

Reagan Dunn

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16742

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1/4/2010 Council
Pdc mtg

Sponsor: Reagan Dunn

Proposed No.: 2009-0640

RD MOVED PASSED! 8-0

1 **AMENDMENT TO PROPOSED ORDINANCE 2009-0640, VERSION 2**

2 On page 1, beginning on line 6, strike all material through page 5, line 105.

3 On page 5, after line 106, insert:

4 **"SECTION 1. Findings:**

5 A. Funding for improvement of the transportation infrastructure in King County
6 has been dramatically reduced in recent years due to the effects of several statewide
7 initiatives, declining revenues from the state motor fuel tax and decreases in available
8 state and federal grant funding. Transportation safety, preservation and other needs are,
9 however, increasing due to aging infrastructure, population growth, development and
10 changing travel patterns.

11 B. The county needs to make high priority transportation infrastructure
12 improvements to prevent an overall decline in the condition, structural integrity and
13 safety of its transportation system, and to facilitate the movement of people, goods and
14 services throughout the region.

15 C. Chapter 36.73 RCW authorizes counties to create transportation benefit
16 districts and authorizes transportation benefit districts to establish certain revenue
17 sources for transportation improvements within the districts that meet specified

18 eligibility requirements. Transportation benefit districts may contract with other
19 governments to fund , plan and construct these transportation improvements.

20 D. RCW 82.80.140 authorizes a transportation benefit district created by a county
21 to impose, by a majority vote of the district's governing board, a vehicle fee of up to
22 twenty dollars annually if the district includes all of the area within the county and if the
23 county negotiates an interlocal agreement with the cities in the county that provides for
24 the distribution of the fee revenue to each city within the county. The interlocal
25 agreement must be approved by sixty percent of the cities representing seventy-five
26 percent of the population of the cities within the county.

27 E. If the county is unable to obtain approval of the interlocal agreement with the
28 cities as required by that statute, chapter 36.73 RCW authorizes a county to create a
29 transportation benefit district consisting of just the unincorporated areas of the county
30 and authorizes such a transportation benefit district to impose, by a majority vote of the
31 district's governing board, up to twenty dollars of the vehicle fee, authorized by RCW
32 82.80.140.

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

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

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

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

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

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

63 vehicle fee should affect the boundaries of the created transportation benefit district
64 territory.

65 L. The plan-level environmental documents prepared and issued by the PSRC
66 under the state Environmental Policy Act ("SEPA") for the Metropolitan Transportation
67 Plan, including but not limited to the environmental impact statement and addendum on
68 Destination 2030 dated March 5, 2007, encompass a range of alternatives to and
69 environmental impacts of the projects in the Recommended Plan.

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

74 N. The county's designated SEPA responsible official issued a notice and
75 statement of adoption on December 21, 2009, adopting the Puget Sound Regional
76 Council environmental impact statement documents on the Metropolitan Transportation
77 Plan and the associated 2005, 2006 and 2007 addenda, and the county has committed, as
78 stated in the county's notice and statement of adoption, that appropriate project-level
79 environmental review under SEPA will be conducted by the appropriate agencies for the
80 projects in the plan.

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

84 P. The council provided proper notice specifying the transportation
85 improvements proposed to be funded, conducted a public hearing on January 4, 2010,

86 and took public comment regarding the proposed establishment of a transportation
87 benefit district in accordance with RCW 36.73.050.

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

91 On page 6, after line 117, insert:

92 "SECTION 5. The King County transportation benefit district is formed for the
93 purpose of facilitating the construction of the transportation improvements listed in
94 Attachment A to this ordinance."

95 Renumber any remaining sections consecutively and correct any internal references
96 accordingly.

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98 **EFFECT: Renames the "Statement of Facts" section as the "Findings" section of the**
99 **proposed ordinance. This change reflects the inclusion of several provisions that are**
100 **expressions of intent. Adds the dates of the SEPA notice issuance and the public**
101 **hearing. Adds a new section to clarify that the transportation benefit district's**
102 **purpose is to help construct transportation improvements listed in Attachment A.**