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HOUSE BILL 2289

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State of Washington                      64th Legislature      2015 3rd Special Session

By Representatives Bergquist, Harmsworth, and Hudgins

Read first time 07/01/15. Referred to Committee on Transportation.

1            AN ACT Relating to allowing toll-free travel on the Interstate  
2 405 express toll lanes; and amending RCW 47.56.880.

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

4            **Sec. 1.** RCW 47.56.880 and 2011 c 369 s 3 are each amended to  
5 read as follows:

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

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

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

17            (b) In those locations with two express toll lanes in each  
18 direction, the toll rate must be the same in both lanes.

19            (c) Toll charges may not be assessed on transit buses and  
20 vanpools.

1 (d) The department shall establish performance standards for  
2 travel time, speed, and reliability for the express toll lanes  
3 project. The department must automatically adjust the toll rate  
4 within the schedule established by the tolling authority, using  
5 dynamic tolling, to ensure that average vehicle speeds in the lanes  
6 remain above forty-five miles per hour at least ninety percent of the  
7 time during peak hours.

8 (e) The tolling authority shall periodically review the toll  
9 rates against traffic performance of all lanes to determine if the  
10 toll rates are effectively maintaining travel time, speed, and  
11 reliability on the highway facilities.

12 (3) The department may construct and operate express toll lanes  
13 on Interstate 405 between the city of Bellevue on the south end and  
14 Interstate 5 on the north end. Operation of the express toll lanes  
15 may not commence until the department has completed capacity  
16 improvements necessary to provide a two-lane system from NE 6th  
17 Street in the city of Bellevue to state route number 522 and the  
18 conversion of the existing high occupancy vehicle lane to an express  
19 toll lane between state route number 522 and the city of Lynnwood.  
20 Construction of the capacity improvements described in this  
21 subsection, including items that enable implementation of express  
22 toll lanes such as conduit and other underground features, must begin  
23 as soon as practicable. However, any contract term regarding tolling  
24 equipment, such as gantries, barriers, or cameras, for Interstate 405  
25 may not take effect unless specific appropriation authority is  
26 provided in 2012 stating that funding is provided solely for tolling  
27 equipment on Interstate 405. The department shall work with local  
28 jurisdictions to minimize and monitor impacts to local streets and,  
29 after consultation with local jurisdictions, recommend mitigation  
30 measures to the legislature in those locations where it is  
31 appropriate.

32 (4)(a) During the first one hundred eighty days of operation of  
33 any segment of the Interstate 405 express toll lanes, the department  
34 must offer travel in the Interstate 405 express toll lanes free of  
35 charge at all times for vehicles carrying two or more people. After  
36 this period, the department may require three or more people in a  
37 vehicle to qualify for toll-free travel in a segment of the express  
38 toll lanes if necessary to comply with federal requirements. In  
39 determining whether toll-free access to the express toll lanes must  
40 be limited to vehicles carrying three or more people, the department

1 must analyze each segment of the Interstate 405 express toll lanes  
2 separately. For the purposes of this section, the portion of  
3 Interstate 405 on which there will be two express toll lanes running  
4 in each direction is considered one segment, and the portion of  
5 Interstate 405 on which there will be one express toll lane running  
6 in each direction is considered another segment.

7 (b) Between the hours of 7:00 p.m. and 5:00 a.m., (i) the  
8 department may not assess toll charges for travel in the Interstate  
9 405 express toll lanes, and (ii) the department may not restrict  
10 access to these lanes based upon the number of people in the vehicle.

11 (5) The department shall monitor the express toll lanes project  
12 and shall annually report to the transportation commission and the  
13 legislature on the impacts from the project on the following  
14 performance measures:

15 (a) Whether the express toll lanes maintain speeds of forty-five  
16 miles per hour at least ninety percent of the time during peak  
17 periods;

18 (b) Whether the average traffic speed changed in the general  
19 purpose lanes;

20 (c) Whether transit ridership changed;

21 (d) Whether the actual use of the express toll lanes is  
22 consistent with the projected use;

23 (e) Whether the express toll lanes generated sufficient revenue  
24 to pay for all Interstate 405 express toll lane-related operating  
25 costs;

26 (f) Whether travel times and volumes have increased or decreased  
27 on adjacent local streets and state highways; and

28 (g) Whether the actual gross revenues are consistent with  
29 projected gross revenues as identified in the fiscal note for  
30 Engrossed House Bill No. 1382 distributed by the office of financial  
31 management on March 15, 2011.

32 ~~((+5))~~ (6) If ((after two years of operation of the express toll  
33 lanes on Interstate 405)) by July 1, 2020, performance measures  
34 listed in subsection ((+4)) (5)(a) and (e) of this section are not  
35 being met, the express toll lanes project must be terminated as soon  
36 as practicable.

37 ~~((+6))~~ (7) The department, in consultation with the  
38 transportation commission, shall consider making operational changes  
39 necessary to fix any unintended consequences of implementing the  
40 express toll lanes project.

1        (~~(7)~~) (8) A violation of the lane restrictions applicable to  
2 the express toll lanes established under this section is a traffic  
3 infraction.

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