

# SENATE BILL REPORT

## SB 5490

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As of March 15, 2011

**Title:** An act relating to the use of express toll lanes in the eastside corridor.

**Brief Description:** Concerning the use of express toll lanes in the eastside corridor.

**Sponsors:** Senators Prentice, Swecker, Shin, White and Sheldon; by request of Department of Transportation.

**Brief History:**

**Committee Activity:** Transportation: 2/16/11.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Hayley Gamble (786-7452)

**Background:** High occupancy vehicle (HOV) lanes are highway lanes reserved for vehicles carrying a minimum number of occupants. The statutory object of these lanes is to facilitate the operation of transit vehicles and other multi-occupant vehicles, allowing them to avoid congestion, and providing those vehicles with improved travel times. The Washington State Department of Transportation (DOT) has authority to designate lanes as HOV and set the occupancy requirement, and there are currently over 200 miles of HOV lanes in operation in the central Puget Sound area. High occupancy toll (HOT) lanes, also known as express toll lanes (ETLs) are HOV lanes that are also usable by toll-paying vehicles. The statutory goal for establishing HOT lanes is to maintain a high level of service for multi-occupant vehicles, while also permitting other vehicles to use surplus capacity in the lane by paying a toll.

DOT is currently operating a HOT lane pilot project along a nine-mile section of converted HOV lanes on State Route 167 (SR 167) within King County. Toll rates on the project are established by the state tolling authority, the Washington State Transportation Commission (Commission) and vary in amount by time of day and the level of traffic congestion. During peak hours, the tolls must be adjusted to maintain HOT lane performance of at least 45 miles per hour for at least 90 percent of the time during peak hours. HOT lanes on SR 167 are currently authorized through May 2012.

In 2009 DOT was directed, in Engrossed Substitute Senate Bill 5352, to conduct a traffic revenue study for Interstate 405 (I-405) in King and Snohomish counties that included funding for improvements including HOT lanes. DOT was also directed to develop a plan to

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operate two HOT lanes in each direction on I-405. DOT delivered the Eastside Corridor Tolling Study to the Legislature in January 2010. After release of the study, DOT convened an Expert Review Panel to review the study and validate certain conclusions. The Expert Review Panel final report was distributed in December 2010.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Substitute):** The Legislature recognizes express toll lanes as having the potential to generate revenue for improvements on I-405 and SR 167, and intends to consider implementation of express toll lanes on additional sections of I-405 and SR 167 and on other facilities in the future.

I-405 is designated as an eligible toll facility and the imposition of tolls is authorized for express toll lanes on I-405 between I-5 on the north end and Northeast 6th Street in Bellevue on the south end, once certain capacity improvements on I-405 are complete. An ETL means an HOV lane in which tolls may be charged to regulate use of the lane to maintain travel speed and reliability. The Commission must set the schedule of toll rates for the ETLs, which can vary by time of day, level of congestion, and other criteria determined by the Commission. Toll charges may not be assessed on transit buses and vanpools.

DOT is authorized to construct and operate the ETLs and set the performance standards for the project. DOT must automatically adjust the toll rate within the schedule established by the Commission to ensure that average vehicle speeds in the lanes remain above 45 miles per hour 90 percent of the time during peak hours. The Commission must periodically review the toll rates against the traffic performance of all lanes to determine if the toll rates are effectively maintaining travel time, speed, and reliability. DOT must annually report to the Commission and the Legislature on the impact of the ETLs project on certain performance measures.

DOT must conduct a traffic and revenue analysis that would be informative to a potential public-private partnership with the goal of completing planned throughput and capacity improvements on SR 167 and I-405. In addition, DOT must develop a corridor-wide project management plan for I-405 and SR 167. DOT must use the information from the analysis and the management plan to develop a finance plan to fund improvements in the corridor. DOT must consult with certain elected officials and representatives from certain transit agencies while developing the performance standards, the traffic and revenue analysis, and the finance plan.

The Interstate 405 Express Toll Lanes Operations Account is created. Toll revenues collected from users of the I-405 ETLs must be deposited into the account and may be used for, but not limited to, debt service, planning, administration, construction, maintenance, repairing, rebuilding, operation, enforcement, and the expansion of ETLs on I-405.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: We need to complete the ultimate buildout in the I-405 master plan. This bill is an important next step and will help fund new improvements. Drivers will have an option to pay a toll or not. This is a market based solution that moves more people more reliably. We need an investment grade study as included in the bill. ETLs move people most efficiently, help solve congestion problems, and raise revenue. Being able to have a reliable travel time is very important to business. This project adds net capacity. Tolling will need to play a big part in funding new transportation infrastructure and is consistent with various transportation plans. These improvements are important to the regional and state economy. Revenue generated from this should stay in the corridor. A cap on tolls should be considered.

CON: This bill authorizes another set of HOT lanes before the first pilot project has been completed. There is no cost data in the annual SR 167 HOT lanes report. The special fund set up in the bill should be a sub account of the Motor Vehicle Fund. This bill studies the wrong things. It will require removing HOV2+ users from the HOV lanes. Converting from a general purpose lane to a HOT lane will move less people. All lanes, not just two lanes should be managed. There will be negative effects on local streets. Funds allocated to build the HOT system were intended for general purpose lanes. A faster system could be developed for less expenditures. Tolls assumed to be charged are unrealistically high. More studies should be completed before the project is implemented,

OTHER: The investment grade analysis needs to be completed before moving forward. The financial information available is not sufficient. The move to 3+HOV should be included in the bill. SR 167 HOT lanes has not yet proven to cover its operating costs.

**Persons Testifying:** PRO: Suzette Cooke, Mayor of Kent; Don Davidson, Mayor of Bellevue; Joan McBride, Mayor of Kirkland; Sonny Putter, Councilmember, City of Newcastle; Jason Parker, Renton Chamber of Commerce; Wayne Snoey, South County Area Transportation Board; Vadim Dutka, Navi Pacific Construction; Robert Jaeger; Patrick Bannon, Bellevue Downtown Association; Carrie Dolwick, Transportation Choices; Mike Groesch, Microsoft; Dave Overstreet, AAA Washington.

CON: John Worthington, Victor Bishop, Bruce Nurse, Kemper Development Co.; Dick Paylor, Bill Eager, ETA; Jim Horn, Former Senator; Doug Simpson, Kemper Development Co.; Mike Reid, citizen.

OTHER: Will Knedlik, I-405 Users Alliance.