

WSR 21-15-123

PROPOSED RULES

TRANSPORTATION COMMISSION

[Filed July 21, 2021, 10:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-07-115.

Title of Rule and Other Identifying Information: For purposes of setting State Route (SR) 99 Tunnel toll rates, fees, and policies, amending WAC 468-270-073 What are the toll rates on the SR 99 Tunnel?

Hearing Location(s): On August 24, 2021, at 10:00 a.m., virtual, https://us02web.zoom.us/webinar/register/WN_RWa6Kv9MSZGhsSWSf-0ovw. In response to the COVID-19 pandemic, the Washington state transportation commission (WSTC) will hold this hearing virtually to promote social distancing and the safety of the citizens of Washington state. This is an online meeting that you can attend from any computer using internet access. Please register at https://us02web.zoom.us/webinar/register/WN_RWa6Kv9MSZGhsSWSf-0ovw. After registering, you will receive a confirmation email containing information about joining the webinar. Participants can use their telephone or computer to attend and testify.

Date of Intended Adoption: August 24, 2021.

Submit Written Comments to: WSTC, P.O. Box 47308, Olympia, WA 98504-7308, email transc@wstc.wa.gov, fax 360-705-6802, by August 16, 2021.

Assistance for Persons with Disabilities: Contact Bobbie Garver, phone 360-705-7070, fax 360-705-6802, TTY 711 connect to 360-705-7070, email transc@wstc.wa.gov, by August 16, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule is to adjust toll rates for the SR 99 Tunnel, to mitigate a reduction in revenue resulting from the COVID-19 pandemic and to ensure that toll revenues cover repair and replacement costs for the tunnel as required under state law.

The anticipated effects of this proposal are that toll rates for the SR 99 Tunnel will increase.

Reasons Supporting Proposal: The commission is proposing the adjustment of toll rates for the SR 99 Tunnel that ensures legal and funding requirements are met, supports reliable travel times and speed on the facility, and that minimizes traffic impacts on the downtown Seattle street network.

Pursuant to RCW 47.56.862 the tolling authority shall set a variable schedule of toll rates to maintain travel time, speed, and reliability on the SR 99 Tunnel and to generate the necessary revenue sufficient to meet the redemption of bonds, to meet the obligations or the tolling authority under RCW 47.56.850, and interest payments on bonds and for those costs that are eligible under RCW 47.56.820. Therefore, in order to meet these requirements in state law, the commission must adjust SR 99 Tunnel toll rates, fees, and policies.

Statutory Authority for Adoption: RCW 47.56.030, 47.56.795, 47.56.850, and 47.56.862.

Statute Being Implemented: RCW 47.56.862.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: WSTC, governmental.

Name of Agency Personnel Responsible for Drafting: Carl See, WSTC, 2404 Chandler Court S.W., Olympia, WA 98504, 360-705-7070; Implementation and Enforcement: Ed Barry, Washington State Department of

Transportation, 2901 Third Avenue, Suite 500, Seattle, WA 98121, 206-464-1217.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.05.328 (5) (b) (vi), a cost-benefit analysis is not required, as this is setting or adjusting fees or rates pursuant to legislative requirements in RCW 47.56.850.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

July 21, 2021
 Reema Griffith
 Executive Director

OTS-3184.2

AMENDATORY SECTION (Amending WSR 19-06-037, filed 3/1/19, effective 4/1/19)

WAC 468-270-073 What are the toll rates on the SR 99 Tunnel?

(1) Tables 7 through 11 show the applicable toll rates by vehicle axles, day and time of travel, and method of payment.

(2) Effective July 1, 2022, and every three years thereafter, subject to review and potential adjustment by the commission, toll rates shall be increased as described in WAC 468-270-040 (3) (b).

**TABLE 7
 SR 99 TUNNEL
 TWO-AXLE VEHICLE TOLL RATES**

Mondays through Fridays	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²
Midnight to 6 a.m.	(((\$1.00)) <u>\$1.15</u>	(((\$3.00)) <u>\$3.15</u>	(((\$1.25)) <u>\$1.40</u>
6 a.m. to 7 a.m.	(((\$1.25)) <u>\$1.45</u>	(((\$3.25)) <u>\$3.45</u>	(((\$1.50)) <u>\$1.70</u>
7 a.m. to 9 a.m.	(((\$1.50)) <u>\$1.75</u>	(((\$3.50)) <u>\$3.75</u>	(((\$1.75)) <u>\$2.00</u>
9 a.m. to 3 p.m.	(((\$1.25)) <u>\$1.45</u>	(((\$3.25)) <u>\$3.45</u>	(((\$1.50)) <u>\$1.70</u>
3 p.m. to 6 p.m.	(((\$2.25)) <u>\$2.60</u>	(((\$4.25)) <u>\$4.60</u>	(((\$2.50)) <u>\$2.85</u>
6 p.m. to 11 p.m.	(((\$1.25)) <u>\$1.45</u>	(((\$3.25)) <u>\$3.45</u>	(((\$1.50)) <u>\$1.70</u>
11 p.m. to midnight	(((\$1.00)) <u>\$1.15</u>	(((\$3.00)) <u>\$3.15</u>	(((\$1.25)) <u>\$1.40</u>

Saturdays and Sundays ³	Good To Go! TM Pass ¹	Pay By Mail ¹	Good To Go! TM Pay By Plate ²
Midnight to Midnight	(((\$1.00)) <u>\$1.15</u>	(((\$3.00)) <u>\$3.15</u>	(((\$1.25)) <u>1.40</u>

Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.
²For this type of payment method, the customer is charged the Good to Go!TM Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.
³The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

**TABLE 8
SR 99 TUNNEL
THREE-AXLE VEHICLE TOLL RATES**

Mondays through Fridays	Good To Go! TM Pass ¹	Pay By Mail ¹	Good To Go! TM Pay By Plate ²
Midnight to 6 a.m.	(((\$1.50)) <u>\$1.75</u>	(((\$4.50)) <u>\$4.75</u>	(((\$1.75)) <u>\$2.00</u>
6 a.m. to 7 a.m.	(((\$1.90)) <u>\$2.20</u>	(((\$4.90)) <u>\$5.20</u>	(((\$2.15)) <u>\$2.45</u>
7 a.m. to 9 a.m.	(((\$2.25)) <u>\$2.65</u>	(((\$5.25)) <u>\$5.65</u>	(((\$2.50)) <u>\$2.90</u>
9 a.m. to 3 p.m.	(((\$1.90)) <u>\$2.20</u>	(((\$4.90)) <u>\$5.20</u>	(((\$2.15)) <u>\$2.45</u>
3 p.m. to 6 p.m.	(((\$3.40)) <u>\$3.90</u>	(((\$6.40)) <u>\$6.90</u>	(((\$3.65)) <u>\$4.15</u>
6 p.m. to 11 p.m.	(((\$1.90)) <u>\$2.20</u>	(((\$4.90)) <u>\$5.20</u>	(((\$2.15)) <u>\$2.45</u>
11 p.m. to midnight	(((\$1.50)) <u>\$1.75</u>	(((\$4.50)) <u>\$4.75</u>	(((\$1.75)) <u>\$2.00</u>

Saturdays and Sundays ³	Good To Go! TM Pass ¹	Pay By Mail ¹	Good To Go! TM Pay By Plate ²
Midnight to Midnight	(((\$1.50)) <u>\$1.75</u>	(((\$4.50)) <u>\$4.75</u>	(((\$1.75)) <u>\$2.00</u>

Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.
²For this type of payment method, the customer is charged the Good to Go!TM Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.
³The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

**TABLE 9
SR 99 TUNNEL
FOUR-AXLE VEHICLE TOLL RATES**

Mondays through Fridays	Good To Go! TM Pass ¹	Pay By Mail ¹	Good To Go! TM Pay By Plate ²
Midnight to 6 a.m.	(((\$2.00)) <u>\$2.30</u>	(((\$6.00)) <u>\$6.30</u>	(((\$2.25)) <u>\$2.55</u>
6 a.m. to 7 a.m.	(((\$2.50)) <u>\$2.90</u>	(((\$6.50)) <u>\$6.90</u>	(((\$2.75)) <u>\$3.15</u>
7 a.m. to 9 a.m.	(((\$3.00)) <u>\$3.50</u>	(((\$7.00)) <u>\$7.50</u>	(((\$3.25)) <u>\$3.75</u>
9 a.m. to 3 p.m.	(((\$2.50)) <u>\$2.90</u>	(((\$6.50)) <u>\$6.90</u>	(((\$2.75)) <u>\$3.15</u>
3 p.m. to 6 p.m.	(((\$4.50)) <u>\$5.20</u>	(((\$8.50)) <u>\$9.20</u>	(((\$4.75)) <u>\$5.45</u>
6 p.m. to 11 p.m.	(((\$2.50)) <u>\$2.90</u>	(((\$6.50)) <u>\$6.90</u>	(((\$2.75)) <u>\$3.15</u>

Mondays through Fridays	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²
11 p.m. to midnight	(((\$2.00)) <u>\$2.30</u>	(((\$6.00)) <u>\$6.30</u>	(((\$2.25)) <u>\$2.55</u>
Saturdays and Sundays³	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²
Midnight to Midnight	(((\$2.00)) <u>\$2.30</u>	(((\$6.00)) <u>\$6.30</u>	(((\$2.25)) <u>\$2.55</u>

Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.
²For this type of payment method, the customer is charged the Good to Go!™ Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.
³The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

**TABLE 10
SR 99 TUNNEL
FIVE-AXLE VEHICLE TOLL RATES**

Mondays through Fridays	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²
Midnight to 6 a.m.	(((\$2.50)) <u>\$2.90</u>	(((\$7.50)) <u>\$7.90</u>	(((\$2.75)) <u>\$3.15</u>
6 a.m. to 7 a.m.	(((\$3.15)) <u>\$3.65</u>	(((\$8.15)) <u>\$8.65</u>	(((\$3.40)) <u>\$3.90</u>
7 a.m. to 9 a.m.	(((\$3.75)) <u>\$4.40</u>	(((\$8.75)) <u>\$9.40</u>	(((\$4.00)) <u>\$4.65</u>
9 a.m. to 3 p.m.	(((\$3.15)) <u>\$3.65</u>	(((\$8.15)) <u>\$8.65</u>	(((\$3.40)) <u>\$3.90</u>
3 p.m. to 6 p.m.	(((\$5.65)) <u>\$6.50</u>	(((\$10.65)) <u>\$11.50</u>	(((\$5.90)) <u>\$6.75</u>
6 p.m. to 11 p.m.	(((\$3.15)) <u>\$3.65</u>	(((\$8.15)) <u>\$8.65</u>	(((\$3.40)) <u>\$3.90</u>
11 p.m. to midnight	(((\$2.50)) <u>\$2.90</u>	(((\$7.50)) <u>\$7.90</u>	(((\$2.75)) <u>\$3.15</u>
Saturdays and Sundays³	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²
Midnight to Midnight	(((\$2.50)) <u>\$2.90</u>	(((\$7.50)) <u>\$7.90</u>	(((\$2.75)) <u>\$3.15</u>

Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.
²For this type of payment method, the customer is charged the Good to Go!™ Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.
³The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

**TABLE 11
SR 99 TUNNEL
SIX-AXLE OR MORE VEHICLE TOLL RATES**

Mondays through Fridays	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²
Midnight to 6 a.m.	(((\$3.00)) <u>\$3.45</u>	(((\$9.00)) <u>\$9.45</u>	(((\$3.25)) <u>\$3.70</u>
6 a.m. to 7 a.m.	(((\$3.75)) <u>\$4.35</u>	(((\$9.75)) <u>\$10.35</u>	(((\$4.00)) <u>\$4.60</u>
7 a.m. to 9 a.m.	(((\$4.50)) <u>\$5.25</u>	(((\$10.50)) <u>\$11.25</u>	(((\$4.75)) <u>\$5.50</u>
9 a.m. to 3 p.m.	(((\$3.75)) <u>\$4.35</u>	(((\$9.75)) <u>\$10.35</u>	(((\$4.00)) <u>\$4.60</u>

Mondays through Fridays	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²
3 p.m. to 6 p.m.	(((\$6.75)) <u>\$7.80</u>	(((\$12.75)) <u>\$13.80</u>	(((\$7.00)) <u>\$8.05</u>
6 p.m. to 11 p.m.	(((\$3.75)) <u>\$4.35</u>	(((\$9.75)) <u>\$10.35</u>	(((\$4.00)) <u>\$4.60</u>
11 p.m. to midnight	(((\$3.00)) <u>\$3.45</u>	(((\$9.00)) <u>\$9.45</u>	(((\$3.25)) <u>\$3.70</u>
Saturdays and Sundays³	Good To Go!™ Pass¹	Pay By Mail¹	Good To Go!™ Pay By Plate²
Midnight to Midnight	(((\$3.00)) <u>\$3.45</u>	(((\$9.00)) <u>\$9.45</u>	(((\$3.25)) <u>\$3.70</u>

Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.
²For this type of payment method, the customer is charged the Good to Go!™ Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.
³The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

[Statutory Authority: RCW 47.56.030, 47.56.795, 47.56.850, and 47.56.862. WSR 19-06-037, § 468-270-073, filed 3/1/19, effective 4/1/19.]