
SENATE BILL 5683

State of Washington

61st Legislature

2009 Regular Session

By Senator Haugen

Read first time 01/28/09. Referred to Committee on Transportation.

1 AN ACT Relating to toll penalties for violations of high occupancy
2 toll lane restrictions; and amending RCW 47.56.403 and 47.66.090.

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

4 **Sec. 1.** RCW 47.56.403 and 2005 c 312 s 3 are each amended to read
5 as follows:

6 (1) The department may provide for the establishment, construction,
7 and operation of a pilot project of high occupancy toll lanes on state
8 route 167 high occupancy vehicle lanes within King county. The
9 department may issue, buy, and redeem bonds, and deposit and expend
10 them; secure and remit financial and other assistance in the
11 construction of high occupancy toll lanes, carry insurance, and handle
12 any other matters pertaining to the high occupancy toll lane pilot
13 project.

14 (2) Tolls for high occupancy toll lanes will be established as
15 follows:

16 (a) The schedule of toll charges for high occupancy toll lanes must
17 be established by the transportation commission and collected in a
18 manner determined by the commission.

1 (b) Toll charges shall not be assessed on transit buses and vanpool
2 vehicles owned or operated by any public agency.

3 (c) The department shall establish performance standards for the
4 state route 167 high occupancy toll lane pilot project. The department
5 must automatically adjust the toll charge, using dynamic tolling, to
6 ensure that toll-paying single-occupant vehicle users are only
7 permitted to enter the lane to the extent that average vehicle speeds
8 in the lane remain above forty-five miles per hour at least ninety
9 percent of the time during peak hours. The toll charge may vary in
10 amount by time of day, level of traffic congestion within the highway
11 facility, vehicle occupancy, or other criteria, as the commission may
12 deem appropriate. The commission may also vary toll charges for
13 single-occupant inherently low-emission vehicles such as those powered
14 by electric batteries, natural gas, propane, or other clean burning
15 fuels.

16 (d) The commission shall periodically review the toll charges to
17 determine if the toll charges are effectively maintaining travel time,
18 speed, and reliability on the highway facilities.

19 (3) The department shall monitor the state route 167 high occupancy
20 toll lane pilot project and shall annually report to the transportation
21 commission and the legislature on operations and findings. At a
22 minimum, the department shall provide facility use data and review the
23 impacts on:

24 (a) Freeway efficiency and safety;

25 (b) Effectiveness for transit;

26 (c) Person and vehicle movements by mode;

27 (d) Ability to finance improvements and transportation services
28 through tolls; and

29 (e) The impacts on all highway users. The department shall analyze
30 aggregate use data and conduct, as needed, separate surveys to assess
31 usage of the facility in relation to geographic, socioeconomic, and
32 demographic information within the corridor in order to ascertain
33 actual and perceived questions of equitable use of the facility.

34 (4) The department shall modify the pilot project to address
35 identified safety issues and mitigate negative impacts to high
36 occupancy vehicle lane users.

37 (5) Authorization to impose high occupancy vehicle tolls for the

1 state route 167 high occupancy toll pilot project expires if either of
2 the following two conditions apply:

3 (a) If no contracts have been let by the department to begin
4 construction of the toll facilities associated with this pilot project
5 within four years of July 24, 2005; or

6 (b) Four years after toll collection begins under this section.

7 (6) The department of transportation shall adopt rules that allow
8 automatic vehicle identification transponders used for electronic toll
9 collection to be compatible with other electronic payment devices or
10 transponders from the Washington state ferry system, other public
11 transportation systems, or other toll collection systems to the extent
12 that technology permits.

13 (7) The conversion of a single existing high occupancy vehicle lane
14 to a high occupancy toll lane as proposed for SR-167 must be taken as
15 the exception for this pilot project.

16 (8) A violation of the lane restrictions applicable to the high
17 occupancy toll lanes established under this section is a traffic
18 infraction, plus an additional toll penalty. The toll penalty is equal
19 to three times the toll for a standard passenger car during peak hours.
20 The toll penalty may not be reduced. The court shall remit the toll
21 penalty to the department or a private entity under contract with the
22 department for deposit into the statewide account in which tolls are
23 deposited for the tolling facility at which the violation occurred.

24 (9) Procurement activity associated with this pilot project shall
25 be open and competitive in accordance with chapter 39.29 RCW.

26 **Sec. 2.** RCW 47.66.090 and 2005 c 312 s 4 are each amended to read
27 as follows:

28 The high occupancy toll lanes operations account is created in the
29 state treasury. The department shall deposit all revenues received by
30 the department as toll charges collected from high occupancy toll lane
31 users and all toll penalties identified in RCW 47.56.403. Moneys in
32 this account may be spent only if appropriated by the legislature.
33 Moneys in this account may be used for, but be not limited to, debt
34 service, planning, administration, construction, maintenance,
35 operation, repair, rebuilding, enforcement, and expansion of high
36 occupancy toll lanes and to increase transit, vanpool and carpool, and
37 trip reduction services in the corridor. A reasonable proportion of

1 the moneys in this account must be dedicated to increase transit,
2 vanpool, carpool, and trip reduction services in the corridor. A
3 reasonable proportion of the moneys in this account must be dedicated
4 to increase transit, vanpool, carpool, and trip reduction services in
5 the corridor.

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