

# SENATE BILL REPORT

## SB 5201

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As Reported By Senate Committee On:  
Transportation, March 3, 2005

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

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

**Sponsors:** Senators Haugen, Kastama, Swecker, Johnson, Benton, Weinstein and Shin; by request of Department of Transportation.

**Brief History:**

**Committee Activity:** Transportation: 1/25/05, 3/3/05 [DPS, w/oRec].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5201 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Swecker, Ranking Minority Member; Eide, Esser, Kastama, Oke, Spanel and Weinstein.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Benson and Mulliken.

**Staff:** David Ward (786-7341)

**Background:** High-occupancy vehicle (HOV) lanes are highway lanes reserved part-time or full-time for transit vehicles, multi-occupant vehicles and motorcycles. There are currently over 200 miles of HOV lanes in operation in the central Puget Sound area.

High-occupancy toll (HOT) lanes are lanes that are open to transit vehicles, multi-occupant vehicles, motorcycles, and toll-paying single occupant vehicles. There are currently no HOT lanes in Washington State. The goal in establishing HOT lanes is to maximize existing lane capacity by allowing single occupant vehicles to purchase surplus HOV lane capacity. To ensure existing HOV users are not negatively impacted, variable or dynamic pricing is utilized to manage the supply of, and demand for, excess HOV lane capacity. HOT lanes have been employed in Texas and California. Colorado and Minnesota will be opening HOT lanes facilities in the near future.

In November 2004, the U.S. Federal Highway Administration awarded \$1.2 million in grant funding to the Washington State Department of Transportation (WSDOT) for preliminary engineering, operational development, and public opinion research to convert nine miles of existing HOV lanes on SR 167 into HOT lanes.

**Summary of Substitute Bill:** WSDOT is authorized to establish and operate a HOT lane pilot project on the existing HOV lanes on State Route 167. The authority is for a four-year

tolling pilot project with authority rescinded four years after toll collection begins or, if contracts to build the pilot are not let within four years of authorization.

Toll rates are to be established by the Transportation Commission and includes the authority to vary the rate structure for low-emission vehicles. Toll rates must be dynamic and vary by time of day and level of traffic congestion to ensure single occupant vehicles are only permitted to enter the lane when average speeds within the HOT lane average forty-five miles per hour at least ninety percent of the time during peak hours.

Use or application of electronic tolling systems for the project must be compatible with other electronic tolling systems utilized within the state to the extent the technologies permit.

WSDOT must report annually to the Transportation Commission and the Legislature on the project including its operational efficiency and safety, effectiveness for transit, person and vehicle movements by mode, ability to finance improvements and transportation services using tolls, and impacts on all highway users.

Toll revenue generated by the project is deposited into a newly created high-occupancy toll lane operations account subject to legislative appropriation.

Violation of HOT lane restrictions is a traffic infraction.

Personally identifying information of persons using transponders to facilitate payment of tolls is exempt from public disclosure, and is accessible only to law enforcement personnel for toll enforcement purposes or pursuant to a court order.

**Substitute Bill Compared to Original Bill:** Language is included to clarify: public transit will not pay tolls; procurement associated with the project must be open and competitive; and that a reasonable portion of the toll revenue generated will be dedicated to transit and trip reduction. The letter 's' was also added to the words 'peak hour.'

**Appropriation:** None.

**Fiscal Note:** Requested on January 17, 2005.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains several effective dates. Please refer to the bill.

**Testimony For:** This bill provides for an innovative congestion relief pilot project that has been successful elsewhere and should be authorized. The project will also provide baseline data for tolling and revenue generation analysis that can be used to help determine the future of our regional transportation system. The bill should include provisions to expand performance standards to all hours of operation, provide explicit exemptions for multi-occupant vehicles, and dedicate revenue generated to transit purposes. Ideally, this and future projects would also have dedicated HOT and HOV lanes instead of a shared lane. There are concerns about approaches to and costs for law enforcement as well as limitations on accessing records for enforcement activities. There are also concerns about public access to records. Transaction and block address level records should be provided for rather than the census level records proposed in the bill. Assurances for the competitive procurement of tolling infrastructure should also be included in the bill.

**Testimony Against:** None.

**Who Testified:** PRO: Bruce Agnew, Cascadia Center; Rick Olson, PSRC; Pete Lewis, Mayor of Auburn; Mike Cummings, DOT; Jim White, Mayor of Kent; Robert Grenley, IDMICRO. OTHER: Mike Cooper, Transportation Choices; Peter Thein, WSTA; Diane Perry, WSP; Rowland Thompson, Allied Daily Newspapers.