
SENATE BILL 6444

State of Washington 62nd Legislature 2012 Regular Session

By Senators Haugen and Fain; by request of Department of Transportation

Read first time 01/23/12. Referred to Committee on Transportation.

1 AN ACT Relating to eligible toll facilities; amending RCW
2 47.56.820, 46.63.075, and 46.63.170; reenacting and amending RCW
3 43.84.092 and 46.16A.120; adding new sections to chapter 47.56 RCW;
4 creating a new section; and repealing 2010 c 161 s 1126.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that there is an
7 urgent need to replace the central waterfront section of state route
8 number 99, known as the Alaskan Way viaduct, because the viaduct is
9 vulnerable to closure, damage, or catastrophic failure as a result of
10 earthquakes or other events. In 2009, the legislature determined that
11 the finance plan for the Alaskan Way viaduct replacement project should
12 include no more than four hundred million dollars in toll funding for
13 the project.

14 Therefore, it is the intent of the legislature to authorize tolling
15 on the Alaskan Way viaduct replacement project, both to help finance
16 the Alaskan Way viaduct replacement project and to help maintain travel
17 time, speed, and reliability on the portion of state route number 99
18 that would be replaced by this project.

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) The initial imposition of tolls on the central waterfront
5 section of state route number 99 is authorized, this portion of state
6 route number 99 is designated an eligible toll facility, and toll
7 revenue generated from this facility must only be expended as allowed
8 under RCW 47.56.820.

9 (2) For the purposes of this section, the central waterfront
10 section of state route number 99 consists of that portion of state
11 route number 99 from milepost thirty at the north end of the Atlantic
12 bridge to milepost thirty-two at the south end of the Mercer bridge in
13 the city of Seattle. The toll imposed under this section must be
14 charged only for travel on the central waterfront section of state
15 route number 99.

16 (3)(a) In setting toll rates for the central waterfront section of
17 state route number 99 pursuant to RCW 47.56.850, the tolling authority
18 shall set a variable schedule of toll rates to maintain travel time,
19 speed, and reliability on this facility and generate the necessary
20 revenue as required under (b) of this subsection.

21 (b) The tolling authority may adjust the variable schedule of toll
22 rates at least annually to reflect inflation as measured by the
23 consumer price index to meet the redemption of bonds, to meet the
24 obligations of the tolling authority under RCW 47.56.850, and interest
25 payments on bonds and for those costs that are eligible under RCW
26 47.56.820.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.56 RCW
28 under the subchapter heading "toll facilities created after July 1,
29 2008" to read as follows:

30 A special account to be known as the Alaskan Way viaduct
31 replacement project 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 Alaskan
34 Way viaduct replacement project, including any capitalized interest;

35 (b) All of the tolls and other revenues received from the operation
36 of the Alaskan Way viaduct replacement project as a toll facility, to
37 be deposited at least monthly;

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

3 (d) Notwithstanding RCW 47.12.063, proceeds from the sale of any
4 surplus real property acquired for the purpose of building the Alaskan
5 Way viaduct replacement project; and

6 (e) All damages, liquidated or otherwise, collected under any
7 contract involving the construction of the Alaskan Way viaduct
8 replacement project.

9 (2) Subject to the covenants made by the state in the bond
10 proceedings authorizing the issuance and sale of bonds for the
11 construction of the Alaskan Way viaduct replacement project, toll
12 charges, other revenues, and interest received from the operation of
13 the Alaskan Way viaduct replacement project as a toll facility may be
14 used to:

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

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

17 (3) When repaying the motor vehicle fund, the state treasurer shall
18 transfer funds from the Alaskan Way viaduct replacement project account
19 to the motor vehicle fund on or before each debt service date for bonds
20 issued for the construction of the Alaskan Way viaduct replacement
21 project in an amount sufficient to repay the motor vehicle fund for
22 amounts transferred from that fund to the highway bond retirement fund
23 to provide for any bond principal and interest due on that date. The
24 state treasurer may establish subaccounts for the purpose of
25 segregating toll charges, bond sale proceeds, and other revenues.

26 **Sec. 4.** RCW 47.56.820 and 2008 c 122 s 4 are each amended to read
27 as follows:

28 (1) Unless otherwise delegated, only the legislature may authorize
29 the imposition of tolls on eligible toll facilities.

30 (2) All revenue from an eligible toll facility must be used only to
31 construct, improve, preserve, maintain, manage, or operate the eligible
32 toll facility on or in which the revenue is collected. Expenditures of
33 toll revenues are subject to appropriation and must be made only:

34 (a) To cover the operating costs of the eligible toll facility,
35 including necessary maintenance, preservation, administration, and toll
36 enforcement by public law enforcement within the boundaries of the
37 facility;

1 (b) To meet obligations for the repayment of debt and interest on
2 the eligible toll facilities, and any other associated financing costs
3 including, but not limited to, required reserves and insurance;

4 (c) To meet any other obligations to provide funding contributions
5 for any projects or operations on the eligible toll facilities;

6 (d) To provide for the operations of conveyances of people or
7 goods; or

8 (e) For any other improvements to the eligible toll facilities.

9 (3) For the purposes of tolling, financing, construction,
10 improvement, preservation, maintenance, management, and operation of
11 eligible toll facilities, any eligible toll facility may be added to
12 and combined with one or more other eligible toll facilities as part of
13 a system of eligible toll facilities upon (a) a request for the
14 combination of the eligible toll facilities made by the department of
15 transportation to the state finance committee, and (b) a determination
16 by resolution of the state finance committee that the addition of those
17 eligible toll facilities to an existing system of eligible toll
18 facilities will be consistent with applicable provisions of resolutions
19 of the state finance committee that authorized the issuance of
20 outstanding bonds, if any, that are payable from and secured by the
21 toll revenue derived from those eligible toll facilities.

22 (4) On and after the effective date of any combination of eligible
23 toll facilities as described in subsection (3) of this section, each
24 separate special account, if any, previously created in the state
25 treasury for any one of the combined eligible toll facilities
26 constitutes part of a single special account for the combined eligible
27 toll facilities designated as the toll facilities account, which is
28 hereby created in the state treasury.

29 **Sec. 5.** RCW 43.84.092 and 2011 1st sp.s. c 16 s 6, 2011 1st sp.s.
30 c 7 s 22, 2011 c 369 s 6, 2011 c 339 s 1, 2011 c 311 s 9, 2011 c 272 s
31 3, 2011 c 120 s 3, and 2011 c 83 s 7 are each reenacted and amended to
32 read as follows:

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

36 (2) The treasury income account shall be utilized to pay or receive
37 funds associated with federal programs as required by the federal cash

1 management improvement act of 1990. The treasury income account is
2 subject in all respects to chapter 43.88 RCW, but no appropriation is
3 required for refunds or allocations of interest earnings required by
4 the cash management improvement act. Refunds of interest to the
5 federal treasury required under the cash management improvement act
6 fall under RCW 43.88.180 and shall not require appropriation. The
7 office of financial management shall determine the amounts due to or
8 from the federal government pursuant to the cash management improvement
9 act. The office of financial management may direct transfers of funds
10 between accounts as deemed necessary to implement the provisions of the
11 cash management improvement act, and this subsection. Refunds or
12 allocations shall occur prior to the distributions of earnings set
13 forth in subsection (4) of this section.

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

22 (4) Monthly, the state treasurer shall distribute the earnings
23 credited to the treasury income account. The state treasurer shall
24 credit the general fund with all the earnings credited to the treasury
25 income account except:

26 (a) The following accounts and funds shall receive their
27 proportionate share of earnings based upon each account's and fund's
28 average daily balance for the period: The aeronautics account, the
29 aircraft search and rescue account, the Alaskan Way viaduct replacement
30 project account, the budget stabilization account, the capital vessel
31 replacement account, the capitol building construction account, the
32 Cedar River channel construction and operation account, the Central
33 Washington University capital projects account, the charitable,
34 educational, penal and reformatory institutions account, the cleanup
35 settlement account, the Columbia river basin water supply development
36 account, the Columbia river basin taxable bond water supply development
37 account, the Columbia river basin water supply revenue recovery
38 account, the common school construction fund, the county arterial

1 preservation account, the county criminal justice assistance account,
2 the county sales and use tax equalization account, the deferred
3 compensation administrative account, the deferred compensation
4 principal account, the department of licensing services account, the
5 department of retirement systems expense account, the developmental
6 disabilities community trust account, the drinking water assistance
7 account, the drinking water assistance administrative account, the
8 drinking water assistance repayment account, the Eastern Washington
9 University capital projects account, the Interstate 405 express toll
10 lanes operations account, the education construction fund, the
11 education legacy trust account, the election account, the energy
12 freedom account, the energy recovery act account, the essential rail
13 assistance account, The Evergreen State College capital projects
14 account, the federal forest revolving account, the ferry bond
15 retirement fund, the freight congestion relief account, the freight
16 mobility investment account, the freight mobility multimodal account,
17 the grade crossing protective fund, the public health services account,
18 the health system capacity account, the high capacity transportation
19 account, the state higher education construction account, the higher
20 education construction account, the highway bond retirement fund, the
21 highway infrastructure account, the highway safety account, the high
22 occupancy toll lanes operations account, the hospital safety net
23 assessment fund, the industrial insurance premium refund account, the
24 judges' retirement account, the judicial retirement administrative
25 account, the judicial retirement principal account, the local leasehold
26 excise tax account, the local real estate excise tax account, the local
27 sales and use tax account, the marine resources stewardship trust
28 account, the medical aid account, the mobile home park relocation fund,
29 the motor vehicle fund, the motorcycle safety education account, the
30 multiagency permitting team account, the multimodal transportation
31 account, the municipal criminal justice assistance account, the
32 municipal sales and use tax equalization account, the natural resources
33 deposit account, the oyster reserve land account, the pension funding
34 stabilization account, the perpetual surveillance and maintenance
35 account, the public employees' retirement system plan 1 account, the
36 public employees' retirement system combined plan 2 and plan 3 account,
37 the public facilities construction loan revolving account beginning
38 July 1, 2004, the public health supplemental account, the public

1 transportation systems account, the public works assistance account,
2 the Puget Sound capital construction account, the Puget Sound ferry
3 operations account, the Puyallup tribal settlement account, the real
4 estate appraiser commission account, the recreational vehicle account,
5 the regional mobility grant program account, the resource management
6 cost account, the rural arterial trust account, the rural mobility
7 grant program account, the rural Washington loan fund, the site closure
8 account, the skilled nursing facility safety net trust fund, the small
9 city pavement and sidewalk account, the special category C account, the
10 special wildlife account, the state employees' insurance account, the
11 state employees' insurance reserve account, the state investment board
12 expense account, the state investment board commingled trust fund
13 accounts, the state patrol highway account, the state route number 520
14 civil penalties account, the state route number 520 corridor account,
15 the state wildlife account, the supplemental pension account, the
16 Tacoma Narrows toll bridge account, the teachers' retirement system
17 plan 1 account, the teachers' retirement system combined plan 2 and
18 plan 3 account, the tobacco prevention and control account, the tobacco
19 settlement account, the toll facilities account, the transportation
20 2003 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 volunteer firefighters' and reserve
27 officers' relief and pension principal fund, the volunteer
28 firefighters' and reserve officers' administrative fund, the Washington
29 judicial retirement system account, the Washington law enforcement
30 officers' and firefighters' system plan 1 retirement account, the
31 Washington law enforcement officers' and firefighters' system plan 2
32 retirement account, the Washington public safety employees' plan 2
33 retirement account, the Washington school employees' retirement system
34 combined plan 2 and 3 account, the Washington state economic
35 development commission account, the Washington state health insurance
36 pool account, the Washington state patrol retirement account, the
37 Washington State University building account, the Washington State
38 University bond retirement fund, the water pollution control revolving

1 fund, and the Western Washington University capital projects account.
2 Earnings derived from investing balances of the agricultural permanent
3 fund, the normal school permanent fund, the permanent common school
4 fund, the scientific permanent fund, and the state university permanent
5 fund shall be allocated to their respective beneficiary accounts.

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

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

15 **Sec. 6.** RCW 46.16A.120 and 2011 c 375 s 9 and 2011 c 375 s 8 are
16 each reenacted and amended to read as follows:

17 (1) Each court and government agency located in this state having
18 jurisdiction over standing, stopping, and parking violations, the use
19 of a photo toll system under RCW 46.63.160, the use of automated
20 traffic safety cameras under RCW 46.63.170, and the use of automated
21 school bus safety cameras under RCW 46.63.180 may forward to the
22 department any outstanding:

23 (a) Standing, stopping, and parking violations;

24 (b) Civil penalties for toll nonpayment detected through the use of
25 photo toll systems issued under RCW 46.63.160;

26 (c) Automated traffic safety camera infractions issued under RCW
27 46.63.030(1)(d); and

28 (d) Automated school bus safety camera infractions issued under RCW
29 (~~46.63.160~~) 46.63.030(1)(e).

30 (2) Violations, civil penalties, and infractions described in
31 subsection (1) of this section must be reported to the department in
32 the manner described in RCW 46.20.270(3).

33 (3) The department shall:

34 (a) Record the violations, civil penalties, and infractions on the
35 matching vehicle records; and

36 (b) Send notice approximately one hundred twenty days in advance of
37 the current vehicle registration expiration date to the registered

1 owner listing the dates and jurisdictions in which the violations,
2 civil penalties, and infractions occurred, the amounts of unpaid fines
3 and penalties, and the surcharge to be collected. Only those
4 violations, civil penalties, and infractions received by the department
5 one hundred twenty days or more before the current vehicle registration
6 expiration date will be included in the notice. Violations, civil
7 penalties, and infractions received by the department later than one
8 hundred twenty days before the current vehicle registration expiration
9 date that are not satisfied will be delayed until the next vehicle
10 registration expiration date.

11 (4) The department, county auditor or other agent, or subagent
12 appointed by the director shall not renew a vehicle registration if
13 there are any outstanding standing, stopping, and parking violations,
14 and other civil penalties issued under RCW 46.63.160 for the vehicle
15 unless:

16 (a) The outstanding standing, stopping, or parking violations and
17 civil penalties were received by the department within one hundred
18 twenty days before the current vehicle registration expiration;

19 (b) There is a change in registered ownership; or

20 (c) The registered owner presents proof of payment of each
21 violation, civil penalty, and infraction provided in this section and
22 the registered owner pays the surcharge required under RCW 46.17.030.

23 (5) The department shall:

24 (a) Forward a change in registered ownership information to the
25 court or government agency who reported the outstanding violations,
26 civil penalties, or infractions; and

27 (b) Remove the outstanding violations, civil penalties, and
28 infractions from the vehicle record.

29 **Sec. 7.** RCW 46.63.075 and 2011 c 375 s 7 are each amended to read
30 as follows:

31 (1) In a traffic infraction case involving an infraction detected
32 through the use of an automated traffic safety camera under RCW
33 46.63.170 or detected through the use of an automated school bus safety
34 camera under RCW 46.63.180, proof that the particular vehicle described
35 in the notice of traffic infraction was in violation of any such
36 provision of RCW 46.63.170 and 46.63.180, together with proof that the
37 person named in the notice of traffic infraction was at the time of the

1 violation the registered owner of the vehicle, constitutes in evidence
2 a prima facie presumption that the registered owner of the vehicle was
3 the person in control of the vehicle at the point where, and for the
4 time during which, the violation occurred.

5 (2) This presumption may be overcome only if the registered owner
6 states, under oath, in a written statement to the court or in testimony
7 before the court that the vehicle involved was, at the time, stolen or
8 in the care, custody, or control of some person other than the
9 registered owner.

10 **Sec. 8.** RCW 46.63.170 and 2011 c 367 s 704 are each amended to
11 read as follows:

12 (1) The use of automated traffic safety cameras for issuance of
13 notices of infraction is subject to the following requirements:

14 (a) The appropriate local legislative authority must first enact an
15 ordinance allowing for their use to detect one or more of the
16 following: Stoplight, railroad crossing, or school speed zone
17 violations. At a minimum, the local ordinance must contain the
18 restrictions described in this section and provisions for public notice
19 and signage. Cities and counties using automated traffic safety
20 cameras before July 24, 2005, are subject to the restrictions described
21 in this section, but are not required to enact an authorizing
22 ordinance.

23 (b) Use of automated traffic safety cameras is restricted to two-
24 arterial intersections, railroad crossings, and school speed zones
25 only.

26 (c) During the 2011-2013 fiscal biennium, automated traffic safety
27 cameras may be used to detect speed violations for the purposes of
28 section 201(2), chapter 367, Laws of 2011 if the local legislative
29 authority first enacts an ordinance authorizing the use of cameras to
30 detect speed violations.

31 (d) Automated traffic safety cameras may only take pictures of the
32 vehicle and vehicle license plate and only while an infraction is
33 occurring. The picture must not reveal the face of the driver or of
34 passengers in the vehicle.

35 (e) A notice of infraction must be mailed to the registered owner
36 of the vehicle within fourteen days of the violation, or to the renter
37 of a vehicle within fourteen days of establishing the renter's name and

1 address under subsection (3)(a) of this section. The law enforcement
2 officer issuing the notice of infraction shall include with it a
3 certificate or facsimile thereof, based upon inspection of photographs,
4 microphotographs, or electronic images produced by an automated traffic
5 safety camera, stating the facts supporting the notice of infraction.
6 This certificate or facsimile is prima facie evidence of the facts
7 contained in it and is admissible in a proceeding charging a violation
8 under this chapter. The photographs, microphotographs, or electronic
9 images evidencing the violation must be available for inspection and
10 admission into evidence in a proceeding to adjudicate the liability for
11 the infraction. A person receiving a notice of infraction based on
12 evidence detected by an automated traffic safety camera may respond to
13 the notice by mail.

14 (f) The registered owner of a vehicle is responsible for an
15 infraction under RCW 46.63.030(1)((e)) (d) unless the registered
16 owner overcomes the presumption in RCW 46.63.075, or, in the case of a
17 rental car business, satisfies the conditions under subsection (3) of
18 this section. If appropriate under the circumstances, a renter
19 identified under subsection (3)(a) of this section is responsible for
20 an infraction.

21 (g) Notwithstanding any other provision of law, all photographs,
22 microphotographs, or electronic images prepared under this section are
23 for the exclusive use of law enforcement in the discharge of duties
24 under this section and are not open to the public and may not be used
25 in a court in a pending action or proceeding unless the action or
26 proceeding relates to a violation under this section. No photograph,
27 microphotograph, or electronic image may be used for any purpose other
28 than enforcement of violations under this section nor retained longer
29 than necessary to enforce this section.

30 (h) All locations where an automated traffic safety camera is used
31 must be clearly marked by placing signs in locations that clearly
32 indicate to a driver that he or she is entering a zone where traffic
33 laws are enforced by an automated traffic safety camera.

34 (i) If a county or city has established an authorized automated
35 traffic safety camera program under this section, the compensation paid
36 to the manufacturer or vendor of the equipment used must be based only
37 upon the value of the equipment and services provided or rendered in

1 support of the system, and may not be based upon a portion of the fine
2 or civil penalty imposed or the revenue generated by the equipment.

3 (2) Infractions detected through the use of automated traffic
4 safety cameras are not part of the registered owner's driving record
5 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
6 by the use of automated traffic safety cameras under this section shall
7 be processed in the same manner as parking infractions, including for
8 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3).
9 However, the amount of the fine issued for an infraction generated
10 through the use of an automated traffic safety camera shall not exceed
11 the amount of a fine issued for other parking infractions within the
12 jurisdiction.

13 (3) If the registered owner of the vehicle is a rental car
14 business, the law enforcement agency shall, before a notice of
15 infraction being issued under this section, provide a written notice to
16 the rental car business that a notice of infraction may be issued to
17 the rental car business if the rental car business does not, within
18 eighteen days of receiving the written notice, provide to the issuing
19 agency by return mail:

20 (a) A statement under oath stating the name and known mailing
21 address of the individual driving or renting the vehicle when the
22 infraction occurred; or

23 (b) A statement under oath that the business is unable to determine
24 who was driving or renting the vehicle at the time the infraction
25 occurred because the vehicle was stolen at the time of the infraction.
26 A statement provided under this subsection must be accompanied by a
27 copy of a filed police report regarding the vehicle theft; or

28 (c) In lieu of identifying the vehicle operator, the rental car
29 business may pay the applicable penalty.

30 Timely mailing of this statement to the issuing law enforcement
31 agency relieves a rental car business of any liability under this
32 chapter for the notice of infraction.

33 (4) Nothing in this section prohibits a law enforcement officer
34 from issuing a notice of traffic infraction to a person in control of
35 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
36 (b), or (c).

37 (5) For the purposes of this section, "automated traffic safety
38 camera" means a device that uses a vehicle sensor installed to work in

1 conjunction with an intersection traffic control system, a railroad
2 grade crossing control system, or a speed measuring device, and a
3 camera synchronized to automatically record one or more sequenced
4 photographs, microphotographs, or electronic images of the rear of a
5 motor vehicle at the time the vehicle fails to stop when facing a
6 steady red traffic control signal or an activated railroad grade
7 crossing control signal, or exceeds a speed limit in a school speed
8 zone as detected by a speed measuring device. During the 2011-2013
9 fiscal biennium, an automated traffic safety camera includes a camera
10 used to detect speed violations for the purposes of section 201(2),
11 chapter 367, Laws of 2011.

12 (6) During the 2011-2013 fiscal biennium, this section does not
13 apply to automated traffic safety cameras for the purposes of section
14 216(5), chapter 367, Laws of 2011.

15 NEW SECTION. **Sec. 9.** 2010 c 161 s 1126 is repealed.

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