

AGENDA
INTERCITY TRANSIT AUTHORITY
SPECIAL MEETING
March 16, 2011
5:30 P.M.

CALL TO ORDER

- 1. APPROVAL OF AGENDA** **1 min.**

- 2. PUBLIC COMMENT** **10 min.**
Public Comment Note: This is the place on the agenda where the public is invited to address the Authority on any issue. The person speaking is requested to sign-in on the General Public Comment Form for submittal to the Clerk of the Board. When your name is called, step up to the podium and give your name and address for the audio record. If you are unable to utilize the podium, you will be provided a microphone at your seat. Citizens testifying are asked to limit testimony to three minutes.

- 3. PUBLIC HEARING - DRAFT ANNUAL REPORT AND TRANSIT DEVELOPMENT PLAN** **10 min.**
(Dennis Bloom)

- 4. HAWKS PRAIRIE PARK AND RIDE - STATUS REPORT** **15 min.**
(Marilyn Hemmann)

- 5. REVIEW DASH SERVICE** **20 min.**
(Dennis Bloom)

- 6. CAC YOUTH POSITION RECRUITMENT PROCESS** **15 min.**
(Rhodetta Seward)

- 7. PRIVACY AND PUBLIC DISCLOSURE** **20 min.**
(Tom Bjorgen)

- 8. AUTHORITY ISSUES**

- 9. MEETING EVALUATION**

ADJOURNMENT

**INTERCITY TRANSIT AUTHORITY
SPECIAL MEETING
AGENDA ITEM NO. 3
MEETING DATE: March 16, 2011**

FOR: Intercity Transit Authority

FROM: Dennis Bloom, Planning Manager

SUBJECT: Public Hearing: Draft Annual Report & Transit Development Plan

1) **The Issue:** Conduct a public hearing on the Draft 2010 Annual Report and 2011-2016 Transit Development Plan (TDP).

2) **Recommended Action:** Receive and consider public comments regarding the annual update of the Transit Development Plan.

3) **Policy Analysis:** The State requires the local transit's governing body conduct a public hearing each year on the annual Transit Development Plan. Authority policy also provides an opportunity for public comment prior to approval of this plan.

4) **Background:** The state, under RCW Section 35.58.2795, requires each public transit system provide an annual status report by April and provide a resource update of three specific elements:

- a) Description of the system from the previous year (2010 Annual Report);
- b) Description of planned changes (if any) to services and facilities (2011 - 2016); and
- c) Operating and Capital financing elements for the previous year (2010), budgeted for current year (2011) and planned for next five years (2012 - 2016).

Staff presented a brief overview of the annual TDP update process to the Citizen Advisory Committee on February 14, 2011, and reviewed the Draft TDP document with the Transit Authority on March 2. A public review process was initiated to encourage public comment and/or to participate in this hearing.

This year's update is again an administrative process as part of the WSDOT requirement that transit systems comply with an April deadline. It is anticipated staff will request Authority approval of the TDP at their April 6, 2011, meeting.

5) **Alternatives:** N/A

6) **Budget Notes:** N/A

7) **Goal Reference:** Goal#1: “*Assess the transportation needs of our community.*” The Intercity Transit Authority, staff, and the public will have access to clear and comprehensive information related to the transportation needs of our community.

8) **References:**

- Revised Items: March 2, 2011, of the *Draft 2010 Annual Report and 2011 – 2016 Transit Development Plan* (previously reviewed by the ITA on March 2, 2011). Attached Title Page; page 3; page 6 and page 11.
- Any public comment about the TDP received by Intercity Transit prior to the public hearing deadline will be distributed to the Authority as part of the public record.

Updated Pages for
DRAFT
Intercity Transit

2010
Annual Report
&
2011 – 2016
Transit Development Plan

Prepared by the
Intercity Transit Development Department

To be issued March 2, 2011

A Public Hearing is scheduled for March 16, 2011

Proposed Approval Date: April 6, 2011

<i>Coach/Auto Technicians</i>	17.0	21.0	21.0	20.0*
<i>Facilities maintenance</i>	6.0	6.0	7.0	7.0
<i>Other Maintenance</i>	18.0	19.0	19.0	18.0*
<i>Information Systems to Finance in late '10</i>		5.0	5.0	.0
Development:	15.75	18.55	19.55	16.5
<i>Administration</i>	2.0	2.0	3.0	2.0*
<i>Planning</i>	4.0	4.0	4.0	4.0
<i>Procurement/Inventory</i>	4.0	6.0	6.0	6.0
<i>Marketing & Communications</i>	4.0	4.8	4.80	4.50
<i>Village Vans moved to Operations</i>	1.75	1.75	1.75	0
Total Employees	266.50	290.25	293.30	290.00*

Section 2: Physical Plant

Intercity Transit dispatches all services from its administrative and maintenance base facility at 526 Pattison Street SE, Olympia. See Appendices for the completed forms for the State's information about Intercity Transit's rolling stock, owned equipment, and facility inventories.

Section 3: Service Characteristics - 2010

During 2010, Intercity Transit provided a variety of transportation services benefiting the citizens of Thurston County (See Appendix for service area district maps):

Fixed Route Service Operation

During 2010, 22 fixed routes as well as ADA paratransit (Dial-A-Lift) service were provided. Days of service on weekdays, generally 5:40 a.m. – 11:55 p.m.; Saturdays, generally 8:15 a.m. – 11:55 p.m.; and Sundays between 8:30 a.m. – 9:00 p.m. No service on three national holidays.

Fares: Recovered 11.0% of operating costs (based on 2010 projected expenses).

Total Boardings: 4,313,015, an increase of 0.3% above 2009.

Services for Persons with Disabilities Operation

"Dial-A-Lift" provides door-to-door service for people with qualified ADA disabilities, which prevents them from using regular bus services. Dial-A-Lift hours of operation reflect all Fixed Route service. No service on three national holidays.

Fares: Recovered about 2.6% of operating costs (based on 2010 projected expenses).

Total Boardings: 147,017, an increase of 3.6% above 2009.

Fare Structure for Local Fixed Route and Dial-A-Lift Service

Local Fixed Route	Per Ride	Daily Pass	IT Monthly Pass (ORCA currently not accepted on Local service)	Express Olympia/Lacey Per Ride	ORCA: One Regional Card for All (1/2010) Electronic fare card for Central Puget Sound
Regular Adult	\$1.00	\$2.00	\$30.00	\$2.50	PugetPass discontinued replaced by ORCA
Youth (6 -17 yrs) [Under 5 ride free]	\$1.00	\$2.00	\$15.00	\$2.50	PugetPass discontinued replaced by ORCA
Reduced*	\$.50	\$1.00	\$15.00	\$1.25	PugetPass discontinued replaced by ORCA
Dial-A-Lift	\$1.00	\$2.00	\$30.00	NA	NA
Reduced*			\$15.00*		

* Reduced Fare Permit required. Eligibility based on age, disability or possession of a Medicare card.

Educational Facilities

Fixed routed service is available to many public and private grade schools throughout the service district. Of four school districts that exist within Intercity Transit's service district, 28 of the 50 public schools are served by transit routes. A number of these routes also have schedules that coincide with the school's opening and closing hours of operation.

Intercity Transit provides service to the Olympia campuses of South Puget Sound Community College and The Evergreen State College. Service is also available to Saint Martin's College (Lacey), but not onto the campus. The schools participate in local Commute Trip Reduction incentives and have a transit pass program for students, faculty and staff.

Section 5: Activities in 2010

The more significant activity during the year dealt with capital facility projects. This involved the continuing efforts to accommodate needed growth and retrofitting of the Olympia Transit Center, Intercity Transit's Operations Base and the development of a new park and ride lot in NE Lacey. In general terms the following highlights that occurred during the year included:

New Fleet Vehicles: Six replacement (hybrid) coaches, nine replacement Dial-A-Lift vans, and 5 replacement commuter vanpool vehicles.

Transit Service: Service levels held steady over the year. However, on-going economic issues remained in the region. With the flattening of local sales tax revenue over most of the year, already down by over 15% from the previous two years, possible service reductions of around 25% might have been needed if the local sales tax level was held at its current rate of 0.6%. The Transit Authority approved going out to district voters in August asking to increase the rate 0.2% thereby bringing the total tax rate to 0.8% for transit. The ballot measure was overwhelming approved by 64% margin. The year also ended on a positive note of seeing a slight 1.6% increase in total sales tax revenue over 2009.

New Shelters and Amenities: Continued to increase shelter placements and improvements in accessibility and safety at bus stops. Ten bus stops had accessibility improvements made including six with shelters added in 2010. The project also included retrofitting 2 shelters with interior solar lighting during 2010 and another 18 in 2011.

Service Planning: Due to the downturn in the local economy, which directly affected local operating revenues, service hours were kept basically at the same level as 2009. Ridership saw a small 0.3% increase above 2009, but Intercity Transit was able to maintain consistent ridership numbers compared to the larger transit systems in the Central Puget Sound region that saw their ridership continue to drop and had to implement service cuts with continued loss of local tax revenues.

Ridership: System-wide Total Boardings decreased - 0.5% from 2009 due to the drop in Vanpool boardings, which had decreased - 6.9%. The drop appears to reflect on-going economic and employment conditions in the region. Both Fixed Route and Dial-A-Lift boardings though increased: FR = 0.34%; DAL = 3.6% during 2010.

Village Van: Welfare to Work transportation program had 6,373 boardings (40.8% increase) and provided transportation to more than 228 low-income job seekers during 2009. This program operates in partnership with 16 local social and public service agencies, and the South Puget

5. ENVIRONMENTAL QUALITY AND HEALTH

Bring benefits to the environment and our citizens' health by improving the existing transportation infrastructure.

2010	2011-2016
Continued Effort	Continuing Effort

- 2010**
- Intercity Transit continues to utilize biodiesel fuel to of a 5 - 20% blend throughout the fleet. All buses run on ultra-low sulfur diesel, which already provides cleaner vehicle emissions. The agency meets all on-site water quality standards including recycling antifreeze and engine oil, office paper, cardboard and printer ink cartridges
 - In-house Sustainability Committee continued to review and analyze existing conditions and make recommendations for improving the agency's sustainability efforts.
 - Utilizing federal funds, acquired six hybrid electric buses.
 - Pursue additional federal support and training to improve in-house sustainability efforts.
- 2011 - 2016**
- Intercity Transit will continue to utilize biodiesel and ultra-low sulfur diesel. Higher blends of biodiesel maybe possible depending on cost.
 - Agency core staff will begin training in 2011 in *Environmental and Sustainability Management Systems* to become certified in international standards that allow an organization to "analyze, control and reduce the environmental impact of its activities, products and services and operate with greater efficiency and control."
 - Fixed route bus replacements will be hybrid vehicles. Electric staff vehicles are being researched and considered for future acquisition.
 - Continue growth of the "Smart Moves" youth education program involving students, parents and teachers to help students confidently and safely bicycle, walk, and ride transit. And to support healthy choices year-round of biking, walking and transit use, including hosting the annual Thurston County Bicycle Commuter Contest.

Section 7: Summary of Proposed Changes 2011 - 2016

In addition to the efforts that Intercity Transit will engage in to meet Washington State's *Transportation System Policy Goals*, the following table provides a summary of proposed changes for service, facilities and equipment over the next 6 years:

2011	<u>Preservation/Maintain</u>	<u>Expansion</u>
Services	No Change	Fixed Route: 6,200 hours
Facilities	Bus stop improvements Facility improvements Auto Fueling	Hawks Prairie P&R (Lacey) OTC/Greyhound Operations Base Fare collection: 'smart card'
Equipment	Buses: 6 (hybrids) DAL: 8 Vanpools: 47	DAL: 1 Fare collection: 'smart card'

**INTERCITY TRANSIT AUTHORITY
SPECIAL MEETING
AGENDA ITEM NO. 4
MEETING DATE: March 16, 2011**

FOR: Intercity Transit Authority
FROM: Marilyn Hemmann, 705-5833
SUBJECT: Hawks Prairie Park and Ride - Status Report

1) **The Issue:** To review the status of the Hawks Prairie Park and Ride, a major capital project.

2) **Recommended Action:** This item is for information and discussion.

3) **Policy Analysis:** The Procurement Policy states the Authority must approve any contract over \$25,000. This project includes several points where Authority approval will be required. This is a periodic update on the status of the project.

4) **Background:** The Hawks Prairie Park and Ride project site is located on a leased eight acre portion of the Thurston County Waste and Recovery Center. The 332 space park and ride incorporates a transit transfer site to support current and future service planning opportunities. Intercity Transit is actively involved in the first phase of the project, completing the construction work required to prepare the site. We are also completing planning for the phase two construction of the park and ride facility.

After finishing temporary modifications to the landfill liner, storm water system and gas collection system in October 2010, half the site was preloaded with 148,000 tons of fill to compact subsurface refuse material. The preload material will be moved to the other half of the site in July for another six to nine months of compaction. Phase two design work is 60% complete. Project staff anticipates receiving land use approval in May. Contingent upon receiving WSDOT Regional Mobility funding for the next biennium, staff anticipates completing the 100% design in November and awarding the contract for phase two construction in January 2012. The facility is expected to be operational mid-to-late 2012.

5) **Alternatives:** N/A

6) **Budget Notes:** This project is funded through the Regional Mobility Grant Program. The current WSDOT grant is \$3,038,784, and the proposed 2011-2013 biennium WSDOT grant is \$3,526,892. Our matching funds will be \$591,419. We are currently in line with our cost estimates.

7) **Goal Reference:** This major capital project addresses Goal #2: *“Provide outstanding customer service.”* Goal #3: *“Maintain a safe and secure operating system.”* Goal #4: *“Provide responsive transportation options.”* Goal #5: *“Align best practices and support agency sustainable technologies and activities.”*

8) **References:** N/A

**INTERCITY TRANSIT AUTHORITY
SPECIAL MEETING
AGENDA ITEM NO. 5
MEETING DATE: March 16, 2011**

FOR: Intercity Transit Authority

FROM: Dennis Bloom, Planning Manager, 5832

SUBJECT: Review Dash Service

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- 1) **The Issue:** Staff will review the Dash circulator route for discussion of service conditions and possible next steps.

 - 2) **Recommended Action:** Presentation and discussion only.

 - 3) **Policy Analysis:** Agency policy requires a public review and comment process occur before the Authority approves proposals that make a significant service change.

 - 4) **Background:** Staff previously brought this item to the Authority for review last year. A public review process was implemented and a hearing held on September 9, 2010. The Authority took 'no action' at the conclusion of the hearing other than to support maintaining existing Dash service through the 2011 legislative session. The decision was also due in part to election results supporting Intercity Transit's increase in local sales tax. The Authority, however, asked that the discussion about future service levels for Dash be continued in 2011.

The Dash circulator service operated since January 2006, and has been discussed by the Authority on a number of occasions. Some members expressed concerns about a number of items, in particular operational expenses, ridership levels outside of the 2 - 3 months when the Legislature is in session, and recognition that the circulator duplicates parts of other existing local service that serves the Capitol Way corridor including the Capitol Campus.

While the Dash route is well recognized for its unique service and receives a wide array of support within the downtown Olympia business community, as well as the community at large, ridership remains 'marginal' for much of the year.

The Authority asked consideration of future Dash service be reviewed and discussed again in 2011.

5) **Alternatives:** This is a discussion item. Staff will bring alternative service options to the Authority for review and discussion. No service change for Dash is being proposed at this time. If adjustments are considered, June 2011 would be the earliest 'regularly scheduled' implementation date possible.

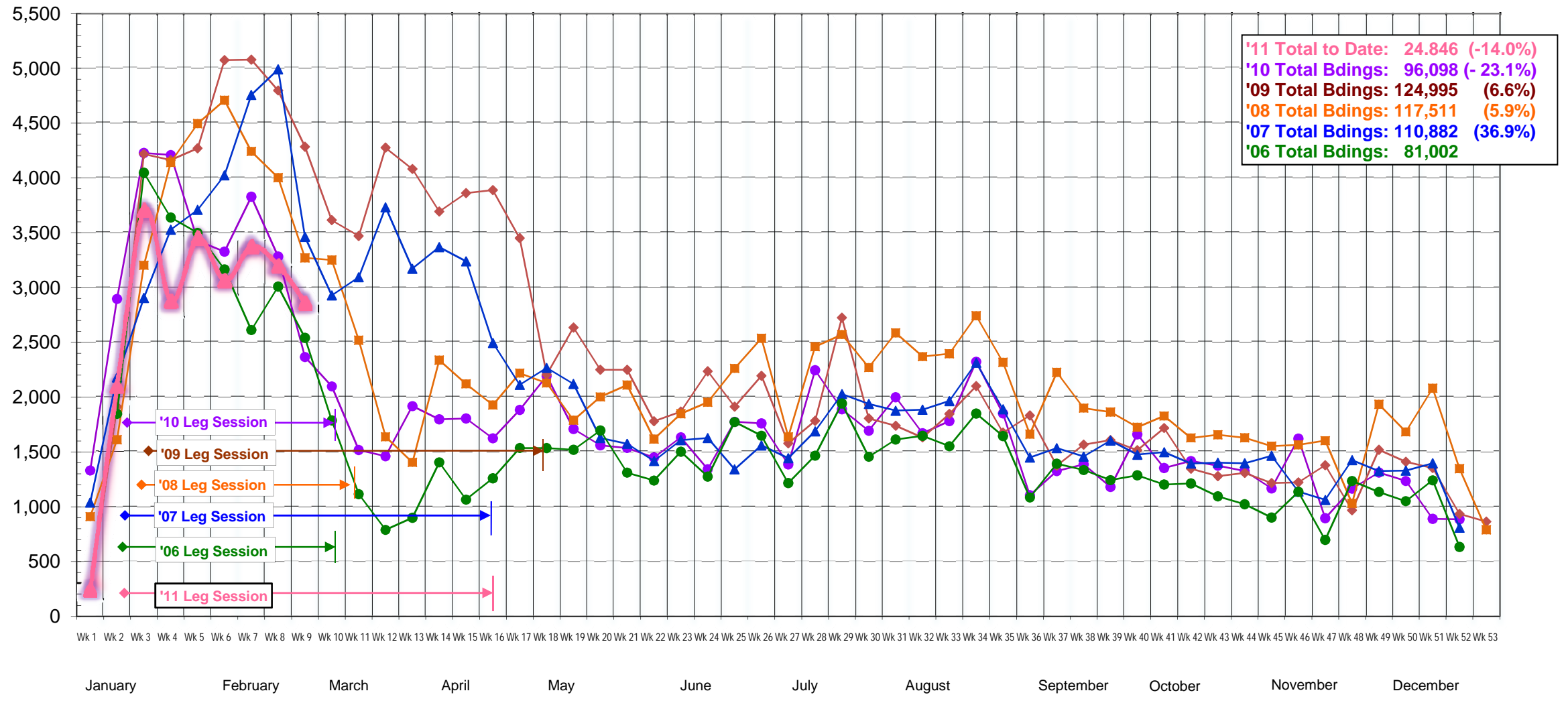
6) **Budget Notes:** The 2011 budget maintains the status quo level of service for the Dash.

7) **Goal Reference:** Goal#1: *"Assess the transportation needs of our community."*

8) **References:** Dash Boarding Chart

Weekly Dash Boardings: 2006 - 2011

Week 9 - 2011



Wk 1 Wk 2 Wk 3 Wk 4 Wk 5 Wk 6 Wk 7 Wk 8 Wk 9 Wk 10 Wk 11 Wk 12 Wk 13 Wk 14 Wk 15 Wk 16 Wk 17 Wk 18 Wk 19 Wk 20 Wk 21 Wk 22 Wk 23 Wk 24 Wk 25 Wk 26 Wk 27 Wk 28 Wk 29 Wk 30 Wk 31 Wk 32 Wk 33 Wk 34 Wk 35 Wk 36 Wk 37 Wk 38 Wk 39 Wk 40 Wk 41 Wk 42 Wk 43 Wk 44 Wk 45 Wk 46 Wk 47 Wk 48 Wk 49 Wk 50 Wk 51 Wk 52 Wk 53

January February March April May June July August September October November December

**INTERCITY TRANSIT AUTHORITY
SPECIAL MEETING
AGENDA ITEM NO. 6
MEETING DATE: March 16, 2011**

FOR: Intercity Transit Authority

FROM: Rhodetta Seward, Executive Services Director, 705-5856

SUBJECT: CAC Youth Position Recruitment Process

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- 1) **The Issue:** Share the ad hoc committee's proposed process for recruiting for the youth position for the CAC.

 - 2) **Recommended Action:** Receive the information and provide the CAC feedback.

 - 3) **Policy Analysis:** As per the Operating Principles, the Intercity Transit Authority appoints members to the Citizen Advisory Committee. The CAC seeks direction from the Authority.

 - 4) **Background:** The Authority approved adding a 20th member to the Citizen Advisory Committee, specifically for a youth, 15-19 years old. Recognizing the recruitment process for this age group could require a different strategy, the CAC formed an ad hoc committee comprised of four CAC members and two staff. They met on February 21, 2011, to discuss direction and strategy for recruitment. Attached is a proposal the committee will present to the CAC on March 21.

They plan to begin the recruitment right after spring break – the week of April 11. This means all materials, advertisements, and packets would be prepared by the week of March 28 to deliver to the schools, libraries and other places of distribution. The deadline for applications is May 20, 2011.

Staff will go over the proposal and seeks feedback to take to the CAC. The CAC goal is keep the recruitment on the same timeline as the other candidates, with the Authority making the appointment on July 6.

5) **Alternatives:** N/A

6) **Budget Notes:** It is estimated the recruitment will cost approximately \$200 as the plan includes advertising in local high school newspapers. All other media

outlets have no costs. To place placards inside the bus would cost \$400 for only one position and reach limited youth. Radio is expensive and youth do not listen to a particular station, with most youth using iPods rather than listening to radio.

7) **Goal Reference:** Maintaining an active, interested Citizen Advisory Committee supports all four goals, and more specifically meets Goal#1: *“Assess the transportation needs of our community.”*

8) **References:** Proposal for Youth Recruitment; 2011 Application Form; 2011 Cover Letter.

2011 CAC YOUTH POSTION RECRUITMENT PLAN

Documents

- Use current **application form** with minor modifications
 - Under current employment/ student status (add “if applicable”)
 - Under employer (add “if applicable”)
 - Under areas of interest (add “Local High School”)
 - Under Voluntary Information (add “Age: 15-19”)
 - Add Fax application to (360) 357-6184
 - Add Email application to rseward@intercitytransit.com

- Use current **cover letter** with minor modifications
 - Change 19 members to 20 members
 - 4th paragraph – expand areas applications can be obtained such as from HS career counselor offices and career centers; YMCA; and ROOF in Rochester.

- **Media**
 - Rider Alert – flashier so youth will see it – student appropriate.
 - Flyers
 - Undriver’s Table at Arts Walk
 - Olympia Center
 - Sports Park/Skateboard Park
 - CYS
 - Yelm Community Services
 - Public Bulletin Boards (need to identify these)
 - Chehalis & Nisqually Tribes
 - InterAct Club/Key Club/Honor Society/Leadership Clubs/Environmental Clubs in each High School
 - The Northern Club on 4th Ave
 - Libraries
 - YMCA
 - Advertisement
 - Local High School Papers – work with Donna on developing
 - Website and Youth page
 - IT Facebook
 - Choosing not to do inside of buses; cost is \$400 and only one position and would not reach that many youth.
 - Choosing not to do radio – kids listen to IPods – not so much radio

- **Timeline**

- Packets/Posters/Advertisements - Out week of April 11
- Deadline for Applications - May 20
- Applications to ITA - June 1
- Interviews - June 6-10 (before school is out)
- Appointments July 6
- First meeting July 18 with Term through June 30, 2012

INTERcity TRANSIT

CITIZEN ADVISORY COMMITTEE APPLICATION

Due: May 20, 2011

Name: _____ Home Telephone: _____

Home Address: _____

City: _____ State: _____ Zip: _____

Current Employment/Student Status (if applicable): _____

Occupation (former if retired): _____

Employer (if applicable): _____

Work Address: _____

Work Telephone: _____ Fax: _____

Cell Phone: _____ Email Address: _____

School (if student): _____

How long have you lived in Thurston County? _____

Please list community groups you are affiliated with (volunteer, professional, etc.) _____

Normally, the commitment to this committee will require 3-4 hours per month. Can you commit 3-4 hours per month to the Citizen Advisory Committee?

Yes

No

The Group meets the third Monday of the month, 5:30 p.m. to 7:30 p.m. Can you meet at this time? Yes No If not, when can you meet?

Do you have any special needs, i.e. transportation, interpreter, other? Please explain

(Using a separate sheet of paper)

Please answer the following and attach your answers to this application:

1. Describe public transportation issues of concern and importance to you.

2. Why do you want to be a member of Intercity Transit’s Citizen Advisory Committee? Please share any additional information relating to your interest and/or experience.

Indicate your general location of residence/representation:

- 1. Olympia Community _____
- 2. Tumwater Community _____
- 3. Lacey Community _____
- 4. Yelm Community _____
- 5. Unincorporated areas _____

Indicate your areas of interest you think you might bring to the committee (check all that apply):

- | | |
|-----------------------------------------|-------------------------------------------------------------|
| 1. Senior Citizen _____ | 8. Youth _____ |
| 2. Persons with Disabilities _____ | 9. Medical Community _____ |
| 3. Local College Student _____ | 10. Social Service Agency _____ |
| 4. Chamber of Commerce _____ | 11. Unincorporated Community _____ |
| 5. Business Representative _____ | 12. City/State Transportation Demand Mgt. Coordinator _____ |
| 6. Service User _____ | 13. Local High School _____ |
| Check all that apply: | 14. Neighborhood Assn. _____ |
| <input type="checkbox"/> Vanpool | <input type="checkbox"/> Dial-A-Lift |
| <input type="checkbox"/> Carpool | <input type="checkbox"/> Express Service |
| <input type="checkbox"/> Fixed Route | <input type="checkbox"/> Star Pass Holder |
| <input type="checkbox"/> Community Vans | <input type="checkbox"/> Park-&-Ride Lots |
| <input type="checkbox"/> Village Vans | <input type="checkbox"/> Other _____ |
| 7. Citizens-at-Large _____ | 15. Native American _____ |
| | 16. Rural Community _____ |
| | 17. Environmentalist _____ |
| | 18. Bicyclist _____ |
| | 19. Other _____ |

Voluntary Information

The Committee desires a broad representation of backgrounds and interests on the committee. The information you volunteer here, which will remain confidential, will assist in this goal.

Race: American Indian/Eskimo _____ Black _____
 Hispanic _____ Caucasian _____
 Asian/Pacific Islander _____ Other (Specify) _____

Gender: Male _____ Female _____

Age: 15-19 _____ 20-30 _____ 31-40 _____ 41-50 _____ 51-64 _____ 65+ _____

Disability: Yes _____ No _____ If yes, list disability _____

Applicant’s Signature _____ Date: _____

Please mail this application to: Intercity Transit
 ATTN: Citizen Advisory Committee/Rhodetta Seward
 PO Box 659, Olympia, WA 98507-0659

Or drop the application by: 526 Pattison SE, Olympia 98501

Fax to: (360) 357-6184 or email to: rseward@intercitytransit.com

For more information about the Citizen Advisory Committee, call Intercity Transit at 705-5856.

INTERcity TRANSIT

April 2010

INTERCITY TRANSIT AUTHORITY CITIZEN ADVISORY COMMITTEE

The Intercity Transit Authority is soliciting applications from individuals residing within Thurston County who are interested in serving their advisory panel, the Citizen Advisory Committee. The Committee consists of 20 members from throughout the service area representing seniors, youth, persons with disabilities, college students, chambers, business owners, transit service users, social service agencies, the medical community, neighborhood associations, Native Americans, the rural community, Transit Demand Management, and citizens-at-large. The Citizen Advisory Committee is comprised of both supporters and critics of public transportation.

The Authority is seeking applications from public spirited citizens who are willing to become involved, study the issues, and serve in an advisory capacity to Intercity Transit's governing board.

The Citizen Advisory Committee meets monthly on the third Monday of each month, 5:30 to 7:30 p.m. at Intercity Transit. A copy of the Committee's operating procedures is enclosed.

If you are interested in the opportunity to be part of establishing direction for public transportation in Thurston County community, call (360) 705-5856 for additional applications. Applications are also available at the Olympia Transit Center, at the Administrative Office, 526 Pattison SE, Olympia, all Timberland Libraries, on Intercity Transit's website:(intercitytransit.com), and at Thurston County high school career centers; ROOF in Rochester; and YMCA. Applications are due May 20, 2011.

The Authority will review all applications received and schedule interviews. It is anticipated a selection will be made by late June and appointments made by the Authority at their July 6, 2011, meeting. All applicants will receive acknowledgment and notification of his or her status in the selection process.

For more information about the Citizen Advisory Committee or the selection process, contact Rhodetta Seward, (360) 705-5856.

**INTERCITY TRANSIT AUTHORITY
SPECIAL MEETING
AGENDA ITEM NO. 7
MEETING DATE: March 16, 2011**

FOR: Intercity Transit Authority

FROM: Rhodetta Seward, Executive Services Director, 705-5856

SUBJECT: Privacy and Public Disclosure

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- 1) **The Issue:** Legal Counsel, Tom Bjorgen will share with the Authority information regarding privacy and public disclosure.
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- 2) **Recommended Action:** Information only.
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- 3) **Policy Analysis:** The Intercity Transit Authority has a responsibility to be aware of any RCWs impacting the agency or the decisions the Authority makes.
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- 4) **Background:** At the March 2, 2011, meeting the Authority requested legal counsel present information to them regarding privacy and public disclosure. Tom Bjorgen will reference RCW 42.56.050, 42.56.070, 42.56.210, 52.56.230, 42.56.240, 42.56.310, 42.56.350 and 42.56.540.
- The Public Records Act – Model Rules (WAC 44-14) can be found online at the following link: http://www.mrsc.org/wa/rcwwac/index_dtSearch.html. Once you are into the link, go to search, and enter 44-14, and it will take you to the Public Records Act. This consists of 998 documents, all of which we review when complying with a public records request. Tom will review various elements of this Act with you and answer questions you may have about the act and RCWs.
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- 5) **Alternatives:** N/A
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- 6) **Budget Notes:** N/A
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- 7) **Goal Reference:** N/A
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- 8) **References:** RCW's

42.56.050 Invasion of privacy, when. A person's "right to privacy," "right of privacy," "privacy," or "personal privacy," as these terms are used in this chapter, is invaded or violated only if disclosure of information about the person: (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. The provisions of this chapter dealing with the right to privacy in certain public records do not create any right of privacy beyond those rights that are specified in this chapter as express exemptions from the public's right to inspect, examine, or copy public records. [1987 c 403 § 2. Formerly RCW 42.17.255.]

Intent—1987 c 403: "The legislature intends to restore the law relating to the release of public records largely to that which existed prior to the Washington Supreme Court decision in *"In Re Roster,"* 105 Wn.2d 606 (1986). The intent of this legislation is to make clear that: (1) Absent statutory provisions to the contrary, agencies possessing records should in responding to requests for disclosure not make any distinctions in releasing or not releasing records based upon the identity of the person or agency which requested the records, and (2) agencies having public records should rely only upon statutory exemptions or prohibitions for refusal to provide public records. Further, to avoid unnecessary confusion, "privacy" as used in RCW 42.17.255 is intended to have the same meaning as the definition given that word by the Supreme Court in *"Hearst v. Hoppe,"* 90 Wn.2d 123, 135 (1978)." [1987 c 403 § 1.]

Additional notes found at www.leg.wa.gov

42.56.540 Court protection of public records. The examination of any specific public record may be enjoined if, upon motion and affidavit by an agency or its representative or a person who is named in the record or to whom the record specifically pertains, the superior court for the county in which the movant resides or in which the record is maintained, finds that such examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions. An agency has the option of notifying persons named in the record or to whom a record specifically pertains, that release of a record has been requested. However, this option does not exist where the agency is required by law to provide such notice. [1992 c 139 § 7; 1975 1st ex.s. c 294 § 19; 1973 c 1 § 33 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.330.]

42.56.310 Library records. Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, that discloses or could be used to disclose the identity of a library user is exempt from disclosure under this chapter. [2005 c 274 § 411.]

42.56.350 Health professionals. (1) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health is exempt from disclosure under this chapter. The exemption in this section does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations.

(2) The current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department are exempt from disclosure under this chapter, if the provider requests that this information be withheld from public inspection and copying, and provides to the department of health an accurate alternate or business address and business telephone number. The current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department of health shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.56.070(9). [2005 c 274 § 415.]

in good faith in attempting to comply with the provisions of this chapter. [1992 c 139 § 11. Formerly RCW 42.17.258]

42.56.070 Documents and indexes to be made public.

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of *subsection (6) of this section, this chapter, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by this chapter, an agency shall delete identifying details in a manner consistent with this chapter when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) For informational purposes, each agency shall publish and maintain a current list containing every law, other than those listed in this chapter, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency's failure to list an exemption shall not affect the efficacy of any exemption.

(3) Each local agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after January 1, 1973:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(4) A local agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(5) Each state agency shall, by rule, establish and implement a system of indexing for the identification and location of the following records:

(a) All records issued before July 1, 1990, for which the agency has maintained an index;

(b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

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(c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(d) Interpretive statements as defined in RCW 34.05.010 that were entered after June 30, 1990; and

(e) Policy statements as defined in RCW 34.05.010 that were entered after June 30, 1990.

Rules establishing systems of indexing shall include, but not be limited to, requirements for the form and content of the index, its location and availability to the public, and the schedule for revising or updating the index. State agencies that have maintained indexes for records issued before July 1, 1990, shall continue to make such indexes available for public inspection and copying. Information in such indexes may be incorporated into indexes prepared pursuant to this subsection. State agencies may satisfy the requirements of this subsection by making available to the public indexes prepared by other parties but actually used by the agency in its operations. State agencies shall make indexes available for public inspection and copying. State agencies may charge a fee to cover the actual costs of providing individual mailed copies of indexes.

(6) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if:

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(7) Each agency shall establish, maintain, and make available for public inspection and copying a statement of the actual per page cost or other costs, if any, that it charges for providing photocopies of public records and a statement of the factors and manner used to determine the actual per page cost or other costs, if any.

(a) In determining the actual per page cost for providing photocopies of public records, an agency may include all costs directly incident to copying such public records including the actual cost of the paper and the per page cost for use of agency copying equipment. In determining other actual costs for providing photocopies of public records, an agency may include all costs directly incident to shipping such public records, including the cost of postage or delivery charges and the cost of any container or envelope used.

(b) In determining the actual per page cost or other costs for providing copies of public records, an agency may not include staff salaries, benefits, or other general administrative or overhead charges, unless those costs are directly related to the actual cost of copying the public records. Staff time to copy and mail the requested public records may be included in an agency's costs.

(8) An agency need not calculate the actual per page cost or other costs it charges for providing photocopies of public records if to do so would be unduly burdensome, but in that event: The agency may not charge in excess of fifteen cents per page for photocopies of public records or for the use of agency equipment to photocopy public records and the actual postage or delivery charge and the cost of any container or envelope used to mail the public records to the requestor.

(9) This chapter shall not be construed as giving authority to any agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall not do so unless specifically authorized or directed by law: PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.05 RCW, the Administrative Procedure Act. [2005 c 274 § 284; 1997 c 409 § 601. Prior: 1995 c 397 § 11; 1995 c 341 § 1; 1992 c 139 § 3; 1989 c 175 § 36; 1987 c 403 § 3; 1975 1st ex.s. c 294 § 14; 1973 c 1 § 26 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.260.]

*Reviser's note: Subsection (6) of this section was renumbered as subsection (7) by 1992 c 139 § 3; and subsection (7) was subsequently renumbered as subsection (9) by 1995 c 341 § 1.

Intent—Severability—1987 c 403: See notes following RCW 42.56.050.

Exemption for registered trade names: RCW 19.80.065.

Additional notes found at www.leg.wa.gov

42.56.210 Certain personal and other records exempt. (1) Except for information described in RCW 42.56.230(3)(a) and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this chapter are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(2) Inspection or copying of any specific records exempt under the provisions of this chapter may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(3) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld. [2005 c 274 § 402. Prior:

(2006 c 302 § 11 expired July 1, 2006); (2006 c 75 § 2 expired July 1, 2006); (2006 c 8 § 111 expired July 1, 2006); (2003 1st sp.s. c 26 § 926 expired June 30, 2005); 2003 c 277 § 3; 2003 c 124 § 1; prior: 2002 c 335 § 1; 2002 c 224 § 2; 2002 c 205 § 4; 2002 c 172 § 1; prior: 2001 c 278 § 1; 2001 c 98 § 2; 2001 c 70 § 1; prior: 2000 c 134 § 3; 2000 c 56 § 1; 2000 c 6 § 5; prior: 1999 c 326 § 3; 1999 c 290 § 1; 1999 c 215 § 1; 1998 c 69 § 1; prior: 1997 c 310 § 2; 1997 c 274 § 8; 1997 c 250 § 7; 1997 c 239 § 4; 1997 c 220 § 120 (Referendum Bill No. 48, approved June 17, 1997); 1997 c 58 § 900; prior: 1996 c 305 § 2; 1996 c 253 § 302; 1996 c 191 § 88; 1996 c 80 § 1; 1995 c 267 § 6; prior: 1994 c 233 § 2; 1994 c 182 § 1; prior: 1993 c 360 § 2; 1993 c 320 § 9; 1993 c 280 § 35; prior: 1992 c 139 § 5; 1992 c 71 § 12; 1991 c 301 § 13; 1991 c 87 § 13; 1991 c 23 § 10; 1991 c 1 § 1; 1990 2nd ex.s. c 1 § 1103; 1990 c 256 § 1; prior: 1989 1st ex.s. c 9 § 407; 1989 c 352 § 7; 1989 c 279 § 23; 1989 c 238 § 1; 1989 c 205 § 20; 1989 c 189 § 3; 1989 c 11 § 12; prior: 1987 c 411 § 10; 1987 c 404 § 1; 1987 c 370 § 16; 1987 c 337 § 1; 1987 c 107 § 2; prior: 1986 c 299 § 25; 1986 c 276 § 7; 1985 c 414 § 8; 1984 c 143 § 21; 1983 c 133 § 10; 1982 c 64 § 1; 1977 ex.s. c 314 § 13; 1975-76 2nd ex.s. c 82 § 5; 1975 1st ex.s. c 294 § 17; 1973 c 1 § 31 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.310.]

Expiration date—2006 c 302 §§ 9 and 11: See note following RCW 66.28.180.

Expiration date—2006 c 75 § 2: "Section 2 of this act expires July 1, 2006." [2006 c 75 § 4.]

Expiration date—2006 c 8 § 111: "Section 111 of this act expires July 1, 2006." [2006 c 8 § 404.]

Expiration date—Severability—Effective dates—2003 1st sp.s. c 26: See notes following RCW 43.135.045.

Working group on veterans' records: "The protection from identity theft for veterans who choose to file their discharge papers with the county auditor is a matter of gravest concern. At the same time, the integrity of the public record of each county is a matter of utmost importance to the economic life of this state and to the right of each citizen to be secure in his or her ownership of real property and other rights and obligations of our citizens that rely upon the public record for their proof. Likewise the integrity of the public record is essential for the establishment of ancestral ties that may be of interest to this and future generations. While the public record as now kept by the county auditors is sufficient by itself for the accomplishment of these and many other public and private purposes, the proposed use of the public record for purposes that in their nature and intent are not public, so as to keep the veterans' discharge papers from disclosure to those of ill intent, causes concern among many segments of the population of this state.

In order to voice these concerns effectively and thoroughly, a working group may be convened by the joint committee on veterans' and military affairs to develop a means to preserve the integrity of the public record while protecting those veterans from identity theft." [2002 c 224 § 1.]

Effective date—2002 c 224 § 1: "Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 28, 2002]." [2002 c 224 § 4.]

Findings—Severability—Effective dates—2002 c 205 §§ 2, 3, and 4: See notes following RCW 28A.320.125.

Finding—2001 c 98: "The legislature finds that public health and safety is promoted when the public has knowledge that enables them to make informed choices about their health and safety. Therefore, the legislature declares, as a matter of public policy, that the public has a right to information necessary to protect members of the public from harm caused by alleged hazards or threats to the public.

The legislature also recognizes that the public disclosure of those portions of records containing specific and unique vulnerability assessments or specific and unique response plans, either of which is intended to prevent or mitigate criminal terrorist acts as defined in RCW 70.74.285, could have a substantial likelihood of threatening public safety. Therefore, the legislature

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declares, as a matter of public policy, that such specific and unique information should be protected from unnecessary disclosure." [2001 c 98 § 1.]

Findings—Conflict with federal requirements—Severability—2000 c 134: See notes following RCW 50.13.060.

Referendum—Other legislation limited—Legislators' personal intent not indicated—Reimbursements for election—Voters' pamphlet, election requirements—1997 c 220: See RCW 36.102.800 through 36.102.803.

Findings—Purpose—Severability—Part headings not law—1996 c 253: See notes following RCW 28B.109.010.

Finding—1991 c 301: See note following RCW 10.99.020.

Exemptions from public inspection
basic health plan records: RCW 70.47.150.
bill drafting service of code reviser's office: RCW 1.08.027, 44.68.060.
certificate submitted by individual with physical or mental disability seeking a driver's license: RCW 46.20.041.
commercial fertilizers, sales reports: RCW 15.54.362.
criminal records: Chapter 10.97 RCW.
employer information: RCW 50.13.060.
family and children's ombudsman: RCW 43.064.050.
legislative service center, information: RCW 44.68.060.
medical quality assurance commission, reports required to be filed with: RCW 18.71.0195.
organized crime investigative information: RCW 43.43.856.
public transportation information: RCW 47.04.240.
salary and fringe benefit survey information: RCW 41.06.160.
Additional notes found at www.leg.wa.gov

42.56.230 Personal information. The following personal information is exempt from public inspection and copying under this chapter:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;

(2) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;

(3) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would: (a) Be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance authorized under RCW 35.102.145; or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer;

(4) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law;

(5) Personal and financial information related to a small loan or any system of authorizing a small loan in RCW 31.45.093; and

(6) Documents and related materials and scanned images of documents and related materials used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identification. [2010 c 106 § 102; 2009 c 510 § 8; 2008 c 200 § 5; 2005 c 274 § 403.]

Effective date—2010 c 106: See note following RCW 35.102.145.

Effective date—2009 c 510: See RCW 31.45.901.

Finding—Intent—Liberal construction—2009 c 510: See note following RCW 31.45.010.

42.56.240 Investigative, law enforcement, and crime victims. The following investigative, law enforcement, and

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crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies;

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator;

(6) The statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165; and

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and e-mail address. [2010 c 266 § 2; 2010 c 182 § 5; 2008 c 276 § 202; 2005 c 274 § 404.]

Reviser's note: This section was amended by 2010 c 182 § 5 and by 2010 c 266 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability—Part headings, subheadings not law—2008 c 276: See notes following RCW 36.28A.200.