
SENATE BILL 6042

State of Washington **56th Legislature** **1999 Regular Session**

By Senators Roach, Heavey, Thibaudeau, Rasmussen and Johnson

Read first time 02/24/1999. Referred to Committee on Transportation.

1 AN ACT Relating to placing tolls or user fees on existing roads,
2 bridges, and facilities through public-private transportation
3 initiatives; and amending RCW 47.46.010.

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

5 **Sec. 1.** RCW 47.46.010 and 1995 2nd sp.s. c 19 s 1 are each amended
6 to read as follows:

7 The legislature finds and declares:

8 It is essential for the economic, social, and environmental well-
9 being of the state and the maintenance of a high quality of life that
10 the people of the state have an efficient transportation system.

11 The ability of the state to provide an efficient transportation
12 system will be enhanced by a public-private sector program providing
13 for private entities to undertake all or a portion of the study,
14 planning, design, development, financing, acquisition, installation,
15 construction or improvement, operation, and maintenance of
16 transportation systems and facility projects.

17 A public-private initiatives program will provide benefits to both
18 the public and private sectors. Public-private initiatives provide a
19 sound economic investment opportunity for the private sector. Such

1 initiatives will provide the state with increased access to property
2 development and project opportunities, financial and development
3 expertise, and will supplement state transportation revenues, allowing
4 the state to use its limited resources for other needed projects.

5 The public-private initiatives program, to the fullest extent
6 possible, should encourage and promote business and employment
7 opportunities for Washington state citizens.

8 The public-private initiatives program shall be implemented in
9 cooperation, consultation, and with the support of the affected
10 communities and local jurisdictions.

11 The secretary of transportation should be permitted and encouraged
12 to test the feasibility of building privately funded transportation
13 systems and facilities or segments thereof through the use of
14 innovative agreements with the private sector. The secretary of
15 transportation should be vested with the authority to solicit,
16 evaluate, negotiate, and administer public-private agreements with the
17 private sector relating to the planning, construction, upgrading, or
18 reconstruction of transportation systems and facilities.

19 Agreements negotiated under a public-private initiatives program
20 will not bestow on private entities an immediate right to construct and
21 operate the proposed transportation facilities. Rather, agreements
22 will grant to private entities the opportunity to design the proposed
23 facilities, demonstrate public support for proposed facilities, and
24 complete the planning processes required in order to obtain a future
25 decision by the department of transportation and other state and local
26 lead agencies on whether the facilities should be permitted and built.

27 Agreements negotiated under the public-private initiatives program
28 should establish the conditions under which the private developer may
29 secure the approval necessary to develop and operate the proposed
30 transportation facilities; create a framework to attract the private
31 capital necessary to finance their development; ensure that the
32 transportation facilities will be designed, constructed, and operated
33 in accordance with applicable local, regional, state, and federal laws
34 and the applicable standards and policies of the department of
35 transportation; and require a demonstration that the proposed
36 transportation facility has the support of the affected communities and
37 local jurisdictions.

38 Agreements negotiated under a public-private initiatives program
39 must not limit or encumber, in any way, the public's current use of

1 existing state transportation systems and facilities by such means as,
2 but not limited to, imposing or increasing tolls or user fees on
3 existing bridges, highways, or facilities; by including existing
4 bridges, highways, or facilities as any part of a public-private
5 initiatives project; or leasing to a private entity all or any portion
6 of an existing bridge, highway, or facility as part of a public-private
7 initiatives project.

8 The legislature finds that the Puget Sound congestion pricing
9 project, selected under this chapter, raises major transportation
10 policy, economic, and equity concerns. These relate to the integrity
11 of the state's high-occupancy vehicle program; the cost-effective
12 movement of freight and goods; the diversion of traffic to local
13 streets and arterials; and possible financial hardship to commuters.
14 The legislature further finds that these potential economic and social
15 impacts require comprehensive legislative review prior to advancement
16 of the project and directs that the secretary not proceed with the
17 implementation of the project without prior approval of the
18 legislature.

19 The department of transportation should be encouraged to take
20 advantage of new opportunities provided by federal legislation under
21 section 1012 of the Intermodal Surface Transportation Efficiency Act of
22 1991 (ISTEA). That section establishes a new program authorizing
23 federal participation in construction or improvement or improvement of
24 publicly or privately owned toll roads, bridges, and tunnels, and
25 allows states to leverage available federal funds as a means for
26 attracting private sector capital.

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