S-3517.2

SENATE BILL 6395

State of Washington 64th Legislature 2016 Regular Session

By Senators O'Ban, Dammeier, Miloscia, Sheldon, Rivers, Becker, Takko, Angel, Schoesler, Honeyford, and Bailey

Read first time 01/19/16. Referred to Committee on Transportation.

AN ACT Relating to the election and authority of regional transit authority board members; amending RCW 81.112.010 and 81.112.030; adding a new section to chapter 81.112 RCW; creating a new section; repealing RCW 81.112.040; and providing an effective date.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 81.112 RCW to read as follows:

(1) A regional transit authority is governed by a board consisting of the secretary of the department of transportation, or his or her designee, who is a nonvoting member, and nineteen directly elected nonpartisan members. One nonpartisan member must be elected from each of the nineteen numbered districts in primary and general elections commencing with the elections held in 2016. Commencing with such elections, a person seeking election or serving on the board may not hold other public office and must be a registered voter residing in the relevant electoral district during the term in office and for a period from at least thirty days before filing a petition for candidacy.

(2) A five-member districting commission appointed by the governor must define the districts as soon as possible after the effective date of this section. Each commission member must reside in

a different authority subarea. The districting commission has all reasonably necessary powers and must determine a reasonable budget, which must be funded upon its request, by an authority. The districting commission must promptly approve a plan for nineteen numbered electoral districts in a service area, and publicize and file the plan with the county clerks of the counties within a service area. The plan must be drawn to ensure that the electoral districts: Have nearly equal populations in accordance with the one person, one vote principle; do not divide a precinct; are compact, convenient, and contiguous; and minimize the number of districts that consist of portions of different counties or different authority subareas. An objection to the plan must commence within thirty days, and be heard within sixty days, of filing the plan.

(3) Upon certification of the 2016 general election, terms of office of an authority's board members expire, if any are existing on the effective date of this section, and the nineteen elected nonpartisan members must take office. Each elected member must serve the remainder of 2016 plus an additional period of two or four years. Lots must be drawn to determine which ten of the nineteen elected members must serve an additional four years, and which nine of the nineteen elected members must serve an additional two years. All successors elected in subsequent elections in odd-numbered years must have terms of office for four years, commencing January 1st after the election.

(4) An authority's board positions become vacant upon failure to maintain residence or other qualification, recall, death, resignation, or adjudication of permanent disability. The nonpartisan vacancy must be filled as provided in chapter 42.12 RCW. The appointed temporary member must serve until a successor for the remainder of the vacated term is chosen in the next primary and general election.

(5) Local jurisdiction expenditures incurred through administering the election of the authority's board members must be reimbursed by the authority.

(6) Every decade, after the release of federal census information, the governor must appoint a new districting commission in accordance with subsection (2) of this section. The commission must operate in accordance with the standards provided in subsection (2) of this section and prepare a timetable for transition to any new districts.

(7) To allow staggered terms after a redistricting, a board member who has an uncompleted four-year term and no longer resides in his or her prior district solely due to redistricting must serve the remainder of the four-year term.

(8) Major decisions of the authority require a favorable vote of two-thirds of the entire membership. "Major decisions" include at least the following: System plan adoption and amendment, system phasing decisions, annual budget adoption, authorization of annexations, modification of board composition, and executive director employment.

(9) Each member of the board is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to receive compensation up to ten thousand dollars per year.

Sec. 2. RCW 81.112.010 and 1992 c 101 s 1 are each amended to read as follows:

The legislature recognizes that existing transportation facilities in the central Puget Sound area are inadequate to address mobility needs of the area. The geography of the region, travel demand growth, and public resistance to new roadways combine to further necessitate the rapid development of alternative modes of travel.

The legislature finds that local governments have been effective in cooperatively planning a multicounty, high capacity transportation system. However, a continued multijurisdictional approach to funding, construction, and operation of a multicounty high capacity transportation system may impair the successful implementation of such a system.

The legislature finds that a single agency will be more effective than several local jurisdictions working collectively at planning, developing, operating, and funding a high capacity transportation system. The single agency's services must be carefully integrated and coordinated with public transportation services currently provided. As the single agency's services are established, any public transportation services currently provided that are duplicative should be eliminated. Further, the single agency must coordinate its activities with other agencies providing local and state roadway services, implementing comprehensive planning, and implementing transportation demand management programs and assist in developing infrastructure to support high capacity systems including but not

limited to feeder systems, park and ride facilities, intermodal centers, and related roadway and operational facilities. Because the legislature finds a need to ensure that the single agency is accountable to the people, coordination can be best achieved through ((~~common governance, such as integrated governing boards~~)) direct election of board members.

It is therefore the policy of the state of Washington to empower counties in the state's most populous region to create a local agency for planning and implementing a high capacity transportation system within that region. The authorization for such an agency, except as specifically provided in this chapter, is not intended to limit the powers of existing transit agencies.

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

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

The authority shall be formed in the following manner:

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

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

(3) ((~~Each county that chooses to participate in the authority shall appoint its board members as set forth in RCW 81.112.040 and shall submit its list of members to the secretary of the Washington~~

~~state department of transportation. These actions must be completed within thirty days following each county's decision to participate in the authority.~~

~~(4)~~)) The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the ((~~appointments~~)) names of the elected board members. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.

((~~(5)~~)) (4) The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. If the joint regional policy committee fails to adopt a plan by June 30, 1993, the authority shall proceed to do so based on the work completed by that date by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed necessary and shall at a minimum review local transit agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of parallel competitive services. The authority shall also conduct a minimum thirty-day public comment period.

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

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

((~~(8)~~)) (7) The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to authorize the imposition of taxes to support the implementation of an appropriate phase of the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan approved by the authority's board before the submittal of a proposition to the voters shall contain an equity element which:

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

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

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

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

((~~(9)~~)) (8) If the vote on a proposition fails, the board may redefine the proposition, make changes to the authority boundaries, and make corresponding changes to the composition of the board, subject to section 1 of this act. If the composition of the board is changed, the participating counties shall revise the membership of the board ((~~accordingly~~)) subject to section 1 of this act. The board may then submit the revised proposition or a different proposition to the voters. No single proposition may be submitted to the voters more than twice. Beginning no sooner than the 2007 general election, the authority may place additional propositions on the ballot to impose taxes to support additional phases of plan implementation.

((~~(10)~~)) (9) At the 2007 general election, the authority shall submit a proposition to support a system and financing plan or additional implementation phases of the authority's system and financing plan as part of a single ballot proposition that includes a plan to support a regional transportation investment plan developed under chapter 36.120 RCW. The authority's plan shall not be

considered approved unless both a majority of the persons voting on the proposition residing within the authority vote in favor of the proposition and a majority of the persons voting on the proposition residing within the proposed regional transportation investment district vote in favor of the proposition.

((~~(11)~~)) (10) Additional phases of plan implementation may include a transportation subarea equity element which (a) identifies the combined authority and regional transportation investment district revenues anticipated to be generated by corridor and by county within the authority's boundaries, and (b) identifies the degree to which the combined authority and regional transportation investment district revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue. For purposes of the transportation subarea equity principle established under this subsection, the authority may use the five subareas within the authority's boundaries as identified in the authority's system plan adopted in May 1996.

((~~(12)~~)) (11) If the authority is unable to achieve a positive vote on a proposition within two years from the date of the first election on a proposition, the board may, by resolution, reconstitute the authority as a single-county body. With a two-thirds vote of the entire membership of the voting members, the board may also dissolve the authority.

NEW SECTION. **Sec. 4.** RCW 81.112.040 (Board appointments——Voting——Expenses) and 1994 c 109 s 1 & 1992 c 101 s 4 are each repealed.

NEW SECTION. **Sec. 5.** This act is remedial in nature and applies to all regional transit authorities established before or after the effective date of this section.

NEW SECTION. **Sec. 6.** This act takes effect March 1, 2017.

--- END ---