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**SENATE BILL 5765**

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**State of Washington****68th Legislature****2023 Regular Session****By** Senators Lias, King, Cleveland, and Holy

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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