

SHB 2211 - H AMD 727

By Representative Springer

ADOPTED AS AMENDED 04/17/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
4 impose tolls on the state route number 520 floating bridge subject to  
5 section 2 of this act, to help finance construction of the replacement  
6 state route number 520 floating bridge.

7 It is further the intent of the legislature to expedite the  
8 replacement of the floating bridge in a manner that does not preclude  
9 local design options on either side of the state route number 520  
10 corridor. For all projects in the state route number 520 corridor  
11 program, the legislature intends that the total cost will be no more  
12 than four billion six hundred fifty million dollars.

13 It is further the intent of the legislature that if the tolls on  
14 the state route number 520 corridor significantly alter the performance  
15 of nearby facilities, the legislature will reconsider the tolling  
16 policy for the corridor.

17 It is further the intent of the legislature that the department of  
18 transportation applies for federal stimulus funds for projects in the  
19 corridor.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.56 RCW  
21 under the subchapter heading "toll facilities created after July 1,  
22 2008" to read as follows:

23 (1) The initial imposition of tolls on the state route number 520  
24 corridor is authorized, the state route number 520 corridor is  
25 designated an eligible toll facility, and toll revenue generated in the  
26 corridor must only be expended as allowed under RCW 47.56.820.

27 (2) The state route number 520 corridor consists of that portion of  
28 state route number 520 between the junctions of Interstate 5 and state

1 route number 202. The toll imposed by this section shall be charged  
2 only for travel on the floating bridge portion of the state route  
3 number 520 corridor.

4 (3)(a) In setting the toll rates for the corridor pursuant to RCW  
5 47.56.850, the tolling authority shall set a variable schedule of toll  
6 rates to maintain travel time, speed, and reliability on the corridor  
7 and generate the necessary revenue as required under (b) of this  
8 subsection.

9 (b) The tolling authority shall initially set the variable schedule  
10 of toll rates, which the tolling authority may adjust annually to  
11 reflect inflation as measured by the consumer price index or as  
12 necessary to meet the redemption of bonds and interest payments on the  
13 bonds, to generate revenue sufficient to provide for:

14 (i) The issuance of general obligation bonds first payable from  
15 toll revenue and excise taxes on motor vehicle and special fuels  
16 pledged for the payment of those bonds in the amount necessary to fund  
17 only the replacement of the floating bridge segment of state route  
18 number 520; and

19 (ii) Costs associated with the project designated in subsection (4)  
20 of this section that are eligible under RCW 47.56.820.

21 (4) The proceeds of the bonds designated in subsection (3)(b)(i) of  
22 this section, which together with other appropriated and identified  
23 state and federal funds is sufficient to pay for the replacement of the  
24 floating bridge segment of state route number 520, must be used only to  
25 fund the construction of the replacement state route number 520  
26 floating bridge.

27 (5) The state toll agency may carry out the construction and  
28 improvements designated in subsection (4) of this section and  
29 administer the tolling program on the state route number 520 corridor.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.56 RCW  
31 to read as follows:

32 (1) The state route number 520 work group is created. The work  
33 group shall consist of the following members:

- 34 (a) The governor;  
35 (b) The legislators from the forty-third legislative district; and  
36 (c) The legislators from the forty-eighth legislative district.

37 (2) The state route number 520 work group must:

1 (a) Develop and recommend a financing strategy to fund the projects  
2 in the state route number 520 corridor. The work group must consult  
3 with the chairs and members of the house of representatives and senate  
4 transportation committees and others identified by the work group in  
5 developing a financing strategy. The financing strategy must be based  
6 on a total cost of all the intended projects in the state route number  
7 520 corridor that does not exceed four billion six hundred fifty  
8 million dollars; and

9 (b) Create an eastside subgroup, consisting of the legislators from  
10 the forty-eighth legislative district, to consider design options on  
11 the east side of the corridor, which extends from the east end of the  
12 floating bridge to state route number 202, and a westside subgroup,  
13 consisting of the legislators from the forty-third legislative  
14 district, to consider design options on the west side of the corridor,  
15 which extends from the west end of the floating bridge to Interstate 5.  
16 Each subgroup must work with the department to review and evaluate the  
17 design options in its respective portion of the corridor. Each  
18 subgroup must also solicit input on design issues from a variety of  
19 neighborhood and community groups in the area impacted by the projects  
20 that the subgroup is reviewing and evaluating.

21 (3) All design options considered or recommended by either subgroup  
22 or the state route number 520 work group must adhere to RCW 47.01.408.

23 (4) Each subgroup must recommend design options to the state route  
24 number 520 work group that meet the region's transit and transportation  
25 needs, and reflect the desires and concerns of neighborhood and  
26 community groups in the area directly impacted by the projects.

27 (5) The state route number 520 work group must present a final  
28 report with recommendations on financing and design options to the  
29 legislature by January 1, 2010.

30 (6) The department shall provide staff support to the state route  
31 number 520 work group.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.56 RCW  
33 under the subchapter heading "toll facilities created after July 1,  
34 2008" to read as follows:

35 Unless otherwise delegated, the department is the state toll agency  
36 with the authority to administer tolling programs on eligible toll  
37 facilities, including the state route number 520 corridor. The state

1 toll agency may adopt and amend rules to govern operations,  
2 collections, and enforcement on each eligible toll facility. In  
3 implementing tolling programs, the state toll agency may (1) collect  
4 and retain any toll charges and penalties imposed, (2) issue toll bills  
5 and notices of infraction, (3) use available resources to collect  
6 unpaid toll charges, including forwarding unpaid infractions to the  
7 department of licensing pursuant to RCW 46.20.270(3) and assigning the  
8 unpaid infractions to collection agencies under RCW 19.16.500, (4)  
9 allocate administrative fees and infraction charges to the toll  
10 facilities on which the fees and charges were incurred, (5) resolve  
11 disputes involving toll charges, and (6) procure and sell transponders  
12 or enter into contracts and license agreements to procure and sell  
13 transponders as necessary for the operation of electronic toll  
14 collection systems on eligible toll facilities.

15 NEW SECTION. **Sec. 5.** A new section is added to chapter 47.56 RCW  
16 under the subchapter heading "toll facilities created after July 1,  
17 2008" to read as follows:

18 A special account to be known as the state route number 520  
19 corridor account is created in the state treasury.

20 (1) Deposits to the account must include:

21 (a) All proceeds of bonds issued for construction of the  
22 replacement state route number 520 floating bridge, including any  
23 capitalized interest;

24 (b) All of the tolls and other revenues received from the operation  
25 of the state route number 520 corridor as a toll facility, to be  
26 deposited at least monthly;

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

29 (d) Notwithstanding RCW 47.12.063, proceeds from the sale of any  
30 surplus real property acquired for the purpose of building the  
31 replacement state route number 520 floating bridge; and

32 (e) All damages, liquidated or otherwise, collected under any  
33 contract involving the construction of the replacement state route  
34 number 520 floating bridge.

35 (2) Subject to the covenants made by the state in the bond  
36 proceedings authorizing the issuance and sale of bonds for the

1 replacement state route number 520 floating bridge, toll charges, other  
2 revenues, and interest received from the operation of the state route  
3 number 520 corridor as a toll facility may be used to:

4 (a) Pay any required costs allowed under RCW 47.56.820; and

5 (b) Repay amounts to the motor vehicle fund as required.

6 (3) When repaying the motor vehicle fund, the state treasurer shall  
7 transfer funds from the state route number 520 corridor account to the  
8 motor vehicle fund on or before each debt service date for bonds issued  
9 for the replacement state route number 520 floating bridge project in  
10 an amount sufficient to repay the motor vehicle fund for amounts  
11 transferred from that fund to the highway bond retirement fund to  
12 provide for any bond principal and interest due on that date. The  
13 state treasurer may establish subaccounts for the purpose of  
14 segregating toll charges, bond sale proceeds, and other revenues.

15 **Sec. 6.** RCW 43.84.092 and 2008 c 128 s 19 and 2008 c 106 s 4 are  
16 each reenacted and amended to read as follows:

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

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

35 (3) Except for the provisions of RCW 43.84.160, the treasury income  
36 account may be utilized for the payment of purchased banking services  
37 on behalf of treasury funds including, but not limited to, depository,

1 safekeeping, and disbursement functions for the state treasury and  
2 affected state agencies. The treasury income account is subject in all  
3 respects to chapter 43.88 RCW, but no appropriation is required for  
4 payments to financial institutions. Payments shall occur prior to  
5 distribution of earnings set forth in subsection (4) of this section.

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

10 The following accounts and funds shall receive their proportionate  
11 share of earnings based upon each account's and fund's average daily  
12 balance for the period: The aeronautics account, the aircraft search  
13 and rescue account, the budget stabilization account, the capitol  
14 building construction account, the Cedar River channel construction and  
15 operation account, the Central Washington University capital projects  
16 account, the charitable, educational, penal and reformatory  
17 institutions account, the cleanup settlement account, the Columbia  
18 river basin water supply development account, the common school  
19 construction fund, the county arterial preservation account, the county  
20 criminal justice assistance account, the county sales and use tax  
21 equalization account, the data processing building construction  
22 account, the deferred compensation administrative account, the deferred  
23 compensation principal account, the department of licensing services  
24 account, the department of retirement systems expense account, the  
25 developmental disabilities community trust account, the drinking water  
26 assistance account, the drinking water assistance administrative  
27 account, the drinking water assistance repayment account, the Eastern  
28 Washington University capital projects account, the education  
29 construction fund, the education legacy trust account, the election  
30 account, the energy freedom account, the essential rail assistance  
31 account, The Evergreen State College capital projects account, the  
32 federal forest revolving account, the ferry bond retirement fund, the  
33 freight congestion relief account, the freight mobility investment  
34 account, the freight mobility multimodal account, the grade crossing  
35 protective fund, the health services account, the public health  
36 services account, the health system capacity account, the personal  
37 health services account, the high capacity transportation account, the  
38 state higher education construction account, the higher education

1 construction account, the highway bond retirement fund, the highway  
2 infrastructure account, the highway safety account, the high occupancy  
3 toll lanes operations account, the industrial insurance premium refund  
4 account, the judges' retirement account, the judicial retirement  
5 administrative account, the judicial retirement principal account, the  
6 local leasehold excise tax account, the local real estate excise tax  
7 account, the local sales and use tax account, the medical aid account,  
8 the mobile home park relocation fund, the motor vehicle fund, the  
9 motorcycle safety education account, the multimodal transportation  
10 account, the municipal criminal justice assistance account, the  
11 municipal sales and use tax equalization account, the natural resources  
12 deposit account, the oyster reserve land account, the pension funding  
13 stabilization account, the perpetual surveillance and maintenance  
14 account, the public employees' retirement system plan 1 account, the  
15 public employees' retirement system combined plan 2 and plan 3 account,  
16 the public facilities construction loan revolving account beginning  
17 July 1, 2004, the public health supplemental account, the public  
18 transportation systems account, the public works assistance account,  
19 the Puget Sound capital construction account, the Puget Sound ferry  
20 operations account, the Puyallup tribal settlement account, the real  
21 estate appraiser commission account, the recreational vehicle account,  
22 the regional mobility grant program account, the resource management  
23 cost account, the rural arterial trust account, the rural Washington  
24 loan fund, the safety and education account, the site closure account,  
25 the small city pavement and sidewalk account, the special category C  
26 account, the special wildlife account, the state employees' insurance  
27 account, the state employees' insurance reserve account, the state  
28 investment board expense account, the state investment board commingled  
29 trust fund accounts, the state patrol highway account, the state route  
30 number 520 corridor account, the supplemental pension account, the  
31 Tacoma Narrows toll bridge account, the teachers' retirement system  
32 plan 1 account, the teachers' retirement system combined plan 2 and  
33 plan 3 account, the tobacco prevention and control account, the tobacco  
34 settlement account, the transportation 2003 account (nickel account),  
35 the transportation equipment fund, the transportation fund, the  
36 transportation improvement account, the transportation improvement  
37 board bond retirement account, the transportation infrastructure  
38 account, the transportation partnership account, the traumatic brain

1 injury account, the tuition recovery trust fund, the University of  
2 Washington bond retirement fund, the University of Washington building  
3 account, the urban arterial trust account, the volunteer firefighters'  
4 and reserve officers' relief and pension principal fund, the volunteer  
5 firefighters' and reserve officers' administrative fund, the Washington  
6 fruit express account, the Washington judicial retirement system  
7 account, the Washington law enforcement officers' and firefighters'  
8 system plan 1 retirement account, the Washington law enforcement  
9 officers' and firefighters' system plan 2 retirement account, the  
10 Washington public safety employees' plan 2 retirement account, the  
11 Washington school employees' retirement system combined plan 2 and 3  
12 account, the Washington state health insurance pool account, the  
13 Washington state patrol retirement account, the Washington State  
14 University building account, the Washington State University bond  
15 retirement fund, the water pollution control revolving fund, and the  
16 Western Washington University capital projects account. Earnings  
17 derived from investing balances of the agricultural permanent fund, the  
18 normal school permanent fund, the permanent common school fund, the  
19 scientific permanent fund, and the state university permanent fund  
20 shall be allocated to their respective beneficiary accounts. All  
21 earnings to be distributed under this subsection (4)((+a+)) shall first  
22 be reduced by the allocation to the state treasurer's service fund  
23 pursuant to RCW 43.08.190.

24 (5) In conformance with Article II, section 37 of the state  
25 Constitution, no treasury accounts or funds shall be allocated earnings  
26 without the specific affirmative directive of this section.

27 NEW SECTION. **Sec. 7.** This act takes effect August 1, 2009."

28 Correct the title.

EFFECT: (1) Provides the intent of the legislature that: (a)  
Tolls be imposed to finance the replacement of the floating bridge; (b)  
the replacement be done in a manner that does not preclude local design  
options on either side of the bridge; (c) the total cost of the project  
not exceed \$4.65 billion; (d) toll policy be revisited if the



performance of nearby facilities is significantly altered; and (e) the Washington state department of transportation (WSDOT) apply for federal stimulus funds for projects in the corridor.

(2) Authorizes tolling on the 520 floating bridge and requires the tolling authority to set a schedule of toll rates to maintain travel time, speed, and reliability in the corridor as well as support the issuance of the bonds necessary only for the construction of a replacement floating bridge. The tolling authority is allowed to increase the toll rates as necessary to reflect inflation and meet the payments on bonds.

(3) Creates the state route number 520 work group consisting of the Governor and the Legislators from the 43rd and 48th legislative districts.

(4) Requires the work group, in consultation with the chairs and members of the legislative transportation committees, to develop a finance plan to fund the replacement of the state route number 520 corridor for a cost of not more than \$4.65 billion.

(5) Requires the work group to create eastside and westside subgroups, consisting of the legislative members from each area, to consider design options on the east and west sides of the corridor respectively. Each subgroup must work with the WSDOT to review and evaluate design options and solicit input from neighborhood and community groups in the areas impacted by the projects.

(6) Requires that all options considered or recommended must adhere to the provisions of RCW 47.01.408, which lays out the criteria for the corridor including six total lanes, two of which are for transit and high occupancy vehicle traffic and four of which are general purpose, and effective connections for transit to the light rail station at the University of Washington.

(7) Requires that recommended design options meet the region's transportation and transit needs and reflect the desires and concerns of impacted neighborhood and community groups.

(8) Mandates the presentation of the final report of the state route number 520 work group to the Legislature by January 1, 2010.

(9) Retains sections 3, 4, 5, and 6 of the underlying bill, related to WSDOT tolling implementation, creation of the toll account for the corridor, and the effective date, with certain minor harmonizing modifications.

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