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SENATE BILL 5874

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State of Washington                      58th Legislature                      2003 Regular Session

By Senators Jacobsen, Kline and Kohl-Welles

Read first time 02/18/2003.    Referred to Committee on Highways & Transportation.

1            AN ACT Relating to tolling authority of regional transportation  
2 investment districts; amending RCW 36.120.020, 36.120.050, and  
3 47.56.076; and adding a new section to chapter 47.56 RCW.

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

5            **Sec. 1.** RCW 36.120.020 and 2002 c 56 s 102 are each amended to  
6 read as follows:

7            The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9            (1) "Board" means the governing body of a regional transportation  
10 investment district.

11            (2) "Department" means the Washington state department of  
12 transportation.

13            (3) "Highway of statewide significance" means an existing or  
14 proposed state route or federal interstate designated as a highway of  
15 statewide significance by the transportation commission, its successor  
16 entity, or the legislature.

17            (4) "Lead agency" means a public agency that by law can plan,  
18 design, and build a transportation project and has been so designated  
19 by the district.

1 (5) "Regional transportation investment district" or "district"  
2 means a municipal corporation whose boundaries are coextensive with two  
3 or more contiguous counties and that has been created by county  
4 legislative authorities and a vote of the people under this chapter to  
5 implement a regional transportation investment plan.

6 (6) "Regional transportation investment district planning  
7 committee" or "planning committee" means the advisory committee created  
8 under RCW 36.120.030 to create and propose to county legislative  
9 authorities a regional transportation investment plan to develop,  
10 finance, and construct transportation projects.

11 (7) "Regional transportation investment plan" or "plan" means a  
12 plan to develop, construct, and finance a transportation project or  
13 projects.

14 (8) "Transportation project" means:

15 (a) A capital improvement or improvements to a highway that has  
16 been designated, in whole or in part, as a highway of statewide  
17 significance, including an extension, that:

18 (i) Adds a lane or new lanes to an existing state or federal  
19 highway; or

20 (ii) Repairs or replaces a lane or lanes damaged by an event  
21 declared an emergency by the governor before January 1, 2002.

22 (b) A capital improvement or improvements to all or a portion of a  
23 highway of statewide significance, including an extension, and may  
24 include the following associated multimodal capital improvements:

25 (i) Approaches to highways of statewide significance;

26 (ii) High-occupancy vehicle lanes;

27 (iii) Flyover ramps;

28 (iv) Park and ride lots;

29 (v) Bus pullouts;

30 (vi) Vans for vanpools;

31 (vii) Buses; and

32 (viii) Signalization, ramp metering, and other transportation  
33 system management improvements.

34 (c) A capital improvement or improvements to all or a portion of a  
35 city street, county road, or existing highway or the creation of a new  
36 highway that intersects with a highway of statewide significance, if  
37 all of the following conditions are met:

1 (i) The project is included in a plan that makes highway  
2 improvement projects that add capacity to a highway or highways of  
3 statewide significance;

4 (ii) The secretary of transportation determines that the project  
5 would better relieve traffic congestion than investing that same money  
6 in adding capacity to a highway of statewide significance;

7 (iii) Matching money equal to one-third of the total cost of the  
8 project is provided by local entities, including but not limited to a  
9 metropolitan planning organization, county, city, port, or private  
10 entity in which a county participating in a plan is located. Local  
11 entities may use federal grants to meet this matching requirement;

12 (iv) In no case may the cumulative regional transportation  
13 investment district contribution to all projects constructed under this  
14 subsection (8)(c) exceed ten percent of the revenues generated by the  
15 district;

16 (v) In no case may the cumulative regional transportation  
17 investment district contribution to all projects constructed under this  
18 subsection (8)(c) exceed one billion dollars; and

19 (vi) The specific projects are included within the plan and  
20 submitted as part of the plan to a vote of the people.

21 (d) Operations, preservation, and maintenance are excluded from  
22 this definition and may not be included in a regional transportation  
23 investment plan. However, operations, preservation, and maintenance of  
24 toll-related facilities where toll revenues have been pledged for the  
25 payment of contracts is expressly authorized and may be included in a  
26 regional transportation investment plan.

27 (9) "Weighted vote" means a vote that reflects the population each  
28 board or planning committee member represents relative to the  
29 population represented by the total membership of the board or planning  
30 committee. Population will be determined using the federal 2000 census  
31 or subsequent federal census data.

32 **Sec. 2.** RCW 36.120.050 and 2002 c 56 s 105 are each amended to  
33 read as follows:

34 (1) A regional transportation investment district planning  
35 committee may, as part of a regional transportation investment plan,  
36 recommend the imposition of some or all of the following revenue

1 sources, which a regional transportation investment district may impose  
2 upon approval of the voters as provided in this chapter:

3 (a) A regional sales and use tax, as specified in RCW 82.14.430, of  
4 up to 0.5 percent of the selling price, in the case of a sales tax, or  
5 value of the article used, in the case of a use tax, upon the  
6 occurrence of any taxable event in the regional transportation  
7 investment district;

8 (b) A local option vehicle license fee, as specified under RCW  
9 82.80.100, of up to one hundred dollars per vehicle registered in the  
10 district. As used in this subsection, "vehicle" means motor vehicle as  
11 defined in RCW 46.04.320. Certain classes of vehicles, as defined  
12 under chapter 46.04 RCW, may be exempted from this fee;

13 (c) A parking tax under RCW 82.80.030;

14 (d) A local motor vehicle excise tax under RCW 81.100.060 and  
15 chapter 81.104 RCW;

16 (e) An employer excise tax under RCW 81.100.030; and

17 (f) Vehicle tolls on (~~(new or reconstructed facilities)~~) a state  
18 route or federal highway within the boundaries of the district. The  
19 plan must identify the specific location to be tolled and the purpose  
20 of the toll. Unless otherwise specified by law or contract, the  
21 department shall administer the collection of vehicle tolls on  
22 designated facilities, and the state transportation commission, or its  
23 successor, shall be the tolling authority.

24 (2) Taxes, fees, and tolls may not be imposed without an  
25 affirmative vote of the majority of the voters within the boundaries of  
26 the district voting on a ballot proposition as set forth in RCW  
27 36.120.070. Revenues from these taxes and fees may be used only to  
28 implement the plan as set forth in this chapter. A district may  
29 contract with the state department of revenue or other appropriate  
30 entities for administration and collection of any of the taxes or fees  
31 authorized in this section.

32 (3) Existing statewide motor vehicle fuel and special fuel taxes,  
33 at the distribution rates in effect on January 1, 2001, are not  
34 intended to be altered by this chapter.

35 **Sec. 3.** RCW 47.56.076 and 2002 c 56 s 403 are each amended to read  
36 as follows:

37 Upon approval of a majority of the voters within its boundaries

1 voting on the ballot proposition, and only for the purposes authorized  
2 in RCW 36.120.050(1)(f), a regional transportation investment district  
3 may impose vehicle tolls on a state (~~((routes where improvements~~  
4 ~~financed in whole or in part by a regional transportation investment~~  
5 ~~district add additional lanes to, or reconstruct lanes on, a highway of~~  
6 ~~statewide significance))~~ or federal highway within the boundaries of  
7 the district. The department shall administer the collection of  
8 vehicle tolls on designated facilities unless otherwise specified in  
9 law or by contract, and the state transportation commission, or its  
10 successor, shall (~~(be the tolling authority))~~ set and impose the tolls  
11 in amounts sufficient to implement the plan and issue bonds and  
12 maintain and operate the toll facility within the scope and intent of  
13 the regional transportation investment plan.

14 NEW SECTION. Sec. 4. A new section is added to chapter 47.56 RCW  
15 to read as follows:

16 (1) Notwithstanding any provision to the contrary in this chapter,  
17 a regional transportation investment district may impose vehicle tolls  
18 on the Alaskan Way Viaduct or a replacement structure and either Lake  
19 Washington bridge upon approval of a majority of the voters voting on  
20 a regional transportation investment plan ballot measure within its  
21 boundaries as authorized in chapter 36.120 RCW and RCW 47.56.076.

22 (2) The transportation commission shall undertake a study of the  
23 potential revenue generation from the tolls authorized in this section.  
24 The study must:

25 (a) Be conducted with the intent of providing investment grade  
26 analysis for the purpose of funding all, or a portion of, the cost of  
27 improvement or replacement of the facilities;

28 (b) Include consideration of the use of electronic toll collection  
29 systems for uninterrupted travel;

30 (c) Include consideration of value pricing including variable  
31 pricing based on time of day, class or type of vehicle, congestion  
32 pricing, and other pricing mechanisms deemed appropriate by the board  
33 or commission;

34 (d) Balance the consideration of revenue generation with the  
35 effects of consumer cost avoidance and congestion displacements.

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