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HOUSE BILL 2312

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State of Washington

64th Legislature

2016 Regular Session

By Representatives Harmsworth, Bergquist, Buys, Stambaugh, Hayes, Magendanz, Zeiger, Stanford, Orcutt, Rodne, Manweller, Shea, McCaslin, Stokesbary, Caldier, Wilcox, and Young

Prefiled 12/17/15.

1 AN ACT Relating to operation of the Interstate 405 express toll  
2 lanes; amending RCW 47.56.880; and declaring an emergency.

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 ~~(e))~~ Toll charges may not be assessed on transit buses and  
20 vanpools.

1       (~~(d)~~) (c) The department shall establish performance standards  
2 for 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)~~) (d) The tolling authority shall periodically review the  
9 toll rates against traffic performance of all lanes to determine if  
10 the toll rates are effectively maintaining travel time, speed, and  
11 reliability on the highway facilities.

12       (e) Toll charges may not be assessed and minimum vehicle  
13 occupancy requirements are not permitted in the corridor identified  
14 in this section between the hours of 7:00 p.m. and 5:00 a.m. or at  
15 any time on state holidays.

16       (3) The department may construct and operate (~~express toll~~  
17 ~~lanes~~) a single express toll lane in each direction on Interstate  
18 405 between the city of Bellevue on the south end and Interstate 5 on  
19 the north end. Each express toll lane must use continuous access  
20 striping except at specific locations where safety concerns related  
21 to vehicle ingress and egress require the use of access restrictions.  
22 Any other express toll lane or high occupancy vehicle lane may not be  
23 constructed or operated on Interstate 405 between the city of  
24 Bellevue on the south end and Interstate 5 on the north end.  
25 Operation of the express toll lanes may not commence until the  
26 department has completed capacity improvements necessary to provide a  
27 two-lane system from NE 6th Street in the city of Bellevue to state  
28 route number 522 and the conversion of the existing high occupancy  
29 vehicle lane to an express toll lane between state route number 522  
30 and the city of Lynnwood. Construction of the capacity improvements  
31 described in this subsection, including items that enable  
32 implementation of express toll lanes such as conduit and other  
33 underground features, must begin as soon as practicable. However, any  
34 contract term regarding tolling equipment, such as gantries,  
35 barriers, or cameras, for Interstate 405 may not take effect unless  
36 specific appropriation authority is provided in 2012 stating that  
37 funding is provided solely for tolling equipment on Interstate 405.  
38 The department shall work with local jurisdictions to minimize and  
39 monitor impacts to local streets and, after consultation with local

1 jurisdictions, recommend mitigation measures to the legislature in  
2 those locations where it is appropriate.

3 (4) The department shall monitor the express toll lanes project  
4 and shall annually report to the transportation commission and the  
5 legislature on the impacts from the project on the following  
6 performance measures:

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

10 (b) Whether the average traffic speed changed in the general  
11 purpose lanes;

12 (c) Whether transit ridership changed;

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

15 (e) Whether the express toll lanes generated sufficient revenue  
16 to pay for all Interstate 405 express toll lane-related operating  
17 costs;

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

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

24 (5) If after two years of operation of the express toll lanes on  
25 Interstate 405 the performance measure(~~s~~) listed in subsection  
26 (4)(a) (~~and (e)~~) of this section (~~are~~) is not being met, the  
27 express toll lanes project must be terminated as soon as practicable.

28 (6) The department, in consultation with the transportation  
29 commission, shall consider making operational changes necessary to  
30 fix any unintended consequences of implementing the express toll  
31 lanes project.

32 (7) A violation of the lane restrictions applicable to the  
33 express toll lanes established under this section is a traffic  
34 infraction.

35 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
36 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes  
2 effect immediately.

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