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**ENGROSSED SUBSTITUTE HOUSE BILL 2072**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** House Transportation (originally sponsored by Representatives Wallace, Clibborn, and Wood)

READ FIRST TIME 03/03/09.

1        AN ACT Relating to advancing effective transportation for persons  
2 with special transportation needs; amending RCW 47.06B.010, 47.06B.020,  
3 47.06B.030, 47.06B.050, 36.73.020, 47.80.023, 47.06B.900, and  
4 47.06B.901; adding new sections to chapter 47.06B RCW; adding a new  
5 section to chapter 28A.300 RCW; adding a new section to chapter 35.58  
6 RCW; adding a new section to chapter 43.20A RCW; adding a new section  
7 to chapter 47.01 RCW; creating a new section; and providing an  
8 effective date.

9        BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10        NEW SECTION.    **Sec. 1.** A new section is added to chapter 47.06B RCW  
11 to read as follows:

12        (1) In 2007, the legislature directed the joint transportation  
13 committee to conduct a study of special needs transportation to examine  
14 and evaluate the effectiveness of special needs transportation in the  
15 state. A particular goal of the study was to explore opportunities to  
16 enhance coordination of special needs transportation programs to ensure  
17 that they are delivered efficiently and result in improved access and  
18 increased mobility options for their clients. It is the intent of the  
19 legislature to further consider some of the recommendations, and to

1 implement many of these recommendations in the form of two pilot  
2 projects that will test the potential for applying these  
3 recommendations statewide in the future.

4 (2) The legislature is aware that the department of social and  
5 health services submitted an application in December of 2008 to the  
6 federal centers for medicare and medicaid services, seeking approval to  
7 use the medical match system, a federal funding system that has  
8 different requirements from the federal administrative match system  
9 currently used by the department. It is the intent of the legislature  
10 to advance the goals of this act and the recommendations of the study  
11 identified in subsection (1) of this section without jeopardizing the  
12 application made by the department.

13 (3) By August 15, 2009, the agency council on coordinated  
14 transportation shall appoint a work group for the purpose of  
15 identifying relevant federal requirements related to special needs  
16 transportation, and identifying solutions to streamline the  
17 requirements and increase efficiencies in transportation services  
18 provided for persons with special transportation needs. To advance its  
19 purpose, the work group shall work with relevant federal  
20 representatives and agencies to identify and address various challenges  
21 and barriers.

22 (4) Membership of the work group must include, but not be limited  
23 to, one or more representatives from:

- 24 (a) The departments of transportation, veterans affairs, health,  
25 and social and health services;
- 26 (b) Medicaid nonemergency medical transportation brokers;
- 27 (c) Public transit agencies;
- 28 (d) Regional and metropolitan transportation planning  
29 organizations, including a representative of the regional  
30 transportation planning organization or organizations that provide  
31 staff support to the local coordinating coalition established under  
32 section 9 of this act;
- 33 (e) Indian tribes;
- 34 (f) The agency council on coordinated transportation;
- 35 (g) The local coordinating coalitions established under section 9  
36 of this act; and
- 37 (h) The office of the superintendent of public instruction.

1 (5) The work group shall elect one or more of its members to  
2 service as chair or cochairs.

3 (6) The work group shall immediately contact representatives of the  
4 federal congressional delegation for Washington state and the relevant  
5 federal agencies and coordinating authorities including, but not  
6 limited to, the federal transit administration, the United States  
7 department of health and human services, and the interagency  
8 transportation coordinating council on access and mobility, and invite  
9 the federal representatives to work collaboratively to:

10 (a) Identify transportation definitions and terminology used in the  
11 various relevant state and federal programs, and establish consistent  
12 transportation definitions and terminology. For purposes of this  
13 subsection, relevant state definitions exclude terminology that  
14 requires a medical determination, including whether a trip or service  
15 is medically necessary;

16 (b) Identify restrictions or barriers that preclude federal, state,  
17 and local agencies from sharing client lists or other client  
18 information, and make progress towards removing any restrictions or  
19 barriers;

20 (c) Identify relevant state and federal performance and cost  
21 reporting systems and requirements, and work towards establishing  
22 consistent and uniform performance and cost reporting systems and  
23 requirements; and

24 (d) Explore, subject to federal approval, opportunities to test  
25 cost allocation models, including the pilot projects established in  
26 section 11 of this act, that:

27 (i) Allow for cost sharing among public paratransit and medicaid  
28 nonemergency medical trips; and

29 (ii) Capture the value of medicaid trips provided by public transit  
30 agencies for which they are not currently reimbursed with a funding  
31 match by federal medicaid dollars.

32 (7) By December 1, 2009, the work group shall submit a report to  
33 the joint transportation committee that explains the progress made  
34 towards the goals of this section and identifies any necessary  
35 legislative action that must be taken to implement all the provisions  
36 of this section. A second progress report must be submitted to the  
37 joint transportation committee by June 1, 2010, and a final report must  
38 be submitted to the joint transportation committee by December 1, 2010.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 47.06B RCW  
2 to read as follows:

3        (1) By August 15, 2009, the agency council on coordinated  
4 transportation shall appoint a work group to consider certain  
5 recommendations resulting from the study identified in section 1(1) of  
6 this act. In conducting its analysis, the work group must consult with  
7 the appropriate federal agencies, including the federal transit  
8 administration, the United States department of health and human  
9 services, and the interagency transportation coordinating council on  
10 access and mobility.

11        (2) The work group must be chaired by a representative of the  
12 agency council on coordinated transportation, and members must include  
13 one or more representatives of:

14        (a) Regional and metropolitan planning organizations;

15        (b) Transit agencies;

16        (c) Brokerages providing nonemergency medical transportation  
17 services; and

18        (d) The department of social and health services.

19        (3) The work group may consider any recommendation resulting from  
20 the study identified in section 1(1) of this act, and shall  
21 specifically consider the study's recommendations regarding the  
22 procurement and designation of community access managers, including:

23        (a) The most appropriate agency to make those designations;

24        (b) The preferred geographic regions in which to establish  
25 community access managers;

26        (c) The duties and responsibilities of community access managers;  
27 and

28        (d) Any study recommendations that may interfere with the  
29 department's application as described in section 1(2) of this act, and  
30 potential solutions to those issues.

31        (4) The work group may also develop an alternative to the community  
32 access manager model proposed in the 2009 special needs transportation  
33 study recommendations, as described in section 1(1) of this act, as a  
34 recommendation to be considered by the joint transportation committee.  
35 Any proposed alternative model must build upon the work conducted in  
36 the pilot projects under section 11 of this act and the work completed  
37 in the 2009 study, and must be consistent with the goals of the 2009  
38 study.

1 (5) Subject to available funds, the work group may consult with  
2 other agencies and organizations as needed.

3 (6) By December 1, 2009, the agency council on coordinated  
4 transportation shall submit a report to the joint transportation  
5 committee describing the work group's findings and recommendations for  
6 implementing the study recommendations. If the work group finds that  
7 additional time is needed to complete its analysis, a second progress  
8 report must be submitted to the joint transportation committee by June  
9 1, 2010.

10 **Sec. 3.** RCW 47.06B.010 and 2007 c 421 s 1 are each amended to read  
11 as follows:

12 The legislature finds that transportation systems for persons with  
13 special needs are not operated as efficiently as possible. In too many  
14 cases, programs established by the legislature to assist persons with  
15 special needs can not be accessed due to these inefficiencies and  
16 coordination barriers.

17 The legislature further finds that the transportation needs of each  
18 community are unique, and that transportation services may be improved  
19 by establishing a system of statewide oversight that seeks input,  
20 collaboration, and cooperation from and among all local service  
21 providers, including public agencies, private organizations, and  
22 community-based groups.

23 It is the intent of the legislature that public transportation  
24 agencies, pupil transportation programs, private nonprofit  
25 transportation providers, and other public agencies sponsoring programs  
26 that require transportation services coordinate those transportation  
27 services. Through coordination of transportation services, programs  
28 will achieve increased efficiencies and will be able to provide more  
29 rides to a greater number of persons with special needs.

30 **Sec. 4.** RCW 47.06B.020 and 2007 c 421 s 2 are each amended to read  
31 as follows:

32 (1) The agency council on coordinated transportation is created.  
33 The purpose of the council is to advance and improve accessibility to  
34 and coordination of special needs transportation services statewide.  
35 The council is composed of (~~ten~~) fourteen voting members and four  
36 nonvoting, legislative members.

1           (2) The (~~ten~~) fourteen voting members are the superintendent of  
2 public instruction or a designee, the secretary of transportation or a  
3 designee, the secretary of the department of social and health services  
4 or a designee, and (~~seven~~) eleven members appointed by the governor  
5 as follows:

6           (a) One representative from the office of the governor;

7           (b) Three persons who are consumers of special needs transportation  
8 services, which must include:

9           (i) One person designated by the executive director of the  
10 governor's committee on disability issues and employment; and

11           (ii) One person who is designated by the executive director of the  
12 developmental disabilities council;

13           (c) One representative from the Washington association of pupil  
14 transportation;

15           (d) One representative from the Washington state transit  
16 association; (~~and~~)

17           (e) One of the following:

18           (i) A representative from the community transportation association  
19 of the Northwest; or

20           (ii) A representative from the community action council  
21 association;

22           (f) One person who represents regional transportation planning  
23 organizations and metropolitan planning organizations;

24           (g) One representative of brokers who provide nonemergency,  
25 medically necessary trips to persons with special transportation needs  
26 under the medicaid program administered by the department of social and  
27 health services;

28           (h) One representative from the Washington state department of  
29 veterans affairs; and

30           (i) One representative of the state association of counties.

31           (3) The four nonvoting members are legislators as follows:

32           (a) Two members from the house of representatives, one from each of  
33 the two largest caucuses, appointed by the speaker of the house of  
34 representatives, including at least one member from the house  
35 transportation policy and budget committee or the house appropriations  
36 committee; and

37           (b) Two members from the senate, one from each of the two largest

1 caucuses, appointed by the president of the senate, including at least  
2 one member from the senate transportation committee or the senate ways  
3 and means committee.

4 (4) Gubernatorial appointees of the council will serve two-year  
5 terms. Members may not receive compensation for their service on the  
6 council, but will be reimbursed for actual and necessary expenses  
7 incurred in performing their duties as members as set forth in RCW  
8 43.03.220.

9 ~~(5) ((The secretary of transportation or a designee shall serve as  
10 the chair.~~

11 ~~(6))~~ The council shall vote on an annual basis to elect one of its  
12 voting members to serve as chair. The position of chair must rotate  
13 among the represented agencies, associations, and interest groups at  
14 least every two years. If the position of chair is vacated for any  
15 reason, the secretary of transportation or the secretary's designee  
16 shall serve as acting chair until the next regular meeting of the  
17 council, at which time the members will elect a chair.

18 (6) The council shall periodically assess its membership to ensure  
19 that there exists a balanced representation of persons with special  
20 transportation needs and providers of special transportation needs  
21 services. Recommendations for modifying the membership of the council  
22 must be included in the council's biennial report to the legislature as  
23 provided in RCW 47.06B.050.

24 (7) The department of transportation shall provide necessary staff  
25 support for the council.

26 ~~((7))~~ (8) The council may receive gifts, grants, or endowments  
27 from public or private sources that are made from time to time, in  
28 trust or otherwise, for the use and benefit of the purposes of the  
29 council and spend gifts, grants, or endowments or income from the  
30 public or private sources according to their terms, unless the receipt  
31 of the gifts, grants, or endowments violates RCW 42.17.710.

32 ~~((8))~~ (9) The meetings of the council must be open to the public,  
33 with the agenda published in advance, and minutes kept and made  
34 available to the public. The public notice of the meetings must  
35 indicate that accommodations for persons with disabilities will be made  
36 available upon request.

37 ~~((9))~~ (10) All meetings of the council must be held in locations

1 that are readily accessible to public transportation, and must be  
2 scheduled for times when public transportation is available.

3 ~~((+10+))~~ (11) The council shall make an effort to include  
4 presentations by and work sessions including persons with special  
5 transportation needs.

6 **Sec. 5.** RCW 47.06B.030 and 2007 c 421 s 3 are each amended to read  
7 as follows:

8 ~~((+1+))~~ To assure implementation of an effective system of  
9 coordinated transportation that meets the needs of persons with special  
10 transportation needs, the agency council on coordinated transportation  
11 shall:

12 (1) Consistent with the policy goals set forth in RCW 47.04.280,  
13 propose statewide policies and objectives, subject to enactment by the  
14 legislature, that are designed to advance the coordination of and to  
15 increase efficiencies in special needs transportation services;

16 (2) Adopt a biennial work plan that must, at a minimum:

17 (a) Focus on projects that identify and address barriers in laws,  
18 policies, and procedures;

19 (b) Focus on results; and

20 (c) Identify and advocate for transportation system improvements  
21 for persons with special transportation needs(~~(-~~

22 ~~(2) The council shall,~~);

23 (3) Collaborate with and monitor the efforts of the local  
24 coordinating coalitions established under section 9 of this act;

25 (4) Establish uniform measurable outcome-based performance  
26 objectives and measures for evaluating:

27 (a) The effectiveness of any grant programs administered by the  
28 council;

29 (b) The council's progress made toward accomplishing its overall  
30 objectives; and

31 (c) In collaboration with local coordinating coalitions established  
32 under section 9 of this act, the progress made in each region toward  
33 advancing coordination of and accessibility to special needs  
34 transportation services;

35 (5) Periodically provide input and recommendations to local and  
36 regional planning organizations for advancing special needs coordinated  
37 transportation;



1       (6) Appoint members to local coordinating coalitions, as provided  
2 in section 9 of this act;

3       (7) Beginning with the 2009-2011 biennial transportation budget,  
4 and at the request of the department, review and assess applications  
5 made for state paratransit/special needs grants, as provided in section  
6 223(1), chapter 121, Laws of 2008, or other special needs  
7 transportation grants administered by the department;

8       (8) As necessary, convene work groups at the state, regional, or  
9 local level to develop and implement coordinated approaches to special  
10 needs transportation(

11 ~~3~~));

12       (9) To improve the service experienced by persons with special  
13 transportation needs, ((the council shall)) develop statewide  
14 guidelines for customer complaint processes so that information about  
15 policies regarding the complaint processes is available consistently  
16 and consumers are appropriately educated about available options. To  
17 be eligible for funding on or after January 1, 2008, organizations  
18 applying for state paratransit/special needs grants as described in  
19 section 226(1), chapter 370, Laws of 2006 must implement a process  
20 following the guidelines established by the council(

21 ~~4) The council shall~~)); and

22       (10) Represent the needs and interests of persons with special  
23 transportation needs in statewide efforts for emergency and disaster  
24 preparedness planning by advising the emergency management council on  
25 how to address transportation needs for high-risk individuals during  
26 and after disasters.

27       NEW SECTION. Sec. 6. A new section is added to chapter 47.06B RCW  
28 to read as follows:

29       (1) The legislature acknowledges that successful models of  
30 coordination among state, regional, and local service providers  
31 recognize that cost accounting and cost allocation are integral  
32 components in meeting the statutory obligations of the various funding  
33 sources that may be used to support the purchase of services from  
34 special needs transportation service providers. To that end, the  
35 agency council on coordinated transportation must work collaboratively  
36 with any appropriate agencies and transportation providers and  
37 organizations to:

1 (a) Develop and adopt common units of service definitions  
2 including, but not limited to, definitions for vehicle miles, vehicle  
3 hours, and passenger trips, consistent with any relevant definitions  
4 established under section 1 of this act. For purposes of this  
5 subsection, "common units of service" excludes elements involving  
6 medical determinations, including whether a trip type or transportation  
7 service is medically necessary; and

8 (b) Develop uniform performance and cost reporting systems,  
9 consistent with performance and cost reporting systems established  
10 under section 1 of this act.

11 (2) By December 1, 2009, the agency council on coordinated  
12 transportation shall submit a report to the joint transportation  
13 committee that, at a minimum, describes the progress made towards the  
14 goals of this section. If necessary, a second progress report must be  
15 submitted to the joint transportation committee by June 1, 2010, and a  
16 final report must be submitted to the joint transportation committee by  
17 December 1, 2010.

18 NEW SECTION. **Sec. 7.** A new section is added to chapter 47.06B RCW  
19 to read as follows:

20 (1) In cooperation with the department of social and health  
21 services and the Washington state patrol, the agency council on  
22 coordinated transportation shall make progress toward the goal of  
23 establishing a single clearinghouse for driver background checks within  
24 the department of social and health services or another appropriate  
25 agency. To that end, the council shall, at a minimum:

26 (a) Review any previous relevant studies;

27 (b) Identify and collaborate with agencies engaged in background  
28 check analysis; and

29 (c) Develop a work plan to achieve the objectives identified in  
30 this subsection.

31 (2) By December 1, 2009, the agency council on coordinated  
32 transportation shall submit a report to the joint transportation  
33 committee that, at a minimum, describes the progress made towards the  
34 goals of this section. If necessary, a second progress report must be  
35 submitted to the joint transportation committee by June 1, 2010, and a  
36 final report must be submitted to the joint transportation committee by  
37 December 1, 2010.

1       **Sec. 8.** RCW 47.06B.050 and 2007 c 421 s 6 are each amended to read  
2 as follows:

3       The agency council on coordinated transportation shall submit a  
4 progress report (~~(on council activities)~~) to the legislature by  
5 December 1, 2009, and every other year thereafter. The report must  
6 describe the council's progress in achieving its objectives and in  
7 attaining the applicable goals identified in the council's biennial  
8 work plan and highlight any problems encountered in achieving these  
9 goals. The report must also include the required performance measure  
10 evaluations established in RCW 47.06B.030(4). The information will be  
11 reported in a form established by the council.

12       NEW SECTION. **Sec. 9.** A new section is added to chapter 47.06B RCW  
13 to read as follows:

14       (1) A local coordinating coalition is created in each nonemergency  
15 medical transportation brokerage region, as designated by the  
16 department of social and health services, that encompasses:

17       (a) A single county that has a population of more than seven  
18 hundred fifty thousand but less than one million; and

19       (b) Five counties, and is comprised of at least one county that has  
20 a population of more than four hundred thousand.

21       (2) The purpose of a local coordinating coalition is to advance  
22 local efforts to coordinate and maximize efficiencies in special needs  
23 transportation programs and services, contributing to the overall  
24 objectives and goals of the agency council on coordinated  
25 transportation. The local coordinating coalition shall serve in an  
26 advisory capacity to the agency council on coordinated transportation  
27 by providing the council with a focused and ongoing assessment of the  
28 special transportation needs and services provided within its region.

29       (3) The composition and size of each local coordinating coalition  
30 may vary by region. Local coordinating coalition members, appointed by  
31 the chair of the agency council on coordinated transportation to two-  
32 year terms, must reflect a balanced representation of the region's  
33 providers of special needs transportation services and must include:

34       (a) Members of existing local coordinating coalitions, with  
35 approval by those members;

36       (b) One or more representatives of the public transit agency or  
37 agencies serving the region;

- 1 (c) One or more representatives of private service providers;
- 2 (d) A representative of civic or community-based service providers;
- 3 (e) A consumer of special needs transportation services;
- 4 (f) A representative of nonemergency medical transportation
- 5 medicaid brokers;
- 6 (g) A representative of social and human service programs;
- 7 (h) A representative of local high school districts; and
- 8 (i) A representative from the Washington state department of
- 9 veterans affairs.

10 (4) Each coalition shall vote on an annual basis to elect one of  
11 its members to serve as chair. The position of chair must rotate among  
12 the represented members at least every two years. If the position of  
13 chair is vacated for any reason, the member representing the regional  
14 transportation planning organization described in subsection (6) of  
15 this section shall serve as acting chair until the next regular meeting  
16 of the coalition, at which time the members will elect a chair.

17 (5) Regular meetings of the local coordinating coalition may be  
18 convened at the call of the chair or by a majority of the members.  
19 Meetings must be open to the public, and held in locations that are  
20 readily accessible to public transportation.

21 (6) The regional transportation planning organization, as described  
22 in chapter 47.80 RCW, serving the region in which the local  
23 coordinating coalition is created shall provide necessary staff support  
24 for the local coordinating coalition. In regions served by more than  
25 one regional transportation planning organization, unless otherwise  
26 agreed to by the relevant planning organizations, the regional  
27 transportation planning organization serving the largest population  
28 within the region shall provide the necessary staff support.

29 NEW SECTION. **Sec. 10.** A new section is added to chapter 47.06B  
30 RCW to read as follows:

31 Local coordinating coalitions established under section 9 of this  
32 act shall:

33 (1) Identify, to the greatest extent possible, all local  
34 transportation facilities, services, and providers serving persons with  
35 special transportation needs in the region, including public transit  
36 agencies, private companies, nonprofit organizations, and community-

1 based groups. For each service provider, the coalition shall identify  
2 the boundaries within which services are provided;

3 (2) Identify local service needs, including connectivity gaps and  
4 other barriers to reliable and efficient transportation within and  
5 across service boundaries;

6 (3) Consider strategies to address the local service needs and gaps  
7 identified in subsection (2) of this section;

8 (4) In consultation with the agency council on coordinated  
9 transportation, collaborate with local service providers and operators  
10 to identify and propose common connectivity standards. The  
11 connectivity standards must, at a minimum, address signage, transit  
12 information, schedule coordination, and services provided to address  
13 access to and from a transit stop or facility; and

14 (5) Beginning December 1, 2009, submit an annual report to the  
15 agency council on coordinated transportation that must, at a minimum,  
16 describe local efforts to coordinate and maximize efficiencies in  
17 special needs transportation programs and services, and progress made  
18 in addressing the duties described in this section.

19 NEW SECTION. **Sec. 11.** A new section is added to chapter 47.06B  
20 RCW to read as follows:

21 (1) In addition to the duties identified in sections 9 and 10 of  
22 this act, each local coordinating coalition shall develop or implement  
23 a pilot project within the coalition's region, as described under  
24 section 9(1) of this act, for the purpose of demonstrating cost sharing  
25 and cost saving opportunities as described in subsection (2) of this  
26 section, and shall keep the agency council on coordinated  
27 transportation informed of progress made toward implementing the pilot  
28 project. In developing or implementing the pilot project, the local  
29 coordinating coalition shall collaborate with the appropriate federal  
30 agencies, including the federal transit authority and United States  
31 department of health and human services, and may collaborate with other  
32 agencies and organizations as deemed appropriate.

33 (2) The pilot project must be designed to:

34 (a) Demonstrate opportunities for cost sharing, including but not  
35 limited to opportunities among public paratransit and medicaid  
36 nonemergency medical trips; and

1 (b) Test the feasibility of capturing the value of medicaid trips  
2 provided by public transit agencies for which they are not currently  
3 reimbursed with a funding match by federal medicaid dollars.

4 (3) By December 1, 2009, and by June 1, 2010, each local  
5 coordinating coalition shall submit a status report to the joint  
6 transportation committee and agency council on coordinated  
7 transportation describing progress made in implementing the pilot  
8 project. By December 1, 2010, each local coordinating coalition shall  
9 issue a final report to the joint transportation committee and the  
10 agency council on coordinated transportation describing progress made  
11 in implementing the pilot project.

12 NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.300  
13 RCW to read as follows:

14 By December 31, 2010, the office of the superintendent of public  
15 instruction shall establish a uniform process designed to track the  
16 additional expenditures for transporting homeless students, including  
17 expenditures required under the McKinney Vento act, reauthorized as  
18 Title X, Part C, of the no child left behind act, P.L. 107-110, in  
19 January 2002. Once established, the superintendent shall adopt the  
20 necessary administrative rules to direct each school district to adopt  
21 and use the uniform process and track these expenditures. The  
22 superintendent shall provide information annually to the agency council  
23 on coordinated transportation, created in chapter 47.06B RCW, on total  
24 expenditures related to the transportation of homeless students.

25 NEW SECTION. **Sec. 13.** A new section is added to chapter 35.58 RCW  
26 to read as follows:

27 A municipality, as defined in RCW 35.58.272, and each regional  
28 transit authority shall work collaboratively with the appropriate local  
29 coordinating coalition or coalitions as described under section 9 of  
30 this act to advance the coordination of and maximize efficiencies in  
31 transportation services provided to persons with special transportation  
32 needs as defined in RCW 47.06B.012.

33 **Sec. 14.** RCW 36.73.020 and 2006 c 311 s 25 are each amended to  
34 read as follows:

35 (1) The legislative authority of a county or city may establish a

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

- 19 (a) Reduced risk of transportation facility failure and improved  
20 safety;
- 21 (b) Improved travel time;
- 22 (c) Improved air quality;
- 23 (d) Increases in daily and peak period trip capacity;
- 24 (e) Improved modal connectivity;
- 25 (f) Improved freight mobility;
- 26 (g) Cost-effectiveness of the investment;
- 27 (h) Optimal performance of the system through time; (~~and~~)
- 28 (i) Improved accessibility for, or other benefits to, persons with  
29 special transportation needs as defined in RCW 47.06B.012; and  
30 (j) Other criteria, as adopted by the governing body.

31 (2) Subject to subsection (6) of this section, the district may  
32 include area within more than one county, city, port district, county  
33 transportation authority, or public transportation benefit area, if the  
34 legislative authority of each participating jurisdiction has agreed to  
35 the inclusion as provided in an interlocal agreement adopted pursuant  
36 to chapter 39.34 RCW. However, the boundaries of the district need not  
37 include all territory within the boundaries of the participating  
38 jurisdictions comprising the district.

1 (3) The members of the legislative authority proposing to establish  
2 the district, acting ex officio and independently, shall constitute the  
3 governing body of the district: PROVIDED, That where a district  
4 includes area within more than one jurisdiction under subsection (2) of  
5 this section, the district shall be governed under an interlocal  
6 agreement adopted pursuant to chapter 39.34 RCW. However, the  
7 governing body shall be composed of at least five members including at  
8 least one elected official from the legislative authority of each  
9 participating jurisdiction.

10 (4) The treasurer of the jurisdiction proposing to establish the  
11 district shall act as the ex officio treasurer of the district, unless  
12 an interlocal agreement states otherwise.

13 (5) The electors of the district shall all be registered voters  
14 residing within the district.

15 (6) Prior to December 1, 2007, the authority under this section,  
16 regarding the establishment of or the participation in a district,  
17 shall not apply to:

18 (a) Counties with a population greater than one million five  
19 hundred thousand persons and any adjoining counties with a population  
20 greater than five hundred thousand persons;

21 (b) Cities with any area within the counties under (a) of this  
22 subsection; and

23 (c) Other jurisdictions with any area within the counties under (a)  
24 of this subsection.

25 NEW SECTION. **Sec. 15.** A new section is added to chapter 43.20A  
26 RCW to read as follows:

27 (1) The department shall collect and track data related to  
28 transportation purchased for all of its clients. The data must  
29 identify the number of trips provided by service provider, number of  
30 clients served, cost per trip, and total cost of transportation  
31 provided. For purposes of this subsection, a "trip" means  
32 transportation provided from a place of origin to a single point of  
33 destination.

34 (2) Beginning in September 2009, the department shall provide the  
35 agency council on coordinated transportation, as provided under chapter  
36 47.06B RCW, with quarterly reports detailing the data collected under  
37 subsection (1) of this section.



1       **Sec. 16.** RCW 47.80.023 and 2007 c 421 s 5 are each amended to read  
2 as follows:

3       Each regional transportation planning organization shall have the  
4 following duties:

5       (1) Prepare and periodically update a transportation strategy for  
6 the region. The strategy shall address alternative transportation  
7 modes and transportation demand management measures in regional  
8 corridors and shall recommend preferred transportation policies to  
9 implement adopted growth strategies. The strategy shall serve as a  
10 guide in preparation of the regional transportation plan.

11       (2) Prepare a regional transportation plan as set forth in RCW  
12 47.80.030 that is consistent with county-wide planning policies if such  
13 have been adopted pursuant to chapter 36.70A RCW, with county, city,  
14 and town comprehensive plans, and state transportation plans.

15       (3) Certify by December 31, 1996, that the transportation elements  
16 of comprehensive plans adopted by counties, cities, and towns within  
17 the region reflect the guidelines and principles developed pursuant to  
18 RCW 47.80.026, are consistent with the adopted regional transportation  
19 plan, and, where appropriate, conform with the requirements of RCW  
20 36.70A.070.

21       (4) Where appropriate, certify that county-wide planning policies  
22 adopted under RCW 36.70A.210 and the adopted regional transportation  
23 plan are consistent.

24       (5) Develop, in cooperation with the department of transportation,  
25 operators of public transportation services and local governments  
26 within the region, a six-year regional transportation improvement  
27 program which proposes regionally significant transportation projects  
28 and programs and transportation demand management measures. The  
29 regional transportation improvement program shall be based on the  
30 programs, projects, and transportation demand management measures of  
31 regional significance as identified by transit agencies, cities, and  
32 counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121,  
33 respectively, and any recommended programs or projects identified by  
34 the agency council on coordinated transportation, as provided in  
35 chapter 47.06B RCW, that advance special needs coordinated  
36 transportation as defined in RCW 47.06B.012. The program shall include  
37 a priority list of projects and programs, project segments and  
38 programs, transportation demand management measures, and a specific

1 financial plan that demonstrates how the transportation improvement  
2 program can be funded. The program shall be updated at least every two  
3 years for the ensuing six-year period.

4 (6) Include specific opportunities and projects to advance special  
5 needs coordinated transportation, as defined in RCW 47.06B.012, in the  
6 coordinated transit-human services transportation plan, after providing  
7 opportunity for public comment.

8 (7) Designate a lead planning agency to coordinate preparation of  
9 the regional transportation plan and carry out the other  
10 responsibilities of the organization. The lead planning agency may be  
11 a regional organization, a component county, city, or town agency, or  
12 the appropriate Washington state department of transportation district  
13 office.

14 (~~(7)~~) (8) Review level of service methodologies used by cities  
15 and counties planning under chapter 36.70A RCW to promote a consistent  
16 regional evaluation of transportation facilities and corridors.

17 (~~(8)~~) (9) Work with cities, counties, transit agencies, the  
18 department of transportation, and others to develop level of service  
19 standards or alternative transportation performance measures.

20 (~~(9)~~) (10) Submit to the agency council on coordinated  
21 transportation, as provided in chapter 47.06B RCW, beginning on July 1,  
22 2007, and every four years thereafter, an updated plan that includes  
23 the elements identified by the council. Each regional transportation  
24 planning organization must submit to the council every two years a  
25 prioritized regional human service and transportation project list.

26 NEW SECTION. Sec. 17. A new section is added to chapter 47.01 RCW  
27 to read as follows:

28 (1) To be eligible for funding on or after January 1, 2010, any  
29 organization applying for state paratransit/special needs grants, as  
30 described in section 223(1), chapter 121, Laws of 2008, or for other  
31 funding provided for persons with special transportation needs, as  
32 defined in RCW 47.06B.012, must include in its application, in addition  
33 to meeting other eligibility requirements provided in law, an  
34 explanation of how the requested funding will advance efficiencies in,  
35 accessibility to, or coordination of transportation services provided  
36 to persons with special transportation needs as defined in RCW  
37 47.06B.012.

1 (2) Unless otherwise required by law, in administering federal  
2 funding provided for special needs transportation purposes, including  
3 funding under SAFETEA-LU, the safe, accountable, flexible, efficient  
4 transportation equity act, P.L. 109-59, or its successor, the  
5 department shall give priority to projects that result in increased  
6 efficiencies in special needs transportation or improved coordination  
7 among special needs transportation service providers.

8 (3) In making final grant award determinations under subsection (1)  
9 of this section, the department shall seek input from the agency  
10 council on coordinated transportation, as provided in chapter 47.06B  
11 RCW, and shall give substantial deference to applications recommended  
12 by the council.

13 **Sec. 18.** RCW 47.06B.900 and 2007 c 421 s 8 are each amended to  
14 read as follows:

15 The agency council on coordinated transportation is terminated on  
16 June 30, (~~(2010)~~) 2011, as provided in RCW 47.06B.901.

17 **Sec. 19.** RCW 47.06B.901 and 2007 c 421 s 9 are each amended to  
18 read as follows:

19 The following acts or parts of acts, as now existing or hereafter  
20 amended, are each repealed, effective June 30, (~~(2011)~~) 2012:

21 (1) RCW 47.06B.010 and 2009 c . . . s 3 (section 3 of this act),  
22 2007 c 421 § 1, 1999 c 385 § 1, & 1998 c 173 § 1;

23 (2) RCW 47.06B.012 and 1999 c 385 § 2;

24 (3) RCW 47.06B.020 and 2009 c . . . s 4 (section 4 of this act),  
25 2007 c 421 § 2, & 1998 c 173 § 2;

26 (4) RCW 47.06B.030 and 2009 c . . . s 5 (section 5 of this act),  
27 2007 c 421 § 3, 1999 c 385 § 5, & 1998 c 173 § 3;

28 (5) RCW 47.06B.040 and 2007 c 421 § 4 & 1999 c 385 § 6; (~~and~~)

29 (6) RCW 47.06B.050 and 2009 c . . . s 8 (section 8 of this act) &  
30 2007 c 421 § 6;

31 (7) Section 1 of this act;

32 (8) Section 2 of this act;

33 (9) Section 6 of this act;

34 (10) Section 7 of this act;

35 (11) Section 9 of this act;

36 (12) Section 10 of this act; and

1        (13) Section 11 of this act.

2        NEW SECTION.    **Sec. 20.**    If specific funding for the purposes of  
3        this act, referencing this act by bill or chapter number, is not  
4        provided by June 30, 2009, in the omnibus transportation appropriations  
5        act, this act is null and void.

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