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SENATE BILL 5490

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Prentice, Swecker, Shin, White, and Sheldon; by request of Department of Transportation

Read first time 01/27/11. Referred to Committee on Transportation.

1 AN ACT Relating to the use of express toll lanes in the eastside  
2 corridor; amending RCW 47.56.810; reenacting and amending RCW  
3 43.84.092; adding new sections to chapter 47.56 RCW; creating a new  
4 section; and prescribing penalties.

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

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

13 It is the intent of the legislature to improve mobility for people  
14 and goods by maximizing the effectiveness of the freeway system. An  
15 express toll lanes network is one approach for managing the use of  
16 freeway high occupancy vehicle lanes and, at the same time, generating  
17 funds to improve the Interstate 405 and state route number 167  
18 corridor. The legislature acknowledges that as one of the most  
19 congested freeway sections in the state, the combined Interstate 405

1 and state route number 167 corridor serves as an ideal candidate for  
2 the use of an express toll lanes network. An express toll lanes  
3 network could provide benefits for movement of vehicles and people, as  
4 well as having the potential to generate revenue for other improvements  
5 in the Interstate 405 and state route number 167 corridor.

6 The legislature also recognizes the need for geographic balance and  
7 regional equity in decisions regarding tolling and pricing, and intends  
8 to consider the implementation of express toll lanes on other  
9 facilities in the region in the future. It is further the intent of  
10 the legislature to use its evaluation of initial express toll lanes on  
11 Interstate 405 to guide additions to the express toll lanes network,  
12 particularly in the most congested areas of the Interstate 405 and  
13 state route number 167 corridor, such as the Renton-to-Bellevue segment  
14 and the Interstate 405/state route number 167 interchange, with the  
15 ultimate goal of continuous express toll lanes from Puyallup to  
16 Lynnwood.

17 Therefore, it is the intent of this act to direct the department of  
18 transportation to develop and operate express toll lanes on Interstate  
19 405 between the city of Bellevue on the south end and Interstate 5 on  
20 the north end and to conduct an evaluation of that project to determine  
21 the impacts on the movement of vehicles and people through the  
22 Interstate 405 and state route number 167 corridor, effectiveness for  
23 transit, carpools and single occupancy vehicles, and feasibility of  
24 financing capacity improvements through tolls.

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

27 The definitions in this section apply throughout this subchapter  
28 unless the context clearly requires otherwise:

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

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

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

5 (4) "Express toll lanes" means one or more high occupancy vehicle  
6 lanes of a highway in which the department charges tolls primarily as  
7 a means of regulating access to or use of the lanes to maintain travel  
8 speed and reliability.

9 NEW SECTION. Sec. 3. A new section is added to chapter 47.56 RCW  
10 under the subchapter heading "toll facilities created after July 1,  
11 2008" to read as follows:

12 (1) The imposition of tolls for express toll lanes on Interstate  
13 405 between the junctions with Interstate 5 on the north end and NE 6th  
14 Street in the city of Bellevue on the south end is authorized,  
15 Interstate 405 is designated an eligible toll facility, and toll  
16 revenue generated in the corridor must only be expended as allowed  
17 under RCW 47.56.820.

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

19 (a) The schedule of toll rates must be set by the tolling authority  
20 pursuant to RCW 47.56.850. Toll rates may vary in amount by time of  
21 day, level of traffic congestion within the highway facility, or other  
22 criteria, as the tolling authority deems appropriate.

23 (b) In those locations with two express toll lanes in each  
24 direction, the toll rate must be the same in both lanes.

25 (c) Toll charges may not be assessed on transit buses and vanpools.

26 (d) The department shall establish performance standards for travel  
27 time, speed, and reliability for the express toll lanes project. The  
28 department must automatically adjust the toll rate within the schedule  
29 established by the tolling authority, using dynamic tolling, to ensure  
30 that average vehicle speeds in the lanes remain above forty-five miles  
31 per hour at least ninety percent of the time during peak hours.

32 (e) The tolling authority shall periodically review the toll rates  
33 against traffic performance of all lanes to determine if the toll rates  
34 are effectively maintaining travel time, speed, and reliability on the  
35 highway facilities.

36 (3) The department may construct and operate express toll lanes on  
37 Interstate 405 between the city of Bellevue on the south end and

1 Interstate 5 on the north end. Operation of the express toll lanes may  
2 not commence until the department has completed capacity improvements  
3 necessary to provide a two-lane system from NE 6th Street in the city  
4 of Bellevue to state route number 522 and the conversion of the  
5 existing high occupancy vehicle lane to an express toll lane between  
6 state route number 522 and the city of Lynnwood. The department shall  
7 work with local jurisdictions to monitor impacts to local streets and,  
8 after consultation with local jurisdictions, recommend mitigation  
9 measures to the legislature in those locations where it is appropriate.

10 (4) The department shall monitor the express toll lanes project and  
11 shall annually report to the transportation commission and the  
12 legislature on the impacts from the project on the following  
13 performance measures:

14 (a) Whether the express toll lanes maintain speeds of forty-five  
15 miles per hour at least ninety percent of the time during peak periods;

16 (b) Whether the average traffic speed changed in the general  
17 purpose lanes;

18 (c) Whether transit ridership changed;

19 (d) Whether the actual use of the express toll lanes is consistent  
20 with the projected use;

21 (e) Whether the express toll lanes generated sufficient revenue to  
22 pay for operating costs;

23 (f) Whether travel times and volumes have increased or decreased on  
24 adjacent local streets and state highways; and

25 (g) Whether the actual gross revenues are consistent with projected  
26 gross revenues.

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

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.56 RCW  
30 under the subchapter heading "toll facilities created after July 1,  
31 2008" to read as follows:

32 (1) The department shall conduct a traffic and revenue analysis for  
33 the development of a forty-mile continuous express toll lane system  
34 that includes state route number 167 and Interstate 405. The  
35 department shall also develop a corridor-wide project management plan  
36 to develop a strategy for phasing the completion of improvements in the  
37 Interstate 405 and state route number 167 corridor.

1 (2) The department shall use the information from the traffic and  
2 revenue analysis and the corridor-wide project management plan to  
3 develop a finance plan to fund improvements in the Interstate 405 and  
4 state route number 167 corridor. The department must include the  
5 following elements in the finance plan:

6 (a) Current state and federal funding contributions for projects in  
7 the Interstate 405 and state route number 167 corridor;

8 (b) A potential future state and federal funding contribution to  
9 leverage toll revenues;

10 (c) Financing mechanisms to optimize the revenue available for  
11 capacity improvements including, but not limited to, using the full  
12 faith and credit of the state;

13 (d) An express toll lane system operating in the Interstate 405 and  
14 state route number 167 corridor by 2014; and

15 (e) Completion of the capacity improvements in the Interstate 405  
16 and state route number 167 corridor.

17 (3) The department must consult with a committee consisting of  
18 local and state elected officials from the Interstate 405 and state  
19 route number 167 corridor and representatives from the transit agencies  
20 that operate in the Interstate 405 and state route number 167 corridor  
21 while developing the performance standards, traffic and revenue  
22 analysis, and finance plan.

23 (4) The department must provide the traffic and revenue analysis  
24 plan and finance plan to the governor and the legislature by January  
25 2012.

26 (5) The department shall conduct ongoing education and outreach to  
27 ensure public awareness of the express toll lane system.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 47.56 RCW  
29 under the subchapter heading "toll facilities created after July 1,  
30 2008" to read as follows:

31 The eastside corridor express toll lanes operations account is  
32 created in the state treasury. All revenues received by the department  
33 as toll charges collected from express toll lane users in the eastside  
34 corridor must be deposited into the account. Moneys in the account may  
35 be spent only after appropriation. Expenditures from the account may  
36 be used for, but not limited to, debt service, planning,

1 administration, construction, maintenance, operation, repair,  
2 rebuilding, enforcement, and the expansion of express toll lanes in the  
3 eastside corridor.

4 **Sec. 6.** RCW 43.84.092 and 2010 1st sp.s. c 30 s 20, 2010 1st sp.s.  
5 c 9 s 7, 2010 c 248 s 6, 2010 c 222 s 5, 2010 c 162 s 6, and 2010 c 145  
6 s 11 are each reenacted and amended to read as follows:

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

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

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

33 (4) Monthly, the state treasurer shall distribute the earnings  
34 credited to the treasury income account. The state treasurer shall  
35 credit the general fund with all the earnings credited to the treasury  
36 income account except:

1 (a) The following accounts and funds shall receive their  
2 proportionate share of earnings based upon each account's and fund's  
3 average daily balance for the period: The aeronautics account, the  
4 aircraft search and rescue account, the budget stabilization account,  
5 the capitol building construction account, the Cedar River channel  
6 construction and operation account, the Central Washington University  
7 capital projects account, the charitable, educational, penal and  
8 reformatory institutions account, the cleanup settlement account, the  
9 Columbia river basin water supply development account, the common  
10 school construction fund, the county arterial preservation account, the  
11 county criminal justice assistance account, the county sales and use  
12 tax equalization account, the deferred compensation administrative  
13 account, the deferred compensation principal account, the department of  
14 licensing services account, the department of retirement systems  
15 expense account, the developmental disabilities community trust  
16 account, the drinking water assistance account, the drinking water  
17 assistance administrative account, the drinking water assistance  
18 repayment account, the Eastern Washington University capital projects  
19 account, the eastside corridor express toll lanes operations account,  
20 the education construction fund, the education legacy trust account,  
21 the election account, the energy freedom account, the energy recovery  
22 act account, the essential rail assistance account, The Evergreen State  
23 College capital projects account, the federal forest revolving account,  
24 the ferry bond retirement fund, the freight congestion relief account,  
25 the freight mobility investment account, the freight mobility  
26 multimodal account, the grade crossing protective fund, the public  
27 health services account, the health system capacity account, the high  
28 capacity transportation account, the state higher education  
29 construction account, the higher education construction account, the  
30 highway bond retirement fund, the highway infrastructure account, the  
31 highway safety account, the high occupancy toll lanes operations  
32 account, the hospital safety net assessment fund, the industrial  
33 insurance premium refund account, the judges' retirement account, the  
34 judicial retirement administrative account, the judicial retirement  
35 principal account, the local leasehold excise tax account, the local  
36 real estate excise tax account, the local sales and use tax account,  
37 the marine resources stewardship trust account, the medical aid  
38 account, the mobile home park relocation fund, the motor vehicle fund,

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



1 retirement account, the Washington law enforcement officers' and  
2 firefighters' system plan 2 retirement account, the Washington public  
3 safety employees' plan 2 retirement account, the Washington school  
4 employees' retirement system combined plan 2 and 3 account, the  
5 Washington state health insurance pool account, the Washington state  
6 patrol retirement account, the Washington State University building  
7 account, the Washington State University bond retirement fund, the  
8 water pollution control revolving fund, and the Western Washington  
9 University capital projects account. Earnings derived from investing  
10 balances of the agricultural permanent fund, the normal school  
11 permanent fund, the permanent common school fund, the scientific  
12 permanent fund, and the state university permanent fund shall be  
13 allocated to their respective beneficiary accounts.

14 (b) Any state agency that has independent authority over accounts  
15 or funds not statutorily required to be held in the state treasury that  
16 deposits funds into a fund or account in the state treasury pursuant to  
17 an agreement with the office of the state treasurer shall receive its  
18 proportionate share of earnings based upon each account's or fund's  
19 average daily balance for the period.

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

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