



# INITIATIVE MEASURE 985

Proposed by Initiative Petition

## Official Ballot Title:

Initiative Measure No. 985 concerns transportation.

This measure would open high-occupancy vehicle lanes to all traffic during specified hours, require traffic light synchronization, increase roadside assistance funding, and dedicate certain taxes, fines, tolls and other revenues to traffic-flow purposes.

Should this measure be enacted into law?

Yes [ ] No [ ]

**Note:** The Official Ballot Title was written by the Attorney General as required by law. The Explanatory Statement was written by the Attorney General as required by law. The Fiscal Impact Statement was written by the Office of Financial Management. For more in-depth fiscal analysis, visit [www.ofm.wa.gov/initiatives](http://www.ofm.wa.gov/initiatives). The complete text of Initiative Measure 985 begins on page 25.



## Fiscal Impact Statement

### Proposed I-985 Fiscal Impact Statement

Over five years, approximately \$622.6 million would be redirected from projects and activities supported by state and local general and transportation funds to congestion relief activities. This would include \$224.2 million for opening carpool lanes to general traffic during off-peak hours, \$65.7 million for synchronizing traffic lights, \$18 million for additional emergency relief and \$1.4 million for the State Auditor to monitor performance. The remaining \$312.9 million would be available for other congestion relief activities, including expanding road capacity. Funds would not be allowed for bike paths, landscaping, wildlife crossings, park and ride lots, ferries, trolleys, buses or rail.

### General Assumptions

- Estimates are based upon such sources as trends, current appropriation levels and the last legislatively adopted 16-year transportation financial plan.
- The following have been excluded from this analysis:
  - Most federal funds, as they have regulations that govern their use.
  - Revenues dedicated to outstanding bonds, as they are pledged for specific purposes.
  - Tolling authority for the Tacoma Narrows Bridge, as it is in a different chapter of the law than the statutes amended in the initiative.
  - Toll rate increases, which are not considered “new tolls or charges.”
  - Funds appropriated to agencies for distribution as grants, as opposed to direct appropriations for specific projects.

### Revenue Assumptions

Estimated Revenues Deposited into the Reduce Traffic Congestion Account				
Fiscal Year 2009 to 2013				
	Biennium			Total
	2007-09	2009-11	2011-13	
Red Light Traffic Cameras	\$ 13,043,998	\$ 13,383,998	\$ 13,383,998	\$ 39,811,994
Transportation-Related Public Works Projects	0	4,921,505	3,895,273	8,816,778
Sales and Use Taxes on Motor Vehicles	52,453,000	237,965,000	283,526,000	573,944,000
Toll Revenues	0	0	0	0
<b>Total Revenue</b>	<b>\$ 65,496,998</b>	<b>\$ 256,270,503</b>	<b>\$ 300,805,271</b>	<b>\$ 622,572,772</b>



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## Fiscal Impact Statement (continued)

### Red Light Cameras Revenue Assumptions

- Presently, no counties and 12 cities have automated traffic safety camera programs.
- Revenues decrease after the first year of use because the number of traffic violations typically decreases following the first year of installation. Estimated revenues assume a 70 percent collection rate.

### Transportation-Related Public Works Projects Revenue Assumptions

- One-half of 1 percent of state appropriations for “transportation related public works projects” would be deposited into the Reduce Traffic Congestion Account. This requirement affects “... all state agencies, including all state departments, boards, councils, commissions, and quasi-public corporations ...” This pertains to state entities only.
- Transportation-related public works projects would not be subject to the one-half of 1 percent allocation for public art.

### Sales and Use Tax Revenue Assumptions

- The 2007–09 revenues represent seven months of collections. Future biennia represent 24 months of collections and growth, as forecast by the Economic and Revenue Forecast Council.

### Toll Revenue Assumptions

- Toll revenues would be used for “construction, operation and maintenance” of toll facilities.
- Operation of toll facilities includes Washington State Patrol enforcement, tow truck operations, emergency response and routine maintenance.
- Tolls may be collected prior to the construction of a toll facility as long as the revenue is for the anticipated expenses identified in a capital or financial plan.
- All projected toll revenues would be planned to be used for operations, maintenance and construction of toll facilities, so there would be no excess revenue assumed to be available for deposit to the Reduce Traffic Congestion Account.

### Assumptions on Costs to Implement I-985

	Estimated Expenditures From the Reduce Traffic Congestion Account			
	Fiscal Year 2009 to 2013			
	Biennium			Total
2007-09	2009-11	2011-13		
Traffic Light Synchronization	\$ 20,935,000	\$ 20,935,000	\$ 23,870,000	\$ 65,740,000
Red Light Traffic Cameras	14,640	0	0	14,640
Carpool Lanes	200,000	30,000,000	194,000,000	224,200,000
Sales and Use Taxes on Motor Vehicles	27,000	0	0	27,000
Washington State Auditor	200,000	600,000	600,000	1,400,000
Department of Transportation Audit Support	50,000	100,000	100,000	250,000
Emergency Roadside Response	5,636,500	6,190,800	6,190,900	18,018,200
<b>Total Expenditure</b>	<b>\$ 27,063,140</b>	<b>\$ 57,825,800</b>	<b>\$ 224,760,900</b>	<b>\$ 309,649,840</b>

### Traffic Light Synchronization -- Cost to Implement Assumptions

- One-half of the signals would be synchronized in 2009 and one-half in 2010.
- Synchronization would need to be recalibrated every 2 ½ to 3 years.
- The estimated number of signalized intersections in cities is 3,734. At an average cost of \$5,000 per intersection, the total cost to synchronize all intersections for cities would be \$18.7 million, with an additional cost of \$18.7 million for recalibration.
- Approximately 362 signalized intersections are on heavily traveled arterials and streets in King, Pierce, Snohomish and Clark counties. At an average cost of \$5,000 per intersection, the total cost to synchronize all intersections for these counties would be \$1.8 million, with an additional cost of \$1.8 million for recalibration.
- Approximately 405 signalized intersections are on heavily traveled arterials and streets on state-owned highways. At an average cost of \$8,500 per intersection, the total cost to synchronize all intersections on state highways would be \$3.4 million, with an additional cost of \$3.4 million for recalibration. The Washington State Department of Transportation estimates an additional cost of up to \$18 million for the state-owned highways only.
- Costs to take full advantage of real-time synchronization, such as staffing of traffic operations centers and traffic cameras, are not included.



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## *Fiscal Impact Statement* (continued)

### **Carpool Lanes -- Cost to Implement Assumptions**

Opening carpool lanes to general purpose traffic during off-peak hours requires:

- Installation or modification of variable speed limit and lane use control systems for 50 miles of HOV lanes at approximately \$4 million per mile, for a total of \$200 million over five years.
- Installation of access ramp gates and electronic signing at eight locations, estimated at about \$2 million per location, for a total of \$16 million over five years.
- Installation of additional ramp meters, at a cost of \$6 million over five years.
- Replacement of 700 HOV signs to comply with requirements, at a cost of \$2.2 million.
- Implementation would be staged over the five years, in part due to the need to obtain federal approval to make changes to HOV lanes.
- King County Metro estimates that opening carpool lanes to general purpose traffic would reduce efficiency of transit vehicles by about 10 percent. King County's cost is estimated to be approximately \$15 million over five years, due primarily to additional fuel and labor costs. Impact to other transit districts has not been assessed, but is assumed to be the equivalent of the King County impact.

### **State Auditor -- Cost to Implement Assumptions**

- The State Auditor's Office would incur a one-time cost of \$100,000 to \$200,000 to develop the benchmarks and best practices required, and annual monitoring and reporting costs of \$200,000 to \$300,000.
- The Department of Transportation would incur costs to support the State Auditor's work, at a cost of \$50,000 per year.

### **Emergency Roadside Assistance -- Cost to Implement Assumptions**

- Although I-985 requires additional funds to be spent on emergency roadside assistance, it does not specify how much of an increase is expected. For the purpose of this analysis, additional funds are assumed to be provided to the Washington State Department of Transportation and the Washington State Patrol.
- The Washington State Department of Transportation estimates include an additional 10 emergency roadside assistance vehicles and 10 full-time equivalent employees (FTEs) to respond to 17,978 incidents per biennium.
- The Washington State Patrol estimates include 13 more troopers in the central Puget Sound Region; three more FTEs to improve accident investigations, enforcement, education and coordination with other jurisdictions; and additional equipment for troopers and investigation staff.

### **Assumptions related to fund shifts and revenue losses**

- Estimated revenue loss to cities from red light traffic camera infractions would be \$40 million over five years.
- Not charging tolls during off-peak hours on SR-167 HOT lanes would result in a 33 percent loss of funds, or a total loss of \$3.1 million over five years.
- Washington state transit agencies are estimated to lose about \$20 million over five years in federal transit funds due to the opening of carpool lanes to general traffic during non-peak periods.
- The Washington State Arts Commission would lose \$500,000 over five years.
- The state general fund would be reduced by \$573.9 million over five years. The general fund is used for education, public safety, social services and general government.





# INITIATIVE MEASURE 985

## *Explanatory Statement*

### **The law as it presently exists:**

Existing law authorizes the state department of transportation and local governments to reserve all or any portion of a highway under their respective jurisdictions for the exclusive or preferential use of public transportation vehicles or private motor vehicles carrying no fewer than a specified number of passengers. These restricted lanes are typically called “carpool lanes” or “high occupancy vehicle (HOV) lanes.” The standard for restricting roads, ramps, or lanes for this purpose is whether the limitation “will increase the efficient utilization of the highway or will aid in the conservation of energy resources.” Using this standard, the department of transportation and local governments may determine which highways, ramps, and lanes will be reserved and what restrictions will be applied to particular sections of roadway.

The department of transportation is authorized to establish a pilot project of high-occupancy toll lanes on State Route 167 in King County. The department is authorized to establish and to automatically adjust toll charges for use of these lanes and to change the toll charge by time of day, level of traffic congestion, vehicle occupancy, or other appropriate criteria. Revenue from the high-occupancy toll lanes is deposited in an account in the state treasury and may be spent only as appropriated by the legislature. Existing law authorizes use of the funds for toll lane purposes and certain other purposes, and provides that a reasonable proportion of the funds will be used to improve transit, vanpool, carpool, and trip reduction services in the State Route 167 corridor.

Under existing law, the state levies and collects a tax on each retail sale in the state equal to 6.5% of the selling price and an additional tax of three-tenths of one percent (0.3%) on each retail sale of a motor vehicle (but not retail car rentals). Existing law does not require that any specific portion of this tax revenue be set aside for traffic congestion purposes.

Existing law authorizes the use of automated traffic safety cameras for issuance of notices of traffic infractions in certain circumstances. Revenue from infractions based on the use of traffic safety cameras is deposited into the current expense fund of the county or city using the camera.

Under existing law, all state agencies are required to set aside one-half of one percent (0.5%) of any appropriation for the original construction of any public building for the acquisition of works of art. These funds are expended by the state arts commission. The works of art may be placed on public lands or may be included in exhibitions in public facilities. The arts program does not include appropriations for buildings of a temporary nature.

The state transportation commission is authorized to determine and establish tolls and charges for the use of toll bridges and other toll facilities, including Washington state ferries. Tolls and revenues received from the operation of any toll bridge constructed with the proceeds of bonds are paid over to the state treasurer and deposited in trust funds set apart from all other funds. Such funds shall be applied for the payment of principal and interest of bonds. If the bond contracts do not require surplus revenues to be held in any particular manner, they are held and used for other purposes incidental to the construction, operation, and maintenance of the toll bridge or bridges for which the bonds were sold.

### **The effect of the proposed measure, if approved:**

This measure would restrict the authority of the department of transportation and of local governments to define carpool lanes and to determine how to manage their use. The measure would define “carpool lanes” to include high-occupancy vehicle lanes, including express lanes, high-occupancy toll lanes, off-ramp bypass lanes, and on-ramp bypass lanes on any highway, freeway, or roadway in the state. The measure would define the term “peak hours” to include the hours between 6:00 a.m. and 9:00 a.m. and the hours between 3:00 p.m. and 6:00 p.m., Monday through Friday. All other hours would be defined as “non-peak hours.” The measure would open all carpool lanes (as defined) during non-peak hours for use by all traffic otherwise lawfully abiding by the rules of the road. During peak hours, the use of carpool lanes would be limited to motor vehicles carrying two or more persons, or motorcycles carrying one or more persons. Tolls could not be charged on any vehicle in a high-occupancy toll lane during non-peak hours.

The measure would require cities and counties to synchronize the traffic lights on heavily-traveled arterials and streets within their jurisdictions to optimize traffic flow. The state and other local governments would be required to synchronize traffic on





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### *Explanatory Statement* (continued)

heavily-traveled arterials and streets falling within their respective responsibilities. The state auditor would be directed to identify and establish performance benchmarks on traffic light synchronization and to investigate and track progress on these benchmarks.

The measure would direct the department of transportation and other governmental entities to rapidly respond to traffic accidents and other obstructions on highways, roads, and streets, and to clear these accidents and obstructions as expeditiously as possible. The state auditor would be directed to identify and establish performance benchmarks on this requirement and to investigate and track progress on these benchmarks.

A portion of the revenues collected through the levy of the state sales tax (15% of the amount of sales tax revenue collected from the sale of motor vehicles, except for retail car rentals) would be placed in a Reduce Traffic Congestion Account established by the measure.

In addition to the sales revenues, the following revenues would be placed in the new account: certain tolls and charges; revenue from certain infractions dedicated to reducing traffic congestion; and one-half of one percent (.05%) of the money appropriated for any transportation-related public works project. (Funds previously dedicated to the acquisition of art for such projects would be redirected to use for traffic congestion.) Revenue from infractions detected with the use of automated traffic safety cameras would also be deposited in the Reduce Traffic Congestion Account.

Moneys in the Reduce Traffic Congestion Account could be spent only after appropriation, and could be used for only the following purposes: to pay for costs associated with the opening of carpool lanes to all traffic during non-peak hours; to pay for costs associated with synchronizing traffic on heavily-traveled arterials and streets; to provide increased funding for emergency roadside assistance; to provide funding for the activities of the state auditor in implementing the measure; and to otherwise reduce traffic congestion. However, the fund could not be used for creating, maintaining, or operating bike paths or lanes, wildlife crossings, landscaping, park and ride lots, ferries, trolleys, buses, monorail, light rail, or heavy rail.

The measure would limit the use of revenue from new tolls and charges on bridges and other toll facilities. Except for tolls relating to the Washington state ferries, revenue from new tolls that exceeds the cost of construction, operation, or maintenance of toll facilities and new capital improvements to highways, freeways, roads, bridges, and streets, would be deposited in the Reduce Traffic Congestion Account and spent in accordance with the above-described purposes of that account.



## Statement For Initiative Measure 985

### I-985 IMPLEMENTS COMMON SENSE REFORMS BASED ON RECOMMENDATIONS FROM STATE AUDITOR BRIAN SONNTAG'S THOROUGH INVESTIGATION

Requiring local governments to synchronize traffic lights on heavily-traveled arterials and streets – this single reform reduces traffic congestion 6-7%. Clearing out accidents faster – absolutely. Opening carpool lanes to everyone during non-peak hours – it's what other states do and illustrates that increased capacity reduces congestion. But politicians arrogantly refuse to implement ANY of Auditor Sonntag's recommendations.

### STATE AUDITOR BRIAN SONNTAG'S 2007 REPORT: "CITIZENS HAVE IDENTIFIED CONGESTION AS A PRIORITY, AND THEREFORE ...

... SO MUST THE DEPARTMENT OF TRANSPORTATION AND THE LEGISLATURE." Democrat Sonntag's performance audit on transportation reported 80% of citizens wanted "reducing traffic congestion" to be the top transportation priority. Taxpayers pay billions in taxes and fees every year – they expect their money to strongly support the people's top transportation priority: reducing the time it takes to drive our vehicles from point A to point B. Sonntag's audit and I-985 advocate getting better use from existing streets and highways while also addressing chokepoints with increased capacity to significantly reduce travel times for everyone. Approving I-985 tells politicians that voters want this approach.

### I-985 DEDICATES EXISTING TRANSPORTATION-RELATED REVENUES THAT ARE CURRENTLY BEING DIVERTED TO NON-TRANSPORTATION SPENDING

I-985 DOESN'T RAISE TAXES, instead it dedicates red light camera profits, a small portion of vehicle sales taxes, and "1/2% for reducing congestion" for any transportation-related project (removes "1/2% for public art") to reducing congestion. I-985 guarantees that tolls won't be diverted to non-transportation spending, dedicating it instead to its project. And I-985 empowers Auditor Sonntag to track revenues and expenditures, helping implement I-985's reforms and reporting regularly to the public on its progress.

### WASHINGTON'S THE 5<sup>TH</sup> HIGHEST TAXED STATE IN THE NATION – I-985 KEEPS US FROM HITTING #1

Taxpayers are tapped out. I-985 tells politicians to prioritize, spending what we already pay more effectively. Vote Yes.

For more information, visit [www.ReduceCongestion.org](http://www.ReduceCongestion.org) or call (425) 493-8707.

### Rebuttal of Statement Against

Opponents' proposals *force taxpayers to pay more* – I-985 forces politicians to spend existing revenues more effectively, implementing immediate, cost-effective solutions.

Sonntag hired world-class transportation experts – their professional, independent analysis showed Sonntag's reforms will reduce congestion 15-20%, provide \$3 billion boost to our state's struggling economy **BENEFITTING EVERYONE**. I-985's opening HOV (express, carpool, bus-only) lanes during non-peak hours reduces congestion.

Tell politicians: don't take more from taxpayers, adopt Sonntag's growing list of audit recommendations.

#### Voters' Pamphlet Argument Prepared by:

ERMA TURNER, beauty shop owner, gathered 3,288 signatures, Cle Elum; STEVEN BENCZE, retired warehouseman, fisherman/hunter, gathered 2,567 signatures, Othello; ERIC PHILLIPS, hiker, label company owner, gathered 2,255 signatures, Everett; KAREN CURRY, housewife, husband Lee (plumber), gathered 1,789 signatures, Yakima; ANDRE GARIN, retired postal worker, bowler, gathered 1,469 signatures, Vancouver; MIKE DUNMIRE, husband, community leader, retired businessman, initiative volunteer, Woodinville.

## Statement Against Initiative Measure 985

### VOTE NO ON I-985 BECAUSE IT TAKES AWAY MONEY FROM THINGS WASHINGTON RESIDENTS BADLY NEED.

I-985 is really about shortchanging local communities and working families, not relieving congestion. I-985 siphons more than \$600 million in sales taxes over 5 years, from taxpayers all across the state, to pay for a *handful of mostly Seattle-area highways*.

Paying for I-985 will either require new taxes, or cuts in schools, criminal justice, and other priorities. The state is already facing a budget deficit. *I-985 makes a bad situation worse. Bad idea. Vote no.*

### I-985 INCREASES THE COST OF TRANSPORTATION PROJECTS IN EVERY PART OF THE STATE.

I-985 takes half a percent of state money from transportation projects everywhere in Washington for a special fund that *won't benefit local traffic*. Local communities will have to pay more to make up the difference.

*People from the four corners of the state shouldn't pay more for road projects only where congestion is worst. Unfair. Vote No.*

### SOUND BITES DON'T FIX TRAFFIC: INDEPENDENT TRAFFIC ENGINEERS THINK THAT I-985 COULD MAKE CONGESTION WORSE.

I-985 orders big changes that haven't been thought through or tested. For example: it would open up city bus-only lanes to cars. That would complicate traffic and make bus trips slower.

Worse, I-985 could *create new crash hazards*. Left-hand freeway ramps designed only for high occupancy vehicles would be open to more traffic, risking unexpected backups, accidents, and even ramp closures to preserve safety. *Don't make traffic worse. Vote no.*

### I-985 DOESN'T TELL YOU EXACTLY HOW AND WHERE CONGESTION FUNDS WILL BE SPENT.

I-985 creates a new pot of money, but doesn't say specifically how it will be used. Initiatives shouldn't be vague on what will be done with your money. *Demand accountability. Vote no.*

For more information, visit [www.NoOn985.com](http://www.NoOn985.com) or call (877) 871-8051.

### Rebuttal of Statement For

*Don't be fooled. I-985 Actually Makes Traffic Worse. Read Auditor Sonntag's Report!*

His experts didn't recommend monkeying with carpool lanes.

Or taking taxes from other programs to spend on a few highway projects. (Besides, art funding's a myth; state highway money doesn't go to art!)

With I-985, *taxpayers pay more and transportation actually gets worse.*

Join traffic experts, mayors, educators, and business, civic and union leaders. Reject *bad tax policy and backwards traffic ideas. Vote No!*

#### Voters' Pamphlet Argument Prepared by:

JOHN STANTON, businessman and civic leader on transportation reform; CAROL MOSER, State Transportation Commission (own, not Commission, behalf), Richland; DOUG MACDONALD, former Secretary, Washington State Department of Transportation; CARY BOZEMAN, Mayor, City of Bremerton, former Mayor, Bellevue; MIKE O'BRIEN, Chair, Sierra Club Cascade Chapter; DENIS HAYES, environmental leader and co-founder of Earth Day.



AN ACT Relating to reducing traffic congestion on public highways, freeways, streets, and roads; amending RCW 46.61.165, 47.66.090, 47.56.403, 82.08.020, 43.17.200, 43.46.090, 47.56.030, 47.56.160, and 47.56.170; reenacting and amending RCW 46.63.110; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 46.68 RCW; creating new sections; and providing an effective date.

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

#### **POLICIES AND PURPOSES**

**NEW SECTION. Sec. 1.** During these tough economic times, the people deserve a common sense proposal to reduce traffic congestion by implementing basic congestion relief strategies and improving Washington's transportation system with better use of existing public resources.

In 2005, the voters of Washington overwhelmingly approved Initiative 900 granting the state auditor the power to conduct independent, comprehensive performance audits of state and local governments. The auditor was hired by the people to determine ways for government to deliver services as effectively and efficiently as possible. Through extensive outreach with citizens, including focus groups and town hall meetings, in 2006, the state auditor learned that eighty percent of citizens said reducing traffic congestion is their number one transportation priority. Traffic congestion incurs incredible costs to citizens, businesses and government; it is an important aspect of transportation and is an indicator of how well the state's transportation system is working. Reducing traffic congestion means minimizing vehicle trip delays, the amount of time it takes a vehicle to get from point A to point B. So the state auditor contracted with the prestigious auditing firm of Talbot, Korvola and Warwick, LLP who brought years of experience in performance auditing. They hired subject-matter experts with internationally recognized experience in traffic and congestion management. Members of the audit team had more than two hundred years' of cumulative experience auditing transportation systems. In October 2007, the state auditor released the results of their independent performance audit report "Managing and Reducing Congestion." Their number one finding was that traffic congestion relief is not a top priority of the department of transportation so the audit's fundamental recommendation was: "Commit to congestion management and reduction as a primary goal." The anger, defensiveness, and condescending dismissal of the report by the department of transportation, the legislature, and the governor was swift and resolute. The new head of the department of transportation rejected the recommendations on the day they were released. House of representatives and senate transportation committees refused to acknowledge the report or even hold a public hearing as required under Initiative 900. At the public hearing held by an unaffiliated legislative committee, legislators lashed out at the state auditor for even broaching the topic. The governor's

chief of staff said citizens do not understand transportation and simply take for granted what government does. Legislators quoted from statutes that no longer existed to defend the status quo. Some promised legislative retribution on the state auditor and interference in future audits, which is illegal under Initiative 900. The state auditor identified and retained internationally recognized experts in state, federal and international transportation issues. Their recommendations are crystal clear. This act provides voters with the opportunity to implement the strategies recommended in the report that will have an immediate impact on reducing traffic congestion using existing infrastructure and resources. Upon its approval by the voters, it is incumbent upon the department of transportation, the legislature, and the governor to listen to the people and make traffic congestion management and reduction the primary goal of transportation. As State Auditor Brian Sonntag says in his accompanying letter to the report: "Citizens have identified congestion as a priority, and therefore, so must the Department (of Transportation) and the Legislature." It is clear from the establishment's reaction to this transportation performance audit that the only way for voters to change the attitude of those in power is to approve this act.

This measure would open carpool lanes during non-peak hours, require synchronization of traffic lights on heavily-traveled arterials and streets, increase funding for emergency roadside assistance, and dedicate a portion of existing vehicle-related revenue for these purposes.

The intent of sections 2 and 3 of this act: We all pay taxes for our carpool lanes, so everyone should be allowed to use them at least some of the time. This act strikes a reasonable balance by allowing our carpool lanes to be open to everyone during non-peak hours, meaning midday and evenings on weekdays and all day and all night on weekends. Existing road capacity must be utilized to maximize its effectiveness. How can we increase road capacity and reduce traffic congestion on our most congested highways and roadways without spending billions of dollars? By opening our carpool lanes to everyone during non-peak hours. This will quickly, significantly, and cost-effectively relieve traffic congestion and increase traffic flow on our most congested highways and roadways and illustrate that increased road capacity results in reduced traffic congestion. These sections do not create or impose new tolls on carpool lanes; but if tolls or charges are imposed on carpool lanes, then these sections ensure that the toll revenue is used to reduce traffic congestion.

The intent of sections 4 and 15(1)(b) of this act: due to the voters' approval of Initiative 960 in 2007, any tolls or charges must be decided and approved by a simple-majority vote of the Legislature, not unilaterally imposed by unelected bureaucrats on the transportation commission. Such decisions are too important and too impactful to be made by anyone other than our elected representatives.

The intent of sections 5 and 6 of this act: To increase traffic flow and reduce traffic congestion, each city must synchronize the traffic signals on heavily-traveled arterials and streets within its jurisdiction. Heavily-traveled arterials and streets include routes of regional and local significance and include major and secondary arterials and streets. For heavily-traveled arterials and streets outside of a city, the county must synchronize the traffic signals. For



heavily-traveled arterials and streets that are the responsibility of the state or other local government, it is the responsibility of the state or other local government to synchronize the traffic signals. What is the use of having a top-notch Medic One system if it simply gets stuck in traffic? Synchronizing traffic lights ensures increased traffic flow, reduced traffic congestion, and better safety. Transferring goods to and from our ports, and other freight mobility necessities, are hampered by stop-and-go traffic at successive traffic lights. Reducing traffic congestion and increasing traffic flow is critical for freight mobility. Synchronization of traffic signals is a coordinated set of timing plans for a group of signals on arterials and streets used to facilitate smooth traffic flow. The objective of synchronizing traffic signals is to allow progression through arterials and streets with the fewest stops at intersections, while minimizing delay for the side street. Synchronizing traffic lights creates more uniform speeds along streets, increases traffic flow, reduces time delays at intersections, and creates opportunities for traffic from side streets to safely enter a main street. This act helps cities, counties, and other governments fund these improvements.

The intent of section 7 of this act: Traffic accidents and other temporary obstructions greatly hinder the smooth flow of traffic and must be responded to and cleared as quickly as possible. This involves coordination, communication, equipment, and manpower. A blocked highway or roadway can result in miles of backups and long delays. A large portion of all traffic congestion is caused by collisions, disabled vehicles, spills, and other events that impede the normal flow of traffic. An initial incident has the potential for creating secondary incidents such as vehicles running out of fuel or overheating, or collisions that occur from lane changing and rapid braking in the initial incident's traffic backup. The quicker the initial incident is cleared, the less time motorists and response personnel are exposed to traffic hazards and the possibility of a secondary collision. The Washington state department of transportation and other government entities and contracted companies, including tow truck operators, must expeditiously assist in the safe, prudent, and quick removal of vehicles and other debris involved in traffic accidents or other temporary obstructions. The people want the roads cleared and drivers helped as quickly as possible to reduce traffic congestion and restore the normal flow of traffic. This act provides increased funding for these programs.

We need to fix what we already have using the taxes we're already paying. Taxpayers can't afford to pay for the mega-platinum option for every mega-project, especially when it's simply to satisfy the aesthetic preferences of Seattle's elite. A perfect example is the decade of debate over the Alaska Way viaduct (Highway 99), a major north-south state highway that everyone is paying for. The people want practical, pragmatic solutions that will reduce traffic congestion, not make it worse. Government too often has a knee-jerk reaction: If their pick-up truck gets a flat tire, rather than repairing the tire, they instead replace the pick-up with a Mercedes. The people want a solution that reduces traffic congestion for the thousands of vehicles that travel over state highways every day, but

at a minimum, it shouldn't be made worse. Taxpayers are already paying billions of dollars in taxes and they expect and demand improvements now, rather than promises of "less bad" decades from now. Taxpayers want transparency and accountability with the focus on solving the problem rather than using the problem to leverage the public to swallow yet another tax increase. It is way past time for the people to get something in return for the taxes they're already paying.

The intent of sections 8 and 9 of this act: In order to reduce traffic congestion, it is essential that existing vehicle taxes be spent on this critical priority. Vehicle purchases generate approximately \$850 million per year in state tax revenue and using 15% of those revenues to reduce traffic congestion is reasonable and prudent. People who purchase vehicles want their taxes to go toward reducing traffic congestion on our roads, streets, and highways at the state and local level.

The intent of section 11 of this act: To provide additional revenue for the policy requirements of this act, moneys collected from fines and civil penalties from red light traffic cameras shall be used to reduce traffic congestion and increase traffic flow.

The intent of sections 12 through 14 of this act: To provide additional revenue for the policy requirements of this act, any transportation-related public works project shall not be required to spend a percentage of its funds on purchases of art, instead a percentage will be dedicated to reducing traffic congestion. Taxpayers don't have bottomless wallets so every dollar possible must go toward the people's top priority: reducing traffic congestion.

The intent of sections 15 through 17 of this act: These sections do not create or impose new tolls; but if tolls or charges are imposed, then these sections ensure taxpayers are protected. There has been talk of simply charging people extra just to drive on existing highways, freeways, roads, and streets, including adding global positioning system (GPS) devices or transponders to vehicles or other methods to collect revenue. If citizens are double-taxed, then any tolls or charges will be used to reduce traffic congestion.

Year after year, Washington voters have repeatedly rejected the business-as-usual, the-only-solution-is-a-tax-increase mentality. During these tough economic times, the people deserve a common sense proposal to reduce traffic congestion and increase traffic flow by implementing basic traffic congestion relief strategies and improving Washington's transportation system with better use of existing public resources.

Reduced traffic congestion ensures a growing, thriving economy that is essential in generating the tax revenue necessary to fund government services.

This measure will make travel times faster immediately on our highways and roadways, reduce traffic congestion, increase traffic flow, increase safety and freight mobility, and result in fewer vehicles idling thus decreasing carbon emissions, all by maximizing the use of existing public resources.

#### **OPENS CARPOOL LANES TO EVERYONE DURING NON-PEAK HOURS**

**Sec. 2.** RCW 46.61.165 and 1999 c 206 s 1 are each amended to read as follows:

The state department of transportation and the local authorities are authorized, subject to the requirements in this section, to reserve all





or any portion of any highway under their respective jurisdictions as carpool lanes, including any designated lane or ramp, for the exclusive or preferential use of public transportation vehicles or private motor vehicles carrying no fewer than a specified number of passengers when ((such)) the limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources. Regulations authorizing ((such)) exclusive or preferential use of a highway facility ((may be declared to be)) are effective ((at all times or)) only at the specified times of day ((or)) and on the specified days designated in this section. In order to reduce traffic congestion, existing road capacity must be utilized to maximize its effectiveness. On and after December 4, 2008, all carpool lanes shall be opened during non-peak hours for use by all traffic otherwise lawfully abiding by the rules of the road of this state, including RCW 46.61.100. This policy shall be in effect for any carpool lane in effect on January 1, 2008, and for any new or expanded carpool lanes designated after January 1, 2008, on any highway, freeway, or roadway in the state. Electronic and nonelectronic signage must be substantially updated and expanded to ensure that drivers are fully alerted to the policies required under this section.

For the purposes of this section:

(1) “Carpool lanes” are high-occupancy vehicle lanes, including express lanes, lanes like those established under RCW 47.56.403, off-ramp bypass lanes, and on-ramp bypass lanes on any highway, freeway, or roadway in the state.

(2) “Non-peak hours” mean midday on weekdays, evenings on weekdays, and all day and all night on weekends.

(a) “Midday on weekdays” is between the hours of 9:00 a.m. and 3:00 p.m. on Monday through Friday;

(b) “Evenings on weekdays” are between the hours of 6:00 p.m. and 6:00 a.m. on Monday through Thursday;

(c) “All day and all night on weekends” is between the hours of 6:00 p.m. on Friday and 6:00 a.m. on Monday;

(d) “Peak hours” are between the hours of 6:00 a.m. and 9:00 a.m. and 3:00 p.m. and 6:00 p.m. on Monday through Friday.

(3) During hours not specified as non-peak hours under this section, the use of carpool lanes by a motor vehicle is limited to those carrying two or more persons, except in the case of a motorcycle, which may use a carpool lane if carrying one or more persons.

(4) A governmental entity, authority, or agency shall not avoid the requirements of this section by redesignating a carpool lane as another name or designation.

(5) To reduce traffic congestion by encouraging traffic to use carpool lanes during non-peak hours, a toll may not be charged on any vehicle in a high-occupancy toll lane under RCW 47.56.403 during non-peak hours, and any tolls or charges imposed and collected for such lanes during peak hours which exceeds the costs identified in section 3 of this act must be deposited in the Reduce Traffic Congestion Account created in section 10 of this act.

This section does not restrict the operation of RCW 46.44.080, 46.61.100, or 46.61.135, thus continuing restricted truck usage of

city streets.

Violation of a restriction of highway usage prescribed by the appropriate authority under this section is a traffic infraction.

Sec. 3. RCW 47.66.090 and 2005 c 312 s 4 are each amended to read as follows:

The high-occupancy toll lanes operations account is created in the state treasury. The department shall deposit ((~~the~~)) only those revenues received by the department as toll charges collected from high-occupancy toll lane users that are necessary to cover the costs of construction and operation of the toll lanes. Moneys in this account may be spent only if appropriated by the legislature. ((~~Moneys in this account may be used for, but be not limited to, debt service, planning, administration, construction, maintenance, operation, repair, rebuilding, enforcement, and expansion of high-occupancy toll lanes and to increase transit, vanpool and carpool, and trip reduction services in the corridor. A reasonable proportion of the moneys in this account must be dedicated to increase transit, vanpool, carpool, and trip reduction services in the corridor. A reasonable proportion of the moneys in this account must be dedicated to increase transit, vanpool, carpool, and trip reduction services in the corridor.~~)) All toll charge revenues exceeding these costs shall be dedicated to reducing traffic congestion and be deposited in the Reduce Traffic Congestion Account created in section 10 of this act.

Sec. 4. RCW 47.56.403 and 2005 c 312 s 3 are each amended to read as follows:

(1) The department may provide, subject to the requirements of RCW 46.61.165, 47.66.090, and any other applicable law, for the establishment, construction, and operation of a pilot project of high-occupancy toll lanes on state route 167 high-occupancy vehicle lanes within King county. The department may issue, buy, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction of high-occupancy toll lanes, carry insurance, and handle any other matters pertaining to the high-occupancy toll lane pilot project.

(2) Tolls for high-occupancy toll lanes will be established as follows:

(a) The schedule of toll charges for high-occupancy toll lanes must be established by the transportation commission and collected in a manner determined by the commission.

(b) Toll charges shall not be assessed on transit buses and vanpool vehicles owned or operated by any public agency.

(c) The department shall establish performance standards for the state route 167 high-occupancy toll lane pilot project. The department must automatically adjust the toll charge, using dynamic tolling, to ensure that toll-paying single-occupant vehicle users are only permitted to enter the lane to the extent that average vehicle speeds in the lane remain above forty-five miles per hour at least ninety percent of the time during peak hours as defined in RCW 46.61.165. The toll charge may vary in amount by time of day, level of traffic congestion within the highway facility, vehicle occupancy, or other criteria, as the commission may deem appropriate. The commission may also vary toll charges for single-occupant inherently low-emission vehicles such as those powered by electric batteries, natural gas, propane, or other clean burning fuels.

(d) The commission shall periodically review the toll charges to determine if the toll charges are effectively maintaining travel



time, speed, and reliability on the highway facilities.

(3) The department shall monitor the state route 167 high-occupancy toll lane pilot project and shall annually report to the transportation commission and the legislature on operations and findings. At a minimum, the department shall provide facility use data and review the impacts on:

- (a) Freeway efficiency and safety;
- (b) Effectiveness for transit;
- (c) Person and vehicle movements by mode;
- (d) Ability to finance improvements and transportation services through tolls; and
- (e) The impacts on all highway users. The department shall analyze aggregate use data and conduct, as needed, separate surveys to assess usage of the facility in relation to geographic, socioeconomic, and demographic information within the corridor in order to ascertain actual and perceived questions of equitable use of the facility.

(4) The department shall modify the pilot project to address identified safety issues and mitigate negative impacts to high-occupancy vehicle lane users.

(5) Authorization to impose high-occupancy vehicle tolls for the state route 167 high-occupancy toll pilot project expires if either of the following two conditions apply:

- (a) If no contracts have been let by the department to begin construction of the toll facilities associated with this pilot project within four years of July 24, 2005; or
- (b) Four years after toll collection begins under this section.

(6) The department of transportation shall adopt rules that allow automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits.

(7) The conversion of a single existing high-occupancy vehicle lane to a high-occupancy toll lane as proposed for SR-167 must be taken as the exception for this pilot project.

(8) A violation of the lane restrictions applicable to the high-occupancy toll lanes established under this section is a traffic infraction.

(9) Procurement activity associated with this pilot project shall be open and competitive in accordance with chapter 39.29 RCW.

#### **REQUIRES SYNCHRONIZATION OF TRAFFIC LIGHTS ON HEAVILY-TRAVELED ARTERIALS AND STREETS**

**NEW SECTION. Sec. 5.** A new section is added to chapter 35.21 RCW to read as follows:

(1) To reduce traffic congestion and increase traffic flow, each city must synchronize the traffic lights on heavily-traveled arterials and streets within its jurisdiction to optimize traffic flow. Heavily-traveled arterials and streets include routes of regional and local significance and include major and secondary arterials as defined in RCW 35.78.010. For heavily-traveled arterials and streets outside of a city, the county must synchronize the traffic lights to

optimize traffic flow. For heavily-traveled arterials and streets that are the responsibility of the state or other local government, the state or other local government must synchronize the arterials' and streets' traffic lights to optimize traffic flow. Cities, counties, and other governments must cooperate and coordinate their efforts in implementing this traffic light synchronization mandate. Funding shall be allocated from the dedicated revenue in the Reduce Traffic Congestion Account created in section 10 of this act to assist efforts after January 1, 2008 by cities, counties, and other governments to synchronize traffic lights to optimize traffic flow and reduce traffic congestion.

(2) The state auditor shall identify and establish performance benchmarks using best practices for traffic light synchronization to optimize traffic flow under this section. The state auditor shall investigate and track local governments' progress on these benchmarks and shall provide information on such progress and other relevant information to the public on a regular basis.

**NEW SECTION. Sec. 6.** A new section is added to chapter 36.01 RCW to read as follows:

(1) To reduce traffic congestion and increase traffic flow, each county must synchronize the traffic lights on heavily-traveled arterials and streets within its jurisdiction to optimize traffic flow. Heavily-traveled arterials and streets include routes of regional and local significance and include major and secondary arterials as defined in RCW 35.78.010. For heavily-traveled arterials and streets in an incorporated city or town, the city or town must synchronize the traffic lights to optimize traffic flow. For heavily-traveled arterials and streets that are the responsibility of the state or other government entity, the state or other government entity must synchronize the traffic lights to optimize traffic flow. Cities, counties, and other governments must cooperate and coordinate their efforts in implementing this traffic light synchronization mandate. Funding shall be allocated from the dedicated revenue in the Reduce Traffic Congestion Account created in section 10 of this act to assist efforts after January 1, 2008 by cities, counties, and other local governments to synchronize traffic lights to optimize traffic flow and reduce traffic congestion.

(2) The state auditor shall identify and establish performance benchmarks using best practices for traffic light synchronization to optimize traffic flow under this section. The state auditor shall investigate and track local governments' progress on these benchmarks and shall provide information on such progress and other relevant information to the public on a regular basis.

#### **INCREASES FUNDING FOR EMERGENCY ROADSIDE ASSISTANCE**

**NEW SECTION. Sec. 7.** A new section is added to chapter 47.01 RCW to read as follows:

(1) To reduce traffic congestion and increase traffic flow, the department of transportation and other governmental entities must rapidly respond to traffic accidents and other obstructions on highways, freeways, roads, and streets, and clear these accidents and obstructions as expeditiously as possible. The department and other governmental entities must receive increased funding for emergency roadside assistance from the dedicated revenue in the Reduce Traffic Congestion Relief Account created in section 10 of this act. To maximize flexibility and response times, the state, the department, and other governmental entities may and are



encouraged to contract out emergency roadside assistance services to private companies, including tow truck operators.

(2) The state auditor shall identify and establish performance benchmarks using best practices for emergency roadside assistance under this section and shall investigate and track progress fulfilling this requirement, providing this and other relevant information to the public on a regular basis.

**DEDICATES A PORTION OF EXISTING VEHICLE-RELATED REVENUE TO HELP FUND THE OPENING OF CARPOOL LANES TO EVERYONE DURING NON-PEAK HOURS, HELP FUND THE SYNCHRONIZATION OF TRAFFIC LIGHTS ON HEAVILY-TRAVELED ARTERIALS AND STREETS, AND INCREASE FUNDING FOR EMERGENCY ROADSIDE ASSISTANCE**

**Sec. 8.** RCW 82.08.020 and 2006 c 1 s 3 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(3) Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(4) For purposes of subsections (3) and (8) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(5) Beginning on December 8, 2005, 0.16 percent of the taxes collected under subsection (1) of this section shall be dedicated to funding comprehensive performance audits required under RCW 43.09.470. The revenue identified in this subsection shall be deposited in the performance audits of government account created in RCW 43.09.475.

(6) The taxes imposed under this chapter shall apply to successive retail sales of the same property.

(7) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

(8) To effectively utilize existing resources to reduce traffic congestion, beginning on December 4, 2008, fifteen percent of the taxes collected under subsection (1) of this section on the retail sale of those vehicles taxed under subsection (3) of this section shall be dedicated to reducing traffic congestion and deposited in the Reduce

Traffic Congestion Account created in section 10 of this act. This subsection (8) of this section dedicates a portion of existing vehicle sales tax revenue and does not raise taxes.

**NEW SECTION. Sec. 9.** A new section is added to chapter 82.12 RCW to read as follows:

Beginning on December 4, 2008, fifteen percent of the taxes collected under RCW 82.12.020 on vehicles taxed under RCW 82.08.020(3) based on the rate in RCW 82.08.020(1) shall be dedicated to reducing traffic congestion and deposited in the Reduce Traffic Congestion Account created in section 10 of this act.

**CREATES "REDUCE TRAFFIC CONGESTION ACCOUNT"**

**NEW SECTION. Sec. 10.** A new section is added to chapter 46.68 RCW to read as follows:

(1) The Reduce Traffic Congestion Account is hereby created in the state treasury as a subaccount of the motor vehicle fund. All receipts from: The fifteen percent of sales and use taxes dedicated in RCW 82.08.020(8) and section 9 of this act; any tolls or charges collected under RCW 46.61.165(5) and 47.66.090; revenue from infractions dedicated to reducing traffic congestion under RCW 43.63.110; appropriate allocated funds under section 13 of this act; and any tolls or charges collected under RCW 47.56.030 and 47.56.170 must be deposited in the subaccount. Moneys in the subaccount may be spent only after appropriation. Expenditures from the subaccount may be used only:

(a) To pay for costs associated with the opening of carpool lanes to everyone during non-peak hours as required under RCW 46.61.165, including new and modified electronic and nonelectronic signage; lane striping, improvements, and maintenance; and shoulder maintenance and improvements, including bumpers;

(b) To pay for costs associated with synchronizing traffic lights on heavily-traveled arterials and streets as required under sections 5 and 6 of this act;

(c) To provide increased funding for emergency roadside assistance as required under section 7 of this act; and

(d) To provide funding for the activities of the state auditor required under this section and sections 5, 6, and 7 of this act.

(2) After payment of costs identified in subsections (1)(a) through (d) of this section, any other purpose which reduces traffic congestion by reducing vehicle delay times by expanding road capacity and general purpose use to improve traffic flow for all vehicles may be provided funding from the subaccount. Purposes to improve traffic flow for all vehicles do not include creating, maintaining, or operating bike paths or lanes, wildlife crossings, landscaping, park and ride lots, ferries, trolleys, buses, monorail, light rail, or heavy rail.

(3) Revenue deposited in the subaccount and not appropriated shall be retained by this subaccount.

(4) To measure the level of compliance with the policies, purposes, and intent of this act, the state auditor shall investigate and track the revenues and expenditures required under this act and shall report this and other relevant information to the public on a regular basis.

**DEDICATES REVENUE FROM RED LIGHT TRAFFIC CAMERAS TO THE "REDUCE TRAFFIC CONGESTION ACCOUNT"**

**Sec. 11.** RCW 46.63.110 and 2007 c 356 s 8 and 2007 c 199 s 28



are each reenacted and amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is five hundred dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter it is immediately payable. If the court determines, in its discretion, that a person is not able to pay a monetary obligation in full, and not more than one year has passed since the later of July 1, 2005, or the date the monetary obligation initially became due and payable, the court shall enter into a payment plan with the person, unless the person has previously been granted a payment plan with respect to the same monetary obligation, or unless the person is in noncompliance of any existing or prior payment plan, in which case the court may, at its discretion, implement a payment plan. If the court has notified the department that the person has failed to pay or comply and the person has subsequently entered into a payment plan and made an initial payment, the court shall notify the department that the infraction has been adjudicated, and the department shall rescind any suspension of the person's driver's license or driver's privilege based on failure to respond to that infraction. "Payment plan," as used in this section, means a plan that requires reasonable payments based on the financial ability of the person to pay. The person may voluntarily pay an amount at any time in addition to the payments required under the payment plan.

(a) If a payment required to be made under the payment plan is delinquent or the person fails to complete a community restitution program on or before the time established under the payment plan, unless the court determines good cause therefor and adjusts the payment plan or the community restitution plan accordingly, the court shall notify the department of the person's failure to meet the conditions of the plan, and the department shall suspend the person's driver's license or driving privilege until all monetary obligations, including those imposed under subsections (3) and (4) of this section, have been paid, and court authorized community restitution has been completed, or until the department has been notified that the court has entered into a new time payment or community restitution agreement with the person.

(b) If a person has not entered into a payment plan with the court and has not paid the monetary obligation in full on or before the time established for payment, the court shall notify the department of the delinquency. The department shall suspend the person's driver's license or driving privilege until all monetary obligations have been paid, including those imposed under subsections (3) and (4) of this section, or until the person has entered into a payment plan under this section.

(c) If the payment plan is to be administered by the court, the court may assess the person a reasonable administrative fee to be wholly retained by the city or county with jurisdiction. The administrative fee shall not exceed ten dollars per infraction or twenty-five dollars per payment plan, whichever is less.

(d) Nothing in this section precludes a court from contracting with outside entities to administer its payment plan system. When outside entities are used for the administration of a payment plan, the court may assess the person a reasonable fee for such administrative services, which fee may be calculated on a periodic, percentage, or other basis.

(e) If a court authorized community restitution program for offenders is available in the jurisdiction, the court may allow conversion of all or part of the monetary obligations due under this section to court authorized community restitution in lieu of time payments if the person is unable to make reasonable time payments.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed:

(a) A fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040;

(b) A fee of ten dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the Washington auto theft prevention authority account; and

(c) A fee of two dollars per infraction. Revenue from this fee shall be forwarded to the state treasurer for deposit in the traumatic brain injury account established in RCW 74.31.060.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of



RCW 46.61.527 shall be assessed an additional penalty of twenty dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.

(b) Eight dollars and fifty cents of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Revenue to be deposited into the county or city current expense fund from infractions issued under RCW 46.63.170 shall instead be dedicated to reducing traffic congestion and be deposited in the Reduce Traffic Congestion Account created in section 10 of this act. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

(9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the court may, at its discretion, enter into a payment plan.

(10) The monetary penalty for violating RCW 46.37.395 is: (a) Two hundred fifty dollars for the first violation; (b) five hundred dollars for the second violation; and (c) seven hundred fifty dollars for each violation thereafter.

**DEDICATES REVENUE PREVIOUSLY  
ALLOCATED TO ART TO THE**

**“REDUCE TRAFFIC CONGESTION ACCOUNT”**

NEW SECTION. Sec. 12. RCW 43.17.200 and 2005 c 36 s 4 are each amended to read as follows:

All state agencies including all state departments, boards, councils, commissions, and quasi public corporations shall allocate, as a nondeductible item, out of any moneys appropriated for the original construction of any public building, except for appropriations after December 4, 2008 for transportation-related public works projects, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art. The works of art may be placed on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. In addition to the cost of the works of art, the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration of the visual arts program, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the works of art. For the purpose of this section,

building shall not include highway construction sheds, warehouses or other buildings of a temporary nature.

NEW SECTION. Sec. 13. To provide additional funds for reducing traffic congestion, all state agencies, including all state departments, boards, councils, commissions, and quasi public corporations shall allocate, as a nondeductible item, out of any moneys appropriated after December 4, 2008 for any transportation-related public works project, an amount of one-half of one percent of the appropriation to be dedicated to reducing traffic congestion and be deposited in the Reduce Traffic Congestion Account created in section 10 of this act. The people find that their top priority is reducing traffic congestion.

Sec. 14. RCW 43.46.090 and 1983 c 204 s 1 are each amended to read as follows:

The legislature recognizes this state’s responsibility to foster culture and the arts and its interest in the viable development of her artists and craftsmen by the establishment of the Washington state arts commission. The legislature declares it to be a policy of this state that a portion of appropriations for capital expenditures, except as provided in RCW 43.17.200 and section 13 of this act, be set aside for the acquisition of works of art to be placed in public buildings or lands. There is hereby established a visual arts program to be administered by the Washington state arts commission.

**CRITICAL TAXPAYER PROTECTION:**

**PREVENTS POLITICIANS FROM DIVERTING TOLL  
REVENUE TO THE GENERAL FUND;  
TOLLS ON A PROJECT GET SPENT ON THE PROJECT**

Sec. 15. RCW 47.56.030 and 2002 c 114 s 19 are each amended to read as follows:

(1) Except as permitted under chapter 47.46 RCW:

(a) The department of transportation shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries, and the operation and maintenance thereof.

(b) The transportation commission shall determine and establish the tolls and charges thereon, subject to all applicable laws, and shall perform all duties and exercise all powers relating to the financing, refinancing, and fiscal management of all toll bridges and other toll facilities including the Washington state ferries, and bonded indebtedness in the manner provided by law. Except for Washington state ferries toll facilities, revenue from any new tolls or charges established after December 4, 2008, that exceed the cost of construction, operation, or maintenance of toll facilities and new capital improvements to highways, freeways, roads, bridges, and streets, shall be dedicated to reducing traffic congestion and deposited in the Reduce Traffic Congestion Account created in section 10 of this act. Except for Washington state ferries toll facilities, in the absence of any capital improvements, revenue from any new tolls or charges established after December 4, 2008, that exceed the cost of collecting the tolls or charges shall be dedicated to reducing traffic congestion and deposited in the Reduce Traffic Congestion Account created in section 10 of this act.

(c) The department shall have full charge of design of all toll facilities.

(d) Except as provided in this section, the department shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of



state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The department is authorized to negotiate contracts for any amount without bid under (d)(i) and (ii) of this subsection:

(i) Emergency contracts, in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities; and

(ii) Single source contracts for vessel dry dockings, when there is clearly and legitimately only one available bidder to conduct dry dock-related work for a specific class or classes of vessels. The contracts may be entered into for a single vessel dry docking or for multiple vessel dry dockings for a period not to exceed two years.

(2) The department shall proceed with the procurement of materials, supplies, services, and equipment needed for the support, maintenance, and use of a ferry, ferry terminal, or other facility operated by Washington state ferries, in accordance with chapter 43.19 RCW except as follows:

(a) Except as provided in (d) of this subsection, when the secretary of the department of transportation determines in writing that the use of invitation for bid is either not practicable or not advantageous to the state and it may be necessary to make competitive evaluations, including technical or performance evaluations among acceptable proposals to complete the contract award, a contract may be entered into by use of a competitive sealed proposals method, and a formal request for proposals solicitation. Such formal request for proposals solicitation shall include a functional description of the needs and requirements of the state and the significant factors.

(b) When purchases are made through a formal request for proposals solicitation the contract shall be awarded to the responsible proposer whose competitive sealed proposal is determined in writing to be the most advantageous to the state taking into consideration price and other evaluation factors set forth in the request for proposals. No significant factors may be used in evaluating a proposal that are not specified in the request for proposals. Factors that may be considered in evaluating proposals include but are not limited to: Price; maintainability; reliability; commonality; performance levels; life cycle cost if applicable under this section; cost of transportation or delivery; delivery schedule offered; installation cost; cost of spare parts; availability of parts and service offered; and the following:

(i) The ability, capacity, and skill of the proposer to perform the contract or provide the service required;

(ii) The character, integrity, reputation, judgment, experience, and efficiency of the proposer;

(iii) Whether the proposer can perform the contract within the time specified;

(iv) The quality of performance of previous contracts or services;

(v) The previous and existing compliance by the proposer with laws relating to the contract or services;

(vi) Objective, measurable criteria defined in the request for proposal. These criteria may include but are not limited to items such as discounts, delivery costs, maintenance services costs, installation costs, and transportation costs; and

(vii) Such other information as may be secured having a bearing on the decision to award the contract.

(c) When purchases are made through a request for proposal process, proposals received shall be evaluated based on the evaluation factors set forth in the request for proposal. When issuing a request for proposal for the procurement of propulsion equipment or systems that include an engine, the request for proposal must specify the use of a life cycle cost analysis that includes an evaluation of fuel efficiency. When a life cycle cost analysis is used, the life cycle cost of a proposal shall be given at least the same relative importance as the initial price element specified in the request of proposal documents. The department may reject any and all proposals received. If the proposals are not rejected, the award shall be made to the proposer whose proposal is most advantageous to the department, considering price and the other evaluation factors set forth in the request for proposal.

(d) If the department is procuring large equipment or systems (e.g., electrical, propulsion) needed for the support, maintenance, and use of a ferry operated by Washington state ferries, the department shall proceed with a formal request for proposal solicitation under this subsection (2) without a determination of necessity by the secretary.

**Sec. 16.** RCW 47.56.160 and 1984 c 7 s 258 are each amended to read as follows:

Except for revenues to be deposited in the Reduce Traffic Congestion Account under RCW 47.56.030(1)(b), ((A))all tolls or other revenues received from the operation of any toll bridge or toll bridges constructed with the proceeds of bonds issued and sold hereunder shall be paid over by the department to the state treasurer. The treasurer shall deposit them forthwith as demand deposits in a depository or depositories authorized by law to receive deposits of state funds. The deposit shall be made to the credit of a special trust fund designated as the toll revenue fund of the particular toll bridge or toll bridges producing the tolls or revenue, which fund shall be a trust fund and shall at all times be kept segregated and set apart from all other funds.

**Sec. 17.** RCW 47.56.170 and 1984 c 7. s 259 are each amended to read as follows:

From the money deposited in each separate construction fund under RCW 47.56.160, the state treasurer shall transfer to the place or places of payment named in the bonds such sums as may be required to pay the interest as it becomes due on all bonds sold and outstanding for the construction of a particular toll bridge or toll bridges during the period of actual construction and during the period of six months immediately thereafter. The state treasurer shall thereafter transfer from each separate toll revenue fund to the place or places of payment named in the bonds such sums as may be required to pay the interest on the bonds and redeem the principal thereof as the interest payments and bond redemption become due for all bonds issued and sold for the construction of the particular toll bridge or toll bridges producing the tolls or revenues



so deposited in the toll revenue fund. All funds so transferred for the payment of principal or interest on bonds issued for any particular toll bridge shall be segregated and applied solely for the payment of that principal or interest. The proceedings authorizing the issuance of bonds may provide for setting up a reserve fund or funds out of the tolls and other revenues not needed for the payment of principal and interest, as the same currently matures and for the preservation and continuance of the fund in a manner to be provided therein. The proceedings may also require the immediate application of all surplus moneys in the toll revenue fund to the retirement of the bonds prior to maturity, by call or purchase, in such manner and upon such terms and the payment of such premiums as may be deemed advisable in the judgment of the department.

The moneys remaining in each separate toll revenue fund after providing the amount required for interest and redemption of bonds as provided in this section shall be held and applied as provided in the proceedings authorizing the issuance of the bonds. If the proceedings authorizing the issuance of the bonds do not require surplus revenues to be held or applied in any particular manner, they shall be ~~((allocated and used for such other purposes incidental to the construction, operation, and maintenance of the toll bridge or bridges as the department may determine))~~ dedicated to reducing traffic congestion and deposited in the Reduce Traffic Congestion Account created in section 10 of this act.

**NEW SECTION. Sec. 18.** This act does not inhibit or prohibit the department of transportation or any other state or local government agency or body from allocating or expending other revenue from other sources to fund costs associated with opening carpool lanes to everyone during non-peak hours, synchronizing traffic lights on heavily-traveled arterials and streets, or increasing funding for emergency roadside assistance as required under this act.

**NEW SECTION. Sec. 19.** The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

**NEW SECTION. Sec. 20.** Subheadings used in this act are not any part of the law.

**NEW SECTION. Sec. 21.** 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. 22.** This act shall be known and cited as the Reduce Traffic Congestion Act of 2008.

**NEW SECTION. Sec. 23.** This act takes effect December 4, 2008.



**The Washington Death with Dignity Act**

Section Outline

- Section 1. Definitions
  - Adult
  - Attending physician
  - Competent
  - Consulting physician
  - Counseling
  - Health care provider
  - Informed decision
  - Medically confirmed
  - Patient
  - Physician
  - Qualified patient
  - Self-administer
  - Terminal disease
- Section 2. Written Request for Medication to End Life in a Humane and Dignified Manner
  - Who may initiate a written request for medication
- Section 3. Form of the written request
  - Section 4. Safeguards
  - Section 5. Attending physician responsibilities
  - Section 6. Consulting physician confirmation
  - Section 7. Counseling referral
  - Section 8. Informed decision
  - Section 9. Family notification
  - Section 10. Written and oral requests
  - Section 11. Right to rescind request
  - Section 12. Waiting periods
  - Section 13. Medical record documentation requirements
  - Section 14. Residency requirement
  - Section 15. Disposal of unused medications
  - Section 16. Reporting requirements
  - Section 17. Effect on construction of wills, contracts, and statutes
  - Section 18. Insurance or annuity policies
  - Section 19. Construction of Act
    - Immunities and Liabilities
    - Section 20. Immunities--basis for prohibiting health care provider from participation--notification--permissible sanctions
    - Section 21. Liabilities
    - Section 22. Claims by governmental entity for costs incurred
  - Section 23. Additional Provisions
    - Section 24. Form of the request
    - Section 25. Amendments
    - Section 26. Amendments
    - Section 27. Amendments
    - Section 28. Short title