

Amendment to Ch. 36.73 RCW

36.73.010 Section 1. Intent.

The legislature finds that the citizens of the state can benefit by cooperation of the public and private sectors in addressing transportation needs. This cooperation can be fostered through enhanced capability for cities, towns, and counties to make and fund transportation improvements necessitated by economic development and to improve the performance of the transportation system.

It is the intent of the legislature to encourage joint efforts by the state, local governments, and the private sector to respond to the need for those transportation improvements on state highways, county roads, and city streets. This goal can be better achieved by allowing cities, towns, and counties to establish transportation benefit districts in order to respond to the special transportation needs and economic opportunities resulting from private sector development for the public good. The legislature also seeks to facilitate the equitable participation of private developers whose developments may generate the need for those improvements in the improvement costs.

The legislature further finds that county road systems across the state provide essential regional connections that facilitate the mobility of people and freight, promote domestic and international trade and in-bound investment, and provide family wage jobs for our residents. Deferred roadway maintenance requires additional repair work that more than doubles the cost of timely pavement preservation, with the added cost growing exponentially over time. The legislature recognizes that cost-effective maintenance and preservation of the county road system benefits all citizens in the state and cannot equitably be funded solely by taxpayers in unincorporated areas.

36.73.020

(1) The legislative authority of a county or city may establish a transportation benefit district within the county or city area or within the area specified in subsection (2) of this section, for the purpose of maintaining, acquiring, constructing, improving, providing, and funding a transportation improvement within the district that is consistent with any existing state, regional, or local transportation plans and necessitated by existing or reasonably foreseeable congestion levels. The transportation improvements shall be owned by the county of jurisdiction if located in an unincorporated area, by the city of jurisdiction if located in an incorporated area, or by the state in cases where the transportation improvement is or becomes a state highway. However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless otherwise prohibited by law. Transportation improvements shall be administered and maintained as other public streets, roads, highways, and transportation improvements. To the extent practicable, the district shall consider the following criteria when selecting transportation improvements:

- (a) Reduced risk of transportation facility failure and improved safety;
- (b) Improved travel time;
- (c) Improved air quality;
- (d) Increases in daily and peak period trip capacity;
- (e) Improved modal connectivity;
- (f) Improved freight mobility;

(g) Cost-effectiveness of the investment;

(h) Optimal performance of the system through time;

(i) Improved accessibility for, or other benefits to, persons with special transportation needs as defined in *RCW 47.06B.012; ~~and~~

(j) Preservation and maintenance of 90% of county roads in unincorporated areas at good or better condition as determined by maintenance standards set by the County Road Administration Board; and

~~(k)~~ Other criteria, as adopted by the governing body.

36.73.065

Taxes, fees, charges, tolls, rebate program.

(1) Except as provided in subsection (4) of this section, taxes, fees, charges, and tolls may not be imposed by a district without approval of a majority of the voters in the district voting on a proposition at a general or special election. The proposition must include a specific description of: (a) The transportation improvement or improvements proposed by the district; (b) any rebate program proposed to be established under RCW 36.73.067; and (c) the proposed taxes, fees, charges, and the range of tolls imposed by the district to raise revenue to fund the improvement or improvements or rebate program, as applicable.

(2) Voter approval under this section must be accorded substantial weight regarding the validity of a transportation improvement as defined in RCW 36.73.015.

(3) A district may not increase any taxes, fees, charges, or range of tolls imposed or change a rebate program under this chapter once the taxes, fees, charges, tolls, or rebate program takes effect, unless authorized by the district voters pursuant to RCW 36.73.160.

(4) (a) A district that includes all the territory within the boundaries of the jurisdiction, or jurisdictions, establishing the district may impose by a majority vote of the governing board of the district the following fees and charges:

(i) Up to twenty dollars of the vehicle fee authorized in RCW 82.80.140; or

(ii) A fee or charge in accordance with RCW 36.73.120.

(b) The vehicle fee authorized in (a) of this subsection may only be imposed for a passenger-only ferry transportation improvement if the vehicle fee is first approved by a majority of the voters within the jurisdiction of the district.

(c) A district that is county-wide shall be formed as provided by Section 36.73.020(3) when 85% of county roads in unincorporated areas are rated at good or better condition as determined by maintenance standards set by the County Road Administration Board; and

(i) A district shall send a letter of notification to the chairs of the House and Senate Transportation Committees when 85% of county roads in unincorporated areas are rated at good or better condition as determined by maintenance standards set by the County Road Administration Board; and

(ii) A district shall propose a comprehensive funding package to the state legislature to restore county road ratings in unincorporated areas to 85% good or better condition when 80% of county roads in unincorporated areas are rated good or

better condition as determined by maintenance standards set by the County Road Administration Board; and

(iii) A district shall implement elements of the proposed funding package available within its legislative authority and seek state approval of a comprehensive funding package to restore county road ratings in unincorporated areas to 85% good or better condition when 75% of county roads in unincorporated areas are rated good or better condition as determined by maintenance standards set by the County Road Administration Board;

(ed) (i) A district solely comprised of a city or cities shall not impose the fees or charges identified in (a) of this subsection within one hundred eighty days after July 22, 2007, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection within the one hundred eighty-day period; or

(ii) A district solely comprised of a city or cities identified in RCW 36.73.020(6)(b) may not impose the fees or charges until after May 22, 2008, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection through May 22, 2008.

(5) If the interlocal agreement in RCW 82.80.140(2)(a) cannot be reached, a district that includes only the unincorporated territory of a county may impose by a majority vote of the governing body of the district up to twenty dollars of the vehicle fee authorized in RCW 82.80.140.

Amendment to RCW 82.80.140:

Vehicle fee – Transportation benefit district – Exemptions.

(1) Subject to the provisions of RCW 36.73.065, a transportation benefit district under chapter 36.73 RCW may fix and impose an annual vehicle fee, not to exceed one hundred dollars per vehicle registered in the district, for each vehicle subject to vehicle license fees under RCW 46.17.350(1) (a), (c), (d), (e), (g), (h), (j), or (n) through (q) and for each vehicle subject to gross weight license fees under RCW 46.17.355 with a scale weight of six thousand pounds or less.

(2) (a) A district that includes all the territory within the boundaries of the jurisdiction, or jurisdictions, establishing the district may impose by a majority vote of the governing board of the district up to twenty dollars of the vehicle fee authorized in subsection (1) of this section, or up to one hundred dollars of the vehicle fee authorized in subsection (1) of this section if the district was formed under the terms of RCW 36.73.065(4)(c). If the district is countywide, the revenues of the fee shall be ~~distributed to each city within the county by interlocal agreement~~ allocated for the preservation of county roads in unincorporated areas. ~~The interlocal agreement is effective when approved by the county and sixty percent of the cities representing seventy five percent of the population of the cities within the county in which the countywide fee is collected.~~

(b) A district may not impose a fee under this subsection ~~–(2)–~~

~~–(i) F~~for a passenger-only ferry transportation improvement unless the vehicle fee is first approved by a majority of the voters within the jurisdiction of the district ~~+~~
~~or.~~

~~–(ii) That, if combined with the fees previously imposed by another district within its boundaries under RCW 36.73.065(4)(a)(i), exceeds twenty dollars.~~

~~If a district imposes or increases a fee under this subsection (2) that, if combined with the fees previously imposed by another district within its boundaries, exceeds twenty dollars, the district shall provide a credit for the previously imposed fees so that the combined vehicle fee does not exceed twenty dollars.~~

(3) The department of licensing shall administer and collect the fee. The department shall deduct a percentage amount, as provided by contract, not to exceed one percent of the fees collected, for administration and collection expenses incurred by it. The department shall remit remaining proceeds to the custody of the state treasurer. The state treasurer shall distribute the proceeds to the district on a monthly basis.

(4) No fee under this section may be collected until six months after approval under RCW 36.73.065.

(5) The vehicle fee under this section applies only when renewing a vehicle registration, and is effective upon the registration renewal date as provided by the department of licensing.

(6) The following vehicles are exempt from the fee under this section:

- (a) Campers, as defined in RCW 46.04.085;
- (b) Farm tractors or farm vehicles, as defined in RCW 46.04.180 and 46.04.181;
- (c) Mopeds, as defined in RCW 46.04.304;
- (d) Off-road and nonhighway vehicles, as defined in RCW 46.04.365;
- (e) Private use single-axle trailer, as defined in RCW 46.04.422;
- (f) Snowmobiles, as defined in RCW 46.04.546; and
- (g) Vehicles registered under chapter 46.87 RCW and the international registration plan.

County	Vehicles	Estimated Rev.
Adams	13,525	\$ 270,500
Asotin	17,782	\$ 355,640
Benton	128,511	\$ 2,570,220
Chelan	51,716	\$ 1,034,320
Clallam	59,630	\$ 1,192,600
Clark	314,696	\$ 6,293,920
Columbia	3,235	\$ 64,700
Cowlitz	87,812	\$ 1,756,240
Douglas	23,348	\$ 466,960
Ferry	5,758	\$ 115,160
Franklin	59,899	\$ 1,197,980
Garfield	2,080	\$ 41,600
Grant	63,066	\$ 1,261,320
Grays Harbor	50,490	\$ 1,009,800
Island	66,134	\$ 1,322,680
Jefferson	28,811	\$ 576,220
King	1,395,478	\$ 27,909,560
Kitsap	198,730	\$ 3,974,600
Kittitas	30,138	\$ 602,760
Klickitat	16,111	\$ 322,220
Lewis	58,932	\$ 1,178,640
Lincoln	9,075	\$ 181,500
Mason	53,940	\$ 1,078,800
Okanogan	30,694	\$ 613,880
Pacific	16,800	\$ 336,000
Pend Oreille	11,663	\$ 233,260
Pierce	524,930	\$ 10,498,600
San Juan	12,091	\$ 241,820
Skagit	97,532	\$ 1,950,640
Skamania	9,230	\$ 184,600
Snohomish	546,060	\$ 10,921,200
Spokane	349,910	\$ 6,998,200
Stevens	35,761	\$ 715,220
Thurston	212,401	\$ 4,248,020
Wahkiakum	3,108	\$ 62,160
Walla Walla	35,652	\$ 713,040
Whatcom	147,348	\$ 2,946,960
Whitman	24,239	\$ 484,780
Yakima	176,545	\$ 3,530,900
		\$ 99,457,220