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**SUBSTITUTE SENATE BILL 5538**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Highways & Transportation (originally sponsored by Senators Esser, Prentice, Rossi, Benton, Finkbeiner, Johnson, T. Sheldon, Roach, Schmidt and Oke)

READ FIRST TIME 03/04/03.

1 AN ACT Relating to election and authority of regional transit  
2 authority board members; amending RCW 81.112.010, 81.112.020, and  
3 81.112.030; adding new sections to chapter 81.112 RCW; creating a new  
4 section; repealing RCW 81.112.040; and declaring an emergency.

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

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

8 (1) A regional transit authority is governed by an elected board  
9 consisting of nine members elected from nine numbered districts in  
10 partisan primary and general elections commencing with the elections  
11 held in 2003. Commencing with such elections, a person seeking  
12 election or serving on the board may not hold other public office  
13 (except for precinct committee officer) and must be a registered voter  
14 residing in the relevant electoral district during the term in office  
15 and for a period from at least thirty days before filing a petition for  
16 candidacy.

17 (2) A five-member districting commission appointed by the governor  
18 shall define the districts as soon as possible after the effective date  
19 of this act. Each commission member must reside in a different

1 authority subarea. The districting commission has all reasonably  
2 necessary powers and shall determine a reasonable budget, which must be  
3 funded upon its request, by an authority. The districting commission  
4 shall promptly approve a plan for nine numbered electoral districts in  
5 a service area, and publicize and file the plan with the county clerks  
6 of the counties within a service area. The plan must be drawn to  
7 ensure that the electoral districts have nearly equal populations (in  
8 accord with the one-person-one-vote principle); do not divide a  
9 precinct; are compact, convenient, and contiguous; and minimize the  
10 number of districts that consist of portions of different counties or  
11 different authority subareas. An objection to the plan must commence  
12 within thirty days, and be heard within sixty days, of filing the plan.

13 (3) Upon certification of the 2003 general election, terms of  
14 office of an authority's board members expire, if any are existing on  
15 the effective date of this act, and the nine elected members shall take  
16 office. Each elected member shall serve the remainder of 2003 plus an  
17 additional period of two or four years. Lots must be drawn to  
18 determine which five of the nine elected members shall serve an  
19 additional four years, and which four of the nine elected members shall  
20 serve an additional two years. All successors elected in subsequent  
21 elections in odd-numbered years will have terms of office for four  
22 years, commencing January 1st after the election.

23 (4) An authority's board positions become vacant upon failure to  
24 maintain residence or other qualification, recall, death, resignation,  
25 or adjudication of permanent disability. The vacancy must be  
26 temporarily filled by a person appointed by a majority vote of all  
27 elected precinct committee officers in the relevant district of the  
28 same political party as the board member previously serving. The  
29 appointed temporary member shall serve until a successor for the  
30 remainder of the vacated term is chosen in the next primary and general  
31 election.

32 (5) Every decade, after release of federal census information, the  
33 governor shall appoint a new districting commission in accord with  
34 subsection (2) of this section. The commission shall operate in accord  
35 with the standards provided in subsection (2) of this section, and  
36 shall prepare a timetable for transition to any new districts.

37 (6) Notwithstanding any other provision of law, to allow staggered  
38 terms after a redistricting, a board member who has an uncompleted

1 four-year term and no longer resides in his or her prior district  
2 solely due to redistricting, shall serve the remainder of the four-year  
3 term.

4 (7) Except as provided in section 5 of this act, major decisions of  
5 the authority require a favorable vote of two-thirds of the entire  
6 membership. "Major decisions" include at least the following: System  
7 plan adoption and amendment; system phasing decisions; annual budget  
8 adoption; authorization of annexations; modification of board  
9 composition; and executive director employment.

10 (8) Each member of the board is eligible to be reimbursed for  
11 travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to  
12 receive compensation as provided in RCW 43.03.250. However, a board  
13 member may elect to be alternatively compensated upon the same terms  
14 and conditions as a member of any port district in the area served by  
15 such authority.

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

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

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

29 The legislature finds that a single agency will be more effective  
30 than several local jurisdictions working collectively at planning,  
31 developing, operating, and funding a high capacity transportation  
32 system. The single agency's services must be carefully integrated and  
33 coordinated with public transportation services currently provided. As  
34 the single agency's services are established, any public transportation  
35 services currently provided that are duplicative should be eliminated.  
36 Further, the single agency must coordinate its activities with other  
37 agencies providing local and state roadway services, implementing

1 comprehensive planning, and implementing transportation demand  
2 management programs and assist in developing infrastructure to support  
3 high capacity systems including but not limited to feeder systems, park  
4 and ride facilities, intermodal centers, and related roadway and  
5 operational facilities. Because the legislature finds an overriding  
6 need to ensure that the single agency is accountable to the people,  
7 coordination can be best achieved through ((common governance, such as  
8 integrated governing boards)) election of board members by districts.

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

15 **Sec. 3.** RCW 81.112.020 and 1999 c 20 s 2 are each amended to read  
16 as follows:

17 Unless the context clearly requires otherwise, the definitions in  
18 this section apply throughout this chapter.

19 (1) "Authority" means a regional transit authority authorized under  
20 this chapter.

21 (2) "Board" means the board of a regional transit authority.

22 (3) "Service area" or "area" means the area included within the  
23 boundaries of a regional transit authority.

24 (4) "System" means a regional transit system authorized under this  
25 chapter and under the jurisdiction of a regional transit authority.

26 (5) "Facilities" means any lands, interest in land, air rights over  
27 lands, and improvements thereto including vessel terminals, and any  
28 equipment, vehicles, vessels, and other components necessary to support  
29 the system.

30 (6) "Proof of payment" means evidence of fare prepayment authorized  
31 by a regional transit authority for the use of trains, including but  
32 not limited to commuter trains and light rail trains.

33 (7) "Subarea" means one of the five areas within an authority's  
34 boundaries as identified in an authority's system plan adopted in May  
35 1996.

1       **Sec. 4.** RCW 81.112.030 and 1994 c 44 s 1 are each amended to read  
2 as follows:

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

7       The authority shall be formed in the following manner:

8       (1) The joint regional policy committee created pursuant to RCW  
9 81.104.040 shall adopt a system and financing plan, including the  
10 definition of the service area. This action shall be completed by  
11 September 1, 1992, contingent upon satisfactory completion of the  
12 planning process defined in RCW 81.104.100. The final system plan  
13 shall be adopted no later than June 30, 1993. In addition to the  
14 requirements of RCW 81.104.100, the plan for the proposed system shall  
15 provide explicitly for a minimum portion of new tax revenues to be  
16 allocated to local transit agencies for interim express services. Upon  
17 adoption the joint regional policy committee shall immediately transmit  
18 the plan to the county legislative authorities within the adopted  
19 service area.

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

25       ~~(3) ((Each county that chooses to participate in the authority~~  
26 ~~shall appoint its board members as set forth in RCW 81.112.040 and~~  
27 ~~shall submit its list of members to the secretary of the Washington~~  
28 ~~state department of transportation. These actions must be completed~~  
29 ~~within thirty days following each county's decision to participate in~~  
30 ~~the authority.~~

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

36       ~~((5))~~ (4) The authority is formally constituted at its first  
37 meeting and the board shall begin taking steps toward implementation of  
38 the system and financing plan adopted by the joint regional policy

1 committee. If the joint regional policy committee fails to adopt a  
2 plan by June 30, 1993, the authority shall proceed to do so based on  
3 the work completed by that date by the joint regional policy committee.  
4 Upon formation of the authority, the joint regional policy committee  
5 shall cease to exist. The authority may make minor modifications to  
6 the plan as deemed necessary and shall at a minimum review local  
7 transit agencies' plans to ensure feeder service/high capacity transit  
8 service integration, ensure fare integration, and ensure avoidance of  
9 parallel competitive services. The authority shall also conduct a  
10 minimum thirty-day public comment period.

11 ~~((+6))~~ (5) If the authority determines that major modifications to  
12 the plan are necessary before the initial ballot proposition is  
13 submitted to the voters, the authority may make those modifications  
14 with a favorable vote of two-thirds of the entire membership. Any such  
15 modification shall be subject to the review process set forth in RCW  
16 81.104.110. The modified plan shall be transmitted to the legislative  
17 authorities of the participating counties. The legislative authorities  
18 shall have forty-five days following receipt to act by motion or  
19 ordinance to confirm or rescind their continued participation in the  
20 authority.

21 ~~((+7))~~ (6) If any county opts to not participate in the authority,  
22 but two or more contiguous counties do choose to continue to  
23 participate, the authority's board shall be revised accordingly. The  
24 authority shall, within forty-five days, redefine the system and  
25 financing plan to reflect elimination of one or more counties, and  
26 submit the redefined plan to the legislative authorities of the  
27 remaining counties for their decision as to whether to continue to  
28 participate. This action shall be completed within forty-five days  
29 following receipt of the redefined plan.

30 ~~((+8))~~ (7) The authority shall place on the ballot within two  
31 years of the authority's formation, a single ballot proposition to  
32 authorize the imposition of taxes to support the implementation of an  
33 appropriate phase of the plan within its service area. In addition to  
34 the system plan requirements contained in RCW 81.104.100(2)(d), the  
35 system plan approved by the authority's board before the submittal of  
36 a proposition to the voters shall contain an equity element which:

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

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

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

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

15 ~~((+9))~~ (8) If the vote on a proposition fails, the board may  
16 redefine the proposition, make changes to the authority boundaries, and  
17 make corresponding changes to the composition of the board, subject to  
18 section 1 of this act. If the composition of the board is changed, the  
19 participating counties shall revise the membership of the board  
20 accordingly, subject to section 1 of this act. The board may then  
21 submit the revised proposition or a different proposition to the  
22 voters. No single proposition may be submitted to the voters more than  
23 twice. The authority may place additional propositions on the ballot  
24 to impose taxes to support additional phases of plan implementation.

25 If the authority is unable to achieve a positive vote on a  
26 proposition within two years from the date of the first election on a  
27 proposition, the board may, by resolution, reconstitute the authority  
28 as a single-county body. With a two-thirds vote of the entire  
29 membership of the voting members, the board may also dissolve the  
30 authority.

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 81.112 RCW  
32 to read as follows:

33 (1)(a) Notwithstanding section 1(7) of this act, if a majority of  
34 voting board members of an authority, elected under section 1 of this  
35 act, decide in their discretion that a proposal regarding a light rail  
36 transit system in a county with a population over one million five  
37 hundred thousand persons has materially changed from that submitted to

1 or reasonably expected or understood by voters, then the board may by  
2 majority vote terminate the light rail transit system. Thereafter the  
3 board may submit a revised or different proposition to the voters, or  
4 may reprogram the light rail transit system resources, for capital  
5 purposes only, to a monorail line within a county with a population  
6 over one million five hundred thousand persons, commuter rail,  
7 intercity bus service, vanpools, or any combination thereof.

8 (b) If the board chooses to terminate the light rail transit system  
9 under this subsection (1), it shall continue to make expenditures for  
10 the light rail transit system solely for the purposes of retiring debt  
11 or fulfilling contractual obligations, if any, relative to the light  
12 rail system, incurred or entered into before the effective date of this  
13 act.

14 (2)(a) Subject to (b) of this subsection, an authority board that  
15 was not elected as provided for in section 1 of this act may not make  
16 expenditures, incur any debt, issue any bonds, or enter into any  
17 agreement, for the purpose of implementing a light rail transit system  
18 in a county with a population over one million five hundred thousand  
19 persons.

20 (b) An authority may make expenditures under this subsection (2)(b)  
21 solely for the purpose of retiring debt or fulfilling contractual  
22 obligations, if any, relative to a light rail system, incurred or  
23 entered into before the effective date of this act.

24 NEW SECTION. **Sec. 6.** RCW 81.112.040 (Board appointments--Voting--  
25 Expenses) and 1994 c 109 s 1 & 1992 c 101 s 4 are each repealed.

26 NEW SECTION. **Sec. 7.** This act is remedial in nature and applies  
27 to all regional transit authorities established before or after the  
28 effective date of this act.

29 NEW SECTION. **Sec. 8.** This act is necessary for the immediate  
30 preservation of the public peace, health, or safety, or support of the  
31 state government and its existing public institutions, and takes effect  
32 immediately.

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