenues generated within that participating  
37 county. This equity principle applies to all modifications to the  
38 plan, appropriation of contingency funds not identified within the

1 project estimate, and future phases of the plan. Per agreement with a  
2 regional transit authority serving the counties participating in a  
3 district, the equity principle identified under this subsection may  
4 include using the combined district and regional transit authority  
5 revenues generated within a participating county to determine the  
6 distribution that proportionally benefits the county. Modifications  
7 made under section 5 of this act are in compliance with this equity  
8 principle. For purposes of the transportation subarea equity principle  
9 established under this subsection, a district may use the five subareas  
10 within a regional transit authority's boundaries as identified in an  
11 authority's system plan adopted in May 1996. During implementation of  
12 the plan, the board shall retain the flexibility to manage distribution  
13 of revenues, debt, and project schedules so that the district may  
14 effectively implement the plan. Nothing in this section should be  
15 interpreted to prevent the district from pledging district-wide tax  
16 revenues for payment of any contract or debt entered into under RCW  
17 36.120.130.

18 (5) Before adopting the plan, the planning committee, with  
19 assistance from the department, shall work with the lead agency to  
20 develop accurate cost forecasts for transportation projects. This  
21 project costing methodology must be integrated with revenue forecasts  
22 in developing the plan and must at a minimum include estimated project  
23 costs in constant dollars as well as year of expenditure dollars, the  
24 range of project costs reflected by the level of project design,  
25 project contingencies, identification of mitigation costs, the range of  
26 revenue forecasts, and project and plan cash flow and bond analysis.  
27 The plan submitted to the voters must provide cost estimates for each  
28 project, including reasonable contingency costs. Plans submitted to  
29 the voters must provide that the maximum amount possible of the funds  
30 raised will be used to fund projects in the plan, including  
31 environmental improvements and mitigation, and that administrative  
32 costs be minimized. If actual revenue exceeds actual plan costs, the  
33 excess revenues must be used to retire any outstanding debt associated  
34 with the plan.

35 (6) If a county opts not to adopt the plan or participate in the  
36 regional transportation investment district, but two or more contiguous  
37 counties do choose to continue to participate, then the planning  
38 committee may, within ninety days, redefine the regional transportation

1 investment plan and the ballot measure to be submitted to the people to  
2 reflect elimination of the county, and submit the redefined plan to the  
3 legislative authorities of the remaining counties for their decision as  
4 to whether to continue to adopt the redefined plan and participate.  
5 This action must be completed within sixty days after receipt of the  
6 redefined plan.

7 (7) Once adopted by the planning committee, the plan must be  
8 forwarded to the participating county legislative authorities to  
9 initiate the election process under RCW 36.120.070. The planning  
10 committee shall at the same time provide notice to each city and town  
11 within the district, the governor, the chairs of the transportation  
12 committees of the legislature, the secretary of transportation, and  
13 each legislator whose legislative district is partially or wholly  
14 within the boundaries of the district.

15 (8) If the ballot measure is not approved, the planning committee  
16 may redefine the selected transportation projects, financing plan, and  
17 the ballot measure. The county legislative authorities may approve the  
18 new plan and ballot measure, and may then submit the revised  
19 proposition to the voters at the next election or a special election.  
20 If no ballot measure is approved by the voters by the third vote, the  
21 planning committee is dissolved.

22 **Sec. 7.** RCW 36.120.045 and 2006 c 311 s 7 are each amended to read  
23 as follows:

24 The planning committee must develop and include in the regional  
25 transportation investment plan a funding proposal for the state route  
26 number 520 bridge replacement and HOV project that assures full project  
27 funding for seismic safety and corridor connectivity on state route  
28 number 520 between Interstate 5 and Interstate 405 without assessing  
29 tolls on either state route number 520 or Interstate 90 across Lake  
30 Washington.

--- END ---