

## Legislation Text

---

**File #:** 2009-0640, **Version:** 2

---

Clerk 12/15/2009

AN ORDINANCE establishing a transportation benefit district within unincorporated King County, Washington, providing for the construction of certain transportation improvements, in accordance with chapter 36.73 RCW; and adding a new chapter to K.C.C. Title 2.

### STATEMENT OF FACTS:

1. Funding for improvement of the transportation infrastructure in King County has been dramatically reduced in recent years due to the effects of several statewide initiatives, declining revenues from the state motor fuel tax, and decreases in available state and federal grant funding. Transportation safety, preservation and other needs are, however, increasing due to aging infrastructure, population growth, development and changing travel patterns.
2. The county needs to make high priority transportation infrastructure improvements to prevent an overall decline in the condition, structural integrity and safety of its transportation system, and to facilitate the movement of people, goods and services throughout the region.
3. Chapter 36.73 RCW authorizes counties to create transportation benefit districts and authorizes transportation benefit districts to establish certain revenue sources for transportation improvements within the districts that meet specified eligibility requirements. Transportation benefit districts may contract with other governments to fund , plan and construct these transportation improvements.
4. RCW 82.80.140 authorizes a transportation benefit district created by a county to impose, by

a majority vote of the district's governing board, a vehicle fee of up to twenty dollars annually if the district includes all of the area within the county and if the county negotiates an interlocal agreement with the cities in the county that provides for the distribution of the fee revenue to each city within the county. The interlocal agreement must be approved by sixty percent of the cities representing seventy-five percent of the population of the cities within the county.

5. If the county is unable to obtain approval of the interlocal agreement with the cities as required by that statute, chapter 36.73 RCW authorizes a county to create a transportation benefit district consisting of just the unincorporated areas of the county and authorizes such a transportation benefit district to impose, by a majority vote of the district's governing board, up to twenty dollars of the vehicle fee, authorized by RCW 82.80.140.

6. On November 3, 2009, the King County executive sent a letter to the mayors of all the cities within King County informing them of King County's intent to form a county-wide transit benefit district with the intent of having the district impose a non-voted vehicle fee authorized by RCW 82.80.140 and to invite those cities to enter into negotiations to develop an interlocal agreement required by RCW 82.80.140. The letter requested that the cities respond to the invitation by November 18, 2009, and to let the executive know whether the city would be willing to enter into negotiations.

7. As of November 18, 2009, no cities have responded positively to the executive's invitation and several cities have officially declined. In addition, the cities of Des Moines, Lake Forest Park and Shoreline have each created their own city transportation benefit district for the purpose of imposing the nonvoted vehicle fee. Therefore, it would appear to be futile to continue to attempt to negotiate the interlocal agreement required by RCW 82.80.140.

8. The council desires to form a transportation benefit district that includes the entire unincorporated area of King County as the boundaries currently exist.

9. The council has identified a list of transportation improvements that are contained in the Puget Sound Regional Council Destination 2030 Regional Transportation Plan. The list is Attachment A to this ordinance.

10. It is the council's intent that the transportation benefit district use its revenues to supplement county road funds, grant funds and contributions from other governments for projects such as the South Park Bridge replacement, which will provide congestion relief benefits to Seattle and other nearby cities. The council encourages the executive to negotiate South Park Bridge funding agreements with Seattle and other jurisdictions to minimize the local matching fund contribution paid by residents of unincorporated King County.

11. It is the council's intent, as the legislative authority creating the transportation benefit district, to re-evaluate the appropriateness of the transportation benefit district's boundaries before the governing board of the transportation benefit district voting to impose any vehicle fee on residents in order to determine whether annexations occurring after formation of the transportation benefit district but before the imposition of a vehicle fee should affect the boundaries of the created transportation benefit district territory.

12. 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 environmental impact statement and addendum on Destination 2030 dated March 5, 2007, encompass a range of alternatives to and environmental impacts of the projects in the Recommended Plan.

13. The council encourages the transportation benefit district governing board to amend its list of eligible projects to add new Transportation 2040 projects after the Puget Sound Regional Council approves the Transportation 2040 update to the regional transportation plan.

14. The county's designated SEPA responsible official issued a notice and statement of adoption

on \_\_\_\_\_, 2009, adopting the Puget Sound Regional Council environmental impact statement documents on the Metropolitan Transportation Plan and the associated 2005, 2006 and 2007 addenda, and the county has committed, as stated in the county's notice and statement of adoption, that appropriate project-level environmental review under SEPA will be conducted by the appropriate agencies for the projects in the plan.

15. Before establishing a transportation benefit district, the council is required pursuant to chapter 36.73 RCW to conduct a public hearing upon proper notice to describe the functions and purposes of the proposed transportation benefit district.

16. The council provided proper notice specifying the transportation improvements proposed to be funded, conducted a public hearing on \_\_\_\_\_, 2010, and took public comment regarding the proposed establishment of a transportation benefit district in accordance with RCW 36.73.050.

17. It is in the best interest of the citizens of the county to establish a transportation benefit district to facilitate the construction of the transportation improvements listed in Attachment A to this ordinance.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Sections 2 through 4 of this ordinance should constitute a new chapter in K.C.C. Title 2.

NEW SECTION. SECTION 2. There is created a transportation benefit district, to be known as the King County transportation benefit district, with geographical boundaries comprised of the unincorporated limits of the county, which shall have the authority to exercise the statutory powers in chapter 36.73 RCW.

NEW SECTION. SECTION 3. The district shall be dissolved when all indebtedness of the district is retired and when all of the district's anticipated responsibilities have been satisfied.

NEW SECTION. SECTION 4. As authorized under chapter 36.73 RCW, this chapter shall be liberally construed to permit the accomplishment of its purposes.

SECTION 5. **Severability.** If any one provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this

ordinance or the application of the provision to other persons or circumstances is not affected.