

HOUSE BILL REPORT

SHB 1179

As Amended by the Senate

Title: An act relating to high-occupancy toll lanes.

Brief Description: Authorizing a pilot project for high-occupancy toll lanes.

Sponsors: By House Committee on Transportation (originally sponsored by Representatives Murray, Shabro, Wallace, Woods, Jarrett, Simpson, Springer, Dickerson, Quall, Armstrong, Kenney, Clibborn and McIntire; by request of Department of Transportation).

Brief History:

Committee Activity:

Transportation: 1/31/05, 2/10/05 [DPS].

Floor Activity:

Passed House: 3/4/05, 83-13.

Senate Amended.

Passed Senate: 4/6/05, 47-2.

Brief Summary of Substitute Bill

- Authorizes a pilot High Occupancy Toll (HOT) lanes project on State Route 167.
- Uses the High Occupancy Vehicle (HOV) lanes, charging tolls for use by single occupancy vehicles based on time of day and traffic congestion.
- Project expires four years after tolling begins and uses of toll revenues are prescribed.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Murray, Chair; Wallace, Vice Chair; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton, Buck, Campbell, Curtis, Dickerson, Flannigan, Hankins, Hudgins, Jarrett, Kilmer, Lovick, Morris, Nixon, Rodne, Sells, Shabro, Simpson, B. Sullivan, Takko, Upthegrove and Wood.

Minority Report: Do not pass. Signed by 2 members: Representatives Ericksen and Schindler.

Staff: Beth Redfield (786-7347).

Background:

High Occupancy Vehicle (HOV) lanes are highway lanes reserved part-time or full-time for vehicles carrying a minimum number of occupants. The object of these lanes is to facilitate the operation of transit vehicles and other multi-occupant vehicles, allowing them to avoid congestion and providing those vehicles with improved travel times. There are currently over 200 miles of HOV lanes in operation in the central Puget Sound area. During certain periods, HOV lanes are operating below capacity while adjacent general purpose lanes are congested.

High Occupancy Toll (HOT) lanes are lanes that are open to carpools, vanpools, transit vehicles, and toll-paying single occupant vehicles. The goal for establishing these lanes is to provide a higher level of service for multi-occupant vehicles, while permitting single occupant vehicles to use surplus capacity in the lane by paying a toll. The HOT lanes have been employed in several corridors in California.

The Department of Transportation (DOT) has authority to designate HOV lanes on state highways. It does not, however, have the authority to designate HOT lanes and impose charges for the use of those lanes. The Transportation Commission as part of its evaluation of HOV lanes directed the DOT to evaluate the feasibility of converting a portion of the HOV lane system to HOT lanes. The DOT staff identified a portion of State Route 167 as the best candidate to implement a HOT lane pilot project.

Summary of Substitute Bill:

The DOT is required to establish and operate a HOT lane pilot project along the nine miles of high occupancy vehicle lanes on State Route 167 within King County. Tolls on the project are to be established by the Transportation Commission and may vary in amount by time of day, level of traffic congestion, vehicle occupancy or other criteria. Special tolls may be provided for zero emission vehicles. During peak hours, the tolls must be adjusted to maintain HOT lane performance of at least 45 miles per hour for at least 90 percent of the time. The DOT is directed to mitigate impacts to HOV lane users and address safety issues. The DOT is to report annually to the Transportation Commission and the Legislature on the project impacts on operational efficiency, effectiveness for transit, sufficiency of financing through tolls, and impacts on all highway users and modal choices. Surveys are authorized to determine this information.

The conversion of an existing HOV lane to a HOT lane is declared a policy exception for this pilot project. Construction of the facilities to implement the toll project must begin within four years or the HOT lane pilot authority expires and the tolling authorization is limited to a period of four years. Violation of the restricted access portion of a HOV lane is a traffic infraction.

The HOT lanes operations account is created in the state treasury. Interest on the account accrues to the account. Money in the account may be used for financing the improvements, toll collections enforcement, and maintenance on the facility and carpools, vanpools, and transit services in the corridor. A reasonable proportion of the funds in the HOT lane account must be dedicated to increase transit, vanpool, carpool and trip reduction services.

The personally identifying information of persons using transponders to facilitate payment of tolls is exempted from the public disclosure but the information may be disclosed in aggregate by census tract. Law enforcement agencies may only access personally identifying information for toll enforcement purposes, except by court order.

EFFECT OF SENATE AMENDMENT(S):

The Senate bill permits the Department of Transportation to establish High Occupancy Toll (HOT) lanes. The House bill requires their establishment. The bill is null and void unless funded in the transportation budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed except for section 5, which takes effect immediately, and section 6, which takes effect June 30, 2005, both providing for the same exemption from the public disclosure law; and section 8, continuing the authority for the HOT Account to retain its interest, which takes effect July 1, 2006. However, the bill is null and void unless funded in the transportation budget.

Testimony For: This pilot will be a new way of managing congestion. It is a way to optimize the infrastructure and we need to do something to help commuters. Puget Sound has more than its share of challenges. We must provide reasonable alternative modes of transportation to help with peak hour congestion. The cost of meeting transportation challenges will be significant. The DOT believes it will need to investigate all forms of revenue generation, including tolling. This bill is an opportunity to take a small step in bringing tolling technology into the Puget Sound region. This is not about making money it is about improving efficiency. Thirteen percent more people can be moved through the corridor. Whether you are in the lane or not, you will benefit. Existing high occupancy vehicles will be allowed to use the HOT lane for free. Toll rates are raised with increased congestion to keep the HOV lane free flowing. Not a new idea nationally, Texas and California are looking at expanding their systems. The DOT wants to ensure compatibility of transponder technology with Tacoma Narrows bridge and ferry system. The State Patrol supports the bill. From the safety standpoint, this has the potential to reduce road rage due to reduced congestion. The State Patrol looks forward to working with DOT to address limitations on using information from the transponders for general law enforcement purposes. Communities in the area are strong supporters. We would like nothing more than increased capacity, but we also need the existing system to work better. A pilot is a good way to sort out controversial issues having to do with fairness, privacy and enforcement. The revenue provides a good opportunity to increase transit and trip reduction. Conversion to HOT lanes should only be considered when there is significant underutilization, otherwise efficiency is reduced. Transit agencies would like to see specific exemptions from paying tolls and application of the performance standards to all hours of the day rather than just peak hours.

An amendment is needed to address the need for more information about the project. The public is going to have a lot of questions about how pricing is done, how traffic moves, effects of demographics, what people use the lanes and at what times of day. Newspapers have spoken in favor in editorials, but want to see effects of demographics and whether it favors some groups. To do these investigations, newspapers will need access to the data, at an aggregate and individual level.

Testimony Against: None.

Persons Testifying: Representative Ed Murray, prime sponsor; Representative Appleton, co-sponsor; Jeff DeVere, Washington State Patrol; Michael Cummings, and David Dye, Washington State Department of Transportation; Jim White, Mayor, City of Kent; Rob Johnson, Transportation Choices Coalition; Rick Olson, PSRC; Rowland Thompson, Allied Daily Newspapers; and Peter Thein, Washington State Transit Association.

Persons Signed In To Testify But Not Testifying: None.