

---

ENGROSSED SUBSTITUTE SENATE BILL 6445

---

State of Washington

62nd Legislature

2012 Regular Session

**By** Senate Transportation (originally sponsored by Senator Pridemore;  
by request of Department of Transportation)

READ FIRST TIME 02/07/12.

1 AN ACT Relating to financing the Interstate 5 Columbia river  
2 crossing project; reenacting and amending RCW 43.84.092 and 47.56.810;  
3 adding new sections to chapter 47.56 RCW; creating new sections;  
4 providing a contingent effective date; and providing a contingent  
5 expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that the replacement  
8 and improvement of the Interstate 5 Columbia river crossing is critical  
9 for the west coast's transportation system and for the safety of  
10 Washington and Oregon drivers. The interstate bridge includes two  
11 side-by-side structures built in 1917 and 1958. In 2005, approximately  
12 one hundred thirty-four thousand vehicles traveled across the  
13 interstate bridge each day, and about forty billion dollars in freight  
14 crosses the river each year. Collisions on and near the bridge occur  
15 at a rate almost twice as high as other similar urban highways, and the  
16 aging bridges are vulnerable to earthquakes. Replacing these  
17 structures and making multimodal improvements to facilitate travel in  
18 the bistate corridor is essential for the economy of the region.

1 Therefore, the state must develop a comprehensive approach to fund an  
2 Interstate 5 Columbia river crossing project.

3 NEW SECTION. **Sec. 2.** 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) For the purposes of this section and sections 3 and 4 of this  
7 act, "Columbia river crossing project" means the bistate, multimodal  
8 corridor improvement program between the state route number 500  
9 interchange in Vancouver, Washington and the Victory Boulevard  
10 interchange in Portland, Oregon.

11 (2) The Columbia river crossing project is designated an eligible  
12 toll facility. Tolls are authorized to be imposed on the Columbia  
13 river crossing project. However, the tolls must be charged only for  
14 travel on the existing and replacement Interstate 5 Columbia river  
15 bridges. Tolls may not be charged for travel on any portion of  
16 Interstate 205. Toll revenue generated on the Columbia river crossing  
17 project must be expended only as allowed under RCW 47.56.820. The  
18 total cost of the Columbia river crossing project may not exceed three  
19 billion four hundred thirteen million dollars.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.56 RCW  
21 under the subchapter heading "toll facilities created after July 1,  
22 2008" to read as follows:

23 (1) A special account to be known as the Columbia river crossing  
24 project account is created in the state treasury.

25 (2) Deposits to the account must include:

26 (a) All proceeds of bonds and loans issued for the Columbia river  
27 crossing project, including any capitalized interest;

28 (b) All tolls and other revenues received from the operation of the  
29 Columbia river crossing project as a toll facility to be deposited at  
30 least monthly;

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

33 (d) Notwithstanding RCW 47.12.063, proceeds from the sale of any  
34 surplus real property acquired for the Columbia river crossing project;  
35 and

1 (e) All damages, liquidated or otherwise, collected under any  
2 contract involving the Columbia river crossing project.

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 For the Columbia river crossing project, the tolling authority may  
7 enter into agreements with the Oregon state transportation commission  
8 regarding the mutual or joint setting, adjustment, and review of toll  
9 rates as the tolling authority may find necessary to carry out the  
10 purposes of this section. Any agreement between the tolling authority  
11 and the Oregon state transportation commission made pursuant to this  
12 section takes effect, and is not binding and enforceable until, thirty  
13 days after adjournment of the next ensuing regular legislative session.  
14 If the tolling authority has not entered into an agreement with the  
15 Oregon state transportation commission by December 31, 2015, this  
16 section expires.

17 **Sec. 5.** RCW 43.84.092 and 2011 1st sp.s. c 16 s 6, 2011 1st sp.s.  
18 c 7 s 22, 2011 c 369 s 6, 2011 c 339 s 1, 2011 c 311 s 9, 2011 c 272 s  
19 3, 2011 c 120 s 3, and 2011 c 83 s 7 are each reenacted and amended to  
20 read as follows:

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

24 (2) The treasury income account shall be utilized to pay or receive  
25 funds associated with federal programs as required by the federal cash  
26 management improvement act of 1990. The treasury income account is  
27 subject in all respects to chapter 43.88 RCW, but no appropriation is  
28 required for refunds or allocations of interest earnings required by  
29 the cash management improvement act. Refunds of interest to the  
30 federal treasury required under the cash management improvement act  
31 fall under RCW 43.88.180 and shall not require appropriation. The  
32 office of financial management shall determine the amounts due to or  
33 from the federal government pursuant to the cash management improvement  
34 act. The office of financial management may direct transfers of funds  
35 between accounts as deemed necessary to implement the provisions of the

1 cash management improvement act, and this subsection. Refunds or  
2 allocations shall occur prior to the distributions of earnings set  
3 forth in subsection (4) of this section.

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

12 (4) Monthly, the state treasurer shall distribute the earnings  
13 credited to the treasury income account. The state treasurer shall  
14 credit the general fund with all the earnings credited to the treasury  
15 income account except:

16 (a) The following accounts and funds shall receive their  
17 proportionate share of earnings based upon each account's and fund's  
18 average daily balance for the period: The aeronautics account, the  
19 aircraft search and rescue account, the budget stabilization account,  
20 the capital vessel replacement account, the capitol building  
21 construction account, the Cedar River channel construction and  
22 operation account, the Central Washington University capital projects  
23 account, the charitable, educational, penal and reformatory  
24 institutions account, the cleanup settlement account, the Columbia  
25 river basin water supply development account, the Columbia river basin  
26 taxable bond water supply development account, the Columbia river basin  
27 water supply revenue recovery account, the Columbia river crossing  
28 project account, the common school construction fund, the county  
29 arterial preservation account, the county criminal justice assistance  
30 account, the county sales and use tax equalization account, the  
31 deferred compensation administrative account, the deferred compensation  
32 principal account, the department of licensing services account, the  
33 department of retirement systems expense account, the developmental  
34 disabilities community trust account, the drinking water assistance  
35 account, the drinking water assistance administrative account, the  
36 drinking water assistance repayment account, the Eastern Washington  
37 University capital projects account, the Interstate 405 express toll  
38 lanes operations account, the education construction fund, the

1 education legacy trust account, the election account, the energy  
2 freedom account, the energy recovery act account, the essential rail  
3 assistance account, The Evergreen State College capital projects  
4 account, the federal forest revolving account, the ferry bond  
5 retirement fund, the freight congestion relief account, the freight  
6 mobility investment account, the freight mobility multimodal account,  
7 the grade crossing protective fund, the public health services account,  
8 the health system capacity account, the high capacity transportation  
9 account, the state higher education construction account, the higher  
10 education construction account, the highway bond retirement fund, the  
11 highway infrastructure account, the highway safety account, the high  
12 occupancy toll lanes operations account, the hospital safety net  
13 assessment fund, the industrial insurance premium refund account, the  
14 judges' retirement account, the judicial retirement administrative  
15 account, the judicial retirement principal account, the local leasehold  
16 excise tax account, the local real estate excise tax account, the local  
17 sales and use tax account, the marine resources stewardship trust  
18 account, the medical aid account, the mobile home park relocation fund,  
19 the motor vehicle fund, the motorcycle safety education account, the  
20 multiagency permitting team account, the multimodal transportation  
21 account, the municipal criminal justice assistance account, the  
22 municipal sales and use tax equalization account, the natural resources  
23 deposit account, the oyster reserve land account, the pension funding  
24 stabilization account, the perpetual surveillance and maintenance  
25 account, the public employees' retirement system plan 1 account, the  
26 public employees' retirement system combined plan 2 and plan 3 account,  
27 the public facilities construction loan revolving account beginning  
28 July 1, 2004, the public health supplemental account, the public  
29 transportation systems account, the public works assistance account,  
30 the Puget Sound capital construction account, the Puget Sound ferry  
31 operations account, the Puyallup tribal settlement account, the real  
32 estate appraiser commission account, the recreational vehicle account,  
33 the regional mobility grant program account, the resource management  
34 cost account, the rural arterial trust account, the rural mobility  
35 grant program account, the rural Washington loan fund, the site closure  
36 account, the skilled nursing facility safety net trust fund, the small  
37 city pavement and sidewalk account, the special category C account, the  
38 special wildlife account, the state employees' insurance account, the

1 state employees' insurance reserve account, the state investment board  
2 expense account, the state investment board commingled trust fund  
3 accounts, the state patrol highway account, the state route number 520  
4 civil penalties account, the state route number 520 corridor account,  
5 the state wildlife account, the supplemental pension account, the  
6 Tacoma Narrows toll bridge account, the teachers' retirement system  
7 plan 1 account, the teachers' retirement system combined plan 2 and  
8 plan 3 account, the tobacco prevention and control account, the tobacco  
9 settlement account, the transportation 2003 account (nickel account),  
10 the transportation equipment fund, the transportation fund, the  
11 transportation improvement account, the transportation improvement  
12 board bond retirement account, the transportation infrastructure  
13 account, the transportation partnership account, the traumatic brain  
14 injury account, the tuition recovery trust fund, the University of  
15 Washington bond retirement fund, the University of Washington building  
16 account, the volunteer firefighters' and reserve officers' relief and  
17 pension principal fund, the volunteer firefighters' and reserve  
18 officers' administrative fund, the Washington judicial retirement  
19 system account, the Washington law enforcement officers' and  
20 firefighters' system plan 1 retirement account, the Washington law  
21 enforcement officers' and firefighters' system plan 2 retirement  
22 account, the Washington public safety employees' plan 2 retirement  
23 account, the Washington school employees' retirement system combined  
24 plan 2 and 3 account, the Washington state economic development  
25 commission account, the Washington state health insurance pool account,  
26 the Washington state patrol retirement account, the Washington State  
27 University building account, the Washington State University bond  
28 retirement fund, the water pollution control revolving fund, and the  
29 Western Washington University capital projects account. Earnings  
30 derived from investing balances of the agricultural permanent fund, the  
31 normal school permanent fund, the permanent common school fund, the  
32 scientific permanent fund, and the state university permanent fund  
33 shall be allocated to their respective beneficiary accounts.

34 (b) Any state agency that has independent authority over accounts  
35 or funds not statutorily required to be held in the state treasury that  
36 deposits funds into a fund or account in the state treasury pursuant to  
37 an agreement with the office of the state treasurer shall receive its

1 proportionate share of earnings based upon each account's or fund's  
2 average daily balance for the period.

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

6 **Sec. 6.** RCW 47.56.810 and 2011 c 377 s 7 and 2011 c 369 s 2 are  
7 each reenacted and amended to read as follows:

8 The definitions in this section apply throughout this subchapter  
9 unless the context clearly requires otherwise:

10 (1) "Eligible toll facility" or "eligible toll facilities" means  
11 portions of the state highway system specifically identified by the  
12 legislature including, but not limited to, transportation corridors,  
13 bridges, crossings, interchanges, on-ramps, off-ramps, approaches,  
14 bistate facilities, and interconnections between highways. For  
15 purposes of a bistate facility, the legislature may define an "eligible  
16 toll facility" to include a part of a project that may extend beyond  
17 the state border.

18 (2) "Express toll lanes" means one or more high occupancy vehicle  
19 lanes of a highway in which the department charges tolls primarily as  
20 a means of regulating access to or use of the lanes to maintain travel  
21 speed and reliability.

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

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

31 NEW SECTION. **Sec. 7.** Except for section 4 of this act, this act  
32 takes effect upon, and tolls may not be collected on the Columbia river  
33 crossing project until: (1) Certification of the secretary of  
34 transportation to the governor that the department of transportation  
35 has received satisfactory evidence that sufficient funding, including  
36 federal funds, will be available to complete the phase of the Columbia

1 river crossing project that includes the construction of the Columbia  
2 river bridge and landings; and (2) the agreement or agreements  
3 described in section 4 of this act have taken effect. If the secretary  
4 of transportation does not provide such certification to the governor  
5 by December 31, 2015, this act, except for section 4 of this act, is  
6 null and void.

7 NEW SECTION. **Sec. 8.** The secretary of transportation must provide  
8 notice that the governor has received certification as described under  
9 section 7 of this act to affected parties, the chief clerk of the house  
10 of representatives, the secretary of the senate, the office of the code  
11 reviser, and others as deemed appropriate by the secretary.  
12 Additionally, the tolling authority, as defined in RCW 47.56.810, must  
13 provide written notice that the agreements described under section 4 of  
14 this act have taken effect to affected parties, the chief clerk of the  
15 house of representatives, the secretary of the senate, the office of  
16 the code reviser, and others as deemed appropriate by the tolling  
17 authority.

--- END ---