

# INITIATIVE MEASURE NO. 404

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Secretary of State

## Increase Traffic Flow Initiative

*This measure opens carpool lanes to everyone during non-peak hours, requires synchronization of traffic lights on heavily-traveled arterials, and expands funding for emergency roadside assistance by dedicating existing vehicle sales taxes*

**Suggested Statement of Subject:** Initiative Measure No. XXX concerns traffic flow on public highways, freeways, streets, and roads.

**Suggested Concise Description:** This measure would open carpool lanes to all traffic during non-peak hours, require synchronization of traffic lights, expand emergency roadside assistance, and dedicates a portion (10%) of existing vehicle sales taxes for these purposes.

## Complete Text Increase Traffic Flow Initiative

AN ACT Relating to increasing traffic flow on public highways, freeways, streets, and roads; amending RCW 46.61.165, 47.56.403, and 82.08.020; adding a new section to chapter 35.21 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 82.12 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 increase traffic flow by implementing basic traffic 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 essentially 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 80 percent of citizens said congestion is their number one transportation priority; congestion incurs incredible costs to citizens, businesses and government; congestion is an important aspect of transportation and is an indicator of how well the state's transportation system is working. 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 200 years' 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 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 the day they were released. House 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 don't 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 measure provides voters with the opportunity to implement the strategies recommended in the report which have immediate impact on increasing traffic flow and reducing 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 congestion management and reduction the primary goal of transportation. As Auditor Sonntag says in his accompanying letter to the report: "Citizens have identified congestion as a priority, and therefore, so must the Department 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 measure.

This measure would open carpool lanes to all traffic during non-peak hours, require synchronization of traffic lights on heavily-traveled arterials, expand emergency roadside assistance, and dedicate a portion (10%) of existing vehicle sales taxes for these purposes.

We all pay taxes for our carpool lanes, so everyone should be allowed to use them at least some of the time. This measure 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 increase traffic flow 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 increase traffic flow and relieve traffic congestion on our most congested highways and roadways and illustrate that increased road capacity results in decreased traffic congestion.

To increase traffic flow, each city must synchronize the traffic signals on heavily-traveled arterials within its jurisdiction. Heavily-traveled arterials would include routes of regional and local significance and include major and secondary arterials. For heavily-traveled arterials outside a city, the county must synchronize the traffic signals. For heavily-traveled arterials that are the responsibility of the state or other local government, then it shall be the responsibility of the state or other local government to synchronize the traffic signals. What's the use of having a top-notch Medic One system if it simply gets stuck in traffic? Synchronizing traffic lights ensures increased traffic flow and better safety. Getting goods to and from our ports and other freight mobility necessities are hampered by stop-and-go traffic at successive traffic lights. 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 an arterial used to facilitate smooth traffic flow. The objective of synchronizing traffic signals is to allow progression through the arterial 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 the side streets to safely enter the main street. This act helps cities, counties, and other governments fund these improvements.

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 congestion is caused by collisions, disabled vehicles, spills, and other events that impede the normal flow of traffic. Any incident has the potential for creating secondary incidents such as vehicles running out of fuel or overheating, or collisions that occur in the backup as a result of lane changing and rapid braking. The quicker the original 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 restore the normal flow of traffic. This act provides expanded funding for these programs.

To help fund these increase-traffic-flow policies, this act permanently dedicates a portion (10%) of existing vehicle sales taxes to a dedicated account that will pay for costs associated with opening carpool lanes to everyone during non-peak hours, synchronizing traffic lights on heavily-traveled arterials throughout the state, and expanding funding for emergency roadside assistance.

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 increase traffic flow by implementing basic traffic congestion relief strategies and improving Washington's transportation system with better use of existing public resources.

Decreased traffic congestion ensures a growing, thriving economy which 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, increase traffic flow, decrease traffic congestion, 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 at specified times of day or on specified days))~~ only at the specified times ~~((or))~~ and on the specified days designated in this section. In order to decrease traffic congestion, existing road capacity must be utilized to maximize its effectiveness. Therefore, on and after December 10, 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 the 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.

For the purposes of this section and RCW 47.56.403:

(1) "Carpool lanes" are high-occupancy vehicle lanes, which includes express lanes, lanes like RCW 47.56.403, off-ramp bypass lanes, and on-ramp bypass lanes on any highway, freeway, and roadway in the state.

(2) "Non-peak hours" mean midday and 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, the use of carpool lanes by a motor vehicle is limited to those carrying two or more passengers, except in the case of a motorcycle, which may use a carpool lane if carrying one or more passengers; and

(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. For lanes like RCW 47.56.403, a toll may not be charged during non-

peak hours, thus increasing traffic flow by encouraging traffic to use lanes during non-peak hours. The people want governments, authorities, agencies, and elected and unelected government officials to abide by the policies, purposes, and intent of this section; the people oppose efforts to circumvent them.

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 47.56.403 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 and RCW 43.135.055, 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. 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**

NEW SECTION. **Sec. 4.** A new section is added to chapter 35.21 RCW to read as follows:

To increase traffic flow, each city must synchronize the traffic lights on heavily-traveled arterials within its jurisdiction. Heavily-traveled arterials include routes of regional and local significance and include major and secondary arterials as defined in RCW 35.78.010. For heavily-traveled arterials outside a city, the county must synchronize the traffic lights. For heavily-traveled arterials that are the responsibility of the state or other local government, then it shall be the responsibility of the state or other local government to synchronize the traffic lights. Cities, counties, and other governments shall cooperate and coordinate their efforts in implementing this traffic light synchronization mandate. To help pay for these improvements, the state shall allocate funding to cities, counties, and other governments from the dedicated revenue in the Increase Traffic Flow Account created in section 8 of this act to efforts after January 1, 2008 to synchronize traffic lights and increase traffic flow.

#### **EXPANDS FUNDING FOR EMERGENCY ROADSIDE ASSISTANCE**

NEW SECTION. **Sec. 5.** A new section is added to chapter 47.01 RCW to read as follows:

To 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, clearing these accidents and obstructions as expeditiously as possible. To increase traffic flow, the department of transportation and other governmental entities must receive expanded funding for emergency roadside assistance. To increase traffic flow, the state shall allocate additional funding to the department of transportation and other governmental entities from the dedicated revenue in the Increase Traffic Flow Account created in section 8 of this act to expand funding for emergency roadside assistance. To maximize flexibility and response times, the state, the department of transportation, and other governmental entities may contract out emergency roadside assistance services to private companies, including tow truck operators.

**PERMANENTLY DEDICATES A PORTION (10%) OF EXISTING VEHICLE SALES TAX REVENUE TO HELP FUND THE OPENING OF CARPOOL LANES TO EVERYONE DURING NON-PEAK HOURS, REQUIRING SYNCHRONIZATION OF TRAFFIC LIGHTS ON HEAVILY-TRAVELED ARTERIALS, AND EXPANDING FUNDING FOR EMERGENCY ROADSIDE ASSISTANCE**

**Sec. 6.** 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 subsection (3) 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 increase traffic flow, beginning on December 10, 2008, ten percent of the existing tax revenue collected in subsection (1) of this section on the retail sale of vehicles as defined in subsection (4) of this section shall be permanently dedicated and deposited in the Increase Traffic Flow Account created in section 8 of this act. Subsection (8) of this section does not temporarily earmark tax revenue; it instead permanently dedicates a portion of existing vehicle sales tax revenue, and does not raise taxes.

NEW SECTION. **Sec. 7.** A new section is added to chapter 82.12 RCW to read as follows:

Beginning on December 10, 2008, ten percent of the tax revenue collected under RCW 82.12.020 based on the rate in RCW 82.08.020(1) shall be dedicated and deposited in the Increase Traffic Flow Account created in section 8 of this act.

**CREATES "INCREASE TRAFFIC FLOW ACCOUNT" BY PERMANENTLY DEDICATING A PORTION (10%) OF EXISTING VEHICLE SALES TAXES**

NEW SECTION. **Sec. 8.** A new section is added to chapter 46.68 RCW to read as follows:

The Increase Traffic Flow Account is hereby created in the state treasury. All receipts from existing sales and use tax revenue permanently dedicated by and specified in RCW 82.08.020(8) and in section 7 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only:

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

(2) To pay for costs associated with synchronizing traffic lights on heavily-traveled arterials as required by section 4 of this act; and

(3) To provide expanded funding for emergency roadside assistance as required under section 5 of this act.

(4) Revenue deposited in the account and not appropriated shall be retained by the account.

NEW SECTION. **Sec. 9.** 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, or expanding funding for emergency roadside assistance as required under this act.



**MISCELLANEOUS**

NEW SECTION. **Sec. 10.** The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. **Sec. 11.** Subheadings used in this act are not any part of the law.

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

NEW SECTION. **Sec. 13.** This act shall be known and cited as the Increase Traffic Flow Initiative of 2008.

NEW SECTION. **Sec. 14.** This act takes effect December 10, 2008.

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