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**SUBSTITUTE HOUSE BILL 1967**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** House Transportation (originally sponsored by Representatives Fitzgibbon, Armstrong, Lias, Nealey, Clibborn, Billig, Frockt, and Reykdal)

READ FIRST TIME 02/25/11.

1       AN ACT Relating to public transportation systems; amending RCW  
2 35.58.2795, 35.58.2796, 47.01.101, 47.01.141, 47.04.280, and 47.06.140;  
3 adding a new section to chapter 43.19 RCW; and adding a new section to  
4 chapter 47.04 RCW.

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

6       **Sec. 1.** RCW 35.58.2795 and 1994 c 158 s 6 are each amended to read  
7 as follows:

8       By (~~April~~) September 1st of each year, the legislative authority  
9 of each municipality, as defined in RCW 35.58.272, and each regional  
10 transit authority shall prepare a six-year transit development plan for  
11 that 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, and how the  
19 municipality intends to fund program needs. The six-year plan for each

1 municipality and regional transit authority shall specifically set  
2 forth those projects of regional significance for inclusion in the  
3 transportation improvement program within that region. Each  
4 municipality and regional transit authority shall file the six-year  
5 program with the state department of transportation, the transportation  
6 improvement board, and cities, counties, and regional planning councils  
7 within which the municipality is located.

8 In developing its program, the municipality and the regional  
9 transit authority shall consider those policy recommendations affecting  
10 public transportation contained in the state transportation policy plan  
11 approved by the state transportation commission and, where appropriate,  
12 adopted by the legislature. The municipality shall conduct one or more  
13 public hearings while developing its program and for each annual  
14 update.

15 **Sec. 2.** RCW 35.58.2796 and 2005 c 319 s 101 are each amended to  
16 read as follows:

17 (1) The department of transportation shall develop an annual report  
18 summarizing the status of public transportation systems in the state  
19 for the previous calendar year. By ~~((September))~~ December 1st of each  
20 year, ~~((copies of))~~ the report ~~((shall be submitted))~~ must be made  
21 available to the transportation committees of the legislature and to  
22 each municipality, as defined in RCW 35.58.272, and to individual  
23 members of the municipality's legislative authority.

24 (2) To assist the department with preparation of the report, each  
25 municipality shall file a system report by ~~((April))~~ September 1st of  
26 each year with the state department of transportation identifying its  
27 public transportation services for the previous calendar year and its  
28 objectives for improving the efficiency and effectiveness of those  
29 services. The system report shall address those items required for  
30 each public transportation system in the department's report.

31 (3) The department report shall describe individual public  
32 transportation systems, including contracted transportation services  
33 and dial-a-ride services, and include a statewide summary of public  
34 transportation issues and data. The descriptions shall include the  
35 following elements and such other elements as the department deems  
36 appropriate after consultation with the municipalities and the  
37 transportation committees of the legislature:

1       (~~(1)~~) (a) Equipment and facilities, including vehicle replacement  
2 standards;

3       (~~(2)~~) (b) Services and service standards;

4       (~~(3)~~) (c) Revenues, expenses, and ending balances, by fund  
5 source;

6       (~~(4)~~) (d) Policy issues and system improvement objectives,  
7 including community participation in development of those objectives  
8 and how those objectives address statewide transportation priorities;

9       (~~(5)~~) (e) Operating indicators applied to public transportation  
10 services, revenues, and expenses. Operating indicators shall include  
11 operating cost per passenger trip, operating cost per revenue vehicle  
12 service hour, passenger trips per revenue service hour, passenger trips  
13 per vehicle service mile, vehicle service hours per employee, and  
14 farebox revenue as a percent of operating costs.

15       (4) To the extent that information is available, the department  
16 report must include descriptive information on any other modes of  
17 public transportation, the impact of public transportation on  
18 transportation system performance, and how public transportation helps  
19 the state meet the transportation system policy goals described in RCW  
20 47.04.280.

21       NEW SECTION. Sec. 3. A new section is added to chapter 43.19 RCW  
22 to read as follows:

23       New state facilities must be sited in areas adequately accessible  
24 by transit service.

25       **Sec. 4.** RCW 47.01.101 and 2006 c 334 s 6 are each amended to read  
26 as follows:

27       The secretary shall have the authority and it shall be his or her  
28 duty:

29       (1) To serve as chief executive officer of the department with full  
30 administrative authority to direct all its activities;

31       (2) To organize the department as he or she may deem necessary to  
32 carry out the work and responsibilities of the department effectively;

33       (3) To designate and establish such transportation district,  
34 region, or branch offices as may be necessary or convenient, and to  
35 appoint assistants and delegate any powers, duties, and functions to  
36 them or any officer or employee of the department as deemed necessary

1 to administer the department efficiently, which includes designating an  
2 employee in each region to be responsible for integrating public  
3 transportation into all state transportation planning and programming  
4 activities and fostering greater partnerships between the state and  
5 public transportation providers;

6 (4) To direct and coordinate the programs of the various divisions  
7 of the department to assure that they achieve the greatest possible  
8 mutual benefit, produce a balanced overall effort, and eliminate  
9 unnecessary duplication of activity;

10 (5) To adopt all department rules that are subject to the adoption  
11 procedures contained in the state administrative procedure act, except  
12 rules subject to adoption by the commission pursuant to statute;

13 (6) To maintain and safeguard the official records of the  
14 department, including the commission's recorded resolutions and orders;

15 (7) To provide, under contract or interagency agreement, staff  
16 support to the commission, including long-term technical and  
17 administrative support as needed, to assist it in carrying out its  
18 functions, powers, and duties;

19 (8) To execute and implement the biennial operating budget for the  
20 operation of the department in accordance with chapter 43.88 RCW and  
21 with legislative appropriation;

22 (9) To advise the governor and the legislature with respect to  
23 matters under the jurisdiction of the department; and

24 (10) To exercise all other powers and perform all other duties as  
25 are now or hereafter provided by law.

26 **Sec. 5.** RCW 47.01.141 and 1987 c 505 s 49 are each amended to read  
27 as follows:

28 The department shall submit a biennial report to the governor and  
29 chairs of the transportation committees of the senate and house of  
30 representatives with a copy to the staff of each of the committees,  
31 including but not limited to operational and construction activities of  
32 the preceding fiscal period as the department deems important, a report  
33 regarding the integration of public transportation into state  
34 transportation planning and programming activities and the fostering of  
35 greater partnerships between the state and public transportation  
36 providers, and recommendations for future operations of the department.

1           **Sec. 6.** RCW 47.04.280 and 2010 c 74 s 1 are each amended to read  
2 as follows:

3           (1) It is the intent of the legislature to establish policy goals  
4 for the planning, operation, performance of, and investment in, the  
5 state's transportation system. The policy goals established under this  
6 section are deemed consistent with the benchmark categories adopted by  
7 the state's blue ribbon commission on transportation on November 30,  
8 2000. Public investments in transportation should support achievement  
9 of these policy goals:

10           (a) Economic vitality: To promote and develop transportation  
11 systems that stimulate, support, and enhance the movement of people and  
12 goods to ensure a prosperous economy;

13           (b) Preservation: To maintain, preserve, and extend the life and  
14 utility of prior investments in transportation systems and services;

15           (c) Safety: To provide for and improve the safety and security of  
16 transportation customers and the transportation system;

17           (d) Mobility: To improve the predictable movement of goods and  
18 people throughout Washington state;

19           (e) Environment: To enhance Washington's quality of life through  
20 transportation investments that promote energy conservation, enhance  
21 healthy communities, and protect the environment; and

22           (f) Stewardship: To continuously improve the quality,  
23 effectiveness, and efficiency of the transportation system.

24           (2) The powers, duties, and functions of state transportation  
25 agencies must be performed in a manner consistent with the policy goals  
26 set forth in subsection (1) of this section.

27           (3) These policy goals are intended to be the basis for  
28 establishing detailed and measurable objectives and related performance  
29 measures.

30           (4)(a) It is the intent of the legislature that the office of  
31 financial management establish objectives and performance measures for  
32 the department of transportation and other state agencies with  
33 transportation-related responsibilities to ensure transportation system  
34 performance at local, regional, and state government levels progresses  
35 toward the attainment of the policy goals set forth in subsection (1)  
36 of this section. The office of financial management shall submit  
37 initial objectives and performance measures to the legislature for its  
38 review and shall provide copies of the same to the commission during

1 the 2008 legislative session. The office of financial management shall  
2 submit objectives and performance measures to the legislature for its  
3 review and shall provide copies of the same to the commission during  
4 each regular session of the legislature during an even-numbered year  
5 thereafter.

6 (b) It is the intent of the legislature that the office of  
7 financial management establish objectives and performance measures for  
8 the department of transportation and other state and local agencies  
9 with public transportation-related responsibilities to ensure that  
10 public transportation system performance at local, regional, and state  
11 government levels progresses toward the attainment of the policy goals  
12 set forth in subsection (1) of this section, which must, at a minimum,  
13 include objectives and performance measures regarding safety,  
14 efficiency, revenue, and cost. The office of financial management  
15 shall submit initial objectives and performance measures to the  
16 legislature for its review and shall provide copies of the same to the  
17 commission during the 2012 legislative session. The office of  
18 financial management shall include these objectives and performance  
19 measures in its preexisting reporting that the office of financial  
20 management submits to the legislature for its review and shall provide  
21 copies of the same to the commission during each regular session of the  
22 legislature during an even-numbered year thereafter.

23 (5) This section does not create a private right of action.

24 NEW SECTION. Sec. 7. A new section is added to chapter 47.04 RCW  
25 to read as follows:

26 The legislature recognizes the benefit that transit facilities  
27 provide to motor vehicle traffic by facilitating the efficient  
28 utilization in the operation of highways and reducing congestion and  
29 hazardous driving conditions. The legislature further recognizes that  
30 the Washington supreme court has identified these outcomes as  
31 implicitly related to the specific highway purposes delineated in the  
32 18th amendment to the state Constitution. As such, it is the intent of  
33 the legislature that the department not charge state agencies airspace  
34 leases for the use of highway right-of-way for transit facilities. For  
35 purposes of this section, "transit facility" means all benches, kiosks,  
36 lighting, waste receptacles, and shelters owned by a public

1 transportation system identified under RCW 82.14.045 and regional  
2 transit authorities identified under chapter 81.112 RCW.

3 **Sec. 8.** RCW 47.06.140 and 2009 c 514 s 3 are each amended to read  
4 as follows:

5 (1) The legislature declares the following transportation  
6 facilities and services to be of statewide significance: Highways of  
7 statewide significance as designated by the legislature under chapter  
8 47.05 RCW, the interstate highway system, interregional state principal  
9 arterials including ferry connections that serve statewide travel,  
10 intercity passenger rail services, intercity high-speed ground  
11 transportation, major passenger intermodal terminals including  
12 facilities such as park and ride lots and transit centers but excluding  
13 all airport facilities and services, the freight railroad system, the  
14 Columbia/Snake navigable river system, marine port facilities and  
15 services that are related solely to marine activities affecting  
16 international and interstate trade, key freight transportation  
17 corridors serving these marine port facilities, and high capacity  
18 transportation systems serving regions as defined in RCW 81.104.015.  
19 The department, in cooperation with regional transportation planning  
20 organizations, counties, cities, transit agencies, public ports,  
21 private railroad operators, and private transportation providers, as  
22 appropriate, shall plan for improvements to transportation facilities  
23 and services of statewide significance in the statewide multimodal  
24 transportation plan. Improvements to facilities and services of  
25 statewide significance identified in the statewide multimodal  
26 transportation plan, or to highways of statewide significance  
27 designated by the legislature under chapter 47.05 RCW, are essential  
28 state public facilities under RCW 36.70A.200.

29 (2) The department of transportation, in consultation with local  
30 governments, shall set level of service standards for state highways  
31 and state ferry routes of statewide significance. Although the  
32 department shall consult with local governments when setting level of  
33 service standards, the department retains authority to make final  
34 decisions regarding level of service standards for state highways and  
35 state ferry routes of statewide significance. In establishing level of  
36 service standards for state highways and state ferry routes of  
37 statewide significance, the department shall consider the necessary

1 balance between providing for the free interjurisdictional movement of  
2 people and goods and the needs of local communities using these  
3 facilities. When setting the level of service standards under this  
4 section for state ferry routes, the department may allow for a standard  
5 that is adjustable for seasonality.

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