
SENATE BILL 6396

State of Washington 60th Legislature 2008 Regular Session

By Senators Carrell and Kilmer

Read first time 01/16/08. Referred to Committee on Transportation.

1 AN ACT Relating to the use of toll charges and revenue from a
2 certain toll facility; and amending RCW 47.46.100, 47.46.110, and
3 47.56.165.

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

5 **Sec. 1.** RCW 47.46.100 and 2002 c 114 s 7 are each amended to read
6 as follows:

7 (1) The commission shall fix the rates of toll and other charges
8 for all toll bridges built under this chapter that are financed
9 primarily by bonds issued by the state. Subject to RCW 47.46.090, the
10 commission may impose and modify toll charges from time to time as
11 conditions warrant.

12 (2) In establishing toll charges, the commission shall give due
13 consideration to any required costs for operating and maintaining the
14 toll bridge or toll bridges, including the cost of insurance, and to
15 any amount required by law to meet the redemption of bonds and interest
16 payments on them.

17 (3) The toll charges must be imposed in amounts sufficient to:

18 (a) Provide annual revenue sufficient to provide for annual

1 operating and maintenance expenses, except as provided in RCW 47.56.165
2 and 47.56.245;

3 (b) Make payments required under RCW 47.56.165 and 47.46.140,
4 including insurance costs and the payment of principal and interest on
5 bonds issued for any particular toll bridge or toll bridges; and

6 (c) Repay the motor vehicle fund under RCW 47.46.110, 47.56.165,
7 and 47.46.140.

8 (4) The bond principal and interest payments, including repayment
9 of the motor vehicle fund for amounts transferred from that fund to
10 provide for such principal and interest payments, constitute a first
11 direct and exclusive charge and lien on all tolls and other revenues
12 from the toll bridge concerned, subject to operating and maintenance
13 expenses.

14 **Sec. 2.** RCW 47.46.110 and 2002 c 114 s 8 are each amended to read
15 as follows:

16 (1) The commission shall retain toll charges on any existing and
17 future facilities constructed under this chapter and financed primarily
18 by bonds issued by the state until:

19 (a) All costs of investigation, financing, acquisition of property,
20 and construction advanced from the motor vehicle fund have been fully
21 repaid, except as provided in subsection (2)(b) of this section;

22 (b) Obligations incurred in constructing that facility have been
23 fully paid; and

24 (c) The motor vehicle fund is fully repaid under RCW 47.46.140.

25 (2) This section does not:

26 (a) Prohibit the use of toll revenues to fund maintenance,
27 operations, or management of facilities constructed under this chapter,
28 except as prohibited by RCW 47.56.165 and 47.56.245;

29 (b) Require repayment of funds specifically appropriated as a
30 nonreimbursable state financial contribution to a project.

31 (3) Notwithstanding the provisions of subsection (2)(a) of this
32 section, upon satisfaction of the conditions enumerated in subsection
33 (1) of this section:

34 (a) The facility must be operated as a toll-free facility; and

35 (b) The operation, maintenance, upkeep, and repair of the facility
36 must be paid from funds appropriated for the use of the department for

1 the construction and maintenance of the primary state highways of the
2 state of Washington.

3 **Sec. 3.** RCW 47.56.165 and 2006 c 17 s 1 are each amended to read
4 as follows:

5 A special account to be known as the Tacoma Narrows toll bridge
6 account is created in the motor vehicle fund in the state treasury.

7 (1) Deposits to the account must include:

8 (a) All proceeds of bonds issued for construction of the Tacoma
9 Narrows public-private initiative project, including any capitalized
10 interest;

11 (b) All of the toll charges and other revenues received from the
12 operation of the Tacoma Narrows bridge as a toll facility, to be
13 deposited at least monthly;

14 (c) Any interest that may be earned from the deposit or investment
15 of those revenues;

16 (d) Notwithstanding RCW 47.12.063, proceeds from the sale of any
17 surplus real property acquired for the purpose of building the second
18 Tacoma Narrows bridge; and

19 (e) All liquidated damages collected under any contract involving
20 the construction of the second Tacoma Narrows bridge.

21 (2) Proceeds of bonds shall be used consistent with RCW 47.46.130,
22 including the reimbursement of expenses and fees incurred under
23 agreements entered into under RCW 47.46.040 as required by those
24 agreements.

25 (3) Toll charges, other revenues, and interest may be used to:

26 (a) Pay any required costs of financing, operation, maintenance,
27 and management and necessary repairs of the facility; and

28 (b) Repay amounts to the motor vehicle fund as required under RCW
29 47.46.140.

30 (4) Toll charges, other revenues, and interest may not be used to
31 pay for law enforcement, roadside assistance, emergency management
32 services, or any other public services the state would be obligated to
33 provide to the facility area even in the absence of a second Tacoma
34 Narrows bridge.

35 (5) When repaying the motor vehicle fund under RCW 47.46.140, the
36 state treasurer shall transfer funds from the Tacoma Narrows toll
37 bridge account to the motor vehicle fund on or before each debt service

1 date for bonds issued for the Tacoma Narrows public-private initiative
2 project in an amount sufficient to repay the motor vehicle fund for
3 amounts transferred from that fund to the highway bond retirement fund
4 to provide for any bond principal and interest due on that date. The
5 state treasurer may establish subaccounts for the purpose of
6 segregating toll charges, bond sale proceeds, and other revenues.

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