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**HOUSE BILL 1719**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Walsh and Jacobsen

AN ACT Relating to modifying the hours of operation for the Interstate 405 express toll lanes and high occupancy vehicle lanes; amending RCW 47.52.025 and 47.56.880; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 47.52.025 and 2013 c 26 s 3 are each amended to read as follows:

(1)(a) Highway authorities of the state, counties, and incorporated cities and towns, in addition to the specific powers granted in this chapter, shall also have, and may exercise, relative to limited access facilities, any and all additional authority, now or hereafter vested in them relative to highways or streets within their respective jurisdictions, and may regulate, restrict, or prohibit the use of such limited access facilities by various classes of vehicles or traffic. Such highway authorities may reserve any limited access facility or portions thereof, including designated lanes or ramps for the exclusive or preferential use of ((~~(a)~~)) (i) public transportation vehicles, ((~~(b)~~)) (ii) privately owned buses, ((~~(c)~~)) (iii) motorcycles, ((~~(d)~~)) (iv) private motor vehicles carrying not less than a specified number of passengers, or ((~~(e)~~)) (v) the following private transportation provider vehicles if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle, and if such use does not interfere with the efficiency, reliability, and safety of public transportation operations: ((~~(i)~~)) (A) Auto transportation company vehicles regulated under chapter 81.68 RCW; ((~~(ii)~~)) (B) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; ((~~(iii)~~)) (C) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and ((~~(iv)~~)) (D) private employer transportation service vehicles, when such limitation will increase the efficient utilization of the highway facility or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all time or at specified times of day or on specified days.

(b)(i) From June 1, 2023, until December 1, 2023, the department may not reserve any lane of Interstate 405 pursuant to (a) of this subsection, except between the hours of 5:00 a.m. and 9:00 a.m. and 3:00 p.m. and 7:00 p.m., Monday through Friday.

(ii) The department must provide a report to the transportation committees of the legislature by January 1, 2024, regarding limiting the hours of operation of the high occupancy vehicle lanes as required in this subsection (1)(b). The report must include, but is not limited to, the effect of this limitation on Interstate 405 on:

(A) The high occupancy vehicle lanes maintaining speeds of 45 miles per hour at least 90 percent of the time during peak periods;

(B) The average traffic speed in the general purpose lanes;

(C) Transit ridership;

(D) Travel times and volumes on adjacent local streets and state highways.

(2) Any transit-only lanes that allow other vehicles to access abutting businesses that are reserved pursuant to subsection (1) of this section may not be authorized for the use of private transportation provider vehicles as described under subsection (1) of this section.

(3) Highway authorities of the state, counties, or incorporated cities and towns may prohibit the use of limited access facilities by the following private transportation provider vehicles: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, and marked or unmarked limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles, when the average transit speed in the high occupancy vehicle travel lane fails to meet department standards and falls below ((~~forty-five~~)) 45 miles per hour at least ((~~ninety~~)) 90 percent of the time during the peak hours for two consecutive months.

(4)(a) Local authorities are encouraged to establish a process for private transportation providers, described under subsections (1) and (3) of this section, to apply for the use of limited access facilities that are reserved for the exclusive or preferential use of public transportation vehicles.

(b) The process must provide a list of facilities that the local authority determines to be unavailable for use by the private transportation provider and must provide the criteria used to reach that determination.

(c) The application and review processes must be uniform and should provide for an expeditious response by the authority.

(5) For the purposes of this section, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is similarly marked or identified to display the business name or logo on the driver and passenger sides of the vehicle, meets the annual certification requirements of the department, and is offered by an employer for the benefit of its employees.

**Sec.**  RCW 47.56.880 and 2019 c 421 s 11 are each amended to read as follows:

(1) The imposition of tolls for express toll lanes on Interstate 405 between Interstate 5 on the north end in the city of Lynnwood and Interstate 5 on the south end in the city of Tukwila, and for state route number 167 between Interstate 405 on the north end and state route number 512 on the south end is authorized. Interstate 405 and state route number 167 are designated an eligible toll facility, and toll revenue generated in the corridor must only be expended on the Interstate 405 and state route number 167 projects as identified in each corridor's master plan and as allowed under RCW 47.56.820.

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

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

(ii)(A) From June 1, 2023, until December 1, 2023, toll charges may not be assessed in the express toll lanes except between the hours of 5:00 a.m. and 9:00 a.m. and 3:00 p.m. and 7:00 p.m., Monday through Friday.

(B) The department must provide a report to the transportation committees of the legislature by January 1, 2024, regarding limiting the hours of operation of the express toll lanes as required in (a)(ii)(A) of this subsection. The report must include, but is not limited to, the effect of this limitation on Interstate 405 on:

(I) The express toll lanes maintaining speeds of 45 miles per hour at least 90 percent of the time during peak periods;

(II) The average traffic speed in the general purpose lanes;

(III) Transit ridership;

(IV) The express toll lanes generating sufficient revenue to pay for all express toll lane-related operating costs; and

(V) Travel times and volumes on adjacent local streets and state highways.

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

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

(d) The department shall establish performance standards for travel time, speed, and reliability for the express toll lanes project. The department must automatically adjust the toll rate within the schedule established by the tolling authority, using dynamic tolling, to maintain the goal that average vehicle speeds in the lanes remain above ((~~forty-five~~)) 45 miles per hour at least ((~~ninety~~)) 90 percent of the time during peak hours.

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

(f)(i) Toll charges may not be assessed on carpools with two or more people in the vehicle on the portion of Interstate 405 between Bellevue and state route number 167 for at least the first year following the initial imposition of tolls on that portion of the express toll lanes, contingent upon the analysis described in (f)(ii) of this subsection.

(ii) The department must analyze the effect of (f)(i) of this subsection utilizing forecasting and modeling data and present the results of the analysis to the tolling authority. If the analysis indicates that the express toll lanes on the portion of Interstate 405 between Bellevue and state route number 167 will not cover the financial obligations outlined in RCW 47.56.884(4), then the restriction on toll charges in (f)(i) of this subsection will not be implemented and the department must provide the transportation committees of the legislature with a report, within ((~~thirty~~)) 30 days, that provides options for not assessing toll charges on carpools with two or more people in the vehicle, which also meet the financial obligations outlined in RCW 47.56.884(4).

(g) After the bonds issued pursuant to RCW 47.10.896(1)(a) are retired, the tolling authority must reduce the toll rates commensurate with this reduction in the amount of toll revenues required from the express toll lanes.

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

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

(a) Whether the express toll lanes maintain speeds of ((~~forty-five~~)) 45 miles per hour at least ((~~ninety~~)) 90 percent of the time during peak periods, and any alternate metric determined by the department in conjunction with the federal highway administration;

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

(c) Whether transit ridership changed;

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

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

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

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

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

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 1, 2023.

**--- END ---**