

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5139

Chapter 335, Laws of 2005
(partial veto)

59th Legislature
2005 Regular Session

HIGHWAY AND BRIDGE TOLLING AUTHORITY

EFFECTIVE DATE: 7/24/05

Passed by the Senate April 18, 2005
YEAS 41 NAYS 5

BRAD OWEN

President of the Senate

Passed by the House April 15, 2005
YEAS 96 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 9, 2005, with the
exception of Section 1, which is vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5139** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 9, 2005 - 3:32 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5139

AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senate Committee on Transportation (originally sponsored by
Senators Haugen, Oke, Poulsen and Swecker)

READ FIRST TIME 02/01/05.

1 AN ACT Relating to highway and bridge tolling authority; amending
2 RCW 47.56.075, 47.56.076, and 47.56.270; creating a new section; and
3 repealing RCW 47.56.273, 47.56.282, 47.56.284, 47.56.286, 47.56.287,
4 47.56.288, 47.56.290, 47.56.291, 47.56.310, 47.56.320, 47.56.330,
5 47.56.340, 47.56.343, 47.56.345, 47.56.360, 47.56.380, 47.56.390,
6 47.56.400, 47.56.410, 47.56.420, 47.56.430, 47.56.440, 47.56.450,
7 47.56.460, 47.56.470, 47.56.480, 47.56.490, 47.56.500, 47.56.580,
8 47.56.590, 47.56.610, 47.56.630, 47.56.631, 47.56.640, 47.56.643,
9 47.56.646, 47.56.649, 47.56.652, 47.56.655, 47.56.658, 47.56.659,
10 47.56.661, 47.56.667, 47.56.700, 47.56.701, 47.56.702, 47.56.703,
11 47.56.704, 47.56.705, 47.56.706, 47.56.7115, 47.56.7125, 47.56.740,
12 47.56.741, 47.56.742, 47.56.743, 47.56.744, 47.56.745, 47.56.746,
13 47.56.747, 47.56.748, 47.56.749, 47.56.750, 47.56.751, 47.56.752,
14 47.56.753, 47.56.754, 47.56.755, 47.56.756, 47.56.760, 47.56.761,
15 47.58.500, 47.60.445, 47.60.450, 47.60.502, and 47.60.503.

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

17 ***Sec. 1. RCW 47.56.075 and 2002 c 56 s 404 are each amended to read**
18 **as follows:**

19 **The ((department)) commission shall approve for construction only**

1 *such toll roads as the legislature specifically authorizes or such toll*
2 *facilities as are specifically sponsored by a regional transportation*
3 *investment district, city, town, or county.*

**Sec. 1 was vetoed. See message at end of chapter.*

4 NEW SECTION. **Sec. 2.** No tolls may be imposed on new or existing
5 highways or bridges without specific legislative authorization, or upon
6 a majority vote of the people within the boundaries of the unit of
7 government empowered to impose tolls. This section applies to chapter
8 47.56 RCW and to any tolls authorized under Substitute House Bill No.
9 1541, the transportation innovative partnership act of 2005.

10 **Sec. 3.** RCW 47.56.076 and 2002 c 56 s 403 are each amended to read
11 as follows:

12 Upon approval of a majority of the voters within its boundaries
13 voting on the ballot proposition, and only for the purposes authorized
14 in RCW 36.120.050(1)((~~f~~)) (g), a regional transportation investment
15 district may (~~impose~~) authorize vehicle tolls on state routes where
16 improvements financed in whole or in part by a regional transportation
17 investment district add additional lanes to, or reconstruct lanes on,
18 a highway of statewide significance. The department shall administer
19 the collection of vehicle tolls authorized on designated facilities
20 unless otherwise specified in law, and the state transportation
21 commission, or its successor, shall be the tolling authority.

22 **Sec. 4.** RCW 47.56.270 and 2002 c 114 s 20 are each amended to read
23 as follows:

24 The (~~Lake Washington bridge and the~~) 1950 Tacoma Narrows bridge
25 in chapter 47.17 RCW made a part of the primary state highways of the
26 state of Washington(~~7~~) shall, upon completion, be operated,
27 maintained, kept up, and repaired by the department in the manner
28 provided in this chapter, and the cost of such operation, maintenance,
29 upkeep, and repair shall be paid from funds appropriated for the use of
30 the department for the construction and maintenance of the primary
31 state highways of the state of Washington. This section does not apply
32 to that portion of the Tacoma Narrows bridge facility first opened to
33 traffic after June 13, 2002.

1 NEW SECTION. **Sec. 5.** The following acts or parts of acts are each
2 repealed:

3 (1) RCW 47.56.273 (Fox Island toll bridge--Need for removal of
4 tolls) and 1961 c 13 s 47.56.273;

5 (2) RCW 47.56.282 (Additional Lake Washington bridge (1957 Act)--
6 Revenue bonds--Toll charges and other support) and 1965 ex.s. c 170 s
7 56 & 1961 c 13 s 47.56.282;

8 (3) RCW 47.56.284 (Additional Lake Washington bridge (1957 Act)--
9 Continuous project--Authorization of other additional bridges) and 1984
10 c 7 s 273 & 1961 c 13 s 47.56.284;

11 (4) RCW 47.56.286 (Additional Lake Washington bridge (1957 Act)--
12 Interpretation) and 1985 c 7 s 114, 1984 c 7 s 274, & 1961 c 13 s
13 47.56.286;

14 (5) RCW 47.56.287 (Second Lake Washington bridge--Use of motor
15 vehicle fund to pay deficits) and 1984 c 7 s 275 & 1965 ex.s. c 170 s
16 54;

17 (6) RCW 47.56.288 (Second Lake Washington bridge--Designation of
18 funds to pay deficits--Pledge of excise tax proceeds) and 1965 ex.s. c
19 170 s 55;

20 (7) RCW 47.56.290 (Additional Lake Washington bridge (1953 Act)--
21 Appropriation--Repayment from bond issue) and 1961 c 13 s 47.56.290;

22 (8) RCW 47.56.291 (Additional Lake Washington bridge in vicinity of
23 first bridge--Design and construction authorized) and 1965 ex.s. c 170
24 s 57;

25 (9) RCW 47.56.310 (Additional Columbia river bridge--Vancouver to
26 Portland bridges--Cooperation with Oregon) and 1961 c 13 s 47.56.310;

27 (10) RCW 47.56.320 (Additional Columbia river bridge--Tolls) and
28 1961 c 13 s 47.56.320;

29 (11) RCW 47.56.330 (Additional Columbia river bridge--Agreements
30 with Oregon authorized) and 1961 c 13 s 47.56.330;

31 (12) RCW 47.56.340 (Additional Columbia river bridge--When toll
32 free) and 1961 c 13 s 47.56.340;

33 (13) RCW 47.56.343 (Additional Columbia river bridge--Revenue
34 bonds) and 1961 c 13 s 47.56.343;

35 (14) RCW 47.56.345 (Additional Columbia river bridge--
36 Construction--Severability) and 1984 c 7 s 276 & 1961 c 13 s 47.56.345;

37 (15) RCW 47.56.360 (Bridging Puget Sound, Hood Canal--Operation,

1 maintenance, prior charge upon revenue--Appropriations to be repaid)
2 and 1961 c 13 s 47.56.360;

3 (16) RCW 47.56.380 (Express highway--Tacoma-Seattle-Everett--
4 Limited access) and 1984 c 7 s 278 & 1961 c 13 s 47.56.380;

5 (17) RCW 47.56.390 (Express highway--Operation as toll highway--
6 Part of state system) and 1984 c 7 s 279 & 1961 c 13 s 47.56.390;

7 (18) RCW 47.56.400 (Express highway--Powers and duties of
8 department) and 1984 c 7 s 280 & 1961 c 13 s 47.56.400;

9 (19) RCW 47.56.410 (Lopez Island-San Juan toll bridge--
10 Appropriation--Study--Location, exploration, foundation, design) and
11 1961 c 13 s 47.56.410;

12 (20) RCW 47.56.420 (Lopez Island-San Juan toll bridge--Final
13 designs, construction, revenue bonds authorized) and 1961 c 13 s
14 47.56.420;

15 (21) RCW 47.56.430 (Lopez Island-San Juan toll bridge--Operation,
16 maintenance, prior charge upon revenue--Appropriations to be repaid)
17 and 1961 c 13 s 47.56.430;

18 (22) RCW 47.56.440 (Lopez Island-San Juan toll bridge--Effect of
19 toll bridge authority resolution No. 295--Ferry system refunding
20 revenue bonds) and 1961 c 13 s 47.56.440;

21 (23) RCW 47.56.450 (Columbia river bridge at Biggs Rapids--
22 Authorized--Cooperation with Klickitat county, highway commission,
23 Oregon highway commission and Sherman county) and 1961 c 13 s
24 47.56.450;

25 (24) RCW 47.56.460 (Columbia river bridge at Biggs Rapids--
26 Appropriation--Repayment from bond issue) and 1961 c 13 s 47.56.460;

27 (25) RCW 47.56.470 (Columbia river bridge at Biggs Rapids--Revenue
28 bonds) and 1961 c 13 s 47.56.470;

29 (26) RCW 47.56.480 (Columbia river bridge at Biggs Rapids--
30 Construction of act) and 1961 c 13 s 47.56.480;

31 (27) RCW 47.56.490 (Columbia river bridge at Biggs Rapids--Powers
32 of department--Tolls) and 1984 c 7 s 281 & 1961 c 13 s 47.56.490;

33 (28) RCW 47.56.500 (Columbia river bridge at Biggs Rapids--
34 Agreements authorized) and 1961 c 13 s 47.56.500;

35 (29) RCW 47.56.580 (Naches Pass tunnel--What studies and surveys
36 shall include) and 1961 c 13 s 47.56.580;

37 (30) RCW 47.56.590 (Naches Pass tunnel--Plan for financing) and
38 1961 c 13 s 47.56.590;

1 (31) RCW 47.56.610 (Naches Pass tunnel--Contribution by political
2 subdivisions) and 1961 c 13 s 47.56.610;

3 (32) RCW 47.56.630 (Naches Pass tunnel--Repayment to motor vehicle
4 fund of funds appropriated) and 1961 c 13 s 47.56.630;

5 (33) RCW 47.56.631 (Naches Pass tunnel--Additional studies--Route
6 of highway and tunnel--Appropriation) and 1961 ex.s. c 21 s 18;

7 (34) RCW 47.56.640 (Bridging lower Columbia river in vicinity of
8 Astoria-Megler) and 1961 c 209 s 1;

9 (35) RCW 47.56.643 (Bridging lower Columbia river in vicinity of
10 Astoria-Megler--Agreements with United States--Acceptance of public or
11 private funds) and 1961 c 209 s 2;

12 (36) RCW 47.56.646 (Bridging lower Columbia river in vicinity of
13 Astoria-Megler--Agreements with Oregon--Provisions for Oregon bond
14 issue, powers and duties of both states, tolls, apportionment of costs,
15 etc.) and 1961 c 209 s 3;

16 (37) RCW 47.56.649 (Bridging lower Columbia river in vicinity of
17 Astoria-Megler--Use of Washington motor vehicle fuel taxes, motor
18 vehicle fund to pay Oregon bonds if tolls and fees insufficient) and
19 1961 c 209 s 4;

20 (38) RCW 47.56.652 (Bridging lower Columbia river in vicinity of
21 Astoria-Megler--Procedure for this state paying deficiency in tolls and
22 fees for Oregon bond issue) and 1961 c 209 s 5;

23 (39) RCW 47.56.655 (Bridging lower Columbia river in vicinity of
24 Astoria-Megler--Washington liability for costs--Maintenance and
25 repair--Approaches) and 1961 c 209 s 6;

26 (40) RCW 47.56.658 (Bridging lower Columbia river in vicinity of
27 Astoria-Megler--Financial responsibility of Pacific county--Prior
28 commitment required) and 1969 ex.s. c 281 s 52 & 1961 c 209 s 7;

29 (41) RCW 47.56.659 (Bridging lower Columbia river in vicinity of
30 Astoria-Megler--Contractual obligations of Pacific county terminated)
31 and 1969 ex.s. c 281 s 53;

32 (42) RCW 47.56.661 (Bridging lower Columbia river in vicinity of
33 Astoria-Megler--Deposit of contribution of Pacific county in motor
34 vehicle fund--Use) and 1961 c 209 s 8;

35 (43) RCW 47.56.667 (Bridging lower Columbia river in vicinity of
36 Astoria-Megler--When toll free) and 1961 c 209 s 10;

37 (44) RCW 47.56.700 (Columbia river, Vernita bridge and highway
38 approach from Richland--Authorized) and 1963 c 197 s 1;

1 (45) RCW 47.56.701 (Columbia river, Vernita bridge and highway
2 approach from Richland--Revenue bonds--Tolls and charges) and 1963 c
3 197 s 2;

4 (46) RCW 47.56.702 (Columbia river, Vernita bridge and highway
5 approach from Richland--Pledge of excise taxes imposed on motor vehicle
6 fuels) and 1984 c 7 s 282 & 1963 c 197 s 3;

7 (47) RCW 47.56.703 (Columbia river, Vernita bridge and highway
8 approach from Richland--Continued imposition of such taxes) and 1984 c
9 7 s 283 & 1963 c 197 s 4;

10 (48) RCW 47.56.704 (Columbia river, Vernita bridge and highway
11 approach from Richland--Repayment of motor vehicle fund money--
12 Continuation of tolls) and 1984 c 7 s 284 & 1963 c 197 s 5;

13 (49) RCW 47.56.705 (Columbia river, Vernita bridge and highway
14 approach from Richland--Facility to be part of highway system--
15 Operation, collection of tolls) and 1983 c 3 s 131 & 1963 c 197 s 6;

16 (50) RCW 47.56.706 (Columbia river, Vernita bridge and highway
17 approach from Richland--Laws applicable--Construction of 1963 statute)
18 and 1983 c 3 s 132 & 1963 c 197 s 7;

19 (51) RCW 47.56.7115 (Spokane river toll bridge--Operation and
20 maintenance responsibility and funding) and 1990 c 42 s 402;

21 (52) RCW 47.56.7125 (Spokane river toll bridge--Transfer of funds)
22 and 1990 c 42 s 404;

23 (53) RCW 47.56.740 (Columbia river bridge at Horn Rapids--
24 Authorized--Approach routes) and 1981 c 327 s 1 & 1979 ex.s. c 212 s 1;

25 (54) RCW 47.56.741 (Columbia river bridge at Horn Rapids--
26 Agreements with local governments) and 1979 ex.s. c 212 s 2;

27 (55) RCW 47.56.742 (Columbia river bridge at Horn Rapids--Bonds--
28 Agreements with local governments required) and 1981 c 327 s 2 & 1979
29 ex.s. c 212 s 3;

30 (56) RCW 47.56.743 (Columbia river bridge at Horn Rapids--Bonds--
31 Plans for funding obligations of local governments required) and 1979
32 ex.s. c 212 s 4;

33 (57) RCW 47.56.744 (Columbia river bridge at Horn Rapids--
34 Agreements with United States--Acceptance of public or private funds)
35 and 1979 ex.s. c 212 s 5;

36 (58) RCW 47.56.745 (Columbia river bridge at Horn Rapids--General
37 obligation bonds authorized--Additional bonds authorized, restriction)
38 and 1981 c 327 s 3 & 1979 ex.s. c 212 s 6;

1 (59) RCW 47.56.746 (Columbia river bridge at Horn Rapids--Bonds--
2 Issuance, sale, retirement supervised by state finance committee) and
3 1979 ex.s. c 212 s 7;
4 (60) RCW 47.56.747 (Columbia river bridge at Horn Rapids--Bonds--
5 Term--Terms and conditions--Signatures--Registration--Where payable--
6 Negotiable instruments--Legal investment for state funds--Bond
7 anticipation notes) and 1979 ex.s. c 212 s 8;
8 (61) RCW 47.56.748 (Columbia river bridge at Horn Rapids--Bonds--
9 Bond proceeds--Deposit and use) and 1981 c 327 s 4 & 1979 ex.s. c 212
10 s 9;
11 (62) RCW 47.56.749 (Columbia river bridge at Horn Rapids--Bonds--
12 Statement describing nature of obligation--Sources of payment) and 1995
13 c 274 s 15 & 1979 ex.s. c 212 s 10;
14 (63) RCW 47.56.750 (Columbia river bridge at Horn Rapids--Bonds--
15 Account created in highway bond retirement fund--Deposit of revenue--
16 Pledge of excise taxes--Repayment procedure--Legislative covenant) and
17 1999 c 269 s 13, 1995 c 274 s 16, & 1979 ex.s. c 212 s 11;
18 (64) RCW 47.56.751 (Columbia river bridge at Horn Rapids--Operation
19 by department of transportation--Amount and duration of tolls--Use of
20 motor vehicle fund moneys--Priority of payments--Trust fund--Covenants
21 by state finance committee) and 1979 ex.s. c 212 s 12;
22 (65) RCW 47.56.752 (Columbia river bridge at Horn Rapids--Toll
23 revenue trust fund--Transfer of surplus moneys) and 1979 ex.s. c 212 s
24 13;
25 (66) RCW 47.56.753 (Columbia river bridge at Horn Rapids--Repayment
26 of motor vehicle fund money--Continuation of tolls) and 1979 ex.s. c
27 212 s 14;
28 (67) RCW 47.56.754 (Columbia river bridge at Horn Rapids--Ferries,
29 urban arterials, Spokane river toll bridges, bonds--Lien against fuel
30 tax revenues) and 1979 ex.s. c 212 s 15;
31 (68) RCW 47.56.755 (Columbia river bridge at Horn Rapids--When toll
32 free--Conveyance to city or counties) and 1979 ex.s. c 212 s 16;
33 (69) RCW 47.56.756 (Additional bridge at Columbia Point authorized)
34 and 1979 ex.s. c 212 s 17;
35 (70) RCW 47.56.760 (First Avenue South bridge in Seattle--Study by
36 commission--Bonds, tolls--Additional funding) and 1987 c 510 s 1;
37 (71) RCW 47.56.761 (First Avenue South bridge in Seattle--Study by
38 city--Tolls--Revenues) and 1987 c 510 s 2;

1 (72) RCW 47.58.500 (Manette bridge--Port Washington Narrows
2 project) and 1961 c 13 s 47.58.500;
3 (73) RCW 47.60.445 (Hood Canal bridge--Tolls, upkeep costs) and
4 1990 c 42 s 409;
5 (74) RCW 47.60.450 (Additional revenue bonds, refunding bonds,
6 authorized, 1961 Act--Revision of tolls to meet debt service) and 1986
7 c 66 s 7, 1984 c 7 s 331, & 1961 ex.s. c 9 s 6;
8 (75) RCW 47.60.502 (Hood Canal bridge--Legislative finding--
9 Authority to restore or replace) and 1979 c 27 s 1; and
10 (76) RCW 47.60.503 (Hood Canal bridge--Authority to obtain federal
11 emergency relief funds) and 1979 c 27 s 2.

Passed by the Senate April 18, 2005.

Passed by the House April 15, 2005.

Approved by the Governor May 9, 2005, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 9, 2005.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 1, Substitute
Senate Bill No. 5139 entitled:

"AN ACT Relating to highway and bridge tolling authority."

Section 1 of Substitute Senate Bill No. 5139 transfers the authority
for approving construction of toll roads from the Department of
Transportation (Department) to the Transportation Commission
(Commission). Now that the Commission no longer has oversight
authority, and the Department is a cabinet level agency, it is
inappropriate for the Commission to be approving construction of
transportation facilities.

For these reasons, I have vetoed Section 1 of Substitute Senate Bill
No. 5139.

With the exception of Section 1, Substitute Senate Bill No. 5139 is
approved."