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**SENATE BILL 5707**

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**State of Washington                      65th Legislature                      2017 Regular Session**

**By** Senators Rossi, Palumbo, Miloscia, Mullet, Rivers, Sheldon, Pearson, Zeiger, and Becker

Read first time 02/03/17. Referred to Committee on Transportation.

1            AN ACT Relating to replacing the Interstate 405 express toll  
2 lanes with a general purpose lane and a high occupancy vehicle lane;  
3 reenacting and amending RCW 47.56.810 and 43.84.092; adding a new  
4 section to chapter 47.01 RCW; creating new sections; repealing RCW  
5 47.56.880, 47.56.886, and 47.56.884; providing an effective date; and  
6 declaring an emergency.

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

8            NEW SECTION.    **Sec. 1.** This act may be known and cited as the  
9 eastside corridor congestion relief act.

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11 each repealed:

12           (1) RCW 47.56.880 (Interstate 405 corridor—Tolls authorized—  
13 Eligible toll facility—Toll rate schedule—Capacity improvements—  
14 Performance measures—Violation) and 2011 c 369 s 3; and

15           (2) RCW 47.56.886 (State route number 167 and Interstate 405  
16 express toll lane system—Traffic and revenue analysis—Finance plan)  
17 and 2011 c 369 s 4.

18           NEW SECTION.    **Sec. 3.** A new section is added to chapter 47.01  
19 RCW to read as follows:

1 (1) The department may designate one lane of traffic moving in  
2 each direction on Interstate 405 as a high occupancy vehicle lane to  
3 be used by the following vehicles: (a) Public transportation  
4 vehicles; (b) motorcycles; (c) private motor vehicles carrying no  
5 fewer than one passenger; or (d) the following private transportation  
6 provider vehicles if the vehicle has the capacity to carry eight or  
7 more passengers, regardless of the number of passengers in the  
8 vehicle, and if such use does not interfere with the efficiency,  
9 reliability, and safety of public transportation operations: (i) Auto  
10 transportation company vehicles regulated under chapter 81.68 RCW;  
11 (ii) passenger charter carrier vehicles regulated under chapter 81.70  
12 RCW, except marked or unmarked stretch limousines and stretch sport  
13 utility vehicles as defined under department of licensing rules;  
14 (iii) private nonprofit transportation provider vehicles regulated  
15 under chapter 81.66 RCW; and (iv) private employer transportation  
16 service vehicles, when such limitation will increase the efficient  
17 utilization of the highway or will aid in the conservation of energy  
18 resources. High occupancy vehicle lane restrictions apply between the  
19 hours of 5:00 a.m. and 7:00 p.m., but do not apply at any time on  
20 state holidays.

21 (2) To the extent applicable, the department shall create a  
22 fourth general purpose lane of traffic moving in each direction on  
23 Interstate 405.

24 **Sec. 4.** RCW 47.56.810 and 2011 c 377 s 7 and 2011 c 369 s 2 are  
25 each reenacted and amended to read as follows:

26 The definitions in this section apply throughout this subchapter  
27 unless the context clearly requires otherwise:

28 (1) "Eligible toll facility" or "eligible toll facilities" means  
29 portions of the state highway system specifically identified by the  
30 legislature including, but not limited to, transportation corridors,  
31 bridges, crossings, interchanges, on-ramps, off-ramps, approaches,  
32 bistate facilities, and interconnections between highways.

33 ~~(2) ("Express toll lanes" means one or more high occupancy~~  
34 ~~vehicle lanes of a highway in which the department charges tolls~~  
35 ~~primarily as a means of regulating access to or use of the lanes to~~  
36 ~~maintain travel speed and reliability.~~

37 ~~(3))~~ "Toll revenue" or "revenue from an eligible toll facility"  
38 means toll receipts, all interest income derived from the investment  
39 of toll receipts, and any gifts, grants, or other funds received for

1 the benefit of transportation facilities in the state, including  
2 eligible toll facilities.

3 ~~((4))~~ (3) "Tolling authority" means the governing body that is  
4 legally empowered to review and adjust toll rates. Unless otherwise  
5 delegated, the transportation commission is the tolling authority for  
6 all state highways.

7 NEW SECTION. **Sec. 5.** RCW 47.56.884 (Interstate 405 express toll  
8 lanes operations account) and 2011 c 369 s 5 are each repealed.

9 **Sec. 6.** RCW 43.84.092 and 2016 c 194 s 5, 2016 c 161 s 20, and  
10 2016 c 112 s 4 are each reenacted and amended to read as follows:

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

14 (2) The treasury income account shall be utilized to pay or  
15 receive funds associated with federal programs as required by the  
16 federal cash management improvement act of 1990. The treasury income  
17 account is subject in all respects to chapter 43.88 RCW, but no  
18 appropriation is required for refunds or allocations of interest  
19 earnings required by the cash management improvement act. Refunds of  
20 interest to the federal treasury required under the cash management  
21 improvement act fall under RCW 43.88.180 and shall not require  
22 appropriation. The office of financial management shall determine the  
23 amounts due to or from the federal government pursuant to the cash  
24 management improvement act. The office of financial management may  
25 direct transfers of funds between accounts as deemed necessary to  
26 implement the provisions of the cash management improvement act, and  
27 this subsection. Refunds or allocations shall occur prior to the  
28 distributions of earnings set forth in subsection (4) of this  
29 section.

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

1 (4) Monthly, the state treasurer shall distribute the earnings  
2 credited to the treasury income account. The state treasurer shall  
3 credit the general fund with all the earnings credited to the  
4 treasury income account except:

5 (a) The following accounts and funds shall receive their  
6 proportionate share of earnings based upon each account's and fund's  
7 average daily balance for the period: The aeronautics account, the  
8 aircraft search and rescue account, the Alaskan Way viaduct  
9 replacement project account, the brownfield redevelopment trust fund  
10 account, the budget stabilization account, the capital vessel  
11 replacement account, the capitol building construction account, the  
12 Cedar River channel construction and operation account, the Central  
13 Washington University capital projects account, the charitable,  
14 educational, penal and reformatory institutions account, the Chehalis  
15 basin account, the cleanup settlement account, the Columbia river  
16 basin water supply development account, the Columbia river basin  
17 taxable bond water supply development account, the Columbia river  
18 basin water supply revenue recovery account, the common school  
19 construction fund, the community forest trust account, the connecting  
20 Washington account, the county arterial preservation account, the  
21 county criminal justice assistance account, the deferred compensation  
22 administrative account, the deferred compensation principal account,  
23 the department of licensing services account, the department of  
24 retirement systems expense account, the developmental disabilities  
25 community trust account, the diesel idle reduction account, the  
26 drinking water assistance account, the drinking water assistance  
27 administrative account, the drinking water assistance repayment  
28 account, the Eastern Washington University capital projects account,  
29 (~~the Interstate 405 express toll lanes operations account,~~) the  
30 education construction fund, the education legacy trust account, the  
31 election account, the electric vehicle charging infrastructure  
32 account, the energy freedom account, the energy recovery act account,  
33 the essential rail assistance account, The Evergreen State College  
34 capital projects account, the federal forest revolving account, the  
35 ferry bond retirement fund, the freight mobility investment account,  
36 the freight mobility multimodal account, the grade crossing  
37 protective fund, the public health services account, the high  
38 capacity transportation account, the state higher education  
39 construction account, the higher education construction account, the  
40 highway bond retirement fund, the highway infrastructure account, the

1 highway safety fund, the high occupancy toll lanes operations  
2 account, the hospital safety net assessment fund, the industrial  
3 insurance premium refund account, the judges' retirement account, the  
4 judicial retirement administrative account, the judicial retirement  
5 principal account, the local leasehold excise tax account, the local  
6 real estate excise tax account, the local sales and use tax account,  
7 the marine resources stewardship trust account, the medical aid  
8 account, the mobile home park relocation fund, the money-purchase  
9 retirement savings administrative account, the money-purchase  
10 retirement savings principal account, the motor vehicle fund, the  
11 motorcycle safety education account, the multimodal transportation  
12 account, the multiuse roadway safety account, the municipal criminal  
13 justice assistance account, the natural resources deposit account,  
14 the oyster reserve land account, the pension funding stabilization  
15 account, the perpetual surveillance and maintenance account, the  
16 pollution liability insurance agency underground storage tank  
17 revolving account, the public employees' retirement system plan 1  
18 account, the public employees' retirement system combined plan 2 and  
19 plan 3 account, the public facilities construction loan revolving  
20 account beginning July 1, 2004, the public health supplemental  
21 account, the public works assistance account, the Puget Sound capital  
22 construction account, the Puget Sound ferry operations account, the  
23 Puget Sound taxpayer accountability account, the real estate  
24 appraiser commission account, the recreational vehicle account, the  
25 regional mobility grant program account, the resource management cost  
26 account, the rural arterial trust account, the rural mobility grant  
27 program account, the rural Washington loan fund, the site closure  
28 account, the skilled nursing facility safety net trust fund, the  
29 small city pavement and sidewalk account, the special category C  
30 account, the special wildlife account, the state employees' insurance  
31 account, the state employees' insurance reserve account, the state  
32 investment board expense account, the state investment board  
33 commingled trust fund accounts, the state patrol highway account, the  
34 state route number 520 civil penalties account, the state route  
35 number 520 corridor account, the state wildlife account, the  
36 supplemental pension account, the Tacoma Narrows toll bridge account,  
37 the teachers' retirement system plan 1 account, the teachers'  
38 retirement system combined plan 2 and plan 3 account, the tobacco  
39 prevention and control account, the tobacco settlement account, the  
40 toll facility bond retirement account, the transportation 2003

1 account (nickel account), the transportation equipment fund, the  
2 transportation fund, the transportation future funding program  
3 account, the transportation improvement account, the transportation  
4 improvement board bond retirement account, the transportation  
5 infrastructure account, the transportation partnership account, the  
6 traumatic brain injury account, the tuition recovery trust fund, the  
7 University of Washington bond retirement fund, the University of  
8 Washington building account, the volunteer firefighters' and reserve  
9 officers' relief and pension principal fund, the volunteer  
10 firefighters' and reserve officers' administrative fund, the  
11 Washington judicial retirement system account, the Washington law  
12 enforcement officers' and firefighters' system plan 1 retirement  
13 account, the Washington law enforcement officers' and firefighters'  
14 system plan 2 retirement account, the Washington public safety  
15 employees' plan 2 retirement account, the Washington school  
16 employees' retirement system combined plan 2 and 3 account, the  
17 Washington state health insurance pool account, the Washington state  
18 patrol retirement account, the Washington State University building  
19 account, the Washington State University bond retirement fund, the  
20 water pollution control revolving administration account, the water  
21 pollution control revolving fund, the Western Washington University  
22 capital projects account, the Yakima integrated plan implementation  
23 account, the Yakima integrated plan implementation revenue recovery  
24 account, and the Yakima integrated plan implementation taxable bond  
25 account. Earnings derived from investing balances of the agricultural  
26 permanent fund, the normal school permanent fund, the permanent  
27 common school fund, the scientific permanent fund, the state  
28 university permanent fund, and the state reclamation revolving  
29 account shall be allocated to their respective beneficiary accounts.

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

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

1        NEW SECTION.    **Sec. 7.**    Any residual funds remaining in the  
2 Interstate 405 express toll lanes operations account repealed in  
3 section 5 of this act on the effective date of this section must be  
4 transferred to the motor vehicle fund to be used to construct new  
5 lanes on Interstate 405.

6        NEW SECTION.    **Sec. 8.**    Sections 5, 6, and 7 of this act take  
7 effect June 30, 2018.

8        NEW SECTION.    **Sec. 9.**    Except for sections 5, 6, and 7 of this  
9 act, this act is necessary for the immediate preservation of the  
10 public peace, health, or safety, or support of the state government  
11 and its existing public institutions, and takes effect immediately.

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