
SUBSTITUTE SENATE BILL 5104

State of Washington

66th Legislature

2019 Regular Session

By Senate Transportation (originally sponsored by Senators Sheldon, Rolfes, Fortunato, Schoesler, and O'Ban)

READ FIRST TIME 02/07/19.

1 AN ACT Relating to prohibiting local governments from imposing
2 vehicle tolls; amending RCW 35.23.452, 35.74.010, 36.73.015,
3 36.73.040, 36.73.065, 36.73.067, 36.73.170, 36.120.050, 36.120.130,
4 and 47.56.820; reenacting and amending RCW 36.120.020; adding a new
5 section to chapter 35.21 RCW; adding a new section to chapter 35A.21
6 RCW; adding a new section to chapter 36.01 RCW; and repealing RCW
7 35.74.050, 35.74.060, and 35.74.070.

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

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21
10 RCW to read as follows:

11 No city or town may impose vehicle tolls.

12 **Sec. 2.** RCW 35.23.452 and 1965 c 7 s 35.24.300 are each amended
13 to read as follows:

14 The city council of such city shall have power to purchase,
15 lease, or otherwise acquire real estate and personal property
16 necessary or proper for municipal purposes and to control, lease,
17 sublease, convey or otherwise dispose of the same; to acquire and
18 plat land for cemeteries and parks and provide for the regulation
19 thereof, including but not limited to the right to lease any
20 waterfront and other lands adjacent thereto owned by it for

1 manufacturing, commercial or other business purposes; including but
2 not limited to the right to lease for wharf, dock and other purposes
3 of navigation and commerce such portions of its streets which bound
4 upon or terminate in its waterfront or the navigable waters of such
5 city, subject, however, to the written consent of the lessees of a
6 majority of the square feet frontage of the harbor area abutting on
7 any street proposed to be so leased. No lease of streets or
8 waterfront shall be for longer than ten years and the rental therefor
9 shall be fixed by the city council. Every such lease shall contain a
10 clause that at intervals of every five years during the term thereof
11 the rental to be paid by the lessee shall be readjusted between the
12 lessee and the city by mutual agreement, or in default of such mutual
13 agreement that the rental shall be fixed by arbitrators to be
14 appointed one by the city council, one by the lessee and the third by
15 the two thus appointed. No such lease shall be made until the city
16 council has first caused notice thereof to be published in the
17 official newspaper of such city at least fifteen days and in one
18 issue thereof each week prior to the making of such lease, which
19 notice shall describe the portion of the street proposed to be
20 leased, to whom, for what purpose, and the rental to be charged
21 therefor. The city may improve part of such waterfront or street
22 extensions by building inclines, wharves, gridirons and other
23 accommodations for shipping, commerce and navigation and may charge
24 and collect for service and use thereof reasonable rates ((and
25 tolls)).

26 **Sec. 3.** RCW 35.74.010 and 1965 c 7 s 35.74.010 are each amended
27 to read as follows:

28 Every city and town may erect and maintain drawbridges across
29 navigable streams that flow through or penetrate the boundaries
30 thereof, when the public necessity requires it(~~(, or it may grant~~
31 ~~franchises to persons or corporations to erect them and charge toll~~
32 ~~thereon))~~).

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 35A.21
34 RCW to read as follows:

35 No code city may impose vehicle tolls.

36 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.01
37 RCW to read as follows:

1 No county may impose vehicle tolls.

2 **Sec. 6.** RCW 36.73.015 and 2015 3rd sp.s. c 44 s 311 are each
3 amended to read as follows:

4 The definitions in this section apply throughout this chapter
5 unless the context clearly requires otherwise.

6 (1) "City" means a city or town.

7 (2) "District" means a transportation benefit district created
8 under this chapter.

9 (3) "Low-income" means household income set by the district
10 creating the rebate program that is at or below seventy-five percent
11 of the median household income, adjusted for household size, for the
12 district in which the fees(~~(7)~~) or taxes(~~(7-or-tolls)~~) were imposed.

13 (4) "Rebate program" means an optional program established by a
14 transportation benefit district that includes a city with a
15 population of five hundred thousand persons or more for the purpose
16 of providing rebates to low-income individuals for fees(~~(7)~~) or
17 taxes(~~(7-and/or-tolls)~~) imposed by such transportation benefit
18 district for: (a) Vehicle fees imposed under RCW 36.73.040(3)(b); and
19 (b) sales and use taxes imposed under RCW 36.73.040(3)(a) (~~(7-and/or~~
20 ~~(c)-tolls imposed under RCW 36.73.040(3)(d))~~).

21 (5) "Supplemental transportation improvement" or "supplemental
22 improvement" means any project, work, or undertaking to provide
23 public transportation service, in addition to a district's existing
24 or planned voter-approved transportation improvements, proposed by a
25 participating city member of the district under RCW 36.73.180.

26 (6) "Transportation improvement" means a project contained in the
27 transportation plan of the state, a regional transportation planning
28 organization, city, county, or eligible jurisdiction as identified in
29 RCW 36.73.020(2). A project may include investment in new or existing
30 highways of statewide significance, principal arterials of regional
31 significance, high capacity transportation, public transportation,
32 and other transportation projects and programs of regional or
33 statewide significance including transportation demand management.
34 Projects may also include the operation, preservation, and
35 maintenance of these facilities or programs.

36 **Sec. 7.** RCW 36.73.040 and 2008 c 122 s 17 are each amended to
37 read as follows:

1 (1) A transportation benefit district is a quasi-municipal
2 corporation, an independent taxing "authority" within the meaning of
3 Article VII, section 1 of the state Constitution, and a "taxing
4 district" within the meaning of Article VII, section 2 of the state
5 Constitution.

6 (2) A transportation benefit district constitutes a body
7 corporate and possesses all the usual powers of a corporation for
8 public purposes as well as all other powers that may now or hereafter
9 be specifically conferred by statute, including, but not limited to,
10 the authority to hire employees, staff, and services, to enter into
11 contracts, to acquire, hold, and dispose of real and personal
12 property, and to sue and be sued. Public works contract limits
13 applicable to the jurisdiction that established the district apply to
14 the district.

15 (3) To carry out the purposes of this chapter, and subject to the
16 provisions of RCW 36.73.065, a district is authorized to impose the
17 following taxes, fees, and charges (~~(, and tolls)~~):

18 (a) A sales and use tax in accordance with RCW 82.14.0455;

19 (b) A vehicle fee in accordance with RCW 82.80.140; and

20 (c) A fee or charge in accordance with RCW 36.73.120. However, if
21 a county or city within the district area is levying a fee or charge
22 for a transportation improvement, the fee or charge shall be credited
23 against the amount of the fee or charge imposed by the district.
24 Developments consisting of less than twenty residences are exempt
25 from the fee or charge under RCW 36.73.120 (~~(; and~~

26 ~~(d) Vehicle tolls on state routes, city streets, or county roads,~~
27 ~~within the boundaries of the district, unless otherwise prohibited by~~
28 ~~law. However, consistent with RCW 47.56.820, the vehicle toll must~~
29 ~~first be authorized by the legislature if the toll is imposed on a~~
30 ~~state route. The department of transportation shall administer the~~
31 ~~collection of vehicle tolls authorized on state routes, unless~~
32 ~~otherwise specified in law or by contract, and the state~~
33 ~~transportation commission, or its successor, may approve, set, and~~
34 ~~impose the tolls in amounts sufficient to implement the district's~~
35 ~~transportation improvement finance plan. The district shall~~
36 ~~administer the collection of vehicle tolls authorized on city streets~~
37 ~~or county roads, and shall set and impose the tolls in amounts~~
38 ~~sufficient to implement the district's transportation improvement~~
39 ~~plan. However, consistent with RCW 47.56.850, the vehicle toll,~~
40 ~~including any change in an existing toll rate, must first be reviewed~~

1 ~~and approved by the tolling authority designated in RCW 47.56.850 if~~
2 ~~the toll, or change in toll rate, would have a significant impact, as~~
3 ~~determined by the tolling authority, on the operation of any state~~
4 ~~facility)).~~

5 **Sec. 8.** RCW 36.73.065 and 2015 3rd sp.s. c 44 s 309 are each
6 amended to read as follows:

7 (1) Except as provided in subsection (4) of this section, taxes,
8 fees, and charges(~~(, and tolls)~~) may not be imposed by a district
9 without approval of a majority of the voters in the district voting
10 on a proposition at a general or special election. The proposition
11 must include a specific description of: (a) The transportation
12 improvement or improvements proposed by the district; (b) any rebate
13 program proposed to be established under RCW 36.73.067; and (c) the
14 proposed taxes, fees, and charges(~~(, and the range of tolls)~~) imposed
15 by the district to raise revenue to fund the improvement or
16 improvements or rebate program, as applicable.

17 (2) Voter approval under this section must be accorded
18 substantial weight regarding the validity of a transportation
19 improvement as defined in RCW 36.73.015.

20 (3) A district may not increase any taxes, fees, or charges(~~(, or~~
21 ~~range of tolls)~~) imposed or change a rebate program under this
22 chapter once the taxes, fees, charges, (~~(tolls,)~~) or rebate program
23 takes effect, except:

24 (a) If authorized by the district voters pursuant to RCW
25 36.73.160;

26 (b) With respect to a change in a rebate program, a material
27 change policy adopted pursuant to RCW 36.73.160 is followed and the
28 change does not reduce the percentage level or rebate amount;

29 (c) For up to forty dollars of the vehicle fee authorized in RCW
30 82.80.140 by the governing board of the district if a vehicle fee of
31 twenty dollars has been imposed for at least twenty-four months; or

32 (d) For up to fifty dollars of the vehicle fee authorized in RCW
33 82.80.140 by the governing board of the district if a vehicle fee of
34 forty dollars has been imposed for at least twenty-four months and a
35 district has met the requirements of subsection (6) of this section.

36 (4)(a) A district that includes all the territory within the
37 boundaries of the jurisdiction, or jurisdictions, establishing the
38 district may impose by a majority vote of the governing board of the
39 district the following fees and charges:

1 (i) Up to twenty dollars of the vehicle fee authorized in RCW
2 82.80.140;

3 (ii) Up to forty dollars of the vehicle fee authorized in RCW
4 82.80.140 if a vehicle fee of twenty dollars has been imposed for at
5 least twenty-four months;

6 (iii) Up to fifty dollars of the vehicle fee authorized in RCW
7 82.80.140 if a vehicle fee of forty dollars has been imposed for at
8 least twenty-four months and a district has met the requirements of
9 subsection (6) of this section; or

10 (iv) A fee or charge in accordance with RCW 36.73.120.

11 (b) The vehicle fee authorized in (a) of this subsection may only
12 be imposed for a passenger-only ferry transportation improvement if
13 the vehicle fee is first approved by a majority of the voters within
14 the jurisdiction of the district.

15 (c)(i) A district solely comprised of a city or cities may not
16 impose the fees or charges identified in (a) of this subsection
17 within one hundred eighty days after July 22, 2007, unless the county
18 in which the city or cities reside, by resolution, declares that it
19 will not impose the fees or charges identified in (a) of this
20 subsection within the one hundred eighty-day period; or

21 (ii) A district solely comprised of a city or cities identified
22 in RCW 36.73.020(6)(b) may not impose the fees or charges until after
23 May 22, 2008, unless the county in which the city or cities reside,
24 by resolution, declares that it will not impose the fees or charges
25 identified in (a) of this subsection through May 22, 2008.

26 (5) If the interlocal agreement in RCW 82.80.140(2)(a) cannot be
27 reached, a district that includes only the unincorporated territory
28 of a county may impose by a majority vote of the governing body of
29 the district up to: (a) Twenty dollars of the vehicle fee authorized
30 in RCW 82.80.140, (b) forty dollars of the vehicle fee authorized in
31 RCW 82.80.140 if a fee of twenty dollars has been imposed for at
32 least twenty-four months, or (c) fifty dollars of the vehicle fee
33 authorized in RCW 82.80.140 if a vehicle fee of forty dollars has
34 been imposed for at least twenty-four months and a district has met
35 the requirements of subsection (6) of this section.

36 (6) If a district intends to impose a vehicle fee of more than
37 forty dollars by a majority vote of the governing body of the
38 district, the governing body must publish notice of this intention,
39 in one or more newspapers of general circulation within the district,
40 by April 1st of the year in which the vehicle fee is to be imposed.

1 If within ninety days of the date of publication a petition is filed
2 with the county auditor containing the signatures of eight percent of
3 the number of voters registered and voting in the district for the
4 office of the governor at the last preceding gubernatorial election,
5 the county auditor must canvass the signatures in the same manner as
6 prescribed in RCW 29A.72.230 and certify their sufficiency to the
7 governing body within two weeks. The proposition to impose the
8 vehicle fee must then be submitted to the voters of the district at a
9 special election, called for this purpose, no later than the date on
10 which a primary election would be held under RCW 29A.04.311. The
11 vehicle fee may then be imposed only if approved by a majority of the
12 voters of the district voting on the proposition.

13 **Sec. 9.** RCW 36.73.067 and 2012 c 152 s 2 are each amended to
14 read as follows:

15 (1) A district that: (a) Includes a city with a population of
16 five hundred thousand persons or more; and (b) imposes a vehicle fee
17 under RCW 36.73.040(3)(b) ~~((τ))~~ or sales and use taxes under RCW
18 36.73.040(3)(a) ~~((τ—or—tolls—under—RCW—36.73.040(3)(d)τ))~~ may
19 establish a rebate program for the purposes of providing rebates of
20 up to forty percent of the actual fee ~~((τ))~~ or tax ~~((τ—or—toll))~~ paid
21 by a low-income individual.

22 (2) Funds collected from a vehicle fee under RCW 36.73.040(3)(b)
23 ~~((τ))~~ or sales and use tax under RCW 36.73.040(3)(a) ~~((or—tolls—under~~
24 ~~RCW—36.73.040(3)(d))~~) may be used for a rebate program established
25 under this section.

26 (3) A district that establishes a rebate program is responsible
27 for the development and administration of the program and all
28 functions and costs associated with the rebate program.

29 (4) A district that establishes a rebate program under this
30 section must report back to the legislature two years after the
31 program takes effect. The report must include, but is not limited to,
32 a detailed description of the structure of the program, the average
33 rebate, the total amount of rebates issued, and the number of people
34 that received rebates.

35 **Sec. 10.** RCW 36.73.170 and 2005 c 336 s 19 are each amended to
36 read as follows:

37 Within thirty days of the completion of the construction of the
38 transportation improvement or series of improvements authorized by a

1 district, the district shall terminate day-to-day operations and
2 exist solely as a limited entity that oversees the collection of
3 revenue and the payment of debt service or financing still in effect,
4 if any and to carry out the requirements of RCW 36.73.160. The
5 district shall accordingly adjust downward its employees,
6 administration, and overhead expenses. Any taxes, fees, or charges(~~or~~
7 ~~or tolls~~)) imposed by the district terminate when the financing or
8 debt service on the transportation improvement or series of
9 improvements constructed is completed and paid and notice is provided
10 to the departments administering the taxes. Any excess revenues
11 collected must be disbursed to the participating jurisdictions of the
12 district in proportion to their population, using population
13 estimates prepared by the office of financial management. The
14 district shall dissolve itself and cease to exist thirty days after
15 the financing or debt service on the transportation improvement, or
16 series of improvements, constructed is completed and paid. If there
17 is no debt outstanding, then the district shall dissolve within
18 thirty days from completion of construction of the transportation
19 improvement or series of improvements authorized by the district.
20 Notice of dissolution must be published in newspapers of general
21 circulation within the district at least three times in a period of
22 thirty days. Creditors must file claims for payment of claims due
23 within thirty days of the last published notice or the claim is
24 extinguished.

25 **Sec. 11.** RCW 36.120.020 and 2006 c 334 s 13 and 2006 c 311 s 4
26 are each reenacted and amended to read as follows:

27 The definitions in this section apply throughout this chapter
28 unless the context clearly requires otherwise.

29 (1) "Board" means the governing body of a regional transportation
30 investment district.

31 (2) "Department" means the Washington state department of
32 transportation.

33 (3) "Highway of statewide significance" means an existing or
34 proposed state route or federal interstate designated as a highway of
35 statewide significance by the transportation commission, the
36 department, or the legislature.

37 (4) "Lead agency" means a public agency that by law can plan,
38 design, and build a transportation project and has been so designated
39 by the district.

1 (5) "Regional transportation investment district" or "district"
2 means a municipal corporation that has been created by county
3 legislative authorities and a vote of the people under this chapter
4 to implement a regional transportation investment plan.

5 (6) "Regional transportation investment district planning
6 committee" or "planning committee" means the advisory committee
7 created under RCW 36.120.030 to create and propose to county
8 legislative authorities a regional transportation investment plan to
9 develop, finance, and construct transportation projects.

10 (7) "Regional transportation investment plan" or "plan" means a
11 plan to develop, construct, and finance a transportation project or
12 projects.

13 (8) "Transportation project" means:

14 (a) A capital improvement or improvements to a highway that has
15 been designated, in whole or in part, as a highway of statewide
16 significance, including an extension, that:

17 (i) Adds a lane or new lanes to an existing state or federal
18 highway; or

19 (ii) Repairs or replaces a lane or lanes damaged by an event
20 declared an emergency by the governor before January 1, 2002.

21 (b) A capital improvement or improvements to all or a portion of
22 a highway of statewide significance, including an extension, and may
23 include the following associated multimodal capital improvements:

24 (i) Approaches to highways of statewide significance;

25 (ii) High occupancy vehicle lanes;

26 (iii) Flyover ramps;

27 (iv) Park and ride lots;

28 (v) Bus pullouts;

29 (vi) Vans for vanpools;

30 (vii) Buses; and

31 (viii) Signalization, ramp metering, and other transportation
32 system management improvements.

33 (c) A capital improvement or improvements to all or a portion of
34 a city street, county road, or existing highway or the creation of a
35 new highway that intersects with a highway of statewide significance,
36 if all of the following conditions are met:

37 (i) The project is included in a plan that makes highway
38 improvement projects that add capacity to a highway or highways of
39 statewide significance;

1 (ii) The secretary of transportation determines that the project
2 would better relieve traffic congestion than investing that same
3 money in adding capacity to a highway of statewide significance;

4 (iii) Matching money equal to fifteen percent of the total cost
5 of the project is provided by local entities, including but not
6 limited to a metropolitan planning organization, county, city, port,
7 or private entity in which a county participating in a plan is
8 located. Local entities may use federal grants to meet this matching
9 requirement;

10 (iv) In no case may the cumulative regional transportation
11 investment district contribution to all projects constructed under
12 this subsection (8)(c) exceed ten percent of the revenues generated
13 by the district;

14 (v) In no case may the cumulative regional transportation
15 investment district contribution to all projects constructed under
16 this subsection (8)(c) exceed one billion dollars; and

17 (vi) The specific projects are included within the plan and
18 submitted as part of the plan to a vote of the people.

19 (d) (~~Except as otherwise provided in this subsection,~~)
20 Operations, preservation, and maintenance are excluded from this
21 definition and may not be included in a regional transportation
22 investment plan. (However, operations, preservation, and maintenance
23 of tolled facilities where toll revenues have been pledged for the
24 payment of contracts is expressly authorized and may be included in a
25 regional transportation investment plan. The authority under this
26 subsection includes operational expenses for toll enforcement.))

27 (e) Operational expenses for traffic mitigation provided solely
28 for transportation project construction mitigation directly related
29 to specific projects as outlined in the plan shall be included in a
30 regional transportation investment plan. Construction mitigation
31 strategies may include, but are not limited to, funding for increased
32 transit service hours, trip reduction incentives, nonmotorized mode
33 support, and ridematching services. Prior to construction of any
34 project, corridor mitigation plans must be developed in conjunction
35 with the department and partner transit agencies, including local
36 transit agencies and the regional transit authority serving the
37 counties, with the following goals: (i) Reducing drive alone trips in
38 affected corridors; (ii) reducing delay per person and delay per unit
39 of goods in affected corridors; and (iii) improving levels of service
40 that improve system performance for all transportation users in

1 affected corridors. The regional transportation commission
2 established under section 2, chapter 311, Laws of 2006, or a
3 successor regional governing entity, shall review transit investments
4 according to these performance measures to determine whether to
5 continue funding for successful and effective operations after the
6 construction period is completed.

7 (9) "Weighted vote" means a vote that reflects the population
8 each board or planning committee member represents relative to the
9 population represented by the total membership of the board or
10 planning committee. Population will be determined using the federal
11 2000 census or subsequent federal census data.

12 **Sec. 12.** RCW 36.120.050 and 2008 c 122 s 16 are each amended to
13 read as follows:

14 (1) A regional transportation investment district planning
15 committee may, as part of a regional transportation investment plan,
16 recommend the imposition or authorization of some or all of the
17 following revenue sources, which a regional transportation investment
18 district may impose or authorize upon approval of the voters as
19 provided in this chapter:

20 (a) A regional sales and use tax, as specified in RCW 82.14.430,
21 of up to 0.1 percent of the selling price, in the case of a sales
22 tax, or value of the article used, in the case of a use tax, upon the
23 occurrence of any taxable event in the regional transportation
24 investment district;

25 (b) A local option vehicle license fee, as specified under RCW
26 82.80.100, of up to one hundred dollars per vehicle registered in the
27 district. As used in this subsection, "vehicle" means motor vehicle
28 as defined in RCW 46.04.320. Certain classes of vehicles, as defined
29 under chapter 46.04 RCW, may be exempted from this fee;

30 (c) A parking tax under RCW 82.80.030;

31 (d) A local motor vehicle excise tax under RCW 81.100.060;

32 (e) A local option fuel tax under RCW 82.80.120; and

33 (f) An employer excise tax under RCW 81.100.030 (~~and~~

34 ~~(g) Vehicle tolls on new or reconstructed local or regional~~
35 ~~arterials or state routes within the boundaries of the district, if~~
36 ~~the following conditions are met:~~

37 ~~(i) Consistent with RCW 47.56.820, the vehicle toll must first be~~
38 ~~authorized by the legislature if the toll is imposed on a state~~
39 ~~route;~~

1 ~~(ii) Consistent with RCW 47.56.850, the vehicle toll, including~~
2 ~~any change in an existing toll rate, must first be reviewed and~~
3 ~~approved by the tolling authority designated in RCW 47.56.850 if the~~
4 ~~toll, or change in toll rate, would have a significant impact, as~~
5 ~~determined by the tolling authority, on the operation of any state~~
6 ~~facility;~~

7 ~~(iii) The regional transportation investment plan must identify~~
8 ~~the facilities that may be tolled; and~~

9 ~~(iv) Unless otherwise specified by law, the department shall~~
10 ~~administer the collection of vehicle tolls on designated facilities,~~
11 ~~and the state transportation commission, or its successor, shall be~~
12 ~~the tolling authority, and shall act in accordance with RCW~~
13 ~~47.56.850)).~~

14 (2) Taxes(~~(,)~~) and fees(~~(, and tolls)~~) may not be imposed or
15 authorized without an affirmative vote of the majority of the voters
16 within the boundaries of the district voting on a ballot proposition
17 as set forth in RCW 36.120.070. Revenues from these taxes and fees
18 may be used only to implement the plan as set forth in this chapter.
19 A district may contract with the state department of revenue or other
20 appropriate entities for administration and collection of any of the
21 taxes or fees authorized in this section.

22 (3) Existing statewide motor vehicle fuel and special fuel taxes,
23 at the distribution rates in effect on January 1, 2001, are not
24 intended to be altered by this chapter.

25 **Sec. 13.** RCW 36.120.130 and 2003 c 372 s 1 are each amended to
26 read as follows:

27 (1)(a) Notwithstanding RCW 39.36.020(1), the district may at any
28 time contract indebtedness or borrow money for district purposes and
29 may issue general obligation bonds or other evidences of
30 indebtedness, secured by the pledge of one or more of the taxes,
31 (~~tolls,~~) charges, or fees authorized to be imposed by the district,
32 in an amount not exceeding, together with any existing indebtedness
33 of the district not authorized by the voters, one and one-half
34 percent of the value of the taxable property within the boundaries of
35 the district.

36 (b) With the assent of three-fifths of the voters voting at an
37 election, a district may contract indebtedness or borrow money for
38 district purposes and may issue general obligation bonds or other
39 evidences of indebtedness as long as the total indebtedness of the

1 district does not exceed five percent of the value of the taxable
2 property within the district, including indebtedness authorized under
3 (a) of this subsection. The bonds shall be issued and sold in
4 accordance with chapter 39.46 RCW.

5 (2) The district may at any time issue revenue bonds or other
6 evidences of indebtedness, secured by the pledge of one or more of
7 the revenues authorized to be collected by the district, to provide
8 funds to carry out its authorized functions without submitting the
9 matter to the voters of the district. These obligations shall be
10 issued and sold in accordance with chapter 39.46 RCW.

11 (3) The district may enter into agreements with the lead agencies
12 or the state of Washington, when authorized by the plan, to pledge
13 taxes or other revenues of the district for the purpose of paying in
14 part or whole principal and interest on bonds issued by the lead
15 agency or the state of Washington. The agreements pledging revenues
16 and taxes shall be binding for their terms, but not to exceed thirty
17 years, and no tax pledged by an agreement may be eliminated or
18 modified if it would impair the pledge made in any agreement.

19 (4) Once construction of projects in the plan has been completed,
20 revenues collected by the district may only be used for the following
21 purposes: (a) Payment of principal and interest on outstanding
22 indebtedness of the district; and (b) to make payments required under
23 a pledging agreement (~~and (c) to make payments for maintenance and~~
24 ~~operations of toll facilities as may be required by toll bond~~
25 ~~covenants)).~~

26 **Sec. 14.** RCW 47.56.820 and 2008 c 122 s 4 are each amended to
27 read as follows:

28 (1) (~~Unless otherwise delegated,~~) Only the legislature may
29 authorize the imposition of tolls on eligible toll facilities.

30 (2) All revenue from an eligible toll facility must be used only
31 to construct, improve, preserve, maintain, manage, or operate the
32 eligible toll facility on or in which the revenue is collected.
33 Expenditures of toll revenues are subject to appropriation and must
34 be made only:

35 (a) To cover the operating costs of the eligible toll facility,
36 including necessary maintenance, preservation, administration, and
37 toll enforcement by public law enforcement within the boundaries of
38 the facility;

1 (b) To meet obligations for the repayment of debt and interest on
2 the eligible toll facilities, and any other associated financing
3 costs including, but not limited to, required reserves and insurance;

4 (c) To meet any other obligations to provide funding
5 contributions for any projects or operations on the eligible toll
6 facilities;

7 (d) To provide for the operations of conveyances of people or
8 goods; or

9 (e) For any other improvements to the eligible toll facilities.

10 NEW SECTION. **Sec. 15.** The following acts or parts of acts are
11 each repealed:

12 (1) RCW 35.74.050 (Authority to operate toll bridges—Toll rate
13 review and approval by tolling authority) and 2008 c 122 s 15 & 1965
14 c 7 s 35.74.050;

15 (2) RCW 35.74.060 (Prerequisites of grant of franchise—Approval
16 of bridge—Tolls) and 1965 c 7 s 35.74.060; and

17 (3) RCW 35.74.070 (License fees—Renewal of license) and 1965 c 7
18 s 35.74.070.

--- END ---

SENATE BILL 5255

State of Washington **66th Legislature** **2019 Regular Session**

By Senators Sheldon, Honeyford, and Short

Read first time 01/16/19. Referred to Committee on Transportation.

1 AN ACT Relating to prohibiting road usage charges in rural
2 counties; and adding a new section to chapter 46.08 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.08
5 RCW to read as follows:

6 The state of Washington is prohibited from imposing or collecting
7 any new road usage charge, vehicle miles traveled fee, or other
8 similar type of comparable charge, tax, or fee, in rural counties as
9 defined in RCW 43.160.020. This prohibition shall be liberally
10 construed.

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SENATE BILL 5254

State of Washington

66th Legislature

2019 Regular Session

By Senators Sheldon and Conway

1 AN ACT Relating to modifying the operation of motorcycles on
2 roadways laned for traffic; amending RCW 46.61.608 and 47.52.025;
3 prescribing penalties; and providing an expiration date.

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

5 **Sec. 1.** RCW 46.61.608 and 2013 c 139 s 1 are each amended to
6 read as follows:

7 (1) All motorcycles are entitled to full use of a lane and no
8 motor vehicle shall be driven in such a manner as to deprive any
9 motorcycle of the full use of a lane. This subsection shall not apply
10 to motorcycles operated two abreast in a single lane.

11 (2) (a) The operator of a motorcycle shall not overtake and pass
12 in the same lane occupied by the vehicle being overtaken, except on
13 the left-hand side of a vehicle traveling in the left-most lane of
14 traffic on a numbered state route that is a divided highway having
15 two or more lanes of traffic in each direction separated by a
16 physical barrier or unpaved median if the operator of the motorcycle
17 is traveling at a rate of speed no more than ten miles per hour over
18 the speed of traffic flow and not more than twenty-five miles per
19 hour. (~~However, this subsection shall not apply~~) When the operator
20 of a motorcycle overtakes and passes a pedestrian or bicyclist

1 (~~while maintaining~~), the operator shall maintain a safe passing
2 distance of at least three feet.

3 (b) Any operator of a motor vehicle that intentionally impedes or
4 attempts to prevent any operator of a motorcycle from operating his
5 or her motorcycle as permitted under this subsection is guilty of a
6 traffic infraction.

7 (3) No person shall operate a motorcycle between lanes of traffic
8 or between adjacent lines or rows of vehicles.

9 (4) Motorcycles shall not be operated more than two abreast in a
10 single lane.

11 (5) Subsections (2) and (3) of this section shall not apply to
12 police officers in the performance of their official duties.

13 **Sec. 2.** RCW 47.52.025 and 2013 c 26 s 3 are each amended to read
14 as follows:

15 (1) Highway authorities of the state, counties, and incorporated
16 cities and towns, in addition to the specific powers granted in this
17 chapter, shall also have, and may exercise, relative to limited
18 access facilities, any and all additional authority, now or hereafter
19 vested in them relative to highways or streets within their
20 respective jurisdictions, and may regulate, restrict, or prohibit the
21 use of such limited access facilities by various classes of vehicles
22 or traffic. Such highway authorities may reserve any limited access
23 facility or portions thereof, including designated lanes or ramps for
24 the exclusive or preferential use of (a) public transportation
25 vehicles, (b) privately owned buses, (c) motorcycles, (d) private
26 motor vehicles carrying not less than a specified number of
27 passengers, or (e) the following private transportation provider
28 vehicles if the vehicle has the capacity to carry eight or more
29 passengers, regardless of the number of passengers in the vehicle,
30 and if such use does not interfere with the efficiency, reliability,
31 and safety of public transportation operations: (i) Auto
32 transportation company vehicles regulated under chapter 81.68 RCW;
33 (ii) passenger charter carrier vehicles regulated under chapter 81.70
34 RCW, except marked or unmarked stretch limousines and stretch sport
35 utility vehicles as defined under department of licensing rules;
36 (iii) private nonprofit transportation provider vehicles regulated
37 under chapter 81.66 RCW; and (iv) private employer transportation
38 service vehicles, when such limitation will increase the efficient
39 utilization of the highway facility or will aid in the conservation

1 of energy resources. Regulations authorizing such exclusive or
2 preferential use of a highway facility may be declared to be
3 effective at all time or at specified times of day or on specified
4 days.

5 (2) Any transit-only lanes that allow other vehicles to access
6 abutting businesses that are reserved pursuant to subsection (1) of
7 this section may not be authorized for the use of private
8 transportation provider vehicles as described under subsection (1) of
9 this section.

10 (3) Highway authorities of the state, counties, or incorporated
11 cities and towns may prohibit the use of limited access facilities by
12 the following private transportation provider vehicles: (a) Auto
13 transportation company vehicles regulated under chapter 81.68 RCW;
14 (b) passenger charter carrier vehicles regulated under chapter 81.70
15 RCW, and marked or unmarked limousines and stretch sport utility
16 vehicles as defined under department of licensing rules; (c) private
17 nonprofit transportation provider vehicles regulated under chapter
18 81.66 RCW; and (d) private employer transportation service vehicles,
19 when the average transit speed in the high occupancy vehicle travel
20 lane fails to meet department standards and falls below forty-five
21 miles per hour at least ninety percent of the time during the peak
22 hours for two consecutive months.

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

28 (b) The process must provide a list of facilities that the local
29 authority determines to be unavailable for use by the private
30 transportation provider and must provide the criteria used to reach
31 that determination.

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

34 (5) When the department has opened the use of the shoulder of a
35 limited access facility for public transportation vehicles, the
36 department must allow motorcycles to use the shoulder during the same
37 time periods and conditions.

38 (6) For the purposes of this section, "private employer
39 transportation service" means regularly scheduled, fixed-route
40 transportation service that is similarly marked or identified to

1 display the business name or logo on the driver and passenger sides
2 of the vehicle, meets the annual certification requirements of the
3 department, and is offered by an employer for the benefit of its
4 employees.

5 NEW SECTION. **Sec. 3.** Section 1 of this act expires July 31,
6 2022.

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