
HOUSE BILL 2941

State of Washington

61st Legislature

2010 Regular Session

By Representatives Clibborn, O'Brien, Maxwell, Lias, Eddy, Springer, Hunter, and Goodman

Read first time 01/19/10. Referred to Committee on Transportation.

1 AN ACT Relating to the use of express toll lanes in the Interstate
2 405 corridor; amending RCW 47.56.810; adding new sections to chapter
3 47.56 RCW; creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that the Puget
6 Sound region is faced with growing traffic congestion and has limited
7 ability to expand freeway capacity due to financial, environmental, and
8 physical constraints. Freeway high occupancy vehicle lanes have been
9 an effective means of providing transit, vanpools, and carpools with a
10 fast trip on congested freeway corridors, but in many cases, these
11 lanes operate beyond their capacity during peak commute times.

12 It is the intent of the legislature to maximize the effectiveness
13 of the freeway system. An express toll lanes network is one approach
14 for managing the use of freeway high occupancy vehicle lanes. The
15 legislature acknowledges that as one of the most congested freeway
16 sections in the state, the Interstate 405 and state route number 167
17 corridors serve as an ideal candidate for the use of an express toll
18 lanes network. An express toll lanes network could provide benefits

1 for movement of traffic, as well as having the potential to generate
2 revenue for other improvements in the corridor.

3 Therefore, it is the intent of this act to direct the department of
4 transportation to develop and operate express toll lanes on Interstate
5 405 between the city of Bellevue on the south end and Interstate 5 on
6 the north end and to conduct an evaluation of that project to determine
7 the impacts on freeway efficiency, effectiveness for transit,
8 feasibility of financing capacity improvements through tolls, and
9 freeway users.

10 **Sec. 2.** RCW 47.56.810 and 2008 c 122 s 3 are each amended to read
11 as follows:

12 The definitions in this section apply throughout this subchapter
13 unless the context clearly requires otherwise:

14 (1) "Tolling authority" means the governing body that is legally
15 empowered to review and adjust toll rates. Unless otherwise delegated,
16 the transportation commission is the tolling authority for all state
17 highways.

18 (2) "Eligible toll facility" or "eligible toll facilities" means
19 portions of the state highway system specifically identified by the
20 legislature including, but not limited to, transportation corridors,
21 bridges, crossings, interchanges, on-ramps, off-ramps, approaches,
22 bistate facilities, and interconnections between highways.

23 (3) "Toll revenue" or "revenue from an eligible toll facility"
24 means toll receipts, all interest income derived from the investment of
25 toll receipts, and any gifts, grants, or other funds received for the
26 benefit of the eligible toll facility.

27 (4) "Express toll lanes" means one or more lanes of a highway in
28 which the department charges tolls primarily as a means of regulating
29 access to or use of the highway facility to maintain travel speed and
30 reliability. Supporting facilities include, but are not limited to,
31 approaches, enforcement areas, improvements, buildings, and equipment.

32 NEW SECTION. **Sec. 3.** 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 (1) The initial imposition of tolls for express toll lanes on
36 Interstate 405 between the junctions with Interstate 5 on the north end

1 and NE 6th Street in the city of Bellevue on the south end is
2 authorized, Interstate 405 is designated an eligible toll facility, and
3 toll revenue generated in the corridor must only be expended as allowed
4 under RCW 47.56.820.

5 (2) Tolls for the express toll lanes must be set as follows:

6 (a) The schedule of toll rates must be set by the tolling authority
7 pursuant to RCW 47.56.850. Toll rates may vary in amount by time of
8 day, level of traffic congestion within the highway facility, vehicle
9 occupancy, or other criteria, as the tolling authority deems
10 appropriate.

11 (b) The department shall establish performance standards for the
12 express toll lanes project. The department must automatically adjust
13 the toll rate within the schedule established by the tolling authority,
14 using dynamic tolling, to ensure that only toll-paying, high-occupant
15 vehicle users with two passengers and single-occupant vehicle users are
16 permitted to enter the express toll lanes to the extent that average
17 vehicle speeds in the lanes remain above forty-five miles per hour at
18 least ninety percent of the time during peak hours.

19 (c) The tolling authority shall periodically review the toll rates
20 against traffic performance to determine if the toll rates are
21 effectively maintaining travel time, speed, and reliability on the
22 highway facilities.

23 (3) The department may construct and operate express toll lanes on
24 Interstate 405 between the city of Bellevue on the south end and
25 Interstate 5 on the north end.

26 (4) The department shall monitor the express toll lanes project and
27 shall biennially report to the transportation commission and the
28 legislature on the impacts from the project on the following issues:

29 (a) Freeway efficiency and safety;

30 (b) Effectiveness for transit;

31 (c) Person and vehicle movements by mode;

32 (d) Ability to finance improvements and transportation services
33 through tolls; and

34 (e) Highway users. The department must analyze aggregate data and
35 conduct, as needed, separate surveys to assess usage of the highway
36 facility in relation to geographic, socioeconomic, and demographic
37 information within the corridor to ascertain actual and perceived
38 questions of equitable use of the highway facility.

1 (5) A violation of the lane restrictions applicable to the express
2 toll lanes established under this section is a traffic infraction.

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

6 (1) The department shall conduct a traffic and revenue analysis for
7 the development of a forty-mile continuous express toll lane system
8 that includes state route number 167 in King county and Interstate 405.

9 (2) The department shall use the information from the traffic and
10 revenue analysis to develop a finance plan to fund improvements in the
11 forty-mile corridor. The department must include the following
12 assumptions in the finance plan:

13 (a) Current state and federal funding contributions for projects in
14 the corridor; and

15 (b) An express toll lane system operating in the corridor by 2014.

16 (3) The department must consult with a committee consisting of
17 local and state elected officials from the forty-mile corridor while
18 developing the traffic and revenue analysis plan and finance plan.

19 (4) The department must provide the traffic and revenue analysis
20 plan and finance plan to the governor and the legislature by January
21 2011.

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