
HOUSE BILL 1719

State of Washington

68th Legislature

2023 Regular Session

By Representatives Walsh and Jacobsen

Read first time 02/01/23. Referred to Committee on Transportation.

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

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

6 **Sec. 1.** RCW 47.52.025 and 2013 c 26 s 3 are each amended to read
7 as follows:

8 (1) (a) Highway authorities of the state, counties, and
9 incorporated cities and towns, in addition to the specific powers
10 granted in this chapter, shall also have, and may exercise, relative
11 to limited access facilities, any and all additional authority, now
12 or hereafter vested in them relative to highways or streets within
13 their respective jurisdictions, and may regulate, restrict, or
14 prohibit the use of such limited access facilities by various classes
15 of vehicles or traffic. Such highway authorities may reserve any
16 limited access facility or portions thereof, including designated
17 lanes or ramps for the exclusive or preferential use of ~~((a))~~ (i)
18 public transportation vehicles, ~~((b))~~ (ii) privately owned buses,
19 ~~((c))~~ (iii) motorcycles, ~~((d))~~ (iv) private motor vehicles
20 carrying not less than a specified number of passengers, or ~~((e))~~
21 (v) the following private transportation provider vehicles if the

1 vehicle has the capacity to carry eight or more passengers,
2 regardless of the number of passengers in the vehicle, and if such
3 use does not interfere with the efficiency, reliability, and safety
4 of public transportation operations: ~~((i))~~ (A) Auto transportation
5 company vehicles regulated under chapter 81.68 RCW; ~~((ii))~~ (B)
6 passenger charter carrier vehicles regulated under chapter 81.70 RCW,
7 except marked or unmarked stretch limousines and stretch sport
8 utility vehicles as defined under department of licensing rules;
9 ~~((iii))~~ (C) private nonprofit transportation provider vehicles
10 regulated under chapter 81.66 RCW; and ~~((iv))~~ (D) private employer
11 transportation service vehicles, when such limitation will increase
12 the efficient utilization of the highway facility or will aid in the
13 conservation of energy resources. Regulations authorizing such
14 exclusive or preferential use of a highway facility may be declared
15 to be effective at all time or at specified times of day or on
16 specified days.

17 (b) (i) From June 1, 2023, until December 1, 2023, the department
18 may not reserve any lane of Interstate 405 pursuant to (a) of this
19 subsection, except between the hours of 5:00 a.m. and 9:00 a.m. and
20 3:00 p.m. and 7:00 p.m., Monday through Friday.

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

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

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

29 (C) Transit ridership;

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

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

37 (3) Highway authorities of the state, counties, or incorporated
38 cities and towns may prohibit the use of limited access facilities by
39 the following private transportation provider vehicles: (a) Auto
40 transportation company vehicles regulated under chapter 81.68 RCW;

1 (b) passenger charter carrier vehicles regulated under chapter 81.70
2 RCW, and marked or unmarked limousines and stretch sport utility
3 vehicles as defined under department of licensing rules; (c) private
4 nonprofit transportation provider vehicles regulated under chapter
5 81.66 RCW; and (d) private employer transportation service vehicles,
6 when the average transit speed in the high occupancy vehicle travel
7 lane fails to meet department standards and falls below (~~forty-~~
8 ~~five~~) 45 miles per hour at least (~~ninety~~) 90 percent of the time
9 during the peak hours for two consecutive months.

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

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

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

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

28 **Sec. 2.** RCW 47.56.880 and 2019 c 421 s 11 are each amended to
29 read as follows:

30 (1) The imposition of tolls for express toll lanes on Interstate
31 405 between Interstate 5 on the north end in the city of Lynnwood and
32 Interstate 5 on the south end in the city of Tukwila, and for state
33 route number 167 between Interstate 405 on the north end and state
34 route number 512 on the south end is authorized. Interstate 405 and
35 state route number 167 are designated an eligible toll facility, and
36 toll revenue generated in the corridor must only be expended on the
37 Interstate 405 and state route number 167 projects as identified in
38 each corridor's master plan and as allowed under RCW 47.56.820.

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

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

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

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

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

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

17 (III) Transit ridership;

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

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

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

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

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

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

37 (f)(i) Toll charges may not be assessed on carpools with two or
38 more people in the vehicle on the portion of Interstate 405 between
39 Bellevue and state route number 167 for at least the first year
40 following the initial imposition of tolls on that portion of the

1 express toll lanes, contingent upon the analysis described in (f)(ii)
2 of this subsection.

3 (ii) The department must analyze the effect of (f)(i) of this
4 subsection utilizing forecasting and modeling data and present the
5 results of the analysis to the tolling authority. If the analysis
6 indicates that the express toll lanes on the portion of Interstate
7 405 between Bellevue and state route number 167 will not cover the
8 financial obligations outlined in RCW 47.56.884(4), then the
9 restriction on toll charges in (f)(i) of this subsection will not be
10 implemented and the department must provide the transportation
11 committees of the legislature with a report, within (~~thirty~~) 30
12 days, that provides options for not assessing toll charges on
13 carpools with two or more people in the vehicle, which also meet the
14 financial obligations outlined in RCW 47.56.884(4).

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

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

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

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

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

33 (c) Whether transit ridership changed;

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

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

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

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

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

8 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of
10 the state government and its existing public institutions, and takes
11 effect June 1, 2023.

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