
HOUSE BILL 1255

State of Washington

65th Legislature

2017 Regular Session

By Representatives Young and Muri

Read first time 01/16/17. Referred to Committee on Transportation.

1 AN ACT Relating to directing the department of transportation to
2 identify opportunities and, if appropriate, submit an invitation for
3 bids or request for proposals to contract with concessionaires to
4 operate on and collect tolls for the Tacoma Narrows bridge; amending
5 RCW 47.56.030, 47.56.077, and 47.56.165; reenacting and amending RCW
6 47.56.010; adding a new section to chapter 47.56 RCW; creating new
7 sections; and providing a contingent expiration date.

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

9 NEW SECTION. **Sec. 1.** This act may be known and cited as the
10 Tacoma Narrows bridge toll by coffee act.

11 NEW SECTION. **Sec. 2.** The legislature finds that other states
12 have leased land surrounding toll booths to concessionaires to create
13 toll plazas that provide food, goods, or rest areas to drivers. Such
14 private enterprises are allowed to build buildings and parking
15 spaces, provide for commuter throughput, and make modifications to
16 sell goods and services as long as they also collect the tolls for
17 the road in an efficient manner. Because the Tacoma Narrows bridge
18 has unique financing issues that may necessitate significant
19 increases in tolls on the bridge in the future, it is the intent of
20 the legislature to direct the department of transportation to assess

1 and identify what steps need to be taken to create an economic
2 opportunity involving the private sector that can result in
3 reductions to administrative costs or result in additional revenue
4 generated to minimize potential toll rate increases for the Tacoma
5 Narrows bridge. The legislature also intends to provide an
6 opportunity for private sector resources to assist in the payment and
7 operations of the Tacoma Narrows bridge.

8 **Sec. 3.** RCW 47.56.010 and 2010 c 249 s 1 are each reenacted and
9 amended to read as follows:

10 As used in this chapter:

11 (1) "1950 Tacoma Narrows bridge" means the bridge crossing the
12 Tacoma Narrows that was opened to vehicle travel in 1950.

13 (2) "Electronic toll collection system" means a system that
14 collects tolls by crediting or debiting funds from a customer's
15 unique prepaid tolling account.

16 (3) "Photo toll" means a toll charge associated with a particular
17 vehicle that is identified by its license plate. A photo toll may be
18 paid through one of the following methods:

19 (a) A customer-initiated account that is prepaid or postpaid.

20 (b) In response to a toll bill that is sent to the registered
21 owner of the vehicle incurring the photo toll charge. The toll bill
22 may designate a toll payment due date for the photo toll assessed.

23 (4) "Photo toll system" means a camera-based imaging system that
24 uses digital video or still image formats to record license plate
25 images of vehicles using toll lanes for the purpose of collecting a
26 photo toll.

27 (5) "Toll booth" means a booth, as at a bridge or the entrance of
28 a toll road, where a toll is collected. A toll booth need not be
29 limited to the collection of tolls.

30 (6) "Toll bridge" means a bridge constructed or acquired under
31 this chapter, upon which tolls are charged, together with all
32 appurtenances, additions, alterations, improvements, and replacements
33 thereof, and the approaches thereto, and all lands and interests used
34 therefor, and buildings and improvements thereon.

35 ((+6+)) (7) "Toll payment due date" means the date when a toll
36 must be paid to avoid a toll violation civil penalty. The toll
37 payment due date is eighty days from the date the vehicle uses the
38 toll facility and incurs the toll charge.

1 ~~((7))~~ (8) "Toll plaza" means a staffed facility where tolls are
2 collected and where concessionaires may be allowed to offer goods or
3 services for retail via a drive-through toll booth or a walk-in
4 location, or both.

5 (9) "Toll road" means any express highway, superhighway, or
6 motorway at such locations and between such termini as may be
7 established by law, and constructed or to be constructed as a limited
8 access highway under the provisions of this chapter by the
9 department, and shall include, but not be limited to, all bridges,
10 tunnels, overpasses, underpasses, interchanges, entrance plazas,
11 approaches, toll houses, service areas, service facilities,
12 communications facilities, and administration, storage, and other
13 buildings that the department may deem necessary for the operation of
14 the project, together with all property, rights, easements, and
15 interests that may be acquired by the department for the construction
16 or the operation of the project, all of which shall be conducted in
17 the same manner and under the same procedure as provided for the
18 establishing, constructing, operating, and maintaining of toll
19 bridges by the department, insofar as those procedures are reasonably
20 consistent and applicable.

21 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.56
22 RCW to read as follows:

23 The department's economic partnerships program, in consultation
24 with the toll division, is directed to identify opportunities to
25 create a toll plaza by leasing, in full or in part, the property upon
26 which the Tacoma Narrows bridge toll booths are located or contract
27 with the private sector to operate other businesses while collecting
28 tolls, or both. The department should contract as needed with
29 business consultants with knowledge and expertise of how to analyze
30 and estimate the economic and traffic impacts of creating a toll
31 plaza and to obtain a detailed analysis of the feasibility and fiscal
32 implications of a potential lease or contract of the Tacoma Narrows
33 bridge property surrounding the location of the toll booths,
34 including the buildings. The analysis should identify the
35 characteristics of private sector partners who would be able to
36 successfully undertake a commercial or retail business jointly with
37 the collection of tolls. The analysis must identify a set of
38 requirements that form the minimum criteria of any request for
39 proposals that could be issued such that the result will generate net

1 positive revenues relative to current toll booth operating costs and,
2 where possible, revenues will be maximized by the department while
3 also maintaining or improving the toll payer's experience at the toll
4 booth or toll plaza. If the analysis indicates favorable, sustainable
5 results for the creation and operation of a toll plaza, the
6 department must submit an invitation for bids in accordance with the
7 process established under chapter 43.19 RCW or a request for
8 proposals in accordance with the process established under RCW
9 47.56.030. The economic opportunities must always include the
10 requirement that at least one booth operate solely to receive the
11 payment of tolls in a timely manner.

12 The department should hold at least one public hearing in the
13 community where the Tacoma Narrows bridge is located during 2017 as
14 part of its analysis of the potential opportunity.

15 Any proceeds, separate from tolls, generated by a contract
16 authorized in this section must be deposited into the Tacoma Narrows
17 toll bridge account to be expended to pay for the principal and
18 interest on bonds issued for the construction of the Tacoma Narrows
19 bridge. Once the bonds have been paid, proceeds must be used for
20 operations and maintenance of the bridge.

21 By December 1, 2017, the department must provide a report to the
22 governor and transportation committees of the legislature on the
23 actions taken by the department in implementing this section.

24 **Sec. 5.** RCW 47.56.030 and 2015 3rd sp.s. c 14 s 7 are each
25 amended to read as follows:

26 (1) Except as permitted under chapter 47.29 or 47.46 RCW:

27 (a) Unless otherwise delegated, and subject to RCW 47.56.820, the
28 department of transportation shall have full charge of the planning,
29 analysis, and construction of all toll bridges and other toll
30 facilities including the Washington state ferries, and the operation
31 and maintenance thereof. Building, operating, and maintaining a
32 Tacoma Narrows bridge toll plaza in accordance with section 4 of this
33 act is a permitted exception and delegation of authority.

34 (b) The transportation commission shall determine and establish
35 the tolls and charges thereon.

36 (c) Unless otherwise delegated, and subject to RCW 47.56.820, the
37 department shall have full charge of planning, analysis, and design
38 of all toll facilities. The department may conduct the planning,

1 analysis, and design of toll facilities as necessary to support the
2 legislature's consideration of toll authorization.

3 (d) The department shall utilize and administer toll collection
4 systems that are simple, unified, and interoperable. To the extent
5 practicable, the department shall avoid the use of toll booths. The
6 department shall set the statewide standards and protocols for all
7 toll facilities within the state, including those authorized by local
8 authorities.

9 (e) Except as provided in this section, the department shall
10 proceed with the construction of such toll bridges and other
11 facilities and the approaches thereto by contract in the manner of
12 state highway construction immediately upon there being made
13 available funds for such work and shall prosecute such work to
14 completion as rapidly as practicable. The department is authorized to
15 negotiate contracts for any amount without bid under (e)(i) and (ii)
16 of this subsection:

17 (i) Emergency contracts, in order to make repairs to ferries or
18 ferry terminal facilities or removal of such facilities whenever
19 continued use of ferries or ferry terminal facilities constitutes a
20 real or immediate danger to the traveling public or precludes prudent
21 use of such ferries or facilities; and

22 (ii) Single source contracts for vessel dry dockings, when there
23 is clearly and legitimately only one available bidder to conduct dry
24 dock-related work for a specific class or classes of vessels. The
25 contracts may be entered into for a single vessel dry docking or for
26 multiple vessel dry dockings for a period not to exceed two years.

27 (f) Any new vessel planning, construction, purchase, analysis, or
28 design work must be consistent with RCW 47.60.810.

29 (2) The department shall proceed with the procurement of
30 materials, supplies, services, and equipment needed for the support,
31 maintenance, and use of a ferry, ferry terminal, or other facility
32 operated by Washington state ferries, in accordance with chapter
33 43.19 RCW except as follows:

34 (a) When the secretary of the department of transportation
35 determines in writing that the use of invitation for bid is either
36 not practicable or not advantageous to the state and it may be
37 necessary to make competitive evaluations, including technical or
38 performance evaluations among acceptable proposals to complete the
39 contract award, a contract may be entered into by use of a
40 competitive sealed proposals method, and a formal request for

1 proposals solicitation. Such formal request for proposals
2 solicitation shall include a functional description of the needs and
3 requirements of the state and the significant factors.

4 (b) When purchases are made through a formal request for
5 proposals solicitation the contract shall be awarded to the
6 responsible proposer whose competitive sealed proposal is determined
7 in writing to be the most advantageous to the state taking into
8 consideration price and other evaluation factors set forth in the
9 request for proposals. No significant factors may be used in
10 evaluating a proposal that are not specified in the request for
11 proposals. Factors that may be considered in evaluating proposals
12 include but are not limited to: Price; maintainability; reliability;
13 commonality; performance levels; life-cycle cost if applicable under
14 this section; cost of transportation or delivery; delivery schedule
15 offered; installation cost; cost of spare parts; availability of
16 parts and service offered; and the following:

17 (i) The ability, capacity, and skill of the proposer to perform
18 the contract or provide the service required;

19 (ii) The character, integrity, reputation, judgment, experience,
20 and efficiency of the proposer;

21 (iii) Whether the proposer can perform the contract within the
22 time specified;

23 (iv) The quality of performance of previous contracts or
24 services;

25 (v) The previous and existing compliance by the proposer with
26 laws relating to the contract or services;

27 (vi) Objective, measurable criteria defined in the request for
28 proposal. These criteria may include but are not limited to items
29 such as discounts, delivery costs, maintenance services costs,
30 installation costs, and transportation costs; and

31 (vii) Such other information as may be secured having a bearing
32 on the decision to award the contract.

33 (c) When purchases are made through a request for proposal
34 process, proposals received shall be evaluated based on the
35 evaluation factors set forth in the request for proposal. When
36 issuing a request for proposal for the procurement of propulsion
37 equipment or systems that include an engine, the request for proposal
38 must specify the use of a life-cycle cost analysis that includes an
39 evaluation of fuel efficiency. When a life-cycle cost analysis is
40 used, the life-cycle cost of a proposal shall be given at least the

1 same relative importance as the initial price element specified in
2 the request of proposal documents. The department may reject any and
3 all proposals received. If the proposals are not rejected, the award
4 shall be made to the proposer whose proposal is most advantageous to
5 the department, considering price and the other evaluation factors
6 set forth in the request for proposal.

7 **Sec. 6.** RCW 47.56.077 and 1984 c 7 s 253 are each amended to
8 read as follows:

9 The department shall not grant concessions for the operation or
10 establishment of any privately owned business upon toll road rights-
11 of-way. However, the department may lease or contract with
12 concessionaires as part of a toll plaza for the Tacoma Narrows bridge
13 in accordance with section 4 of this act.

14 **Sec. 7.** RCW 47.56.165 and 2009 c 567 s 1 are each amended to
15 read as follows:

16 A special account to be known as the Tacoma Narrows toll bridge
17 account is created in the motor vehicle fund in the state treasury.

18 (1) Deposits to the account must include:

19 (a) All proceeds of bonds issued for construction of the Tacoma
20 Narrows public-private initiative project, including any capitalized
21 interest;

22 (b) All of the toll charges and other revenues received from the
23 operation of the Tacoma Narrows bridge as a toll facility, to be
24 deposited at least monthly;

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

27 (d) Notwithstanding RCW 47.12.063, proceeds from the sale of any
28 surplus real property acquired for the purpose of building the second
29 Tacoma Narrows bridge;

30 (e) Proceeds from contracts resulting from toll plaza activities
31 as authorized in section 4 of this act; and

32 ~~((e))~~ (f) All liquidated damages collected under any contract
33 involving the construction of the second Tacoma Narrows bridge.

34 (2) Proceeds of bonds shall be used consistent with RCW
35 47.46.130, including the reimbursement of expenses and fees incurred
36 under agreements entered into under RCW 47.46.040 as required by
37 those agreements.

1 (3) Toll charges, other revenues, and interest may only be used
2 to:

3 (a) Pay required costs that contribute directly to the financing,
4 operation, maintenance, management, and necessary repairs of the
5 tolled facility, as determined by rule by the transportation
6 commission; and

7 (b) Repay amounts to the motor vehicle fund as required under RCW
8 47.46.140.

9 (4) Toll charges, other revenues, and interest may not be used to
10 pay for costs that do not contribute directly to the financing,
11 operation, maintenance, management, and necessary repairs of the
12 tolled facility, as determined by rule by the transportation
13 commission.

14 (5) The department shall make detailed quarterly expenditure
15 reports available to the transportation commission and to the public
16 on the department's web site using current department resources.

17 (6) When repaying the motor vehicle fund under RCW 47.46.140, the
18 state treasurer shall transfer funds from the Tacoma Narrows toll
19 bridge account to the motor vehicle fund on or before each debt
20 service date for bonds issued for the Tacoma Narrows public-private
21 initiative project in an amount sufficient to repay the motor vehicle
22 fund for amounts transferred from that fund to the highway bond
23 retirement fund to provide for any bond principal and interest due on
24 that date. The state treasurer may establish subaccounts for the
25 purpose of segregating toll charges, bond sale proceeds, and other
26 revenues.

27 (7) Proceeds from contracts resulting from toll plaza activities
28 as authorized in section 4 of this act must be expended to pay for
29 the principal and interest on bonds issued for the construction of
30 the Tacoma Narrows bridge. Once the bonds have been paid, proceeds
31 must be used for operations and maintenance of the bridge.

32 NEW SECTION. Sec. 8. If a contract for a toll plaza as
33 authorized under section 4 of this act is not initiated by June 30,
34 2027, this act expires.

35 NEW SECTION. Sec. 9. The department of transportation must
36 provide notice of the expiration date of this act to affected
37 parties, the chief clerk of the house of representatives, the

1 secretary of the senate, the office of the code reviser, and others
2 as deemed appropriate by the department.

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