

WSR 24-04-020

PERMANENT RULES

TRANSPORTATION COMMISSION

[Filed January 29, 2024, 10:40 a.m., effective February 29, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this rule is to adjust toll rates for the SR 167 high occupancy toll (HOT) lanes and I-405 express toll lanes (ETLs) in order to meet performance and financial needs for the facilities. The effects of this change are as follows:

- The minimum toll rate on the SR 167 HOT lanes will increase from \$0.50 to \$1.
- The maximum toll rate on the SR 167 HOT lanes will increase from \$9 to \$15.
- The minimum toll rate on the I-405 ETLs will increase from \$0.75 to \$1.
- The maximum toll rate on the I-405 ETLs will increase from \$10 to \$15.
- The hours of operation on the SR 167 HOT lanes will change from 5 a.m. - 7 p.m. (seven days a week) to 5 a.m. - 8 p.m. (seven days a week).
- The hours of operation on the I-405 ETLs will change from 5 a.m. - 7 p.m. (M-F) to 5 a.m. - 8 p.m. (M-F).
- Adjust the time in which three or more high occupancy vehicle (HOV) lanes are in effect on the I-405 ETLs.

Citation of Rules Affected by this Order: New WAC 468-270-079; and amending WAC 468-270-075, 468-270-077, 468-270-078, and 468-270-120.

Statutory Authority for Adoption: RCW 47.56.880, 47.56.795, 47.56.850, 47.56.888.

Adopted under notice filed as WSR 24-01-144 on December 20, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 29, 2024.

Reema Griffith  
Executive Director

OTS-5111.1

AMENDATORY SECTION (Amending WSR 11-04-007, filed 1/20/11, effective 12/3/11)

**WAC 468-270-075 What are the toll rates for the SR 167 HOT lanes pilot project?** Toll rates will vary based upon several factors including time of day, traffic volumes, traffic demand, and overall corridor performance. The toll rate schedule shall be adjusted as needed by WSDOT to meet HOV performance criteria as defined in RCW 47.56.403 and WAC 468-300-828 in order to maintain average HOT lane vehicle speeds above (~~forty-five~~) 45 miles per hour, at least (~~ninety~~) 90 percent of the time during peak hours.

When the SR 167 HOT lanes are in operation, the minimum toll rate is (~~\$0.50~~) \$1.00 and the maximum toll rate is (~~\$9.00~~) \$15.00.

AMENDATORY SECTION (Amending WSR 16-16-014, filed 7/21/16, effective 8/21/16)

**WAC 468-270-077 What are the toll rates for the I-405 express toll lanes?** When tolling is in effect on the I-405 express toll lanes, the *Good To Go!*<sup>TM</sup> toll rate schedule shall be a minimum toll rate of (~~\$0.75~~) \$1.00 and a maximum toll rate of (~~\$10.00~~) \$15.00. *Good To Go!*<sup>TM</sup> Pass toll rates shall vary in amount by time of day and level of traffic congestion, and will automatically adjust within the established toll schedule using dynamic tolling to ensure average vehicle speeds in the lanes above (~~forty-five~~) 45 miles per hour at least (~~ninety~~) 90 percent of the time during peak hours. In the event there is a disruption in the ability to set tolls dynamically, the department may, on a temporary basis, adjust toll rates by time of day and level of traffic congestion within the range set forth in this section.

The commission shall periodically review the *Good To Go!*<sup>TM</sup> toll rate schedule against traffic performance of all lanes in the I-405 express toll lanes corridor, as outlined in RCW 47.56.880 to determine if the *Good To Go!*<sup>TM</sup> toll rates are effectively maintaining travel time, speed, and reliability for all lanes. Based on this review, the commission shall adjust the toll rate schedule as needed.

The toll rate for a Pay By Mail transaction is equal to the *Good To Go!*<sup>TM</sup> Pass toll rate plus \$2.00.

AMENDATORY SECTION (Amending WSR 16-16-014, filed 7/21/16, effective 8/21/16)

**WAC 468-270-078 What are the hours that tolling will be in effect on the I-405 express toll lanes?** Tolling will be in effect on the I-405 express toll lanes weekdays, Monday through Friday, from 5:00 a.m. to (~~7:00~~) 8:00 p.m. (excluding the weekdays on which holidays<sup>i</sup> are observed).

When tolling is not in effect on the I-405 express toll lanes, including on weekends and holidays<sup>i</sup>, the lanes are open to all vehicles regardless of occupancy, and a transponder is not needed to travel toll-free.

<sup>i</sup> New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

NEW SECTION

**WAC 468-270-079 What are the hours that tolling will be in effect on the SR-167 high occupancy toll lanes?** Tolling will be in effect on the SR-167 high occupancy toll lanes from 5:00 a.m. to 8:00 p.m. (excluding the days on which holidays<sup>i</sup> are observed).

When tolling is not in effect on the SR-167 high occupancy toll lanes, including holidays<sup>i</sup>, the lanes are open to all vehicles regardless of occupancy.

<sup>i</sup> New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

AMENDATORY SECTION (Amending WSR 16-16-014, filed 7/21/16, effective 8/21/16)

**WAC 468-270-120 How many occupants are required to be considered an eligible carpool for toll exemption on I-405 express toll lanes?**

Between ((5)) 5:00 a.m. to ((9)) 9:00 a.m. and ((3)) 3:00 p.m. to ((7)) 8:00 p.m., Monday through Friday, (excluding the weekdays on which holidays<sup>i</sup> are observed) you must have three or more occupants in your vehicle to qualify as a toll-free carpool. At all other times when tolling is in effect on the I-405 express toll lanes, you must have two or more occupants in your vehicle to qualify as a toll-free carpool. Occupancy requirements do not apply to vehicles that are otherwise exempt from tolls pursuant to WAC 468-270-110 or authorized as an HOV vehicle as defined in chapter 468-510 WAC.

<sup>i</sup> New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.