

---

SENATE BILL 6052

---

State of Washington

54th Legislature

1995 Regular Session

By Senators Snyder and Palmer

Read first time 03/01/95. Referred to Committee on Transportation.

1 AN ACT Relating to toll bridge bonds; and adding new sections to  
2 chapter 47.56 RCW.

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

4 NEW SECTION. **Sec. 1.** In order to provide funds necessary for the  
5 location, design, and construction of a toll bridge across the Columbia  
6 river in the vicinity of Rainier, Oregon and Longview, Washington,  
7 including approaches to the bridge, and the demolition of the existing  
8 Lewis and Clark bridge in the same vicinity, there shall be issued and  
9 sold upon the request of the Washington state transportation commission  
10 a total of one hundred million dollars of general obligation bonds of  
11 the state of Washington. All acts necessary to the completion of this  
12 work may be done and performed by either the Oregon state  
13 transportation commission or the Washington state transportation  
14 commission with the approval of the other or by both of them jointly.

15 NEW SECTION. **Sec. 2.** Upon the request of the transportation  
16 commission, the state finance committee shall supervise and provide for  
17 the issuance, sale, and retirement of the bonds authorized by sections  
18 1 through 10 of this act in accordance with chapter 39.42 RCW. Bonds

1 authorized by sections 1 through 10 of this act shall be sold in such  
2 manner, at such time or times, in such amounts, and at such a price as  
3 the state finance committee shall determine. The bonds may not be  
4 offered for sale without prior legislative appropriation of the net  
5 proceeds of the sale of the bonds.

6 The state finance committee shall consider the issuance of short-  
7 term obligations in lieu of long-term obligations for the purposes of  
8 more favorable interest rates, lower total interest costs, and  
9 increased marketability and for the purpose of retiring the bonds  
10 during the life of the project for which they were issued.

11 NEW SECTION. **Sec. 3.** The proceeds from the sale of bonds  
12 authorized by sections 1 through 10 of this act shall be deposited in  
13 the motor vehicle fund. The proceeds shall be available only for the  
14 purposes enumerated in section 1 of this act, for the payment of bond  
15 anticipation notes, if any, and for the payment of bond issuance costs,  
16 including the costs of underwriting.

17 NEW SECTION. **Sec. 4.** Bonds issued under sections 1 through 10 of  
18 this act shall distinctly state that they are a general obligation of  
19 the state of Washington, shall pledge the full faith and credit of the  
20 state to the payment of the principal of the bonds and the interest on  
21 the bonds, and shall contain an unconditional promise to pay such  
22 principal and interest as the same becomes due. The principal of and  
23 interest on the bonds shall be first payable in the manner provided in  
24 sections 1 through 10 of this act from the proceeds of state excise  
25 taxes on motor vehicles and special fuels imposed by chapters 82.36,  
26 82.37, and 82.38 RCW and from the tolls and revenues derived from the  
27 operation of the toll bridge. Proceeds of the excise taxes are hereby  
28 pledged to the payment of bonds and the interest on the bonds issued  
29 under the authority of sections 1 through 10 of this act, and the  
30 legislature agrees to continue to impose these excise taxes on motor  
31 vehicle and special fuels in amounts sufficient to pay, when due, the  
32 principal and interest on all bonds issued under the authority of  
33 sections 1 through 10 of this act.

34 NEW SECTION. **Sec. 5.** There is hereby created in the state  
35 treasury an account to be known as the Lewis and Clark toll bridge  
36 account into which shall be deposited any capitalized interest from the

1 proceeds of the bonds, and at least monthly all of the tolls and other  
2 revenues received from the operation of the toll bridge and from any  
3 interest that may be earned from the deposit or investment of these  
4 revenues after the payment of costs of operation, maintenance,  
5 management, and necessary repairs of the facility. The principal of  
6 the interest on the bonds shall be paid first from money deposited in  
7 the Lewis and Clark toll bridge account, and then, to the extent that  
8 money deposited in that account is insufficient to make a payment when  
9 due, from the state excise taxes on motor vehicle and special fuels  
10 deposited in the highway bond retirement fund. The state finance  
11 committee shall, by June 30 of each year, certify to the state  
12 treasurer the amount of additional moneys required for principal and  
13 interest on the bonds in accordance with the bond proceedings. The  
14 state treasurer shall upon the certification transfer from the motor  
15 vehicle fund these excise taxes into the highway bond retirement fund.  
16 Any proceeds of the excise taxes required for these purposes shall  
17 first be taken from that portion of the motor vehicle fund that results  
18 from the imposition of the excise taxes on motor vehicle and special  
19 fuels and that is distributed to the state. If the proceeds from the  
20 excise taxes distributed to the state are ever insufficient to meet the  
21 required payments on principal or interest on the bonds when due, the  
22 amount required to make the payments on the principal or interest shall  
23 next be taken from that portion of the motor vehicle fund that results  
24 from the imposition of excise taxes on motor vehicle and special fuels  
25 and that is distributed to the state, counties, cities, and towns under  
26 RCW 46.68.100. Any payments of the principal or interest taken from  
27 the motor vehicle or special fuel tax revenues that are distributable  
28 to the counties, cities, and towns shall be repaid from the first  
29 moneys distributed to the state not required for redemption of the  
30 bonds or interest on the bonds.

31 NEW SECTION. **Sec. 6.** Bonds issued under the authority of sections  
32 1 through 5 of this act and this section and any other general  
33 obligation bonds of the state of Washington that have been or that may  
34 be authorized and that pledge motor vehicle and special fuels excise  
35 taxes for the payment of principal and interest on the bonds shall be  
36 an equal charge against the revenues from these motor vehicle and  
37 special fuels excise taxes.

1        NEW SECTION.    **Sec. 7.**    (1) The department of transportation may  
2 operate and assume full control of the bridge and shall fix and  
3 maintain the tolls and charges in the manner provided by RCW 47.56.240  
4 so that when collected they will produce revenues sufficient to pay all  
5 expenses of operating, maintaining, managing, and repairing the toll  
6 bridge including all insurance costs and the amounts required to pay  
7 the principal and interest on the bonds when due and to satisfy the  
8 other obligations set forth in sections 1 through 10 of this act and  
9 RCW 47.56.220. The revision of tolls and charges shall be determined  
10 by the department after considering the effect upon the traffic using  
11 the bridge and the projected revenues that will result from the  
12 increase of tolls and charges for the use of the bridge.

13        (2) To the extent that net revenues and income are insufficient to  
14 meet the required payments of principal and interest on bonds, the  
15 department shall use moneys pledged from the motor vehicle fund as  
16 provided in section 5 of this act.

17        (3) The payment of the principal of and the interest on the bonds  
18 shall constitute a first direct and exclusive charge and lien on all  
19 tolls and other revenues, and interest on the tolls and other revenues,  
20 received from the use and operation of the Lewis and Clark toll bridge,  
21 after the payment of all expenses of operating, maintaining, managing,  
22 and repairing the toll bridge, and the tolls and revenues together with  
23 interest earned on the tolls and revenues, and all other money  
24 deposited in the Lewis and Clark toll bridge account, shall constitute  
25 a trust fund for the security and payment of the bonds, or bonds  
26 refunding the bonds, and shall not be used or pledged for any other  
27 purpose as long as the bonds are outstanding and unpaid.

28        (4) The state finance committee may on behalf of the state make  
29 covenants in connection with the bond proceedings or otherwise to  
30 assure the maintenance of the tolls and charges on the Lewis and Clark  
31 toll bridge, the proper application of the tolls and charges, and the  
32 proper operation, maintenance, management, and repair of the bridge to  
33 provide for and secure the timely payment of the bonds. The covenants  
34 shall be binding on the department of transportation and transportation  
35 commission.

36        NEW SECTION.    **Sec. 8.**    All tolls or other revenues received from  
37 the operation of the Lewis and Clark toll bridge constructed with the  
38 proceeds of bonds issued and sold under sections 1 through 10 of this

1 act shall be paid over by the department of transportation to the state  
2 treasurer who shall deposit the same without delay as demand deposits  
3 in such a depository or depositories as may be authorized by law to  
4 receive deposits of state funds to the credit of a special trust fund  
5 to be designated as the toll revenue fund of the Lewis and Clark toll  
6 bridge, which fund shall be a trust fund and shall at all times be kept  
7 segregated and set apart from all other funds.

8 After provision has been made for payment of costs of operation,  
9 maintenance, management, and necessary repairs of the facility, the  
10 surplus moneys available in the toll revenue fund, or as much thereof  
11 as may be required, shall be transferred monthly to the Lewis and Clark  
12 toll bridge account to pay the principal of and interest on the bonds  
13 authorized by section 1 of this act.

14 NEW SECTION. **Sec. 9.** In order to carry out sections 1 through 10  
15 of this act the Washington state transportation commission may consult,  
16 cooperate, and enter into agreements with the government of the United  
17 States or any of its agencies and accept and expend moneys from any  
18 public or private source, including the government of the United States  
19 or any political subdivision, that is now or may be made available for  
20 carrying out the purposes of sections 1 through 10 of this act.

21 NEW SECTION. **Sec. 10.** The Washington state transportation  
22 commission may enter into such agreements with the Oregon state  
23 transportation commission as it finds necessary or convenient to carry  
24 out the purposes of sections 1 through 10 of this act.

25 Any such agreements shall include, but shall not be limited to, the  
26 following:

27 (1) A provision that the state of Washington or the Washington  
28 state transportation commission shall issue general obligation bonds in  
29 the aggregate principal sum of not to exceed one hundred million  
30 dollars par value or as much thereof as shall be required to pay all  
31 costs of location, design, and construction of the bridge, including  
32 approaches to the bridge, and the demolition of the existing Lewis and  
33 Clark bridge. In determining the amount of money required for  
34 construction, there shall be taken into account all available financial  
35 contributions for the construction costs, of whatever description and  
36 from whatever source;

1 (2) A provision that to the extent that revenues derived from the  
2 imposition and collection of tolls and franchise fees for the use of  
3 the bridge in any year are insufficient to provide for the payment of  
4 principal, interest, and other charges incidental to the issuance,  
5 sale, and retirement of the bonds issued by Washington or any  
6 subsequent refunding bond issues, the states of Washington and Oregon  
7 will equally divide the cost of the deficit;

8 (3) A provision that the Washington state transportation commission  
9 shall assume and have complete responsibility for the operation of the  
10 bridge as a toll facility and each portion of the bridge, whether  
11 within or without the borders of Washington and with full power in the  
12 Washington state transportation commission to impose and collect all  
13 toll charges and franchise fees from the users of the bridge and to  
14 disburse the revenue derived from the charges and fees for the  
15 following purposes in the following order:

16 (a) Payment of all costs of operation, maintenance, management, and  
17 necessary repairs of the facility;

18 (b) Payment of the principal, interest, and other charges  
19 incidental to the issuance, sale, and retirement of the bonds provided  
20 in sections 1 through 10 of this act for including any subsequent  
21 refunding bonds;

22 (4) A provision that the Washington state transportation  
23 commission, after consultation with the Oregon state transportation  
24 commission, shall fix the classifications and amounts of tolls to be  
25 charged and collected from users of the toll facility with power after  
26 consultation with the Oregon state transportation commission to revise  
27 the classifications if deemed necessary, and the time or times when the  
28 tolls are first imposed;

29 (5) A provision that all acts pertaining to the location, design,  
30 and construction of the bridge may be done and performed by the Oregon  
31 state transportation commission or the Washington state transportation  
32 commission with the approval of the other, or by both, and that any and  
33 all contracts for the construction of the bridge shall be awarded  
34 either in the name of the state of Oregon by and through its state  
35 transportation commission or the state of Washington by and through its  
36 state transportation commission, or both. There shall be further  
37 provision that each state has the full power to design and construct  
38 approaches to the bridge within the respective boundaries of each  
39 state;

1 (6) A provision that the Washington state transportation commission  
2 shall, in conjunction with the Oregon state transportation commission,  
3 set a toll on the existing Lewis and Clark bridge to begin no later  
4 than September 1, 1995. Revenue from these tolls shall be deposited in  
5 the Lewis and Clark toll bridge account to pay the principal of  
6 interest on the bonds authorized by section 1 of this act.

7 NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act are each  
8 added to chapter 47.56 RCW.

9 NEW SECTION. **Sec. 12.** If any provision of this act or its  
10 application to any person or circumstance is held invalid, the  
11 remainder of the act or the application of the provision to other  
12 persons or circumstances is not affected.

--- END ---