

# SENATE BILL REPORT

## SB 6152

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As Reported by Senate Committee On:  
Transportation, February 2, 2016

**Title:** An act relating to operation of the Interstate 405 express toll lanes.

**Brief Description:** Modifying the operation of the Interstate 405 express toll lanes.

**Sponsors:** Senators Hill, Habib, Pearson, Angel, Roach, Miloscia, Becker and Litzow.

**Brief History:**

**Committee Activity:** Transportation: 1/14/16, 2/02/16 [DPS, w/oRec].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 6152 be substituted therefor, and the substitute bill do pass.

Signed by Senators King, Chair; Benton, Vice Chair; Fain, Vice Chair, Budget; Baumgartner, Ericksen, Litzow, Miloscia, Rivers and Sheldon.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Hobbs, Ranking Minority Member; Liias, Assistant Ranking Minority Member; Carlyle, Cleveland, Jayapal and Takko.

**Staff:** Kim Johnson (786-7472)

**Background:** In 2011, the Legislature designated 17 miles of I-405 as an eligible toll facility and authorized Washington State Department of Transportation (WSDOT) to implement express toll lanes on the facility. An express toll lane means a High Occupancy Vehicle (HOV) lane in which the WSDOT charges tolls for vehicles with less than the required number of passengers, with the goal of regulating use of the lane to maintain travel speed and reliability.

The Washington State Transportation Commission (Commission) sets the schedule of toll rates for the express toll lanes. The current toll rate schedule is a minimum of \$0.75 up to a maximum of \$10 for persons with a Good to Go pass; however, persons without a Good to Go pass are considered pay-by-mail toll payers, and pay an additional \$2 on top of the displayed toll rate. The WSDOT automatically adjusts the toll rate, using a dynamic tolling algorithm, within the schedule established by the Commission to ensure that average vehicle

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speeds in the express toll lanes remain above 45 miles per hour 90 percent of the time during peak periods.

The I-405 express toll lanes opened to traffic on September 27, 2015. There are currently two express toll lanes in each direction from NE 6th Street in Bellevue to just south of SR 522 in Bothell, and a single express toll lane in each direction from SR 522 in Bothell north until Lynwood. Entry and exit of the express toll lanes may only take place in certain locations designated with dashed white lane striping or via direct access ramps. HOV requirements for the lanes are 3+ persons between the hours of 5:00am to 9:00am and from 3:00pm to 7:00pm, Monday through Friday, excluding certain holidays. At all other times, a vehicle must have two or more people in the vehicle to qualify as a toll-free carpool.

The I-405 express toll lanes project must be terminated if, after a two year period, it fails to meet two specified performance measures: (1) the express toll lanes maintain speeds of 45 miles per hour at least 90 percent of the time during peak periods; and (2) the express toll lanes generate sufficient revenue to pay for all I-405 express toll lane-related operating costs.

**Summary of Bill (Recommended Substitute):** The I-405 Express Toll Lanes are expressly designated as a two-year pilot and the authority to toll the facility expires on September 27, 2017.

Tolls may not be charged and minimum occupancy requirements are not permitted on the facility: (a) between the hours of 7:00pm and 5:00am; (b) at any time on state and federal holidays; and, (c) on weekends.

WSDOT is directed, to the greatest extent possible, to continue to extend the length of the entrance and exit points for the I-405 express toll lanes.

The requirement that the I-405 express toll lanes project must be terminated if, after a two year period, it fails to meet two specified performance measures is removed.

**EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Substitute):** Provides that the I-405 express toll lanes is a two year pilot.

Added the requirement that tolls not be charged and the minimum occupancy requirements do not apply for the express toll lanes on weekends and all federal holidays.

Removed the requirement that there be continuous access striping for the express toll lanes. Added a provision directing WSDOT, to the greatest extent possible, expand the entrance and exit points for the I-405 express toll lanes.

Removed the language related to the the termination of express toll lanes based on the lanes meeting certain performance measures, and sets an expiration date of September 27, 2017 .

Removed the requirement that WSDOT operate only one toll lane in each direction and removed the prohibition of construction or operation of any future HOV or express toll lanes on I-405.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: I want to impress upon you that this is one of the hottest topics my office has to deal with in the last year. My constituents report increased congestion and higher than estimated toll costs. I am also concerned by a lack of response by WSDOT and their customer service center. People are reporting waits of over 25 minutes to talk to someone. This is an epic fail from an implementation standpoint. I wanted to give WSDOT a chance, but I think it is clear that WSDOT has failed from a management perspective and our citizens deserve better. WSDOT reports increased throughput. Of course there is increased throughput, we built a brand new lane for two-thirds of the corridor. My constituents cannot wait two years. We have congestion now on the weekends. I don't think that the changes WSDOT is making are significant enough to make this experiment work.

The AWB supports this bill. Supply chains are important. Segments of this corridor are worse than before. Toll rates are reportedly higher than estimated. Motorcyclists have had an excruciating experience with WSDOT's implementation. We are supposed to get access to HOV facilities for free. We have to have a transponder and have to have a Good to Go Account with a minimum balance of \$30. Mistakes have led to motorcyclists getting toll bills erroneously and it takes hours and hours to try to fix. Charging a fee to drive on a road does nothing to increase capacity. The cost to collect the tolls is too high. Anyone claiming that these lanes are a success are peddling fiction. It takes great leadership to admit a mistake and make a change. Value pricing does not work, it is a tolling company gimmick. This experiment is like a cancer. It needs to be cut out now.

Traffic is bleeding into local neighborhoods. It seems like congestion is worse. None of WSDOT's data shows how people are having to change their driving habits.

CON: We believe that this is still in the implementation phase. The lanes are doing what they are designed to do. Vanpools and transit has received an immediate benefit. We want to see the whole two years so we can really see how these lanes work.

I am here to tell you I have had a great experience using these lanes. I use them when I need a reliable trip. They are great. Give people time to learn how to use the lanes.

OTHER: The Washington Trucking Association has concerns with the delay these lanes have caused on I-405. We understand that this is a new program and they are trying to work out the kinks. Our industry is seeing a average delay of 30 minutes.

The lanes have only been open three months and we are seeing 1 million trips per month. People are taking advantage of the toll lanes when they need to in order to guarantee an on-time trip. We are seeing an average savings of 14 minutes. 75 percent of the tolls paid are

\$0.75. We are seeing some challenges and we have some fixes we are putting into action to help both the toll lanes and the general purpose lanes. We are seeing ridership tick upwards for Community Transit and King County Metro.

If you change these lanes, transit agencies around the region will have to rework all the route schedules as we will not be able to rely on on-time performance.

**Persons Testifying on Original Bill:** PRO: Seantor Hill; Representative Mike Ennis, Association of Washington Business; Larry Walker, Washington Road Riders Association; David Hablewitz, Stop405tolls.org; Tim Walsh, stop405tolls.org; Patrick Walsh, Stop405tolls.org; Michael Zachary, SCCIT/WorleyParsons; Michael Arntzen.

CON: Bryce Yadon, Futurewise; Duncan Milloy, Resident of Mill Creek, WA.

OTHER: Sheri Call, Larry Pursley, Washington Trucking Associations; Patty Rubstello, Washington State Department of Transportation; Michael Shaw, Washington State Transit Association; Bob Pishue, Washington Policy Center.

**Persons Signed In To Testify But Not Testifying on Original Bill:** No one.