

SHB 2211 - H AMD 661

By Representative Eddy

WITHDRAWN 04/17/2009

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

3 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
4 impose tolls on the state route number 520 floating bridge subject to  
5 section 2 of this act, to help finance construction of critical safety  
6 projects, including replacement of the floating bridge, and to generate  
7 additional funds to help finance associated projects in the state route  
8 number 520 corridor program.

9 It is further the intent of the legislature to expedite the  
10 floating bridge replacement project, at a cost not to exceed one  
11 billion eight hundred fifty million dollars, in a manner that does not  
12 preclude local design options on either side of the state route number  
13 520 corridor. For all projects in the state route number 520 corridor  
14 program, the legislature intends that one billion seven hundred million  
15 dollars will be provided through the issuance of bonds backed by toll  
16 revenue, and that this act provide for the funding of one billion two  
17 hundred million dollars of these bonds.

18 It is further the intent of the legislature to resolve the  
19 remaining local design issues and to complete the program's finance  
20 plan so that all of the projects in the state route number 520 corridor  
21 program can be constructed as soon as possible. The manner in which  
22 these issues are to be resolved is prescribed in section 3 of this act.

23 It is further the intent of the legislature that if the tolls on  
24 the state route number 520 corridor significantly alter the performance  
25 of nearby facilities, the legislature will reconsider the tolling  
26 policy for the corridor.

27 It is further the intent of the legislature that the department of  
28 transportation applies for federal stimulus funds for projects in the  
29 corridor.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 47.56 RCW  
2 under the subchapter heading "toll facilities created after July 1,  
3 2008" to read as follows:

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

8        (2) The state route number 520 corridor consists of that portion of  
9 state route number 520 between the junctions of Interstate 5 and state  
10 route number 202, which consists of, on the west side of the corridor,  
11 connections from Interstate 5 to the floating bridge, the floating  
12 bridge and approaches, and on the east side of the corridor, from the  
13 east end of the floating bridge to state route number 202. The toll  
14 imposed by this section shall be charged only for travel on the  
15 floating bridge portion of the state route number 520 corridor.

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

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

26        (i) The issuance of up to one billion two hundred million dollars  
27 in motor vehicle fuel tax general obligation bonds; and

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

30        (4) The proceeds of the bonds designated in subsection (3)(b)(i) of  
31 this section, which together with other appropriated and identified  
32 state and federal funds is more than sufficient to pay for the  
33 replacement of the state route number 520 floating bridge, must be used  
34 only to fund:

35        (a) The construction of a replacement state route number 520  
36 floating bridge; and

37        (b) The construction of other projects in the state route number  
38 520 corridor program.

1 (5) The state toll agency may carry out the construction and  
2 improvements designated in subsection (4) of this section and  
3 administer the tolling program on the state route number 520 corridor.

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

6 (1) The state route number 520 executive oversight committee is  
7 created. The committee shall consist of the following members:

8 (a) The governor;

9 (b) The chairs of the house and senate transportation committees;

10 (c) The legislators from the forty-third and forty-eighth  
11 legislative districts;

12 (d) One legislator from the forty-sixth legislative district  
13 selected by the governor; and

14 (e) One legislator from the forty-fifth legislative district  
15 selected by the governor.

16 (2) The oversight committee shall work to resolve the remaining  
17 local design issues related to the state route number 520 replacement  
18 project and to complete a finance plan so that all of the projects in  
19 the state route number 520 corridor program can be constructed as soon  
20 as possible. The oversight committee must consider the design elements  
21 outlined in options A and K, or a combination of elements from those  
22 options, as a starting point for discussion. The oversight committee  
23 shall provide an initial report of its work to the legislature in  
24 January 2010 and a final report with recommendations to the legislature  
25 by January 2011.

26 (3) As part of the development of its recommendations, the  
27 oversight committee shall consult with the participants of the state  
28 route number 520 mediation process.

29 (4) The department of transportation shall serve as staff to the  
30 oversight committee and must complete the following activities:

31 (a) Conduct value engineering on the high cost elements of the  
32 state route number 520 replacement project;

33 (b) Conduct a project permitting risk assessment;

34 (c) Update the project cost estimate using the cost estimate  
35 valuation process;

36 (d) Publish the supplemental draft environment impact statement and  
37 provide a summary of public comments; and

1 (e) Develop financing options for the remaining costs of the  
2 project.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.56 RCW  
4 under the subchapter heading "toll facilities created after July 1,  
5 2008" to read as follows:

6 Unless otherwise delegated, the department is the state toll agency  
7 with the authority to administer tolling programs on eligible toll  
8 facilities, including the state route number 520 corridor. The state  
9 toll agency may adopt and amend rules to govern operations,  
10 collections, and enforcement on each eligible toll facility. In  
11 implementing tolling programs, the state toll agency may (1) collect  
12 and retain any toll charges and penalties imposed, (2) issue toll bills  
13 and notices of infraction, (3) use available resources to collect  
14 unpaid toll charges, including forwarding unpaid infractions to the  
15 department of licensing pursuant to RCW 46.20.270(3) and assigning the  
16 unpaid infractions to collection agencies under RCW 19.16.500, (4)  
17 allocate administrative fees and infraction charges to the toll  
18 facilities on which the fees and charges were incurred, (5) resolve  
19 disputes involving toll charges, and (6) procure and sell transponders  
20 or enter into contracts and license agreements to procure and sell  
21 transponders as necessary for the operation of electronic toll  
22 collection systems on eligible toll facilities.

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 47.56 RCW  
24 under the subchapter heading "toll facilities created after July 1,  
25 2008" to read as follows:

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

28 (1) Deposits to the account must include:

29 (a) All proceeds of bonds issued for construction of the state  
30 route number 520 corridor, including any capitalized interest;

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

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

1 (d) Notwithstanding RCW 47.12.063, proceeds from the sale of any  
2 surplus real property acquired for the purpose of building the  
3 replacement state route number 520 floating bridge or the construction  
4 of other projects on the state route number 520 corridor; and

5 (e) All damages, liquidated or otherwise, collected under any  
6 contract involving the construction of projects on the state route  
7 number 520 corridor.

8 (2) Subject to the covenants made by the state in the bond  
9 proceedings authorizing the issuance and sale of bonds for the state  
10 route number 520 corridor projects, toll charges, other revenues, and  
11 interest received from the operation of the state route number 520  
12 corridor as a toll facility may be used to:

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

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

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

25 **Sec. 6.** RCW 43.84.092 and 2008 c 128 s 19 and 2008 c 106 s 4 are  
26 each reenacted and amended to read as follows:

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

30 (2) The treasury income account shall be utilized to pay or receive  
31 funds associated with federal programs as required by the federal cash  
32 management improvement act of 1990. The treasury income account is  
33 subject in all respects to chapter 43.88 RCW, but no appropriation is  
34 required for refunds or allocations of interest earnings required by  
35 the cash management improvement act. Refunds of interest to the  
36 federal treasury required under the cash management improvement act  
37 fall under RCW 43.88.180 and shall not require appropriation. The

1 office of financial management shall determine the amounts due to or  
2 from the federal government pursuant to the cash management improvement  
3 act. The office of financial management may direct transfers of funds  
4 between accounts as deemed necessary to implement the provisions of the  
5 cash management improvement act, and this subsection. Refunds or  
6 allocations shall occur prior to the distributions of earnings set  
7 forth in subsection (4) of this section.

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

16 (4) Monthly, the state treasurer shall distribute the earnings  
17 credited to the treasury income account. The state treasurer shall  
18 credit the general fund with all the earnings credited to the treasury  
19 income account except:

20 The following accounts and funds shall receive their proportionate  
21 share of earnings based upon each account's and fund's average daily  
22 balance for the period: The aeronautics account, the aircraft search  
23 and rescue account, the budget stabilization account, the capitol  
24 building construction account, the Cedar River channel construction and  
25 operation account, the Central Washington University capital projects  
26 account, the charitable, educational, penal and reformatory  
27 institutions account, the cleanup settlement account, the Columbia  
28 river basin water supply development account, the common school  
29 construction fund, the county arterial preservation account, the county  
30 criminal justice assistance account, the county sales and use tax  
31 equalization account, the data processing building construction  
32 account, the deferred compensation administrative account, the deferred  
33 compensation principal account, the department of licensing services  
34 account, the department of retirement systems expense account, the  
35 developmental disabilities community trust account, the drinking water  
36 assistance account, the drinking water assistance administrative  
37 account, the drinking water assistance repayment account, the Eastern  
38 Washington University capital projects account, the education

1 construction fund, the education legacy trust account, the election  
2 account, the energy freedom account, the essential rail assistance  
3 account, The Evergreen State College capital projects account, the  
4 federal forest revolving account, the ferry bond retirement fund, the  
5 freight congestion relief account, the freight mobility investment  
6 account, the freight mobility multimodal account, the grade crossing  
7 protective fund, the health services account, the public health  
8 services account, the health system capacity account, the personal  
9 health services account, the high capacity transportation account, the  
10 state higher education construction account, the higher education  
11 construction account, the highway bond retirement fund, the highway  
12 infrastructure account, the highway safety account, the high occupancy  
13 toll lanes operations account, the industrial insurance premium refund  
14 account, the judges' retirement account, the judicial retirement  
15 administrative account, the judicial retirement principal account, the  
16 local leasehold excise tax account, the local real estate excise tax  
17 account, the local sales and use tax account, the medical aid account,  
18 the mobile home park relocation fund, the motor vehicle fund, the  
19 motorcycle safety education account, the multimodal transportation  
20 account, the municipal criminal justice assistance account, the  
21 municipal sales and use tax equalization account, the natural resources  
22 deposit account, the oyster reserve land account, the pension funding  
23 stabilization account, the perpetual surveillance and maintenance  
24 account, the public employees' retirement system plan 1 account, the  
25 public employees' retirement system combined plan 2 and plan 3 account,  
26 the public facilities construction loan revolving account beginning  
27 July 1, 2004, the public health supplemental account, the public  
28 transportation systems account, the public works assistance account,  
29 the Puget Sound capital construction account, the Puget Sound ferry  
30 operations account, the Puyallup tribal settlement account, the real  
31 estate appraiser commission account, the recreational vehicle account,  
32 the regional mobility grant program account, the resource management  
33 cost account, the rural arterial trust account, the rural Washington  
34 loan fund, the safety and education account, the site closure account,  
35 the small city pavement and sidewalk account, the special category C  
36 account, the special wildlife account, the state employees' insurance  
37 account, the state employees' insurance reserve account, the state  
38 investment board expense account, the state investment board commingled

1 trust fund accounts, the state patrol highway account, the state route  
2 number 520 corridor account, the supplemental pension account, the  
3 Tacoma Narrows toll bridge account, the teachers' retirement system  
4 plan 1 account, the teachers' retirement system combined plan 2 and  
5 plan 3 account, the tobacco prevention and control account, the tobacco  
6 settlement account, the transportation 2003 account (nickel account),  
7 the transportation equipment fund, the transportation fund, the  
8 transportation improvement account, the transportation improvement  
9 board bond retirement account, the transportation infrastructure  
10 account, the transportation partnership account, the traumatic brain  
11 injury account, the tuition recovery trust fund, the University of  
12 Washington bond retirement fund, the University of Washington building  
13 account, the urban arterial trust account, the volunteer firefighters'  
14 and reserve officers' relief and pension principal fund, the volunteer  
15 firefighters' and reserve officers' administrative fund, the Washington  
16 fruit express account, the Washington judicial retirement system  
17 account, the Washington law enforcement officers' and firefighters'  
18 system plan 1 retirement account, the Washington law enforcement  
19 officers' and firefighters' system plan 2 retirement account, the  
20 Washington public safety employees' plan 2 retirement account, the  
21 Washington school employees' retirement system combined plan 2 and 3  
22 account, the Washington state health insurance pool account, the  
23 Washington state patrol retirement account, the Washington State  
24 University building account, the Washington State University bond  
25 retirement fund, the water pollution control revolving fund, and the  
26 Western Washington University capital projects account. Earnings  
27 derived from investing balances of the agricultural permanent fund, the  
28 normal school permanent fund, the permanent common school fund, the  
29 scientific permanent fund, and the state university permanent fund  
30 shall be allocated to their respective beneficiary accounts. All  
31 earnings to be distributed under this subsection (4)((a)) shall first  
32 be reduced by the allocation to the state treasurer's service fund  
33 pursuant to RCW 43.08.190.

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

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



1 Correct the title.

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