
HOUSE BILL 1852

State of Washington

68th Legislature

2023 Regular Session

By Representatives Wylie and Ryu

Read first time 03/29/23. Referred to Committee on Transportation.

1 AN ACT Relating to tolling authorization for the Interstate 5
2 bridge replacement project; amending RCW 43.84.092 and 43.84.092;
3 reenacting and amending RCW 47.56.810; adding new sections to chapter
4 47.56 RCW; creating new sections; repealing RCW 47.56.892; providing
5 an effective date; providing a contingent effective date; and
6 providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that the replacement
9 and improvement of the Interstate 5 Columbia river bridge is critical
10 for the west coast's transportation system and for the safety of
11 Washington and Oregon drivers. The interstate bridge includes two
12 side-by-side structures built in 1917 and 1958. In 2019,
13 approximately 143,000 vehicles traveled across the interstate bridge
14 each weekday. In 2017, about \$71,000,000 in freight commodity value
15 crossed the river each day. Collisions on and near the bridge occur
16 at a rate almost twice as high as other similar urban highways, and
17 the aging bridges are vulnerable to earthquakes. Replacing these
18 structures and making multimodal improvements to facilitate travel in
19 the bistate corridor is essential for the economy of the region.
20 Although Washington state has pledged \$1,000,000,000, and expects an
21 equivalent investment of \$1,000,000,000 from Oregon state, to help

1 finance replacement of the bridge, funding from tolls and other
2 sources will be necessary to complete and maintain the project. The
3 legislature finds that Oregon state has already authorized tolls to
4 be imposed on the Oregon portion of the Interstate 5 bridge
5 replacement project, and that providing tolling authorization within
6 Washington state will help make the project better situated to
7 receive funding from other sources, including federal funding. As a
8 result, and to align with the efforts of Oregon state, the
9 legislature intends to provide tolling authorization for the
10 Interstate 5 bridge replacement project.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.56
12 RCW under the subchapter heading "toll facilities created after July
13 1, 2008" to read as follows:

14 (1) For the purposes of this section and sections 3, 4, and 8 of
15 this act, "Interstate 5 bridge replacement project" means the
16 bistate, multimodal corridor improvement program between the state
17 route number 500 interchange in Vancouver, Washington and the Victory
18 Boulevard interchange in Portland, Oregon.

19 (2) The Interstate 5 bridge replacement project is designated an
20 eligible toll facility. Tolls are authorized to be imposed on the
21 Interstate 5 bridge replacement project. Tolls may be charged for
22 travel only on the existing and replacement Interstate 5 Columbia
23 river bridges. Tolls may not be charged for travel on the Washington
24 state portion of Interstate 205. Toll revenue generated on the
25 Interstate 5 bridge replacement project must be expended only as
26 allowed under RCW 47.56.820.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.56
28 RCW under the subchapter heading "toll facilities created after July
29 1, 2008" to read as follows:

30 (1) A special account to be known as the Interstate 5 bridge
31 replacement project account is created in the state treasury.

32 (2) Deposits to the account must include:

33 (a) All proceeds of bonds and loans issued on behalf of
34 Washington state for the Interstate 5 bridge replacement project,
35 including any capitalized interest;

36 (b) All net tolls and other revenues received from the operation
37 of the Interstate 5 bridge replacement project as a toll facility;

1 (c) The Washington state portion of any interest that may be
2 earned from the deposit or investment of those revenues;

3 (d) Notwithstanding RCW 47.12.063, the Washington state portion
4 of proceeds from the sale of any surplus real property acquired for
5 the Interstate 5 bridge replacement project; and

6 (e) The Washington state portion of all damages, liquidated or
7 otherwise, collected under any contract involving the Interstate 5
8 bridge replacement project.

9 (3) Moneys in the account may be spent only after appropriation,
10 consistent with RCW 47.56.820.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.56
12 RCW under the subchapter heading "toll facilities created after July
13 1, 2008" to read as follows:

14 For the Interstate 5 bridge replacement project, the tolling
15 authority may enter into a bistate agreement with the Oregon state
16 transportation commission regarding the mutual or joint setting,
17 adjustment, and review of toll rates and exemptions as the tolling
18 authority may find necessary to carry out the purposes of this
19 section.

20 **Sec. 5.** RCW 47.56.810 and 2011 c 377 s 7 and 2011 c 369 s 2 are
21 each reenacted and amended to read as follows:

22 The definitions in this section apply throughout this subchapter
23 unless the context clearly requires otherwise:

24 (1) "Eligible toll facility" or "eligible toll facilities" means
25 portions of the state highway system specifically identified by the
26 legislature including, but not limited to, transportation corridors,
27 bridges, crossings, interchanges, on-ramps, off-ramps, approaches,
28 bistate facilities, and interconnections between highways. For
29 purposes of a bistate facility, the legislature may define an
30 "eligible toll facility" to include a part of a project that may
31 extend beyond the state border.

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

36 (3) "Toll revenue" or "revenue from an eligible toll facility"
37 means toll receipts, all interest income derived from the investment
38 of toll receipts, and any gifts, grants, or other funds received for

1 the benefit of transportation facilities in the state, including
2 eligible toll facilities.

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

7 **Sec. 6.** RCW 43.84.092 and 2022 c 182 s 403 are each amended to
8 read as follows:

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

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

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

37 (4) Monthly, the state treasurer shall distribute the earnings
38 credited to the treasury income account. The state treasurer shall

1 credit the general fund with all the earnings credited to the
2 treasury income account except:

3 (a) The following accounts and funds shall receive their
4 proportionate share of earnings based upon each account's and fund's
5 average daily balance for the period: The abandoned recreational
6 vehicle disposal account, the aeronautics account, the Alaskan Way
7 viaduct replacement project account, the ambulance transport fund,
8 the brownfield redevelopment trust fund account, the budget
9 stabilization account, the capital vessel replacement account, the
10 capitol building construction account, the Central Washington
11 University capital projects account, the charitable, educational,
12 penal and reformatory institutions account, the Chehalis basin
13 account, the Chehalis basin taxable account, the cleanup settlement
14 account, the climate active transportation account, the climate
15 transit programs account, the Columbia river basin water supply
16 development account, the Columbia river basin taxable bond water
17 supply development account, the Columbia river basin water supply
18 revenue recovery account, the common school construction fund, the
19 community forest trust account, the connecting Washington account,
20 the county arterial preservation account, the county criminal justice
21 assistance account, the deferred compensation administrative account,
22 the deferred compensation principal account, the department of
23 licensing services account, the department of retirement systems
24 expense account, the developmental disabilities community services
25 account, the diesel idle reduction account, the drinking water
26 assistance account, the administrative subaccount of the drinking
27 water assistance account, the early learning facilities development
28 account, the early learning facilities revolving account, the Eastern
29 Washington University capital projects account, the education
30 construction fund, the education legacy trust account, the election
31 account, the electric vehicle account, the energy freedom account,
32 the energy recovery act account, the essential rail assistance
33 account, The Evergreen State College capital projects account, the
34 fair start for kids account, the ferry bond retirement fund, the
35 fish, wildlife, and conservation account, the freight mobility
36 investment account, the freight mobility multimodal account, the
37 grade crossing protective fund, the public health services account,
38 the state higher education construction account, the higher education
39 construction account, the higher education retirement plan
40 supplemental benefit fund, the highway bond retirement fund, the

1 highway infrastructure account, the highway safety fund, the hospital
2 safety net assessment fund, the Interstate 5 bridge replacement
3 project account, the Interstate 405 and state route number 167
4 express toll lanes account, the judges' retirement account, the
5 judicial retirement administrative account, the judicial retirement
6 principal account, the limited fish and wildlife account, the local
7 leasehold excise tax account, the local real estate excise tax
8 account, the local sales and use tax account, the marine resources
9 stewardship trust account, the medical aid account, the money-
10 purchase retirement savings administrative account, the money-
11 purchase retirement savings principal account, the motor vehicle
12 fund, the motorcycle safety education account, the move ahead WA
13 account, the move ahead WA flexible account, the multimodal
14 transportation account, the multiuse roadway safety account, the
15 municipal criminal justice assistance account, the oyster reserve
16 land account, the pension funding stabilization account, the
17 perpetual surveillance and maintenance account, the pilotage account,
18 the pollution liability insurance agency underground storage tank
19 revolving account, the public employees' retirement system plan 1
20 account, the public employees' retirement system combined plan 2 and
21 plan 3 account, the public facilities construction loan revolving
22 account, the public health supplemental account, the public works
23 assistance account, the Puget Sound capital construction account, the
24 Puget Sound ferry operations account, the Puget Sound Gateway
25 facility account, the Puget Sound taxpayer accountability account,
26 the real estate appraiser commission account, the recreational
27 vehicle account, the regional mobility grant program account, the
28 resource management cost account, the rural arterial trust account,
29 the rural mobility grant program account, the rural Washington loan
30 fund, the sexual assault prevention and response account, the site
31 closure account, the skilled nursing facility safety net trust fund,
32 the small city pavement and sidewalk account, the special category C
33 account, the special wildlife account, the state investment board
34 expense account, the state investment board commingled trust fund
35 accounts, the state patrol highway account, the state reclamation
36 revolving account, the state route number 520 civil penalties
37 account, the state route number 520 corridor account, the statewide
38 broadband account, the statewide tourism marketing account, the
39 supplemental pension account, the Tacoma Narrows toll bridge account,
40 the teachers' retirement system plan 1 account, the teachers'

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

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

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

1 **Sec. 7.** RCW 43.84.092 and 2022 c 182 s 404 are each amended to
2 read as follows:

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

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

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

31 (4) Monthly, the state treasurer shall distribute the earnings
32 credited to the treasury income account. The state treasurer shall
33 credit the general fund with all the earnings credited to the
34 treasury income account except:

35 (a) The following accounts and funds shall receive their
36 proportionate share of earnings based upon each account's and fund's
37 average daily balance for the period: The abandoned recreational
38 vehicle disposal account, the aeronautics account, the Alaskan Way
39 viaduct replacement project account, the brownfield redevelopment
40 trust fund account, the budget stabilization account, the capital

1 vessel replacement account, the capitol building construction
2 account, the Central Washington University capital projects account,
3 the charitable, educational, penal and reformatory institutions
4 account, the Chehalis basin account, the Chehalis basin taxable
5 account, the cleanup settlement account, the climate active
6 transportation account, the climate transit programs account, the
7 Columbia river basin water supply development account, the Columbia
8 river basin taxable bond water supply development account, the
9 Columbia river basin water supply revenue recovery account, the
10 common school construction fund, the community forest trust account,
11 the connecting Washington account, the county arterial preservation
12 account, the county criminal justice assistance account, the deferred
13 compensation administrative account, the deferred compensation
14 principal account, the department of licensing services account, the
15 department of retirement systems expense account, the developmental
16 disabilities community services account, the diesel idle reduction
17 account, the drinking water assistance account, the administrative
18 subaccount of the drinking water assistance account, the early
19 learning facilities development account, the early learning
20 facilities revolving account, the Eastern Washington University
21 capital projects account, the education construction fund, the
22 education legacy trust account, the election account, the electric
23 vehicle account, the energy freedom account, the energy recovery act
24 account, the essential rail assistance account, The Evergreen State
25 College capital projects account, the fair start for kids account,
26 the ferry bond retirement fund, the fish, wildlife, and conservation
27 account, the freight mobility investment account, the freight
28 mobility multimodal account, the grade crossing protective fund, the
29 public health services account, the state higher education
30 construction account, the higher education construction account, the
31 higher education retirement plan supplemental benefit fund, the
32 highway bond retirement fund, the highway infrastructure account, the
33 highway safety fund, the hospital safety net assessment fund, the
34 Interstate 5 bridge replacement project account, the Interstate 405
35 and state route number 167 express toll lanes account, the judges'
36 retirement account, the judicial retirement administrative account,
37 the judicial retirement principal account, the limited fish and
38 wildlife account, the local leasehold excise tax account, the local
39 real estate excise tax account, the local sales and use tax account,
40 the marine resources stewardship trust account, the medical aid

1 account, the money-purchase retirement savings administrative
2 account, the money-purchase retirement savings principal account, the
3 motor vehicle fund, the motorcycle safety education account, the move
4 ahead WA account, the move ahead WA flexible account, the multimodal
5 transportation account, the multiuse roadway safety account, the
6 municipal criminal justice assistance account, the oyster reserve
7 land account, the pension funding stabilization account, the
8 perpetual surveillance and maintenance account, the pilotage account,
9 the pollution liability insurance agency underground storage tank
10 revolving account, the public employees' retirement system plan 1
11 account, the public employees' retirement system combined plan 2 and
12 plan 3 account, the public facilities construction loan revolving
13 account, the public health supplemental account, the public works
14 assistance account, the Puget Sound capital construction account, the
15 Puget Sound ferry operations account, the Puget Sound Gateway
16 facility account, the Puget Sound taxpayer accountability account,
17 the real estate appraiser commission account, the recreational
18 vehicle account, the regional mobility grant program account, the
19 resource management cost account, the rural arterial trust account,
20 the rural mobility grant program account, the rural Washington loan
21 fund, the sexual assault prevention and response account, the site
22 closure account, the skilled nursing facility safety net trust fund,
23 the small city pavement and sidewalk account, the special category C
24 account, the special wildlife account, the state investment board
25 expense account, the state investment board commingled trust fund
26 accounts, the state patrol highway account, the state reclamation
27 revolving account, the state route number 520 civil penalties
28 account, the state route number 520 corridor account, the statewide
29 broadband account, the statewide tourism marketing account, the
30 supplemental pension account, the Tacoma Narrows toll bridge account,
31 the teachers' retirement system plan 1 account, the teachers'
32 retirement system combined plan 2 and plan 3 account, the tobacco
33 prevention and control account, the tobacco settlement account, the
34 toll facility bond retirement account, the transportation 2003
35 account (nickel account), the transportation equipment fund, the
36 transportation future funding program account, the transportation
37 improvement account, the transportation improvement board bond
38 retirement account, the transportation infrastructure account, the
39 transportation partnership account, the traumatic brain injury
40 account, the University of Washington bond retirement fund, the

1 University of Washington building account, the voluntary cleanup
2 account, the volunteer firefighters' and reserve officers' relief and
3 pension principal fund, the volunteer firefighters' and reserve
4 officers' administrative fund, the vulnerable roadway user education
5 account, the Washington judicial retirement system account, the
6 Washington law enforcement officers' and firefighters' system plan 1
7 retirement account, the Washington law enforcement officers' and
8 firefighters' system plan 2 retirement account, the Washington public
9 safety employees' plan 2 retirement account, the Washington school
10 employees' retirement system combined plan 2 and 3 account, the
11 Washington state patrol retirement account, the Washington State
12 University building account, the Washington State University bond
13 retirement fund, the water pollution control revolving administration
14 account, the water pollution control revolving fund, the Western
15 Washington University capital projects account, the Yakima integrated
16 plan implementation account, the Yakima integrated plan
17 implementation revenue recovery account, and the Yakima integrated
18 plan implementation taxable bond account. Earnings derived from
19 investing balances of the agricultural permanent fund, the normal
20 school permanent fund, the permanent common school fund, the
21 scientific permanent fund, and the state university permanent fund
22 shall be allocated to their respective beneficiary accounts.

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

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

32 NEW SECTION. **Sec. 8.** Except for sections 4, 6, and 7 of this
33 act, this act takes effect upon, and tolls may not be collected on
34 the Interstate 5 bridge replacement project until: (1) Certification
35 of the secretary of transportation to the governor that the
36 department of transportation has received satisfactory evidence that
37 a sufficient federal funding plan is in place and that sufficient
38 state and local funds are available to complete the Interstate 5

1 bridge replacement project; and (2) the bistate agreement described
2 in section 4 of this act has taken effect.

3 NEW SECTION. **Sec. 9.** The secretary of transportation must
4 provide notice that the governor has received certification as
5 described under section 8(1) of this act to affected parties, the
6 chief clerk of the house of representatives, the secretary of the
7 senate, the office of the code reviser, and others as deemed
8 appropriate by the secretary. Additionally, the tolling authority, as
9 defined in RCW 47.56.810, must provide written notice that the
10 bistate agreement described under section 4 of this act has taken
11 effect to affected parties, the chief clerk of the house of
12 representatives, the secretary of the senate, the office of the code
13 reviser, and others as deemed appropriate by the tolling authority.

14 NEW SECTION. **Sec. 10.** RCW 47.56.892 (Columbia river crossing
15 project—Agreements with the Oregon state transportation commission)
16 and 2012 c 36 s 4 are each repealed.

17 NEW SECTION. **Sec. 11.** Section 6 of this act expires July 1,
18 2024.

19 NEW SECTION. **Sec. 12.** Section 7 of this act takes effect July
20 1, 2024.

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