

With the exception of the foregoing sections and items which I have vetoed for the reasons stated, the remainder of Substitute House Bill No. 866 is approved."

CHAPTER 270

[Engrossed Substitute Senate Bill No. 2280]

PUBLIC TRANSPORTATION

AN ACT Relating to transportation; amending section 7, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.272; amending section 13, chapter 255, Laws of 1969 ex. sess. as amended by section 1, chapter 54, Laws of 1974 ex. sess. and RCW 35.58.278; amending section 2, chapter 111, Laws of 1965 ex. sess. as last amended by section 2, chapter 255, Laws of 1969 ex. sess. and RCW 35.95.020; amending section 4, chapter 111, Laws of 1965 ex. sess. and RCW 35.95.040; amending section 8, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.080; amending section 2, chapter 296, Laws of 1971 ex. sess. and RCW 82.14.045; adding new sections to chapter 35.58 RCW; adding new sections to chapter 36.57 RCW; adding a new chapter to Title 36 RCW; repealing section 10, chapter 167, Laws of 1974 ex. sess. and RCW 82.14.047; repealing sections 1 through 9, chapter 136, Laws of 1973 1st ex. sess. and RCW 35.58.2731; repealing section 6, chapter 54, Laws of 1974 ex. sess.; making an appropriation; prescribing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 7, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.272 are each amended to read as follows:

"Municipality" as used in RCW 35.58.272 through 35.58.279, as now or hereafter amended, and in sections 5 and 7 through 26 of this 1975 amendatory act, means any metropolitan municipal corporation which shall have been authorized to perform the function of metropolitan public transportation; any county performing the public transportation function as authorized by sections 9 and 10 of this amendatory act or which has established a county transportation authority pursuant to chapter 36.57 RCW; any public transportation benefit area established pursuant to sections 11 through 26 of this amendatory act; and any city, which is not located within the boundaries of ((such)) a metropolitan municipal corporation, county transportation authority, or public transportation benefit area, and which owns, operates or contracts for the services of a publicly owned or operated system of transportation: PROVIDED, That the term "municipality" shall mean in respect to any county performing the public transportation function pursuant to sections 9 and 10 of this amendatory act only that portion of the unincorporated area lying wholly within such unincorporated transportation benefit area.

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

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

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

Sec. 2. Section 13, chapter 255, Laws of 1969 ex. sess. as amended by section 1, chapter 54, Laws of 1974 ex. sess. and RCW 35.58.278 are each amended to read as follows:

Distribution of the special excise taxes paid into the general fund on behalf of any municipality shall be made to such municipality as provided in RCW 82.44.150, as now or hereafter amended.

~~((This section shall expire on June 30, 1981.))~~

Sec. 3. Section 2, chapter 111, Laws of 1965 ex. sess. as last amended by section 2, chapter 255, Laws of 1969 ex. sess. and RCW 35.95.020 are each amended to read as follows:

The following terms however used or referred to in this chapter, shall have the following meanings, unless a different meaning is required by the context:

(1) "Corporate authority" shall mean the council or other legislative body of a municipality.

(2) "Municipality" shall mean any incorporated city ~~((of the first, second or third class in the state))~~, town, county pursuant to sections 9 and 10 of this amendatory act, any county transportation authority created pursuant to chapter 36.57 RCW, any public transportation benefit area created pursuant to sections 11 through 26 of this amendatory act, or any metropolitan municipal corporation created pursuant to RCW 35.58.010, et seq: PROVIDED, That the term "municipality" shall mean in respect to any county performing the public transportation function pursuant to sections 9 and 10 of this amendatory act only that portion of the unincorporated area lying wholly within such unincorporated transportation benefit area.

(3) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, school district or political subdivision of the state, fraternal, benevolent, religious or charitable society, club or organization, and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity. The term "person" shall not be construed to include the United States nor the state of Washington.

Sec. 4. Section 4, chapter 111, Laws of 1965 ex. sess. and RCW 35.95.040 are each amended to read as follows:

The corporate authorities of a municipality are authorized to adopt ordinances for the levy and collection of excise taxes and/or for the imposition of an additional tax for the act or privilege of engaging in business activities. Such business and occupation tax shall be imposed in such amounts as fixed and determined by the corporate authorities of the municipality and shall be measured by the application of rates against value of products, gross proceeds of sales, or gross income of the business, as the case may be. The terms "business", "engaging in business", "gross proceeds of sales", and "gross income of the business" shall for the purpose of this chapter have the same meanings as defined and set forth in chapter 82.04 RCW or as said chapter may hereafter be amended.

The excise taxes other than the business and occupation tax above provided for shall be levied and collected from all persons within the municipality ~~((who are served and billed for any one or more public utility services owned and operated by such municipality))~~ in such amounts as shall be fixed and determined by the corporate authorities of the municipality: PROVIDED, That such excise tax shall not exceed one dollar per month for each housing unit. For the purposes of this section, the term "housing unit" shall mean a building or portion thereof designed for or used as the residence or living quarters of one or more persons living together, or of one family.

All taxes herein authorized shall be taxes other than a retail sales tax defined in chapter 82.08 RCW and a use tax defined in chapter 82.12 RCW, and the

municipality shall appropriate and use the proceeds derived from all taxes authorized herein only for the operation, maintenance and capital needs of its municipally owned or leased and municipally operated public transportation system.

Before any county transportation authority established pursuant to chapter 36.57 RCW or any public transportation benefit area authority established pursuant to sections 11 through 26 of this amendatory act may impose any of the excise taxes authorized pursuant to this section, the authorization for imposition of such taxes shall be approved by the voters residing within such respective area.

The county on behalf of an unincorporated transportation benefit area established pursuant to sections 9 and 10 of this amendatory act may impose any of the excise taxes authorized pursuant to this section only within the boundaries of such unincorporated transportation benefit area.

Sec. 5. Section 8, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.080 are each amended to read as follows:

On the effective date of the proposition approved by the voters in accord with RCW ~~((82.14.047))~~ 35.95.040 or 82.14.045, as now or hereafter amended, the authority shall have and exercise all rights with respect to the construction, acquisition, maintenance, operation, extension, alteration, repair, control and management of passenger transportation which the county or any city located within such county shall have been previously empowered to exercise and such powers shall not thereafter be exercised by the county or such cities without the consent of the authority. The county and all cities within such county upon demand of the authority shall transfer to the authority all unexpended funds earmarked or budgeted from any source for public transportation, including funds receivable. The county in which an authority is located shall have the power to contract indebtedness and issue bonds pursuant to chapter 36.67 RCW to enable the authority to carry out the purposes of this chapter and ~~((RCW 82.14.047))~~ 35.95.040 or 82.14.045, as now or hereafter amended, and the purposes of this chapter and ~~((RCW 82.14.047))~~ 35.95.040 or 82.14.045, as now or hereafter amended, shall constitute a "county purpose" as that term is used in chapter 36.67 RCW.

Sec. 6. Section 2, chapter 296, Laws of 1971 ex. sess. and RCW 82.14.045 are each amended to read as follows:

(1) ~~The ((governing body upon written request by the mayor or other executive officer of any city within a class AA county, a class AA county or any metropolitan municipal corporation within a class AA county))~~ legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to sections 9 and 10 of this amendatory act, of any public transportation benefit area pursuant to sections 18 and 19 of this amendatory act, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a class AA county pursuant to chapter 35.58 RCW, ((while not required by legislative mandate to do so,)) may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, as now or hereafter amended, submit an authorizing proposition to the

voters or include such authorization in a proposition to perform the function of ~~((metropolitan))~~ public transportation ~~((pursuant to chapter 35.58 RCW))~~ and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the terms of this chapter ~~((to be effective on or after July 1, 1972: PROVIDED, That during the fiscal year ending June 30, 1973, no more than three million dollars of the sales and use tax levied and collected pursuant to *this 1971 amendatory act may be used as qualifying matching funds to authorize a levy of motor vehicle excise taxes during such fiscal year pursuant to chapter 255, ex. sess., Laws of 1969))~~: PROVIDED, That no such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon: PROVIDED FURTHER, That where such a proposition is submitted by a county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of RCW 82.14.047, section 10, chapter 167, Laws of 1974 ex. sess., prior to the effective date of this 1975 amendatory act, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such county as otherwise required by this section.

~~((Such))~~ The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be. The rate of such tax ((imposed by such city, county or metropolitan municipal corporation)) shall be one-tenth, two-tenths, or three-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax) and shall not exceed the rate authorized in the proposition approved by the voters unless such increase shall be similarly approved~~((: PROVIDED, HOWEVER, That))~~.

(2)(a) In the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly ((or partly)) within such metropolitan municipal corporation shall ((impose a sales and use tax pursuant to this chapter)) be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040 and/or 82.14.045, as now or hereafter amended, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization~~((: PROVIDED FURTHER, That in the event a metropolitan municipal corporation or county shall impose a sales and use tax pursuant to this 1971 amendatory act, no city within such county or wholly or~~

~~partly within such metropolitan municipal corporation shall impose an excise tax pursuant to RCW 35.95.040).~~

(b) In the event a county transportation authority shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, public transportation benefit area, or metropolitan municipal corporation, located within the territory of the authority, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045, as now or hereafter amended.

(c) In the event a public transportation benefit area shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040 or 82.14.045, as now or hereafter amended.

(3) Any local sales and use tax revenue collected pursuant to this section by any city or by any county for transportation purposes pursuant to sections 9 and 10 of this amendatory act shall not be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended, of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273, as now or hereafter amended.

NEW SECTION. Sec. 7. There is added to chapter 35.58 RCW a new section to read as follows:

In addition to any other authority now provided by law, and subject only to constitutional limitations, the governing body of any municipality shall be authorized to acquire, construct, operate, and maintain a public transportation system and additions and betterments thereto, and to issue general obligation bonds for public mass transportation capital purposes including but not limited to replacement of equipment: PROVIDED, That the general indebtedness incurred under this section when considered together with all the other outstanding general indebtedness of the municipality shall not exceed the amounts of indebtedness authorized by chapter 39.36 RCW and chapter 35.58 RCW, as now or hereafter amended, to be incurred without and with the assent of the voters.

Upon the effective date of this 1975 amendatory act any such municipality is authorized to pledge that the taxes authorized, levied and collected to pay or secure the payment of any bonds issued after such effective date for authorized public transportation purposes shall continue to be levied, collected and applied until such bonds shall have been paid or sufficient funds for such payment shall have been duly provided and irrevocably set aside by the issuer for such payment. If any of the revenue from any tax or surcharge authorized by this or any other chapter shall have been pledged to secure the payment of any bonds as herein authorized, then as long as that pledge shall be in effect the legislature shall not withdraw the authority to levy and collect the tax. Any municipality is authorized to pledge for the payment or security of the principal of and interest on any bonds issued for authorized public transportation purposes all or any portion of any taxes authorized to be levied by the issuer, including, but not limited to, the local sales and use tax authorized pursuant to RCW 82.14.045 and section 6 of this

1975 amendatory act, as now or hereafter amended, and not more than ten percent of the motor vehicle excise taxes levied and collected pursuant to RCW 35.58.273: PROVIDED, That such ten percent limitation shall not apply to any bonds outstanding on the effective date of this 1975 amendatory act.

NEW SECTION. Sec. 8. There is added to chapter 35.58 RCW a new section to read as follows:

Any city, county, public transportation benefit area authority, county transportation authority, or metropolitan municipal corporation operating a public transportation system shall be authorized to conduct, contract for, participate in and support research, demonstration, testing and development of public transportation systems, equipment and use incentives and shall have all powers necessary to comply with any criteria, standards, and regulations which may be adopted under the urban mass transportation act (78 Stat. 302 et seq., 49 U.S.C. 1601 et seq.) and to take all actions necessary to meet the requirements of that act. Any county in which a county transportation authority or public transportation benefit area shall have been established and any metropolitan municipal corporation which shall have been authorized to perform the function of metropolitan public transportation shall have, in addition to such powers, the authority to prepare, adopt and carry out a comprehensive transit plan and to make such other plans and studies and to perform such programs as the governing body of the county authority public transportation benefit area authority or metropolitan municipal corporation shall deem necessary to implement and comply with said federal act.

NEW SECTION. Sec. 9. There is added to chapter 36.57 RCW a new section to read as follows:

Every county, except a county in which a metropolitan municipal corporation is performing the public transportation function as of the effective date of this 1975 amendatory act, is authorized to perform such function in such portions of the unincorporated areas of the county, except within the boundaries of a public transportation benefit area established pursuant to sections 11 through 26 of this amendatory act, as the county legislative body shall determine and the county shall have those powers as are specified in RCW 36.57.040 with respect to the provision of public transportation as is authorized pursuant to RCW 36.57.040.

NEW SECTION. Sec. 10. There is added to chapter 36.57 RCW a new section to read as follows:

The legislative body of any county is hereby authorized to create and define the boundaries of unincorporated transportation benefit areas within the unincorporated areas of the county, following school district or election precinct lines, as far as practicable. Such areas shall include only those portions of the unincorporated area of the county which could reasonably assume to benefit from the provision of public transportation services.

NEW SECTION. Sec. 11. For the purposes of this chapter the following definitions shall apply:

(1) "Public transportation benefit area" means a municipal corporation of the state of Washington created pursuant to this chapter.

(2) "Public transportation benefit area authority" or "authority" means the legislative body of a public transportation benefit area.

(3) "City" means an incorporated city or town.

(4) "Component city" means an incorporated city or town within a public transportation benefit area.

(5) "City council" means the legislative body of any city or town.

(6) "County legislative body" means the board of county commissioners or the county council.

(7) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made by the office of program planning and fiscal management.

(8) "Public transportation service" means the transportation of packages, passengers and their incidental baggage by means other than by chartered bus, sight-seeing bus, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people moving systems: PROVIDED, That nothing shall prohibit an authority from leasing its buses to private certified carriers or prohibit the authority from providing school bus service.

(9) "Public transportation improvement conference" or "conference" shall mean the body established pursuant to section 12 of this amendatory act which shall be authorized to establish, subject to the provisions of section 13 of this amendatory act, a public transportation benefit area pursuant to the provisions of this chapter.

NEW SECTION. Sec. 12. The county legislative authority of every class A, class 1, class 2, or class 3 county shall, and the legislative authority of every other county may, within ninety days of the effective date of this 1975 amendatory act, and as often thereafter as it deems necessary, and upon thirty days prior written notice addressed to the legislative body of each city within the county and with thirty days public notice, convene a public transportation improvement conference to be attended by an elected representative selected by the legislative body of each city, within such county, and by the county commissioners. Such conference shall be for the purpose of evaluating the need for and the desirability of the creation of a public transportation benefit area within certain incorporated and unincorporated portions of the county to provide public transportation services within such area. In those counties where county officials believe the need for public transportation service extends across county boundaries so as to provide public transportation service in a metropolitan area, the county legislative bodies of two or more neighboring counties may elect to convene a multi-county conference. In addition, county-wide conferences may be convened by resolution of the legislative bodies of two or more cities within the county, not to exceed one in any twelve month period, or a petition signed by at least ten percent of the registered voters in the last general election of the city, county or city/county areas of a proposed benefit area. The chairman of the conference shall be elected from the members at large.

NEW SECTION. Sec. 13. Any conference which finds it desirable to establish a public transportation benefit area or change the boundaries of any existing public transportation benefit area shall fix a date for a public hearing thereon, or

the legislative bodies of any two or more component cities or the county legislative body by resolution may require the public transportation improvement conference to fix a date for a public hearing thereon. Prior to the convening of the public hearing, the county governing body shall delineate the area of the county proposed to be included within the transportation benefit area, and shall furnish a copy of such delineation to each incorporated city within such area. Each city shall advise the county governing body, on a preliminary basis, of its desire to be included or excluded from the transportation benefit area. The county governing body shall cause the delineations to be revised to reflect the wishes of such incorporated cities. This delineation shall be considered by the conference at the public hearing for inclusion in the public transportation benefit area.

Notice of such hearing shall be published once a week for at least four consecutive weeks in one or more newspapers of general circulation within the area. The notice shall contain a description and map of the boundaries of the proposed public transportation benefit area and shall state the time and place of the hearing and the fact that any changes in the boundaries of the public transportation benefit area will be considered at such time and place. At such hearing or any continuation thereof, any interested person may appear and be heard on all matters relating to the effect of the formation of the proposed public transportation benefit area.

The conference may make such changes in the boundaries of the public transportation benefit area as they shall deem reasonable and proper, but may not delete any portion of the proposed area which will create an island of included or excluded lands, and may not delete a portion of any city. If the conference shall determine that any additional territory should be included in the public transportation benefit area, a second hearing shall be held and notice given in the same manner as for the original hearing. The conference may adjourn the hearing on the formation of a public transportation benefit area from time to time not exceeding thirty days in all.

At the next regular meeting following the conclusion of such hearing the conference shall adopt a resolution fixing the boundaries of the proposed public transportation benefit area, declaring that the formation of the proposed public transportation benefit area will be conducive to the welfare and benefit of the persons and property therein.

Within thirty days of the adoption of such conference resolution, the county legislative authority of each county wherein a conference has established proposed boundaries of a public transportation benefit area, may by resolution, upon making a legislative finding that the proposed benefit area includes portions of the county which could not be reasonably expected to benefit from such benefit area or excludes portions of the county which could be reasonably expected to benefit from its creation, disapprove and terminate the establishment of such public transportation benefit area within such county.

NEW SECTION. Sec. 14. At the time of its formation no public transportation benefit area shall include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such area. If subsequent to the formation of a public transportation benefit area a part only of any city shall be included within the boundaries of a public transportation

benefit area such part shall be deemed to be "unincorporated" for the purpose of selecting a member of the governing authority pursuant to section 16 of this amendatory act.

The boundaries of any public transportation benefit area shall follow school district lines or election precinct lines, as far as practicable. Only such areas shall be included which the conference determines could reasonably benefit from the provision of public transportation services. Only one public transportation benefit area may be created in any county.

NEW SECTION. Sec. 15. Within sixty days of the establishment of the boundaries of the public transportation benefit area the county commissioners and elected representatives of cities within the area shall provide for the selection of the governing body of such area, the public transportation benefit area authority, which shall consist of elected officials selected by and serving at the pleasure of the governing bodies of component cities within the area and the county commissioners of each county within the area.

Within such sixty day period, the legislative body of any city may by resolution of its legislative body withdraw from participation in the public transportation benefit area. The county legislative authority and each city remaining in the public transportation benefit area may disapprove and prevent the establishment of any governing body of a public transportation benefit area if the composition thereof does not meet its approval.

In no case shall the governing body of a single county public transportation benefit area be greater than nine members and in the case of a multi-county area, fifteen members. Those cities within the transportation benefit area and excluded from direct membership on the authority are hereby authorized to designate a member of the authority who shall be entitled to represent the interests of such city which is excluded from direct membership on the authority. The legislative body of such city shall notify the authority as to the determination of its authorized representative on the authority.

Any member of the authority who is an elected official and whose office is not a full time position shall receive forty dollars for each day attending official meetings of the authority.

NEW SECTION. Sec. 16. The public transportation benefit area authority authorized pursuant to section 15 of this amendatory act shall develop a comprehensive transit plan for the area. Such plan shall include, but not be limited to the following elements:

(1) The levels of transit service that can be reasonably provided for various portions of the benefit area.

(2) The funding requirements, including local tax sources, state and federal funds, necessary to provide various levels of service within the area.

(3) The impact of such a transportation program on other transit systems operating within that county or adjacent counties.

(4) The future enlargement of the benefit area or the consolidation of such benefit area with other transit systems.

NEW SECTION. Sec. 17. The comprehensive transit plan adopted by the authority shall be reviewed by the state transportation commission, and if such

commission does not exist, by the planning and community affairs agency or its successor to determine:

(1) The completeness of service to be offered and the economic viability of the transit system proposed in such comprehensive transit plan;

(2) Whether such plan integrates the proposed transportation system with existing transportation modes and systems that serve the benefit area;

(3) Whether such plan coordinates that area's system and service with nearby public transportation systems;

(4) Whether such plan is eligible for matching state or federal funds;

After reviewing the comprehensive transit plan, the state transportation commission, and if such does not exist, the planning and community affairs agency or its successor shall have sixty days in which to approve such plan and to certify to the state treasurer that such public transportation benefit area shall be eligible to receive the motor vehicle excise tax proceeds authorized pursuant to RCW 35.58.273, as now or hereafter amended in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended. To be approved a plan shall provide for coordinated transportation planning, the integration of such proposed transportation program with other transportation systems operating in areas adjacent to, or in the vicinity of the proposed public transportation benefit area, and be consistent with the public transportation coordination criteria adopted pursuant to the urban mass transportation act of 1964 as amended as of the effective date of this 1975 amendatory act. In the event such comprehensive plan is disapproved and ruled ineligible to receive motor vehicle tax proceeds, the state transportation commission, and if such does not exist, the planning and community affairs agency or its successor, shall provide written notice to the authority within thirty days as to the reasons for such plan's disapproval and such ineligibility. The authority may resubmit such plan upon reconsideration and correction of such deficiencies in the plan cited in such notice of disapproval.

NEW SECTION. Sec. 18. In addition to the powers specifically granted by this chapter a public transportation benefit area shall have all powers which are necessary to carry out the purposes of the public transportation benefit area. A public transportation benefit area may contract with the United States or any agency thereof, any state or agency thereof, any other public transportation benefit area, any county, city, metropolitan municipal corporation, special district, or governmental agency, within or without the state, and any private person, firm or corporation for the purpose of receiving gifts or grants or securing loans or advances for preliminary planning and feasibility studies, or for the design, construction or operation of transportation facilities. In addition a public transportation benefit area may contract with any governmental agency or with any private person, firm or corporation for the use by either contracting party of all or any part of the facilities, structures, lands, interests in lands, air rights over lands and rights of way of all kinds which are owned, leased or held by the other party and for the purpose of planning, constructing or operating any facility or performing any service which the public transportation benefit area may be authorized to operate or perform, on such terms as may be agreed upon by the contracting parties. Before any contract for the lease or operation of any public transportation benefit area facilities shall be let to any private person, firm or

corporation, a general schedule of rental rates for bus equipment with or without drivers shall be publicly posted applicable to all private certificated carriers, and for other facilities competitive bids shall first be called upon such notice, bidder qualifications and bid conditions as the public transportation benefit area authority shall determine.

A public transportation benefit area may sue and be sued in its corporate capacity in all courts and in all proceedings.

NEW SECTION. Sec. 19. A public transportation benefit area authority shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare, adopt and carry out a general comprehensive plan for public transportation service which will best serve the residents of the public transportation benefit area and to amend said plan from time to time to meet changed conditions and requirements.

(2) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of transportation facilities and properties within or without the public transportation benefit area or the state, including systems of surface, underground or overhead railways, tramways, buses, or any other means of local transportation except taxis, and including escalators, moving sidewalks or other people-moving systems, passenger terminal and parking facilities and properties and such other facilities and properties as may be necessary for passenger and vehicular access to and from such people-moving systems, terminal and parking facilities and properties, together with all lands, rights of way, property, equipment and accessories necessary for such systems and facilities. Public transportation facilities and properties which are owned by any city may be acquired or used by the public transportation benefit area authority only with the consent of the city council of the city owning such facilities. Cities are hereby authorized to convey or lease such facilities to a public transportation benefit area authority or to contract for their joint use on such terms as may be fixed by agreement between the city council of such city and the public transportation benefit area authority, without submitting the matter to the voters of such city.

The facilities and properties of a public transportation benefit area system whose vehicles will operate primarily within the rights of way of public streets, roads or highways, may be acquired, developed and operated without the corridor and design hearings which are required by RCW 35.58.273, as now or hereafter amended, for mass transit facilities operating on a separate right of way.

(3) To fix rates, tolls, fares and charges for the use of such facilities and to establish various routes and classes of service.

In the event any public transportation benefit area shall extend its public transportation services to any area of service already offered by any company holding a certificate of public convenience and necessity from the Washington utilities and transportation commission, under RCW 81.68.040 it shall by purchase or condemnation acquire at the fair market value, from the person holding the existing certificate for providing the services, that portion of the operating authority and equipment representing the services within the area of public operation.

NEW SECTION. Sec. 20. Except in accordance with an agreement made as provided in this section, upon the effective date on which the public transportation benefit area commences to perform the public transportation service, no person or private corporation shall operate a local public passenger transportation service within the public transportation benefit area with the exception of taxis, buses owned or operated by a school district or private school, and buses owned or operated by any corporation or organization solely for the purposes of the corporation or organization and for the use of which no fee or fare is charged.

An agreement may be entered into between the public transportation benefit area authority and any person or corporation legally operating a local public passenger transportation service wholly within or partly within and partly without the public transportation benefit area and on said effective date under which such person or corporation may continue to operate such service or any part thereof for such time and upon such terms and conditions as provided in such agreement. Where any such local public passenger transportation service will be required to cease to operate within the public transportation benefit area, the public transportation benefit area authority may agree with the owner of such service to purchase the assets used in providing such service, or if no agreement can be reached, the public transportation benefit area authority shall condemn such assets in the manner and by the same procedure as is or may be provided by law for the condemnation of other properties for cities of the first class, except insofar as such laws may be inconsistent with the provisions of this chapter.

Wherever a privately owned public carrier operates wholly or partly within a public transportation benefit area, the Washington utilities and transportation commission shall continue to exercise jurisdiction over such operation as provided by law.

NEW SECTION. Sec. 21. The public transportation benefit area shall have and exercise all rights with respect to the construction, acquisition, maintenance, operation, extension, alteration, repair, control and management of passenger transportation which any component city shall have been previously empowered to exercise and such powers shall not thereafter be exercised by such component cities without the consent of the public transportation benefit area: **PROVIDED,** That any city owning and operating a public transportation system on such effective date of this chapter may continue to operate such system within such city until such system shall have been acquired by the public transportation benefit area and a public transportation benefit area may not acquire such system without the consent of the city council of such city.

NEW SECTION. Sec. 22. If a public transportation benefit area shall acquire any existing transportation system, it shall assume and observe all existing labor contracts relating to such system and, to the extent necessary for operation of facilities, all of the employees of such acquired transportation system whose duties are necessary to operate efficiently the facilities acquired shall be appointed to comparable positions to those which they held at the time of such transfer, and no employee or retired or pensioned employee of such systems shall be placed in any worse position with respect to pension seniority, wages, sick leave, vacation or other benefits that he enjoyed as an employee of such system prior to such

acquisition. The public transportation benefit area authority shall engage in collective bargaining with the duly appointed representatives of any employee labor organization having existing contracts with the acquired transportation system and may enter into labor contracts with such employee labor organization.

NEW SECTION. Sec. 23. Each public transportation benefit area authority shall establish a fund to be designated as the "transportation fund", in which shall be placed all sums received by the authority from any source except the proceeds of bonds issued by the authority, and out of which shall be expended all sums disbursed by the authority unless otherwise provided in bond covenants. The county treasurer, or in the case of a multi-county public transportation benefit area, the county treasurer of the largest component county, shall be the custodian of the fund. The county auditor of such county shall keep the record of the receipts and disbursements, and shall draw and such county treasurer shall honor and pay all warrants, which shall be approved before issuance and payment as directed by the authority.

The county or counties and each city or town which is included in the authority shall contribute such sums towards the expense for maintaining and operating the public transportation system as shall be agreed upon between them.

NEW SECTION. Sec. 24. (1) An election to authorize the annexation of territory contiguous to a public transportation benefit area may be called within the area to be annexed pursuant to resolution or petition in the following manner:

(a) By resolution of a public transportation benefit area authority when it shall determine that the best interests and general welfare of such public transportation benefit area would be served. Such authority shall consider the question of areas to be annexed to the public transportation benefit area at least once every two years.

(b) By petition calling for such an election signed by at least four percent of the qualified voters residing within the area to be annexed and filed with the auditor of the county wherein the largest portion of the public transportation benefit area is located, and notice thereof shall be given to such authority. Upon receipt of such a petition, the auditor shall examine the same and certify to the sufficiency of the signatures thereon.

(c) By resolution of a public transportation benefit area authority upon request of any city for annexation thereto.

(2) The resolution or petition shall describe the boundaries of the area to be annexed. It shall require that there also be submitted to the electorate of the territory sought to be annexed a proposition authorizing the inclusion of such area within the public transportation benefit area and authorizing the imposition of such taxes authorized by law to be collected by the authority.

(3) Upon the annexation of additional area to a public transportation benefit area, the authority of the public transportation benefit area shall be reconstituted within sixty days in accordance with the provisions of section 15 of this amendatory act.

NEW SECTION. Sec. 25. Counties that have established a county transportation authority pursuant to chapter 36.57 RCW and public transportation benefit areas that have been established pursuant to this chapter

are eligible to receive a one-time advanced financial support payment from the state to assist in the development of the initial comprehensive transit plan required by RCW 36.57.070 and section 16 of this amendatory act. The amount of this support payment is established at one dollar per person residing within each county or public transportation benefit area, as determined by the office of program planning and fiscal management, but no single payment shall exceed \$50,000. Repayment of an advanced financial support payment shall be made to the public transportation account in the general fund or, if such account does not exist, to the general fund by each agency within two years of the date such advanced payment was received. Such repayment shall be waived within two years of the date such advanced payment was received if the voters in the appropriate counties or public transportation benefit areas do not elect to levy and collect taxes enabled under authority of this 1975 amendatory act. The state department of transportation or, if such department does not exist, the planning and community affairs agency shall provide technical assistance in the preparation of local transit plans, and administer the advanced financial support payments authorized by this section.

NEW SECTION. Sec. 26. A public transportation benefit area established pursuant to this chapter may be dissolved and its affairs liquidated when so directed by a majority of persons in the benefit area voting on such question. An election placing such question before the voters may be called in the following manner:

- (1) By resolution of the public transportation benefit area authority;
- (2) By resolution of the county legislative body or bodies with the concurrence therein by resolution of the city council of a component city; or
- (3) By petition calling for such election signed by at least ten percent of the qualified voters residing within the area filed with auditor of the county wherein the largest portion of the public transportation benefit area is located. The auditor shall examine the same and certify to the sufficiency of the signatures thereon: PROVIDED, That to be validated, signatures must have been collected within a ninety day period as designated by the petition sponsors.

With dissolution of the benefit area, any outstanding obligations and bonded indebtedness of the public transportation benefit area shall be satisfied or allocated by mutual agreement to the county or counties and component cities of the public transportation benefit area.

NEW SECTION. Sec. 27. There is hereby appropriated from the public transportation account in the general fund or, if such account does not exist, from the general fund to the transportation commission or, if such commission does not exist to the planning and community affairs agency for the biennium ending June 30, 1977 the sum of \$450,000, or so much thereof as may be necessary, to carry out the provisions of sections 16, 17, and 25 of this amendatory act.

NEW SECTION. Sec. 28. The following acts or parts of acts are each hereby repealed:

- (1) Section 10, chapter 167, Laws of 1974 ex. sess. and RCW 82.14.047;
- (2) Sections 1 through 9, chapter 136, Laws of 1973 1st ex. sess. and RCW 35.58.2731; and

(3) Section 6, chapter 54, Laws of 1974 ex. sess.

NEW SECTION. Sec. 29. Sections 11 through 26 shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 30. If any provision of this 1975 amendatory 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.

NEW SECTION. Sec. 31. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1975.

Passed the Senate June 7, 1975.

Passed the House June 7, 1975.

Approved by the Governor July 1, 1975.

Filed in Office of Secretary of State July 1, 1975.

CHAPTER 271

[House Bill No. 437]

OUTDOOR ADVERTISING

AN ACT Relating to outdoor advertising; amending section 4, chapter 96, Laws of 1961 as amended by section 4, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.040; amending section 7, chapter 62, Laws of 1971 ex. sess. as last amended by section 2, chapter 154, Laws of 1974 ex. sess. and RCW 47.42.062; amending section 8, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.063; amending section 9, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.065; amending section 12, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.102; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 4, chapter 96, Laws of 1961 as amended by section 4, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.040 are each amended to read as follows:

It is declared to be the policy of the state that no signs which are visible from the main traveled way of the interstate system, primary system, or scenic system shall be erected or maintained except the following types:

(1) Directional or other official signs or notices that are required or authorized by law;

(2) Signs advertising the sale or lease of the property upon which they are located;

(3) Signs advertising activities conducted on the property on which they are located;

(4) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the national standards promulgated thereunder by the secretary of commerce or the secretary of transportation, advertising activities being conducted at a location within twelve miles of the point at which such signs are located: PROVIDED, That no sign lawfully erected pursuant to this subsection