
SUBSTITUTE HOUSE BILL 2941

State of Washington 61st Legislature 2010 Regular Session

By House Transportation (originally sponsored by Representatives Clibborn, O'Brien, Maxwell, Liias, Eddy, Springer, Hunter, and Goodman)

READ FIRST TIME 02/08/10.

1 AN ACT Relating to the use of express toll lanes in the Interstate
2 405 corridor; amending RCW 47.56.810; adding new sections to chapter
3 47.56 RCW; creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that the Puget
6 Sound region is faced with growing traffic congestion and has limited
7 ability to expand freeway capacity due to financial, environmental, and
8 physical constraints. Freeway high occupancy vehicle lanes have been
9 an effective means of providing transit, vanpools, and carpools with a
10 fast trip on congested freeway corridors, but in many cases, these
11 lanes operate beyond their capacity during peak commute times.

12 It is the intent of the legislature to maximize the effectiveness
13 of the freeway system. An express toll lanes network is one approach
14 for managing the use of freeway high occupancy vehicle lanes and for
15 adding needed capacity to congested freeway segments. The legislature
16 acknowledges that as one of the most congested freeway sections in the
17 state, the Interstate 405 and state route number 167 corridors between
18 Lynnwood and Puyallup serve as an ideal candidate for the use of an

1 express toll lanes network. An express toll lanes network could
2 provide benefits for movement of traffic, as well as having the
3 potential to generate revenue for other improvements in the corridor.

4 Therefore, it is the intent of this act to direct the department of
5 transportation to develop and operate express toll lanes on Interstate
6 405 between the city of Bellevue on the south end and Interstate 5 on
7 the north end and to conduct an evaluation of that project to determine
8 the impacts on freeway efficiency, effectiveness for transit,
9 feasibility of financing capacity improvements through tolls, and
10 freeway users.

11 It is further the intent of the legislature to use its evaluation
12 of initial express toll lanes on Interstate 405 to guide additions to
13 the express toll lanes network, particularly in the most congested
14 areas of the Interstate 405 corridor, such as the Renton-to-Bellevue
15 segment and the Interstate 405/state route number 167 interchange, with
16 the ultimate goal of continuous express toll lanes from Puyallup to
17 Lynnwood.

18 **Sec. 2.** RCW 47.56.810 and 2008 c 122 s 3 are each amended to read
19 as follows:

20 The definitions in this section apply throughout this subchapter
21 unless the context clearly requires otherwise:

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

26 (2) "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 (3) "Toll revenue" or "revenue from an eligible toll facility"
32 means toll receipts, all interest income derived from the investment of
33 toll receipts, and any gifts, grants, or other funds received for the
34 benefit of the eligible toll facility.

35 (4) "Express toll lanes" means one or more lanes of a highway in
36 which the department charges tolls primarily as a means of regulating

1 access to or use of the highway facility to maintain travel speed and
2 reliability. Supporting facilities include, but are not limited to,
3 approaches, enforcement areas, improvements, buildings, and equipment.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.56 RCW
5 under the subchapter heading "toll facilities created after July 1,
6 2008" to read as follows:

7 (1) The initial imposition of tolls for express toll lanes on
8 Interstate 405 between the junctions with Interstate 5 on the north end
9 and NE 6th Street in the city of Bellevue on the south end is
10 authorized, Interstate 405 is designated an eligible toll facility, and
11 toll revenue generated in the corridor must only be expended as allowed
12 under RCW 47.56.820.

13 (2) Tolls for the express toll lanes must be set as follows:

14 (a) The schedule of toll rates must be set by the tolling authority
15 pursuant to RCW 47.56.850. Toll rates may vary in amount by time of
16 day, level of traffic congestion within the highway facility, vehicle
17 occupancy, or other criteria, as the tolling authority deems
18 appropriate.

19 (b) The department shall establish performance standards for the
20 express toll lanes project. The department must automatically adjust
21 the toll rate within the schedule established by the tolling authority,
22 using dynamic tolling, to ensure that only toll-paying, high-occupant
23 vehicle users with two passengers and single-occupant vehicle users are
24 permitted to enter the express toll lanes to the extent that average
25 vehicle speeds in the lanes remain above forty-five miles per hour at
26 least ninety percent of the time during peak hours.

27 (c) The tolling authority shall periodically review the toll rates
28 against traffic performance to determine if the toll rates are
29 effectively maintaining travel time, speed, and reliability on the
30 highway facilities.

31 (3) The department may construct and operate express toll lanes on
32 Interstate 405 between the city of Bellevue on the south end and
33 Interstate 5 on the north end.

34 (4) The department shall monitor the express toll lanes project and
35 shall biennially report to the transportation commission and the
36 legislature on the impacts from the project on the following issues:

37 (a) Freeway efficiency and safety;

1 (b) Effectiveness for transit;
2 (c) Person and vehicle movements by mode;
3 (d) Ability to finance improvements and transportation services
4 through tolls; and

5 (e) Highway users. The department must analyze aggregate data and
6 conduct, as needed, separate surveys to assess usage of the highway
7 facility in relation to geographic, socioeconomic, and demographic
8 information within the corridor to ascertain actual and perceived
9 questions of equitable use of the highway facility.

10 (5) A violation of the lane restrictions applicable to the express
11 toll lanes established under this section is a traffic infraction.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.56 RCW
13 under the subchapter heading "toll facilities created after July 1,
14 2008" to read as follows:

15 (1) The department shall conduct a traffic and revenue analysis for
16 the development of a forty-mile continuous express toll lane system
17 that includes state route number 167 in King county and Interstate 405
18 and utilizes express toll lanes to add capacity to the Renton-to-
19 Bellevue segment of Interstate 405 and to more effectively move
20 vehicles and goods between the state route number 167 and Interstate
21 405 corridors at the interchange of state route number 167 and
22 Interstate 405.

23 (2) The department shall use the information from the traffic and
24 revenue analysis to develop a finance plan to fund improvements in the
25 forty-mile corridor. The department must include the following
26 assumptions in the finance plan:

27 (a) Current state and federal funding contributions for projects in
28 the corridor; and

29 (b) An express toll lane system operating in the corridor by 2014.

30 (3) The department must consult with a committee consisting of
31 local and state elected officials from the forty-mile corridor while
32 developing the traffic and revenue analysis plan and finance plan.

33 (4) The department must provide the traffic and revenue analysis
34 plan and finance plan to the governor and the legislature by January
35 2011.

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