

**ESHB 2211** - S AMD 495

By Senators Haugen, Swecker, Marr, Jarrett

ADOPTED 04/24/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** It is the intent of the legislature that  
4 the state authorize early tolling on the state route number 520  
5 corridor in order to secure the authority to spend federal grant moneys  
6 provided to Washington state as part of the urban partnership grant  
7 program.

8 It is further the intent of the legislature to impose tolls on the  
9 state route number 520 floating bridge subject to section 2 of this  
10 act, to help finance construction of the replacement state route number  
11 520 floating bridge and necessary landings.

12 It is further the intent of the legislature to expedite the  
13 replacement of the floating bridge and necessary landings in a manner  
14 that does not preclude local design options on either side of the state  
15 route number 520 corridor. For all projects in the state route number  
16 520 corridor program, the legislature intends that the total cost will  
17 be no more than four billion six hundred fifty million dollars.

18 It is further the intent of the legislature that if the tolls on  
19 the state route number 520 corridor significantly alter the performance  
20 of nearby facilities, the legislature will reconsider the tolling  
21 policy for the corridor.

22 It is further the intent of the legislature that the department of  
23 transportation applies for federal stimulus funds for projects in the  
24 corridor.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.56 RCW  
26 under the subchapter heading "toll facilities created after July 1,  
27 2008" to read as follows:

28 (1) The initial imposition of tolls on the state route number 520

1 corridor is authorized, the state route number 520 corridor is  
2 designated an eligible toll facility, and toll revenue generated in the  
3 corridor must only be expended as allowed under RCW 47.56.820.

4 (2) The state route number 520 corridor consists of that portion of  
5 state route number 520 between the junctions of Interstate 5 and state  
6 route number 202. The toll imposed by this section shall be charged  
7 only for travel on the floating bridge portion of the state route  
8 number 520 corridor.

9 (3)(a) In setting the toll rates for the corridor pursuant to RCW  
10 47.56.850, the tolling authority shall set a variable schedule of toll  
11 rates to maintain travel time, speed, and reliability on the corridor  
12 and generate the necessary revenue as required under (b) of this  
13 subsection.

14 (b) The tolling authority shall initially set the variable schedule  
15 of toll rates, which the tolling authority may adjust at least annually  
16 to reflect inflation as measured by the consumer price index or as  
17 necessary to meet the redemption of bonds and interest payments on the  
18 bonds, to generate revenue sufficient to provide for:

19 (i) The issuance of general obligation bonds first payable from  
20 toll revenue and then excise taxes on motor vehicle and special fuels  
21 pledged for the payment of those bonds in the amount necessary to fund  
22 the replacement state route number 520 floating bridge and necessary  
23 landings, subject to subsection (4) of this section; and

24 (ii) Costs associated with the project designated in subsection (4)  
25 of this section that are eligible under RCW 47.56.820.

26 (4) The proceeds of the bonds designated in subsection (3)(b)(i) of  
27 this section, which together with other appropriated and identified  
28 state and federal funds is sufficient to pay for the replacement of the  
29 floating bridge segment and necessary landings of state route number  
30 520, must be used only to fund the construction of the replacement  
31 state route number 520 floating bridge and necessary landings.

32 (5) The department may carry out the construction and improvements  
33 designated in subsection (4) of this section and administer the tolling  
34 program on the state route number 520 corridor.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.56 RCW  
36 to read as follows:

1 (1)(a) The state route number 520 work group is created. The work  
2 group shall consist of the following members:

3 (i) The legislators from the forty-third legislative district;

4 (ii) The legislators from the forty-eighth legislative district;

5 (iii) The secretary of transportation;

6 (iv) Two legislators from each of the forty-sixth and forty-fifth  
7 legislative districts as jointly determined by the speaker of the house  
8 of representatives and the president of the senate;

9 (v) The chairs of the transportation committees of the legislature,  
10 who may each appoint one additional legislator from the joint  
11 transportation committee representing a legislative district outside of  
12 the state route number 520 corridor; and

13 (vi) The member of the transportation commission representing King  
14 county.

15 (b) The work group members shall elect two cochairs to consist of  
16 one legislative member representing the east side of the state route  
17 number 520 corridor and one legislative member representing the west  
18 side of the state route number 520 corridor. The work group shall  
19 conduct at least three meetings consisting of an initial meeting, a  
20 midcourse meeting, and a final meeting.

21 (2) The state route number 520 work group must:

22 (a) Review and recommend a financing strategy, in conjunction with  
23 the department, to fund the projects in the state route number 520  
24 corridor that reflects the design options recommended under (b) of this  
25 subsection. The financing strategy must be based on a total cost of  
26 all the intended projects in the state route number 520 corridor that  
27 does not exceed four billion six hundred fifty million dollars;

28 (b) Recommend design options that provide for a full state route  
29 number 520 corridor project, including projects in the corridor for  
30 which the department applies for federal stimulus funds provided in the  
31 American recovery and reinvestment act of 2009, that meets the needs of  
32 the region's transportation system while providing appropriate  
33 mitigation for the neighborhood and communities in the area directly  
34 impacted by the project; and

35 (c) Present a final report with recommendations on financing and  
36 design options to the legislature and the governor by January 1, 2010.  
37 The recommendations will inform the supplemental draft environmental

1 impact statement process for the state route number 520 corridor. The  
2 process must continue through 2009.

3 (3) All design options considered or recommended by the state route  
4 number 520 work group must adhere to RCW 47.01.408.

5 (4) The state route number 520 work group shall form a westside  
6 subgroup to conduct a detailed review and make recommendations on  
7 design options on the west side of the corridor, which extends from the  
8 west end of the floating bridge to Interstate 5. The westside subgroup  
9 shall consult with neighborhood and community groups impacted by the  
10 potential design options. The work group may form an eastside subgroup  
11 to review current design options on the east side of the corridor,  
12 which extends from the east end of the floating bridge to state route  
13 number 202.

14 (5) The state route number 520 work group shall consult with the  
15 governor and legislators representing the primary users of the state  
16 route number 520 corridor.

17 (6) The department shall provide staff support to the state route  
18 number 520 work group.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.56 RCW  
20 under the subchapter heading "toll facilities created after July 1,  
21 2008" to read as follows:

22 A special account to be known as the state route number 520  
23 corridor account is created in the state treasury.

24 (1) Deposits to the account must include:

25 (a) All proceeds of bonds issued for construction of the  
26 replacement state route number 520 floating bridge and necessary  
27 landings, including any capitalized interest;

28 (b) All of the tolls and other revenues received from the operation  
29 of the state route number 520 corridor as a toll facility, to be  
30 deposited at least monthly;

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

33 (d) Notwithstanding RCW 47.12.063, proceeds from the sale of any  
34 surplus real property acquired for the purpose of building the  
35 replacement state route number 520 floating bridge and necessary  
36 landings; and

1 (e) All damages, liquidated or otherwise, collected under any  
2 contract involving the construction of the replacement state route  
3 number 520 floating bridge and necessary landings.

4 (2) Subject to the covenants made by the state in the bond  
5 proceedings authorizing the issuance and sale of bonds for the  
6 replacement state route number 520 floating bridge and necessary  
7 landings, toll charges, other revenues, and interest received from the  
8 operation of the state route number 520 corridor as a toll facility may  
9 be used to:

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

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

12 (3) When repaying the motor vehicle fund, the state treasurer shall  
13 transfer funds from the state route number 520 corridor account to the  
14 motor vehicle fund on or before each debt service date for bonds issued  
15 for the replacement state route number 520 floating bridge project and  
16 necessary landings in an amount sufficient to repay the motor vehicle  
17 fund for amounts transferred from that fund to the highway bond  
18 retirement fund to provide for any bond principal and interest due on  
19 that date. The state treasurer may establish subaccounts for the  
20 purpose of segregating toll charges, bond sale proceeds, and other  
21 revenues.

22 **Sec. 5.** RCW 43.84.092 and 2008 c 128 s 19 and 2008 c 106 s 4 are  
23 each reenacted and amended to read as follows:

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

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

1 between accounts as deemed necessary to implement the provisions of the  
2 cash management improvement act, and this subsection. Refunds or  
3 allocations shall occur prior to the distributions of earnings set  
4 forth in subsection (4) of this section.

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

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

17 The following accounts and funds shall receive their proportionate  
18 share of earnings based upon each account's and fund's average daily  
19 balance for the period: The aeronautics account, the aircraft search  
20 and rescue account, the budget stabilization account, the capitol  
21 building construction account, the Cedar River channel construction and  
22 operation account, the Central Washington University capital projects  
23 account, the charitable, educational, penal and reformatory  
24 institutions account, the cleanup settlement account, the Columbia  
25 river basin water supply development account, the common school  
26 construction fund, the county arterial preservation account, the county  
27 criminal justice assistance account, the county sales and use tax  
28 equalization account, the data processing building construction  
29 account, the deferred compensation administrative account, the deferred  
30 compensation principal account, the department of licensing services  
31 account, the department of retirement systems expense account, the  
32 developmental disabilities community trust account, the drinking water  
33 assistance account, the drinking water assistance administrative  
34 account, the drinking water assistance repayment account, the Eastern  
35 Washington University capital projects account, the education  
36 construction fund, the education legacy trust account, the election  
37 account, the energy freedom account, the essential rail assistance  
38 account, The Evergreen State College capital projects account, the

1 federal forest revolving account, the ferry bond retirement fund, the  
2 freight congestion relief account, the freight mobility investment  
3 account, the freight mobility multimodal account, the grade crossing  
4 protective fund, the health services account, the public health  
5 services account, the health system capacity account, the personal  
6 health services account, the high capacity transportation account, the  
7 state higher education construction account, the higher education  
8 construction account, the highway bond retirement fund, the highway  
9 infrastructure account, the highway safety account, the high occupancy  
10 toll lanes operations account, the industrial insurance premium refund  
11 account, the judges' retirement account, the judicial retirement  
12 administrative account, the judicial retirement principal account, the  
13 local leasehold excise tax account, the local real estate excise tax  
14 account, the local sales and use tax account, the medical aid account,  
15 the mobile home park relocation fund, the motor vehicle fund, the  
16 motorcycle safety education account, the multimodal transportation  
17 account, the municipal criminal justice assistance account, the  
18 municipal sales and use tax equalization account, the natural resources  
19 deposit account, the oyster reserve land account, the pension funding  
20 stabilization account, the perpetual surveillance and maintenance  
21 account, the public employees' retirement system plan 1 account, the  
22 public employees' retirement system combined plan 2 and plan 3 account,  
23 the public facilities construction loan revolving account beginning  
24 July 1, 2004, the public health supplemental account, the public  
25 transportation systems account, the public works assistance account,  
26 the Puget Sound capital construction account, the Puget Sound ferry  
27 operations account, the Puyallup tribal settlement account, the real  
28 estate appraiser commission account, the recreational vehicle account,  
29 the regional mobility grant program account, the resource management  
30 cost account, the rural arterial trust account, the rural Washington  
31 loan fund, the safety and education account, the site closure account,  
32 the small city pavement and sidewalk account, the special category C  
33 account, the special wildlife account, the state employees' insurance  
34 account, the state employees' insurance reserve account, the state  
35 investment board expense account, the state investment board commingled  
36 trust fund accounts, the state patrol highway account, the state route  
37 number 520 corridor account, the supplemental pension account, the  
38 Tacoma Narrows toll bridge account, the teachers' retirement system

1 plan 1 account, the teachers' retirement system combined plan 2 and  
2 plan 3 account, the tobacco prevention and control account, the tobacco  
3 settlement account, the transportation 2003 account (nickel account),  
4 the transportation equipment fund, the transportation fund, the  
5 transportation improvement account, the transportation improvement  
6 board bond retirement account, the transportation infrastructure  
7 account, the transportation partnership account, the traumatic brain  
8 injury account, the tuition recovery trust fund, the University of  
9 Washington bond retirement fund, the University of Washington building  
10 account, the urban arterial trust account, the volunteer firefighters'  
11 and reserve officers' relief and pension principal fund, the volunteer  
12 firefighters' and reserve officers' administrative fund, the Washington  
13 fruit express account, the Washington judicial retirement system  
14 account, the Washington law enforcement officers' and firefighters'  
15 system plan 1 retirement account, the Washington law enforcement  
16 officers' and firefighters' system plan 2 retirement account, the  
17 Washington public safety employees' plan 2 retirement account, the  
18 Washington school employees' retirement system combined plan 2 and 3  
19 account, the Washington state health insurance pool account, the  
20 Washington state patrol retirement account, the Washington State  
21 University building account, the Washington State University bond  
22 retirement fund, the water pollution control revolving fund, and the  
23 Western Washington University capital projects account. Earnings  
24 derived from investing balances of the agricultural permanent fund, the  
25 normal school permanent fund, the permanent common school fund, the  
26 scientific permanent fund, and the state university permanent fund  
27 shall be allocated to their respective beneficiary accounts. All  
28 earnings to be distributed under this subsection (4)((+a+)) shall first  
29 be reduced by the allocation to the state treasurer's service fund  
30 pursuant to RCW 43.08.190.

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

34 NEW SECTION. **Sec. 6.** A new section is added to chapter 47.56 RCW  
35 to read as follows:

36 Prior to the convening of each regular session of the legislature,  
37 the transportation commission must provide the transportation



1 committees of the legislature with a detailed report regarding any  
2 increase or decrease in any toll rate approved by the commission that  
3 has not been described in a previous report provided pursuant to this  
4 section, along with a detailed justification for each such increase or  
5 decrease.

6 NEW SECTION. **Sec. 7.** This act takes effect August 1, 2009."

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By Senators Haugen, Swecker, Marr, Jarrett

**ADOPTED 04/24/2009**

7 On page 1, line 2 of the title, after "corridor;" strike the  
8 remainder of the title and insert "reenacting and amending RCW  
9 43.84.092; adding new sections to chapter 47.56 RCW; creating a new  
10 section; and providing an effective date."

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