

SENATE BILL REPORT

ESSB 6499

As Passed Senate, February 16, 2010

Title: An act relating to the administration, collection, use, and enforcement of tolls.

Brief Description: Concerning the administration, collection, use, and enforcement of tolls.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Murray and Haugen; by request of Department of Transportation).

Brief History:

Committee Activity: Transportation: 1/21/10, 2/08/10 [DPS, DNP].

Passed Senate: 2/16/10, 45-1.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6499 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Becker, Benton, Berkey, Delvin, Hatfield, Jacobsen, Kilmer, King, Ranker and Sheldon.

Minority Report: Do not pass.

Signed by Senator Kastama.

Staff: Hayley Gamble (786-7452)

Background: The Department of Transportation (DOT) currently operates one toll bridge, the Tacoma Narrows Bridge, and has authority to toll the State Route (SR) 520 bridge, which is anticipated to begin tolling in 2011. Tolls are paid electronically by customers with a pre-paid account and a transponder in their vehicle, or manually at a toll booth with cash or credit.

Under current law, failure to pay a toll is a traffic infraction with a penalty of \$40 that goes to the local jurisdiction's court, plus a penalty amount of three times the cash toll that goes to the account of the facility on which the violation occurred. A hold on a person's vehicle registration may occur if the traffic infraction penalty is not paid.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A toll collection account allows for the deposit of customer pre-paid account funds prior to transactions occurring on a specific facility. Funds are then moved to the appropriate facility once a toll charge has been incurred.

Summary of Engrossed Substitute Bill: Tolls may be paid after using a toll facility via a photo toll that identifies a vehicle by its license plate. Photo tolls may be paid using a customer account, or in response to a toll bill. Tolls may also be paid using existing methods.

Failure to pay a toll detected through a photo toll system is a civil penalty to be issued by DOT with a fine of \$40, plus the original toll amount and associated fees. Photo toll customers have 80 days from the time they use the toll facility to pay the toll before the toll charge becomes a civil penalty. DOT must develop an administrative adjudication process to review appeals of civil penalties. A hold on a person's vehicle registration may occur if the civil penalty is not paid.

DOT must conduct outreach and education on tolling at least six months prior to commencing all electronic tolling, and ongoing quarterly reports on civil penalty data. Beginning on July 1, 2011, penalties deposited into the Tacoma Narrows Bridge Account must first be used to repay any loans from the Motor Vehicle Account. Penalties resulting from non-payment of a toll on the SR 520 corridor are deposited into the SR 520 Civil Penalties Account if ESSB 6392 is enacted by June 30, 2010.

The toll collection account uses are expanded to allow for operations that benefit multiple toll facilities to be cleared through this account. At least monthly, operating activities and interest earnings must be distributed to the appropriate toll facility, using an equitable distribution methodology determined by DOT in consultation with the Office of Financial Management.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: Contains a contingent effective date. The bill becomes effective upon certification by the Secretary of Transportation that the tolling operations center and photo toll system are fully operational. If no certificate is issued by December 1, 2012, this bill becomes null and void.

Staff Summary of Public Testimony on Proposed Substitute As Heard in Committee:
PRO: WSDOT supports this bill and has been working over the summer on process and looking around the nation at other adjudication processes. An 80-day period is provided to pay tolls after crossing a toll facility. Changes to the toll collection account are very important for accounting purposes. Ninety to 95 percent of customers will immediately pay tolls. The SR 520 project bridge replacement is essential. Photo toll records should only be used for the purpose of collecting tolls.

CON: The courts propose maintaining the court process. The Judicial branch is the forum for resolving issues between citizens and the government. An administrative process will likely be challenged in a class action suit. The Legislature should carefully consider this policy choice. People want a judge to hear their reasons for not paying a toll.

Persons Testifying: PRO: Charles Knutson, Greater Seattle Chamber of Commerce; Jennifer Ziegler, Craig Stone, WSDOT; Dave Overstreet, AAA; Doug Klunder, ACLU of Washington; Theresa Doherty, University of Washington.

CON: Barbara Linde, presiding judge, King County District Court; Maggie Koss, presiding judge, Pierce County District Court.