
ENGROSSED SUBSTITUTE HOUSE BILL 2211

State of Washington

61st Legislature

2009 Regular Session

By House Transportation (originally sponsored by Representatives Clibborn, Eddy, Maxwell, and Lias)

READ FIRST TIME 04/09/09.

1 AN ACT Relating to the authorization, administration, collection,
2 and enforcement of tolls on the state route number 520 corridor;
3 reenacting and amending RCW 43.84.092; adding new sections to chapter
4 47.56 RCW; creating a new section; and providing an effective date.

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

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

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

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

1 It is further the intent of the legislature that the department of
2 transportation applies for federal stimulus funds for projects in the
3 corridor.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.56 RCW
5 under the subchapter heading "toll facilities created after July 1,
6 2008" to read as follows:

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

11 (2) The state route number 520 corridor consists of that portion of
12 state route number 520 between the junctions of Interstate 5 and state
13 route number 202. The toll imposed by this section shall be charged
14 only for travel on the floating bridge portion of the state route
15 number 520 corridor.

16 (3)(a) In setting the toll rates for the corridor pursuant to RCW
17 47.56.850, the tolling authority shall set a variable schedule of toll
18 rates to maintain travel time, speed, and reliability on the corridor
19 and generate the necessary revenue as required under (b) of this
20 subsection.

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

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

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

33 (4) The proceeds of the bonds designated in subsection (3)(b)(i) of
34 this section, which together with other appropriated and identified
35 state and federal funds is sufficient to pay for the replacement of the
36 floating bridge segment of state route number 520, must be used only to

1 fund the construction of the replacement state route number 520
2 floating bridge.

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

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

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

10 (a) The governor;

11 (b) Two legislators from each of the forty-sixth and forty-fifth
12 legislative districts as jointly determined by the speaker of the house
13 of representatives and the president of the senate;

14 (c) One legislator from the thirty-second legislative district as
15 jointly determined by the speaker of the house of representatives and
16 the president of the senate;

17 (d) The legislators from the forty-third legislative district; and

18 (e) The legislators from the forty-eighth legislative district.

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

20 (a) Develop and recommend a financing strategy to fund the projects
21 in the state route number 520 corridor. The work group must consult
22 with the chairs and members of the house of representatives and senate
23 transportation committees and others identified by the work group in
24 developing a financing strategy. The financing strategy must be based
25 on a total cost of all the intended projects in the state route number
26 520 corridor that does not exceed four billion six hundred fifty
27 million dollars; and

28 (b) Create an eastside subgroup, consisting of the legislators from
29 the forty-eighth legislative district, the forty-fifth legislative
30 district, and the thirty-second legislative district, to consider
31 design options on the east side of the corridor, which extends from the
32 east end of the floating bridge to state route number 202, and a
33 westside subgroup, consisting of the legislators from the forty-third
34 legislative district, the forty-sixth legislative district, and the
35 thirty-second legislative district, to consider design options on the
36 west side of the corridor, which extends from the west end of the
37 floating bridge to Interstate 5. Each subgroup must work with the

1 department to review and evaluate the design options in its respective
2 portion of the corridor. Each subgroup must also solicit input on
3 design issues from a variety of neighborhood and community groups in
4 the area impacted by the projects that the subgroup is reviewing and
5 evaluating.

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

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

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

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

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.56 RCW
18 under the subchapter heading "toll facilities created after July 1,
19 2008" to read as follows:

20 Unless otherwise delegated, the department is the state toll agency
21 with the authority to administer tolling programs on eligible toll
22 facilities, including the state route number 520 corridor. The state
23 toll agency may adopt and amend rules to govern operations,
24 collections, and enforcement on each eligible toll facility. In
25 implementing tolling programs, the state toll agency may (1) collect
26 and retain any toll charges and penalties imposed, (2) issue toll bills
27 and notices of infraction, (3) use available resources to collect
28 unpaid toll charges, including forwarding unpaid infractions to the
29 department of licensing pursuant to RCW 46.20.270(3) and assigning the
30 unpaid infractions to collection agencies under RCW 19.16.500, (4)
31 allocate administrative fees and infraction charges to the toll
32 facilities on which the fees and charges were incurred, (5) resolve
33 disputes involving toll charges, and (6) procure and sell transponders
34 or enter into contracts and license agreements to procure and sell
35 transponders as necessary for the operation of electronic toll
36 collection systems on eligible toll facilities.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 47.56 RCW
2 under the subchapter heading "toll facilities created after July 1,
3 2008" to read as follows:

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

6 (1) Deposits to the account must include:

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

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

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

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

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

21 (2) Subject to the covenants made by the state in the bond
22 proceedings authorizing the issuance and sale of bonds for the
23 replacement state route number 520 floating bridge, toll charges, other
24 revenues, and interest received from the operation of the state route
25 number 520 corridor as a toll facility may be used to:

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

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

28 (3) When repaying the motor vehicle fund, the state treasurer shall
29 transfer funds from the state route number 520 corridor account to the
30 motor vehicle fund on or before each debt service date for bonds issued
31 for the replacement state route number 520 floating bridge project in
32 an amount sufficient to repay the motor vehicle fund for amounts
33 transferred from that fund to the highway bond retirement fund to
34 provide for any bond principal and interest due on that date. The
35 state treasurer may establish subaccounts for the purpose of
36 segregating toll charges, bond sale proceeds, and other revenues.

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

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

6 (2) The treasury income account shall be utilized to pay or receive
7 funds associated with federal programs as required by the federal cash
8 management improvement act of 1990. The treasury income account is
9 subject in all respects to chapter 43.88 RCW, but no appropriation is
10 required for refunds or allocations of interest earnings required by
11 the cash management improvement act. Refunds of interest to the
12 federal treasury required under the cash management improvement act
13 fall under RCW 43.88.180 and shall not require appropriation. The
14 office of financial management shall determine the amounts due to or
15 from the federal government pursuant to the cash management improvement
16 act. The office of financial management may direct transfers of funds
17 between accounts as deemed necessary to implement the provisions of the
18 cash management improvement act, and this subsection. Refunds or
19 allocations shall occur prior to the distributions of earnings set
20 forth in subsection (4) of this section.

21 (3) Except for the provisions of RCW 43.84.160, the treasury income
22 account may be utilized for the payment of purchased banking services
23 on behalf of treasury funds including, but not limited to, depository,
24 safekeeping, and disbursement functions for the state treasury and
25 affected state agencies. The treasury income account is subject in all
26 respects to chapter 43.88 RCW, but no appropriation is required for
27 payments to financial institutions. Payments shall occur prior to
28 distribution of earnings set forth in subsection (4) of this section.

29 (4) Monthly, the state treasurer shall distribute the earnings
30 credited to the treasury income account. The state treasurer shall
31 credit the general fund with all the earnings credited to the treasury
32 income account except:

33 The following accounts and funds shall receive their proportionate
34 share of earnings based upon each account's and fund's average daily
35 balance for the period: The aeronautics account, the aircraft search
36 and rescue account, the budget stabilization account, the capitol
37 building construction account, the Cedar River channel construction and
38 operation account, the Central Washington University capital projects

1 account, the charitable, educational, penal and reformatory
2 institutions account, the cleanup settlement account, the Columbia
3 river basin water supply development account, the common school
4 construction fund, the county arterial preservation account, the county
5 criminal justice assistance account, the county sales and use tax
6 equalization account, the data processing building construction
7 account, the deferred compensation administrative account, the deferred
8 compensation principal account, the department of licensing services
9 account, the department of retirement systems expense account, the
10 developmental disabilities community trust account, the drinking water
11 assistance account, the drinking water assistance administrative
12 account, the drinking water assistance repayment account, the Eastern
13 Washington University capital projects account, the education
14 construction fund, the education legacy trust account, the election
15 account, the energy freedom account, the essential rail assistance
16 account, The Evergreen State College capital projects account, the
17 federal forest revolving account, the ferry bond retirement fund, the
18 freight congestion relief account, the freight mobility investment
19 account, the freight mobility multimodal account, the grade crossing
20 protective fund, the health services account, the public health
21 services account, the health system capacity account, the personal
22 health services account, the high capacity transportation account, the
23 state higher education construction account, the higher education
24 construction account, the highway bond retirement fund, the highway
25 infrastructure account, the highway safety account, the high occupancy
26 toll lanes operations account, the industrial insurance premium refund
27 account, the judges' retirement account, the judicial retirement
28 administrative account, the judicial retirement principal account, the
29 local leasehold excise tax account, the local real estate excise tax
30 account, the local sales and use tax account, the medical aid account,
31 the mobile home park relocation fund, the motor vehicle fund, the
32 motorcycle safety education account, the multimodal transportation
33 account, the municipal criminal justice assistance account, the
34 municipal sales and use tax equalization account, the natural resources
35 deposit account, the oyster reserve land account, the pension funding
36 stabilization account, the perpetual surveillance and maintenance
37 account, the public employees' retirement system plan 1 account, the
38 public employees' retirement system combined plan 2 and plan 3 account,

1 the public facilities construction loan revolving account beginning
2 July 1, 2004, the public health supplemental account, the public
3 transportation systems account, the public works assistance account,
4 the Puget Sound capital construction account, the Puget Sound ferry
5 operations account, the Puyallup tribal settlement account, the real
6 estate appraiser commission account, the recreational vehicle account,
7 the regional mobility grant program account, the resource management
8 cost account, the rural arterial trust account, the rural Washington
9 loan fund, the safety and education account, the site closure account,
10 the small city pavement and sidewalk account, the special category C
11 account, the special wildlife account, the state employees' insurance
12 account, the state employees' insurance reserve account, the state
13 investment board expense account, the state investment board commingled
14 trust fund accounts, the state patrol highway account, the state route
15 number 520 corridor account, the supplemental pension account, the
16 Tacoma Narrows toll bridge account, the teachers' retirement system
17 plan 1 account, the teachers' retirement system combined plan 2 and
18 plan 3 account, the tobacco prevention and control account, the tobacco
19 settlement account, the transportation 2003 account (nickel account),
20 the transportation equipment fund, the transportation fund, the
21 transportation improvement account, the transportation improvement
22 board bond retirement account, the transportation infrastructure
23 account, the transportation partnership account, the traumatic brain
24 injury account, the tuition recovery trust fund, the University of
25 Washington bond retirement fund, the University of Washington building
26 account, the urban arterial trust account, the volunteer firefighters'
27 and reserve officers' relief and pension principal fund, the volunteer
28 firefighters' and reserve officers' administrative fund, the Washington
29 fruit express account, the Washington judicial retirement system
30 account, the Washington law enforcement officers' and firefighters'
31 system plan 1 retirement account, the Washington law enforcement
32 officers' and firefighters' system plan 2 retirement account, the
33 Washington public safety employees' plan 2 retirement account, the
34 Washington school employees' retirement system combined plan 2 and 3
35 account, the Washington state health insurance pool account, the
36 Washington state patrol retirement account, the Washington State
37 University building account, the Washington State University bond
38 retirement fund, the water pollution control revolving fund, and the

1 Western Washington University capital projects account. Earnings
2 derived from investing balances of the agricultural permanent fund, the
3 normal school permanent fund, the permanent common school fund, the
4 scientific permanent fund, and the state university permanent fund
5 shall be allocated to their respective beneficiary accounts. All
6 earnings to be distributed under this subsection (4)((+a+)) shall first
7 be reduced by the allocation to the state treasurer's service fund
8 pursuant to RCW 43.08.190.

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

12 NEW SECTION. **Sec. 7.** A new section is added to chapter 47.56 RCW
13 to read as follows:

14 Prior to the convening of each regular session of the legislature,
15 the transportation commission must provide the transportation
16 committees of the legislature with a detailed report regarding any
17 increase or decrease in any toll rate approved by the commission that
18 has not been described in a previous report provided pursuant to this
19 section, along with a detailed justification for each such increase or
20 decrease.

21 NEW SECTION. **Sec. 8.** This act takes effect August 1, 2009.

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