

# SENATE BILL REPORT

## SB 5856

---

As of March 1, 2019

**Title:** An act relating to providing for a one hundred twenty day study of traffic flow on Interstate 405 and state route number 167 by temporarily suspending express toll lanes and high occupancy toll lanes.

**Brief Description:** Providing for a one hundred twenty day study of traffic flow on Interstate 405 and state route number 167 by temporarily suspending express toll lanes and high occupancy toll lanes.

**Sponsors:** Senators Fortunato and Palumbo.

**Brief History:**

**Committee Activity:** Transportation: 2/26/19.

**Brief Summary of Bill**

- Directs the Department of Transportation to open the Interstate 405 express toll lanes and State Route 167 high occupancy toll lanes to all traffic for 120 days, no later than October 2, 2019.

---

### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Erica Bramlet (786-7321)

**Background:** State Route 167 High Occupancy Toll Lanes. In 2008, the Department of Transportation (DOT) converted one lane each direction of State Route (SR) 167 between Renton and Auburn from a high occupancy vehicle (HOV) lane to a high occupancy toll (HOT) lane. The southbound HOT lane has since been extended further south to Pacific. Solo drivers can use a transponder to enter the lane and pay a toll to travel in the high occupancy lane during peak periods. Toll rates for HOT lanes range between 50 cents and \$9. If the vehicle has two or more people in it, they may travel in the HOT lane for free. There is currently no photo tolling on the SR 167 HOT lanes. The HOT lanes were initiated as a four-year pilot project through 2012, but tolling authorization has been extended in the transportation budget each biennia since. As an example of revenues and costs, in fiscal year 2017 the SR 167 HOT lanes generated \$2,813,748, with \$1,045,568 in expenses.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Interstate 405 Express Toll Lanes. In 2015, DOT completed a widening and HOV conversion project and began tolling on the express toll lanes (ETLs) on Interstate (I-) 405 between Bellevue and Lynnwood. Solo drivers can use a transponder to enter the lanes and pay a photo toll to travel in the express toll lanes during peak periods. Toll rates for ETLs range between 75 cents and \$10. If the vehicle has three or more people in it, they may travel in the ETLs for free if they have a transponder set to HOV mode. Some sections of the corridor have one ETL each direction, while some sections have two ETLs each direction. As an example of revenues and costs, in fiscal year 2017 the I-405 ETLs generated \$23,248,193, with \$7,945,550 in expenses.

Since 2016, the transportation budget has required quarterly reporting on performance measures for I-405 like speeds, transit ridership, revenues, impacts to local streets, travel times, lane volumes, and more—some are required in statute, on an annual basis.

**Summary of Bill:** DOT is directed to cease operations of the I-405 ETLs and SR 167 HOTs for a 120-day consecutive period starting no later than October 2, 2019. All vehicles must be allowed in all lanes during the study period. DOT must conduct public outreach, change electronic signs accordingly, and continue to collect data on the corridors. A report with all of the applicable performance measures already compiled quarterly for I-405 is required for the 120-day period by January 10, 2020.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** PRO: In order to prove that the express toll lanes do move more people, all the lanes need to be opened up to establish a traffic baseline. In the past, when hard shoulder capacity was added, the traffic gridlock reduced. In order to make decisions on other I-405 ideas, better baseline information is needed.

CON: The I-405 corridor is heavily used by transit, which helps people get to work and doctor's appointments on time, and this bill would have a negative impact on those travelers. ETL users save an average of 11 minutes compared to general purpose lanes, and users like having the option of a faster trip. This bill would cause DOT to violate their federal HOV lane agreement on how to operate the express toll lanes. Implementing the bill would have a negative fiscal impact to other tolled facilities that share costs. There is a lack of clarity around which measures would need to be reported, as current reports focus on express toll lanes.

**Persons Testifying:** PRO: Senator Phil Fortunato, Prime Sponsor.

CON: Bryce Yadon, Transportation Choices Coalition; Ed Barry, Toll Division Director, WSDOT.

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