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**SUBSTITUTE HOUSE BILL 1745**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** House Transportation (originally sponsored by Representatives Clibborn, Liiias, Farrell, Fitzgibbon, Moscoso, Habib, Bergquist, Ryu, Tarleton, Moeller, Riccelli, and Fey; by request of Department of Transportation)

READ FIRST TIME 02/22/13.

1           AN ACT Relating to high occupancy toll lanes on state route 167;  
2 amending RCW 47.56.403; and declaring an emergency.

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

4           **Sec. 1.** RCW 47.56.403 and 2011 c 367 s 709 are each amended to  
5 read as follows:

6           (1) The department may provide for the establishment, construction,  
7 and operation of a ~~((pilot))~~ project of high occupancy toll lanes on  
8 state route 167 high occupancy vehicle lanes within King ~~((county))~~ and  
9 Pierce counties. The department may issue, buy, and redeem bonds, and  
10 deposit and expend them; secure and remit financial and other  
11 assistance in the construction of high occupancy toll lanes, carry  
12 insurance, and handle any other matters pertaining to ~~((the))~~ high  
13 occupancy toll lanes ~~((pilot project))~~.

14           (2) Tolls for high occupancy toll lanes will be established as  
15 follows:

16           (a) The schedule of toll charges for high occupancy toll lanes must  
17 be established by the transportation commission and collected in a  
18 manner determined by the commission.

1 (b) Toll charges shall not be assessed on authorized emergency  
2 vehicles, transit buses, and vanpool vehicles owned or operated by any  
3 public agency.

4 (c) The department shall establish performance standards for the  
5 state route 167 high occupancy toll lane (~~(pilot)~~) project. The  
6 department must automatically adjust the toll charge, using dynamic  
7 tolling, to ensure that toll-paying single-occupant vehicle users are  
8 only permitted to enter the lane to the extent that average vehicle  
9 speeds in the lane remain above forty-five miles per hour at least  
10 ninety percent of the time during peak hours. The toll charge may vary  
11 in amount by time of day, level of traffic congestion within the  
12 highway facility, vehicle occupancy, or other criteria, as the  
13 commission may deem appropriate. The commission may also vary toll  
14 charges for single-occupant inherently low-emission vehicles such as  
15 those powered by electric batteries, natural gas, propane, or other  
16 clean burning fuels.

17 (d) The commission shall periodically review the toll charges to  
18 determine if the toll charges are effectively maintaining travel time,  
19 speed, and reliability on the highway facilities.

20 (3) The department shall monitor the state route 167 high occupancy  
21 toll lane (~~(pilot)~~) project and shall annually report to the  
22 transportation commission and the legislature on operations and  
23 findings. At a minimum, the department shall provide facility use data  
24 and review the impacts on:

25 (a) Freeway efficiency and safety;

26 (b) Effectiveness for transit;

27 (c) Person and vehicle movements by mode;

28 (d) Ability to finance improvements and transportation services  
29 through tolls; and

30 (e) The impacts on all highway users. The department shall analyze  
31 aggregate use data and conduct, as needed, separate surveys to assess  
32 usage of the facility in relation to geographic, socioeconomic, and  
33 demographic information within the corridor in order to ascertain  
34 actual and perceived questions of equitable use of the facility.

35 (4) The department shall modify the (~~(pilot)~~) project to address  
36 identified safety issues and mitigate negative impacts to high  
37 occupancy vehicle lane users.

1           ~~(5) ((Authorization to impose high occupancy vehicle tolls for the~~  
2 ~~state route 167 high occupancy toll pilot project expires if either of~~  
3 ~~the following two conditions apply:~~

4           ~~(a) If no contracts have been let by the department to begin~~  
5 ~~construction of the toll facilities associated with this pilot project~~  
6 ~~within four years of July 24, 2005; or~~

7           ~~(b) If high occupancy vehicle tolls are being collected on June 30,~~  
8 ~~2013.~~

9           ~~(6))~~ The department of transportation shall adopt rules that allow  
10 automatic vehicle identification transponders used for electronic toll  
11 collection to be compatible with other electronic payment devices or  
12 transponders from the Washington state ferry system, other public  
13 transportation systems, or other toll collection systems to the extent  
14 that technology permits.

15           ~~((7) The conversion of a single existing high occupancy vehicle~~  
16 ~~lane to a high occupancy toll lane as proposed for SR 167 must be taken~~  
17 ~~as the exception for this pilot project.~~

18           ~~(8))~~ (6) A violation of the lane restrictions applicable to the  
19 high occupancy toll lanes established under this section is a traffic  
20 infraction.

21           ~~((9) Procurement activity associated with this pilot project shall~~  
22 ~~be open and competitive in accordance with chapter 39.29 RCW.))~~

23           NEW SECTION.   **Sec. 2.** This act is necessary for the immediate  
24 preservation of the public peace, health, or safety, or support of the  
25 state government and its existing public institutions, and takes effect  
26 immediately.

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