

ESSB 6392 - H COMM AMD

By Committee on Transportation

ADOPTED AND ENGROSSED 3/2/2010

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

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that during the
4 2009 legislative session tolling was authorized on the state route
5 number 520 corridor. As such, it is the intent of the legislature that
6 tolling commences in the spring of 2011 on the existing state route
7 number 520 bridge.

8 The legislature further recognizes that tolling of the state route
9 number 520 corridor is integrally related to the issuance of a final
10 project design resulting from the supplemental draft environmental
11 impact statement for the state route number 520 bridge replacement and
12 HOV program released in January 2010. It is the intent of the
13 legislature that the department of transportation work with affected
14 neighborhoods and local governments, including the mayor of the city of
15 Seattle and the Seattle city council, to refine the preferred
16 alternative design in the supplemental draft environmental impact
17 statement so that the final design of the state route number 520 bridge
18 replacement and HOV program will, to the extent required by state and
19 federal law, include reasonable assurance that project impacts will be
20 mitigated as much as practicable to protect against further adverse
21 impacts on neighborhood environmental quality. Within the cost
22 constraints identified in section 1, chapter 472, Laws of 2009, and
23 consistent with an opening date to vehicular traffic of 2014, it is
24 further the intent of the legislature that any final design of the
25 state route number 520 bridge replacement and HOV program accommodate
26 effective connections for transit, including high capacity transit,
27 including, but not limited to, effective connections for transit to the
28 university link light rail line, consistent with the requirements of
29 RCW 47.01.408, and ensure the effective, efficient, and feasible
30 coordination of bus services and light rail services throughout the

1 state route number 520 corridor, consistent with the requirements of
2 RCW 47.01.410. The legislature further intends that any cost savings
3 applicable to the state route number 520 bridge replacement and HOV
4 program stay within the program.

5 **Sec. 2.** RCW 47.56.870 and 2009 c 472 s 2 are each amended to read
6 as follows:

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

11 (2) The state route number 520 corridor consists of that portion of
12 state route number 520 between the junctions of Interstate 5 and state
13 route number 202. The toll imposed by this section shall be charged
14 only for travel on the floating bridge portion of the state route
15 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 at least annually
23 to 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 general obligation bonds, authorized in RCW
27 47.10.879, first payable from toll revenue and then excise taxes on
28 motor vehicle and special fuels pledged for the payment of those bonds
29 in the amount necessary to fund the (~~replacement state route number~~
30 ~~520 floating bridge and necessary landings~~) state route number 520
31 bridge replacement and HOV program, subject to subsection (4) of this
32 section; and

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

35 (4)(a) The proceeds of the bonds designated in subsection (3)(b)(i)
36 of this section (~~7 - which - together - with - other - appropriated - and~~
37 ~~identified - state - and - federal - funds - is - sufficient - to - pay - for - the~~

1 ~~replacement of the floating bridge segment and necessary landings of~~
2 ~~state route number 520,))~~ must be used only to fund the ((~~construction~~
3 ~~of the replacement state route number 520 floating bridge and necessary~~
4 ~~landings)) state route number 520 bridge replacement and HOV program;
5 however, two hundred million dollars of bond proceeds, in excess of the
6 proceeds necessary to complete the floating bridge segment and
7 necessary landings, must be used only to fund the state route number
8 520, Interstate 5 to Medina bridge replacement and HOV project segment
9 of the program, as identified in applicable environmental impact
10 statements, and may be used to fund effective connections for high
11 occupancy vehicles and transit for state route number 520, but only to
12 the extent those connections benefit or improve the operation of state
13 route number 520.~~

14 (b) The program must include the following elements within the cost
15 constraints identified in section 1, chapter 472, Laws of 2009,
16 consistent with the legislature's intent that cost savings applicable
17 to the program stay within the program and that the bridge open to
18 vehicular traffic in 2014:

19 (i) A project design, consistent with RCW 47.01.408, that includes
20 high occupancy vehicle lanes with a minimum carpool occupancy
21 requirement of three-plus persons on state route number 520;

22 (ii) High occupancy vehicle lane performance standards for the
23 state route number 520 corridor established by the department. The
24 department shall report to the transportation committees of the
25 legislature when average transit speeds in the two lanes that are for
26 high occupancy vehicle travel fall below forty-five miles per hour at
27 least ten percent of the time during peak hours;

28 (iii) A work group convened by the mayor and city council of the
29 city of Seattle to include sound transit, King county metro, the
30 Seattle department of transportation, the department, the University of
31 Washington, and other persons or organizations as designated by the
32 mayor or city council to study and make recommendations of alternative
33 connections for transit, including bus routes and high capacity
34 transit, to the university link light rail line. The work group must
35 consider such techniques as grade separation, additional stations, and
36 pedestrian lids to effect these connections. The recommendations must
37 be alternatives to the transit connections identified in the
38 supplemental draft environmental impact statement for the state route

1 number 520 bridge replacement and HOV program released in January 2010,
2 and must meet the requirements under RCW 47.01.408, including
3 accommodating effective connections for transit. The recommendations
4 must be within the scope of the supplemental draft environmental impact
5 statement. For the purposes of this section, "effective connections
6 for transit" means a connection that connects transit stops, including
7 high capacity transit stops, that serve the state route number
8 520/Montlake interchange vicinity to the university link light rail
9 line, with a connection distance of less than one thousand two hundred
10 feet between the stops and the light rail station. The city of Seattle
11 shall submit the recommendations by October 1, 2010, to the governor
12 and the transportation committees of the legislature. However, if the
13 city of Seattle does not convene the work group required under this
14 subsection before July 1, 2010, or does not submit recommendations to
15 the governor and the transportation committees of the legislature by
16 October 1, 2010, the department must convene the work group required
17 under this subsection and meet all the requirements of this subsection
18 that are described as requirements of the city of Seattle by November
19 30, 2010;

20 (iv) A work group convened by the department to include sound
21 transit and King county metro to study and make recommendations
22 regarding options for planning and financing high capacity transit
23 through the state route number 520 corridor. The department shall
24 submit the recommendations by January 1, 2011, to the governor and the
25 transportation committees of the legislature;

26 (v) A plan to address mitigation as a result of the state route
27 number 520 bridge replacement and HOV program at the Washington park
28 arboretum. As part of its process, the department shall consult with
29 the governing board of the Washington park arboretum, the Seattle city
30 council and mayor, and the University of Washington to identify all
31 mitigation required by state and federal law resulting from the state
32 route number 520 bridge replacement and HOV program's impact on the
33 arboretum, and to develop a project mitigation plan to address these
34 impacts. The department shall submit the mitigation plan by December
35 31, 2010, to the governor and the transportation committees of the
36 legislature. Wetland mitigation required by state and federal law as
37 a result of the state route number 520 bridge replacement and HOV
38 program's impacts on the arboretum must, to the greatest extent

1 practicable, include on-site wetland mitigation at the Washington park
2 arboretum, and must enhance the Washington park arboretum. This
3 subsection (4)(b)(v) does not preclude any other mitigation planned for
4 the Washington park arboretum as a result of the state route number 520
5 bridge replacement and HOV program;

6 (vi) A work group convened by the department to include the mayor
7 of the city of Seattle, the Seattle city council, the Seattle
8 department of transportation, and other persons or organizations as
9 designated by the Seattle city council and mayor to study and make
10 recommendations regarding design refinements to the preferred
11 alternative selected by the department in the supplemental draft
12 environmental impact statement process for the state route number 520
13 bridge replacement and HOV program. To accommodate a timely
14 progression of the state route number 520 bridge replacement and HOV
15 program, the design refinements recommended by the work group must be
16 consistent with the current environmental documents prepared by the
17 department for the supplemental draft environmental impact statement.
18 The department shall submit the recommendations to the legislature and
19 governor by December 31, 2010, and the recommendations must inform the
20 final environmental impact statement prepared by the department; and

21 (vii) An account, created in section 5 of this act, into which
22 civil penalties generated from the nonpayment of tolls on the state
23 route number 520 corridor are deposited to be used to fund any project
24 within the program, including mitigation. However, this subsection
25 (4)(b)(vii) is contingent on the enactment by June 30, 2010, of either
26 chapter . . . (Engrossed Substitute Senate Bill No. 6499), Laws of 2010
27 or chapter . . . (Substitute House Bill No. 2897), Laws of 2010, but if
28 the enacted bill does not designate the department as the toll penalty
29 adjudicating agency, this subsection (4)(b)(vii) is null and void.

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

33 **Sec. 3.** RCW 47.01.408 and 2008 c 270 s 2 are each amended to read
34 as follows:

35 (1) The state route number 520 bridge replacement and HOV project
36 shall be designed to provide six total lanes, with two lanes that are

1 for transit and high-occupancy vehicle travel, and four general purpose
2 lanes.

3 (2) The state route number 520 bridge replacement and HOV project
4 shall be designed to accommodate effective connections for transit,
5 including high capacity transit, to the light rail station at the
6 University of Washington.

7 (3) The state route number 520 bridge replacement and HOV project
8 shall be designed to provide a total height from the water to the top
9 of the bridge rail on the floating bridge portion of the project of no
10 more than twenty feet if any portion of the project is funded by
11 revenue generated from tolling the state route number 520 corridor.

12 **Sec. 4.** RCW 47.56.875 and 2009 c 472 s 4 are each amended to read
13 as follows:

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

16 (1) Deposits to the account must include:

17 (a) All proceeds of bonds issued for ~~((construction of the~~
18 ~~replacement state route number 520 floating bridge and necessary~~
19 ~~landings)) the state route number 520 bridge replacement and HOV~~
20 program, including any capitalized interest;

21 (b) Except as provided in RCW 47.56.870(4)(b)(vii), all of the
22 tolls and other revenues received from the operation of the state route
23 number 520 corridor as a toll facility, to be deposited at least
24 monthly;

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

27 (d) Notwithstanding RCW 47.12.063, proceeds from the sale of any
28 surplus real property acquired for the ~~((purpose of building the~~
29 ~~replacement state route number 520 floating bridge and necessary~~
30 ~~landings)) state route number 520 bridge replacement and HOV program;~~
31 and

32 (e) All damages, liquidated or otherwise, collected under any
33 contract involving the ~~((construction of the replacement state route~~
34 ~~number 520 floating bridge and necessary landings)) state route number~~
35 520 bridge replacement and HOV program.

36 (2) Subject to the covenants made by the state in the bond
37 proceedings authorizing the issuance and sale of bonds for the

1 (~~replacement state route number 520 floating bridge and necessary~~
2 ~~landings~~) state route number 520 bridge replacement and HOV program,
3 toll charges, other revenues, and interest received from the operation
4 of the state route number 520 corridor as a toll facility may be used
5 to:

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

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

8 (3) When repaying the motor vehicle fund, the state treasurer shall
9 transfer funds from the state route number 520 corridor account to the
10 motor vehicle fund on or before each debt service date for bonds issued
11 for the (~~replacement state route number 520 floating bridge project~~
12 ~~and necessary landings~~) state route number 520 bridge replacement and
13 HOV program in an amount sufficient to repay the motor vehicle fund for
14 amounts transferred from that fund to the highway bond retirement fund
15 to provide for any bond principal and interest due on that date. The
16 state treasurer may establish subaccounts for the purpose of
17 segregating toll charges, bond sale proceeds, and other revenues.

18 NEW SECTION. Sec. 5. A new section is added to chapter 47.56 RCW
19 to read as follows:

20 (1) A special account to be known as the state route number 520
21 civil penalties account is created in the state treasury. All state
22 route number 520 bridge replacement and HOV program civil penalties
23 generated from the nonpayment of tolls on the state route number 520
24 corridor must be deposited into the account, as provided under RCW
25 47.56.870(4)(b)(vii). Moneys in the account may be spent only after
26 appropriation. Expenditures from the account may be used to fund any
27 project within the state route number 520 bridge replacement and HOV
28 program, including mitigation.

29 (2) This section is contingent on the enactment by June 30, 2010,
30 of either chapter . . . (Engrossed Substitute Senate Bill No. 6499),
31 Laws of 2010 or chapter . . . (Substitute House Bill No. 2897), Laws of
32 2010, but if the enacted bill does not designate the department as the
33 toll penalty adjudicating agency, this section is null and void.

34 Sec. 6. RCW 43.84.092 and 2009 c 479 s 31, 2009 c 472 s 5, and
35 2009 c 451 s 8 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

10 Correct the title.

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