

Washington State Transportation Commission SR 167 HOT LANES TOLL RATE HEARING

February 19, 2008

Chair Ford opened the hearing indicating that today is Tuesday, February 19, the time is 9:08 a.m. The Commission will hear public testimony regarding the proposal to amend WAC 468-270. Presenters of the proposal are: Ted Trepanier, Greg Selstead and Todd Merkens of the Washington State Department of Transportation. A public comment period will follow the Department's presentation.

Ted Trepanier, State Traffic Engineer & Co-Director, Maintenance & Operations, WSDOT, explained that the goal for today is to provide a brief overview of the SR 167 HOT Lane Pilot Project, review of national HOT lanes and an overview of toll setting procedures and timeline.

The SR 167 HOT Lanes run from the Highway 18 Interchange in the Auburn area north to intersect with I-405. The goal of the HOT lanes will be free flow operations at 45 miles per hour – 90 percent during peak period. The HOT lane is more than 9 miles in length with 10 access points. HOV 2+ and motorcycles will use the HOT lanes at no cost. The lanes will operate 24 hours a day – typically tolled between 5 a.m. and 7 p.m. The toll revenue will be used to pay for operations and maintenance, increased enforcement and added incident response for the lane.

Commissioner Distler expressed concern with the evening hours of operation based on the possibility of penalizing *existing users* of the lane after 7 p.m.

Mr. Trepanier responded that the Department is striving towards setting the hours of operation subject to a test by alternative. The first alternative is to set it strictly by time of day adjusting dynamically based on volume, or secondly is to let the pricing kick in when the volume meets a certain threshold. The volume and demand will drive the hours of operation or time of day.

Chair Ford pointed out that because it is a pilot project the approach the Department is taking is correct.

Commissioner Distler expressed that he is concerned with the evening hours of operation based on the possibility of a penalty for all users of the lane.

Chair Ford asked if the Commission will be receiving periodic reports on how well the 90 percent free flow during peak period is performing.

Mr. Trepanier responded that the Department will be collecting the data and would certainly report the status to the Commission upon request.

He explained that the objective is to keep the traffic free flowing at 45 miles per hour. Anything less than that would be counter productive and will be monitored very closely.

Commissioner Distler asked how an arbitrarily set maximum toll guarantees that there will not be a force flow situation and what will the Department do as one approaches.

Mr. Trepanier responded that it is hard to provide guarantees, but allowing the general purpose lane users into the lane does not cause that condition. As capacity is approached the lanes would change to HOV only, not allowing solo users to move into the lane until the volume drops.

Commissioner Distler iterated that shutting down the HOT lane may in fact be counter intuitive. How does it impact users that have already bought in when the lanes get congested?

Mr. Trepanier responded that it's a pilot project and these are policy decisions. He believes that the operations plan makes good sense, but again it's a learning process as we go. Things can be adjusted as we move forward.

Commissioner O'Neal pointed out that the toll can be revisited if the lane does not free flow. Experiences around the country indicate the toll rate is a workable range.

Commissioner Forner asked if the system knows that you have paid a certain toll amount upon entry into the lane if the toll increases at the next gantry.

Mr. Trepanier reassured that the system knows that you have paid the toll upon entry and your toll amount will not increase for the entire corridor.

Commissioner Forner asked if the HOT lane will benefit transit.

Mr. Trepanier responded that the impact to transit will need to be monitored.

Commissioner Distler asked if the current speed of the HOV lanes is greater than 45 miles per hour, and if so the HOT lane concept will manage the speed downward.

Mr. Trepanier responded yes the current HOV speed is greater than 45 miles per hour.

Commissioner Distler asked how vehicles equipped with transponders can shield them when there are two plus in the vehicle.

Mr. Trepanier responded that there is a shielding device that can be affixed over the transponder so that the reader will not read the tag. There are a couple of options that are being investigated.

Chair Ford emphasized that the public must be notified that there are transponder shields available for two plus users.

Mr. Trepanier responded that the existing customer base will be notified.

Commissioner Moser inquired how revenue above the operational and maintenance costs would be used.

Mr. Trepanier responded that projections indicate that it will be some time before revenues cover the operation and maintenance costs. Typically capital costs would be recovered after operations and maintenance costs are met.

Commissioner O'Neal emphasized that this is an important issue and must be explored. Congestion pricing concepts will generate a lot of revenue as well as improve the efficiency of the system, although one lane will probably not generate a lot of revenue as multiple lanes do.

Jennifer Ziegler, Office of the Governor, added that the Legislature has provided statutory language giving specific direction regarding toll revenue.

Commissioner Stedman emphasized that he supports Commissioner Moser's concern regarding excess revenue.

Chair Ford emphasized that the Commission would appreciate receiving quarterly reports.

Mr. Trepanier moved on to explain HOT lane access points, WSP enforcement, electronic toll collection with no toll booths and same transponder used as the Tacoma Narrows Bridge. There will be initial quarterly reporting to the Governor, Legislature and the Commission.

He pointed out that consistent enforcement is important to build public trust in the fairness of the HOT lanes. The Department is working with WSP to enforce the new rules of the road. Traffic citations can be issued for:

- Illegal use of HOT lane by SOV
- Attempt to avoid paying required toll
- Crossing double white lines
- Three possible citations, each citation amount is \$124 dollars
- Drivers can use the HERO system to report violators

Public outreach has included open houses in 2005-06, six focus groups, a survey of SR 167 drivers, project information presented to local commute trip reduction programs, outreach to local officials and ongoing responses to citizen correspondence.

Commissioner Moser asked if public transit was invited to outreach meetings.

Todd Merkens, Transportation Planner, WSDOT, responded the open houses were meant for informational purposes to the public on HOT lanes specifically. It was not his understanding that transit was invited to those individually.

Commissioner Stedman pointed out that the public outreach task may be greater than expected due to minimal attendance at open houses and the Commission's hearing in Renton. He suggested that the public outreach campaign might be expanded now rather than later.

Reema Griffith, Executive Director, WSTC, explained the Code Reviser filing date process. Part of today's action will be to amend the WAC in order to implement an effective date of April 7, 2008. The approval date has been bumped forward resulting from the passing of Initiative 960 and its requirement of Legislative approval to implement or increase fees.

Chair Ford requested a Commission motion to accept April 7 as the effective date of the WAC.

Mr. Trepanier pointed out that it is his understanding that there is still some discussion as to whether or not there should be a stated effective date, or just let the 30 days run. In which case when the Legislature takes action and the Governor signs and then the WAC becomes effective whatever the later of those two happen then the WAC becomes effective.

Chair Ford noted that this poses a problem. If the Commission does not state an effective date after the Legislature and Governor take action the Commission would be in conflict with Initiative 960.

Commissioner Distler inquired what the intended opening date for the HOT lanes is.

Mr. Trepanier stated that it will potentially be early April 2008.

Public Comment – SR 167 HOT lane toll

Donald Williams, citizen, submitted written comments that support the proposed toll rate schedule. He believes that the Department should report performance of the lane at least monthly for the first year. He shared concern as to how the transponders would be deactivated when there are two plus riders and he questioned how the Department plans to handle enforcement. He also asked when there will be another supplier of transponders besides TransCore.

Randy Boss, citizen, submitted written comments regarding HOT lane free flow traffic at 45 miles per hour, hours of operation, transponder shielding and lack of customer service centers. He also expressed concern that the SR 167 and Tacoma Narrows Bridge tolls be kept in separate accounts and that there be a possible renegotiation of the TransCore contract.

Paul Locke, citizen, shared that he has an interest in the number of people who have to pay to use these facilities. When transit buses, vanpool or public vehicles (assumed exempt) are exempt, and then HOV 2+ and motorcycles are free how will there be space for anything else on the road. What happens to the revenue? I attended the hearing and the legislation that I saw siphoned off 10 percent to transit agencies right off the top. I hope that the Legislature limits the money to the highway system...the roads are falling apart. Exempting vehicles from paying tolls is a poor way to go.

Park Woodworth, Manager, Para Transit & Rideshare Operations, King County Metro Transit, shared that Metro supports the test of HOT lanes on SR 167, as we want the highway to operate as efficiently as possible. Metro appreciates the Commission and WSDOT's interest in maintaining free flow in the HOT lane because that is very important, although Metro does not operate buses on the highway where HOT lanes will be tested, carpool lanes in other areas are very important for Metro. Without carpool lanes Metro buses would operate slower and provide less service. Any fees for buses using carpool lanes would result in less money being available for service. With respect to comments made at previous meetings regarding service, he noted that he has been in contact with Metro's planning department to make them aware that there is a need for additional service. These comments will be taken into consideration by Metro. Vanpools get many vehicles off the highway and reduce carbon emissions at very low cost to the taxpayer. Vanpools are expanding quickly and vans on the road have been increased. Metro wants to reiterate the importance of vanpools using carpool lanes without a fee. Carpooling is the most efficient way to get cars off the roads with little or no cost to the taxpayer. Metro's goal is to make ridesharing a regular occurrence in our everyday lives to reduce the use of fossil fuels and reduce carbon emissions.

Mike Bergman, Service Planning Manager, Sound Transit, shared that he agrees with Mr. Woodworth's remarks regarding not charging a fee for carpools and transit on the SR 167 corridor, unlike Metro Sound Transit offers a significant amount of transit service on the corridor. Ridership and service levels have steadily increased over the last several years with two routes every thirty minutes through the mid-day on the corridor. Sound Transit requests that the Commission maintain the policy that carpools and transit remain exempt from tolling. He noted that transit has been involved in the process all along.

Commissioner O'Neal reminded that there is a distinct difference between the Tacoma Narrows Bridge toll and the SR 167 toll. The TNB toll pays a bond debt whereas the SR 167 toll is for efficiency.

It was moved by Commissioner Moser and seconded by Commissioner O'Neal to approve the amendatory WAC sections to become effective April 7, 2008. The motion passed unanimously.

Chair Ford opened the floor for motion to approve the amendatory sections to the WAC.

Commissioner Distler expressed his intention to vote no on this motion, because he does not believe that setting a maximum toll is in accordance with the intent of the pilot project.

It was moved by Commissioner Moser and seconded by Commissioner Forner to set the minimum toll of .50 cents and the maximum toll of \$9 dollars on the SR 167 HOT Lanes Pilot Project. The motion passed with Commissioner Distler opposing.

WASHINGTON STATE TRANSPORTATION COMMISSION

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ATTEST:

REEMA GRIFFITH, Executive Director

DATE OF APPROVAL