

WSR 24-01-144

PROPOSED RULES

TRANSPORTATION COMMISSION

[Filed December 20, 2023, 11:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-20-104.

Title of Rule and Other Identifying Information: For purposes of adjusting toll rates on the I-405 express toll lanes (ETLs) and State Route (SR) 167 high occupancy toll (HOT) lanes, this rule will amend WAC 468-270-075, 468-270-077, 468-270-078, and 468-270-120. In addition to these adjustments, this rule will create a new WAC section under chapter 468-270 WAC to codify hours of operation for the SR 167 HOT lanes.

Hearing Location(s): On January 29, 2024, at 9 - 10 a.m., virtually at https://us02web.zoom.us/webinar/register/WN_Bz101ZyESqWLI264TOdveQ#/registration. The public hearing will be held virtually over Zoom with an option for members of the public to testify in person at 2404 Chandler Court S.W., Olympia, WA 98502.

Date of Intended Adoption: January 29, 2024.

Submit Written Comments to: Washington State Transportation Commission (WSTC), P.O. Box 47308, Olympia, WA 98504-7308, email transc@wsdot.wa.gov, fax 360-705-6802, by January 23, 2024.

Assistance for Persons with Disabilities: Contact Doreen Maasjo, phone 360-705-7070, fax 360-705-6802, TTY 711 connect to 360-705-7070, email transc@wstc.wa.gov, by January 23, 2024.

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 167 HOT lanes and I-405 ETLs in order to meet performance and financial needs for the facilities.

The anticipated effects of this proposal, which are expected to take effect on March 1, 2024, are as follows:

- The minimum toll rate on the SR 167 HOT lanes will increase from \$0.50 to \$1.
- The maximum toll rate on the SR 167 HOT lanes will increase from \$9 to \$15.
- The minimum toll rate on the I-405 ETLs will increase from \$0.75 to \$1.
- The maximum toll rate on the I-405 ETLs will increase from \$10 to \$15.
- The hours of operation on the SR 167 HOT lanes will change from 5 a.m. - 7 p.m. (seven days a week) to 5 a.m. - 8 p.m. (seven days a week).
- The hours of operation on the I-405 ETLs will change from 5 a.m. - 7 p.m. (M-F) to 5 a.m. - 8 p.m. (M-F).

Reasons Supporting Proposal: RCW 47.56.880 directs WSTC to periodically review toll rates on the I-405 ETLs and SR 167 HOT lanes against traffic performance of all lanes to determine if current toll rates are effectively maintaining travel time, speed, and reliability. The performance goal for the I-405/SR 167 ETLs to maintain speeds of 45 mph 90 percent of the time during peak hours is not being met with current toll rates in place. In addition, the adjustments will help address current revenue needs for the facilities.

Statutory Authority for Adoption: RCW 47.56.880, 47.56.795, 47.56.850, 47.56.888.

Statute Being Implemented: RCW 47.56.880, 47.56.830, 47.56.795.

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, WSDOT, 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.

Scope of exemption for rule proposal:

Is fully exempt.

December 18, 2023
Reema Griffith
Executive Director

OTS-5111.1

AMENDATORY SECTION (Amending WSR 11-04-007, filed 1/20/11, effective 12/3/11)

WAC 468-270-075 What are the toll rates for the SR 167 HOT lanes pilot project? Toll rates will vary based upon several factors including time of day, traffic volumes, traffic demand, and overall corridor performance. The toll rate schedule shall be adjusted as needed by WSDOT to meet HOV performance criteria as defined in RCW 47.56.403 and WAC 468-300-828 in order to maintain average HOT lane vehicle speeds above (~~forty-five~~) 45 miles per hour, at least (~~ninety~~) 90 percent of the time during peak hours.

When the SR 167 HOT lanes are in operation, the minimum toll rate is (~~(\$0.50)~~) \$1.00 and the maximum toll rate is (~~(\$9.00)~~) \$15.00.

AMENDATORY SECTION (Amending WSR 16-16-014, filed 7/21/16, effective 8/21/16)

WAC 468-270-077 What are the toll rates for the I-405 express toll lanes? When tolling is in effect on the I-405 express toll lanes, the *Good To Go!*[™] toll rate schedule shall be a minimum toll rate of (~~(\$0.75)~~) \$1.00 and a maximum toll rate of (~~(\$10.00)~~) \$15.00. *Good To Go!*[™] Pass toll rates shall vary in amount by time of day and level of traffic congestion, and will automatically adjust within the

established toll schedule using dynamic tolling to ensure average vehicle speeds in the lanes above (~~forty-five~~) 45 miles per hour at least (~~ninety~~) 90 percent of the time during peak hours. In the event there is a disruption in the ability to set tolls dynamically, the department may, on a temporary basis, adjust toll rates by time of day and level of traffic congestion within the range set forth in this section.

The commission shall periodically review the *Good To Go!*TM toll rate schedule against traffic performance of all lanes in the I-405 express toll lanes corridor, as outlined in RCW 47.56.880 to determine if the *Good To Go!*TM toll rates are effectively maintaining travel time, speed, and reliability for all lanes. Based on this review, the commission shall adjust the toll rate schedule as needed.

The toll rate for a Pay By Mail transaction is equal to the *Good To Go!*TM Pass toll rate plus \$2.00.

AMENDATORY SECTION (Amending WSR 16-16-014, filed 7/21/16, effective 8/21/16)

WAC 468-270-078 What are the hours that tolling will be in effect on the I-405 express toll lanes? Tolling will be in effect on the I-405 express toll lanes weekdays, Monday through Friday, from 5:00 a.m. to (~~7:00~~) 8:00 p.m. (excluding the weekdays on which holidaysⁱ are observed).

When tolling is not in effect on the I-405 express toll lanes, including on weekends and holidaysⁱ, the lanes are open to all vehicles regardless of occupancy, and a transponder is not needed to travel toll-free.

ⁱ New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

NEW SECTION

WAC 468-270-079 What are the hours that tolling will be in effect on the SR-167 high occupancy toll lanes? Tolling will be in effect on the SR-167 high occupancy toll lanes from 5:00 a.m. to 8:00 p.m. (excluding the days on which holidaysⁱ are observed).

When tolling is not in effect on the SR-167 high occupancy toll lanes, including holidaysⁱ, the lanes are open to all vehicles regardless of occupancy.

ⁱ New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

AMENDATORY SECTION (Amending WSR 16-16-014, filed 7/21/16, effective 8/21/16)

WAC 468-270-120 How many occupants are required to be considered an eligible carpool for toll exemption on I-405 express toll lanes? Between (~~5~~) 5:00 a.m. to (~~9~~) 9:00 a.m. and (~~3~~) 3:00 p.m. to (~~7~~) 8:00 p.m., Monday through Friday, (excluding the weekdays on which holidaysⁱ are observed) you must have three or more occupants in

your vehicle to qualify as a toll-free carpool. At all other times when tolling is in effect on the I-405 express toll lanes, you must have two or more occupants in your vehicle to qualify as a toll-free carpool. Occupancy requirements do not apply to vehicles that are otherwise exempt from tolls pursuant to WAC 468-270-110 or authorized as an HOV vehicle as defined in chapter 468-510 WAC.

ⁱ New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.