

HOUSE BILL REPORT

ESHB 2808

As Passed House:

February 16, 2004

Title: An act relating to high-occupancy toll lanes.

Brief Description: Authorizing a pilot project for high-occupancy toll lanes.

Sponsors: By House Committee on Transportation (originally sponsored by Representatives Murray, Jarrett, Hankins, Wallace, Hudgins, Cooper, Hunter, Moeller, Sullivan and Dickerson).

Brief History:

Committee Activity:

Transportation: 1/26/04, 2/5/04 [DPS].

Floor Activity:

Passed House: 2/16/04, 57-41.

Brief Summary of Engrossed Substitute Bill

- Authorizes a pilot High Occupancy Toll (HOT) lanes project on State Route 167.
- Utilizes the High Occupancy Vehicle (HOV) lanes with HOVs free and single occupancy vehicles paying a toll based on time of day and traffic congestion.
- Project must be started within four years and can be in place for a maximum of four years and uses of toll revenues are prescribed.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 24 members: Representatives Murray, Chair; Rockefeller, Vice Chair; Simpson, G., Vice Chair; Jarrett, Assistant Ranking Minority Member; Bailey, Campbell, Clibborn, Cooper, Dickerson, Edwards, Flannigan, Hankins, Hatfield, Hudgins, Lovick, Morris, Nixon, Rodne, Romero, Shabro, Sullivan, Wallace, Wood and Woods.

Minority Report: Do not pass. Signed by 5 members: Representatives Ericksen, Ranking Minority Member; Armstrong, Kristiansen, Mielke and Schindler.

Staff: Gene Baxstrom (786-7303).

Background:

High Occupancy Vehicle (HOV) lanes are highway lanes reserved part-time or full-time for vehicles carrying a minimum number of occupants. The object of these lanes is to facilitate the operation of transit vehicles and other multi-occupant vehicles, allowing them to avoid congestion and providing those vehicles with improved travel times. There are currently over 200 miles of HOV lanes in operation in the central Puget Sound area. During certain periods, HOV lanes are operating below capacity while adjacent general purpose lanes are congested.

High Occupancy Toll (HOT) lanes are lanes that are open to carpools, vanpools, transit vehicles, and toll-paying single occupant vehicles. The goal for establishing these lanes is to provide a higher level of service for multi-occupant vehicles, while permitting single occupant vehicles to use surplus capacity in the lane by paying a toll. The HOT lanes have been employed in several corridors in California.

The Transportation Commission has authority to designate HOV lanes on state highways. It does not, however, have the authority to designate HOT lanes and impose charges for the use of those lanes. The Transportation Commission as part of its evaluation of HOV lanes directed the Department of Transportation (DOT) to evaluate the feasibility of converting a portion of the HOV lane system to HOT lanes. The DOT staff identified a portion of State Route 167 as the best candidate to implement a HOT lane pilot project.

Summary of Engrossed Substitute Bill:

The DOT is directed to establish and operate a HOT lane pilot project along nine miles of State Route 167 within King County. Tolls on the project are to be established by the Transportation Commission and may vary in amount by time of day, level of traffic congestion, vehicle occupancy or other criteria. Special tolls may be provided for zero emission vehicles. During peak hours, the tolls must be adjusted to maintain HOT lane performance of at least 45 miles per hour for at least 90 percent of the time, and the DOT is to mitigate impacts to HOV lane users and address safety issues. The DOT is to report annually to the Transportation Commission and the Legislature on the project including its operational efficiency, effectiveness for transit, revenue usefulness, and impacts on all highway users and modal choices. Surveys are authorized to determine this information.

The conversion of an existing HOV lane to a HOT lane is declared a policy exception for this pilot project. Construction of the facilities to implement the toll project must begin within four years or the HOT lane pilot authority expires and the toll project operational period is limited to a period of four years. Violation of the restricted access portion of a

HOV lane is a traffic infraction.

The HOT lanes operations account is created in the state treasury. Interest on the account accrues to the account. Money in the account may be used for financing the improvements, toll collections enforcement, and maintenance on the facility and a reasonable proportion must be used for carpools, vanpools, and transit services in the corridor.

The personally identifying information of persons using transponders to facilitate payment of tolls is exempted from the public disclosure but the information may be disclosed in aggregate by census tract. Law enforcement agencies may only access personally identifying information for toll enforcement purposes, except by court order.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The general purpose lanes of State Route 167 are congested while the HOV lanes have unused capacity. Innovative approaches must be tried to better use existing highway facilities. This is a worthwhile pilot project. This demonstrates a commitment to trying alternatives to just building more capacity. The personal privacy of toll users should be insured.

Testimony Against: Assurances are needed that the project will not eliminate the time advantage of the HOV lanes. It is important to evaluate the impacts of this pilot project. Toll revenues should be used to provide incentives for carpool, vanpool and transit services. Full disclosure of toll information should be made available to the press to permit examination of toll effects and accounting of toll funds.

Persons Testifying: (In support) Jennifer Ziegler, Transportation Commission; Mike Cummings, Department of Transportation; Harold Tuniguchi, King County Department of Transportation; Jim White, Mayor of Kent, Pete Lewis, Mayor of Auburn; and Bruce Agnew, Cascadia Project.

(Opposed) Kevin Shively, Transportation Choices Coalition; Jessyn Scher, Washington Public Interest Research Group; and Dona Ewing, Global Warming Action.

Persons Signed In To Testify But Not Testifying: None.