

SENATE BILL REPORT

SB 5702

As of February 17, 2025

Title: An act relating to streamlining the toll rate setting process at the transportation commission.

Brief Description: Streamlining the toll rate setting process at the transportation commission.

Sponsors: Senators Ramos, Goehner and Nobles.

Brief History:

Committee Activity: Transportation: 2/20/25.

Brief Summary of Bill

- Removes toll rate setting from the rulemaking process under the Administrative Procedure Act.
- Establishes a new process for setting toll rates at the Transportation Commission.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kelly Simpson (786-7403)

Background: Under current law, the Transportation Commission (Commission) is the tolling authority for the state. As the state tolling authority, the Commission must (1) set toll rates, establish appropriate exemptions, if any, and make adjustments as conditions warrant on eligible toll facilities, and (2) review toll collection policies, toll operations policies, and toll revenue expenditures on the eligible toll facilities and report annually on this review to the Legislature. When setting and adjusting toll rates, and related administrative fees, the Commission must follow the rulemaking process outlined in the Administrative Procedure Act (APA).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The APA requires agencies follow specified timelines when adopting rules. The required minimum timelines for rulemaking are as follows:

- an agency starts the process by filing a preproposal statement of inquiry regarding the topic to be addressed in rule;
- 30 days later, the agency may file a notice of proposed rulemaking with the proposed rule language for public consideration; and
- 20 days later the agency may hold a hearing and adopt the final rule, which takes effect 31 days after that.

An agency may not adopt a rule that is substantially different from the proposed rule without reopening the proceedings for public comment on the proposed variance. Alternatively, the agency may withdraw the proposed rule and commence a new rulemaking proceeding to adopt a substantially different rule.

Summary of Bill: The toll rate setting process is removed from the APA and replaced with a new process at the Commission.

When setting or adjusting toll rates on eligible toll facilities, or establishing or adjusting appropriate exemptions, including discounts, the Commission must:

- issue written notice to the public, at least 30 days in advance, that the Commission intends to set or adjust toll rates on a given facility;
- carry out a public outreach process on a possible toll rate option or options;
- after review of options and public input, select the applicable toll rates and adopt the toll rates at an open public meeting; and
- within one week of adopting toll rates, notify the public and stakeholder agencies of the toll rates.

The Commission may adopt a toll change on an emergency basis if it determines that immediate adoption is necessary in order to comply with the legal or financial obligations of the state.

Administrative fees must be adopted following the same process as toll setting.

All toll rates and toll policies must be posted on the Commission's website. All open public meetings regarding toll setting must include an option for the public to participate remotely.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: The bill takes effect on January 1, 2026.