
Transportation Committee

HB 2211

Brief Description: Addressing the authorization, administration, collection, and enforcement of tolls on the state route number 520 corridor.

Sponsors: Representatives Clibborn, Eddy, Maxwell and Liias.

Brief Summary of Bill

- Imposes tolls on the State Route (SR) 520 corridor, which is defined as the portion of SR 520 between Interstate 5 and SR 202.
- Limits the toll rate in 2008 dollars to \$3.25 in one direction prior to the completion of the replacement floating bridge, and \$3.80 in one direction after the completion of the replacement floating bridge.
- Requires the toll rates to be set to generate revenue sufficient support \$1.2 billion in bonds and operations and maintenance.
- Restricts the expenditure of the proceeds of the bonds to construction of the replacement floating bridge, projects on the east and west ends of the bridge, and projects on the SR 520 corridor which receive federal stimulus funds.
- Allows for the collection of tolls based on license plate photographs, creates the process for doing so, and places authority for the collection of tolls and the issuance of toll infractions within the Washington State Department of Transportation.

Hearing Date: 2/19/09

Staff: David Munnecke (786-7315)

Background:

The SR 520 Evergreen Point Bridge is a one and a half mile, 43-year-old bridge crossing Lake Washington in King County. The bridge is scheduled for replacement due to its vulnerability to seismic activity and storm events. In addition to the deteriorating physical condition, the bridge

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lacks shoulders for disabled and emergency vehicles and experiences considerable amounts of congestion.

SR 520 Bridge Replacement Project Planning.

Legislation passed during the 2007 session directed the Office of Financial Management to hire a mediator and appropriate planning staff to develop a project impact plan for addressing the impacts of the project design on Seattle city neighborhoods and parks, including the Washington park arboretum, and institutions of higher education. The final project impact plan was provided by the December 1, 2008 delivery date, and identified the three options that are currently being studied.

Legislation passed during the 2008 session created the SR 520 Tolling Implementation Committee (Committee), consisting of three members, the Puget Sound Regional Council Executive Director, the Secretary of the Washington State Department of Transportation (WSDOT) or his or her designee, and a member of the Washington State Transportation Commission from King County. The Committee was required to evaluate various issues relating to the SR 520 bridge replacement project, including the form the tolling might take, traffic diversion, tolling and traffic management technology, partnership opportunities, and also was required to survey citizens about the project. A report was delivered from the Committee to the Governor and Legislature in January of this year.

In that same legislation, the project design is required to have six total lanes, with four general purpose lanes and two lanes that are for high occupancy vehicle travel and transit. The bridge must also be designed to accommodate effective connections for transit, including high capacity transit, to the light rail station at the University of Washington.

Lake Washington Urban Partnership.

In 2007 the WSDOT was awarded a grant from the United States Department of Transportation's Congestion Initiative, known as the Lake Washington Urban Partnership. The grant provided \$139 million, of which \$86 million was provided for active traffic management (such as traveler information and speed harmonization) and variable tolling on the SR 520 bridge. All but \$1.6 million of the grant is only accessible once a variable tolling policy has been approved, legal authority exists for tolling to commence, and variable tolling is implemented on the SR 520 bridge project.

Toll Enforcement.

It is an infraction to refuse to pay a toll or otherwise avoid a toll at a publicly-operated toll facility. In 2004, Substitute House Bill 2475 allowed for the detection of toll violations through the use of a photo enforcement system. The photo enforcement system may record images of vehicles and vehicle license plates only, and the infractions issued through such a system are not part of the registered owners' driving records and must be processed in the same manner as traffic infractions. The penalty for toll violation infractions issued through the use of photo enforcement systems is set at \$40, plus three times the cash toll for a standard passenger vehicle during peak hours.

Summary of Bill:

The imposition of tolls on the SR 520 corridor, which is defined as the section of SR 520 between Interstate 5 and SR 202, is authorized. The maximum toll rate in 2008 dollars is limited to \$3.25 in one direction prior to the completion of the replacement floating bridge, and \$3.80 in one direction after the completion of the replacement floating bridge. The toll rates are required to be set to generate revenue sufficient to support the issuance of \$1.2 billion in bonds as well as operations and maintenance of the facility. The expenditure of the proceeds of the bonds is restricted to construction of the replacement floating bridge, projects on the east and west ends of the bridge, and projects on the SR 520 corridor which receive federal stimulus funds.

The WSDOT is designated as the state toll agency with the authority to administer the toll collection on the SR 520 corridor, which includes the authority to:

- collect and retain toll charges and penalties;
- issue toll bills and notices of infraction;
- hold administrative hearings;
- collect unpaid tolls including forwarding unpaid infractions to the Department of Licensing and collection agencies; and
- adjudicate disputes regarding toll charges, infractions, and penalties, except for appeals to superior court.

The State Route 520 Corridor Account is created, and all the proceeds of the bonds issued for the construction of the SR 520 corridor, all the tolls generated on the corridor, any interest earned on these funds, the proceeds from the sale of surplus property used for construction on the corridor, and any liquidated damages must be deposited into the account. These revenues may only be used for purposes consistent with the tolling expenditure guidelines currently in statute and the repayment of bonds.

The collection of tolls through either an electronic toll system, such as the Good to Go system, or photo monitoring is authorized. Individuals utilizing a facility who do not have a Good to Go account have 72 hours after crossing in which to initiate a payment on their own or they will receive a toll bill, which may include an administrative fee and a notice of infraction as determined by the WSDOT. If the toll bill is unpaid after 45 days, the individual is guilty of a toll infraction, and owes an additional \$40 fine.

All photo monitoring locations are required to be clearly marked, and any photographs or video taken through the photo monitoring system must be taken of the vehicle and license plate only. These images are not open to the public and may not be used in a court proceeding unless it is related to toll enforcement. Likewise, the selling, distribution or making available of names and addresses of account holders is prohibited unless otherwise required by law.

Infractions for toll violations are excluded from the owner's driving records, and any infractions generated by the use of photo monitoring systems must be processed in the same fashion as parking infractions. Rental car companies are provided with a specific system to deal with toll infractions related to their vehicles wherein the company can pass along the toll to the driver of the vehicle at the time or state under oath that the driver cannot be determined.

The ability of individuals who receive a toll bill based on photo monitoring to testify under oath that they were not in the vehicle, and thus overcome the presumption that they were in the vehicle is eliminated.

Appropriation: None.

Fiscal Note: Requested on 2/13/09.

Effective Date: The bill takes effect on January 1, 2010.