

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2179

Chapter 251, Laws of 2010

61st Legislature
2010 Regular Session

SUPPLEMENTAL TRANSPORTATION IMPROVEMENTS--AUTHORITY

EFFECTIVE DATE: 06/10/10

Passed by the House March 8, 2010
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 5, 2010
Yeas 43 Nays 5

BRAD OWEN

President of the Senate

Approved March 30, 2010, 12:06 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2179** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 31, 2010

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2179

AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By House Transportation (originally sponsored by Representative Eddy)

READ FIRST TIME 03/02/09.

1 AN ACT Relating to authorizing cities to provide and contract for
2 supplemental transportation improvements; amending RCW 36.73.015,
3 35.58.260, and 35.58.272; adding a new section to chapter 35.21 RCW;
4 adding a new section to chapter 36.73 RCW; adding a new section to
5 chapter 35.58 RCW; adding a new section to chapter 36.57A RCW; and
6 adding a new section to chapter 81.112 RCW.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW
9 to read as follows:

10 In addition to any other power and authority conferred to a city
11 that is located in a county having a population of more than one
12 million five hundred thousand, a city legislative authority may provide
13 or contract for supplemental transportation improvements to meet
14 mobility needs within the city's boundaries. For purposes of this
15 section, a "supplemental transportation improvement" or "supplemental
16 improvement" means any project, work, or undertaking to provide or
17 contract for public transportation service in addition to any existing
18 or planned public transportation service provided by public

1 transportation agencies and systems serving the city. The supplemental
2 authority provided to the city legislative authority under this section
3 is subject to the following requirements:

4 (1) Prior to taking any action to provide or contract for
5 supplemental transportation improvements permitted under this section,
6 the legislative authority of the city shall conduct a public hearing at
7 the time and place specified in a notice published at least once, not
8 less than ten days before the hearing, in a newspaper of general
9 circulation within the proposed district. The notice must specify the
10 supplemental facilities or services to be provided or contracted for by
11 the city, and must include estimated capital, operating, and
12 maintenance costs. The legislative authority of the city shall hear
13 objections from any person affected by the proposed supplemental
14 improvements.

15 (2) Following the hearing held pursuant to subsection (1) of this
16 section, if the city legislative authority finds that the proposed
17 supplemental transportation improvements are in the public interest,
18 the legislative authority shall adopt an ordinance providing for the
19 supplemental improvements and provide or contract for the supplemental
20 improvements.

21 (3) For purposes of providing or contracting for the proposed
22 supplemental transportation improvements, the legislative authority of
23 the city may contract with private providers and nonprofit
24 organizations, and may form public-private partnerships. Such
25 contracts and partnerships must require that public transportation
26 services be coordinated with other public transportation agencies and
27 systems serving the area and border jurisdictions.

28 (4) The legislative authorities of cities that are participating
29 jurisdictions in a transportation benefit district, as provided under
30 chapter 36.73 RCW, may petition the transportation benefit district for
31 partial or full funding of supplemental transportation improvements as
32 prescribed under section 3 of this act.

33 (5) Supplemental transportation improvements must be consistent
34 with the city's comprehensive plan under chapter 36.70A RCW.

35 **Sec. 2.** RCW 36.73.015 and 2006 c 311 s 24 are each amended to read
36 as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "District" means a transportation benefit district created
4 under this chapter.

5 (2) "City" means a city or town.

6 (3) "Transportation improvement" means a project contained in the
7 transportation plan of the state or a regional transportation planning
8 organization. A project may include investment in new or existing
9 highways of statewide significance, principal arterials of regional
10 significance, high capacity transportation, public transportation, and
11 other transportation projects and programs of regional or statewide
12 significance including transportation demand management. Projects may
13 also include the operation, preservation, and maintenance of these
14 facilities or programs.

15 (4) "Supplemental transportation improvement" or "supplemental
16 improvement" means any project, work, or undertaking to provide public
17 transportation service, in addition to a district's existing or planned
18 voter-approved transportation improvements, proposed by a participating
19 city member of the district under section 3 of this act.

20 NEW SECTION. Sec. 3. A new section is added to chapter 36.73 RCW
21 to read as follows:

22 (1) In districts comprised of more than one member city, the
23 legislative authorities of any member city that is located in a county
24 having a population of more than one million five hundred thousand may
25 petition the district to provide supplemental transportation
26 improvements.

27 (2) Upon receipt of a petition as provided in subsection (1) of
28 this section for supplemental transportation improvements that are to
29 be fully funded by the petitioner city, including ongoing operating and
30 maintenance costs, the district must:

31 (a) Conduct a public hearing, and provide notice and opportunity
32 for public comment consistent with the requirements of RCW
33 36.73.050(1); and

34 (b) Following the hearing, if a majority of the district's
35 governing board determines that the proposed supplemental
36 transportation improvements are in the public interest, the district
37 shall adopt an ordinance providing for the incorporation of the

1 supplemental improvements into any existing services. The supplemental
2 transportation improvements must be in addition to existing services
3 provided by the district. The district shall enter into agreements
4 with the petitioner city or identified service providers to coordinate
5 existing services with the supplemental improvements.

6 (3) Upon receipt of a petition as provided in subsection (1) of
7 this section for supplemental transportation improvements proposed to
8 be partially or fully funded by the district, the district must:

9 (a) Conduct a public hearing, and provide notice and opportunity
10 for public comment consistent with the requirements of RCW
11 36.73.050(1); and

12 (b) Following the hearing, submit a proposition to the voters at
13 the next special or general election for approval by a majority of the
14 voters in the district. The proposition must specify the supplemental
15 transportation improvements to be provided and must estimate the
16 capital, maintenance, and operating costs to be funded by the district.

17 (4) If a proposition to incorporate supplemental transportation
18 improvements is approved by the voters as provided under subsection (3)
19 of this section, the district shall adopt an ordinance providing for
20 the incorporation of the supplemental improvements into any existing
21 services provided by the district. The supplemental improvements must
22 be in addition to existing services. The district shall enter into
23 agreements with the petitioner city or identified service providers to
24 coordinate existing services with the supplemental improvements.

25 (5) A supplemental transportation improvement must be consistent
26 with the petitioner city's comprehensive plan under chapter 36.70A RCW.

27 (6) Unless otherwise agreed to by the petitioner city or by a
28 majority of the district's governing board, upon adoption of an
29 ordinance under subsection (2) or (4) of this section, the district
30 shall maintain its existing public transportation service levels in
31 locations where supplemental transportation improvements are provided.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.58 RCW
33 to read as follows:

34 If the legislative authority of a city provides or contracts for
35 supplemental transportation improvements, as described in section 1 of
36 this act or under chapter 36.73 RCW, a metropolitan municipal
37 corporation serving the city or border jurisdictions shall coordinate

1 its services with the supplemental transportation improvements to
2 maximize efficiencies in public transportation services within and
3 across service boundaries.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.57A RCW
5 to read as follows:

6 If the legislative authority of a city provides or contracts for
7 supplemental transportation improvements, as described in section 1 of
8 this act or under chapter 36.73 RCW, a public transportation benefit
9 area serving the city or border jurisdictions shall coordinate its
10 services with the supplemental transportation improvements to maximize
11 efficiencies in public transportation services within and across
12 service boundaries.

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

15 If the legislative authority of a city provides or contracts for
16 supplemental transportation improvements, as described in section 1 of
17 this act or under chapter 36.73 RCW, a regional transit authority
18 serving the city or border jurisdictions shall coordinate its services
19 with the supplemental transportation improvements to maximize
20 efficiencies in public transportation services within and across
21 service boundaries.

22 **Sec. 7.** RCW 35.58.260 and 1965 c 7 s 35.58.260 are each amended to
23 read as follows:

24 If a metropolitan municipal corporation shall be authorized to
25 perform the metropolitan transportation function, it shall, upon the
26 effective date of the assumption of such power, have and exercise all
27 rights with respect to the construction, acquisition, maintenance,
28 operation, extension, alteration, repair, control and management of
29 passenger transportation which any component city shall have been
30 previously empowered to exercise and, except as provided in sections 1
31 and 3 of this act, such powers shall not thereafter be exercised by
32 such component cities without the consent of the metropolitan municipal
33 corporation: PROVIDED, That any city owning and operating a public
34 transportation system on such effective date may continue to operate
35 such system within such city until such system shall have been acquired

1 by the metropolitan municipal corporation and a metropolitan municipal
2 corporation may not acquire such system without the consent of the city
3 council of such city.

4 **Sec. 8.** RCW 35.58.272 and 1975 1st ex.s. c 270 s 1 are each
5 amended to read as follows:

6 "Municipality" as used in RCW 35.58.272 through 35.58.279, as now
7 or hereafter amended, and in RCW 36.57.080, 36.57.100, 36.57.110,
8 35.58.2721, 35.58.2794, and chapter 36.57A RCW, means any metropolitan
9 municipal corporation which shall have been authorized to perform the
10 function of metropolitan public transportation; any county performing
11 the public transportation function as authorized by RCW 36.57.100 and
12 36.57.110 or which has established a county transportation authority
13 pursuant to chapter 36.57 RCW; any public transportation benefit area
14 established pursuant to chapter 36.57A RCW; and any city, which is not
15 located within the boundaries of a metropolitan municipal corporation
16 unless provided otherwise in sections 1 and 3 of this act, county
17 transportation authority, or public transportation benefit area, and
18 which owns, operates or contracts for the services of a publicly owned
19 or operated system of transportation: PROVIDED, That the term
20 "municipality" shall mean in respect to any county performing the
21 public transportation function pursuant to RCW 36.57.100 and 36.57.110
22 only that portion of the unincorporated area lying wholly within such
23 unincorporated transportation benefit area.

24 "Motor vehicle" as used in RCW 35.58.272 through 35.58.279, as now
25 or hereafter amended, shall have the same meaning as in RCW 82.44.010.

26 "County auditor" shall mean the county auditor of any county or any
27 person designated to perform the duties of a county auditor pursuant to
28 RCW 82.44.140.

29 "Person" shall mean any individual, corporation, firm, association
30 or other form of business association.

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