

ESSB 6392 - H COMM AMD  
By Committee on Transportation

ADOPTED AS AMENDED 03/02/2010

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that during the  
4 2009 legislative session tolling was authorized on the state route  
5 number 520 corridor. As such, it is the intent of the legislature that  
6 tolling commences in the spring of 2011 on the existing state route  
7 number 520 bridge.

8 The legislature further recognizes that tolling of the state route  
9 number 520 corridor is integrally related to the issuance of a final  
10 project design resulting from the supplemental draft environmental  
11 impact statement for the state route number 520 bridge replacement and  
12 HOV program released in January 2010. It is the intent of the  
13 legislature that the department of transportation work with affected  
14 neighborhoods and local governments, including the mayor of the city of  
15 Seattle and the Seattle city council, to refine the preferred  
16 alternative design in the supplemental draft environmental impact  
17 statement so that the final design of the state route number 520 bridge  
18 replacement and HOV program will, to the extent required by state and  
19 federal law, include reasonable assurance that project impacts will be  
20 mitigated as much as practicable to protect against further adverse  
21 impacts on neighborhood environmental quality. Within the cost  
22 constraints identified in section 1, chapter 472, Laws of 2009, and  
23 consistent with an opening date to vehicular traffic of 2014, it is  
24 further the intent of the legislature that any final design of the  
25 state route number 520 bridge replacement and HOV program accommodate  
26 effective connections for transit, including high capacity transit,  
27 including, but not limited to, effective connections for transit to the  
28 university link light rail line, consistent with the requirements of  
29 RCW 47.01.408, and ensure the effective, efficient, and feasible  
30 coordination of bus services and light rail services throughout the

1 state route number 520 corridor, consistent with the requirements of  
2 RCW 47.01.410. The legislature further intends that any cost savings  
3 applicable to the state route number 520 bridge replacement and HOV  
4 program stay within the program.

5 **Sec. 2.** RCW 47.56.870 and 2009 c 472 s 2 are each amended to read  
6 as follows:

7 (1) The initial imposition of tolls on the state route number 520  
8 corridor is authorized, the state route number 520 corridor is  
9 designated an eligible toll facility, and toll revenue generated in the  
10 corridor must only be expended as allowed under RCW 47.56.820.

11 (2) The state route number 520 corridor consists of that portion of  
12 state route number 520 between the junctions of Interstate 5 and state  
13 route number 202. The toll imposed by this section shall be charged  
14 only for travel on the floating bridge portion of the state route  
15 number 520 corridor.

16 (3)(a) In setting the toll rates for the corridor pursuant to RCW  
17 47.56.850, the tolling authority shall set a variable schedule of toll  
18 rates to maintain travel time, speed, and reliability on the corridor  
19 and generate the necessary revenue as required under (b) of this  
20 subsection.

21 (b) The tolling authority shall initially set the variable schedule  
22 of toll rates, which the tolling authority may adjust at least annually  
23 to reflect inflation as measured by the consumer price index or as  
24 necessary to meet the redemption of bonds and interest payments on the  
25 bonds, to generate revenue sufficient to provide for:

26 (i) The issuance of general obligation bonds, authorized in RCW  
27 47.10.879, first payable from toll revenue and then excise taxes on  
28 motor vehicle and special fuels pledged for the payment of those bonds  
29 in the amount necessary to fund the (~~replacement state route number~~  
30 ~~520 floating bridge and necessary landings~~) state route number 520  
31 bridge replacement and HOV program, subject to subsection (4) of this  
32 section; and

33 (ii) Costs associated with the project designated in subsection (4)  
34 of this section that are eligible under RCW 47.56.820.

35 (4)(a) The proceeds of the bonds designated in subsection (3)(b)(i)  
36 of this section(~~, which together with other appropriated and~~  
37 ~~identified state and federal funds is sufficient to pay for the~~

1 ~~replacement of the floating bridge segment and necessary landings of~~  
2 ~~state route number 520,))~~ must be used only to fund the ((construction  
3 of the replacement state route number 520 floating bridge and necessary  
4 landings)) state route number 520 bridge replacement and HOV program;  
5 however, two hundred million dollars of bond proceeds, in excess of the  
6 proceeds necessary to complete the floating bridge segment and  
7 necessary landings, must be used only to fund the state route number  
8 520, Interstate 5 to Medina bridge replacement and HOV project segment  
9 of the program, as identified in applicable environmental impact  
10 statements, and may be used to fund effective connections for high  
11 occupancy vehicles and transit for state route number 520, but only to  
12 the extent those connections benefit or improve the operation of state  
13 route number 520.

14 (b) The program must include the following elements within the cost  
15 constraints identified in section 1, chapter 472, Laws of 2009,  
16 consistent with the legislature's intent that cost savings applicable  
17 to the program stay within the program and that the bridge open to  
18 vehicular traffic in 2014:

19 (i) A project design, consistent with RCW 47.01.408, that includes  
20 high occupancy vehicle lanes with a minimum carpool occupancy  
21 requirement of three-plus persons on state route number 520;

22 (ii) High occupancy vehicle lane performance standards for the  
23 state route number 520 corridor established by the department. The  
24 department shall report to the transportation committees of the  
25 legislature when average transit speeds in the two lanes that are for  
26 high occupancy vehicle travel fall below forty-five miles per hour at  
27 least ten percent of the time during peak hours;

28 (iii) A work group convened by the mayor and city council of the  
29 city of Seattle to include sound transit, King county metro, the  
30 Seattle department of transportation, the department, the University of  
31 Washington, and other persons or organizations as designated by the  
32 mayor or city council to study and make recommendations of alternative  
33 connections for transit, including bus routes and high capacity  
34 transit, to the university link light rail line. The work group must  
35 consider such techniques as grade separation, additional stations, and  
36 pedestrian lids to effect these connections. The recommendations must  
37 be alternatives to the transit connections identified in the  
38 supplemental draft environmental impact statement for the state route

1 number 520 bridge replacement and HOV program released in January 2010,  
2 and must meet the requirements under RCW 47.01.408, including  
3 accommodating effective connections for transit. The recommendations  
4 must be within the scope of the supplemental draft environmental impact  
5 statement. For the purposes of this section, "effective connections  
6 for transit" means a connection that connects transit stops, including  
7 high capacity transit stops, that serve the state route number  
8 520/Montlake interchange vicinity to the university link light rail  
9 line, with a connection distance of less than one thousand two hundred  
10 feet between the stops and the light rail station. The city of Seattle  
11 shall submit the recommendations by October 1, 2010, to the governor  
12 and the transportation committees of the legislature. However, if the  
13 city of Seattle does not convene the work group required under this  
14 subsection before July 1, 2010, or does not submit recommendations to  
15 the governor and the transportation committees of the legislature by  
16 October 1, 2010, the department must convene the work group required  
17 under this subsection and meet all the requirements of this subsection  
18 that are described as requirements of the city of Seattle by November  
19 30, 2010;

20 (iv) A work group convened by the department to include sound  
21 transit and King county metro to study and make recommendations  
22 regarding options for planning and financing high capacity transit  
23 through the state route number 520 corridor. The department shall  
24 submit the recommendations by January 1, 2011, to the governor and the  
25 transportation committees of the legislature;

26 (v) A plan to address mitigation as a result of the state route  
27 number 520 bridge replacement and HOV program at the Washington park  
28 arboretum. As part of its process, the department shall consult with  
29 the governing board of the Washington park arboretum, the Seattle city  
30 council and mayor, and the University of Washington to identify all  
31 mitigation required by state and federal law resulting from the state  
32 route number 520 bridge replacement and HOV program's impact on the  
33 arboretum, and to develop a project mitigation plan to address these  
34 impacts. The department shall submit the mitigation plan by December  
35 31, 2010, to the governor and the transportation committees of the  
36 legislature. Wetland mitigation required by state and federal law as  
37 a result of the state route number 520 bridge replacement and HOV  
38 program's impacts on the arboretum must, to the greatest extent

1 practicable, include on-site wetland mitigation at the Washington park  
2 arboretum, and must enhance the Washington park arboretum. This  
3 subsection (4)(b)(v) does not preclude any other mitigation planned for  
4 the Washington park arboretum as a result of the state route number 520  
5 bridge replacement and HOV program;

6 (vi) A work group convened by the department to include the mayor  
7 of the city of Seattle, the Seattle city council, the Seattle  
8 department of transportation, and other persons or organizations as  
9 designated by the Seattle city council and mayor to study and make  
10 recommendations regarding design refinements to the preferred  
11 alternative selected by the department in the supplemental draft  
12 environmental impact statement process for the state route number 520  
13 bridge replacement and HOV program. To accommodate a timely  
14 progression of the state route number 520 bridge replacement and HOV  
15 program, the design refinements recommended by the work group must be  
16 consistent with the current environmental documents prepared by the  
17 department for the supplemental draft environmental impact statement.  
18 The department shall submit the recommendations to the legislature and  
19 governor by December 31, 2010, and the recommendations must inform the  
20 final environmental impact statement prepared by the department; and

21 (vii) An account, created in section 5 of this act, into which  
22 civil penalties generated from the nonpayment of tolls on the state  
23 route number 520 corridor are deposited to be used to fund any project  
24 within the program, including mitigation. However, this subsection  
25 (4)(b)(vii) is contingent on the enactment by June 30, 2010, of either  
26 chapter . . . (Engrossed Substitute Senate Bill No. 6499), Laws of 2010  
27 or chapter . . . (Substitute House Bill No. 2897), Laws of 2010, but if  
28 the enacted bill does not designate the department as the toll penalty  
29 adjudicating agency, this subsection (4)(b)(vii) is null and void.

30 (5) The department may carry out the ~~((construction—and))~~  
31 improvements designated in subsection (4) of this section and  
32 administer the tolling program on the state route number 520 corridor.

33 **Sec. 3.** RCW 47.01.408 and 2008 c 270 s 2 are each amended to read  
34 as follows:

35 (1) The state route number 520 bridge replacement and HOV project  
36 shall be designed to provide six total lanes, with two lanes that are

1 for transit and high-occupancy vehicle travel, and four general purpose  
2 lanes.

3 (2) The state route number 520 bridge replacement and HOV project  
4 shall be designed to accommodate effective connections for transit,  
5 including high capacity transit, to the light rail station at the  
6 University of Washington.

7 (3) The state route number 520 bridge replacement and HOV project  
8 shall be designed to provide a total height from the water to the top  
9 of the bridge rail on the floating bridge portion of the project of no  
10 more than twenty feet if any portion of the project is funded by  
11 revenue generated from tolling the state route number 520 corridor.

12 **Sec. 4.** RCW 47.56.875 and 2009 c 472 s 4 are each amended to read  
13 as follows:

14 A special account to be known as the state route number 520  
15 corridor account is created in the state treasury.

16 (1) Deposits to the account must include:

17 (a) All proceeds of bonds issued for ~~((construction of the~~  
18 ~~replacement state route number 520 floating bridge and necessary~~  
19 ~~landings))~~ the state route number 520 bridge replacement and HOV  
20 program, including any capitalized interest;

21 (b) Except as provided in RCW 47.56.870(4)(b)(vii), all of the  
22 tolls and other revenues received from the operation of the state route  
23 number 520 corridor as a toll facility, to be deposited at least  
24 monthly;

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

27 (d) Notwithstanding RCW 47.12.063, proceeds from the sale of any  
28 surplus real property acquired for the ~~((purpose of building the~~  
29 ~~replacement state route number 520 floating bridge and necessary~~  
30 ~~landings))~~ state route number 520 bridge replacement and HOV program;  
31 and

32 (e) All damages, liquidated or otherwise, collected under any  
33 contract involving the ~~((construction of the replacement state route~~  
34 ~~number 520 floating bridge and necessary landings))~~ state route number  
35 520 bridge replacement and HOV program.

36 (2) Subject to the covenants made by the state in the bond  
37 proceedings authorizing the issuance and sale of bonds for the

1 (~~replacement state route number 520 floating bridge and necessary~~  
2 ~~landings~~) state route number 520 bridge replacement and HOV program,  
3 toll charges, other revenues, and interest received from the operation  
4 of the state route number 520 corridor as a toll facility may be used  
5 to:

6 (a) Pay any required costs allowed under RCW 47.56.820; and

7 (b) Repay amounts to the motor vehicle fund as required.

8 (3) When repaying the motor vehicle fund, the state treasurer shall  
9 transfer funds from the state route number 520 corridor account to the  
10 motor vehicle fund on or before each debt service date for bonds issued  
11 for the (~~replacement state route number 520 floating bridge project~~  
12 ~~and necessary landings~~) state route number 520 bridge replacement and  
13 HOV program in an amount sufficient to repay the motor vehicle fund for  
14 amounts transferred from that fund to the highway bond retirement fund  
15 to provide for any bond principal and interest due on that date. The  
16 state treasurer may establish subaccounts for the purpose of  
17 segregating toll charges, bond sale proceeds, and other revenues.

18 NEW SECTION. Sec. 5. A new section is added to chapter 47.56 RCW  
19 to read as follows:

20 (1) A special account to be known as the state route number 520  
21 civil penalties account is created in the state treasury. All state  
22 route number 520 bridge replacement and HOV program civil penalties  
23 generated from the nonpayment of tolls on the state route number 520  
24 corridor must be deposited into the account, as provided under RCW  
25 47.56.870(4)(b)(vii). Moneys in the account may be spent only after  
26 appropriation. Expenditures from the account may be used to fund any  
27 project within the state route number 520 bridge replacement and HOV  
28 program, including mitigation.

29 (2) This section is contingent on the enactment by June 30, 2010,  
30 of either chapter . . . (Engrossed Substitute Senate Bill No. 6499),  
31 Laws of 2010 or chapter . . . (Substitute House Bill No. 2897), Laws of  
32 2010, but if the enacted bill does not designate the department as the  
33 toll penalty adjudicating agency, this section is null and void."

34 Correct the title.

EFFECT: (1) Limits the expenditure of the identified \$200 million

in bond proceeds to projects on the Interstate 5 to Medina portion of the project, and allows the expenditure of these funds for effective connections for HOVs and transit to the extent the connections improve or benefit the operation of SR 520.

(2) Expands each requirement in the bill regarding effective connections for transit to the light rail station at the University of Washington to the entire University Link light rail line.

(3) Requires that the additional program elements created by the bill be consistent with the legislative intent that the bridge open to vehicular traffic in 2014.

(4) Requires the Seattle Mayor and City Council to convene the work group making alternative recommendations for transit under section 2(4)(b)(iii), in place of the Washington State Department of Transportation (WSDOT), and allows the Mayor or City Council to designate other organizations or persons to join the work group.

(5) Requires the work group making alternative recommendations for transit to make recommendations that are within the scope of the supplemental draft environmental impact statement and to consider techniques such as grade separation, additional stations, and pedestrian lids; and changes the submission date of the work group's report from July 5, 2010, to October 1, 2010.

(6) Requires WSDOT to convene the work group making alternative recommendations for transit in the event that the Mayor does not convene the work group by July 1, 2010, or submit the work group's report by October 1, 2010, in which case the work group's report would be required by November 30, 2010.

(7) Requires the work group making recommendations regarding options for financing high capacity transit in the SR 520 corridor under section 2(4)(b)(iv) to also make recommendations regarding planning for high capacity transit in the SR 520 corridor.

(8) Changes the submission date from July 5, 2010, to December 31, 2010, for the report of the work group created under section 2(4)(b)(vi) to make recommendations regarding design refinements to the preferred alternative.

(9) Limits the height of the floating bridge portion of the project to 20 feet from the water to the top of the bridge rail.

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