

SSB 6392 - S AMD 187
By Senator Haugen

ADOPTED 02/16/2010

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

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that during the
4 2009 legislative session tolling was authorized on the state route
5 number 520 corridor. As such, it is the intent of the legislature that
6 tolling commences in the spring of 2011 on the existing state route
7 number 520 bridge.

8 The legislature further recognizes that tolling of the state route
9 number 520 corridor is integrally related to the issuance of a final
10 project design resulting from the supplemental draft environmental
11 impact statement for the state route number 520 bridge replacement and
12 HOV program released in January 2010. It is the intent of the
13 legislature that the department of transportation work with affected
14 neighborhoods and local governments, including the mayor of the city of
15 Seattle and the Seattle city council, to refine the preferred
16 alternative design in the supplemental draft environmental impact
17 statement so that the final design of the state route number 520 bridge
18 replacement and HOV program will, to the extent required by state and
19 federal law, include reasonable assurance that project impacts will be
20 mitigated as much as practicable to protect against further adverse
21 impacts on neighborhood environmental quality. Within the cost
22 constraints identified in section 1, chapter 472, Laws of 2009, and
23 consistent with an opening date to vehicular traffic of 2014, it is
24 further the intent of the legislature that any final design of the
25 state route number 520 bridge replacement and HOV program accommodate
26 effective connections for transit, including high capacity transit, to
27 the light rail station at the University of Washington, consistent with
28 the requirements of RCW 47.01.408, and ensure the effective, efficient,
29 and feasible coordination of bus services and light rail services
30 throughout the state route number 520 corridor, consistent with the

1 requirements of RCW 47.01.410. The legislature further intends that
2 any cost savings applicable to the state route number 520 bridge
3 replacement and HOV program stay within the program.

4 **Sec. 2.** RCW 47.56.870 and 2009 c 472 s 2 are each amended to read
5 as follows:

6 (1) The initial imposition of tolls on the state route number 520
7 corridor is authorized, the state route number 520 corridor is
8 designated an eligible toll facility, and toll revenue generated in the
9 corridor must only be expended as allowed under RCW 47.56.820.

10 (2) The state route number 520 corridor consists of that portion of
11 state route number 520 between the junctions of Interstate 5 and state
12 route number 202. The toll imposed by this section shall be charged
13 only for travel on the floating bridge portion of the state route
14 number 520 corridor.

15 (3)(a) In setting the toll rates for the corridor pursuant to RCW
16 47.56.850, the tolling authority shall set a variable schedule of toll
17 rates to maintain travel time, speed, and reliability on the corridor
18 and generate the necessary revenue as required under (b) of this
19 subsection.

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

25 (i) The issuance of general obligation bonds first payable from
26 toll revenue and then excise taxes on motor vehicle and special fuels
27 pledged for the payment of those bonds in the amount necessary to fund
28 the (~~replacement state route number 520 floating bridge and necessary~~
29 ~~landings~~) state route number 520 bridge replacement and HOV program,
30 subject to subsection (4) of this section; and

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

33 (4)(a) The proceeds of the bonds designated in subsection (3)(b)(i)
34 of this section(~~, which together with other appropriated and~~
35 ~~identified state and federal funds is sufficient to pay for the~~
36 ~~replacement of the floating bridge segment and necessary landings of~~
37 ~~state route number 520,~~) must be used only to fund the ((construction

1 ~~of the replacement state route number 520 floating bridge and necessary~~
2 ~~landings))~~ state route number 520 bridge replacement and HOV program;
3 however, two hundred million dollars of bond proceeds, in excess of the
4 proceeds necessary to complete the floating bridge segment and
5 necessary landings, must be used only to fund the state route number
6 520, Interstate 5 to Medina bridge replacement and HOV project segment
7 of the program, as identified in applicable environmental impact
8 statements.

9 (b) The program must include the following elements within the cost
10 constraints identified in section 1, chapter 472, Laws of 2009,
11 consistent with the legislature's intent that cost savings applicable
12 to the program stay within the program:

13 (i) A project design, consistent with RCW 47.01.408, that includes
14 high occupancy vehicle lanes with a minimum carpool occupancy
15 requirement of three-plus persons on state route number 520;

16 (ii) High occupancy vehicle lane performance standards for the
17 state route number 520 corridor established by the department. The
18 department shall report to the transportation committees of the
19 legislature when average transit speeds in the two lanes that are for
20 high occupancy vehicle travel fall below forty-five miles per hour at
21 least ninety percent of the time during peak hours;

22 (iii) A work group convened by the department to include sound
23 transit, King county metro, the Seattle department of transportation,
24 and the University of Washington to study and make recommendations of
25 alternative connections for transit, including high capacity transit,
26 to the light rail station at the University of Washington. The
27 recommendations must be alternatives to the transit connections
28 identified in the supplemental draft environmental impact statement for
29 the state route number 520 bridge replacement and HOV program released
30 in January 2010, and must meet the requirements under RCW 47.01.408,
31 including accommodating effective connections for transit. For the
32 purposes of this subsection, "effective connections for transit" means
33 a connection that connects transit stops, including high capacity
34 transit stops, that serve the state route number 520/Montlake
35 interchange vicinity to the light rail station at the University of
36 Washington, with a connection distance of less than one thousand two
37 hundred feet between the stops and the light rail station. The

1 department shall submit the recommendations by July 5, 2010, to the
2 governor and the transportation committees of the legislature;

3 (iv) A work group convened by the department to include sound
4 transit and King county metro to study and make recommendations
5 regarding options for financing high capacity transit through the state
6 route number 520 corridor. The department shall submit the
7 recommendations by January 1, 2011, to the governor and the
8 transportation committees of the legislature;

9 (v) A plan to address mitigation as a result of the state route
10 number 520 bridge replacement and HOV program at the Washington park
11 arboretum. As part of its process, the department shall consult with
12 the governing board of the Washington park arboretum, the Seattle city
13 council and mayor, and the University of Washington to identify all
14 mitigation required by state and federal law resulting from the state
15 route number 520 bridge replacement and HOV program's impact on the
16 arboretum, and to develop a project mitigation plan to address these
17 impacts. The department shall submit the mitigation plan by December
18 31, 2010, to the governor and the transportation committees of the
19 legislature. Wetland mitigation required by state and federal law as
20 a result of the state route number 520 bridge replacement and HOV
21 program's impacts on the arboretum must, to the greatest extent
22 practicable, include on-site wetland mitigation at the Washington park
23 arboretum, and must enhance the Washington park arboretum. This
24 subsection (4)(b)(v) does not preclude any other mitigation planned for
25 the Washington park arboretum as a result of the state route number 520
26 bridge replacement and HOV program;

27 (vi) A work group convened by the department to include the mayor
28 of the city of Seattle, the Seattle city council, the Seattle
29 department of transportation, and other persons or organizations as
30 designated by the Seattle city council and mayor to study and make
31 recommendations regarding design refinements to the preferred
32 alternative selected by the department in the supplemental draft
33 environmental impact statement process for the state route number 520
34 bridge replacement and HOV program. To accommodate a timely
35 progression of the state route number 520 bridge replacement and HOV
36 program, the design refinements recommended by the work group must be
37 consistent with the current environmental documents prepared by the
38 department for the supplemental draft environmental impact statement.

1 The department shall submit the recommendations to the legislature and
2 governor by July 5, 2010, and the recommendations must inform the final
3 environmental impact statement prepared by the department; and

4 (vii) An account, created in section 4 of this act, into which
5 civil penalties generated from the nonpayment of tolls on the state
6 route number 520 corridor are deposited to be used to fund any project
7 within the program, including mitigation. However, this subsection
8 (4)(b)(vii) is contingent on the enactment by June 30, 2010, of either
9 chapter . . . (Engrossed Substitute Senate Bill No. 6499), Laws of 2010
10 or chapter . . . (Substitute House Bill No. 2897), Laws of 2010, but if
11 the enacted bill does not designate the department as the toll penalty
12 adjudicating agency, this subsection (4)(b)(vii) is null and void.

13 (5) The department may carry out the ~~((construction—and))~~
14 improvements designated in subsection (4) of this section and
15 administer the tolling program on the state route number 520 corridor.

16 **Sec. 3.** RCW 47.56.875 and 2009 c 472 s 4 are each amended to read
17 as follows:

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

20 (1) Deposits to the account must include:

21 (a) All proceeds of bonds issued for ~~((construction—of—the~~
22 ~~replacement state route number 520 floating bridge and necessary~~
23 ~~landings)) the state route number 520 bridge replacement and HOV~~
24 program, including any capitalized interest;

25 (b) Except as provided in RCW 47.56.870(4)(b)(vii), all of the
26 tolls and other revenues received from the operation of the state route
27 number 520 corridor as a toll facility, to be deposited at least
28 monthly;

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

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

36 (e) All damages, liquidated or otherwise, collected under any

1 contract involving the (~~construction of the replacement state route~~
2 ~~number 520 floating bridge and necessary landings~~) state route number
3 520 bridge replacement and HOV program.

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~~) state route number 520 bridge replacement and HOV program,
8 toll charges, other revenues, and interest received from the operation
9 of the state route number 520 corridor as a toll facility may be used
10 to:

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

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

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

23 NEW SECTION. Sec. 4. A new section is added to chapter 47.56 RCW
24 to read as follows:

25 (1) A special account to be known as the state route number 520
26 civil penalties account is created in the state treasury. All state
27 route number 520 bridge replacement and HOV program civil penalties
28 generated from the nonpayment of tolls on the state route number 520
29 corridor must be deposited into the account, as provided under RCW
30 47.56.870(4)(b)(vii). Moneys in the account may be spent only after
31 appropriation. Expenditures from the account may be used to fund any
32 project within the state route number 520 bridge replacement and HOV
33 program, including mitigation.

34 (2) This section is contingent on the enactment by June 30, 2010,
35 of either chapter . . . (Engrossed Substitute Senate Bill No. 6499),
36 Laws of 2010 or chapter . . . (Substitute House Bill No. 2897), Laws of

1 2010, but if the enacted bill does not designate the department as the
2 toll penalty adjudicating agency, this section is null and void."

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3 On page 1, line 2 of the title, after "corridor;" strike the
4 remainder of the title and insert "amending RCW 47.56.870 and
5 47.56.875; adding a new section to chapter 47.56 RCW; and creating a
6 new section."

EFFECT: (1) Adds intent language;

(2) Provides that \$200 million dollars of toll-backed bond proceeds must be used for the west side of the corridor project;

(3) Provides legislative intent that the total project costs not exceed \$4.65 billion dollars and that any project cost savings stay within the corridor;

(4) States that the SR 520 HOV lanes must have a minimum carpool occupancy of "3+" persons;

(5) Requires WSDOT to establish HOV lane performance standards and report to the legislature when transit operations fall below the standard;

(6) Establishes a work group to study alternative transit connections at the UW light rail station;

(7) Establishes a work group to make recommendations regarding options for financing high capacity transit through the corridor;

(8) Requires WSDOT to adopt a mitigation plan for the Washington Park Arboretum;

(9) Establishes a work group to make recommendations regarding design refinements to WSDOT's preferred alternative; and

(10) Creates an account into which civil penalties for failing to pay tolls on the corridor are deposited, to be used for any project within the corridor, including mitigation.

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