



## Washington State Senate

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**Senator Steve O'Ban**  
20th Legislative District

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November 11, 2019

**Robert W. Ferguson**  
Attorney General  
1121 Washington Street SE  
Olympia, WA 98504

Dear Attorney General Ferguson:

I think you know that I have been a strong advocate of our toll tax relief following the Senate's 2007 investigation of Sound Transit's deceptive and unconstitutional use of the 1996 valuation schedule, twice rejected by voters. As a result, my constituents (and my county) lacked confidence in the troubled transportation agency and expected it to take steps to try to restore that confidence. Sound Transit did nothing, and continued to collect the tax and reject any attempts to provide accountability or tax relief. I have attempted to take legislative steps to bring accountability and tax relief by requiring direct elections of the Sound Transit board<sup>1</sup>, allowing the repeal of Sound Transit taxes by a vote of the people<sup>2</sup>, or reducing the Sound Transit car toll fees.<sup>3</sup> Unfortunately, Sound Transit opposed these efforts and risked voter outrage at the ballot box. On November 5, the voters expressed just that and overruling (Pierce County 86.7%–13.3) repealed the Sound Transit tax and approved Initiative 95.

Predictably, certain elected officials refuse to accept the will of voters and have publicly threatened to overturn Initiative 95 in court. Interestingly, when RTD passed over the objection of Pierce County voters (57%–43%), the same officials told them to accept that outcome as the will of all the voters in the RTD.

It falls to your office to defend Initiative 95 against any such legal challenges. I know your office has been reluctant in the past to defend Washington laws that protect taxpayers,<sup>4</sup> but for

<sup>1</sup>SB 5226, 46th Leg., Reg. Sess. (Wash. 2019).

<sup>2</sup>SB 5907, 46th Leg., Reg. Sess. (Wash. 2019); SB 5911, 46th Leg., Reg. Sess. (Wash. 2019).

<sup>3</sup>SB 5902, 46th Leg., Reg. Sess. (Wash. 2019).

<sup>4</sup>See my letter of 7/17/2019.