
SUBSTITUTE SENATE BILL 5825

State of Washington

66th Legislature

2019 Regular Session

By Senate Transportation (originally sponsored by Senators Hobbs and King; by request of Department of Transportation)

READ FIRST TIME 04/09/19.

1 AN ACT Relating to tolling the Interstate 405, state route number
2 167, and state route number 509; amending RCW 47.56.880 and
3 47.56.884; reenacting and amending RCW 43.84.092; adding new sections
4 to chapter 47.56 RCW; creating a new section; repealing RCW
5 47.56.403; and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the
8 Puget Sound region is faced with growing traffic congestion and must
9 improve mobility for people and goods by maximizing the effectiveness
10 of the freeway system. Investments in the Interstate 405, state route
11 number 167, and state route number 509 corridors are essential for
12 providing benefits for the movement of vehicles and people. Further,
13 the legislature recognizes that in 2015, the passage of the
14 connecting Washington transportation revenue proposal assumed that
15 tolling would be a component of projects on these corridors.

16 (2) The legislature recognizes that completion of state route
17 number 167 in Pierce county and completion of state route number 509
18 in King county provide essential connections to the Port of Tacoma
19 and the Port of Seattle and will help ensure people and goods move
20 more reliably through the Puget Sound region. The completion of these
21 corridors, known as the Gateway project, will play an essential role

1 in enhancing the state's economic competitiveness, both nationally
2 and globally.

3 (3) The legislature acknowledges that as one of the most
4 congested freeway sections in the state, the Interstate number 405
5 and state route number 167 corridors in King county serves as an
6 ideal candidate for an express toll lanes network. The express toll
7 lanes network provides a tool for managing the use of high occupancy
8 vehicle lanes while generating funds to improve projects in the
9 corridor.

10 (4) Therefore, it is the intent of this act to designate the
11 Puget Sound Gateway project as an eligible toll facility and to
12 authorize the imposition of tolls on the Puget Sound Gateway
13 facility. It is further the intent of this act to direct the
14 department of transportation to develop and operate an express toll
15 lanes corridor on Interstate 405 from the city of Lynnwood on the
16 north end to state route number 167 and state route number 512 on the
17 south end.

18 **Sec. 2.** RCW 47.56.880 and 2011 c 369 s 3 are each amended to
19 read as follows:

20 (1) The imposition of tolls for express toll lanes on Interstate
21 405 between ~~((the junctions with))~~ Interstate 5 on the north end
22 ~~((and NE 6th Street))~~ in the city of ~~((Bellevue))~~ Lynnwood and
23 Interstate 5 on the south end in the city of Tukwila, and for state
24 route number 167 from Interstate 405 on the north end and state route
25 number 512 on the south end is authorized~~((r))~~. Interstate 405 ~~((is))~~
26 and state route number 167 are designated ~~((an))~~ eligible toll
27 ~~((facility))~~ facilities, and toll revenue generated in the corridors
28 must only be expended as allowed under RCW 47.56.820.

29 (2) Tolls for the express toll lanes must be set as follows:

30 (a) The schedule of toll rates must be set by the tolling
31 authority pursuant to RCW 47.56.850. Toll rates may vary in amount by
32 time of day, level of traffic congestion within the highway facility,
33 or other criteria, as the tolling authority deems appropriate.

34 (b) In those locations with two express toll lanes in each
35 direction, the toll rate must be the same in both lanes.

36 (c) Toll charges may not be assessed on transit buses and
37 vanpools.

38 (d) The department shall establish performance standards for
39 travel time, speed, and reliability for the express toll lanes

1 project. The department must automatically adjust the toll rate
2 within the schedule established by the tolling authority, using
3 dynamic tolling, to ((ensure)) maintain the goal that average vehicle
4 speeds in the lanes remain above forty-five miles per hour at least
5 ninety percent of the time during peak hours.

6 (e) The tolling authority shall periodically review the toll
7 rates against traffic performance of all lanes to determine if the
8 toll rates are effectively maintaining travel time, speed, and
9 reliability on the highway facilities.

10 (3) (~~The department may construct and operate express toll lanes
11 on Interstate 405 between the city of Bellevue on the south end and
12 Interstate 5 on the north end. Operation of the express toll lanes
13 may not commence until the department has completed capacity
14 improvements necessary to provide a two-lane system from NE 6th
15 Street in the city of Bellevue to state route number 522 and the
16 conversion of the existing high occupancy vehicle lane to an express
17 toll lane between state route number 522 and the city of Lynnwood.
18 Construction of the capacity improvements described in this
19 subsection, including items that enable implementation of express
20 toll lanes such as conduit and other underground features, must begin
21 as soon as practicable. However, any contract term regarding tolling
22 equipment, such as gantries, barriers, or cameras, for Interstate 405
23 may not take effect unless specific appropriation authority is
24 provided in 2012 stating that funding is provided solely for tolling
25 equipment on Interstate 405.~~) The department shall work with local
26 jurisdictions to minimize and monitor impacts to local streets and,
27 after consultation with local jurisdictions, recommend mitigation
28 measures to the legislature in those locations where it is
29 appropriate.

30 (4) The department shall monitor the express toll lanes
31 ((project)) and shall annually report until December 31, 2030, to the
32 transportation commission and the legislature on the impacts from the
33 project on the following performance measures:

34 (a) Whether the express toll lanes maintain speeds of forty-five
35 miles per hour at least ninety percent of the time during peak
36 periods, and any alternate metric determined by the department in
37 conjunction with the federal highway administration;

38 (b) Whether the average traffic speed changed in the general
39 purpose lanes;

40 (c) Whether transit ridership changed;

1 (d) Whether the actual use of the express toll lanes is
2 consistent with the projected use;

3 (e) Whether the express toll lanes generated sufficient revenue
4 to pay for all (~~Interstate 405~~) express toll lane-related operating
5 costs; and

6 (f) Whether travel times and volumes have increased or decreased
7 on adjacent local streets and state highways(~~;~~ and

8 ~~(g) Whether the actual gross revenues are consistent with~~
9 ~~projected gross revenues as identified in the fiscal note for~~
10 ~~Engrossed House Bill No. 1382 distributed by the office of financial~~
11 ~~management on March 15, 2011.~~

12 ~~(5) If after two years of operation of the express toll lanes on~~
13 ~~Interstate 405 performance measures listed in subsection (4) (a) and~~
14 ~~(e) of this section are not being met, the express toll lanes project~~
15 ~~must be terminated as soon as practicable)).~~

16 ~~((6))~~ (5) The department, in consultation with the
17 transportation commission, shall consider making operational changes
18 necessary to fix any unintended consequences of implementing the
19 express toll lanes (~~project~~)).

20 ~~((7))~~ (6) A violation of the lane restrictions applicable to
21 the express toll lanes established under this section is a traffic
22 infraction.

23 **Sec. 3.** RCW 47.56.884 and 2011 c 369 s 5 are each amended to
24 read as follows:

25 The Interstate 405 express toll lanes operations account is
26 created in the motor vehicle fund. All revenues received by the
27 department as toll charges collected from Interstate 405 express toll
28 lane users must be deposited into the account. Moneys in the account
29 may be spent only after appropriation(~~(-)~~) consistent with RCW
30 47.56.820 (~~(, expenditures from the account may be used for debt~~
31 ~~service, planning, administration, construction, maintenance,~~
32 ~~operation, repair, rebuilding, enforcement, and the expansion of~~
33 ~~express toll lanes on Interstate 405)).~~

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.56
35 RCW to read as follows:

36 The state route number 167 express toll lanes operations account
37 is created in the motor vehicle fund. All revenues received by the
38 department as toll charges collected from state route number 167

1 express toll lane users must be deposited into the account. Moneys in
2 the account may be spent only after appropriation. Consistent with
3 RCW 47.56.820, expenditures from the account may be used for debt
4 service, planning, administration, construction, maintenance,
5 operation, repair, rebuilding, enforcement, and the expansion of
6 express toll lanes on state route number 167.

7 NEW SECTION. **Sec. 5.** (1) The Puget Sound Gateway project is
8 designated an eligible toll facility, tolls are authorized to be
9 imposed on the Puget Sound Gateway facility, and toll revenue
10 generated must be expended only as allowed under RCW 47.56.820.

11 (2)(a) In setting toll rates for the Puget Sound Gateway
12 facility, pursuant to RCW 47.56.850, the tolling authority shall set
13 a variable schedule of toll rates to maintain travel time, speed, and
14 reliability on the Puget Sound Gateway facility.

15 (b) The tolling authority may adjust toll rates to reflect
16 inflation as measured by the consumer price index or as necessary for
17 those costs that are eligible under RCW 47.56.820 and to meet the
18 obligations of the tolling authority under RCW 47.56.850.

19 (3) For the purposes of this section and section 6 of this act,
20 "Puget Sound Gateway facility" means the state route number 167
21 roadway between north Meridian Avenue in Puyallup and Interstate 5 in
22 Fife, the state route number 509 spur between Interstate 5 in Fife
23 and state route number 509 in Tacoma, and the state route number 509
24 roadway between south 188th street and Interstate 5 in SeaTac.

25 NEW SECTION. **Sec. 6.** A special account to be known as the Puget
26 Sound Gateway facility account is created in the motor vehicle fund.

27 (1) Deposits to the account must include:

28 (a) All proceeds of bonds and loans issued for the Puget Sound
29 Gateway project, including capitalized interest;

30 (b) All tolls and other revenues received from the operation of
31 the Puget Sound Gateway facility, to be deposited at least monthly;

32 (c) Any interest that may be earned from the deposit or
33 investment of those revenues;

34 (d) Notwithstanding RCW 47.12.063, proceeds from the sale of any
35 surplus real property acquired for completing the Puget Sound Gateway
36 project, including existing state route number 509 right-of-way in
37 SeaTac and Des Moines; and

1 (e) All damages liquidated or otherwise, collected under any
2 contract involving the Puget Sound Gateway project.

3 (2) Subject to the covenants made by the state in the bond
4 proceedings authorizing the issuance and sale of bonds for the
5 construction of the Puget Sound Gateway project, toll charges, other
6 revenues, and interest received from the operations of the Puget
7 Sound Gateway facility may be used to:

8 (a) Pay any required costs allowed under RCW 47.56.820; and

9 (b) Repay amounts to the motor vehicle fund as required.

10 (3) When repaying the motor vehicle fund, the state treasurer
11 shall transfer funds from the Puget Sound Gateway facility account to
12 the motor vehicle fund on or before each debt service date for bonds
13 issued for the construction of the Puget Sound Gateway project in an
14 amount sufficient to repay the motor vehicle fund for amounts
15 transferred from that fund to the highway bond retirement fund to
16 provide for any bond principal and interest due on that date. The
17 state treasurer may establish subaccounts for segregating toll
18 charges, bond sale proceeds, and other revenues.

19 (4) Moneys in the account may be spent only after appropriation.

20 **Sec. 7.** RCW 43.84.092 and 2018 c 287 s 7, 2018 c 275 s 10, and
21 2018 c 203 s 14 are each reenacted and amended to read as follows:

22 (1) All earnings of investments of surplus balances in the state
23 treasury shall be deposited to the treasury income account, which
24 account is hereby established in the state treasury.

25 (2) The treasury income account shall be utilized to pay or
26 receive funds associated with federal programs as required by the
27 federal cash management improvement act of 1990. The treasury income
28 account is subject in all respects to chapter 43.88 RCW, but no
29 appropriation is required for refunds or allocations of interest
30 earnings required by the cash management improvement act. Refunds of
31 interest to the federal treasury required under the cash management
32 improvement act fall under RCW 43.88.180 and shall not require
33 appropriation. The office of financial management shall determine the
34 amounts due to or from the federal government pursuant to the cash
35 management improvement act. The office of financial management may
36 direct transfers of funds between accounts as deemed necessary to
37 implement the provisions of the cash management improvement act, and
38 this subsection. Refunds or allocations shall occur prior to the

1 distributions of earnings set forth in subsection (4) of this
2 section.

3 (3) Except for the provisions of RCW 43.84.160, the treasury
4 income account may be utilized for the payment of purchased banking
5 services on behalf of treasury funds including, but not limited to,
6 depository, safekeeping, and disbursement functions for the state
7 treasury and affected state agencies. The treasury income account is
8 subject in all respects to chapter 43.88 RCW, but no appropriation is
9 required for payments to financial institutions. Payments shall occur
10 prior to distribution of earnings set forth in subsection (4) of this
11 section.

12 (4) Monthly, the state treasurer shall distribute the earnings
13 credited to the treasury income account. The state treasurer shall
14 credit the general fund with all the earnings credited to the
15 treasury income account except:

16 (a) The following accounts and funds shall receive their
17 proportionate share of earnings based upon each account's and fund's
18 average daily balance for the period: The abandoned recreational
19 vehicle disposal account, the aeronautics account, the aircraft
20 search and rescue account, the Alaskan Way viaduct replacement
21 project account, the brownfield redevelopment trust fund account, the
22 budget stabilization account, the capital vessel replacement account,
23 the capitol building construction account, the Cedar River channel
24 construction and operation account, the Central Washington University
25 capital projects account, the charitable, educational, penal and
26 reformatory institutions account, the Chehalis basin account, the
27 cleanup settlement account, the Columbia river basin water supply
28 development account, the Columbia river basin taxable bond water
29 supply development account, the Columbia river basin water supply
30 revenue recovery account, the common school construction fund, the
31 community forest trust account, the connecting Washington account,
32 the county arterial preservation account, the county criminal justice
33 assistance account, the deferred compensation administrative account,
34 the deferred compensation principal account, the department of
35 licensing services account, the department of licensing tuition
36 recovery trust fund, the department of retirement systems expense
37 account, the developmental disabilities community trust account, the
38 diesel idle reduction account, the drinking water assistance account,
39 the drinking water assistance administrative account, the early
40 learning facilities development account, the early learning

1 facilities revolving account, the Eastern Washington University
2 capital projects account, the Interstate 405 express toll lanes
3 operations account, the education construction fund, the education
4 legacy trust account, the election account, the electric vehicle
5 charging infrastructure account, the energy freedom account, the
6 energy recovery act account, the essential rail assistance account,
7 The Evergreen State College capital projects account, the federal
8 forest revolving account, the ferry bond retirement fund, the freight
9 mobility investment account, the freight mobility multimodal account,
10 the grade crossing protective fund, the public health services
11 account, the high capacity transportation account, the state higher
12 education construction account, the higher education construction
13 account, the highway bond retirement fund, the highway infrastructure
14 account, the highway safety fund, the high occupancy toll lanes
15 operations account, the hospital safety net assessment fund, the
16 industrial insurance premium refund account, the judges' retirement
17 account, the judicial retirement administrative account, the judicial
18 retirement principal account, the local leasehold excise tax account,
19 the local real estate excise tax account, the local sales and use tax
20 account, the marine resources stewardship trust account, the medical
21 aid account, the mobile home park relocation fund, the money-purchase
22 retirement savings administrative account, the money-purchase
23 retirement savings principal account, the motor vehicle fund, the
24 motorcycle safety education account, the multimodal transportation
25 account, the multiuse roadway safety account, the municipal criminal
26 justice assistance account, the natural resources deposit account,
27 the oyster reserve land account, the pension funding stabilization
28 account, the perpetual surveillance and maintenance account, the
29 pollution liability insurance agency underground storage tank
30 revolving account, the public employees' retirement system plan 1
31 account, the public employees' retirement system combined plan 2 and
32 plan 3 account, the public facilities construction loan revolving
33 account beginning July 1, 2004, the public health supplemental
34 account, the public works assistance account, the Puget Sound capital
35 construction account, the Puget Sound ferry operations account, the
36 Puget Sound Gateway facility account, the Puget Sound taxpayer
37 accountability account, the real estate appraiser commission account,
38 the recreational vehicle account, the regional mobility grant program
39 account, the resource management cost account, the rural arterial
40 trust account, the rural mobility grant program account, the rural

1 Washington loan fund, the sexual assault prevention and response
2 account, the site closure account, the skilled nursing facility
3 safety net trust fund, the small city pavement and sidewalk account,
4 the special category C account, the special wildlife account, the
5 state employees' insurance account, the state employees' insurance
6 reserve account, the state investment board expense account, the
7 state investment board commingled trust fund accounts, the state
8 patrol highway account, the state route number 167 express toll lanes
9 operations account, the state route number 520 civil penalties
10 account, the state route number 520 corridor account, the state
11 wildlife account, the statewide tourism marketing account, the
12 student achievement council tuition recovery trust fund, the
13 supplemental pension account, the Tacoma Narrows toll bridge account,
14 the teachers' retirement system plan 1 account, the teachers'
15 retirement system combined plan 2 and plan 3 account, the tobacco
16 prevention and control account, the tobacco settlement account, the
17 toll facility bond retirement account, the transportation 2003
18 account (nickel account), the transportation equipment fund, the
19 transportation future funding program account, the transportation
20 improvement account, the transportation improvement board bond
21 retirement account, the transportation infrastructure account, the
22 transportation partnership account, the traumatic brain injury
23 account, the tuition recovery trust fund, the University of
24 Washington bond retirement fund, the University of Washington
25 building account, the volunteer firefighters' and reserve officers'
26 relief and pension principal fund, the volunteer firefighters' and
27 reserve officers' administrative fund, the Washington judicial
28 retirement system account, the Washington law enforcement officers'
29 and firefighters' system plan 1 retirement account, the Washington
30 law enforcement officers' and firefighters' system plan 2 retirement
31 account, the Washington public safety employees' plan 2 retirement
32 account, the Washington school employees' retirement system combined
33 plan 2 and 3 account, the Washington state health insurance pool
34 account, the Washington state patrol retirement account, the
35 Washington State University building account, the Washington State
36 University bond retirement fund, the water pollution control
37 revolving administration account, the water pollution control
38 revolving fund, the Western Washington University capital projects
39 account, the Yakima integrated plan implementation account, the
40 Yakima integrated plan implementation revenue recovery account, and

1 the Yakima integrated plan implementation taxable bond account.
2 Earnings derived from investing balances of the agricultural
3 permanent fund, the normal school permanent fund, the permanent
4 common school fund, the scientific permanent fund, the state
5 university permanent fund, and the state reclamation revolving
6 account shall be allocated to their respective beneficiary accounts.

7 (b) Any state agency that has independent authority over accounts
8 or funds not statutorily required to be held in the state treasury
9 that deposits funds into a fund or account in the state treasury
10 pursuant to an agreement with the office of the state treasurer shall
11 receive its proportionate share of earnings based upon each account's
12 or fund's average daily balance for the period.

13 (5) In conformance with Article II, section 37 of the state
14 Constitution, no treasury accounts or funds shall be allocated
15 earnings without the specific affirmative directive of this section.

16 NEW SECTION. **Sec. 8.** RCW 47.56.403 (High occupancy toll lane
17 pilot project) and 2017 c 313 s 712, 2015 1st sp.s. c 10 s 705, 2013
18 c 306 s 709, 2011 c 367 s 709, & 2005 c 312 s 3 are each repealed.

19 NEW SECTION. **Sec. 9.** Sections 5 and 6 of this act are each
20 added to chapter 47.56 RCW and codified with the subchapter heading
21 of "toll facilities created after July 1, 2008."

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