

Initiative Measure No. 985

Filed

JAN 14 2008

Secretary of State

ReduceCongestion.org **Reduce Traffic Congestion Initiative**

Complete Text

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 ~~((all))~~ 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.

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