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ENGROSSED SUBSTITUTE SENATE BILL 6392

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State of Washington

61st Legislature

2010 Regular Session

By Senate Transportation (originally sponsored by Senators Tom, Swecker, Oemig, Holmquist, Jacobsen, Haugen, and Marr)

READ FIRST TIME 02/15/10.

1 AN ACT Relating to the use of revenue generated from tolling the  
2 state route number 520 corridor; amending RCW 47.56.870 and 47.56.875;  
3 adding a new section to chapter 47.56 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that during the  
6 2009 legislative session tolling was authorized on the state route  
7 number 520 corridor. As such, it is the intent of the legislature that  
8 tolling commences in the spring of 2011 on the existing state route  
9 number 520 bridge.

10 The legislature further recognizes that tolling of the state route  
11 number 520 corridor is integrally related to the issuance of a final  
12 project design resulting from the supplemental draft environmental  
13 impact statement for the state route number 520 bridge replacement and  
14 HOV program released in January 2010. It is the intent of the  
15 legislature that the department of transportation work with affected  
16 neighborhoods and local governments, including the mayor of the city of  
17 Seattle and the Seattle city council, to refine the preferred  
18 alternative design in the supplemental draft environmental impact  
19 statement so that the final design of the state route number 520 bridge

1 replacement and HOV program will, to the extent required by state and  
2 federal law, include reasonable assurance that project impacts will be  
3 mitigated as much as practicable to protect against further adverse  
4 impacts on neighborhood environmental quality. Within the cost  
5 constraints identified in section 1, chapter 472, Laws of 2009, and  
6 consistent with an opening date to vehicular traffic of 2014, it is  
7 further the intent of the legislature that any final design of the  
8 state route number 520 bridge replacement and HOV program accommodate  
9 effective connections for transit, including high capacity transit, to  
10 the light rail station at the University of Washington, consistent with  
11 the requirements of RCW 47.01.408, and ensure the effective, efficient,  
12 and feasible coordination of bus services and light rail services  
13 throughout the state route number 520 corridor, consistent with the  
14 requirements of RCW 47.01.410. The legislature further intends that  
15 any cost savings applicable to the state route number 520 bridge  
16 replacement and HOV program stay within the program.

17 **Sec. 2.** RCW 47.56.870 and 2009 c 472 s 2 are each amended to read  
18 as follows:

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

23 (2) The state route number 520 corridor consists of that portion of  
24 state route number 520 between the junctions of Interstate 5 and state  
25 route number 202. The toll imposed by this section shall be charged  
26 only for travel on the floating bridge portion of the state route  
27 number 520 corridor.

28 (3)(a) In setting the toll rates for the corridor pursuant to RCW  
29 47.56.850, the tolling authority shall set a variable schedule of toll  
30 rates to maintain travel time, speed, and reliability on the corridor  
31 and generate the necessary revenue as required under (b) of this  
32 subsection.

33 (b) The tolling authority shall initially set the variable schedule  
34 of toll rates, which the tolling authority may adjust at least annually  
35 to reflect inflation as measured by the consumer price index or as  
36 necessary to meet the redemption of bonds and interest payments on the  
37 bonds, to generate revenue sufficient to provide for:

1 (i) The issuance of general obligation bonds first payable from  
2 toll revenue and then excise taxes on motor vehicle and special fuels  
3 pledged for the payment of those bonds in the amount necessary to fund  
4 the ~~((replacement state route number 520 floating bridge and necessary~~  
5 ~~landings))~~ state route number 520 bridge replacement and HOV program,  
6 subject to subsection (4) of this section; and

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

9 (4)(a) ~~The proceeds of the bonds designated in subsection (3)(b)(i)~~  
10 ~~of this section((~~7~~— which — together — with — other — appropriated — and~~  
11 ~~identified — state — and — federal — funds — is — sufficient — to — pay — for — the~~  
12 ~~replacement of the floating bridge segment and necessary landings of~~  
13 ~~state route number 520,))~~ must be used only to fund the ~~((construction~~  
14 ~~of the replacement state route number 520 floating bridge and necessary~~  
15 ~~landings))~~ state route number 520 bridge replacement and HOV program;  
16 however, two hundred million dollars of bond proceeds, in excess of the  
17 proceeds necessary to complete the floating bridge segment and  
18 necessary landings, must be used only to fund the state route number  
19 520, Interstate 5 to Medina bridge replacement and HOV project segment  
20 of the program, as identified in applicable environmental impact  
21 statements.

22 (b) The program must include the following elements within the cost  
23 constraints identified in section 1, chapter 472, Laws of 2009,  
24 consistent with the legislature's intent that cost savings applicable  
25 to the program stay within the program:

26 (i) A project design, consistent with RCW 47.01.408, that includes  
27 high occupancy vehicle lanes with a minimum carpool occupancy  
28 requirement of three-plus persons on state route number 520;

29 (ii) High occupancy vehicle lane performance standards for the  
30 state route number 520 corridor established by the department. The  
31 department shall report to the transportation committees of the  
32 legislature when average transit speeds in the two lanes that are for  
33 high occupancy vehicle travel fall below forty-five miles per hour at  
34 least ninety percent of the time during peak hours;

35 (iii) A work group convened by the department to include sound  
36 transit, King county metro, the Seattle department of transportation,  
37 and the University of Washington to study and make recommendations of  
38 alternative connections for transit, including high capacity transit,

1 to the light rail station at the University of Washington. The  
2 recommendations must be alternatives to the transit connections  
3 identified in the supplemental draft environmental impact statement for  
4 the state route number 520 bridge replacement and HOV program released  
5 in January 2010, and must meet the requirements under RCW 47.01.408,  
6 including accommodating effective connections for transit. For the  
7 purposes of this subsection, "effective connections for transit" means  
8 a connection that connects transit stops, including high capacity  
9 transit stops, that serve the state route number 520/Montlake  
10 interchange vicinity to the light rail station at the University of  
11 Washington, with a connection distance of less than one thousand two  
12 hundred feet between the stops and the light rail station. The  
13 department shall submit the recommendations by July 5, 2010, to the  
14 governor and the transportation committees of the legislature;

15 (iv) A work group convened by the department to include sound  
16 transit and King county metro to study and make recommendations  
17 regarding options for financing high capacity transit through the state  
18 route number 520 corridor. The department shall submit the  
19 recommendations by January 1, 2011, to the governor and the  
20 transportation committees of the legislature;

21 (v) A plan to address mitigation as a result of the state route  
22 number 520 bridge replacement and HOV program at the Washington park  
23 arboretum. As part of its process, the department shall consult with  
24 the governing board of the Washington park arboretum, the Seattle city  
25 council and mayor, and the University of Washington to identify all  
26 mitigation required by state and federal law resulting from the state  
27 route number 520 bridge replacement and HOV program's impact on the  
28 arboretum, and to develop a project mitigation plan to address these  
29 impacts. The department shall submit the mitigation plan by December  
30 31, 2010, to the governor and the transportation committees of the  
31 legislature. Wetland mitigation required by state and federal law as  
32 a result of the state route number 520 bridge replacement and HOV  
33 program's impacts on the arboretum must, to the greatest extent  
34 practicable, include on-site wetland mitigation at the Washington park  
35 arboretum, and must enhance the Washington park arboretum. This  
36 subsection (4)(b)(v) does not preclude any other mitigation planned for  
37 the Washington park arboretum as a result of the state route number 520  
38 bridge replacement and HOV program;

1        (vi) A work group convened by the department to include the mayor  
2 of the city of Seattle, the Seattle city council, the Seattle  
3 department of transportation, and other persons or organizations as  
4 designated by the Seattle city council and mayor to study and make  
5 recommendations regarding design refinements to the preferred  
6 alternative selected by the department in the supplemental draft  
7 environmental impact statement process for the state route number 520  
8 bridge replacement and HOV program. To accommodate a timely  
9 progression of the state route number 520 bridge replacement and HOV  
10 program, the design refinements recommended by the work group must be  
11 consistent with the current environmental documents prepared by the  
12 department for the supplemental draft environmental impact statement.  
13 The department shall submit the recommendations to the legislature and  
14 governor by July 5, 2010, and the recommendations must inform the final  
15 environmental impact statement prepared by the department; and

16        (vii) An account, created in section 4 of this act, into which  
17 civil penalties generated from the nonpayment of tolls on the state  
18 route number 520 corridor are deposited to be used to fund any project  
19 within the program, including mitigation. However, this subsection  
20 (4)(b)(vii) is contingent on the enactment by June 30, 2010, of either  
21 chapter . . . (Engrossed Substitute Senate Bill No. 6499), Laws of 2010  
22 or chapter . . . (Substitute House Bill No. 2897), Laws of 2010, but if  
23 the enacted bill does not designate the department as the toll penalty  
24 adjudicating agency, this subsection (4)(b)(vii) is null and void.

25        (5) The department may carry out the ~~((construction—and))~~  
26 improvements designated in subsection (4) of this section and  
27 administer the tolling program on the state route number 520 corridor.

28        **Sec. 3.** RCW 47.56.875 and 2009 c 472 s 4 are each amended to read  
29 as follows:

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

32        (1) Deposits to the account must include:

33        (a) All proceeds of bonds issued for ~~((construction—of—the~~  
34 ~~replacement—state—route—number—520—floating—bridge—and—necessary~~  
35 ~~landings))~~ the state route number 520 bridge replacement and HOV  
36 program, including any capitalized interest;

1 (b) Except as provided in RCW 47.56.870(4)(b)(vii), all of the  
2 tolls and other revenues received from the operation of the state route  
3 number 520 corridor as a toll facility, to be deposited at least  
4 monthly;

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

7 (d) Notwithstanding RCW 47.12.063, proceeds from the sale of any  
8 surplus real property acquired for the ~~((purpose of building the~~  
9 ~~replacement state route number 520 floating bridge and necessary~~  
10 ~~landings)) state route number 520 bridge replacement and HOV program;~~  
11 and

12 (e) All damages, liquidated or otherwise, collected under any  
13 contract involving the ~~((construction of the replacement state route~~  
14 ~~number 520 floating bridge and necessary landings)) state route number~~  
15 ~~520 bridge replacement and HOV program.~~

16 (2) Subject to the covenants made by the state in the bond  
17 proceedings authorizing the issuance and sale of bonds for the  
18 ~~((replacement state route number 520 floating bridge and necessary~~  
19 ~~landings)) state route number 520 bridge replacement and HOV program,~~  
20 toll charges, other revenues, and interest received from the operation  
21 of the state route number 520 corridor as a toll facility may be used  
22 to:

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

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

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

35 NEW SECTION. Sec. 4. A new section is added to chapter 47.56 RCW  
36 to read as follows:

37 (1) A special account to be known as the state route number 520

1 civil penalties account is created in the state treasury. All state  
2 route number 520 bridge replacement and HOV program civil penalties  
3 generated from the nonpayment of tolls on the state route number 520  
4 corridor must be deposited into the account, as provided under RCW  
5 47.56.870(4)(b)(vii). Moneys in the account may be spent only after  
6 appropriation. Expenditures from the account may be used to fund any  
7 project within the state route number 520 bridge replacement and HOV  
8 program, including mitigation.

9 (2) This section is contingent on the enactment by June 30, 2010,  
10 of either chapter . . . (Engrossed Substitute Senate Bill No. 6499),  
11 Laws of 2010 or chapter . . . (Substitute House Bill No. 2897), Laws of  
12 2010, but if the enacted bill does not designate the department as the  
13 toll penalty adjudicating agency, this section is null and void.

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