

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2211

61st Legislature
2009 Regular Session

Passed by the House April 25, 2009
Yeas 52 Nays 43

Speaker of the House of Representatives

Passed by the Senate April 24, 2009
Yeas 32 Nays 16

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2211** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2211

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House Transportation (originally sponsored by Representatives
Clibborn, Eddy, Maxwell, and Liias)

READ FIRST TIME 04/09/09.

1 AN ACT Relating to the authorization, administration, collection,
2 and enforcement of tolls on the state route number 520 corridor;
3 reenacting and amending RCW 43.84.092; adding new sections to chapter
4 47.56 RCW; creating a new section; and providing an effective date.

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

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

10 It is further the intent of the legislature to impose tolls on the
11 state route number 520 floating bridge subject to section 2 of this
12 act, to help finance construction of the replacement state route number
13 520 floating bridge and necessary landings.

14 It is further the intent of the legislature to expedite the
15 replacement of the floating bridge and necessary landings in a manner
16 that does not preclude local design options on either side of the state
17 route number 520 corridor. For all projects in the state route number
18 520 corridor program, the legislature intends that the total cost will
19 be no more than four billion six hundred fifty million dollars.

1 It is further the intent of the legislature that if the tolls on
2 the state route number 520 corridor significantly alter the performance
3 of nearby facilities, the legislature will reconsider the tolling
4 policy for the corridor.

5 It is further the intent of the legislature that the department of
6 transportation applies for federal stimulus funds for projects in the
7 corridor.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.56 RCW
9 under the subchapter heading "toll facilities created after July 1,
10 2008" to read as follows:

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

15 (2) The state route number 520 corridor consists of that portion of
16 state route number 520 between the junctions of Interstate 5 and state
17 route number 202. The toll imposed by this section shall be charged
18 only for travel on the floating bridge portion of the state route
19 number 520 corridor.

20 (3)(a) In setting the toll rates for the corridor pursuant to RCW
21 47.56.850, the tolling authority shall set a variable schedule of toll
22 rates to maintain travel time, speed, and reliability on the corridor
23 and generate the necessary revenue as required under (b) of this
24 subsection.

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

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

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

1 (4) The proceeds of the bonds designated in subsection (3)(b)(i) of
2 this section, which together with other appropriated and identified
3 state and federal funds is sufficient to pay for the replacement of the
4 floating bridge segment and necessary landings of state route number
5 520, must be used only to fund the construction of the replacement
6 state route number 520 floating bridge and necessary landings.

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

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

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

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

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

16 (iii) The secretary of transportation;

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

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

24 (vi) The member of the transportation commission representing King
25 county.

26 (b) The work group members shall elect two cochairs to consist of
27 one legislative member representing the east side of the state route
28 number 520 corridor and one legislative member representing the west
29 side of the state route number 520 corridor. The work group shall
30 conduct at least three meetings consisting of an initial meeting, a
31 midcourse meeting, and a final meeting.

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

33 (a) Review and recommend a financing strategy, in conjunction with
34 the department, to fund the projects in the state route number 520
35 corridor that reflects the design options recommended under (b) of this
36 subsection. The financing strategy must be based on a total cost of

1 all the intended projects in the state route number 520 corridor that
2 does not exceed four billion six hundred fifty million dollars;

3 (b) Recommend design options that provide for a full state route
4 number 520 corridor project, including projects in the corridor for
5 which the department applies for federal stimulus funds provided in the
6 American recovery and reinvestment act of 2009, that meets the needs of
7 the region's transportation system while providing appropriate
8 mitigation for the neighborhood and communities in the area directly
9 impacted by the project; and

10 (c) Present a final report with recommendations on financing and
11 design options to the legislature and the governor by January 1, 2010.
12 The recommendations will inform the supplemental draft environmental
13 impact statement process for the state route number 520 corridor. The
14 process must continue through 2009.

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

17 (4) The state route number 520 work group shall form a westside
18 subgroup to conduct a detailed review and make recommendations on
19 design options on the west side of the corridor, which extends from the
20 west end of the floating bridge to Interstate 5. The westside subgroup
21 shall consult with neighborhood and community groups impacted by the
22 potential design options. The work group may form an eastside subgroup
23 to review current design options on the east side of the corridor,
24 which extends from the east end of the floating bridge to state route
25 number 202.

26 (5) The state route number 520 work group shall consult with the
27 governor and legislators representing the primary users of the state
28 route number 520 corridor.

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

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.56 RCW
32 under the subchapter heading "toll facilities created after July 1,
33 2008" to read as follows:

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

36 (1) Deposits to the account must include:

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

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

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

9 (d) Notwithstanding RCW 47.12.063, proceeds from the sale of any
10 surplus real property acquired for the purpose of building the
11 replacement state route number 520 floating bridge and necessary
12 landings; and

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

16 (2) Subject to the covenants made by the state in the bond
17 proceedings authorizing the issuance and sale of bonds for the
18 replacement state route number 520 floating bridge and necessary
19 landings, toll charges, other revenues, and interest received from the
20 operation of the state route number 520 corridor as a toll facility may
21 be used to:

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

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

24 (3) When repaying the motor vehicle fund, the state treasurer shall
25 transfer funds from the state route number 520 corridor account to the
26 motor vehicle fund on or before each debt service date for bonds issued
27 for the replacement state route number 520 floating bridge project and
28 necessary landings in an amount sufficient to repay the motor vehicle
29 fund for amounts transferred from that fund to the highway bond
30 retirement fund to provide for any bond principal and interest due on
31 that date. The state treasurer may establish subaccounts for the
32 purpose of segregating toll charges, bond sale proceeds, and other
33 revenues.

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

36 (1) All earnings of investments of surplus balances in the state

1 treasury shall be deposited to the treasury income account, which
2 account is hereby established in the state treasury.

3 (2) The treasury income account shall be utilized to pay or receive
4 funds associated with federal programs as required by the federal cash
5 management improvement act of 1990. The treasury income account is
6 subject in all respects to chapter 43.88 RCW, but no appropriation is
7 required for refunds or allocations of interest earnings required by
8 the cash management improvement act. Refunds of interest to the
9 federal treasury required under the cash management improvement act
10 fall under RCW 43.88.180 and shall not require appropriation. The
11 office of financial management shall determine the amounts due to or
12 from the federal government pursuant to the cash management improvement
13 act. The office of financial management may direct transfers of funds
14 between accounts as deemed necessary to implement the provisions of the
15 cash management improvement act, and this subsection. Refunds or
16 allocations shall occur prior to the distributions of earnings set
17 forth in subsection (4) of this section.

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

26 (4) Monthly, the state treasurer shall distribute the earnings
27 credited to the treasury income account. The state treasurer shall
28 credit the general fund with all the earnings credited to the treasury
29 income account except:

30 The following accounts and funds shall receive their proportionate
31 share of earnings based upon each account's and fund's average daily
32 balance for the period: The aeronautics account, the aircraft search
33 and rescue account, the budget stabilization account, the capitol
34 building construction account, the Cedar River channel construction and
35 operation account, the Central Washington University capital projects
36 account, the charitable, educational, penal and reformatory
37 institutions account, the cleanup settlement account, the Columbia
38 river basin water supply development account, the common school

1 construction fund, the county arterial preservation account, the county
2 criminal justice assistance account, the county sales and use tax
3 equalization account, the data processing building construction
4 account, the deferred compensation administrative account, the deferred
5 compensation principal account, the department of licensing services
6 account, the department of retirement systems expense account, the
7 developmental disabilities community trust account, the drinking water
8 assistance account, the drinking water assistance administrative
9 account, the drinking water assistance repayment account, the Eastern
10 Washington University capital projects account, the education
11 construction fund, the education legacy trust account, the election
12 account, the energy freedom account, the essential rail assistance
13 account, The Evergreen State College capital projects account, the
14 federal forest revolving account, the ferry bond retirement fund, the
15 freight congestion relief account, the freight mobility investment
16 account, the freight mobility multimodal account, the grade crossing
17 protective fund, the health services account, the public health
18 services account, the health system capacity account, the personal
19 health services account, the high capacity transportation account, the
20 state higher education construction account, the higher education
21 construction account, the highway bond retirement fund, the highway
22 infrastructure account, the highway safety account, the high occupancy
23 toll lanes operations account, the industrial insurance premium refund
24 account, the judges' retirement account, the judicial retirement
25 administrative account, the judicial retirement principal account, the
26 local leasehold excise tax account, the local real estate excise tax
27 account, the local sales and use tax account, the medical aid account,
28 the mobile home park relocation fund, the motor vehicle fund, the
29 motorcycle safety education account, the multimodal transportation
30 account, the municipal criminal justice assistance account, the
31 municipal sales and use tax equalization account, the natural resources
32 deposit account, the oyster reserve land account, the pension funding
33 stabilization account, the perpetual surveillance and maintenance
34 account, the public employees' retirement system plan 1 account, the
35 public employees' retirement system combined plan 2 and plan 3 account,
36 the public facilities construction loan revolving account beginning
37 July 1, 2004, the public health supplemental account, the public
38 transportation systems account, the public works assistance account,

1 the Puget Sound capital construction account, the Puget Sound ferry
2 operations account, the Puyallup tribal settlement account, the real
3 estate appraiser commission account, the recreational vehicle account,
4 the regional mobility grant program account, the resource management
5 cost account, the rural arterial trust account, the rural Washington
6 loan fund, the safety and education account, the site closure account,
7 the small city pavement and sidewalk account, the special category C
8 account, the special wildlife account, the state employees' insurance
9 account, the state employees' insurance reserve account, the state
10 investment board expense account, the state investment board commingled
11 trust fund accounts, the state patrol highway account, the state route
12 number 520 corridor account, the supplemental pension account, the
13 Tacoma Narrows toll bridge account, the teachers' retirement system
14 plan 1 account, the teachers' retirement system combined plan 2 and
15 plan 3 account, the tobacco prevention and control account, the tobacco
16 settlement account, the transportation 2003 account (nickel account),
17 the transportation equipment fund, the transportation fund, the
18 transportation improvement account, the transportation improvement
19 board bond retirement account, the transportation infrastructure
20 account, the transportation partnership account, the traumatic brain
21 injury account, the tuition recovery trust fund, the University of
22 Washington bond retirement fund, the University of Washington building
23 account, the urban arterial trust account, the volunteer firefighters'
24 and reserve officers' relief and pension principal fund, the volunteer
25 firefighters' and reserve officers' administrative fund, the Washington
26 fruit express account, the Washington judicial retirement system
27 account, the Washington law enforcement officers' and firefighters'
28 system plan 1 retirement account, the Washington law enforcement
29 officers' and firefighters' system plan 2 retirement account, the
30 Washington public safety employees' plan 2 retirement account, the
31 Washington school employees' retirement system combined plan 2 and 3
32 account, the Washington state health insurance pool account, the
33 Washington state patrol retirement account, the Washington State
34 University building account, the Washington State University bond
35 retirement fund, the water pollution control revolving fund, and the
36 Western Washington University capital projects account. Earnings
37 derived from investing balances of the agricultural permanent fund, the
38 normal school permanent fund, the permanent common school fund, the

1 scientific permanent fund, and the state university permanent fund
2 shall be allocated to their respective beneficiary accounts. All
3 earnings to be distributed under this subsection (4)((~~a~~)) shall first
4 be reduced by the allocation to the state treasurer's service fund
5 pursuant to RCW 43.08.190.

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

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

11 Prior to the convening of each regular session of the legislature,
12 the transportation commission must provide the transportation
13 committees of the legislature with a detailed report regarding any
14 increase or decrease in any toll rate approved by the commission that
15 has not been described in a previous report provided pursuant to this
16 section, along with a detailed justification for each such increase or
17 decrease.

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

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