
SUBSTITUTE SENATE BILL 6445

State of Washington

62nd Legislature

2012 Regular Session

By Senate Transportation (originally sponsored by Senator Pridemore;
by request of Department of Transportation)

READ FIRST TIME 02/07/12.

1 AN ACT Relating to financing the Interstate 5 Columbia river
2 crossing project; reenacting and amending RCW 43.84.092 and 47.56.810;
3 adding new sections to chapter 47.56 RCW; creating new sections;
4 providing a contingent effective date; and providing a contingent
5 expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that the replacement
8 and improvement of the Interstate 5 Columbia river crossing is critical
9 for the west coast's transportation system and for the safety of
10 Washington and Oregon drivers. The interstate bridge includes two
11 side-by-side structures built in 1917 and 1958. In 2005, approximately
12 one hundred thirty-four thousand vehicles traveled across the
13 interstate bridge each day, and about forty billion dollars in freight
14 crosses the river each year. Collisions on and near the bridge occur
15 at a rate almost twice as high as other similar urban highways, and the
16 aging bridges are vulnerable to earthquakes. Replacing these
17 structures and making multimodal improvements to facilitate travel in
18 the bistate corridor is essential for the economy of the region.

1 Therefore, the state must develop a comprehensive approach to fund an
2 Interstate 5 Columbia river crossing project.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.56 RCW
4 under the subchapter heading "toll facilities created after July 1,
5 2008" to read as follows:

6 (1) For the purposes of this section and sections 3 and 4 of this
7 act, "Columbia river crossing project" means the bistate, multimodal
8 corridor improvement program between the state route number 500
9 interchange in Vancouver, Washington and the Victory Boulevard
10 interchange in Portland, Oregon.

11 (2) The Columbia river crossing project is designated an eligible
12 toll facility. Tolls are authorized to be imposed on the Columbia
13 river crossing project. However, the tolls must be charged only for
14 travel on the existing and replacement Interstate 5 Columbia river
15 bridges. Toll revenue generated on the Columbia river crossing project
16 must be expended only as allowed under RCW 47.56.820.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.56 RCW
18 under the subchapter heading "toll facilities created after July 1,
19 2008" to read as follows:

20 (1) A special account to be known as the Columbia river crossing
21 project account is created in the state treasury.

22 (2) Deposits to the account must include:

23 (a) All proceeds of bonds and loans issued for the Columbia river
24 crossing project, including any capitalized interest;

25 (b) All tolls and other revenues received from the operation of the
26 Columbia river crossing project as a toll facility to be deposited at
27 least monthly;

28 (c) Any interest that may be earned from the deposit or investment
29 of those revenues;

30 (d) Notwithstanding RCW 47.12.063, proceeds from the sale of any
31 surplus real property acquired for the Columbia river crossing project;
32 and

33 (e) All damages, liquidated or otherwise, collected under any
34 contract involving the Columbia river crossing project.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.56 RCW
2 under the subchapter heading "toll facilities created after July 1,
3 2008" to read as follows:

4 For the Columbia river crossing project, the tolling authority may
5 enter into agreements with the Oregon state transportation commission
6 regarding the mutual or joint setting, adjustment, and review of toll
7 rates as the tolling authority may find necessary to carry out the
8 purposes of this section. Any agreement between the tolling authority
9 and the Oregon state transportation commission made pursuant to this
10 section takes effect, and is not binding and enforceable until, thirty
11 days after adjournment of the next ensuing regular legislative session.
12 If the tolling authority has not entered into an agreement with the
13 Oregon state transportation commission by December 31, 2015, this
14 section expires.

15 **Sec. 5.** RCW 43.84.092 and 2011 1st sp.s. c 16 s 6, 2011 1st sp.s.
16 c 7 s 22, 2011 c 369 s 6, 2011 c 339 s 1, 2011 c 311 s 9, 2011 c 272 s
17 3, 2011 c 120 s 3, and 2011 c 83 s 7 are each reenacted and amended to
18 read as follows:

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

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

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

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

13 (a) The following accounts and funds shall receive their
14 proportionate share of earnings based upon each account's and fund's
15 average daily balance for the period: The aeronautics account, the
16 aircraft search and rescue account, the budget stabilization account,
17 the capital vessel replacement account, the capitol building
18 construction account, the Cedar River channel construction and
19 operation account, the Central Washington University capital projects
20 account, the charitable, educational, penal and reformatory
21 institutions account, the cleanup settlement account, the Columbia
22 river basin water supply development account, the Columbia river basin
23 taxable bond water supply development account, the Columbia river basin
24 water supply revenue recovery account, the Columbia river crossing
25 project account, the common school construction fund, the county
26 arterial preservation account, the county criminal justice assistance
27 account, the county sales and use tax equalization account, the
28 deferred 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 trust account, the drinking water assistance
32 account, the drinking water assistance administrative account, the
33 drinking water assistance repayment account, the Eastern Washington
34 University capital projects account, the Interstate 405 express toll
35 lanes operations account, the education construction fund, the
36 education legacy trust account, the election account, the energy
37 freedom account, the energy recovery act account, the essential rail
38 assistance account, The Evergreen State College capital projects

1 account, the federal forest revolving account, the ferry bond
2 retirement fund, the freight congestion relief account, the freight
3 mobility investment account, the freight mobility multimodal account,
4 the grade crossing protective fund, the public health services account,
5 the health system capacity account, the high capacity transportation
6 account, the state higher education construction account, the higher
7 education construction account, the highway bond retirement fund, the
8 highway infrastructure account, the highway safety account, the high
9 occupancy toll lanes operations account, the hospital safety net
10 assessment fund, the industrial insurance premium refund account, the
11 judges' retirement account, the judicial retirement administrative
12 account, the judicial retirement principal account, the local leasehold
13 excise tax account, the local real estate excise tax account, the local
14 sales and use tax account, the marine resources stewardship trust
15 account, the medical aid account, the mobile home park relocation fund,
16 the motor vehicle fund, the motorcycle safety education account, the
17 multiagency permitting team account, the multimodal transportation
18 account, the municipal criminal justice assistance account, the
19 municipal sales and use tax equalization account, the natural resources
20 deposit account, the oyster reserve land account, the pension funding
21 stabilization account, the perpetual surveillance and maintenance
22 account, the public employees' retirement system plan 1 account, the
23 public employees' retirement system combined plan 2 and plan 3 account,
24 the public facilities construction loan revolving account beginning
25 July 1, 2004, the public health supplemental account, the public
26 transportation systems account, the public works assistance account,
27 the Puget Sound capital construction account, the Puget Sound ferry
28 operations account, the Puyallup tribal settlement account, the real
29 estate appraiser commission account, the recreational vehicle account,
30 the regional mobility grant program account, the resource management
31 cost account, the rural arterial trust account, the rural mobility
32 grant program account, the rural Washington loan fund, the site closure
33 account, the skilled nursing facility safety net trust fund, the small
34 city pavement and sidewalk account, the special category C account, the
35 special wildlife account, the state employees' insurance account, the
36 state employees' insurance reserve account, the state investment board
37 expense account, the state investment board commingled trust fund
38 accounts, the state patrol highway account, the state route number 520

1 civil penalties account, the state route number 520 corridor account,
2 the state wildlife account, the supplemental pension account, the
3 Tacoma Narrows toll bridge account, the teachers' retirement system
4 plan 1 account, the teachers' retirement system combined plan 2 and
5 plan 3 account, the tobacco prevention and control account, the tobacco
6 settlement account, the transportation 2003 account (nickel account),
7 the transportation equipment fund, the transportation fund, the
8 transportation improvement account, the transportation improvement
9 board bond retirement account, the transportation infrastructure
10 account, the transportation partnership account, the traumatic brain
11 injury account, the tuition recovery trust fund, the University of
12 Washington bond retirement fund, the University of Washington building
13 account, the volunteer firefighters' and reserve officers' relief and
14 pension principal fund, the volunteer firefighters' and reserve
15 officers' administrative fund, the Washington judicial retirement
16 system account, the Washington law enforcement officers' and
17 firefighters' system plan 1 retirement account, the Washington law
18 enforcement officers' and firefighters' system plan 2 retirement
19 account, the Washington public safety employees' plan 2 retirement
20 account, the Washington school employees' retirement system combined
21 plan 2 and 3 account, the Washington state economic development
22 commission account, the Washington state health insurance pool account,
23 the Washington state patrol retirement account, the Washington State
24 University building account, the Washington State University bond
25 retirement fund, the water pollution control revolving fund, and the
26 Western Washington University capital projects account. Earnings
27 derived from investing balances of the agricultural permanent fund, the
28 normal school permanent fund, the permanent common school fund, the
29 scientific permanent fund, and the state university permanent fund
30 shall be allocated to their respective beneficiary accounts.

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

37 (5) In conformance with Article II, section 37 of the state

1 Constitution, no treasury accounts or funds shall be allocated earnings
2 without the specific affirmative directive of this section.

3 **Sec. 6.** RCW 47.56.810 and 2011 c 377 s 7 and 2011 c 369 s 2 are
4 each reenacted and amended to read as follows:

5 The definitions in this section apply throughout this subchapter
6 unless the context clearly requires otherwise:

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

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

19 (3) "Toll revenue" or "revenue from an eligible toll facility"
20 means toll receipts, all interest income derived from the investment of
21 toll receipts, and any gifts, grants, or other funds received for the
22 benefit of transportation facilities in the state, including eligible
23 toll facilities.

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

28 NEW SECTION. **Sec. 7.** Except for section 4 of this act, this act
29 takes effect upon, and tolls may not be collected on the Columbia river
30 crossing project until: (1) Certification of the secretary of
31 transportation to the governor that the department of transportation
32 has received satisfactory evidence that sufficient funding, including
33 federal funds, will be available to complete the phase of the Columbia
34 river crossing project that includes the construction of the Columbia
35 river bridge and landings; and (2) the agreement or agreements
36 described in section 4 of this act have taken effect. If the secretary

1 of transportation does not provide such certification to the governor
2 by December 31, 2015, this act, except for section 4 of this act, is
3 null and void.

4 NEW SECTION. **Sec. 8.** The secretary of transportation must provide
5 notice that the governor has received certification as described under
6 section 7 of this act to affected parties, the chief clerk of the house
7 of representatives, the secretary of the senate, the office of the code
8 reviser, and others as deemed appropriate by the secretary.
9 Additionally, the tolling authority, as defined in RCW 47.56.810, must
10 provide written notice that the agreements described under section 4 of
11 this act have taken effect to affected parties, the chief clerk of the
12 house of representatives, the secretary of the senate, the office of
13 the code reviser, and others as deemed appropriate by the tolling
14 authority.

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