H-2960.1

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**HOUSE BILL 2289**

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**State of Washington 64th Legislature 2015 3rd Special Session**

**By** Representatives Bergquist, Harmsworth, Hudgins, and Moscoso

AN ACT Relating to allowing toll-free travel on the Interstate 405 express toll lanes; and amending RCW 47.56.880.

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

**Sec.**  RCW 47.56.880 and 2011 c 369 s 3 are each amended to read as follows:

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

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

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

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

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

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

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

(3) The department may construct and operate express toll lanes on Interstate 405 between the city of Bellevue on the south end and Interstate 5 on the north end. Operation of the express toll lanes may not commence until the department has completed capacity improvements necessary to provide a two-lane system from NE 6th Street in the city of Bellevue to state route number 522 and the conversion of the existing high occupancy vehicle lane to an express toll lane between state route number 522 and the city of Lynnwood. Construction of the capacity improvements described in this subsection, including items that enable implementation of express toll lanes such as conduit and other underground features, must begin as soon as practicable. However, any contract term regarding tolling equipment, such as gantries, barriers, or cameras, for Interstate 405 may not take effect unless specific appropriation authority is provided in 2012 stating that funding is provided solely for tolling equipment on Interstate 405. The department shall work with local jurisdictions to minimize and monitor impacts to local streets and, after consultation with local jurisdictions, recommend mitigation measures to the legislature in those locations where it is appropriate.

(4)(a) During the first one hundred eighty days of operation of any segment of the Interstate 405 express toll lanes, the department must offer travel in the Interstate 405 express toll lanes free of charge at all times for vehicles carrying two or more people. After this period, the department may require three or more people in a vehicle to qualify for toll-free travel in a segment of the express toll lanes if necessary to comply with federal requirements. In determining whether toll-free access to the express toll lanes must be limited to vehicles carrying three or more people, the department must analyze each segment of the Interstate 405 express toll lanes separately. For the purposes of this section, the portion of Interstate 405 on which there will be two express toll lanes running in each direction is considered one segment, and the portion of Interstate 405 on which there will be one express toll lane running in each direction is considered another segment.

(b) Between the hours of 7:00 p.m. and 5:00 a.m., (i) the department may not assess toll charges for travel in the Interstate 405 express toll lanes, and (ii) the department may not restrict access to these lanes based upon the number of people in the vehicle.

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

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

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

(c) Whether transit ridership changed;

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

(e) Whether the express toll lanes generated sufficient revenue to pay for all Interstate 405 express toll lane-related operating costs;

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

(g) Whether the actual gross revenues are consistent with projected gross revenues as identified in the fiscal note for Engrossed House Bill No. 1382 distributed by the office of financial management on March 15, 2011.

((~~(5)~~)) (6) If ((~~after two years of operation of the express toll lanes on Interstate 405~~)) by July 1, 2020, performance measures listed in subsection ((~~(4)~~)) (5)(a) and (e) of this section are not being met, the express toll lanes project must be terminated as soon as practicable.

((~~(6)~~)) (7) The department, in consultation with the transportation commission, shall consider making operational changes necessary to fix any unintended consequences of implementing the express toll lanes project.

((~~(7)~~)) (8) A violation of the lane restrictions applicable to the express toll lanes established under this section is a traffic infraction.

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