Chapter 81.104 RCW
HIGH CAPACITY TRANSPORTATION SYSTEMS

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RCW 81.104.010 Purpose. Increasing congestion on Washington's roadways calls for identification and implementation of high capacity transportation system alternatives. The legislature believes that local jurisdictions should coordinate and be responsible for high capacity transportation policy development, program planning, and implementation. The state should assist by working with local agencies on issues involving rights-of-way, partially financing projects meeting established state criteria including development and

completion of the high occupancy vehicle lane system, authorizing local jurisdictions to finance high capacity transportation systems through voter-approved tax options, and providing technical assistance and information. [1992 c 101 s 18; 1991 c 318 s 1; 1990 c 43 s 22.]

RCW 81.104.015 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Enhanced service zone" means an area within a regional transit authority district created pursuant to RCW 81.104.220.

(2) "High capacity transportation corridor area" means a quasi-municipal corporation and independent taxing authority within the meaning of Article VII, section 1 of the state Constitution, and a taxing district within the meaning of Article VII, section 2 of the state Constitution, created by a transit agency governing body.

(3) "High capacity transportation system" means a system of public transportation services within an urbanized region operating principally on exclusive rights-of-way, and the supporting services and facilities necessary to implement such a system, including interim express services and high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally in general purpose roadways.

(4) "Rail fixed guideway public transportation system" means a rail fixed guideway system, but does not include a system that is not public transportation, such as seasonal, tourist, or intraterminal service.

(5) "Rail fixed guideway system" means a light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or other fixed rail guideway component of a high capacity transportation system that is not regulated by the federal railroad administration, or its successor. "Rail fixed guideway system" does not mean elevators, moving sidewalks or stairs, and vehicles suspended from aerial cables, unless they are an integral component of a station served by a rail fixed guideway system.

(6) "Regional transit system" means a high capacity transportation system under the jurisdiction of one or more transit agencies except where a regional transit authority created under chapter 81.112 RCW exists, in which case "regional transit system" means the high capacity transportation system under the jurisdiction of a regional transit authority.

(7) "Transit agency" means city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas. [2022 c 285 s 4; 2016 c 33 s 7; 2009 c 280 s 1; 1999 c 202 s 9; 1992 c 101 s 19.]

Effective date—2016 c 33: See note following RCW 81.104.115.

Effective date—1999 c 202: See note following RCW 35.21.228.

RCW 81.104.020 State policy roles. The department of transportation's current policy role in transit is expanded to include other high capacity transportation development as part of a multimodal transportation system.

(1) The department of transportation shall implement a program for high capacity transportation coordination, planning, and technical studies with appropriations from the *high capacity transportation account.

(2) The department shall assist local jurisdictions and regional transportation planning organizations with high capacity transportation planning efforts. [1991 c 318 s 2; 1990 c 43 s 23.]

***Reviser's note:** RCW 47.78.010, the high capacity transportation account, was repealed by 2017 3rd sp.s. c 25 s 39.

RCW 81.104.030 Policy development outside central Puget Sound—Voter approval. (1) In any county that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders, except for any county having a population of more than one million or a county that has a population more than four hundred thousand and is adjacent to a county with a population of more than one million, transit agencies may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation, or such agencies may use the designated metropolitan planning organization as the regional policy committee.

Transit agencies participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and financing plan. For transit agencies in counties adjoining state or international boundaries where the high capacity transportation system plan and financing plan propose a bistate or international high capacity transportation system, such voter approval shall be required from only those voters residing within the service area in the state of Washington.

(2) Transit agencies in counties adjoining state or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or Canadian province. [1995 2nd sp.s. c 14 s 541; 1993 c 428 s 1; 1992 c 101 s 20; 1991 c 318 s 3; 1991 c 309 s 2; (1991 c 363 s 155 repealed by 1991 c 309 s 6); 1990 c 43 s 24.]

Severability—1995 2nd sp.s. c 14: See note following RCW 43.19.1919.

RCW 81.104.040 Policy development in central Puget Sound—Voter approval. Transit agencies in each county with a population of one million or more, and in each county with a population of from two hundred ten thousand to less than one million bordering a county with a population of one million or more that are authorized on January 1, 1991, to provide high capacity transportation planning and operating services must establish through interlocal agreements a joint regional policy committee with proportional representation based upon the population distribution within each agency's designated service area, as determined by the parties to the agreement.

(1) The membership of the joint regional policy committee shall consist of locally elected officials who serve on the legislative

authority of the existing transit systems and a representative from the department of transportation. Nonvoting membership for elected officials from adjoining counties may be allowed at the committee's discretion.

(2) The joint regional policy committee shall be responsible for the preparation and adoption of a regional high capacity transportation implementation program, which shall include the system plan, project plans, and a financing plan. This program shall be in conformance with the regional transportation planning organization's regional transportation plan and consistent with RCW 81.104.080.

(3) The joint regional policy committee shall present an adopted high capacity transportation system plan and financing plan to the boards of directors of the transit agencies within the service area or to the regional transit authority, if such authority has been formed. The authority shall proceed as prescribed in RCW 81.112.030. [1992 c 101 s 21; 1991 c 318 s 4; 1990 c 43 s 25.]

RCW 81.104.050 Expansion of service. Regional high capacity transportation service may be expanded beyond the established district boundaries through interlocal agreements among the transit agencies and any regional transit authorities in existence. [1992 c 101 s 22; 1991 c 318 s 5; 1990 c 43 s 26.]

RCW 81.104.060 State role in planning and implementation. (1) The state's planning role in high capacity transportation development as one element of a multimodal transportation system should facilitate cooperative state and local planning efforts.

(2) The department of transportation may serve as a contractor for high capacity transportation system and project design, administer construction, and assist agencies authorized to provide service in the acquisition, preservation, and joint use of rights-of-way.

(3) The department and local jurisdictions shall continue to cooperate with respect to the development of high occupancy vehicle lanes and related facilities, associated roadways, transfer stations, people mover systems developed either by the public or private sector, and other related projects.

(4) The department in cooperation with local jurisdictions shall develop policies which enhance the development of high-speed interregional systems by both the private and the public sector. These policies may address joint use of rights-of-way, identification and preservation of transportation corridors, and joint development of stations and other facilities. [1991 c 318 s 6; 1990 c 43 s 27.]

RCW 81.104.070 Responsibility for system implementation. (1) The state shall not become an operating agent for regional high capacity transportation systems.

(2) Agencies providing high capacity transportation service are responsible for planning, construction, operations, and funding including station area design and development, and parking facilities. Agencies may implement necessary contracts, joint development agreements, and interlocal government agreements. Agencies providing service shall consult with affected local jurisdictions and cooperate with comprehensive planning processes. [1990 c 43 s 28.]

RCW 81.104.080 Regional transportation planning. Where applicable, regional transportation plans and local comprehensive plans shall address the relationship between urban growth and an effective high capacity transportation system plan, and provide for cooperation between local jurisdictions and transit agencies.

(1) Regional high capacity transportation plans shall be included in the designated regional transportation planning organization's regional transportation plan review and update process to facilitate development of a coordinated multimodal transportation system and to meet federal funding requirements.

(2) Interlocal agreements between transit authorities, cities, and counties shall set forth conditions for assuring land uses compatible with development of high capacity transportation systems. These include developing sufficient land use densities through local actions in high capacity transportation corridors and near passenger stations, preserving transit rights-of-way, and protecting the region's environmental quality. The implementation program for high capacity transportation systems shall favor cities and counties with supportive land use plans. In developing local actions intended to carry out these policies cities and counties shall insure the opportunity for public comment and participation in the siting of such facilities, including stations or transfer facilities. Agencies providing high capacity transportation services, in cooperation with public and private interests, shall promote transit-compatible land uses and development which includes joint development.

(3) Interlocal agreements shall be consistent with state planning goals as set forth in chapter 36.70A RCW. Agreements shall also include plans for concentrated employment centers, mixed-use development, and housing densities that support high capacity transportation systems.

(4) Agencies providing high capacity transportation service and other transit agencies shall develop a cooperative process for the planning, development, operations, and funding of feeder transportation systems. Feeder systems may include existing and future intercity passenger systems and alternative technology people mover systems which may be developed by the private or public sector.

(5) Cities and counties along corridors designated in a high capacity transportation system plan shall enter into agreements with their designated regional transportation planning organizations, for the purpose of participating in a right-of-way preservation review process which includes activities to promote the preservation of the high capacity transportation rights-of-way. The regional transportation planning organization shall serve as the coordinator of the review process.

(a) Cities and counties shall forward all development proposals for projects within and adjoining to the rights-of-way proposed for preservation to the designated regional transportation planning organizations, which shall distribute the proposals for review by parties to the right-of-way preservation review process.

(b) The regional transportation planning organizations shall also review proposals for conformance with the regional transportation plan and associated regional development strategies. The designated regional transportation planning organization shall within ninety days compile local and regional agency comments and communicate the same to the originating jurisdiction and the joint regional policy committee. [1991 c 318 s 7; 1990 c 43 s 29.]

RCW 81.104.090 Department of transportation responsibilities—Funding of planning projects. The department of transportation shall be responsible for distributing amounts appropriated from the *high capacity transportation account, which shall be allocated by the department of transportation based on criteria in subsection (2) of this section. The department shall assemble and participate in a committee comprised of transit agencies eligible to receive funds from the *high capacity transportation account for the purpose of reviewing fund applications.

(1) State *high capacity transportation account funds may provide up to eighty percent matching assistance for high capacity transportation planning efforts.

(2) Authorizations for state funding for high capacity transportation planning projects shall be subject to the following criteria:

(a) Conformance with the designated regional transportation planning organization's regional transportation plan;

(b) Local matching funds;

(c) Demonstration of projected improvement in regional mobility;

(d) Conformance with planning requirements prescribed in RCW 81.104.100, and if five hundred thousand dollars or more in state funding is requested, conformance with the requirements of RCW 81.104.110; and

(e) Establishment, through interlocal agreements, of a joint regional policy committee as defined in RCW 81.104.030 or 81.104.040.

(3) The department of transportation shall provide general review and monitoring of the system and project planning process prescribed in RCW 81.104.100. [1995 c 269 s 2602; 1993 c 393 s 2; 1991 c 318 s 8; 1990 c 43 s 30.]

***Reviser's note:** RCW 47.78.010, the high capacity transportation account, was repealed by 2017 3rd sp.s. c 25 s 39.

Effective date—Part headings not law—Severability—1995 c 269: See notes following RCW 18.16.050.

Effective date—1993 c 393: See RCW 47.66.900.

RCW 81.104.100 Planning process. To assure development of an effective high capacity transportation system, local authorities shall follow the following planning process only if their system plan includes a rail fixed guideway system component or a bus rapid transit component that is planned by a regional transit authority:

(1) Regional, multimodal transportation planning is the ongoing urban transportation planning process conducted in each urbanized area by its regional transportation planning organization. During this process, regional transportation goals are identified, travel patterns are analyzed, and future land use and travel are projected. The process provides a comprehensive view of the region's transportation needs but does not select specified modes to serve those needs. The process shall identify a priority corridor or corridors for further study of high capacity transportation facilities if it is deemed feasible by local officials.

(2) High capacity transportation system planning is the detailed evaluation of a range of high capacity transportation system options, including: Do nothing, low capital, and ranges of higher capital

facilities. To the extent possible this evaluation shall take into account the urban mass transportation administration's requirements identified in subsection (3) of this section.

High capacity transportation system planning shall proceed as follows:

(a) Organization and management. The responsible local transit agency or agencies shall define roles for various local agencies, review background information, provide for public involvement, and develop a detailed work plan for the system planning process.

(b) Development of options. Options to be studied shall be developed to ensure an appropriate range of technologies and service policies can be evaluated. A do-nothing option and a low capital option that maximizes the current system shall be developed. Several higher capital options that consider a range of capital expenditures for several candidate technologies shall be developed.

(c) Analysis methods. The local transit agency shall develop reports describing the analysis and assumptions for the estimation of capital costs, operating and maintenance costs, methods for travel forecasting, a financial plan and an evaluation methodology.

(d) The system plan submitted to the voters pursuant to RCW 81.104.140 shall address, but is not limited to the following issues:

(i) Identification of level and types of high capacity transportation services to be provided;

(ii) A plan of high occupancy vehicle lanes to be constructed;

(iii) Identification of route alignments and station locations with sufficient specificity to permit calculation of costs, ridership, and system impacts;

(iv) Performance characteristics of technologies in the system plan;

(v) Patronage forecasts;

(vi) A financing plan describing: Phasing of investments; capital and operating costs and expected revenues; cost-effectiveness represented by a total cost per system rider and new rider estimate; estimated ridership and the cost of service for each individual high capacity line; and identification of the operating revenue to operating expense ratio.

The financing plan shall specifically differentiate the proposed use of funds between high capacity transportation facilities and services, and high occupancy vehicle facilities;

(vii) Description of the relationship between the high capacity transportation system plan and adopted land use plans;

(viii) An assessment of social, economic, and environmental impacts; and

(ix) Mobility characteristics of the system presented, including but not limited to: Qualitative description of system/service philosophy and impacts; qualitative system reliability; travel time and number of transfers between selected residential, employment, and activity centers; and system and activity center mode splits.

(3) High capacity transportation project planning is the detailed identification of alignments, station locations, equipment and systems, construction schedules, environmental effects, and costs. High capacity transportation project planning shall proceed as follows: The local transit agency shall analyze and produce information needed for the preparation of environmental impact statements. The impact statements shall address the impact that development of such a system will have on abutting or nearby property owners. The process of identification of alignments and station

locations shall include notification of affected property owners by normal legal publication. At minimum, such notification shall include notice on the same day for at least three weeks in at least two newspapers of general circulation in the county where such project is proposed. Special notice of hearings by the conspicuous posting of notice, in a manner designed to attract public attention, in the vicinity of areas identified for station locations or transfer sites shall also be provided.

In order to increase the likelihood of future federal funding, the project planning processes shall follow the urban mass transportation administration's requirements as described in "Procedures and Technical Methods for Transit Project Planning", published by the United States department of transportation, urban mass transportation administration, September 1986, or the most recent edition. Nothing in this subsection shall be construed to preclude detailed evaluation of more than one corridor in the planning process.

The department of transportation shall provide system and project planning review and monitoring in cooperation with the expert review panel identified in RCW 81.104.110. In addition, the local transit agency shall maintain a continuous public involvement program and seek involvement of other government agencies.

(4) This section does not apply to a ballot proposition submitted to voters of an enhanced service zone authorized in RCW 81.104.220(3)(a) and (c). [2022 c 285 s 5; 2011 c 127 s 1; 1992 c 101 s 23; 1991 sp.s. c 15 s 68; 1991 c 318 s 9; 1990 c 43 s 31.]

Construction—Severability—1991 sp.s. c 15: See note following RCW 46.68.110.

RCW 81.104.110 Independent system plan oversight. (1) The legislature recognizes that the planning processes described in RCW 81.104.100 provide a recognized framework for guiding high capacity transportation studies. However, the process cannot guarantee appropriate decisions unless key study assumptions are reasonable.

(2) To assure appropriate system plan assumptions and to provide for review of system plan results, an expert review panel shall be appointed to provide independent technical review for development of any system plan which:

(a) Is to be funded in whole or in part by the imposition of any voter-approved local option funding sources enumerated in RCW 81.104.140; and

(b) Includes a rail fixed guideway system component or a bus rapid transit component that is planned by a regional transit authority.

(3) The expert review panel shall consist of five to 10 members who are recognized experts in relevant fields, such as transit operations, planning, emerging transportation technologies, engineering, finance, law, the environment, geography, economics, and political science.

(4) The expert review panel shall be selected cooperatively by the chairs of the senate and house transportation committees, the secretary of the department of transportation, and the governor to assure a balance of disciplines. In the case of counties adjoining another state or Canadian province the expert review panel membership

shall be selected cooperatively with representatives of the adjoining state or Canadian province.

(5) The chair of the expert review panel shall be designated by the appointing authorities.

(6) The expert review panel shall serve without compensation but shall be reimbursed for expenses according to RCW 43.03.050 and 43.03.060. Reimbursement shall be paid from within the existing resources of the local authority planning under this chapter.

(7) The panel shall carry out the duties set forth in subsections (8) and (9) of this section until the date on which an election is held to consider the high capacity transportation system and financing plans.

(8) The expert panel shall review all reports required in RCW 81.104.100(2) and shall concentrate on service modes and concepts, costs, patronage and financing evaluations.

(9) The expert panel shall provide timely reviews and comments on individual reports and study conclusions to the department of transportation, the regional transportation planning organization, the joint regional policy committee, and the submitting lead transit agency. In the case of counties adjoining another state or Canadian province, the expert review panel shall provide its reviews, comments, and conclusions to the representatives of the adjoining state or Canadian province.

(10) The local authority planning under this chapter shall contract for consulting services for expert review panels. The amount of consultant support shall be negotiated with each expert review panel by the local authority and shall be paid from within the local authority's existing resources.

(11) This section does not apply to a ballot proposition submitted to voters of an enhanced service zone authorized in RCW 81.104.220(3) (a) and (c). [2022 c 285 s 6; 2011 c 127 s 2; 2005 c 319 s 136; 1998 c 245 s 165. Prior: 1991 c 318 s 10; 1991 c 309 s 3; 1990 c 43 s 32.]

Findings—Intent—Part headings—Effective dates—2005 c 319: See notes following RCW 43.17.020.

RCW 81.104.115 Rail fixed guideway public transportation system—State safety oversight agency—Safety program plan and security and emergency preparedness plan—Penalties, sanctions—Rules—Annual report. (1) The department of transportation is established as the state safety oversight agency. As such, the department is subject to the following conditions:

(a) The department must be financially and legally independent from any public transportation agency that the department is obliged to oversee;

(b) The department must not directly provide public transportation services in an area with a rail fixed guideway public transportation system that the department is obliged to oversee;

(c) The department must not employ any individual who is also responsible for administering a rail fixed guideway public transportation system that the department is obliged to oversee; and

(d) The department has investigative and enforcement authority with respect to the safety and security of all rail fixed guideway public transportation systems in Washington state. The department

shall adopt rules with respect to its investigative and enforcement authority.

(2) The department shall collect, audit, review, approve, oversee, and enforce the system safety program plan and the system security and emergency preparedness plan prepared by each owner or operator of a rail fixed guideway public transportation system operating in Washington state. In carrying out this function, the department shall adopt rules specifying the elements and standard to be contained in a system safety program plan and a system security and emergency preparedness plan, and the content of any investigation report, corrective action plan, and accompanying implementation schedule resulting from any reportable incident, accident, security breach, hazard, or security vulnerability. These rules must include due dates for the department's timely receipt of and response to required documents.

(3) The department, in carrying out the duties in this section, shall compel the rail fixed guideway public transportation systems to comply with state and federal safety and security regulations for rail fixed guideway public transportation systems. The department may also impose financial penalties for noncompliance with state or federal regulations, or both, related to state safety and security oversight. Specific financial penalties, if imposed, must be determined by rule. When reportable safety or security deficiencies are identified and not addressed in a timely manner by rail fixed guideway public transportation system owners and operators, the department may require the suspension or modification of service or the suspended use or removal of equipment. The department may impose sanctions upon owners and operators of rail fixed guideway public transportation systems for failure to meet deadlines of submissions of required reports and audits.

(4) The system security and emergency preparedness plan as described in RCW 35.21.228(1), 35A.21.300(1), 36.01.210(1), 36.57.120(1), 36.57A.170(1), and 81.112.180(1) is exempt from public disclosure under chapter 42.56 RCW by the department when collected from the owners and operators of rail fixed guideway public transportation systems. However, the system safety program plan as described in RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180 is not exempt from public disclosure.

(5) The department shall audit each system safety program plan and each system security and emergency preparedness plan at least once every three years. The department may contract with other persons or entities for the performance of duties required by this subsection. The department shall provide at least thirty days' advance notice to the owner or operator of a rail fixed guideway public transportation system before commencing the audit.

(6) In the event of any reportable incident, accident, security breach, hazard, or security vulnerability, the department shall review the investigation report, corrective action plan, and accompanying implementation schedule, submitted by the owner or operator of the rail fixed guideway public transportation system to safeguard against a recurrence of the incident, accident, security breach, hazard, or security vulnerability.

(a) The department may, at its option, perform a separate, independent investigation of any reportable incident, accident, security breach, hazard, or security vulnerability. The department may contract with other persons or entities for the performance of duties required by this subsection.

(b) If the department does not concur with the investigation report, corrective action plan, and accompanying implementation schedule, submitted by the owner or operator, the department shall notify that owner or operator in writing within forty-five days of its receipt of the complete investigation report, corrective action plan, and accompanying implementation schedule.

(7) The secretary may adopt rules to implement this section and RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180, including rules establishing procedures and timelines for owners and operators of rail fixed guideway public transportation systems to comply with RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180 and the rules adopted under this section. If noncompliance by an owner or operator of a rail fixed guideway public transportation system results in the loss of federal funds to the state of Washington or a political subdivision of the state, the owner or operator is liable to the affected entity or entities for the amount of the lost funds.

(8) The department and its employees shall have no liability for any actions taken pursuant to this chapter arising from: The adoption of rules; the review of or concurrence in a system safety program plan and a system security and emergency preparedness plan; the separate, independent investigation of any reportable incident, accident, security breach, hazard, or security vulnerability; and the review of or concurrence in a corrective action plan for any reportable incident, accident, security breach, hazard, or security vulnerability.

(9) At least once every year, the department shall report the status of the safety and security of each rail fixed guideway public transportation system to the governor, the federal transit administration, the board of directors or equivalent entity of the rail fixed guideway public transportation system, and the transportation committees of the legislature. [2016 c 33 s 8; 2007 c 422 s 7; 2005 c 274 s 359; 2001 c 127 s 1; 1999 c 202 s 7.]

Effective date—2016 c 33: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 25, 2016]." [2016 c 33 s 9.]

Effective date—1999 c 202: See note following RCW 35.21.228.

RCW 81.104.120 Commuter rail service—Voter approval. (1) Transit agencies and regional transit authorities may operate or contract for commuter rail service where it is deemed to be a reasonable alternative transit mode. A reasonable alternative is one whose passenger costs per mile, including costs of trackage, equipment, maintenance, operations, and administration are equal to or less than comparable bus, entrained bus, trolley, or personal rapid transit systems.

(2) A county may use funds collected under RCW 81.100.030 or 81.100.060 to contract with one or more transit agencies or regional transit authorities for planning, operation, and maintenance of commuter rail projects which: (a) Are consistent with the regional transportation plan; (b) have met the project planning and oversight requirements of RCW 81.104.100 and 81.104.110; and (c) have been

approved by the voters within the service area of each transit agency or regional transit authority participating in the project. For transit agencies in counties adjoining state or international boundaries where the high capacity transportation system plan and financing plan propose a bistate or international high capacity transportation system, such voter approval shall be required from only those voters residing within the service area in the state of Washington. The phrase "approved by the voters" includes specific funding authorization for the commuter rail project.

(3) The utilities and transportation commission shall maintain safety responsibility for passenger rail service operating on freight rail lines. Agencies providing passenger rail service on lines other than freight rail lines shall maintain safety responsibility for that service. [1993 c 428 s 2; 1992 c 101 s 24; 1990 c 43 s 33.]

RCW 81.104.130 Financial responsibility. Agencies providing high capacity transportation service shall determine optimal debt-to-equity ratios, establish capital and operations allocations, and establish fare-box recovery return policy. [1990 c 43 s 34.]

RCW 81.104.140 Dedicated funding sources. (1) Agencies authorized to provide high capacity transportation service, including transit agencies and regional transit authorities, and regional transportation investment districts acting with the agreement of an agency, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, 81.104.170, 81.104.175, and 81.104.230, are authorized only for agencies located in (a) each county with a population of 210,000 or more and (b) each county with a population of from 125,000 to less than 210,000 except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of 1,000,000 or more or in any county having a population of 400,000 or more bordering a county with a population of 1,000,000 or more, these funding sources may be imposed only by a regional transit authority or a regional transportation investment district. Regional transportation investment districts may, with the approval of the regional transit authority within its boundaries, impose the taxes authorized under this chapter, but only upon approval of the voters and to the extent that the maximum amount of taxes authorized under this chapter have not been imposed.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

(a) Acceptability;

(b) Ease of administration;

(c) Equity;

(d) Implementation feasibility;

(e) Revenue reliability; and

(f) Revenue yield.

(4)(a) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

(i) Employer tax as provided in RCW 81.104.150, other than by regional transportation investment districts;

(ii) Special motor vehicle excise tax as provided in RCW 81.104.160;

(iii) Regular property tax as provided in RCW 81.104.175;

(iv) Sales and use tax as provided in RCW 81.104.170; and

(v) Parking tax as provided in RCW 81.104.230.

(b) Revenues from these taxes may be used only to support those purposes prescribed in subsection (11) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, 81.104.170, and 81.104.175, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110, except as otherwise provided in RCW 81.104.220. No construction on exclusive right-of-way may occur before the requirements of RCW 81.104.100(3) are met, except as otherwise provided in RCW 81.104.220.

(5) Except for the regular property tax authorized in RCW 81.104.175, the authorization in subsection (4) of this section may not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Except when a regional transit authority exists, local jurisdictions must retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Except for the regular property tax authorized in RCW 81.104.175, agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, 81.104.170, and 81.104.175 are subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. The ballot title must reference the document identified in subsection (9) of this section.

(8) Dedicated enhanced service zone funding sources authorized in RCW 81.104.160(1)(b) and 81.104.230 are subject to voter approval by a simple majority of the enhanced service zone.

(9) Agencies must provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100, except as otherwise provided in RCW 81.104.220. It must also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document must be provided to the voters at least twenty days prior to the date of the election.

(10) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voters' pamphlet must be produced as provided in chapter 29A.32 RCW.

(11)(a) Agencies providing high capacity transportation service must retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems

and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

(b) A regional transit authority that imposes a motor vehicle excise tax after July 15, 2015, imposes a property tax, or increases a sales and use tax to more than nine-tenths of one percent must undertake a process in which the authority's board formally considers inclusion of the name, Scott White, in the naming convention associated with either the University of Washington or Roosevelt stations. [2022 c 285 s 7; (2020 c 1 s 10 repealed by 2024 c 232 s 7); 2015 3rd sp.s. c 44 s 318; 2002 c 56 s 202; 1992 c 101 s 25. Prior: 1991 c 318 s 11; 1991 c 309 s 4; (1991 c 363 s 157 repealed by 1991 c 309 s 6); 1990 c 43 s 35.]

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

RCW 81.104.150 Employer tax. Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, high capacity transportation corridor areas, and regional transit authorities may submit an authorizing proposition to the voters and if approved may impose an excise tax of up to two dollars per month per employee on all employers located within the applicable jurisdiction, measured by the number of full-time equivalent employees, solely for the purpose of providing high capacity transportation service. The rate of tax shall be approved by the voters. This tax may not be imposed by: (1) A transit agency or high capacity transportation corridor area when the county within which it is located is imposing an excise tax pursuant to RCW 81.100.030; or (2) a regional transit authority when any county within the authority's boundaries is imposing an excise tax pursuant to RCW 81.100.030. The agency or high capacity transportation corridor area imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate. [2009 c 280 s 3; 1992 c 101 s 26; 1990 c 43 s 41.]

RCW 81.104.160 Motor vehicle excise tax for regional transit authorities—Sales and use tax on car rentals—Former motor vehicle excise tax repealed. (1)(a) Regional transit authorities that include a county with a population of more than 1,500,000 may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eight-tenths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing high capacity transportation service.

(b) In addition to the authority provided in (a) of this subsection, regional transit authorities described in (a) of this subsection may submit an authorizing proposition to the voters within the boundaries of an enhanced service zone described in RCW 81.104.220, and if approved, may levy and collect a supplemental excise tax within the enhanced service zone, at a rate approved by the voters, but not exceeding one and one-half percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the

enhanced service zone, solely to raise revenue to fund the improvement or improvements described in RCW 81.104.220.

(c) The maximum tax rates under this subsection (1) do not include a motor vehicle excise tax approved before July 15, 2015, if the tax will terminate on the date bond debt to which the tax is pledged is repaid. The taxes under this subsection (1) do not apply to vehicles licensed under RCW 46.16A.455 except vehicles with an unladen weight of 6,000 pounds or less, RCW 46.16A.425 or 46.17.335(2). Notwithstanding any other provision of this subsection (1) or chapter 82.44 RCW, a motor vehicle excise tax imposed by a regional transit authority before or after July 15, 2015, must comply with chapter 82.44 RCW as it existed on January 1, 1996, until December 31st of the year in which the regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before July 15, 2015. Motor vehicle taxes collected by regional transit authorities after December 31st of the year in which a regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before July 15, 2015, must comply with chapter 82.44 RCW as it existed on the date the tax was approved by voters.

(2) An agency and high capacity transportation corridor area may impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the applicable jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax may not exceed 2.172 percent. The rate of tax imposed under this subsection must bear the same ratio of the 2.172 percent authorized that the rate imposed under subsection (1) of this section bears to the rate authorized under subsection (1) of this section. The base of the tax is the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax.

(3) Any motor vehicle excise tax previously imposed under the provisions of subsection (1)(a) of this section shall be repealed, terminated, and expire on December 5, 2002, except for a motor vehicle excise tax for which revenues have been contractually pledged to repay a bonded debt issued before December 5, 2002, as determined by *Pierce County et al. v. State*, 159 Wn.2d 16, 148 P.3d 1002 (2006). In the case of bonds that were previously issued, the motor vehicle excise tax must comply with chapter 82.44 RCW as it existed on January 1, 1996.

(4) If a regional transit authority imposes the tax authorized under subsection (1) of this section, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess. and regional mobility grant program funds. To be eligible to receive regional mobility grant program funds, a regional transit authority must have adopted, at a minimum, a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the authority by October 1, 2022. [2022 c 285 s 2; 2022 c 182 s 438; (2020 c 1 s 13 repealed by 2024 c 232 s 7); 2015 3rd sp.s. c 44 s 319; 2010 c 161 s 903; 2009 c 280 s 4; 2003 c 1 s 6 (Initiative Measure No. 776, approved November 5, 2002); 1998 c 321 s 35 (Referendum Bill No. 49, approved November 3, 1998). Prior: 1992 c 194 s 13; 1992 c 101 s 27; 1991 c 318 s 12; 1990 c 43 s 42.]

Reviser's note: (1) In *Pierce Cty. v. State,* 159 Wn.2d 16, 148 P.3d 1002 (2006), the Washington state supreme court held that section 6, chapter 1, Laws of 2003 (Initiative Measure No. 776) impermissibly impairs the contractual obligations between Sound Transit and its bondholders in violation of the contract clause and, as a result, has no legal effect of preventing Sound Transit from continuing to fulfill its contractual obligation to levy the motor vehicle excise tax for so long as the bonds remain outstanding.

(2) This section was amended by 2022 c 182 s 438 and by 2022 c 285 s 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Intent—Effective date—2022 c 182: See notes following RCW 70A.65.240.

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Severability—Savings—2003 c 1 (Initiative Measure No. 776): "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. If the repeal of taxes in section 6 of this act is judicially held to impair any contract in existence as of the effective date of this act, the repeal shall apply to any other contract, including novation, renewal, or refunding (in the case of bond contract)." [2003 c 1 s 10 (Initiative Measure No. 776, approved November 5, 2002).]

Repeal of taxes by 2003 c 1 s 6 (Initiative Measure No. 776): "If the repeal of taxes in section 6 of this act affects any bonds previously issued for any purpose relating to light rail, the people expect transit agencies to retire these bonds using reserve funds including accrued interest, sale of property or equipment, new voter approved tax revenues, or any combination of these sources of revenue. Taxing districts should abstain from further bond sales for any purpose relating to light rail until voters decide this measure. The people encourage transit agencies to put another tax revenue measure before voters if they want to continue with a light rail system dramatically changed from that previously represented to and approved by voters." [2003 c 1 s 7 (Initiative Measure No. 776, approved November 5, 2002).]

Construction—Intent—2003 c 1 (Initiative Measure No. 776): See notes following RCW 46.16A.455.

Purpose—Severability—1998 c 321: See notes following RCW 82.14.045.

Contingent effective dates—1998 c 321 ss 23-42: See note following RCW 35.58.410.

Legislative intent—1992 c 194: See note following RCW 82.08.020.

Effective dates—1992 c 194: See note following RCW 46.04.466.

RCW 81.104.170 Sales and use tax—Maximum rates. (1) Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, high capacity transportation corridor areas, and regional transit authorities may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing high capacity transportation service.

(2) The tax authorized pursuant to this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district.

(a) Except for the tax imposed under (b) of this subsection by regional transit authorities that include a county with a population of more than 1,500,000, the maximum rate of such tax must be approved by the voters and may not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed may not exceed nine-tenths of one percent in any county that imposes a tax under RCW 82.14.340, or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340.

(b) The maximum rate of such tax that may be imposed by a regional transit authority that includes a county with a population of more than 1,500,000 must be approved by the voters and may not exceed 1.4 percent. If a regional transit authority imposes the tax authorized under this subsection (2)(b) in excess of 0.9 percent, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess. and regional mobility grant program funds. To be eligible to receive regional mobility grant program funds, a regional transit authority must have adopted, at a minimum, a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the authority by October 1, 2022.

(3)(a) The exemptions in RCW 82.08.820 and 82.12.820 are for the state portion of the sales and use tax and do not extend to the tax authorized in this section.

(b) The exemptions in RCW 82.08.962 and 82.12.962 are for the state and local sales and use taxes and include the tax authorized by this section.

(c) The exemptions in RCW 82.14.532 are for the local sales and use taxes and include the tax authorized by this section. [2023 c 431 s 4; 2019 c 273 s 12; 2015 3rd sp.s. c 44 s 320. Prior: 2009 c 469 s 106; 2009 c 280 s 5; 1997 c 450 s 5; 1992 c 101 s 28; 1990 2nd ex.s. c 1 s 902; 1990 c 43 s 43.]

Retroactive application—2023 c 431 ss 4 and 5: "Sections 4 and 5 of this act are remedial in nature and apply retroactively to July 1, 2022." [2023 c 431 s 15.]

Intent—2023 c 431: See note following RCW 46.17.015.

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

Effective date—2009 c 469: See note following RCW 82.08.962.

Findings—Intent—Report—Effective date—1997 c 450: See notes following RCW 82.08.820.

Severability—1990 2nd ex.s. c 1: See note following RCW 82.14.300.

Changes in tax law—Liability: RCW 82.08.064, 82.14.055, and 82.32.430.

Local retail sales and use taxes: Chapter 82.14 RCW.

Sales tax imposed—Retail sales—Retail car rental—Recreational vessels: RCW 82.08.020.

Use tax imposed: RCW 82.12.020.

RCW 81.104.175 Property tax levy for regional transit authorities. (1) A regional transit authority that includes a county with a population of more than 1,500,000 may impose a regular property tax levy in an amount not to exceed 25 cents per $1,000 of the assessed value of property in the regional transit authority district in accordance with the terms of this section.

(2) Any tax imposed under this section must be used for the purpose of providing high capacity transportation service, as set forth in a proposition that is approved by a majority of the registered voters that vote on the proposition.

(3) Property taxes imposed under this section may be imposed for the period of time required to pay the cost to plan, design, construct, operate, and maintain the transit facilities set forth in the approved proposition. Property taxes pledged to repay bonds may be imposed at the pledged amount until the bonds are retired. After the bonds are retired, property taxes authorized under this section must be:

(a) Reduced to the level required to operate and maintain the regional transit authority's transit facilities; or

(b) Terminated, unless the taxes have been extended by public vote.

(4) The limitations in RCW 84.52.043 do not apply to the tax authorized in this section.

(5) The limitation in RCW 84.55.010 does not apply to the first levy imposed under this section.

(6) If a regional transit authority imposes the tax authorized under subsection (1) of this section, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in

chapter 11, Laws of 2015 3rd sp. sess. and regional mobility grant program funds. To be eligible to receive regional mobility grant program funds, a regional transit authority must have adopted, at a minimum, a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the authority by October 1, 2022.

(7) Property taxes imposed under this section may not be imposed on less than a whole parcel. [2023 c 431 s 5; 2018 c 81 s 1; 2015 3rd sp.s. c 44 s 321.]

Retroactive application—2023 c 431 ss 4 and 5: See note following RCW 81.104.170.

Intent—2023 c 431: See note following RCW 46.17.015.

Effective date—2018 c 81: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 15, 2018]." [2018 c 81 s 2.]

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

RCW 81.104.180 Pledge of revenues for bond retirement. Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, high capacity transportation corridor areas, and regional transit authorities are authorized to pledge revenues from the employer tax authorized by RCW 81.104.150, the taxes authorized by RCW 81.104.160, the sales and use tax authorized by RCW 81.104.170, the property tax authorized by RCW 81.104.175, and the parking tax authorized by RCW 81.104.230, to retire bonds issued solely for the purpose of providing high capacity transportation service. [2022 c 285 s 8; 2015 3rd sp.s. c 44 s 327; 2009 c 280 s 6; 1992 c 101 s 29; 1990 c 43 s 44.]

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

RCW 81.104.190 Contract for collection of taxes. Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, high capacity transportation corridor areas, and regional transit systems may contract with the state department of revenue or other appropriate entities for administration and collection of any tax authorized by RCW 81.104.150, 81.104.160, 81.104.170, and 81.104.230. [2022 c 285 s 9; 2009 c 280 s 7; 1992 c 101 s 30; 1990 c 43 s 45.]

RCW 81.104.200 High capacity transportation corridor areas. (1) A governing body of a transit agency in a county that has a population of more than four hundred thousand and that adjoins a state boundary may establish one or more high capacity transportation corridor areas

within all or a portion of the boundaries of the transit agency establishing the high capacity transportation corridor area. A high capacity transportation corridor area may include all or a portion of a city or town as long as all or a portion of the city or town boundaries are within the boundaries of the establishing transit agency. The members of the transit agency governing body proposing to establish the high capacity transportation corridor area, acting ex officio and independently, shall constitute the governing body of the high capacity transportation corridor area.

(2) A high capacity transportation corridor area may establish, finance, and provide a high capacity transportation system within its boundaries in the same manner as authorized for transit agencies under this chapter, subject to the following restrictions:

(a) Any combined tax rates imposed under this chapter within the boundaries of the transit agency establishing a high capacity transportation corridor area or areas may not exceed the maximum rates authorized under RCW 81.104.150, 81.104.160, and 81.104.170;

(b) If a majority of the voters within the boundaries of a high capacity transportation corridor area approve a proposition imposing any high capacity transportation taxes, the governing body of the high capacity transportation corridor area may not seek subsequent voter approval of any additional high capacity transportation taxes, notwithstanding any remaining authorized taxing capacity; and

(c) The governing body of a high capacity transportation corridor area may not submit any authorizing proposition for voter-approved taxes prior to July 1, 2012.

(3) A high capacity transportation corridor area constitutes a body corporate and possesses all the usual powers of a corporation for public purposes as well as all other powers that may be conferred by statute including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, to acquire, hold, and dispose of real and personal property, and to sue and be sued. Public works contract limits applicable to the transit agency that established the high capacity transportation corridor area apply to the area.

(4) A high capacity transportation corridor area may exercise the power of eminent domain to obtain property for its authorized purposes in the same manner as authorized for the transit agency that established the area.

(5) A high capacity transportation corridor area may be dissolved by a majority vote of the governing body when all obligations under any general obligation bonds issued by the high capacity transportation corridor area have been discharged and any other contractual obligations of the high capacity transportation corridor area have either been discharged or assumed by another governmental entity. [2009 c 280 s 2.]

RCW 81.104.210 High capacity transportation corridor areas—Issuance of bonds. (1) To carry out the purposes of this chapter, a high capacity transportation corridor area may issue general obligation bonds, not to exceed an amount, together with any other outstanding nonvoter-approved general obligation indebtedness, equal to one and one-half percent of the value of the taxable property within the area, as the term "value of the taxable property" is defined in RCW 39.36.015. A high capacity transportation corridor area

may also issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to five percent of the value of the taxable property within the area, as the term "value of the taxable property" is defined in RCW 39.36.015, when authorized by the voters of the area pursuant to Article VIII, section 6 of the state Constitution.

(2) General obligation bonds with a maturity in excess of twenty-five years shall not be issued. The governing body of the high capacity transportation corridor area shall by resolution determine for each general obligation bond issue the amount, date, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, covenants, and form, including registration as to principal and interest, registration as to principal only, or bearer. Registration may include, but not be limited to: (a) A book entry system of recording the ownership of a bond whether or not physical bonds are issued; or (b) recording the ownership of a bond together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond and either the reissuance of the old bond or the issuance of a new bond to the new owner. Facsimile signatures may be used on the bonds and any coupons. Refunding general obligation bonds may be issued in the same manner as general obligation bonds are issued.

(3) Whenever general obligation bonds are issued to fund specific projects or enterprises that generate revenues, charges, user fees, or special assessments, the high capacity transportation corridor area may specifically pledge all or a portion of the revenues, charges, user fees, or special assessments to refund the general obligation bonds. The high capacity transportation corridor area may also pledge any other revenues that may be available to the area.

(4) In addition to general obligation bonds, a high capacity transportation corridor area may issue revenue bonds to be issued and sold in accordance with chapter 39.46 RCW. [2009 c 280 s 8.]

RCW 81.104.220 Enhanced service zones—Board of a regional transit authority may establish—Ballot proposition—Voter-approved local option funding sources—Fixed rail guideway components. (1) The board of a regional transit authority may establish one or more enhanced service zones within a portion of the boundaries of the authority in order to finance system improvements directly serving the respective enhanced service zone or zones. An enhanced service zone must lie entirely within the authority boundaries and must comprise no less than the entire portion of a city or town that lies within the authority boundaries. An enhanced service zone may also include one or more entire adjacent cities or towns and adjacent unincorporated areas, and must contain all or portions of one or more high capacity transportation projects included within an existing voter-approved regional transportation plan. There may also be multiple enhanced service zones encompassing the same city or town, and adjacent unincorporated area.

(2) Before an enhanced service zone may be established, it must first be recommended to the board of the regional transit authority by an advisory committee appointed by the regional transit authority board and composed of board members representing the subarea in which

the proposed enhanced service zone is located. The advisory committee's recommendations must include proposed system improvements that benefit the enhanced service zone, to be financed by the excise taxes authorized in subsection (5) of this section, and constructed and operated by the regional transit authority. If the board establishes the recommended enhanced service zone, then the board must submit a ballot proposition to voters within the enhanced service zone at a general or special election for approval of the proposed system improvements and funding sources as provided in subsection (5) of this section. The funding sources may not be imposed without approval of a majority of the voters in the enhanced service zone voting on the proposition. The proposition must include a specific description of the proposed high capacity transportation system improvement or improvements, including speed, reliability, and safety enhancements to the improvements, and the funding sources to be imposed within the enhanced service zone to raise revenue to fund the improvement or improvements. Design and construction of the system improvements approved by the voters of an enhanced service zone may not delay the estimated completion date of high capacity transportation system improvements contained in an existing voter-approved regional transit plan, by more than six months. A regional transit authority may not proceed with the construction of any system improvement or improvements financed by an enhanced service zone prior to providing a report regarding the engineering and financing of each such system improvement to the transportation committees of the legislature that confirms that the system improvement will not delay the estimated completion date of high capacity transportation system improvements contained in an existing voter-approved regional transit plan by more than six months.

(3) The ballot proposition authorized by subsection (2) of this section may authorize improvements that are:

(a) Enhancements to one or more high capacity transportation systems contained in an existing voter-approved regional transit plan. Enhancements include modifications to an existing system's facilities that improve performance characteristics such as speed, reliability, potential for future expansion, and safety or the completion date of the system but do not change the mode or route alignment of the system previously approved by voters, and improvements to service, such as reducing headway times or adding interim bus service;

(b) New rail improvements on alignments that are not contained in an existing voter-approved regional transit plan and connect to the high capacity transportation system;

(c) High capacity transportation system planning for future system expansion within the enhanced service zone; or

(d) A combination of the improvements authorized by this subsection.

(4) Application of RCW 81.104.100 and 81.104.110 are suspended for any ballot proposition submitted to the voters of an enhanced service zone if the improvements only contain enhancements authorized by subsection (3)(a) and (c) of this section.

(5) A regional transit authority may levy and collect within the boundaries of an enhanced service zone one or more of the following voter-approved local option funding sources to finance the proposed improvements within the enhanced service zone:

(a) A supplemental motor vehicle excise tax as provided in RCW 81.104.160(1)(b); and

(b) A commercial parking tax under RCW 81.104.230.

(6) To the extent that system improvements include new fixed rail guideway components of the rail fixed guideway public transportation system within a city with a population of 500,000 or more, such guideway shall be in entirely exclusive rights-of-way and not contain any level traffic crossings with modes not part of the rail fixed guideway public transportation system.

(7) "System improvement or improvements," as used in this section, means additions to or alterations of a high capacity transportation system or rail fixed guideway public transportation system as both are defined in RCW 81.104.015. [2022 c 285 s 1.]

RCW 81.104.230 Enhanced service zones—Submission of authorizing proposition—Imposition of tax—Proceeds. (1) Subject to the conditions of this section, a regional transit authority may submit an authorizing proposition to the voters within the boundaries of an enhanced service zone described in RCW 81.104.220, and if approved, may fix and impose a parking tax on all persons engaged in a commercial parking business within the enhanced service zone.

(2) In lieu of the tax in subsection (1) of this section, a regional transit authority may submit an authorizing proposition to the voters within the boundaries of an enhanced service zone described in RCW 81.104.220, and if approved, may fix and impose a tax for the act or privilege of parking a motor vehicle in a facility operated by a commercial parking business within the enhanced service zone.

The regional transit authority may provide that:

(a) The tax is paid by the operator or owner of the motor vehicle;

(b) The tax applies to all parking for which a fee is paid, whether paid directly or indirectly through a lease, including parking supplied with a lease of nonresidential space, but the tax does not apply when an exclusive and individual residential parking stall is provided as an inseverable condition of a residential lease agreement for the duration of that lease agreement, or is charged separately from the residential rent payment, as long as the parking stall is in the same residential building in which the lessee resides;

(c) The tax is collected by the operator of the facility and remitted to the regional transit authority;

(d) The tax is a fee per vehicle or is measured by the parking charge;

(e) The tax rate varies with zoning or location of the facility, the duration of the parking, the time of entry or exit, the type or use of the vehicle, or other reasonable factors; or

(f) Carpools, vehicles with a disabled parking placard, or government vehicles are exempt from the tax.

(3) "Commercial parking business," as used in this section, means the ownership, lease, operation, or management of a commercial parking lot in which fees are charged, except that "commercial parking business" does not mean lease of parking in a residential building provided as an exclusive and inseverable condition of a residential lease agreement for the duration of that lease agreement. "Commercial parking lot" means a covered or uncovered area with stalls for the purpose of parking motor vehicles.

(4) The rate of the tax under subsection (1) of this section may be based either upon gross proceeds or the number of vehicle stalls

available for commercial parking use. The rates charged must be uniform for the same class or type of commercial parking business.

(5) The regional transit authority levying the tax provided for in subsection (1) or (2) of this section may provide for its payment on a monthly, quarterly, or annual basis. A regional transit authority may develop by ordinance or resolution rules for administering the tax, including provisions for reporting by commercial parking businesses, collection, and enforcement.

(6) The proceeds of the commercial parking tax fixed and imposed by a regional transit authority under subsection (1) or (2) of this section must be used to raise revenue to fund the improvement or improvements described in RCW 81.104.220. [2022 c 285 s 3.]

RCW 81.104.240 Green electrolytic hydrogen and renewable hydrogen—Power to produce, distribute, and use. (1) A transit agency that has established a high capacity transportation corridor area may:

(a) Produce, distribute, and use green electrolytic hydrogen and renewable hydrogen for internal operations;

(b) Produce, distribute for sale, or sell green electrolytic hydrogen and renewable hydrogen at wholesale or to an end-use customer; and

(c)(i) Sell green electrolytic hydrogen and renewable hydrogen at wholesale or to an end-use customer to or through facilities that distribute, compress, store, liquefy, or dispense green electrolytic hydrogen or renewable hydrogen for end use as a transportation fuel.

(ii) For the purposes of (c)(i) of this subsection, a transit agency that has established a high capacity transportation corridor area may own, operate, or own and operate pipelines or dispensing facilities for green electrolytic hydrogen or renewable hydrogen for end use as a transportation fuel if all such pipelines and dispensing facilities are: (A) Located where the high capacity transportation corridor area is authorized to provide public transportation service; (B) located within the area where the high capacity transportation corridor area is authorized to provide public transportation service and are service connected; or (C) located within the area where the high capacity transportation corridor area is authorized to provide public transportation service and are pursuant to a partnership or agreement with one or more public or private partners.

(2) Nothing in this section authorizes a transit agency that has established a high capacity transportation corridor area to sell green electrolytic hydrogen or renewable hydrogen delivered by pipeline to an end-use customer of a gas company.

(3) Nothing in this section subjects a transit agency that has established a high capacity transportation corridor area to the jurisdiction of the utilities and transportation commission, except that the utilities and transportation commission may administer and enforce state and federal pipeline safety requirements, as authorized in chapter 81.88 RCW, including applicable fees payable to the utilities and transportation commission.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Green electrolytic hydrogen" has the same meaning provided in RCW 54.04.190.

(b) "Renewable hydrogen" has the same meaning provided in RCW 54.04.190.

(c) "Gas company" has the same meaning provided in RCW 80.04.010. [2023 c 234 s 6.]