

Initiative Measure No. 1285 filed February 28, 2013

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: I-2670.1/13

ATTY/TYPIST: BP:seg

BRIEF DESCRIPTION:

Initiative Measure No. 1285

filed February 28, 2013

AN ACT Relating to prohibiting the tolling of any portion or facility of the interstate highway system in Washington state; amending RCW 47.56.886; adding new sections to chapter 47.56 RCW; creating new sections; and repealing RCW 47.56.880, 47.56.884, 47.56.890, 47.56.892, and 47.56.894.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 47.56 RCW to read as follows:

For purposes of this section and sections 2 through 8 of this act, "interstate highway" and "interstate system" are used interchangeably and refer to the roadways, facilities, and any appurtenances thereto that are a part of the national system of interstate highways known formally as the Dwight D. Eisenhower national system of interstate and defense highways, and commonly called "the interstate system."

NEW SECTION. **Sec. 2.** A new section is added to chapter 47.56 RCW to read as follows:

Notwithstanding 23 U.S.C. Sec. 129 and the moving ahead for progress in the 21st century act (P.L. 112-141), which make it permissible in certain circumstances for states to impose tolls on interstate highways, the department and the transportation commission may not establish tolls on any interstate highway and any appurtenances thereto that are located within the boundaries of the state of Washington or continue to plan or promote policies, or otherwise engage in activities, intended to promote or establish tolls on the state's interstate system.

NEW SECTION. **Sec. 3.** A new section is added to chapter 47.56 RCW to read as follows:

Any department toll planning activities related to the continuation, inauguration, or furtherance of any interstate highway tolls or tolling program for any portion or facility of the interstate system in Washington state including, but not limited to, those toll planning activities related to the Columbia river crossing project and the Interstate 90 corridor, are suspended and terminated.

NEW SECTION. **Sec. 4.** A new section is added to chapter 47.56 RCW to read as follows:

(1) The department must write a letter sent by certified mail, return receipt requested and postage prepaid, to each of the following persons and the department or agency they head, informing each of them that the voters of Washington state have barred the state from planning for or engaging in any activities related to tolling or establishing tolling on any portion or facility of the interstate system in Washington state:

(a) The secretary of the United States department of transportation;

(b) The federal highway administration administrator;

(c) The administrator of the Washington division of the federal highway administration; and

(d) Any other federal official who should receive the same notice from the department.

(2) The department must also inform the federal officials and their departments or agencies listed in subsection (1) of this section that: (a) No additional actions or activities in furtherance of interstate system tolling will be undertaken by the department; (b) any funding or resources of every kind pledged, held, or otherwise committed by the United States department of transportation or the federal highway administration to support or sustain the state's or department's programs or ambitions for an interstate system tolling program in Washington state should be withdrawn, terminated, or otherwise rescinded by the United States department of transportation and the federal highway administration; and (c) any memorandums or letters of understanding, agreements, or contracts of every kind, and any other formal or informal agreements or understandings between the state and the United States department of transportation or the federal highway administration, or both, in which the state of Washington, through the department, expressed an interest in or committed in any manner to, or both, establishing an interstate system tolling program are now null and void or are to be terminated as promptly and expeditiously as possible.

NEW SECTION. **Sec. 5.** A new section is added to chapter 47.56 RCW to read as follows:

(1) The department must write a letter sent by certified mail, return receipt requested and postage prepaid, to each of the following persons and the department or agency they head, informing each of them that the voters of Washington state have barred the state from planning for or engaging in any activities related to tolling or establishing tolling on any portion or facility of the interstate system in Washington state:

- (a) The governor of the state of Oregon;
- (b) The Oregon state department of transportation; and
- (c) Any other Oregon state official who should receive the same notice from the department.

(2) The department must also inform the Oregon state officials and their departments or agencies listed in subsection (1) of this section

that: (a) No additional actions or activities in furtherance of interstate system tolling will be undertaken by the department; (b) any funding or resources of every kind pledged, held, or otherwise committed by the state of Oregon to support or sustain the state's or department's programs or ambitions for an interstate system tolling program in Washington state should be withdrawn, terminated, or otherwise rescinded by the state of Oregon; and (c) any memorandums or letters of understanding, agreements, or contracts of every kind, and any other formal or informal agreements or understandings between the state of Washington and the state of Oregon, in which the state of Washington, through the department, expressed an interest in or committed in any manner to, or both, establishing an interstate system tolling program are now null and void or are to be terminated as promptly and expeditiously as possible.

NEW SECTION. **Sec. 6.** A new section is added to chapter 47.56 RCW to read as follows:

Upon one hundred eighty days after the effective date of this section, the department must issue a report that provides an accounting of its activities since the effective date of this section that details the actions the department has taken to comply with this act, including a financial accounting of, for the years 2009, 2010, 2011, 2012, 2013, and up to the date of the report, the expenditures made by the department in furtherance of any interstate system tolling program. The report must be certified, by both the secretary of transportation and the assistant secretary of transportation, as to its thoroughness and veracity, and be released simultaneously to the governor of Washington state, all members of the legislature, the executives of every Washington state county, the state's major media outlets, and the people of Washington state through every outlet and forum and in every form commonly used to credibly and wholly inform the public at the time of the report's release.

NEW SECTION. **Sec. 7.** A new section is added to chapter 47.56 RCW to read as follows:

The department must establish and make available within one hundred eighty days of the effective date of this section an information registry that is indexed and readily accessible by the public via the department's web site, which includes all documents subject to chapter 42.56 RCW and related to the department's interstate system tolling plans, activities, and tolling ambitions for the interstate system in Washington state.

NEW SECTION. **Sec. 8.** A new section is added to chapter 47.56 RCW to read as follows:

The prohibition against tolling any portion or facility of the interstate system in Washington state under sections 2 and 3 of this act may be lifted only if the following requirements and conditions are met:

(1) The department must provide notice of its proposed interstate tolling action in the newspaper of largest circulation in each county, by one or more of the following methods: Display advertisement, legal notice, or any other appropriate printed format, as determined by the department. The department must also disseminate the notice by mail to any other news media, information outlet, or local governmental entity that the department determines to be appropriate. The department may consider how a medium or outlet compares with the newspaper of largest circulation in terms of: Audience reached, timeliness, adequacy in conveying the particular information in the notice, cost, or other relevant factors for deciding which outlet should be selected to inform the public about the proposed interstate tolling action and the required public hearing under subsection (3) of this section.

(2) The public notice under subsection (1) of this section must indicate the public comment period on the proposed interstate tolling action. A thirty-day written comment period for the public must begin concurrently with the public hearing date established for each county. The department may extend the public comment period, as appropriate.

(3) The department must hold at least one public hearing in each and every county in the state, presenting its case for the proposed

interstate tolling action. At the conclusion of the mandated public hearings, the department must compile a summary for each of those hearings and include written copies of transcripts of all public testimony at the hearings and a copy of all written comments of the public it has received, and present these items in a petition to the legislature during its regular session, requesting that the legislature enact legislation, authorizing the proposed interstate tolling action, that is subject to the referendum process.

Sec. 9. RCW 47.56.886 and 2011 c 369 s 4 are each amended to read as follows:

(1) (a) The transportation commission shall retain appropriate independent experts and conduct a traffic and revenue analysis for the development of a (~~forty-mile~~) continuous express toll lane system that includes state route number 167 (~~and Interstate 405~~). The analysis must include a review of the following variables within the express toll lane system:

(i) Vehicles with two or more occupants are exempt from payment;

(ii) Vehicles with three or more occupants are exempt from payment;

(iii) A variable fee; and

(iv) A flat rate fee.

(b) The department, in consultation with the transportation commission, shall develop a corridor-wide project management plan to develop a strategy for phasing the completion of nontolling-related improvements in the Interstate 405 corridor and the completion of improvements in the state route number 167 corridor.

(2) The department, in consultation with the transportation commission, shall use the information from the traffic and revenue analysis and the corridor-wide project management plan to develop a finance plan to fund improvements in the Interstate 405 and state route number 167 corridors. The department must include the following elements in the finance plan:

(a) Current state and federal funding contributions for nontolling-related projects in the Interstate 405 corridor and federal

funding contributions for projects in the state route number 167 corridor;

(b) A potential future state and federal funding contribution to leverage toll revenues on noninterstate roads;

(c) Financing mechanisms to optimize the revenue available for capacity improvements including, but not limited to, using the full faith and credit of the state;

(d) An express toll lane system operating in the (~~Interstate 405 and~~) state route number 167 corridor by 2014; and

(e) Completion of the capacity improvements in the Interstate 405 and state route number 167 corridors.

(3) The department and the transportation commission must consult with a committee consisting of local and state elected officials from the Interstate 405 and state route number 167 corridors, one resident from each city or town that abuts Interstate 405 and state route number 167, and representatives from the transit agencies that operate in the Interstate 405 and state route number 167 corridors while developing the performance standards, traffic and revenue analysis, and finance plan.

(4) The transportation commission must provide the traffic and revenue analysis plan, and the department must simultaneously provide the finance plan, to the governor (~~and~~), the legislature, the King county executive, the state's major media outlets, and the people of Washington state through every outlet and forum and in every form commonly used to credibly and wholly inform the public at the time of the report's release by January (~~(2012))~~ 2014. The department shall provide technical and other support as requested by any of the residents as selected in subsection (3) of this section, and as requested by the transportation commission to review or complete, or both, the plans identified in this subsection. Funds from Interstate 405 capital project appropriations may be used by the transportation commission through an interagency agreement with the department to cover the cost of the plans identified in this subsection.

(5) The department shall conduct ongoing education and outreach to ensure public awareness of the express toll lane system, and establish

and make available within one hundred twenty days of the effective date of this section an information registry that is indexed and readily accessible by the public via the department's web site, which includes all documents subject to chapter 42.56 RCW and related to the department's express toll lane system as well as related plans, activities, and tolling ambitions for Washington state.

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

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

(2) RCW 47.56.884 (Interstate 405 express toll lanes operations account) and 2011 c 369 s 5;

(3) RCW 47.56.890 (Columbia river crossing project--Eligible toll facility--Tolls authorized--Toll, revenue, and cost limitations) and 2012 c 36 s 2;

(4) RCW 47.56.892 (Columbia river crossing project--Agreements with the Oregon state transportation commission) and 2012 c 36 s 4; and

(5) RCW 47.56.894 (Columbia river crossing project account--Deposits) and 2012 c 36 s 3.

NEW SECTION. **Sec. 11.** The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. **Sec. 12.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 13.** This act may be known and cited as the interstate tolling prohibition act.