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INITIATIVE 300

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

1 AN ACT Relating to transportation accountability; amending RCW
2 47.80.040 and 36.120.070; adding new sections to chapter 36.120 RCW;
3 adding a new chapter to Title 81 RCW; creating new sections;
4 repealing RCW 36.120.030, 36.120.090, 36.120.130, 36.120.140,
5 47.80.060, and 81.112.040; providing an effective date; and declaring
6 an emergency.

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

8 NEW SECTION. **Sec. 1.** PURPOSE. (1) Regional transportation
9 agencies--regional transit authorities, regional transportation
10 planning organizations, and regional transportation investment
11 districts--should be merged under the authority of a single board
12 directly accountable to the people. Such boards will plan,
13 coordinate, and fund regional transportation projects and services.
14 (2) Transportation accountability boards will reduce
15 transportation bureaucracy by consolidating and streamlining staff
16 and management of multiple regional transportation agencies. They
17 will conduct performance audits of transportation agencies, and

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

3 (4) The chief executive or administrative official of each of the
4 three most populous counties wholly or partially within a multicounty
5 board are also nonvoting members of the board.

6 (5) Upon formation of an interim citizen accountability board
7 pursuant to section 8 of this act, the board shall replace and assume
8 the responsibilities of the planning committee and the board of each
9 regional transportation investment district in a county represented
10 by the board.

11 (6)(a) Commencing with the initial term of office of the elected
12 members of the board, a multicounty board shall replace the existing
13 board of and assume all governing board responsibilities for:

14 (i) Each regional transit authority in a county represented by
15 the board. The multicounty board may not make any major decisions
16 affecting a regional transit plan until three months after
17 commencement of the initial term;

18 (ii) Each regional transportation planning organization in a
19 county represented by the board; and

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

30 (b) The multicounty board shall have all powers, authorities, and
31 duties of the regional transportation planning organization and
32 metropolitan planning organization for the counties included within
33 the board to the extent permitted by law.

34 NEW SECTION. **Sec. 4.** BALANCED TRANSPORTATION SOLUTIONS FOR
35 VOTER APPROVAL. The board must prepare and submit for voter approval
36 a regional transportation investment plan that:

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

- 1 (2) Meets critical safety and preservation needs and makes
- 2 improvements that minimize delay in the movement of people and goods;
- 3 (3) Supports the region's adopted land use plans;
- 4 (4) Selects the most cost-effective facilities, services, and
- 5 programs taking into account their life-cycle costs; and
- 6 (5) Provides for project completion based on the revenues that
- 7 can reasonably be expected to be available for the identified
- 8 duration of the regional transportation investment plan.

9 NEW SECTION. **Sec. 5.** REDUCTION IN TRANSPORTATION BUREAUCRACY.
10 A multicounty board must reduce the full-time equivalent staff and
11 management of the existing regional transportation agencies under its
12 authority. The multicounty board must eliminate, consolidate, or
13 reorganize management or staff positions that it finds are
14 unnecessary, redundant, or have overlapping functions.

15 NEW SECTION. **Sec. 6.** PERFORMANCE AUDITS. The board must
16 conduct performance audits, or ensure that performance audits are
17 conducted, of any state agency or public transportation provider
18 related to the construction, operation, or maintenance of any project
19 included in a plan of the board approved by the voters. The audits
20 must be conducted under policies and procedures adopted by the board
21 in advance of any such audit.

22 NEW SECTION. **Sec. 7.** EFFICIENCY AND COORDINATION. (1) To
23 maximize coordination, use resources more efficiently, and enhance
24 service to the public, the board must:

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

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

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

35 (2) Each plan prepared under RCW 35.58.2795 or any other
36 provision of law by any public transportation provider in a county

1 represented by the board must be approved by the board under
2 standards developed under this section. The board must notify any
3 agency submitting such a plan that does not meet the board's
4 standards within thirty days after the board's determination, setting
5 forth the reasons for the board's determination. The agency may
6 amend and resubmit such a plan for board consideration. The board
7 may recommend or require that transportation funds to an agency are
8 not allocated, appropriated, or disbursed until it approves an
9 agency's plan under this section.

10 NEW SECTION. **Sec. 8.** INTERIM CITIZEN ACCOUNTABILITY BOARD. (1)
11 An interim citizen accountability board must be appointed to exercise
12 the planning functions and other powers of a multicounty board until
13 its elected members take office. Such appointment must occur not
14 later than: (a) Three months after the formation of a new planning
15 committee pursuant to section 13 of this act; or (b) one month after
16 the effective date of this act for an existing planning committee.
17 The members of the interim citizen accountability board must be
18 representative of all areas of the counties included within the
19 board, be allocated proportionally to the population for each county,
20 with the total number not to exceed fifteen. The legislative
21 authorities of the counties represented by the multicounty board must
22 appoint the interim citizen accountability board members from
23 nominations by the chief executive or administrative officer or
24 officers of the counties represented by the board.

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

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

30 NEW SECTION. **Sec. 9.** BALANCED TRANSPORTATION PLAN.

31 Notwithstanding any other provision of law:

32 (1) The board may include in a regional transportation investment
33 plan the construction, reconstruction, or installation of a high-
34 capacity transportation system or any portion thereof, as defined in
35 RCW 81.104.015(1), and request voter approval of the high-capacity
36 transportation taxes under chapter 81.104 RCW that have not otherwise
37 been imposed and are necessary to fund such improvements, subject to

1 the approving resolution of the board of any existing regional
2 transit authority in a county represented by the board that has not
3 been eliminated pursuant to this act.

4 (2) A regional transportation investment plan may include
5 provisions for the planning, constructing, operations, preservation,
6 and maintenance of any transit or bus systems, or any other component
7 of the regional transportation investment plan.

8 (3) The board may designate the boundaries of the regional
9 transportation investment district proposed in the regional
10 transportation investment plan to be coextensive with the boundaries
11 of any regional transit authority in a county represented by the
12 board.

13 NEW SECTION. **Sec. 10.** LOCAL GOVERNMENT ADVISORY COUNCIL. The
14 board may appoint, or if required by federal law to become the
15 metropolitan planning organization must appoint, an advisory council
16 consisting of mayors, port commissioners, or other state, local, or
17 tribal officials from any county represented by the board or adjacent
18 to such county, and other persons as determined by the board, each to
19 serve terms determined by the board. The advisory council is a forum
20 to evaluate transportation needs, make recommendations to the board,
21 and meet the requirements of federal law.

22 NEW SECTION. **Sec. 11.** BOARD ORGANIZATION. (1) Each county
23 represented by a multicounty board must provide for the nomination
24 and election of members at the state's primary and general election.
25 Multicounty board members must be elected on a nonpartisan basis by
26 registered voters in board districts of approximately equal
27 population following precinct boundaries. Candidates to serve as a
28 board member must be residents of the board district they seek to
29 represent. No later than two months after a multicounty board is
30 authorized to be formed, board districts must be drawn and redrawn as
31 provided in the applicable provisions of RCW 29.70.100. Initial
32 board districts must be drawn jointly by the legislative authorities
33 of the counties represented by a multicounty board. The first
34 election is held at the first state primary and general election
35 taking place after the effective date of this act.

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

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

11 (4) The board elects from its members a president and secretary
12 and by resolution adopts rules governing the transaction of board
13 business. All proceedings of the board must be by motion or
14 resolution, recorded in its minute books, which are public records.

15 (5) A majority of the voting board members constitute a quorum of
16 the board for the transaction of business. Unless otherwise provided
17 in this act, the concurrence of a majority of the voting board
18 members is necessary and sufficient for the adoption of a motion or
19 resolution. However, any two of the chief executive or
20 administrative officials on a multicounty board, acting together, may
21 veto any motion or resolution of the board, but only in its entirety,
22 and only if the veto is exercised within five business days from
23 adoption of the motion or resolution. Within thirty days after a
24 motion or resolution has been vetoed pursuant to this section, the
25 board may override the veto by enacting the motion or resolution by a
26 minimum of a two-thirds majority of the voting board members.

27 (6) Campaign contribution limitations for county legislative
28 positions of the most populous county represented by the board apply
29 to campaigns for election of members to the board.

30 (7) The salary of elected members of a multicounty board is equal
31 to the salary of members of the county legislative authority of the
32 most populous county represented by the board. Such salaries must be
33 paid from revenues collected by the regional transportation agencies
34 under the authority of the board.

35 NEW SECTION. **Sec. 12.** OBLIGATIONS. (1) A regional
36 transportation investment district may enter into agreements with a
37 lead agency or the state to pledge one or more of the taxes, tolls,
38 charges, or fees authorized to be imposed by the district as security

1 for the payment of obligations issued by the lead agency or the
2 state.

3 (2) A district may borrow money and issue obligations in
4 accordance with chapter 39.46 RCW, and notwithstanding any other
5 provision of law, a district may in connection with the issuance (a)
6 pledge as additional security for the payment of revenue bonds of the
7 district one or more of the taxes, tolls, charges, or fees authorized
8 to be imposed by the district; and (b) assign and grant security
9 interests in and liens on the revenues, taxes, tolls, charges, or
10 fees authorized to be imposed by the district, subordinate to, senior
11 to, or on a parity with the payment of maintenance and operating
12 expenses.

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

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

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

28 NEW SECTION. **Sec. 13.** DISTRICT PLANNING COMMITTEES. (1) A
29 single regional transportation investment district planning committee
30 must be established for each county with a population over one
31 million five hundred thousand persons and each contiguous county with
32 a population over five hundred thousand persons.

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

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

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

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

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

15 NEW SECTION. **Sec. 14.** DISTRICT BOUNDARIES. Elections to add
16 areas within a county wholly or partially represented by a board and
17 contiguous to a regional transportation investment district may be
18 called by resolution of the board with the concurrence of the
19 legislative authority of the city or town if the area is
20 incorporated, or with the concurrence of the county legislative
21 authority if the area is unincorporated. The election may include a
22 single ballot proposition providing for annexation to the district
23 and imposition of the taxes, tolls, charges, and fees at rates
24 already imposed in the district.

25 NEW SECTION. **Sec. 15.** DEFINITIONS. The definitions in this
26 section apply throughout this act unless the context clearly requires
27 otherwise.

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

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

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

36 (4) "Weighted vote" means one vote per elected board member
37 adjusted downward, if necessary, by a percentage reflecting the

1 of the regional transportation planning organization. This does not
2 preclude legislators from becoming full-time, voting board members.

3 **Sec. 17.** RCW 36.120.070 and 2002 c 56 s 107 are each amended to
4 read as follows:

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

21 NEW SECTION. **Sec. 18.** The following acts or parts of acts are
22 each repealed:

23 (1) RCW 36.120.030 (Planning committee formation) and 2002 c 56 s
24 103;

25 (2) RCW 36.120.090 (Governing board--Composition) and 2002 c 56 s
26 109;

27 (3) RCW 36.120.130 (Debt and bonding) and 2003 c 372 (SB 5769) s
28 1 & 2002 c 56 s 113;

29 (4) RCW 36.120.140 (Transportation project or plan modification--
30 Accountability) and 2003 c 194 (SHB 2033) s 2 & 2002 c 56 s 114; and

31 (5) RCW 47.80.060 (Executive board membership) and 1992 c 101 s
32 31.

33 NEW SECTION. **Sec. 19.** RCW 81.112.040 (Board appointments--
34 Voting--Expenses) and 1994 c 109 s 1 & 1992 c 101 s 4 are each
35 repealed, effective January 1, 2005.

1 NEW SECTION. **Sec. 20.** CONSTRUCTION. The rule of strict
2 construction shall not be applied to this act, which shall be
3 liberally construed to carry out its purposes.

4 NEW SECTION. **Sec. 21.** CAPTIONS NOT LAW. Captions used in this
5 act are not any part of the law.

6 NEW SECTION. **Sec. 22.** If any provision of this act or its
7 application to any person or circumstance is held invalid, the
8 remainder of the act or the application of the provision to other
9 persons or circumstances is not affected.

10 NEW SECTION. **Sec. 23.** The office of the code reviser is
11 directed to submit to the chair of the senate highways and
12 transportation committee and the chair of the house transportation
13 committee before the commencement of the first legislative session
14 after the effective date of this act proposed legislation that makes
15 technical corrections to statutes and identifies other amendments
16 that may be needed to fully implement this act.

17 NEW SECTION. **Sec. 24.** CODIFICATION. (1) Sections 1 through 11
18 and section 15 of this act constitute a new chapter in Title 81 RCW.
19 (2) Sections 12 through 14 of this act are each added to chapter
20 36.120 RCW.

21 NEW SECTION. **Sec. 25.** EFFECTIVE DATE. This act is necessary
22 for the immediate preservation of the public peace, health, or
23 safety, or support of the state government and its existing public
24 institutions, and takes effect immediately.

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