

EHB 1382 - S COMM AMD
By Committee on Transportation

ADOPTED 04/09/2011

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

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that the Puget
4 Sound region is faced with growing traffic congestion and has limited
5 ability to expand freeway capacity due to financial, environmental, and
6 physical constraints. Freeway high occupancy vehicle lanes have been
7 an effective means of providing transit, vanpools, and carpools with a
8 fast trip on congested freeway corridors, but in many cases, these
9 lanes operate beyond their capacity during peak commute times.

10 It is the intent of the legislature to improve mobility for people
11 and goods by maximizing the effectiveness of the freeway system. An
12 express toll lanes network is one approach for managing the use of
13 freeway high occupancy vehicle lanes and, at the same time, generating
14 funds to improve the Interstate 405 and state route number 167
15 corridor. The legislature acknowledges that as one of the most
16 congested freeway sections in the state, the combined Interstate 405
17 and state route number 167 corridor serves as an ideal candidate for
18 the use of an express toll lanes network. An express toll lanes
19 network could provide benefits for movement of vehicles and people, as
20 well as having the potential to generate revenue for other improvements
21 in the Interstate 405 and state route number 167 corridor, also known
22 as the eastside corridor.

23 The legislature also recognizes the need for geographic balance and
24 regional equity in decisions regarding tolling and pricing, and intends
25 to consider the implementation of express toll lanes on other
26 facilities in the region in the future. It is further the intent of
27 the legislature to use its evaluation of initial express toll lanes on
28 Interstate 405 to guide additions to the express toll lanes network,
29 particularly in the most congested areas of the Interstate 405 and
30 state route number 167 corridor, such as the Renton-to-Bellevue segment

1 and the Interstate 405/state route number 167 interchange, with the
2 ultimate goal of continuous express toll lanes from Puyallup to
3 Lynnwood.

4 Therefore, it is the intent of this act to direct the department of
5 transportation to develop and operate express toll lanes on Interstate
6 405 between the city of Bellevue on the south end and Interstate 5 on
7 the north end and to conduct an evaluation of that project to determine
8 the impacts on the movement of vehicles and people through the
9 Interstate 405 and state route number 167 corridor, effectiveness for
10 transit, carpools and single occupancy vehicles, and feasibility of
11 financing capacity improvements through tolls.

12 **Sec. 2.** RCW 47.56.810 and 2008 c 122 s 3 are each amended to read
13 as follows:

14 The definitions in this section apply throughout this subchapter
15 unless the context clearly requires otherwise:

16 (1) "Tolling authority" means the governing body that is legally
17 empowered to review and adjust toll rates. Unless otherwise delegated,
18 the transportation commission is the tolling authority for all state
19 highways.

20 (2) "Eligible toll facility" or "eligible toll facilities" means
21 portions of the state highway system specifically identified by the
22 legislature including, but not limited to, transportation corridors,
23 bridges, crossings, interchanges, on-ramps, off-ramps, approaches,
24 bistate facilities, and interconnections between highways.

25 (3) "Toll revenue" or "revenue from an eligible toll facility"
26 means toll receipts, all interest income derived from the investment of
27 toll receipts, and any gifts, grants, or other funds received for the
28 benefit of the eligible toll facility.

29 (4) "Express toll lanes" means one or more high occupancy vehicle
30 lanes of a highway in which the department charges tolls primarily as
31 a means of regulating access to or use of the lanes to maintain travel
32 speed and reliability.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.56 RCW
34 under the subchapter heading "toll facilities created after July 1,
35 2008" to read as follows:

36 (1) The imposition of tolls for express toll lanes on Interstate

1 405 between the junctions with Interstate 5 on the north end and NE 6th
2 Street in the city of Bellevue on the south end is authorized,
3 Interstate 405 is designated an eligible toll facility, and toll
4 revenue generated in the corridor must only be expended as allowed
5 under RCW 47.56.820.

6 (2) Tolls for the express toll lanes must be set as follows:

7 (a) The schedule of toll rates must be set by the tolling authority
8 pursuant to RCW 47.56.850. Toll rates may vary in amount by time of
9 day, level of traffic congestion within the highway facility, or other
10 criteria, as the tolling authority deems appropriate.

11 (b) In those locations with two express toll lanes in each
12 direction, the toll rate must be the same in both lanes.

13 (c) Toll charges may not be assessed on transit buses and vanpools.

14 (d) The department shall establish performance standards for travel
15 time, speed, and reliability for the express toll lanes project. The
16 department must automatically adjust the toll rate within the schedule
17 established by the tolling authority, using dynamic tolling, to ensure
18 that average vehicle speeds in the lanes remain above forty-five miles
19 per hour at least ninety percent of the time during peak hours.

20 (e) The tolling authority shall periodically review the toll rates
21 against traffic performance of all lanes to determine if the toll rates
22 are effectively maintaining travel time, speed, and reliability on the
23 highway facilities.

24 (3) The department may construct and operate express toll lanes on
25 Interstate 405 between the city of Bellevue on the south end and
26 Interstate 5 on the north end. Operation of the express toll lanes may
27 not commence until the department has completed capacity improvements
28 necessary to provide a two-lane system from NE 6th Street in the city
29 of Bellevue to state route number 522 and the conversion of the
30 existing high occupancy vehicle lane to an express toll lane between
31 state route number 522 and the city of Lynnwood. Construction of the
32 capacity improvements described in this subsection, including items
33 that enable implementation of express toll lanes such as conduit and
34 other underground features, must begin as soon as practicable.
35 However, any contract term regarding tolling equipment, such as
36 gantries, barriers, or cameras, for Interstate 405 may not take effect
37 unless specific appropriation authority is provided in 2012 stating
38 that funding is provided solely for tolling equipment on Interstate

1 405. The department shall work with local jurisdictions to minimize
2 and monitor impacts to local streets and, after consultation with local
3 jurisdictions, recommend mitigation measures to the legislature in
4 those locations where it is appropriate.

5 (4) The department shall monitor the express toll lanes project and
6 shall annually report to the transportation commission and the
7 legislature on the impacts from the project on the following
8 performance measures:

9 (a) Whether the express toll lanes maintain speeds of forty-five
10 miles per hour at least ninety percent of the time during peak periods;

11 (b) Whether the average traffic speed changed in the general
12 purpose lanes;

13 (c) Whether transit ridership changed;

14 (d) Whether the actual use of the express toll lanes is consistent
15 with the projected use;

16 (e) Whether the express toll lanes generated sufficient revenue to
17 pay for all Interstate 405 express toll lane-related operating costs;

18 (f) Whether travel times and volumes have increased or decreased on
19 adjacent local streets and state highways; and

20 (g) Whether the actual gross revenues are consistent with projected
21 gross revenues as identified in the fiscal note for Engrossed House
22 Bill No. 1382 distributed by the office of financial management on
23 March 15, 2011.

24 (5) If after two years of operation of the express toll lanes on
25 Interstate 405 performance measures listed in subsection (4)(a) and (e)
26 of this section are not being met, the express toll lanes project must
27 be terminated as soon as practicable.

28 (6) The department, in consultation with the transportation
29 commission, shall consider making operational changes necessary to fix
30 any unintended consequences of implementing the express toll lanes
31 project.

32 (7) A violation of the lane restrictions applicable to the express
33 toll lanes established under this section is a traffic infraction.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.56 RCW
35 under the subchapter heading "toll facilities created after July 1,
36 2008" to read as follows:

37 (1)(a) The transportation commission shall retain appropriate

1 independent experts and conduct a traffic and revenue analysis for the
2 development of a forty-mile continuous express toll lane system that
3 includes state route number 167 and Interstate 405. The analysis must
4 include a review of the following variables within the express toll
5 lane system:

- 6 (i) Vehicles with two or more occupants are exempt from payment;
- 7 (ii) Vehicles with three or more occupants are exempt from payment;
- 8 (iii) A variable fee; and
- 9 (iv) A flat rate fee.

10 (b) The department, in consultation with the transportation
11 commission, shall develop a corridor-wide project management plan to
12 develop a strategy for phasing the completion of improvements in the
13 Interstate 405 and state route number 167 corridor.

14 (2) The department, in consultation with the transportation
15 commission, shall use the information from the traffic and revenue
16 analysis and the corridor-wide project management plan to develop a
17 finance plan to fund improvements in the Interstate 405 and state route
18 number 167 corridor. The department must include the following
19 elements in the finance plan:

20 (a) Current state and federal funding contributions for projects in
21 the Interstate 405 and state route number 167 corridor;

22 (b) A potential future state and federal funding contribution to
23 leverage toll revenues;

24 (c) Financing mechanisms to optimize the revenue available for
25 capacity improvements including, but not limited to, using the full
26 faith and credit of the state;

27 (d) An express toll lane system operating in the Interstate 405 and
28 state route number 167 corridor by 2014; and

29 (e) Completion of the capacity improvements in the Interstate 405
30 and state route number 167 corridor.

31 (3) The department and the transportation commission must consult
32 with a committee consisting of local and state elected officials from
33 the Interstate 405 and state route number 167 corridor and
34 representatives from the transit agencies that operate in the
35 Interstate 405 and state route number 167 corridor while developing the
36 performance standards, traffic and revenue analysis, and finance plan.

37 (4) The transportation commission must provide the traffic and
38 revenue analysis plan, and the department must provide the finance

1 plan, to the governor and the legislature by January 2012. The
2 department shall provide technical and other support as requested by
3 the transportation commission to complete the plans identified in this
4 subsection. Funds from Interstate 405 capital project appropriations
5 may be used by the transportation commission through an interagency
6 agreement with the department to cover the cost of the plans identified
7 in this subsection.

8 (5) The department shall conduct ongoing education and outreach to
9 ensure public awareness of the express toll lane system.

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 47.56 RCW
11 under the subchapter heading "toll facilities created after July 1,
12 2008" to read as follows:

13 The Interstate 405 express toll lanes operations account is created
14 in the motor vehicle fund. All revenues received by the department as
15 toll charges collected from Interstate 405 express toll lane users must
16 be deposited into the account. Moneys in the account may be spent only
17 after appropriation. Consistent with RCW 47.56.820, expenditures from
18 the account may be used for debt service, planning, administration,
19 construction, maintenance, operation, repair, rebuilding, enforcement,
20 and the expansion of express toll lanes on Interstate 405.

21 **Sec. 6.** RCW 43.84.092 and 2010 1st sp.s. c 30 s 20, 2010 1st sp.s.
22 c 9 s 7, 2010 c 248 s 6, 2010 c 222 s 5, 2010 c 162 s 6, and 2010 c 145
23 s 11 are each reenacted and amended to read as follows:

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

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

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

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

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

18 (a) The following accounts and funds shall receive their
19 proportionate share of earnings based upon each account's and fund's
20 average daily balance for the period: The aeronautics account, the
21 aircraft search and rescue account, the budget stabilization account,
22 the capitol building construction account, the Cedar River channel
23 construction and operation account, the Central Washington University
24 capital projects account, the charitable, educational, penal and
25 reformatory institutions account, the cleanup settlement account, the
26 Columbia river basin water supply development account, the common
27 school construction fund, the county arterial preservation account, the
28 county criminal justice assistance account, the county sales and use
29 tax equalization account, the deferred compensation administrative
30 account, the deferred compensation principal account, the department of
31 licensing services account, the department of retirement systems
32 expense account, the developmental disabilities community trust
33 account, the drinking water assistance account, the drinking water
34 assistance administrative account, the drinking water assistance
35 repayment account, the Eastern Washington University capital projects
36 account, the Interstate 405 express toll lanes operations account, the
37 education construction fund, the education legacy trust account, the
38 election account, the energy freedom account, the energy recovery act

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

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

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

37 (5) In conformance with Article II, section 37 of the state

1 Constitution, no treasury accounts or funds shall be allocated earnings
2 without the specific affirmative directive of this section."

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3 On page 1, line 2 of the title, after "corridor;" strike the
4 remainder of the title and insert "amending RCW 47.56.810; reenacting
5 and amending RCW 43.84.092; adding new sections to chapter 47.56 RCW;
6 creating a new section; and prescribing penalties."

EFFECT: WSDOT must work with local jurisdictions to minimize I-405 tolling impacts on local streets.

Construction of capacity improvements necessary to provide a two-lane system from NE 6th Street in the city of Bellevue to state route number 522 shall begin as soon as practicable. However, any contract term that includes tolling equipment on I-405 may not take effect until specific appropriation authority has been provided for this purpose in 2012.

WSDOT, in consultation with the Transportation Commission, must consider making operational changes necessary to fix any unintended consequences of implementing the express toll lanes project.

The traffic and revenue analysis and finance plan must be conducted by independent experts selected by the Transportation Commission.

The finance plan must be conducted by WSDOT, in consultation with the Transportation Commission.

The I-405 express toll lanes operations account is created as a subaccount of the motor vehicle fund.

If the express toll lanes project does not meet certain performance criteria within 2 years, the project is terminated.

Requires WSDOT to report on the difference between actual gross toll revenue and the revenue projections identified in the fiscal note for this bill.

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