
SENATE BILL 5018

State of Washington

66th Legislature

2019 Regular Session

By Senator Palumbo

Prefiled 12/10/18.

1 AN ACT Relating to replacing the Interstate 405 express toll
2 lanes with a general purpose lane and a high occupancy vehicle lane;
3 amending RCW 46.61.165 and 47.52.025; reenacting and amending RCW
4 47.56.810 and 43.84.092; adding a new section to chapter 47.01 RCW;
5 creating a new section; repealing RCW 47.56.880, 47.56.886, and
6 47.56.884; providing an effective date; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.01
9 RCW to read as follows:

10 The department shall convert the express toll lanes at all times
11 of day to high occupancy vehicle lanes on Interstate 405 consistent
12 with RCW 46.61.165 and 47.52.025, and as follows:

13 (1) One lane of traffic moving in each direction between the
14 Interstate 5 junction in Lynnwood vicinity and the NE 160th St in
15 Bothell vicinity as a high occupancy vehicle lane to be used by
16 vehicles with three or more passengers, and the following vehicles
17 regardless of the number of passengers in the vehicle:

18 (a) Public transportation vehicles;

19 (b) Vanpool vehicles owned or operated by any public agency; and

20 (c) Private employer transportation service vehicles as defined
21 in RCW 46.61.165 and 47.52.025.

1 (2) Two lanes of traffic moving in each direction between the NE
2 160th St in Bothell vicinity and the NE 6th St in Bellevue vicinity
3 as high occupancy vehicle lanes, the outer to be used by vehicles
4 with three or more passengers and the inner to be used by vehicles
5 with two or more passengers.

6 **Sec. 2.** RCW 46.61.165 and 2013 c 26 s 2 are each amended to read
7 as follows:

8 (1) Except as otherwise provided in section 1 of this act, the
9 state department of transportation and the local authorities are
10 authorized to reserve all or any portion of any highway under their
11 respective jurisdictions, including any designated lane or ramp, for
12 the exclusive or preferential use of one or more of the following:

13 (a) Public transportation vehicles; (b) motorcycles; (c) private
14 motor vehicles carrying no fewer than a specified number of
15 passengers; or (d) the following private transportation provider
16 vehicles if the vehicle has the capacity to carry eight or more
17 passengers, regardless of the number of passengers in the vehicle,
18 and if such use does not interfere with the efficiency, reliability,
19 and safety of public transportation operations: (i) Auto
20 transportation company vehicles regulated under chapter 81.68 RCW;
21 (ii) passenger charter carrier vehicles regulated under chapter 81.70
22 RCW, except marked or unmarked stretch limousines and stretch sport
23 utility vehicles as defined under department of licensing rules;
24 (iii) private nonprofit transportation provider vehicles regulated
25 under chapter 81.66 RCW; and (iv) private employer transportation
26 service vehicles, when such limitation will increase the efficient
27 utilization of the highway or will aid in the conservation of energy
28 resources.

29 (2) Any transit-only lanes that allow other vehicles to access
30 abutting businesses that are authorized pursuant to subsection (1) of
31 this section may not be authorized for the use of private
32 transportation provider vehicles as described under subsection (1) of
33 this section.

34 (3) The state department of transportation and the local
35 authorities authorized to reserve all or any portion of any highway
36 under their respective jurisdictions, for exclusive or preferential
37 use, may prohibit the use of a high occupancy vehicle lane by the
38 following private transportation provider vehicles: (a) Auto
39 transportation company vehicles regulated under chapter 81.68 RCW;

1 (b) passenger charter carrier vehicles regulated under chapter 81.70
2 RCW, and marked or unmarked limousines and stretch sport utility
3 vehicles as defined under department of licensing rules; (c) private
4 nonprofit transportation provider vehicles regulated under chapter
5 81.66 RCW; and (d) private employer transportation service vehicles,
6 when the average transit speed in the high occupancy vehicle lane
7 fails to meet department of transportation standards and falls below
8 forty-five miles per hour at least ninety percent of the time during
9 the peak hours, as determined by the department of transportation or
10 the local authority, whichever operates the facility.

11 (4) Regulations authorizing such exclusive or preferential use of
12 a highway facility may be declared to be effective at all times or at
13 specified times of day or on specified days. Violation of a
14 restriction of highway usage prescribed by the appropriate authority
15 under this section is a traffic infraction.

16 (5) Local authorities are encouraged to establish a process for
17 private transportation providers, as described under subsections (1)
18 and (3) of this section, to apply for the use of public
19 transportation facilities reserved for the exclusive or preferential
20 use of public transportation vehicles. The application and review
21 processes should be uniform and should provide for an expeditious
22 response by the local authority. Whenever practicable, local
23 authorities should enter into agreements with such private
24 transportation providers to allow for the reasonable use of these
25 facilities.

26 (6) For the purposes of this section, "private employer
27 transportation service" means regularly scheduled, fixed-route
28 transportation service that is similarly marked or identified to
29 display the business name or logo on the driver and passenger sides
30 of the vehicle, meets the annual certification requirements of the
31 department of transportation, and is offered by an employer for the
32 benefit of its employees.

33 **Sec. 3.** RCW 47.52.025 and 2013 c 26 s 3 are each amended to read
34 as follows:

35 (1) Except as otherwise provided in section 1 of this act,
36 highway authorities of the state, counties, and incorporated cities
37 and towns, in addition to the specific powers granted in this
38 chapter, shall also have, and may exercise, relative to limited
39 access facilities, any and all additional authority, now or hereafter

1 vested in them relative to highways or streets within their
2 respective jurisdictions, and may regulate, restrict, or prohibit the
3 use of such limited access facilities by various classes of vehicles
4 or traffic. Such highway authorities may reserve any limited access
5 facility or portions thereof, including designated lanes or ramps for
6 the exclusive or preferential use of (a) public transportation
7 vehicles, (b) privately owned buses, (c) motorcycles, (d) private
8 motor vehicles carrying not less than a specified number of
9 passengers, or (e) the following private transportation provider
10 vehicles if the vehicle has the capacity to carry eight or more
11 passengers, regardless of the number of passengers in the vehicle,
12 and if such use does not interfere with the efficiency, reliability,
13 and safety of public transportation operations: (i) Auto
14 transportation company vehicles regulated under chapter 81.68 RCW;
15 (ii) passenger charter carrier vehicles regulated under chapter 81.70
16 RCW, except marked or unmarked stretch limousines and stretch sport
17 utility vehicles as defined under department of licensing rules;
18 (iii) private nonprofit transportation provider vehicles regulated
19 under chapter 81.66 RCW; and (iv) private employer transportation
20 service vehicles, when such limitation will increase the efficient
21 utilization of the highway facility or will aid in the conservation
22 of energy resources. Regulations authorizing such exclusive or
23 preferential use of a highway facility may be declared to be
24 effective at all time or at specified times of day or on specified
25 days.

26 (2) Any transit-only lanes that allow other vehicles to access
27 abutting businesses that are reserved pursuant to subsection (1) of
28 this section may not be authorized for the use of private
29 transportation provider vehicles as described under subsection (1) of
30 this section.

31 (3) Highway authorities of the state, counties, or incorporated
32 cities and towns may prohibit the use of limited access facilities by
33 the following private transportation provider vehicles: (a) Auto
34 transportation company vehicles regulated under chapter 81.68 RCW;
35 (b) passenger charter carrier vehicles regulated under chapter 81.70
36 RCW, and marked or unmarked limousines and stretch sport utility
37 vehicles as defined under department of licensing rules; (c) private
38 nonprofit transportation provider vehicles regulated under chapter
39 81.66 RCW; and (d) private employer transportation service vehicles,
40 when the average transit speed in the high occupancy vehicle travel

1 lane fails to meet department standards and falls below forty-five
2 miles per hour at least ninety percent of the time during the peak
3 hours for two consecutive months.

4 (4) (a) Local authorities are encouraged to establish a process
5 for private transportation providers, described under subsections (1)
6 and (3) of this section, to apply for the use of limited access
7 facilities that are reserved for the exclusive or preferential use of
8 public transportation vehicles.

9 (b) The process must provide a list of facilities that the local
10 authority determines to be unavailable for use by the private
11 transportation provider and must provide the criteria used to reach
12 that determination.

13 (c) The application and review processes must be uniform and
14 should provide for an expeditious response by the authority.

15 (5) For the purposes of this section, "private employer
16 transportation service" means regularly scheduled, fixed-route
17 transportation service that is similarly marked or identified to
18 display the business name or logo on the driver and passenger sides
19 of the vehicle, meets the annual certification requirements of the
20 department, and is offered by an employer for the benefit of its
21 employees.

22 **Sec. 4.** RCW 47.56.810 and 2011 c 377 s 7 and 2011 c 369 s 2 are
23 each reenacted and amended to read as follows:

24 The definitions in this section apply throughout this subchapter
25 unless the context clearly requires otherwise:

26 (1) "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 ~~(2) ("Express toll lanes" means one or more high occupancy
32 vehicle lanes of a highway in which the department charges tolls
33 primarily as a means of regulating access to or use of the lanes to
34 maintain travel speed and reliability.~~

35 ~~(3))~~ "Toll revenue" or "revenue from an eligible toll facility"
36 means toll receipts, all interest income derived from the investment
37 of toll receipts, and any gifts, grants, or other funds received for
38 the benefit of transportation facilities in the state, including
39 eligible toll facilities.

1 (~~(4)~~) (3) "Tolling authority" means the governing body that is
2 legally empowered to review and adjust toll rates. Unless otherwise
3 delegated, the transportation commission is the tolling authority for
4 all state highways.

5 **Sec. 5.** RCW 43.84.092 and 2018 c 287 s 7, 2018 c 275 s 10, and
6 2018 c 203 s 14 are each reenacted and amended to read as follows:

7 (1) All earnings of investments of surplus balances in the state
8 treasury shall be deposited to the treasury income account, which
9 account is hereby established in the state treasury.

10 (2) The treasury income account shall be utilized to pay or
11 receive funds associated with federal programs as required by the
12 federal cash management improvement act of 1990. The treasury income
13 account is subject in all respects to chapter 43.88 RCW, but no
14 appropriation is required for refunds or allocations of interest
15 earnings required by the cash management improvement act. Refunds of
16 interest to the federal treasury required under the cash management
17 improvement act fall under RCW 43.88.180 and shall not require
18 appropriation. The office of financial management shall determine the
19 amounts due to or from the federal government pursuant to the cash
20 management improvement act. The office of financial management may
21 direct transfers of funds between accounts as deemed necessary to
22 implement the provisions of the cash management improvement act, and
23 this subsection. Refunds or allocations shall occur prior to the
24 distributions of earnings set forth in subsection (4) of this
25 section.

26 (3) Except for the provisions of RCW 43.84.160, the treasury
27 income account may be utilized for the payment of purchased banking
28 services on behalf of treasury funds including, but not limited to,
29 depository, safekeeping, and disbursement functions for the state
30 treasury and affected state agencies. The treasury income account is
31 subject in all respects to chapter 43.88 RCW, but no appropriation is
32 required for payments to financial institutions. Payments shall occur
33 prior to distribution of earnings set forth in subsection (4) of this
34 section.

35 (4) Monthly, the state treasurer shall distribute the earnings
36 credited to the treasury income account. The state treasurer shall
37 credit the general fund with all the earnings credited to the
38 treasury income account except:

1 (a) The following accounts and funds shall receive their
2 proportionate share of earnings based upon each account's and fund's
3 average daily balance for the period: The abandoned recreational
4 vehicle disposal account, the aeronautics account, the aircraft
5 search and rescue account, the Alaskan Way viaduct replacement
6 project account, the brownfield redevelopment trust fund account, the
7 budget stabilization account, the capital vessel replacement account,
8 the capitol building construction account, the Cedar River channel
9 construction and operation account, the Central Washington University
10 capital projects account, the charitable, educational, penal and
11 reformatory institutions account, the Chehalis basin account, the
12 cleanup settlement account, the Columbia river basin water supply
13 development account, the Columbia river basin taxable bond water
14 supply development account, the Columbia river basin water supply
15 revenue recovery account, the common school construction fund, the
16 community forest trust account, the connecting Washington account,
17 the county arterial preservation account, the county criminal justice
18 assistance account, the deferred compensation administrative account,
19 the deferred compensation principal account, the department of
20 licensing services account, the department of licensing tuition
21 recovery trust fund, the department of retirement systems expense
22 account, the developmental disabilities community trust account, the
23 diesel idle reduction account, the drinking water assistance account,
24 the drinking water assistance administrative account, the early
25 learning facilities development account, the early learning
26 facilities revolving account, the Eastern Washington University
27 capital projects account, (~~the Interstate 405 express toll lanes
28 operations account,~~) the education construction fund, the education
29 legacy trust account, the election account, the electric vehicle
30 charging infrastructure account, the energy freedom account, the
31 energy recovery act account, the essential rail assistance account,
32 The Evergreen State College capital projects account, the federal
33 forest revolving account, the ferry bond retirement fund, the freight
34 mobility investment account, the freight mobility multimodal account,
35 the grade crossing protective fund, the public health services
36 account, the high capacity transportation account, the state higher
37 education construction account, the higher education construction
38 account, the highway bond retirement fund, the highway infrastructure
39 account, the highway safety fund, the high occupancy toll lanes
40 operations account, the hospital safety net assessment fund, the

1 industrial insurance premium refund account, the judges' retirement
2 account, the judicial retirement administrative account, the judicial
3 retirement principal account, the local leasehold excise tax account,
4 the local real estate excise tax account, the local sales and use tax
5 account, the marine resources stewardship trust account, the medical
6 aid account, the mobile home park relocation fund, the money-purchase
7 retirement savings administrative account, the money-purchase
8 retirement savings principal account, the motor vehicle fund, the
9 motorcycle safety education account, the multimodal transportation
10 account, the multiuse roadway safety account, the municipal criminal
11 justice assistance account, the natural resources deposit account,
12 the oyster reserve land account, the pension funding stabilization
13 account, the perpetual surveillance and maintenance account, the
14 pollution liability insurance agency underground storage tank
15 revolving account, the public employees' retirement system plan 1
16 account, the public employees' retirement system combined plan 2 and
17 plan 3 account, the public facilities construction loan revolving
18 account beginning July 1, 2004, the public health supplemental
19 account, the public works assistance account, the Puget Sound capital
20 construction account, the Puget Sound ferry operations account, the
21 Puget Sound taxpayer accountability account, the real estate
22 appraiser commission account, the recreational vehicle account, the
23 regional mobility grant program account, the resource management cost
24 account, the rural arterial trust account, the rural mobility grant
25 program account, the rural Washington loan fund, the sexual assault
26 prevention and response account, the site closure account, the
27 skilled nursing facility safety net trust fund, the small city
28 pavement and sidewalk account, the special category C account, the
29 special wildlife account, the state employees' insurance account, the
30 state employees' insurance reserve account, the state investment
31 board expense account, the state investment board commingled trust
32 fund accounts, the state patrol highway account, the state route
33 number 520 civil penalties account, the state route number 520
34 corridor account, the state wildlife account, the statewide tourism
35 marketing account, the student achievement council tuition recovery
36 trust fund, the supplemental pension account, the Tacoma Narrows toll
37 bridge account, the teachers' retirement system plan 1 account, the
38 teachers' retirement system combined plan 2 and plan 3 account, the
39 tobacco prevention and control account, the tobacco settlement
40 account, the toll facility bond retirement account, the

1 transportation 2003 account (nickel account), the transportation
2 equipment fund, the transportation future funding program account,
3 the transportation improvement account, the transportation
4 improvement board bond retirement account, the transportation
5 infrastructure account, the transportation partnership account, the
6 traumatic brain injury account, the tuition recovery trust fund, the
7 University of Washington bond retirement fund, the University of
8 Washington building account, the volunteer firefighters' and reserve
9 officers' relief and pension principal fund, the volunteer
10 firefighters' and reserve officers' administrative fund, the
11 Washington judicial retirement system account, the Washington law
12 enforcement officers' and firefighters' system plan 1 retirement
13 account, the Washington law enforcement officers' and firefighters'
14 system plan 2 retirement account, the Washington public safety
15 employees' plan 2 retirement account, the Washington school
16 employees' retirement system combined plan 2 and 3 account, the
17 Washington state health insurance pool account, the Washington state
18 patrol retirement account, the Washington State University building
19 account, the Washington State University bond retirement fund, the
20 water pollution control revolving administration account, the water
21 pollution control revolving fund, the Western Washington University
22 capital projects account, the Yakima integrated plan implementation
23 account, the Yakima integrated plan implementation revenue recovery
24 account, and the Yakima integrated plan implementation taxable bond
25 account. Earnings derived from investing balances of the agricultural
26 permanent fund, the normal school permanent fund, the permanent
27 common school fund, the scientific permanent fund, the state
28 university permanent fund, and the state reclamation revolving
29 account shall be allocated to their respective beneficiary accounts.

30 (b) Any state agency that has independent authority over accounts
31 or funds not statutorily required to be held in the state treasury
32 that deposits funds into a fund or account in the state treasury
33 pursuant to an agreement with the office of the state treasurer shall
34 receive its proportionate share of earnings based upon each account's
35 or fund's average daily balance for the period.

36 (5) In conformance with Article II, section 37 of the state
37 Constitution, no treasury accounts or funds shall be allocated
38 earnings without the specific affirmative directive of this section.

1 NEW SECTION. **Sec. 6.** Any residual funds remaining in the
2 Interstate 405 express toll lanes operations account repealed in
3 section 7 of this act on the effective date of this section must be
4 used to decommission the express toll lanes facility, after which
5 funds shall be transferred to the motor vehicle fund to be used to
6 construct a parking garage on the existing footprint of the Canyon
7 Park park and ride and to construct high occupancy vehicle lane
8 direct connector access ramps at Canyon Park.

9 NEW SECTION. **Sec. 7.** The following acts or parts of acts are
10 each repealed:

11 (1) RCW 47.56.880 (Interstate 405 corridor—Tolls authorized—
12 Eligible toll facility—Toll rate schedule—Capacity improvements—
13 Performance measures—Violation) and 2011 c 369 s 3;

14 (2) RCW 47.56.886 (State route number 167 and Interstate 405
15 express toll lane system—Traffic and revenue analysis—Finance plan)
16 and 2011 c 369 s 4; and

17 (3) RCW 47.56.884 (Interstate 405 express toll lanes operations
18 account) and 2011 c 369 s 5.

19 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of
21 the state government and its existing public institutions, and takes
22 effect June 30, 2019.

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