

# SENATE BILL REPORT

## SB 5007

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As of January 19, 1995

**Title:** An act relating to approval of toll facilities.

**Brief Description:** Requiring voter approval of toll roads and highways.

**Sponsors:** Senators Roach, Johnson, Long, Schow, Quigley, Drew, McAuliffe, C. Anderson, Rasmussen and Finkbeiner.

**Brief History:**

**Committee Activity:** Transportation: 1/19/95.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Vicki Fabre (786-7313)

**Background:** New Partners: Public-Private Initiatives in Transportation (Chapter 47.46 RCW) is a program created by the 1993 Legislature to test the feasibility of privately financed transportation improvements in Washington State. The law provides a wide range of opportunities for private entities to undertake all or a portion of the study, planning, design, finance, construction, operation and maintenance of transportation systems and facilities.

The State Department of Transportation (WSDOT) is authorized to solicit proposals from the private sector and to select up to six demonstration projects identified by the private sector. Projects are owned by the private sector during construction, turned over to the state, and leased back for operation for up to 50 years.

The private developer is authorized to impose tolls or user fees to recover the private sector's investments and to allow them a reasonable rate of return on investment. After maximum return on investment is reached, the state may continue to charge user fees or tolls for operation or maintenance that may be shared with affected local jurisdictions.

In May of 1994, 14 proposals from 11 private sector consortia were received by WSDOT. These were evaluated by a team of technical experts assembled by the department. At the end of the evaluation process, the secretary of the department, as required by law, recommended six projects to the Transportation Commission, which the commission adopted on August 18, 1994.

The following projects were selected: State Route 16-Tacoma Narrows; State Route 18 Corridor Improvements; State Route 520 Corridor Improvements; State Route 522 Corridor Improvements; Puget Sound Congestion Pricing; and METRO/King County and WSDOT Park and Ride Capacity Enhancements. The first four of these proposals anticipate the imposition of tolls or user fees.

The residents of communities impacted by the proposed projects have expressed concern about the imposition of tolls without prior public approval.

**Summary of Bill:** Agreements between a private entity and the department that involve a toll road or toll highway cannot be approved unless the toll facility is first approved by the voters of the legislative district or districts containing the toll facility.

If a toll facility is proposed, an election may be called upon the submission of a petition by 20 percent of the voters of the legislative district or districts containing the toll facility. The petition is filed with the auditor of the county in which all, or the greatest portion, of the facility is located and a copy of the petition is filed with the legislative body of the county or counties in which the facility is located. If the facility is located in more than one county, the auditor with whom the petition is filed is required to act as the lead auditor and must transmit copies of the petition to the auditor in other affected counties.

Following signature certification, the lead auditor is required to set an election date. Notice of the election must state the object of the election, and require affected voters to cast votes for or against a specified toll facility. The cost of the election is charged against the department, which may recover election costs from the private entity undertaking the project.

The department may approve the toll facility if it is approved by a majority of the voters voting in the legislative district or districts containing the facility.

The provisions of the bill apply to agreements in existence on the effective date of the act.

**Appropriation:** None.

**Fiscal Note:** Requested on January 13, 1995.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.