

CERTIFICATION OF ENROLLMENT

SENATE BILL 5765

68th Legislature
2023 Regular Session

Passed by the Senate April 20, 2023
Yeas 31 Nays 18

President of the Senate

Passed by the House April 18, 2023
Yeas 57 Nays 40

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5765** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5765

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senators Liias, King, Cleveland, and Holy

1 AN ACT Relating to tolling authorization for the Interstate 5
2 bridge replacement project; amending RCW 43.84.092 and 43.84.092;
3 reenacting and amending RCW 47.56.810; adding new sections to chapter
4 47.56 RCW; creating new sections; repealing RCW 47.56.892; providing
5 an effective date; providing a contingent effective date; and
6 providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that the replacement
9 and improvement of the Interstate 5 Columbia river bridge is critical
10 for the west coast's transportation system and for the safety of
11 Washington and Oregon drivers. The interstate bridge includes two
12 side-by-side structures built in 1917 and 1958. In 2019,
13 approximately 143,000 vehicles traveled across the interstate bridge
14 each weekday. In 2017, about \$71,000,000 in freight commodity value
15 crossed the river each day. Collisions on and near the bridge occur
16 at a rate almost twice as high as other similar urban highways, and
17 the aging bridges are vulnerable to earthquakes. Replacing these
18 structures and making multimodal improvements to facilitate travel in
19 the bistate corridor is essential for the economy of the region.
20 Although Washington state has pledged \$1,000,000,000, and expects an
21 equivalent investment of \$1,000,000,000 from Oregon state, to help

1 finance replacement of the bridge, funding from tolls and other
2 sources will be necessary to complete and maintain the project. The
3 legislature finds that Oregon state has already authorized tolls to
4 be imposed on the Oregon portion of the Interstate 5 bridge
5 replacement project, and that providing tolling authorization within
6 Washington state will help make the project better situated to
7 receive funding from other sources, including federal funding. As a
8 result, and to align with the efforts of Oregon state, the
9 legislature intends to provide tolling authorization for the
10 Interstate 5 bridge replacement project.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.56
12 RCW under the subchapter heading "toll facilities created after July
13 1, 2008" to read as follows:

14 (1) For the purposes of this section and sections 3, 4, and 8 of
15 this act, "Interstate 5 bridge replacement project" means the
16 bistate, multimodal corridor improvement program between the state
17 route number 500 interchange in Vancouver, Washington and the Victory
18 Boulevard interchange in Portland, Oregon.

19 (2) The Interstate 5 bridge replacement project is designated an
20 eligible toll facility. Tolls are authorized to be imposed on the
21 Interstate 5 bridge replacement project. Tolls may be charged for
22 travel only on the existing and replacement Interstate 5 Columbia
23 river bridges. Tolls may not be charged for travel on the Washington
24 state portion of Interstate 205. Toll revenue generated on the
25 Interstate 5 bridge replacement project must be expended only as
26 allowed under RCW 47.56.820.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.56
28 RCW under the subchapter heading "toll facilities created after July
29 1, 2008" to read as follows:

30 (1) A special account to be known as the Interstate 5 bridge
31 replacement project account is created in the state treasury.

32 (2) Deposits to the account must include:

33 (a) All proceeds of bonds and loans issued on behalf of
34 Washington state for the Interstate 5 bridge replacement project,
35 including any capitalized interest;

36 (b) All net tolls and other revenues received from the operation
37 of the Interstate 5 bridge replacement project as a toll facility;

1 (c) The Washington state portion of any interest that may be
2 earned from the deposit or investment of those revenues;

3 (d) Notwithstanding RCW 47.12.063, the Washington state portion
4 of proceeds from the sale of any surplus real property acquired for
5 the Interstate 5 bridge replacement project; and

6 (e) The Washington state portion of all damages, liquidated or
7 otherwise, collected under any contract involving the Interstate 5
8 bridge replacement project.

9 (3) Moneys in the account may be spent only after appropriation,
10 consistent with RCW 47.56.820.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.56
12 RCW under the subchapter heading "toll facilities created after July
13 1, 2008" to read as follows:

14 For the Interstate 5 bridge replacement project, the tolling
15 authority may enter into a bistate agreement with the Oregon state
16 transportation commission regarding the mutual or joint setting,
17 adjustment, and review of toll rates and exemptions as the tolling
18 authority may find necessary to carry out the purposes of this
19 section. The toll rates established pursuant to the bistate agreement
20 may not be set at a rate that exceeds the highest toll rate allowed
21 on any of the other toll facilities in Washington, unless the
22 legislature provides direction to do so in duly enacted legislation.
23 The toll rates established pursuant to the bistate agreement may not
24 be set to pay for all of the operational and administrative costs of
25 Oregon's tolling system. The Washington tolling authority must
26 require toll rates that specifically cover the Interstate 5 Columbia
27 river bridge without subsidizing other Oregon toll facilities.
28 Washington residents are already paying for toll system operations of
29 the Washington department of transportation, and therefore the
30 agreement must recognize that it would be unfair for the toll rates
31 on the Interstate 5 Columbia river bridge to pay for administrative
32 and program costs of the Oregon department of transportation that are
33 created with the expectation to benefit multiple tolled facilities in
34 Oregon.

35 **Sec. 5.** RCW 47.56.810 and 2011 c 377 s 7 and 2011 c 369 s 2 are
36 each reenacted and amended to read as follows:

37 The definitions in this section apply throughout this subchapter
38 unless the context clearly requires otherwise:

1 (1) "Eligible toll facility" or "eligible toll facilities" means
2 portions of the state highway system specifically identified by the
3 legislature including, but not limited to, transportation corridors,
4 bridges, crossings, interchanges, on-ramps, off-ramps, approaches,
5 bistate facilities, and interconnections between highways. For
6 purposes of a bistate facility, the legislature may define an
7 "eligible toll facility" to include a part of a project that may
8 extend beyond the state border.

9 (2) "Express toll lanes" means one or more high occupancy vehicle
10 lanes of a highway in which the department charges tolls primarily as
11 a means of regulating access to or use of the lanes to maintain
12 travel speed and reliability.

13 (3) "Toll revenue" or "revenue from an eligible toll facility"
14 means toll receipts, all interest income derived from the investment
15 of toll receipts, and any gifts, grants, or other funds received for
16 the benefit of transportation facilities in the state, including
17 eligible toll facilities.

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

22 **Sec. 6.** RCW 43.84.092 and 2022 c 182 s 403 are each amended to
23 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
28 receive funds associated with federal programs as required by the
29 federal cash management improvement act of 1990. The treasury income
30 account is subject in all respects to chapter 43.88 RCW, but no
31 appropriation is required for refunds or allocations of interest
32 earnings required by the cash management improvement act. Refunds of
33 interest to the federal treasury required under the cash management
34 improvement act fall under RCW 43.88.180 and shall not require
35 appropriation. The office of financial management shall determine the
36 amounts due to or from the federal government pursuant to the cash
37 management improvement act. The office of financial management may
38 direct transfers of funds between accounts as deemed necessary to
39 implement the provisions of the cash management improvement act, and

1 this subsection. Refunds or allocations shall occur prior to the
2 distributions of earnings set forth in subsection (4) of this
3 section.

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

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

17 (a) The following accounts and funds shall receive their
18 proportionate share of earnings based upon each account's and fund's
19 average daily balance for the period: The abandoned recreational
20 vehicle disposal account, the aeronautics account, the Alaskan Way
21 viaduct replacement project account, the ambulance transport fund,
22 the brownfield redevelopment trust fund account, the budget
23 stabilization account, the capital vessel replacement account, the
24 capitol building construction account, the Central Washington
25 University capital projects account, the charitable, educational,
26 penal and reformatory institutions account, the Chehalis basin
27 account, the Chehalis basin taxable account, the cleanup settlement
28 account, the climate active transportation account, the climate
29 transit programs account, the Columbia river basin water supply
30 development account, the Columbia river basin taxable bond water
31 supply development account, the Columbia river basin water supply
32 revenue recovery account, the common school construction fund, the
33 community forest trust account, the connecting Washington account,
34 the county arterial preservation account, the county criminal justice
35 assistance account, the deferred compensation administrative account,
36 the deferred compensation principal account, the department of
37 licensing services account, the department of retirement systems
38 expense account, the developmental disabilities community services
39 account, the diesel idle reduction account, the drinking water
40 assistance account, the administrative subaccount of the drinking

1 water assistance account, the early learning facilities development
2 account, the early learning facilities revolving account, the Eastern
3 Washington University capital projects account, the education
4 construction fund, the education legacy trust account, the election
5 account, the electric vehicle account, the energy freedom account,
6 the energy recovery act account, the essential rail assistance
7 account, The Evergreen State College capital projects account, the
8 fair start for kids account, the ferry bond retirement fund, the
9 fish, wildlife, and conservation account, the freight mobility
10 investment account, the freight mobility multimodal account, the
11 grade crossing protective fund, the public health services account,
12 the state higher education construction account, the higher education
13 construction account, the higher education retirement plan
14 supplemental benefit fund, the highway bond retirement fund, the
15 highway infrastructure account, the highway safety fund, the hospital
16 safety net assessment fund, the Interstate 5 bridge replacement
17 project account, the Interstate 405 and state route number 167
18 express toll lanes account, the judges' retirement account, the
19 judicial retirement administrative account, the judicial retirement
20 principal account, the limited fish and wildlife account, the local
21 leasehold excise tax account, the local real estate excise tax
22 account, the local sales and use tax account, the marine resources
23 stewardship trust account, the medical aid account, the money-
24 purchase retirement savings administrative account, the money-
25 purchase retirement savings principal account, the motor vehicle
26 fund, the motorcycle safety education account, the move ahead WA
27 account, the move ahead WA flexible account, the multimodal
28 transportation account, the multiuse roadway safety account, the
29 municipal criminal justice assistance account, the oyster reserve
30 land account, the pension funding stabilization account, the
31 perpetual surveillance and maintenance account, the pilotage account,
32 the pollution liability insurance agency underground storage tank
33 revolving account, the public employees' retirement system plan 1
34 account, the public employees' retirement system combined plan 2 and
35 plan 3 account, the public facilities construction loan revolving
36 account, the public health supplemental account, the public works
37 assistance account, the Puget Sound capital construction account, the
38 Puget Sound ferry operations account, the Puget Sound Gateway
39 facility account, the Puget Sound taxpayer accountability account,
40 the real estate appraiser commission account, the recreational

1 vehicle account, the regional mobility grant program account, the
2 resource management cost account, the rural arterial trust account,
3 the rural mobility grant program account, the rural Washington loan
4 fund, the sexual assault prevention and response account, the site
5 closure account, the skilled nursing facility safety net trust fund,
6 the small city pavement and sidewalk account, the special category C
7 account, the special wildlife account, the state investment board
8 expense account, the state investment board commingled trust fund
9 accounts, the state patrol highway account, the state reclamation
10 revolving account, the state route number 520 civil penalties
11 account, the state route number 520 corridor account, the statewide
12 broadband account, the statewide tourism marketing account, the
13 supplemental pension account, the Tacoma Narrows toll bridge account,
14 the teachers' retirement system plan 1 account, the teachers'
15 retirement system combined plan 2 and plan 3 account, the tobacco
16 prevention and control account, the tobacco settlement account, the
17 toll facility bond retirement account, the transportation 2003
18 account (nickel account), the transportation equipment fund, the
19 transportation future funding program account, the transportation
20 improvement account, the transportation improvement board bond
21 retirement account, the transportation infrastructure account, the
22 transportation partnership account, the traumatic brain injury
23 account, the University of Washington bond retirement fund, the
24 University of Washington building account, the voluntary cleanup
25 account, the volunteer firefighters' and reserve officers' relief and
26 pension principal fund, the volunteer firefighters' and reserve
27 officers' administrative fund, the vulnerable roadway user education
28 account, the Washington judicial retirement system account, the
29 Washington law enforcement officers' and firefighters' system plan 1
30 retirement account, the Washington law enforcement officers' and
31 firefighters' system plan 2 retirement account, the Washington public
32 safety employees' plan 2 retirement account, the Washington school
33 employees' retirement system combined plan 2 and 3 account, the
34 Washington state patrol retirement account, the Washington State
35 University building account, the Washington State University bond
36 retirement fund, the water pollution control revolving administration
37 account, the water pollution control revolving fund, the Western
38 Washington University capital projects account, the Yakima integrated
39 plan implementation account, the Yakima integrated plan
40 implementation revenue recovery account, and the Yakima integrated

1 plan implementation taxable bond account. Earnings derived from
2 investing balances of the agricultural permanent fund, the normal
3 school permanent fund, the permanent common school fund, the
4 scientific permanent fund, and the state university permanent fund
5 shall be allocated to their respective beneficiary accounts.

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

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

15 **Sec. 7.** RCW 43.84.092 and 2022 c 182 s 404 are each amended to
16 read as follows:

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

20 (2) The treasury income account shall be utilized to pay or
21 receive funds associated with federal programs as required by the
22 federal cash management improvement act of 1990. The treasury income
23 account is subject in all respects to chapter 43.88 RCW, but no
24 appropriation is required for refunds or allocations of interest
25 earnings required by the cash management improvement act. Refunds of
26 interest to the federal treasury required under the cash management
27 improvement act fall under RCW 43.88.180 and shall not require
28 appropriation. The office of financial management shall determine the
29 amounts due to or from the federal government pursuant to the cash
30 management improvement act. The office of financial management may
31 direct transfers of funds between accounts as deemed necessary to
32 implement the provisions of the cash management improvement act, and
33 this subsection. Refunds or allocations shall occur prior to the
34 distributions of earnings set forth in subsection (4) of this
35 section.

36 (3) Except for the provisions of RCW 43.84.160, the treasury
37 income account may be utilized for the payment of purchased banking
38 services on behalf of treasury funds including, but not limited to,
39 depository, safekeeping, and disbursement functions for the state

1 treasury and affected state agencies. The treasury income account is
2 subject in all respects to chapter 43.88 RCW, but no appropriation is
3 required for payments to financial institutions. Payments shall occur
4 prior to distribution of earnings set forth in subsection (4) of this
5 section.

6 (4) Monthly, the state treasurer shall distribute the earnings
7 credited to the treasury income account. The state treasurer shall
8 credit the general fund with all the earnings credited to the
9 treasury income account except:

10 (a) The following accounts and funds shall receive their
11 proportionate share of earnings based upon each account's and fund's
12 average daily balance for the period: The abandoned recreational
13 vehicle disposal account, the aeronautics account, the Alaskan Way
14 viaduct replacement project account, the brownfield redevelopment
15 trust fund account, the budget stabilization account, the capital
16 vessel replacement account, the capitol building construction
17 account, the Central Washington University capital projects account,
18 the charitable, educational, penal and reformatory institutions
19 account, the Chehalis basin account, the Chehalis basin taxable
20 account, the cleanup settlement account, the climate active
21 transportation account, the climate transit programs account, the
22 Columbia river basin water supply development account, the Columbia
23 river basin taxable bond water supply development account, the
24 Columbia river basin water supply revenue recovery account, the
25 common school construction fund, the community forest trust account,
26 the connecting Washington account, the county arterial preservation
27 account, the county criminal justice assistance account, the deferred
28 compensation administrative account, the deferred compensation
29 principal account, the department of licensing services account, the
30 department of retirement systems expense account, the developmental
31 disabilities community services account, the diesel idle reduction
32 account, the drinking water assistance account, the administrative
33 subaccount of the drinking water assistance account, the early
34 learning facilities development account, the early learning
35 facilities revolving account, the Eastern Washington University
36 capital projects account, the education construction fund, the
37 education legacy trust account, the election account, the electric
38 vehicle account, the energy freedom account, the energy recovery act
39 account, the essential rail assistance account, The Evergreen State
40 College capital projects account, the fair start for kids account,

1 the ferry bond retirement fund, the fish, wildlife, and conservation
2 account, the freight mobility investment account, the freight
3 mobility multimodal account, the grade crossing protective fund, the
4 public health services account, the state higher education
5 construction account, the higher education construction account, the
6 higher education retirement plan supplemental benefit fund, the
7 highway bond retirement fund, the highway infrastructure account, the
8 highway safety fund, the hospital safety net assessment fund, the
9 Interstate 5 bridge replacement project account, the Interstate 405
10 and state route number 167 express toll lanes account, the judges'
11 retirement account, the judicial retirement administrative account,
12 the judicial retirement principal account, the limited fish and
13 wildlife account, the local leasehold excise tax account, the local
14 real estate excise tax account, the local sales and use tax account,
15 the marine resources stewardship trust account, the medical aid
16 account, the money-purchase retirement savings administrative
17 account, the money-purchase retirement savings principal account, the
18 motor vehicle fund, the motorcycle safety education account, the move
19 ahead WA account, the move ahead WA flexible account, the multimodal
20 transportation account, the multiuse roadway safety account, the
21 municipal criminal justice assistance account, the oyster reserve
22 land account, the pension funding stabilization account, the
23 perpetual surveillance and maintenance account, the pilotage account,
24 the pollution liability insurance agency underground storage tank
25 revolving account, the public employees' retirement system plan 1
26 account, the public employees' retirement system combined plan 2 and
27 plan 3 account, the public facilities construction loan revolving
28 account, the public health supplemental account, the public works
29 assistance account, the Puget Sound capital construction account, the
30 Puget Sound ferry operations account, the Puget Sound Gateway
31 facility account, the Puget Sound taxpayer accountability account,
32 the real estate appraiser commission account, the recreational
33 vehicle account, the regional mobility grant program account, the
34 resource management cost account, the rural arterial trust account,
35 the rural mobility grant program account, the rural Washington loan
36 fund, the sexual assault prevention and response account, the site
37 closure account, the skilled nursing facility safety net trust fund,
38 the small city pavement and sidewalk account, the special category C
39 account, the special wildlife account, the state investment board
40 expense account, the state investment board commingled trust fund

1 accounts, the state patrol highway account, the state reclamation
2 revolving account, the state route number 520 civil penalties
3 account, the state route number 520 corridor account, the statewide
4 broadband account, the statewide tourism marketing account, the
5 supplemental pension account, the Tacoma Narrows toll bridge account,
6 the teachers' retirement system plan 1 account, the teachers'
7 retirement system combined plan 2 and plan 3 account, the tobacco
8 prevention and control account, the tobacco settlement account, the
9 toll facility bond retirement account, the transportation 2003
10 account (nickel account), the transportation equipment fund, the
11 transportation future funding program account, the transportation
12 improvement account, the transportation improvement board bond
13 retirement account, the transportation infrastructure account, the
14 transportation partnership account, the traumatic brain injury
15 account, the University of Washington bond retirement fund, the
16 University of Washington building account, the voluntary cleanup
17 account, the volunteer firefighters' and reserve officers' relief and
18 pension principal fund, the volunteer firefighters' and reserve
19 officers' administrative fund, the vulnerable roadway user education
20 account, the Washington judicial retirement system account, the
21 Washington law enforcement officers' and firefighters' system plan 1
22 retirement account, the Washington law enforcement officers' and
23 firefighters' system plan 2 retirement account, the Washington public
24 safety employees' plan 2 retirement account, the Washington school
25 employees' retirement system combined plan 2 and 3 account, the
26 Washington state patrol retirement account, the Washington State
27 University building account, the Washington State University bond
28 retirement fund, the water pollution control revolving administration
29 account, the water pollution control revolving fund, the Western
30 Washington University capital projects account, the Yakima integrated
31 plan implementation account, the Yakima integrated plan
32 implementation revenue recovery account, and the Yakima integrated
33 plan implementation taxable bond account. Earnings derived from
34 investing balances of the agricultural permanent fund, the normal
35 school permanent fund, the permanent common school fund, the
36 scientific permanent fund, and the state university permanent fund
37 shall be allocated to their respective beneficiary accounts.

38 (b) Any state agency that has independent authority over accounts
39 or funds not statutorily required to be held in the state treasury
40 that deposits funds into a fund or account in the state treasury

1 pursuant to an agreement with the office of the state treasurer shall
2 receive its proportionate share of earnings based upon each account's
3 or fund's average daily balance for the period.

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

7 NEW SECTION. **Sec. 8.** Except for sections 4, 6, and 7 of this
8 act, this act takes effect upon, and tolls may not be collected on
9 the Interstate 5 bridge replacement project until: (1) Certification
10 of the secretary of transportation to the governor that the
11 department of transportation has received satisfactory evidence that
12 a sufficient federal funding plan is in place and that sufficient
13 state and local funds are available to complete the Interstate 5
14 bridge replacement project; and (2) the bistate agreement described
15 in section 4 of this act has taken effect.

16 NEW SECTION. **Sec. 9.** The secretary of transportation must
17 provide notice that the governor has received certification as
18 described under section 8(1) of this act to affected parties, the
19 chief clerk of the house of representatives, the secretary of the
20 senate, the office of the code reviser, and others as deemed
21 appropriate by the secretary. Additionally, the tolling authority, as
22 defined in RCW 47.56.810, must provide written notice that the
23 bistate agreement described under section 4 of this act has taken
24 effect to affected parties, the chief clerk of the house of
25 representatives, the secretary of the senate, the office of the code
26 reviser, and others as deemed appropriate by the tolling authority.

27 NEW SECTION. **Sec. 10.** RCW 47.56.892 (Columbia river crossing
28 project—Agreements with the Oregon state transportation commission)
29 and 2012 c 36 s 4 are each repealed.

30 NEW SECTION. **Sec. 11.** Section 6 of this act expires July 1,
31 2024.

32 NEW SECTION. **Sec. 12.** Section 7 of this act takes effect July
33 1, 2024.

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