

# SENATE BILL REPORT

## SB 5707

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As of February 17, 2017

**Title:** An act relating to replacing the Interstate 405 express toll lanes with a general purpose lane and a high occupancy vehicle lane.

**Brief Description:** Authorizing the replacement of Interstate 405 express toll lanes with a general purpose lane and a high occupancy vehicle lane.

**Sponsors:** Senators Rossi, Palumbo, Miloscia, Mullet, Rivers, Sheldon, Pearson, Zeiger and Becker.

**Brief History:**

**Committee Activity:** Transportation: 2/15/17.

**Brief Summary of Bill**

- Repeals the statutes that designated the Interstate 405 (I-405) as an eligible toll facility and authorized the collection of tolls on the facility.
- Repeals the I-405 Express Toll Lanes Operations account and transfers any remaining fund balance to the Motor Vehicle account to be used to collect more lanes on I-405.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Kim Johnson (786-7472)

**Background:** In 2011, the Legislature designated 17 miles of I-405 as an eligible toll facility and authorized Washington State Department of Transportation (WSDOT) to implement express toll lanes on the facility. An express toll lane means a High Occupancy Vehicle (HOV) lane in which the WSDOT charges tolls for vehicles with less than the required number of passengers, with the goal of regulating use of the lane to maintain travel speed and reliability.

The Washington State Transportation Commission (WSTC) sets the schedule of toll rates for the express toll lanes. The current toll rate schedule is a minimum of \$0.75 with up to a maximum of \$10 for persons with a Good to Go pass; however, persons without a Good to Go pass are considered pay-by-mail toll payers, and pay an additional \$2 on top of the

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displayed toll rate. The WSDOT automatically adjusts the toll rate, using a dynamic tolling algorithm, within the schedule established by WSTC to ensure that average vehicle speeds in the express toll lanes remain above 45 miles per hour, 90 percent of the time during peak periods.

The I-405 express toll lanes opened to traffic on September 27, 2015. There are currently two express toll lanes in each direction from Northeast 6th Street in Bellevue to just south of State Route 522 (SR 522) in Bothell, and a single express toll lane in each direction from SR 522 in Bothell north until Lynwood.

HOV requirements for the lanes are three-plus persons between the hours of 5:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 7:00 p.m. Monday through Friday. During the week between the hours of 9:00 a.m. and 3:00 p.m. a vehicle must have two-plus people in the vehicle to qualify as a toll-free carpool. The I-5 express toll lanes are open to all vehicles toll-free and with no minimum passenger requirements nights, weekends, and on certain holidays.

The I-405 express toll lanes project must be terminated if, after a two-year period, it fails to meet the following two specified performance measures: (1) the express toll lanes maintain speeds of 45 miles per hour at least 90 percent of the time during peak periods; and (2) the express toll lanes generate sufficient revenue to pay for all I-405 express toll lane-related operating costs.

**Summary of Bill:** This act may be known as the Eastside Corridor Congestion Relief Act.

The designation of the I-405 as an eligible toll facility is repealed and therefore the authority for WSDOT to collect tolls on the facility is removed. The definition of express toll lanes is removed.

The I-405 Express Toll Lanes Operations account is repealed. Any funds remaining in the account as of the June 30, 2018 is transferred to the Motor Vehicle fund to be used to construct new lanes on I-405.

The direction to WSTC to conduct a traffic and revenue analysis of the full 40-mile corridor, including Highway 167 and I-405, and report back to the Legislature by 2012 is repealed.

**Appropriation:** None.

**Fiscal Note:** Requested on February 9, 2017.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains several effective dates. Please refer to the bill.

**Staff Summary of Public Testimony:** PRO: I use this several times per week and I am glad I am in the reverse commute as I see people paying to sit in traffic. The most precious commodity people have these days is time. You are taking that time and giving it to someone else for a price. A single mother should not have to choose between time with her family or paying a toll to get home faster. This is going in the wrong direction. We only need one

HOV lane. The people have paid for these lanes and they should be able to use them without paying extra money. This bill is about fairness.

With the last big gas tax package, there were no substantial infrastructure investment provided for in my district. All the toll lanes have done is taken the Kirkland crawl and moved it up into my district. There is no way to pay for the improvements necessary to get rid of the bottlenecks. These toll lanes and traffic are the number one issues in my district. The tolls are hurting small businesses like mine. There is no foreseeable way to get out of this in the future. The only way is to stop the tolls. There is traffic backed up onto my districts local roads.

This is about equity. For the people that live in my district, they are on the lower end of the wage scale and they are starting to use this freeway. They don't have the choice to use flexible work hours. This is a lane they already paid for. There is discussion about bonding these tolls. If you bond against the tolls, you will lock these tolls in for 30 years into the future. We need to remain flexible and if we lock this in then we will get ourselves in a position where we cannot undo what we've done.

The 405 lanes are the biggest mistake and biggest ripoff in our state's history. These should be called extortion lanes. We want the general purpose lanes we were promised in 2001. 32,000 people signed the petition to stop the tolls. If you think continuing the toll lanes for eight more months will get rid of the social inequities caused by the lanes, you're wrong. The toll lanes are elitist and have a disproportionate impact on lower income users. Many lower income users work in industries that do not allow "flexible work hours." You have to be on time and in order to be on time you have to pay the toll which hits lower income earners harder. I think we should really be auditing the private company in Texas. ETL's were not part of the original master plan for this corridor. Most of the congestion relief comes from the fact that we have two new lanes, not because you created toll lanes. These lanes only work if there is congestion so you have no incentive for WSDOT to address congestion.

CON: You either have to build your way out of the congestion in the 405 corridor or price your way out of it. Neither approach is ideal. To revert back to general purpose lanes is to send us back to congestion. The Commission would like the express toll lanes to stay in place. This is a two-year pilot. Let it run to completion. Driver's have made over 18 million faster, more reliable trips in the toll lanes. The corridor simply does not have the necessary capacity to meet the demands. The toll revenues stay on the corridor. We are already investing that revenue to make improvements to 405. Travel times improved for all full length trips with the exception of trips in the northbound general purpose lanes during the evening peak commute. Ridership has increased for area transit agencies as has vanpool usage. Overall, the express toll lanes continue to provide travel time savings relative to the general purpose lanes. We continue to work with local cities along the corridor to monitor whether there are impacts related to the express toll lanes on local streets. Most jurisdictions report no noticeable changes to local traffic.

**Persons Testifying:** PRO: Senator Dino Rossi, Prime Sponsor; Senator Guy Palumbo, 1st Legislative District; Representative Mark Harmsworth, 44th Legislative District; David Hablewitz, stop405tolls.org; Philip Skoog, citizen; Chris Johnson, Bellevue Chamber of Commerce; Jeff Lykken, citizen; Susan Gardner, citizen; Janet Nelson, citizen; Victor

Bishop, Eastside Transportation Association; Bill Popp, Eastside Transportation Association;  
Bruce Nurse, Kemper Development Corp.

CON: Michael Shaw, Washington State Transit Association; Patty Rubstello, WSDOT;  
Reema Griffith, Transportation Commission.

**Persons Signed In To Testify But Not Testifying:** No one.