

The text of this document is an accurate copy of what was filed by the initiative proponent with the Secretary of State for assignment of a serial number. The accuracy of code in amendatory sections has not been verified.

INITIATIVE 265

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 265 to the Legislature is a true and correct copy as it was received by this office.

AN ACT Relating to transportation improvement; amending RCW 82.08.020 and 46.61.165; adding new sections to chapter 43.09 RCW; and creating new sections.

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

POLICIES AND PURPOSES

NEW SECTION. **Sec. 1.** During these tough economic times, the voters deserve a common sense, mainstream proposal to improve Washington's transportation system by better utilizing existing public resources.

This measure would require vehicle sales taxes be deposited in the motor vehicle fund and used for road construction and maintenance; require performance audits on transportation agencies; and open carpool lanes during off-peak hours.

Initiatives, referendums, and bills must all comply with the single subject rule; this measure's title is "AN ACT Relating to transportation improvement." This measure and its' policies have rationale unity and concern transportation improvement.

In order to improve transportation, it is essential that more of the state's existing tax revenues go toward fixing our transportation infrastructure. Vehicle purchases generate billions of dollars in sales tax revenue. But instead of fixing our roads, these tax revenues subsidize the general fund. That makes no sense. People who buy vehicles should have their taxes go toward fixing our roads, streets, and highways. Besides, there won't be any tax revenues for any other spending programs unless we improve Washington's transportation system. This measure requires vehicle sales taxes be deposited in the motor vehicle fund and used for road construction and maintenance at the state and local level.

In order to improve transportation, it is essential that state and local transportation agencies establish credibility with taxpayers by implementing long-overdue performance audits to ensure accountability and guarantee that their tax dollars are spent as cost effectively as possible. Are politicians spending our current transportation tax revenues as cost effectively as possible? Voters don't know because politicians have repeatedly blocked our state auditor from conducting independent, comprehensive performance audits on transportation agencies. Gary Locke even vetoed "baby step" performance audits this year. It is absurd for politicians to think voters will blindly accept massive tax increases without first learning if we're getting the biggest bang for the buck from our current tax revenues. This measure requires the state auditor to conduct independent, comprehensive performance audits on Washington's transportation system, as well as major state and local transportation agencies. These audits will identify solutions to our transportation problems and will save billions of tax dollars.

In order to improve transportation, existing road capacity must be utilized to maximize its' effectiveness and to save money that can be used for transportation improvements. In some areas in the Puget Sound, geographic obstacles cause adding new lanes to existing roads and highways to be extremely expensive, limiting tax dollars for other transportation improvements to relieve traffic congestion and increase safety. How can we save billions in tax dollars but still increase road capacity to our most congested roadways? By allowing our carpool lanes to be open to all during off-peak hours. We all pay taxes for our carpool lanes, so everyone should be allowed to use them at least some of the time. The politicians' strict 24 hours a day, 7 days a week prohibition is extreme. This measure strikes a reasonable balance

by allowing our carpool lanes to be open to all during off-peak hours (this measure defines peak hours as 6:00 a.m. through 9:00 a.m and 3:00 p.m. through 6:00 p.m. Monday through Friday). This will quickly, significantly, and cost effectively relieve traffic congestion on our most congested roadways and will illustrate that increased road capacity results in decreased traffic congestion.

Year after year, Washington voters have repeatedly rejected the business-as-usual, the-only-solution-is-a-tax-increase mentality. During these tough economic times, the people deserve a common sense, mainstream proposal to improve Washington's transportation system by better utilizing existing public resources.

**IMPROVING TRANSPORTATION BY
REQUIRING VEHICLE SALES TAXES BE DEPOSITED IN THE MOTOR VEHICLE FUND
AND USED FOR ROAD CONSTRUCTION AND MAINTENANCE**

Sec. 2. RCW 82.08.020 and 2000 2nd sp.s. c 4 s 1 are each amended to read as follows:

(1) There is levied and there shall be collected a {+ state +} tax on each retail sale in this state equal to six and five-tenths percent of the selling price. {+ In order to improve transportation, it is essential that more of the state's existing tax revenues go toward fixing our transportation infrastructure. Therefore, the state sales tax levied and collected on each motor vehicle retail sale in this state shall be deposited in the motor vehicle fund created in RCW 46.68.070 and used for road, street, and highway construction and maintenance at the state and local level. For the purpose of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and non-highway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010. +}

(2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(3) The taxes imposed under this chapter shall apply to successive retail sales of the same property.

(4) The rates provided in this section apply to taxes imposed

under chapter 82.12 RCW as provided in RCW 82.12.020.

**IMPROVING TRANSPORTATION BY
REQUIRING INDEPENDENT, COMPREHENSIVE PERFORMANCE AUDITS
ON TRANSPORTATION AGENCIES**

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.09 RCW to read as follows:

In order to improve transportation, it is essential that state and local transportation agencies establish credibility with taxpayers by implementing long-overdue performance audits to ensure accountability and to learn if their tax dollars are being spent as cost effectively as possible. Therefore, the state auditor shall conduct an independent, comprehensive performance audit on the state's transportation system and major local transportation agencies, including, but not limited to, the department of transportation, the ferry system, and public transit agencies, especially Sound Transit. Transportation funds from each state and local transportation agency, account and program shall be used for the cost of each audit. The audit reports shall be submitted to the legislature and made available to the public on or before one year from the effective date of this act.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.09 RCW to read as follows:

In order to improve transportation, follow-up performance audits on any major state and local transportation agency, account and program may be conducted when determined necessary by the state auditor. Transportation funds from each state and local transportation agency, account and program shall be used for the cost of each follow-up audit.

**IMPROVING TRANSPORTATION BY
OPENING CARPOOL LANES TO ALL DURING OFF-PEAK HOURS**

Sec. 5. RCW 46.61.165 and 1999 c 206 s 1 are each amended to read as follows:

The state department of transportation and the local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions {+ as carpool lanes +}, including any designated lane or ramp, for the exclusive or preferential use of public transportation vehicles or private motor vehicles carrying no

fewer than a specified number of passengers when (({- such -})) {+ the +} limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources. Regulations authorizing (({- such -})) exclusive or preferential use of a highway facility (({- may be declared to be -})) {+ are +} effective (({- at all times or at specified times of day or on specified days -})) {+ only at the specified times of day and on the specified days designated in this section. In order to improve transportation, existing road capacity must be utilized to maximize its' effectiveness. Therefore, as of the effective date of this act, all carpool lanes shall be opened during off-peak hours for use by all vehicles otherwise lawfully abiding by the rules of the road of this state. For the purposes of this section, "carpool lanes" are high occupancy vehicle lanes including express lanes but not including ramp-meter bypass lanes. For the purposes of this section, "peak hours" are 6:00 a.m. through 9:00 a.m. and 3:00 p.m. through 6:00 p.m. Monday through Friday and "off-peak hours" are days and hours not specified as "peak hours." Nothing in this section is intended to restrict the operation of RCW 46.44.080, 46.61.100, or 46.61.135, thus continuing restricted truck usage of city streets. +} Violation of a restriction of highway usage prescribed by the appropriate authority under this section is a traffic infraction.

CONSTRUCTION CLAUSE

NEW SECTION. **Sec. 6.** The provisions of this act are to be liberally construed to effectuate the intent, policies and purposes of this act.

SEVERABILITY CLAUSE

NEW SECTION. **Sec. 7.** If any provision of this act of 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.

LEGISLATIVE INTENT

NEW SECTION. **Sec. 8.** The people have made clear through the passage of numerous initiatives and referenda that taxes need to be reasonable and tax increases should always be a last resort. However, politicians

throughout the state of Washington continue to ignore these repeated mandates.

Politicians are reminded:

(1) All political power is vested in the people, as stated in Article I, section 1 of the Washington state Constitution.

(2) The first power reserved by the people is the initiative, as stated in Article II, section 1 of the Washington state Constitution.

(3) The people expect the legislature to adopt any additional legislation necessary to effectuate the intent, policies and purposes of this act.

(4) When voters approve initiatives, politicians have a moral, ethical and constitutional obligation to fully implement them. When politicians ignore this obligation, they corrupt the term "public servant."

(5) Any attempt to violate the clear intent and spirit of this measure undermines the trust of the people in their government and will increase the likelihood of future tax limitation measures.

- END -