

DRAFT

**Regional Transportation Investment District
Planning Committee**

Resolution No. 2007-_____

A Resolution of the Regional Transportation Investment District Planning Committee recommending the creation of a Regional Transportation Investment District; recommending a regional transportation investment plan that includes transportation projects to improve mobility for the King, Pierce and Snohomish County region; recommending sources of revenue and a financing plan to fund the recommended transportation projects; and forwarding its recommendations to the King, Pierce and Snohomish County legislative authorities for approval for submittal to the voters in accordance with RCW 36.120.070.

WHEREAS, the Regional Transportation Investment District Planning Committee (“Planning Committee”) is an advisory committee established and authorized under RCW 36.120.040 to develop and make recommendations to the legislative authorities of King, Pierce and Snohomish Counties on a proposed regional transportation investment plan including proposed revenue sources (the “Recommended Plan”), and on the creation of a new agency, the Regional Transportation Investment District (“RTID”), to implement the Recommended Plan if submitted to and approved by the voters in accordance with RCW 36.120.040 and RCW 36.120.070, as such statute was amended in the 2007 legislative session (the “Voted Plan”); and

WHEREAS, in identifying potential transportation projects, the Planning Committee through its Executive Board considered the requirements included in the definition of “transportation project” under RCW 36.120.020(8), applied the factors set forth in RCW 36.120.040(1), coordinated its activities pursuant to RCW 36.120.040(2), considered performance criteria set forth in RCW 36.120.060 as well as the “RTID Guiding Principles”, and, in identifying potential transportation projects that improve city streets, county roads or highways, considered the specific requirement under RCW 36.120.020(8)(c); and

WHEREAS, the Planning Committee, through its Executive Board, conducted public meetings to encourage active public participation in the development of the Recommended Plan, undertaking extensive public and agency outreach efforts during August, September, and October 2006 to prepare a draft Recommended Plan, including a public hearing on October 13, 2006, a public comment period lasting until October 27, 2006, presentations to organizations and groups, articles in newsletters, joint Roads & Transit open houses with Sound Transit, newspaper advertising, and an updated website; and

WHEREAS, the Planning Committee, through its Executive Board, consulted with local jurisdictions and Sound Transit in developing proposed RTID boundaries in the three-county area; and

WHEREAS, staff reported to the Executive Board of the Planning Committee (the “Executive Board”) at the December 7, 2006 joint meeting with the Sound Transit Executive Committee the results of the public involvement process, including an overview of comments received through public outreach; and

WHEREAS, the draft Recommended Plan was updated to reflect this public and agency input and was distributed for further public outreach and review in conjunction with Sound Transit’s ST2 Draft Package; and

WHEREAS, the Planning Committee, through its Executive Board, conducted additional public meetings to review the Recommended Plan, and continued its extensive public and agency outreach efforts through May 2007, including additional presentations to organizations and groups, articles in newsletters, joint Roads & Transit open houses with Sound Transit, newspaper advertising, and website informational postings; and

WHEREAS, the Planning Committee considered potential local, state and federal revenue sources in developing the Recommended Plan, which leverages the proposed financial contribution by RTID (assuming the agency is formed) so that the federal, state, local and other revenue sources continue to fund major congestion relief and transportation capacity improvement projects in each county in the proposed RTID; and

WHEREAS, the Planning Committee, with assistance from the Washington State Department of Transportation, worked to develop cost forecasts for proposed transportation projects, integrating its project costing methodology with revenue forecasts in developing the Recommended Plan; and

WHEREAS, as required by RCW 36.120.040(5), the Recommended Plan includes cost estimates for each transportation project, including reasonable contingency costs, and provides estimated project costs in constant dollars as well as year of expenditure dollars, ranges of project costs reflecting levels of project design, identification of mitigation costs, ranges of revenue forecasts, and cash flow and bond analysis; and

WHEREAS, as required by RCW 36.120.040(5), the Recommended Plan also provides that funds will be maximized to implement projects in the Voted Plan, including paying environmental and mitigation costs, and that administrative costs will be minimized; and

WHEREAS, as required by RCW 36.120.045, the Recommended Plan includes a funding proposal for the I-520 bridge replacement and HOV project that assures full project funding for seismic safety and corridor connectivity on I-520 between I-5 and I-405; and

WHEREAS, the Metropolitan Transportation Plan, also referred to as Destination 2030, adopted by the Puget Sound Regional Council (“PSRC”) on April 5, 2007 includes all of the projects in the Recommended Plan; and

WHEREAS, the plan-level environmental documents prepared and issued by the PSRC under the State Environmental Policy Act (“SEPA”) for the Metropolitan Transportation Plan, including but not limited to the final environmental impact statement on Destination 2030 dated May 10, 2001 and EIS Addendum on Destination 2030 dated March 5, 2007 (the

“EIS/Addendum”), encompass the range of proposed plan-level actions, alternatives, and impacts for the Recommended Plan; and

WHEREAS, in addition, Sound Transit prepared and issued SEPA plan-level environmental documents on the Regional Transit Long Range Plan, also referred to as Sound Transit 2 (ST2), including but not limited to a supplemental environmental impact statement dated June 2005 (“SEIS”), that encompass the range of proposed plan-level actions, alternatives to and impacts of the transit component of the Recommended Plan; and

WHEREAS, the Planning Committee and its Executive Board, although solely an advisory committee established for the purpose of recommending whether a regional transportation agency should be established and a plan approved, considered the PSRC EIS/Addendum on the Metropolitan Transportation Plan and the Sound Transit SEIS on the Regional Transit Long Range Plan prior to its determination to forward the Recommended Plan to the King, Pierce and Snohomish County legislative authorities and voters; and

WHEREAS, the financial estimates in the Recommended Plan include investments for environmental protection and mitigation as provided by RCW 36.120.040; and

WHEREAS, the King, Pierce and Snohomish County Councils will, to the extent required and practicable within the statutory deadline in RCW 36.120.070, proceed with appropriate plan-level SEPA review in response to the advisory recommendations from the RTID Planning Committee; and

WHEREAS, as provided in the Recommended Plan, the projects in any plan approved by the voters shall undergo project-level environmental review by the appropriate agency; and

WHEREAS, upon formation of RTID, RTID will adopt SEPA procedures as required for municipal corporations under RCW 43.21C.110 and WAC 197-11-902, to ensure that any required environmental review under SEPA is conducted for modifications to the Plan approved by the County legislative authorities and voters; and

WHEREAS, the Recommended Plan also includes sources of revenue authorized by RCW 36.120.050 and a financing plan to fund the transportation projects included in the Recommended Plan, consistent with the equity principles set forth in RCW 36.120.040(4); and

WHEREAS, the Recommended Plan and Sound Transit’s ST2 Package together identify transportation improvements consisting of road and transit projects that naturally and necessarily relate to a single regional transportation system, as part of a comprehensive approach to transportation investments to help reduce transportation congestion, increase road and transit capacity, promote safety, facilitate mobility of freight and people and improve the health, safety, and welfare of the citizens of Washington State; and

WHEREAS, on May 31, 2007, the Executive Board forwarded the Recommended Plan, including recommend revenue sources and proposed RTID boundaries, to the Planning Committee; and

WHEREAS, pursuant to RCW 36.120.070, the Planning Committee has drafted the ballot proposition on behalf of the county legislative authorities, and such ballot proposition is substantially in the form set forth in 2007 c 509 s 4; and

WHEREAS, it is in the best interests of the region that the Recommended Plan, including the proposed revenue sources and RTID boundaries recommended therein, be forwarded to the King, Pierce and Snohomish County legislative authorities under RCW 36.120.040(7) and RCW 36.120.070 for submittal to the voters for approval of the Recommended Plan, including approval of the revenue sources necessary to finance the Recommended Plan, and approval of the formation of RTID, to be integrated with Sound Transit's ST2 plan and submitted to the voters as part of the Roads & Transit joint ballot proposal for the November 2007 election in the form set forth herein;

NOW, THEREFORE, BE IT RESOLVED by the Planning Committee as follows:

Section 1. The Planning Committee hereby adopts the recitals set forth above as findings.

Section 2. The Planning Committee in its advisory capacity under RCW 36.120.030 adopts and recommends to the King, Pierce, and Snohomish County legislative authorities:

A. that a regional transportation agency, the Regional Transportation Investment District, be formed with the boundaries described in the Recommended Plan attached as Appendix A;

B. that the Recommended Plan attached as Appendix A be approved for submittal to the voters; and

C. that, upon formation, RTID promptly establish operating and accountability procedures for implementation of the Plan including but not limited to accountability for implementation of environmental mitigation investments, procedures to implement the State Environmental Policy Act, and procedures to implement the Public Record Act and the Open Public Meetings Act.

Section 3. *(a) Changes to Transportation Projects or Revenue Sources.* RCW 36.120.140 provides for modifications to the Voted Plan to change transportation projects or revenue sources. The RTID board is expressly authorized to change transportation projects or revenue sources if two or more participating counties adopt a resolution to modify the plan and voters approve the redefined plan. The RTID board is also expressly authorized to modify the Voted Plan to change transportation projects within a participating county with board and county voter approval, while maintaining the equity of the plan and not increasing the total level of plan expenditure for the affected county. If a transportation project cost exceeds its original cost estimate by more than twenty percent as identified in the Voted Plan, the RTID board may submit to voters a ballot measure that redefines the scope of the transportation project, its schedule, or its costs, or, alternatively, the counties may elect to have RTID continue the transportation project without submitting an additional ballot proposal to the voters, all as set forth in RCW 36.120.140(3).

(b) *Changes to Facilities, Funds and Sequence of Construction.* Construction costs, new technologies, availability of alternative facilities, availability of alternative funds, environmental conditions, legal requirements, and other foreseeable or unforeseeable but changed conditions may require modification or replacement of facilities necessary to accomplish the transportation projects identified in the Voted Plan. For planning purposes, the Recommended Plan includes illustrative facilities to be completed as part of a transportation project. As modeling, planning, engineering, environmental review, permitting, bidding and other steps to identifying, designing, financing and constructing a facility are undertaken, the description of the facilities identified in the Voted Plan may be modified or replaced with other facilities to accomplish or improve the same transportation project as set forth below. If the RTID Board shall determine that it is necessary to modify or replace all or a portion of any facility that is part of a transportation project included in the Voted Plan, RTID shall not be required to complete such facility or part thereof, and may apply revenues to other facilities that are part of the same transportation project, to other transportation projects or to retire debt, as the Board may determine consistent with the purposes of the Plan and state law.

The RTID board shall determine whether to modify or complete a facility and the application of available funds as between transportation projects and as between the various facilities necessary to accomplish the transportation projects in the Voted Plan, subject to the equity principles and other requirements of state law. The sequence of constructing transportation projects and facilities may be modified over time by the RTID Board as necessary in the judgment of the RTID Board best to accomplish the Voted Plan. As provided in RCW 36.120.040(4), the RTID board shall retain flexibility to manage distribution of revenues, debt and project schedules so that RTID may effectively implement the Plan.

In the event that RTID revenues, bond proceeds and any other legally available RTID funds for a transportation project are insufficient to accomplish all of the facilities that are part of a transportation project included in the Plan, the RTID board shall use the available revenues, bond proceeds or other funds for paying the cost of those facilities deemed in the judgment of the Board most necessary and in the best interest of RTID in achieving the purposes of the Voted Plan.

Section 4. The Planning Committee recommends imposition of the revenue sources identified in the Recommended Plan, including a regional sales and use tax, as specified in RCW 82.14.430, of 0.1% of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the RTID area, and a 0.8% local motor vehicle excise tax under RCW 81.100.060. These taxes shall be imposed upon an affirmative vote of the majority of the voters within the boundaries of RTID voting on the ballot proposition as set forth in RCW 36.120.070 and forwarded to the legislative authorities of King, Pierce and Snohomish County pursuant to Section 1. These taxes shall expire upon payment in full of all costs of the Voted Plan including debt service. Tax revenues may be used only to implement the Voted Plan and changes thereto as set forth in section 2 above.

Section 5. The Recommended Plan shall be forwarded to the legislative authorities of King, Pierce and Snohomish Counties as a recommendation for approval for submittal to the voters pursuant to RCW 36.120.040(7). This recommendation includes approval of the revenue sources necessary to finance the Recommended Plan, and approval of the formation of RTID.

The Planning Committee therefore recommends that the legislative authorities of King, Pierce and Snohomish Counties initiate the election process under RCW 36.120.070, by indicating their participation in RTID and approving for submittal the Recommended Plan to the voters within the proposed RTID boundaries with Sound Transit's ST2 plan as part of the Road & Transit joint ballot proposal for the November 2007 election.

Section 6. Pursuant to RCW 36.120.070, the Planning Committee requests that the legislative authorities of King, Pierce and Snohomish Counties indicate their participation and submit to the voters of the proposed RTID a ballot proposition that approves formation of the RTID, approves the Recommended Plan and approves the revenue sources necessary to finance the plan, as part of a single ballot proposition that includes, in conjunction with RCW 81.112.030(10), a plan to support Sound Transit's system and financing plan, or additional implementation phases of the system and financing plan, developed under chapter 81.112 RCW. The ballot proposition shall be in the following form drafted by the Planning Committee in accordance with RCW 36.120.070:

SOUND TRANSIT (A REGIONAL TRANSIT AUTHORITY)

AND

RTID (A REGIONAL TRANSPORTATION INVESTMENT DISTRICT)

PROPOSITION #1

REGIONAL ROADS AND TRANSIT SYSTEM

To reduce transportation congestion, increase road and transit capacity, promote safety, facilitate mobility, provide for an integrated regional transportation system, and improve the health, welfare, and safety of the citizens of Washington, shall Sound Transit (a regional transit authority) implement a regional rail and transit system linking Lynnwood, Shoreline, Northgate, Seattle, Bellevue, Redmond, SeaTac airport, Kent, Federal Way and Tacoma as described in the Sound Transit 2 plan, financed by the use of the existing taxes approved by the voters in 1996 and an additional sales and use tax of up to five-tenths of one percent imposed by Sound Transit, all as provided in Resolution No. [2007-insert number]; and shall a regional transportation investment district (RTID) be formed and authorized to implement and invest in improving the regional transportation system by replacing vulnerable bridges, improving safety, and increasing capacity on state and local roads to further link major education, employment, and retail centers as described in A Blueprint for Progress: Moving Forward Together – King, Pierce and Snohomish Counties, financed by a sales and use tax of up to one-tenth of one percent and a local motor vehicle excise tax of up to eight-tenths of one percent imposed by RTID, all as provided in Resolution No.[2007-___]; further provided that the Sound Transit taxes shall be

imposed only within the boundaries of Sound Transit, and the RTID taxes shall be imposed only within the boundaries of the RTID?

YES.....

NO.....

Section 7. Pursuant to RCW 36.120.040(7), notice that the Recommended Plan has been forwarded to the legislative authorities of King, Pierce and Snohomish Counties to initiate the election process shall be provided at the same time to each city and town within the recommended RTID boundaries, the governor, the chairs of the transportation committees of the legislature, the secretary of transportation, and each legislator whose legislative district is partially or wholly within the recommended boundaries of RTID.

Section 8. If a section, subsection, paragraph, sentence, clause, or phrase of this resolution is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution.

ADOPTED by the advisory Regional Transportation Investment District Planning Committee at a special [regular] meeting thereof held on June ____, 2007.
