

INITIATIVE 854

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. 854 to the People is a true and correct copy as it was received by this office.

AN ACT Relating to transportation; amending RCW 47.80.040 and 36.120.070; adding new sections to chapter 36.120 RCW; adding a new chapter to Title 81 RCW; creating new sections; repealing RCW 36.120.030, 36.120.090, 36.120.130, 36.120.140, 47.80.060, and 81.112.040; providing an effective date; and declaring an emergency.

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

NEW SECTION. **Sec. 1.** PURPOSE. (1) Transportation accountability boards should be authorized to plan, coordinate, and fund regional transportation projects and services. Existing agencies with regional responsibilities-regional transit authorities, regional transportation planning organizations and regional transportation investment districts-will be more effective if they are consolidated under the authority of a single board with elected members. The board will be directly accountable to the people because its members will be elected from districts.

(2) Transportation accountability boards will consolidate and streamline staff and management of existing regional transportation agencies so that there is a reduction in transportation bureaucracy. They will conduct performance audits of transportation agencies, and

coordinate the planning and delivery of transit and transportation services in the region.

(3) Transportation accountability boards will ensure that voters have the opportunity to approve balanced transportation plans including roads, transit and other solutions to congestion and other transportation problems. A board is required for the Central Puget Sound Counties of King, Pierce, and Snohomish. Other counties will have the option to form a board and develop regional transportation plans.

NEW SECTION. **Sec. 2.** INTENT. The intent of this act is for a single, elected transportation accountability board to serve as the planning committee, or governing board, or both, for each of the following in a county represented by the board: a regional transportation investment district, a regional transit authority; a regional transportation planning organization; and a metropolitan planning organization. The legislature is directed to enact all supplemental laws necessary for this intent to be accomplished.

NEW SECTION. **Sec. 3.** REGIONAL TRANSPORTATION CONSOLIDATION AND COORDINATION. (1) A transportation accountability board is established for the counties included wholly or partly within an existing regional transportation investment district planning committee, or a regional transit authority, or both, to consolidate and coordinate regional transportation functions. Other counties may form a board as provided in this act.

(2) A multicounty board has seven elected members elected by districts. The elected members of a single-county board are the members of the county legislative authority. Each elected member has one weighted vote.

(3) The state secretary of transportation or a designee is also nonvoting board member.

(4) The chief executive or administrative official of each of the three most populous counties wholly or partially within a multicounty board are also non-voting members of the board. However, any two of the chief executive or administrative officials on a multicounty board, acting together, may veto any motion or resolution of the board, but only in its entirety.

(5) Three months after the effective date of this act, the board is the "planning committee" and the "board" of each regional

transportation investment district in a county represented by the board.

(6) Commencing with the initial term of office of the elected members of the board, the board is also:

(a) The "board" of each regional transit authority in a county represented by the board;

(b) The governing board of each regional transportation planning organization in a county represented by the board; and

(c) The "metropolitan planning organization" in a county represented by the board, to the fullest extent permitted by applicable federal law, including 23 U.S.C. § 134, and any amendments to those provisions. The jurisdiction and powers of any existing metropolitan planning organization, and its plans or programs necessary to obtain federal transportation funds or to maintain compliance with federal clean air law, remain in full force and effect until the board is recognized by the federal government as the metropolitan planning organization for each county represented by the board.

(7) Notwithstanding any provision to the contrary in chapters 36.120 or 81.112 RCW, the board has the sole authority to determine whether to modify, implement, or suspend all or any portion of any regional transit system or other plan or regional transportation investment district plan, and may authorize a regional transit authority or regional transportation investment district to make expenditures, issue bonds, make commitments or agreements, and enter into borrowing agreements for the purposes of implementing any or all projects included in such a plan or plans, including rail fixed guideway systems as defined in RCW 81.104.015(3).

NEW SECTION. **Sec. 4.** REDUCTION IN TRANSPORTATION BUREAUCRACY. A multicounty board must reduce the full-time equivalent staff and management of the existing regional transportation agencies consolidated under its authority. The board must eliminate, consolidate, or reorganize management or staff positions that it finds are unnecessary, redundant, or have overlapping functions.

NEW SECTION. **Sec. 5.** PERFORMANCE AUDITS. The board may conduct performance audits of any state agency or public transportation provider related to the construction, operation, or maintenance of any project included in a plan of the board approved by the voters. The audits must be conducted under policies and procedures adopted by the board in advance of any such audit.

NEW SECTION. **Sec. 6.** TRANSPORTATION COORDINATION.

(1) To maximize coordination, use resources more effectively, and enhance service to the public, the board must:

(a) Identify and develop standards for coordinating investment, operations, and resource allocation for transportation facilities and services in a county represented by the board that serve regionally significant corridors or are otherwise regionally significant;

(b) Develop standards for the coordinating capital investment, operations, and maintenance of regionally significant transit corridors by public transportation providers in a county represented by the board; and

(c) Participate in and approve facility plans, studies, and processes for projects included in a plan of the board.

(2) Each plan prepared under RCW 35.58.2795 or any other provision of law by any public transportation provider in a county represented by the board must be approved by the board under standards developed under this section. The board must notify any agency submitting such a plan that does not meet the board's standards within 30 days after the board's determination, setting forth the reasons for the board's determination. The agency may amend and resubmit such a plan for board for consideration. The board may recommend or require that transportation funds to an agency are not allocated, appropriated, or disbursed until it approves an agency's plan under this section.

NEW SECTION. **Sec. 7.** BALANCED REGIONAL TRANSPORTATION PLAN.

(1) Notwithstanding any other provision of law the board must develop a regional transportation investment plan that:

(a) Strikes a balance between road and other transportation choices;

(b) Meets critical safety and preservation needs and makes improvements that minimize delay in the movement of people and goods;

(c) Supports the region's adopted land use plans;

(d) Selects the most cost-effective facilities, services, and programs taking into account their life cycle costs; and

(e) Provides for project completion based on the revenues that can reasonably be expected to be available for the identified duration of the regional transportation investment plan.

(2) The board, subject to the approving resolution of the board of any existing regional transit authority in a county represented by the board, may include in a regional transportation investment plan the

construction, reconstruction, or installation of a high-capacity transportation system or any portion thereof, as defined in RCW 81.104.015(1), and request voter approval of the high-capacity transportation taxes under chapter 81.104 RCW that have not otherwise been imposed and are necessary to fund such improvements.

(3) Notwithstanding any other provision of law, a regional transportation investment plan may include provision for the operations, preservation, and maintenance of any component of the regional transportation investment plan.

(4) Notwithstanding any other provision of law, the board may designate the boundaries of the regional transportation investment district proposed in the regional transportation investment plan to be coextensive with the boundaries of any regional transit authority in a county represented by the board.

NEW SECTION. **Sec. 8.** INTERIM CITIZEN ACCOUNTABILITY BOARD.

(1) Not later than three months after the effective date of this act, an interim citizen accountability board must be appointed to exercise the planning functions and other powers of elected members of a multicounty board until such members take office. At least one member of the interim citizen accountability board must be appointed from each board district, with the total number not to exceed 15. The legislative authorities of the counties represented by the board must appoint the interim citizen accountability board members from a list of at least three persons for each position nominated by the chief executive or administrative officer or officers of the counties represented by the board.

(2) No person may serve as a member of the interim citizen accountability board if, at the time appointed, he or she holds any elected office or serves as a government employee.

(3) Interim board members receive no compensation for their board activities, but are entitled to reimbursement of reasonable expenses.

NEW SECTION. **Sec. 9.** LOCAL GOVERNMENT ADVISORY COUNCIL. The board may appoint, or if required by federal law to become the metropolitan planning organization must appoint, an advisory council consisting of mayors, port commissioners, or other state, local, or tribal officials, and other persons as determined by the board, each to serve terms determined by the board. The advisory council is a forum to evaluate transportation needs, make recommendations to the board, and meet the requirements of federal law.

NEW SECTION. **Sec. 10.** BOARD ORGANIZATION.

(1) Each county represented by a multicounty board must provide for the nomination and election of members at the state's primary and general election. Multicounty board members must be elected on a nonpartisan basis by registered voters in board districts of approximately equal population following precinct boundaries. Candidates to serve as a board member must be residents of the board district they seek to represent. No later than two months after a multicounty board is authorized to be formed, board districts must be drawn and redrawn as provided in the applicable provisions of RCW 29.70.100. Initial board districts must be drawn jointly by the legislative authorities of the counties represented by a multicounty board. The first election is held at the first state primary and general election taking place after the effective date of this act.

(2) The terms of office for elected multicounty board members commence on January 1st of the year after the election of the members.

(3) Except as otherwise provided in this section, the term of office of each elected multicounty board member is four years. The three members receiving the fewest votes in the initial election serve an initial term of two years and the remaining members serve an initial term of four years. A vacancy of any elected multicounty board member will occur and be filled as provided in chapter 42.12 RCW.

(4) The board elects from its members a president and secretary and by resolution adopts rules governing the transaction of board business. All proceedings of the board must be by motion or resolution, recorded in its minute books, which are public records. A majority of the voting board members constitute a quorum of the board for the transaction of business. Except as otherwise provided in subsection 3(4) of this act, the concurrence of a majority of the voting board members is necessary and sufficient for the adoption of a resolution.

(5) Campaign contribution limitations for county legislative positions of the most populous county represented by the board, if any, apply to campaigns for election of members to the board.

(6) The salary of elected members of a multicounty board is equal to the salary of members of the county legislative authority of the most populous county represented by the board.

NEW SECTION. **Sec. 11.** OBLIGATIONS.

(1) A district may enter into agreements with a lead agency or the state to pledge one or more of the taxes, tolls, charges, or fees

authorized to be imposed by the district as security for the payment of obligations issued by the lead agency or the state.

(2) A district may borrow money and issue obligations in accordance with chapter 39.46 RCW, and notwithstanding any other provision of law, a district may in connection with the issuance

(a) pledge as additional security for the payment of revenue bonds of the district one or more of the taxes, tolls, charges, or fees authorized to be imposed by the district; and (b) assign and grant security interests in and liens on the revenues, taxes, tolls, charges, or fees authorized to be imposed by the district, subordinate to, senior to, or on a parity with the payment of maintenance and operating expenses.

(3) The authority to impose any tax, toll, charge, or fee pledged by the district under subsection (1) or (2) of this section may not be eliminated or modified while any obligations benefited by the pledge are outstanding.

(4) If tolls are authorized by a majority of the voters within the boundaries of the district, the board may set and impose tolls on state and federal highways and any facility included in the regional transportation investment plan in amounts sufficient to implement the regional transportation investment plan and issue bonds and maintain and operate the toll facility within the scope and intent of the regional transportation investment plan. This authority is supplemental to other bonding authority.

(5) A regional transportation investment plan may include, and voters may approve, taxes, fees, and tolls that have different rates in the different counties that make up the district.

NEW SECTION. **Sec. 12.** DISTRICT PLANNING COMMITTEES.

(1) A single regional transportation investment district planning committee is established for each county with a population over one million five hundred thousand persons and each contiguous county with a population over five hundred thousand persons.

(2) A single county contiguous to another state or a foreign country may establish a planning committee by resolution of the county legislative authority.

(3) Two or more contiguous counties may establish a planning committee by resolution of the legislative authority of each of the counties to be represented on the planning committee.

(4) Each county contiguous to a county represented on a planning committee may be represented on the planning committee if the county's legislative authority adopts a resolution petitioning for inclusion and within one hundred twenty days after the adoption of the resolution the legislative authority of each county represented on the planning committee adopts a resolution approving the inclusion. The inclusion becomes effective on the date the last resolution required to approve the inclusion is adopted.

(5) No county may be represented simultaneously on more than one planning committee.

(6) Each county and any regional transit authority in a county represented by the board must provide sufficient funds from existing planning budgets to fund the reasonable planning activities of the planning committee.

NEW SECTION. **Sec. 13.** DISTRICT BOUNDARIES. Elections to add areas within a county wholly or partially represented by a board and contiguous to a district may be called by resolution of the board with the concurrence of the legislative authority of the city or town if the area is incorporated, or with the concurrence of the county legislative authority if the area is unincorporated. The election may include a single ballot proposition providing for annexation to the district and imposition of the taxes, tolls, charges, and fees at rates already imposed in the district.

NEW SECTION. **Sec. 14.** DEFINITIONS. The definitions in this section apply throughout this act unless the context clearly requires otherwise.

(1) "Board" means the transportation accountability board established under section 3 of this act.

(2) "Multicounty board" means a board established under section 3 of this act that represents more than one county.

(3) "Public transportation provider" means an agency providing transit services to the public in a county represented by the board, including public transit agencies, city transportation authorities, or any agency authorized by a county.

(4) "Weighted vote" means one vote per elected board member adjusted downward, if necessary, by a percentage reflecting the population each elected board member represents that is not included within the relevant planning area or taxing district for which the vote applies relative to the total population represented by the member.

AMENDMENTS TO EXISTING LAWS

Sec. 15. RCW 47.80.040 and 1990 1st ex.s. c 17 s 56 are each amended as follows:

Each regional transportation planning organization that has not appointed an advisory council under section 9 of this act shall create a transportation policy board. Transportation policy boards shall provide policy advice to the regional transportation planning organization and shall allow representatives of major employers within the region, the department of transportation, transit districts, port districts, and member cities, towns, and counties within the region to participate in policy making.

Sec. 16. RCW 36.120.070 and 2002 c 56 s 107 are each amended to read as follows:

~~((Two or more contiguous county legislative authorities))~~
Notwithstanding any other provision of this chapter, the legislative authority of each county, upon receipt of the regional transportation investment plan under RCW 36.120.040, may certify the plan to the ballot, including identification of the tax options necessary to fund the plan. County legislative authorities may draft a ballot title, give notice as required by law for ballot measures, and perform other duties as required to put the plan before the voters of the proposed district for their approval or rejection as a single ballot measure that both approves formation of the district and approves the plan. Counties may negotiate interlocal agreements necessary to implement the plan. The electorate will be the voters voting within the boundaries of the ~~((participating counties))~~ proposed district. A simple majority of the total persons voting on the single ballot measure to approve the plan, establish the district, and approve the taxes and fees is required for approval.

NEW SECTION. **Sec. 17.** REPEALED. The following acts or parts of acts are each repealed:

- (1) RCW 36.120.030 (Planning committee formation) and 2002 c 56 s 103;
- (2) RCW 36.120.090 (Governing board--Composition) and 2002 c 56 s 109;
- (3) RCW 36.120.130 (Debt and bonding) and 2002 c 56 s 113;
- (4) RCW 36.120.140 (Transportation project or plan modification--Accountability) and 2002 c 56 s 114; and
- (5) RCW 47.80.060 (Executive board membership) and 1992 c 101 s 31.

NEW SECTION. **Sec. 18.** REPEALED. RCW 81.112.040 (Board appointments--Voting--Expenses) and 1994 c 109 s 1 & 1992 c 101 s 4 are each repealed effective January 1, 2005.

NEW SECTION. **Sec. 19.** CONSTRUCTION. The rule of strict construction shall not be applied to this act, which shall be liberally construed to carry out its purposes.

NEW SECTION. **Sec. 20.** CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. **Sec. 21.** 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. The office of the code reviser is directed to submit to the chair of the senate highways and transportation committee and the chair of the house transportation committee before the commencement of the first legislative session after the effective date of this act proposed legislation that makes technical corrections to statutes and identifies other amendments needed to fully implement this act.

NEW SECTION. **Sec. 22.** CODIFICATION. (1) Sections 1 through 10, 14, and 18 of this act constitute a new chapter in Title 81 RCW.

(2) Sections 11 through 13 of this act are each added to chapter 36.120 RCW.

NEW SECTION. **Sec. 23.** EFFECTIVE DATE. 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.