

SHB 2524 - H AMD **864**

By Representative Taylor

SCOPED 02/25/2016

1 On page 80, after line 17, insert the following:

2 "Sec. 703. RCW 47.56.850 and 2009 c 498 s 15 are each amended to
3 read as follows:

4 (1) Unless these powers are otherwise delegated by the
5 legislature, the transportation commission is the tolling authority
6 for the state. During the length of the 2015-17 fiscal biennium,
7 within any toll rate limitations set by law, ((~~¶~~))the tolling
8 authority shall:

9 (a) Set toll rates, establish appropriate exemptions, if any,
10 and make adjustments as conditions warrant on eligible toll
11 facilities;

12 (b) Review toll collection policies, toll operations policies,
13 and toll revenue expenditures on the eligible toll facilities and
14 report annually on this review to the legislature.

15 (2) The tolling authority, in determining toll rates, shall
16 consider the policy guidelines established in RCW 47.56.830, and
17 during the length of the 2015-17 fiscal biennium, shall do so in
18 light of any toll rate limitations set by law.

19 (3) Unless otherwise directed by the legislature, in setting and
20 periodically adjusting toll rates, the tolling authority must ensure
21 that toll rates will generate revenue sufficient to:

22 (a) Meet the operating costs of the eligible toll facilities,
23 including necessary maintenance, preservation, renewal, replacement,
24 administration, and toll enforcement by public law enforcement;

25 (b) Meet obligations for the timely payment of debt service on
26 bonds issued for eligible toll facilities, and any other associated
27 financing costs including, but not limited to, required reserves,

1 minimum debt coverage or other appropriate contingency funding,
2 insurance, and compliance with all other financial and other
3 covenants made by the state in the bond proceedings;

4 (c) Meet obligations to reimburse the motor vehicle fund for
5 excise taxes on motor vehicle and special fuels applied to the
6 payment of bonds issued for eligible toll facilities; and

7 (d) Meet any other obligations of the tolling authority to
8 provide its proportionate share of funding contributions for any
9 projects or operations of the eligible toll facilities.

10 (4) The established toll rates, during the 2015-17 fiscal
11 biennium, within any toll rate limitations set by law, may include
12 variable pricing, and should be set to optimize system performance,
13 recognizing necessary trade-offs to generate revenue for the
14 purposes specified in subsection (3) of this section. Tolls may vary
15 for type of vehicle, time of day, traffic conditions, or other
16 factors designed to improve performance of the system.

17 (5) In fixing and adjusting toll rates under this section, the
18 only toll revenue to be taken into account must be toll revenue
19 pledged to bonds that includes toll receipts, and the only debt
20 service requirements to be taken into account must be debt service
21 on bonds payable from and secured by toll revenue that includes toll
22 receipts.

23 (6) The legislature pledges to appropriate toll revenue as
24 necessary to carry out the purposes of this section. When the
25 legislature has specifically identified and designated an eligible
26 toll facility and authorized the issuance of bonds for the financing
27 of the eligible toll facility that are payable from and secured by a
28 pledge of toll revenue, the legislature further agrees for the
29 benefit of the owners of outstanding bonds issued by the state for
30 eligible toll facilities to continue in effect and not to impair or
31 withdraw the authorization of the tolling authority to fix and
32 adjust tolls as provided in this section. The state finance
33 committee shall pledge the state's obligation to impose and maintain
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1 tolls, together with the application of toll revenue as described in
2 this section, to the owners of any bonds.

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5 **Sec. 704.** RCW 47.56.880 and 2011 c 369 s 3 are each amended to
6 read as follows:

7 (1) The imposition of tolls for express toll lanes on Interstate
8 405 between the junctions with Interstate 5 on the north end and NE
9 6th Street in the city of Bellevue on the south end is authorized,
10 Interstate 405 is designated an eligible toll facility, and toll
11 revenue generated in the corridor must only be expended as allowed
12 under RCW 47.56.820.

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

14 (a) The schedule of toll rates must be set by the tolling
15 authority pursuant to RCW 47.56.850. Toll rates may vary in amount
16 by time of day, level of traffic congestion within the highway
17 facility, or other criteria, as the tolling authority deems
18 appropriate; however, during the 2015-17 fiscal biennium, the toll
19 rates may not exceed \$4.00.

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

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

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

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

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

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

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

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

30 (c) Whether transit ridership changed;

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

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

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

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

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

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

18 (7) A violation of the lane restrictions applicable to the
19 express toll lanes established under this section is a traffic
20 infraction."

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22 Renumber the remaining sections consecutively and correct any
23 internal references accordingly. Correct the title.

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EFFECT: During the length of the fiscal biennium, places a maximum toll rate limit of \$4.00 on I-405 express toll lanes and limits the tolling authority's ability to set toll rates by not permitting the tolling authority to set rates that exceed any maximum toll rate limits set by law.

FISCAL IMPACT: No net change to appropriated levels.

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