

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6445

62nd Legislature
2012 Regular Session

Passed by the Senate February 14, 2012
YEAS 33 NAYS 15

President of the Senate

Passed by the House February 29, 2012
YEAS 65 NAYS 33

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6445** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6445

Passed Legislature - 2012 Regular Session

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.

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