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**SENATE BILL 5018**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Palumbo and Fortunato

Prefiled 12/10/18. Read first time 01/14/19. Referred to Committee on Transportation.

1 AN ACT Relating to replacing the Interstate 405 express toll  
2 lanes with a general purpose lane and a high occupancy vehicle lane;  
3 amending RCW 46.61.165 and 47.52.025; reenacting and amending RCW  
4 47.56.810 and 43.84.092; adding a new section to chapter 47.01 RCW;  
5 creating a new section; repealing RCW 47.56.880, 47.56.886, and  
6 47.56.884; providing an effective date; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.01  
9 RCW to read as follows:

10 The department shall convert the express toll lanes at all times  
11 of day to high occupancy vehicle lanes on Interstate 405 consistent  
12 with RCW 46.61.165 and 47.52.025, and as follows:

13 (1) One lane of traffic moving in each direction between the  
14 Interstate 5 junction in Lynnwood vicinity and the NE 160th St in  
15 Bothell vicinity as a high occupancy vehicle lane to be used by  
16 vehicles with three or more passengers, and the following vehicles  
17 regardless of the number of passengers in the vehicle:

18 (a) Public transportation vehicles;

19 (b) Vanpool vehicles owned or operated by any public agency; and

20 (c) Private employer transportation service vehicles as defined  
21 in RCW 46.61.165 and 47.52.025.

1 (2) Two lanes of traffic moving in each direction between the NE  
2 160th St in Bothell vicinity and the NE 6th St in Bellevue vicinity  
3 as high occupancy vehicle lanes, the outer to be used by vehicles  
4 with three or more passengers and the inner to be used by vehicles  
5 with two or more passengers.

6 **Sec. 2.** RCW 46.61.165 and 2013 c 26 s 2 are each amended to read  
7 as follows:

8 (1) Except as otherwise provided in section 1 of this act, the  
9 state department of transportation and the local authorities are  
10 authorized to reserve all or any portion of any highway under their  
11 respective jurisdictions, including any designated lane or ramp, for  
12 the exclusive or preferential use of one or more of the following:

13 (a) Public transportation vehicles; (b) motorcycles; (c) private  
14 motor vehicles carrying no fewer than a specified number of  
15 passengers; or (d) the following private transportation provider  
16 vehicles if the vehicle has the capacity to carry eight or more  
17 passengers, regardless of the number of passengers in the vehicle,  
18 and if such use does not interfere with the efficiency, reliability,  
19 and safety of public transportation operations: (i) Auto  
20 transportation company vehicles regulated under chapter 81.68 RCW;  
21 (ii) passenger charter carrier vehicles regulated under chapter 81.70  
22 RCW, except marked or unmarked stretch limousines and stretch sport  
23 utility vehicles as defined under department of licensing rules;  
24 (iii) private nonprofit transportation provider vehicles regulated  
25 under chapter 81.66 RCW; and (iv) private employer transportation  
26 service vehicles, when such limitation will increase the efficient  
27 utilization of the highway or will aid in the conservation of energy  
28 resources.

29 (2) Any transit-only lanes that allow other vehicles to access  
30 abutting businesses that are authorized pursuant to subsection (1) of  
31 this section may not be authorized for the use of private  
32 transportation provider vehicles as described under subsection (1) of  
33 this section.

34 (3) The state department of transportation and the local  
35 authorities authorized to reserve all or any portion of any highway  
36 under their respective jurisdictions, for exclusive or preferential  
37 use, may prohibit the use of a high occupancy vehicle lane by the  
38 following private transportation provider vehicles: (a) Auto  
39 transportation company vehicles regulated under chapter 81.68 RCW;

1 (b) passenger charter carrier vehicles regulated under chapter 81.70  
2 RCW, and marked or unmarked limousines and stretch sport utility  
3 vehicles as defined under department of licensing rules; (c) private  
4 nonprofit transportation provider vehicles regulated under chapter  
5 81.66 RCW; and (d) private employer transportation service vehicles,  
6 when the average transit speed in the high occupancy vehicle lane  
7 fails to meet department of transportation standards and falls below  
8 forty-five miles per hour at least ninety percent of the time during  
9 the peak hours, as determined by the department of transportation or  
10 the local authority, whichever operates the facility.

11 (4) Regulations authorizing such exclusive or preferential use of  
12 a highway facility may be declared to be effective at all times or at  
13 specified times of day or on specified days. Violation of a  
14 restriction of highway usage prescribed by the appropriate authority  
15 under this section is a traffic infraction.

16 (5) Local authorities are encouraged to establish a process for  
17 private transportation providers, as described under subsections (1)  
18 and (3) of this section, to apply for the use of public  
19 transportation facilities reserved for the exclusive or preferential  
20 use of public transportation vehicles. The application and review  
21 processes should be uniform and should provide for an expeditious  
22 response by the local authority. Whenever practicable, local  
23 authorities should enter into agreements with such private  
24 transportation providers to allow for the reasonable use of these  
25 facilities.

26 (6) For the purposes of this section, "private employer  
27 transportation service" means regularly scheduled, fixed-route  
28 transportation service that is similarly marked or identified to  
29 display the business name or logo on the driver and passenger sides  
30 of the vehicle, meets the annual certification requirements of the  
31 department of transportation, and is offered by an employer for the  
32 benefit of its employees.

33 **Sec. 3.** RCW 47.52.025 and 2013 c 26 s 3 are each amended to read  
34 as follows:

35 (1) Except as otherwise provided in section 1 of this act,  
36 highway authorities of the state, counties, and incorporated cities  
37 and towns, in addition to the specific powers granted in this  
38 chapter, shall also have, and may exercise, relative to limited  
39 access facilities, any and all additional authority, now or hereafter

1 vested in them relative to highways or streets within their  
2 respective jurisdictions, and may regulate, restrict, or prohibit the  
3 use of such limited access facilities by various classes of vehicles  
4 or traffic. Such highway authorities may reserve any limited access  
5 facility or portions thereof, including designated lanes or ramps for  
6 the exclusive or preferential use of (a) public transportation  
7 vehicles, (b) privately owned buses, (c) motorcycles, (d) private  
8 motor vehicles carrying not less than a specified number of  
9 passengers, or (e) the following private transportation provider  
10 vehicles if the vehicle has the capacity to carry eight or more  
11 passengers, regardless of the number of passengers in the vehicle,  
12 and if such use does not interfere with the efficiency, reliability,  
13 and safety of public transportation operations: (i) Auto  
14 transportation company vehicles regulated under chapter 81.68 RCW;  
15 (ii) passenger charter carrier vehicles regulated under chapter 81.70  
16 RCW, except marked or unmarked stretch limousines and stretch sport  
17 utility vehicles as defined under department of licensing rules;  
18 (iii) private nonprofit transportation provider vehicles regulated  
19 under chapter 81.66 RCW; and (iv) private employer transportation  
20 service vehicles, when such limitation will increase the efficient  
21 utilization of the highway facility or will aid in the conservation  
22 of energy resources. Regulations authorizing such exclusive or  
23 preferential use of a highway facility may be declared to be  
24 effective at all time or at specified times of day or on specified  
25 days.

26 (2) Any transit-only lanes that allow other vehicles to access  
27 abutting businesses that are reserved pursuant to subsection (1) of  
28 this section may not be authorized for the use of private  
29 transportation provider vehicles as described under subsection (1) of  
30 this section.

31 (3) Highway authorities of the state, counties, or incorporated  
32 cities and towns may prohibit the use of limited access facilities by  
33 the following private transportation provider vehicles: (a) Auto  
34 transportation company vehicles regulated under chapter 81.68 RCW;  
35 (b) passenger charter carrier vehicles regulated under chapter 81.70  
36 RCW, and marked or unmarked limousines and stretch sport utility  
37 vehicles as defined under department of licensing rules; (c) private  
38 nonprofit transportation provider vehicles regulated under chapter  
39 81.66 RCW; and (d) private employer transportation service vehicles,  
40 when the average transit speed in the high occupancy vehicle travel

1 lane fails to meet department standards and falls below forty-five  
2 miles per hour at least ninety percent of the time during the peak  
3 hours for two consecutive months.

4 (4) (a) Local authorities are encouraged to establish a process  
5 for private transportation providers, described under subsections (1)  
6 and (3) of this section, to apply for the use of limited access  
7 facilities that are reserved for the exclusive or preferential use of  
8 public transportation vehicles.

9 (b) The process must provide a list of facilities that the local  
10 authority determines to be unavailable for use by the private  
11 transportation provider and must provide the criteria used to reach  
12 that determination.

13 (c) The application and review processes must be uniform and  
14 should provide for an expeditious response by the authority.

15 (5) For the purposes of this section, "private employer  
16 transportation service" means regularly scheduled, fixed-route  
17 transportation service that is similarly marked or identified to  
18 display the business name or logo on the driver and passenger sides  
19 of the vehicle, meets the annual certification requirements of the  
20 department, and is offered by an employer for the benefit of its  
21 employees.

22 **Sec. 4.** RCW 47.56.810 and 2011 c 377 s 7 and 2011 c 369 s 2 are  
23 each reenacted and amended to read as follows:

24 The definitions in this section apply throughout this subchapter  
25 unless the context clearly requires otherwise:

26 (1) "Eligible toll facility" or "eligible toll facilities" means  
27 portions of the state highway system specifically identified by the  
28 legislature including, but not limited to, transportation corridors,  
29 bridges, crossings, interchanges, on-ramps, off-ramps, approaches,  
30 bistate facilities, and interconnections between highways.

31 ~~(2) ("Express toll lanes" means one or more high occupancy  
32 vehicle lanes of a highway in which the department charges tolls  
33 primarily as a means of regulating access to or use of the lanes to  
34 maintain travel speed and reliability.~~

35 ~~(3))~~ "Toll revenue" or "revenue from an eligible toll facility"  
36 means toll receipts, all interest income derived from the investment  
37 of toll receipts, and any gifts, grants, or other funds received for  
38 the benefit of transportation facilities in the state, including  
39 eligible toll facilities.

1        (~~(4)~~) (3) "Tolling authority" means the governing body that is  
2 legally empowered to review and adjust toll rates. Unless otherwise  
3 delegated, the transportation commission is the tolling authority for  
4 all state highways.

5        **Sec. 5.** RCW 43.84.092 and 2018 c 287 s 7, 2018 c 275 s 10, and  
6 2018 c 203 s 14 are each reenacted and amended to read as follows:

7        (1) All earnings of investments of surplus balances in the state  
8 treasury shall be deposited to the treasury income account, which  
9 account is hereby established in the state treasury.

10        (2) The treasury income account shall be utilized to pay or  
11 receive funds associated with federal programs as required by the  
12 federal cash management improvement act of 1990. The treasury income  
13 account is subject in all respects to chapter 43.88 RCW, but no  
14 appropriation is required for refunds or allocations of interest  
15 earnings required by the cash management improvement act. Refunds of  
16 interest to the federal treasury required under the cash management  
17 improvement act fall under RCW 43.88.180 and shall not require  
18 appropriation. The office of financial management shall determine the  
19 amounts due to or from the federal government pursuant to the cash  
20 management improvement act. The office of financial management may  
21 direct transfers of funds between accounts as deemed necessary to  
22 implement the provisions of the cash management improvement act, and  
23 this subsection. Refunds or allocations shall occur prior to the  
24 distributions of earnings set forth in subsection (4) of this  
25 section.

26        (3) Except for the provisions of RCW 43.84.160, the treasury  
27 income account may be utilized for the payment of purchased banking  
28 services on behalf of treasury funds including, but not limited to,  
29 depository, safekeeping, and disbursement functions for the state  
30 treasury and affected state agencies. The treasury income account is  
31 subject in all respects to chapter 43.88 RCW, but no appropriation is  
32 required for payments to financial institutions. Payments shall occur  
33 prior to distribution of earnings set forth in subsection (4) of this  
34 section.

35        (4) Monthly, the state treasurer shall distribute the earnings  
36 credited to the treasury income account. The state treasurer shall  
37 credit the general fund with all the earnings credited to the  
38 treasury income account except:

1 (a) The following accounts and funds shall receive their  
2 proportionate share of earnings based upon each account's and fund's  
3 average daily balance for the period: The abandoned recreational  
4 vehicle disposal account, the aeronautics account, the aircraft  
5 search and rescue account, the Alaskan Way viaduct replacement  
6 project account, the brownfield redevelopment trust fund account, the  
7 budget stabilization account, the capital vessel replacement account,  
8 the capitol building construction account, the Cedar River channel  
9 construction and operation account, the Central Washington University  
10 capital projects account, the charitable, educational, penal and  
11 reformatory institutions account, the Chehalis basin account, the  
12 cleanup settlement account, the Columbia river basin water supply  
13 development account, the Columbia river basin taxable bond water  
14 supply development account, the Columbia river basin water supply  
15 revenue recovery account, the common school construction fund, the  
16 community forest trust account, the connecting Washington account,  
17 the county arterial preservation account, the county criminal justice  
18 assistance account, the deferred compensation administrative account,  
19 the deferred compensation principal account, the department of  
20 licensing services account, the department of licensing tuition  
21 recovery trust fund, the department of retirement systems expense  
22 account, the developmental disabilities community trust account, the  
23 diesel idle reduction account, the drinking water assistance account,  
24 the drinking water assistance administrative account, the early  
25 learning facilities development account, the early learning  
26 facilities revolving account, the Eastern Washington University  
27 capital projects account, (~~the Interstate 405 express toll lanes~~  
28 ~~operations account,~~) the education construction fund, the education  
29 legacy trust account, the election account, the electric vehicle  
30 charging infrastructure account, the energy freedom account, the  
31 energy recovery act account, the essential rail assistance account,  
32 The Evergreen State College capital projects account, the federal  
33 forest revolving account, the ferry bond retirement fund, the freight  
34 mobility investment account, the freight mobility multimodal account,  
35 the grade crossing protective fund, the public health services  
36 account, the high capacity transportation account, the state higher  
37 education construction account, the higher education construction  
38 account, the highway bond retirement fund, the highway infrastructure  
39 account, the highway safety fund, the high occupancy toll lanes  
40 operations account, the hospital safety net assessment fund, the

1 industrial insurance premium refund account, the judges' retirement  
2 account, the judicial retirement administrative account, the judicial  
3 retirement principal account, the local leasehold excise tax account,  
4 the local real estate excise tax account, the local sales and use tax  
5 account, the marine resources stewardship trust account, the medical  
6 aid account, the mobile home park relocation fund, the money-purchase  
7 retirement savings administrative account, the money-purchase  
8 retirement savings principal account, the motor vehicle fund, the  
9 motorcycle safety education account, the multimodal transportation  
10 account, the multiuse roadway safety account, the municipal criminal  
11 justice assistance account, the natural resources deposit account,  
12 the oyster reserve land account, the pension funding stabilization  
13 account, the perpetual surveillance and maintenance account, the  
14 pollution liability insurance agency underground storage tank  
15 revolving account, the public employees' retirement system plan 1  
16 account, the public employees' retirement system combined plan 2 and  
17 plan 3 account, the public facilities construction loan revolving  
18 account beginning July 1, 2004, the public health supplemental  
19 account, the public works assistance account, the Puget Sound capital  
20 construction account, the Puget Sound ferry operations account, the  
21 Puget Sound taxpayer accountability account, the real estate  
22 appraiser commission account, the recreational vehicle account, the  
23 regional mobility grant program account, the resource management cost  
24 account, the rural arterial trust account, the rural mobility grant  
25 program account, the rural Washington loan fund, the sexual assault  
26 prevention and response account, the site closure account, the  
27 skilled nursing facility safety net trust fund, the small city  
28 pavement and sidewalk account, the special category C account, the  
29 special wildlife account, the state employees' insurance account, the  
30 state employees' insurance reserve account, the state investment  
31 board expense account, the state investment board commingled trust  
32 fund accounts, the state patrol highway account, the state route  
33 number 520 civil penalties account, the state route number 520  
34 corridor account, the state wildlife account, the statewide tourism  
35 marketing account, the student achievement council tuition recovery  
36 trust fund, the supplemental pension account, the Tacoma Narrows toll  
37 bridge account, the teachers' retirement system plan 1 account, the  
38 teachers' retirement system combined plan 2 and plan 3 account, the  
39 tobacco prevention and control account, the tobacco settlement  
40 account, the toll facility bond retirement account, the



1 transportation 2003 account (nickel account), the transportation  
2 equipment fund, the transportation future funding program account,  
3 the transportation improvement account, the transportation  
4 improvement board bond retirement account, the transportation  
5 infrastructure account, the transportation partnership account, the  
6 traumatic brain injury account, the tuition recovery trust fund, the  
7 University of Washington bond retirement fund, the University of  
8 Washington building account, the volunteer firefighters' and reserve  
9 officers' relief and pension principal fund, the volunteer  
10 firefighters' and reserve officers' administrative fund, the  
11 Washington judicial retirement system account, the Washington law  
12 enforcement officers' and firefighters' system plan 1 retirement  
13 account, the Washington law enforcement officers' and firefighters'  
14 system plan 2 retirement account, the Washington public safety  
15 employees' plan 2 retirement account, the Washington school  
16 employees' retirement system combined plan 2 and 3 account, the  
17 Washington state health insurance pool account, the Washington state  
18 patrol retirement account, the Washington State University building  
19 account, the Washington State University bond retirement fund, the  
20 water pollution control revolving administration account, the water  
21 pollution control revolving fund, the Western Washington University  
22 capital projects account, the Yakima integrated plan implementation  
23 account, the Yakima integrated plan implementation revenue recovery  
24 account, and the Yakima integrated plan implementation taxable bond  
25 account. Earnings derived from investing balances of the agricultural  
26 permanent fund, the normal school permanent fund, the permanent  
27 common school fund, the scientific permanent fund, the state  
28 university permanent fund, and the state reclamation revolving  
29 account shall be allocated to their respective beneficiary accounts.

30 (b) Any state agency that has independent authority over accounts  
31 or funds not statutorily required to be held in the state treasury  
32 that deposits funds into a fund or account in the state treasury  
33 pursuant to an agreement with the office of the state treasurer shall  
34 receive its proportionate share of earnings based upon each account's  
35 or fund's average daily balance for the period.

36 (5) In conformance with Article II, section 37 of the state  
37 Constitution, no treasury accounts or funds shall be allocated  
38 earnings without the specific affirmative directive of this section.

1        NEW SECTION.     **Sec. 6.**    Any residual funds remaining in the  
2 Interstate 405 express toll lanes operations account repealed in  
3 section 7 of this act on the effective date of this section must be  
4 used to decommission the express toll lanes facility, after which  
5 funds shall be transferred to the motor vehicle fund to be used to  
6 construct a parking garage on the existing footprint of the Canyon  
7 Park park and ride and to construct high occupancy vehicle lane  
8 direct connector access ramps at Canyon Park.

9        NEW SECTION.     **Sec. 7.**    The following acts or parts of acts are  
10 each repealed:

11        (1) RCW 47.56.880 (Interstate 405 corridor—Tolls authorized—  
12 Eligible toll facility—Toll rate schedule—Capacity improvements—  
13 Performance measures—Violation) and 2011 c 369 s 3;

14        (2) RCW 47.56.886 (State route number 167 and Interstate 405  
15 express toll lane system—Traffic and revenue analysis—Finance plan)  
16 and 2011 c 369 s 4; and

17        (3) RCW 47.56.884 (Interstate 405 express toll lanes operations  
18 account) and 2011 c 369 s 5.

19        NEW SECTION.     **Sec. 8.**    This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of  
21 the state government and its existing public institutions, and takes  
22 effect June 30, 2019.

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