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## Transportation Committee

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### ESSB 6499

**Brief Description:** Concerning the administration, collection, use, and enforcement of tolls.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Murray and Haugen; by request of Department of Transportation).

#### Brief Summary of Engrossed Substitute Bill

- Allows for the detection and issuance of photo tolls, which may be paid through a customer account or upon receipt of a toll bill.
- Provides for an 80-day period between the assessment of a toll and the issuance of a toll infraction for failure to pay a toll.
- Removes the Washington State Patrol from the toll infraction issuance process, and places the issuance in the hands of limited law enforcement officers designated by the Washington State Department of Transportation (WSDOT).
- Removes the court system from the toll infraction adjudication process, and requires the WSDOT to develop an administrative adjudication process for appeals of civil penalties related to toll infractions.
- Expands the Toll Collection Account (Account) uses to allow for operations that benefit multiple toll facilities to be cleared through the Account.

**Hearing Date:** 2/23/10

**Staff:** David Munnecke (786-7315).

#### Background:

The Washington State Department of Transportation (WSDOT) operates one toll bridge, the Tacoma Narrows Bridge, and has been granted the authority to toll the State Route (SR) 520 bridge, which is anticipated to occur in 2011. The tolls for the Tacoma Narrows Bridge are paid electronically by customers with a pre-paid account and a transponder in their vehicle, or manually at a toll booth with cash or credit.

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Failure to pay a toll is a traffic infraction with a penalty of \$40 that goes to the local jurisdiction's court, plus a penalty amount of three times the cash toll that goes to the account of the facility on which the violation occurred. The detection of toll violations is through the use of a photo enforcement system, which may record images of vehicles and vehicle license plates only. The infractions issued through such a system are issued by a law enforcement officer, are not part of the registered owners' driving records, and a hold on a person's vehicle registration may occur if the traffic infraction penalty is not paid.

The Toll Collection Account allows for the deposit of customer pre-paid account funds prior to transactions occurring on a specific facility. Funds are then moved to the appropriate facility once a toll charge has been incurred.

**Summary of Bill:**

Tolls may be paid after using a toll facility via a photo toll that identifies a vehicle by its license plate. Photo tolls may be paid using a customer account, or in response to a toll bill, which may contain an administrative fee adopted by the Transportation Commission that may not exceed the cost of collection. Tolls may also continue to be paid using existing methods.

Failure to pay a toll detected through a photo toll system is a civil penalty to be issued by the WSDOT with a fine of \$40, plus the original toll amount and associated fees. Photo toll customers have 80 days from the time they use the toll facility to pay the toll before the toll charge becomes a civil penalty. The WSDOT must develop an administrative adjudication process to review appeals of civil penalties. A hold on a person's vehicle registration may occur if the civil penalty is not paid.

The WSDOT must conduct outreach and education on tolling at least six months prior to commencing all electronic tolling, and provide ongoing quarterly reports on civil penalty data. Beginning on July 1, 2011, penalties deposited into the Tacoma Narrows Bridge Account must first be used to repay any loans from the Motor Vehicle Account. Penalties resulting from non-payment of a toll on the SR 520 corridor are deposited into the SR 520 Civil Penalties Account if Engrossed Substitute Senate Bill 6392 is enacted by June 30, 2010.

A new traffic infraction is created for using a toll facility while displaying a vehicle license plate that has been in any manner changed, altered, obscured, or disfigured, or has become illegible.

The Toll Collection Account uses are expanded to allow for operations that benefit multiple toll facilities to be cleared through this account. At least monthly, operating activities and interest earnings must be distributed to the appropriate toll facility, using an equitable distribution methodology determined by the WSDOT in consultation with the Office of Financial Management.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains a contingent effective date. The bill becomes effective upon certification by the Secretary of the Department of Transportation that the tolling operations center and photo toll system are fully operational. If no certificate is issued by December 1, 2012, this bill becomes null and void.