

**SOUND TRANSIT  
STAFF REPORT**

**MOTION NO. M2001-125**

**2002 State Legislative Program**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Govt. Affairs and Communication Committee	12/7/01	Discussion/ Possible Action to Recommend Board Approval	Patrice Hardy, State Government Relations Specialist	(206) 689-4928
Board	12/13/01	Action		

**OBJECTIVE OF ACTION**

- To adopt State legislative program for 2002 State Session

**ACTION**

- Adoption of the Sound Transit 2002 State Legislative Program and directing staff to continue evaluating issues for impact to the agency.
- Regularly report status of, and seek policy guidance on, issues as they develop.

**KEY FEATURES**

**Highlights of Action:**

- Adopts a State Legislative program for the 2002 State session.
- Directs staff to continue to evaluate issues for impact to the agency and to regularly report and seek policy guidance on issues as they develop during the legislative session.

This action would authorize Sound Transit staff and Olympia lobbyists to advocate and/or pursue the following positions during the upcoming legislative session:

- Seek amendments to unlawful bus conduct statutes that broaden the definition of "Municipal Vehicle" to include commuter rail and light rail vehicles.

State law (RCW 9.91.025) spells out what activities are considered "unlawful bus conduct" on municipal transit vehicles. These activities include smoking, littering, playing radios, spitting carrying flammable, explosive or dangerous materials, harassing or disturbing others and destroying or damaging property.

The current definition of "municipal transit vehicle" for the purpose of enforcing unlawful bus conduct statutes includes metropolitan municipal corporations (Metro's), Public Transportation Benefit Areas (PTBA's), and County Transportation Authorities (CTA's). When the law was initially drafted the legislature did not envision a regional transit authority operating commuter rail and light rail. As such unlawful bus conduct activities may not be enforceable for either service. In order to ensure equal application of unlawful bus conduct

statutes across the three lines of service Sound Transit will need to seek amendments to extend the definition to rail vehicles.

- Support funding for a new transportation revenue package that provides flexible and predictable funding for multi-modal transportation purposes.

For the past few years, the legislature along with the Governor's Blue Ribbon Commission Transportation (BRCT) have been reviewing statewide transportation funding for both capital and operating programs. In December of 2000, the BRCT forwarded recommendations to the legislature regarding funding, efficiencies, and performance benchmarks for consideration during the 2001 session. Throughout the 2001 State session, the legislature reviewed and proposed several transportation strategies and funding packages. Unfortunately they were unable to come to consensus on an overall program.

Transportation will likely remain one the state's primary issues during the 2002 session and there are several state transportation programs which are key to the continued success of Sound Transit services. In addition to supporting an overall funding package for transportation Sound Transit should support efforts to secure:

- \$47 million for signal and track improvements
  - I-405 corridor program funding
  - I-90 two-way transit operations funding
  - Trans-Lake program
- Oppose legislation that amends or changes the Sound Transit enabling statutes without the consent or advice of the Sound Transit Board of Directors.

Over the past four years, there have been annual attempts at the legislature to amend Sound Transit's enabling statutes. The legislation has varied in approach but almost all bills have been aimed at dissolving the agency. In addition to the bills introduced during the 2001 session, recent indicators suggest that new legislation will also be introduced during the 2002 session that will attempt to amend our enabling statutes.

Since its inception, the Sound Transit Board has consistently maintained a strong position of opposing all legislation which amends Sound Transit's enabling legislation without the consent of the Sound Transit Board, and further opposes any legislation which preempts the authority of the Board to exercise its authority under its enabling legislation.

- Oppose legislation that requires Regional Transit Authorities to pay for private utility relocation costs when the private utility is located within the public right of way.

During the 2001 State session, two bills were introduced into the House and Senate (HB 2193 and SB 5452) that would have required Regional Transit Authorities to pay for all the costs associated with relocating utilities as a result Sound Transit transportation improvements located in the public right of way. This legislation would have had significant financial impact to the agency and would have been a departure from current municipal practices.

Typically, public and private utilities have different legal rights with respect to utility relocation. Cities and counties own the public right of way, and as such can require private utilities that occupy the public right of way to move at their own expense when it is for the

public good or improvement such as Sound Transit projects. However, when a public entity builds on a private right of way, the public entity bears the relocation cost whether or not it is for a public improvement. Sound Transit has continued to work with our partner jurisdictions to enforce the franchise agreements they have with the private utilities. In addition to our efforts with our partner jurisdictions, Sound Transit has remained committed to negotiating a fair agreement with all utilities – both public and private.

**BUDGET**

Adoption of the legislative program does not create a budget or financial impact to the agency or any of its programs. Advocacy of the adopted state program is fully funded through the 2002 Communication Department Budget.

**FINANCIAL IMPACTS**

There are no financial impacts. Advocacy of the State Legislative Session is fully funded through the budget

**HISTORY OF PROJECT**

The Sound Transit Board has annually adopted a State Legislative program prior to the convening of the State Legislative session. The adopted program has typically included issue and policy guidance to staff that assist them in representing the agency’s interests to the State.

**Prior Board or Committee Actions  
and Relevant Board Policies**

<b>Motion or Resolution Number</b>	<b>Summary of Action</b>	<b>Date of Action</b>
M2000-110	Adopting a 2001 state legislative program	12/14/00
M99-78	Adopting a 2000 state legislative program	12/09/99
M98-76	Adopting a 1999 state legislative program	10/22/98
Motion 47	Adopting a 1998 state legislative program	12/11/97
Motion 25	Adopting a 1997 federal and state legislative program	12/13/96

**CONSEQUENCES OF DELAY**

Sound Transit interests are better served at the State Legislature if the Board of Directors adopts a state legislative program prior to the convening of the State session. Delaying adoption well into session could minimize our effectiveness advocating issues important to the agency.

**REGIONAL PARTNERSHIP AND COOPERATION**

N/A

**LEGAL REVIEW**

JDW 11/20/01

**SOUND TRANSIT**

**MOTION NO. M2001-125**

A motion of the Board of the Central Puget Sound Regional Transit Authority adopting the 2002 State Legislative Program.

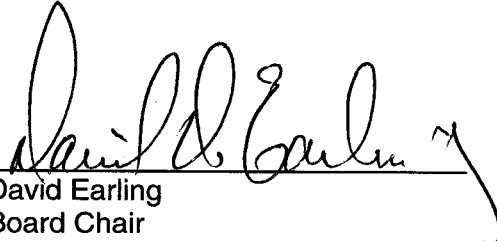
**Background:**

To provide policy guidance to Sound Transit staff in Olympia the Board annually adopts a State legislative Program and directs staff to regularly report on activities affecting the agency prior to and during the legislative session.


**Motion:**

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the attached 2002 State Legislative Program be adopted, and that staff be directed to (1) further evaluate issues for impact to the agency and (2) regularly report status of, and seek policy guidance on, issues as they develop.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on the 13<sup>th</sup> day of December, 2001.

  
David Earling  
Board Chair

ATTEST:

  
Marcia Walker  
Board Administrator

## **Attachment**

### **Sound Transit 2002 Legislative Program**

#### **I. Priority Legislation**

- Seek amendments to “Unlawful Bus Conduct” statutes that broaden the definition of “Municipal Transit Vehicle” to include commuter rail and light rail vehicles.

#### **II. Monitor for potential support or opposition**

- Support efforts to secure a Transportation revenue package that provides flexible funding for multi-modal purposes and specifically includes funding for:
  - \$47 million for signal and track improvements
  - I-405 corridor program
  - I-90 two way transit operations
  - Completion of HOV system throughout the central Puget Sound
  - Trans-Lake program
- Oppose legislation that amends Sound Transit’s enabling statutes without Board consent.
- Oppose legislation that requires Regional Transit Authorities to pay for private utility relocations when the private utility is located in the public right of way.