

INITIATIVE 894

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

1 AN ACT Relating to public accountability of substantially changed
2 voter-approved transit plans; adding new sections to chapter 81.104
3 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** PREAMBLE. In March 2004, the Washington
6 supreme court held that Sound Transit could spend voter-approved taxes
7 indefinitely to build a light-rail project that is far inferior and
8 which will take much longer to build than the project promised to the
9 voters in exchange for their consent to be taxed. This decision gave
10 government agencies the discretion to undermine the will of the people.
11 This act legislatively reverses that decision. It restores the
12 integrity of the democratic process by reconfirming the principle that
13 government must respect the will of the people.

14 NEW SECTION. **Sec. 2.** TRANSIT AGENCIES BOUND BY POPULAR VOTE. All
15 transit agencies and regional transit authorities that raise taxes
16 pursuant to the authority of RCW 81.104.150 through 81.104.170 shall
17 construct any high capacity transportation system funded by these taxes
18 in substantial conformance with the system plan and financing plan

1 described to the voters as required by RCW 81.104.140(8). Any
2 purported delegation of discretion to any party to substantially change
3 the system described to the voters shall be null and void. A high
4 capacity transportation system is substantially changed if any rail
5 fixed guideway or other major component of the system is estimated to
6 cost more than one hundred thirty percent of the cost and contingency
7 estimates described to the voters prior to the election, is estimated
8 to carry fewer than seventy-five percent of the riders set forth in the
9 estimate given to the voters, or if it is planned to travel a route
10 less than ninety percent as long as the route described to the voters.
11 Violation of any one of these criteria shall constitute nonconformance.

12 NEW SECTION. **Sec. 3.** TERMINATION OF TRANSIT PROJECTS THAT CANNOT
13 BE BUILT IN THE FORM APPROVED BY THE PEOPLE. When it is demonstrated
14 through existing agency documentation, through semiannual reports
15 required in section 4 of this act, or otherwise that a high capacity
16 transportation system cannot be completed in substantial conformance
17 with the system and financing plan described to the voters, as set
18 forth in section 2 of this act, the responsible transit agency or
19 authority shall either: (1) Terminate the planning and construction of
20 the rail fixed guideway system or other major components in question;
21 or (2) suspend construction and related activities, and promptly
22 develop a new plan that is consistent with the funding available or
23 that seeks additional needed funding, and promptly seek voter approval
24 of the proposed changes according to the procedures set forth in RCW
25 81.104.140. If the voters fail to approve the new plan, the transit
26 agency or authority shall promptly terminate the planning and
27 construction of the rail fixed guideway system or other major
28 components in question. Whenever a major component of the high
29 capacity transportation system is terminated pursuant to this section,
30 the terminating agency or authority shall reduce taxes levied under
31 authority of RCW 81.104.150 through 81.104.170 to the minimum level
32 required to fund nonterminated components of the system and to pay the
33 contractual obligations of the agency or authority, and it shall
34 transfer any funds or assets accumulated for the terminated component
35 that are not needed to satisfy the contractual commitments of the
36 agency to a local transit agency that serves the citizens who would
37 have benefited by the terminated component, if such an agency exists,

1 otherwise it shall use the funds and assets for the public transit
2 needs of citizens.

3 NEW SECTION. **Sec. 4.** DETERMINATION OF SUBSTANTIAL CONFORMANCE.
4 All transit agencies and regional transit authorities that raise taxes
5 pursuant to the authority of RCW 81.104.150 through 81.104.170 shall
6 prepare a report every six months beginning thirty days after the
7 effective date of this act. The report shall include a list of the
8 major components of the voter-approved high capacity transportation
9 system; and for each rail fixed guideway or other major component of
10 each system, the following: The original and current estimated cost;
11 the original and current estimated completion date; the original and
12 current estimated ridership, if applicable; and the original and
13 current estimated route length, if applicable. The report shall be
14 provided to the Washington state legislature, state attorney general,
15 and state auditor and be made available to the public.

16 NEW SECTION. **Sec. 5.** APPLICATION TO EXISTING PROJECTS. This act
17 applies retroactively to all agencies or authorities receiving funding
18 pursuant to RCW 81.104.150 through 81.104.170. Any rail fixed
19 guideways or other major components of a system that are within six
20 months of completion and seventy-five percent completed on the
21 effective date of this act may be completed without a popular vote in
22 the discretion of the responsible agency or authority.

23 NEW SECTION. **Sec. 6.** AUDIT. Whenever a high capacity
24 transportation system cannot be substantially completed in conformance
25 with the plan described to the voters, in addition to the remedies set
26 forth in sections 2 through 5 of this act, an independent audit and
27 review shall be conducted by the Washington state legislature to
28 determine the cause and to make recommendations to assure substantial
29 conformance in the future including, but not limited to, restructuring
30 the agency.

31 NEW SECTION. **Sec. 7.** SEVERABILITY. If any provision of this act
32 or its application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 8.** Sections 2 through 6 of this act are each
2 added to chapter 81.104 RCW.

3 NEW SECTION. **Sec. 9.** Captions used in this act are not any part
4 of the law.

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