
HOUSE BILL 2335

State of Washington 61st Legislature 2009 Regular Session

By Representatives White, Roberts, Nelson, and Kenney

Read first time 04/07/09. Referred to Committee on Transportation.

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

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

7 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
8 impose tolls simultaneously on the state route number 520 floating
9 bridge and the Interstate 90 floating bridge to help finance
10 construction of critical safety projects, including increasing capacity
11 in the east-west corridor across Lake Washington with the replacement
12 of the state route number 520 floating bridge, to generate additional
13 funds to help finance associated projects in the state route number 520
14 corridor program, and to guarantee travel time, speed, and reliability
15 for individuals crossing Lake Washington by way of either state route
16 number 520 or Interstate 90. The associated projects on state route
17 number 520 include connections from Interstate 5 to the floating
18 bridge, and from the east end of the floating bridge to state route
19 number 202.

1 NEW SECTION. **Sec. 2.** 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 (1)(a) The imposition of tolls on the state route number 520
5 corridor is authorized, the state route number 520 corridor is
6 designated an eligible toll facility, and toll revenue generated in the
7 corridor must only be expended as allowed under RCW 47.56.820. The
8 tolls imposed on the state route number 520 corridor must only be
9 collected on the state route number 520 floating bridge.

10 (b) The imposition of tolls on the Interstate 90 corridor is
11 authorized, the Interstate 90 corridor is designated an eligible toll
12 facility, and toll revenue generated in the corridor must only be
13 expended as allowed under RCW 47.56.820. The tolls imposed on the
14 Interstate 90 corridor must only be collected on the Interstate 90
15 floating bridge.

16 (2) The Lake Washington transportation corridor consists of that
17 portion of state route number 520 between Interstate 5 and state route
18 number 202 and that portion of Interstate 90 between Interstate 5 and
19 Interstate 405.

20 (3)(a) In setting the toll rates for the state route number 520
21 corridor and the Interstate 90 corridor pursuant to RCW 47.56.850, the
22 tolling authority shall set a variable schedule of toll rates to
23 maintain travel time, speed, and reliability on the corridor and
24 generate the necessary revenue as required under (b) of this
25 subsection.

26 (b) The tolling authority shall set the variable schedules of toll
27 rates for the state route number 520 corridor and the Interstate 90
28 corridor, which the tolling authority may adjust at least annually to
29 reflect inflation as measured by the consumer price index, to generate
30 revenue sufficient to provide for:

31 (i) The issuance of up to one billion two hundred million dollars
32 in motor vehicle tax general obligation bonds; and

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

35 (4) The proceeds of the bonds designated in subsection (3)(b)(i) of
36 this section must be used only to fund:

37 (a) The construction of a replacement state route number 520
38 floating bridge; and

1 (b) The construction of other projects on the state route number
2 520 corridor.

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 and the Interstate 90 corridor.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.56 RCW
8 under the subchapter heading "toll facilities created after July 1,
9 2008" to read as follows:

10 (1) Unless otherwise delegated, the department is the state toll
11 agency with the authority to administer tolling programs on eligible
12 toll facilities, including the state route number 520 corridor and the
13 Interstate 90 floating bridge. The state toll agency may adopt and
14 amend rules to govern operations, collections, and enforcement on each
15 eligible toll facility. In implementing tolling programs, the state
16 toll agency may (a) collect and retain any toll charges and penalties
17 imposed, (b) issue toll bills and notices of infraction, (c) use
18 available resources to collect unpaid toll charges, including
19 forwarding unpaid infractions to the department of licensing pursuant
20 to RCW 46.20.270(3) and assigning the unpaid infractions to collection
21 agencies under RCW 19.16.500, (d) allocate administrative fees and
22 infraction charges to the toll facilities on which the fees and charges
23 were incurred, (e) resolve disputes involving toll charges, and (f)
24 procure and sell transponders or enter into contracts and license
25 agreements to procure and sell transponders as necessary for the
26 operation of electronic toll collection systems on eligible toll
27 facilities.

28 (2) Prior to executing any contracts under this section, the
29 department shall submit the contracts to the commission for review.
30 The department shall not execute any such contracts until the contracts
31 are approved as to form by the commission. The commission shall
32 approve or reject in writing any such contract within forty-five days
33 of the submission of the contract by the department. The written
34 rejection of a contract must also include a detailed list of the
35 reasons for the rejection.

1 NEW SECTION. **Sec. 4.** 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 Lake Washington transportation
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 state
8 route number 520 corridor, including any capitalized interest;

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

12 (c) All of the tolls and other revenues received from the operation
13 of the Interstate 90 corridor as a toll facility, to be deposited at
14 least monthly;

15 (d) Any interest that may be earned from the deposit or investment
16 of those revenues;

17 (e) Notwithstanding RCW 47.12.063, proceeds from the sale of any
18 surplus real property acquired for the purpose of building the
19 replacement state route number 520 floating bridge or the construction
20 of other projects on the state route number 520 corridor; and

21 (f) All damages, liquidated or otherwise, collected under any
22 contract involving the construction of projects on the state route
23 number 520 corridor.

24 (2) Toll charges, other revenues, and interest may be used to:

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

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

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

1 **Sec. 5.** 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 Lake Washington transportation corridor account, the local leasehold
30 excise tax account, the local real estate excise tax account, the local
31 sales and use tax account, the medical aid account, the mobile home
32 park relocation fund, the motor vehicle fund, the motorcycle safety
33 education account, the multimodal transportation account, the municipal
34 criminal justice assistance account, the municipal sales and use tax
35 equalization account, the natural resources deposit account, the oyster
36 reserve land account, the pension funding stabilization account, the
37 perpetual surveillance and maintenance account, the public employees'
38 retirement system plan 1 account, the public employees' retirement

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

1 control revolving fund, and the Western Washington University capital
2 projects account. Earnings derived from investing balances of the
3 agricultural permanent fund, the normal school permanent fund, the
4 permanent common school fund, the scientific permanent fund, and the
5 state university permanent fund shall be allocated to their respective
6 beneficiary accounts. All earnings to be distributed under this
7 subsection (4)(a) shall first be reduced by the allocation to the state
8 treasurer's service fund 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. 6.** This act takes effect August 1, 2009.

--- END ---