



Washington State Senate

Senator Curtis King
14th Legislative District

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March 25, 2013

Ms. Lynn Peterson, Secretary
Washington State Department of Transportation
PO Box 47300
Olympia, WA 98504-7300

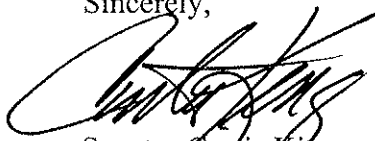
Dear Secretary Peterson:

As we have discussed, I have great concerns regarding the agreement you referenced in the press announcement recently in which Ron Paananen, a consultant with CH2M Hill would be hired to "review the process used for key project decisions and how those decisions are documented to ensure the best accountability and project-delivery practices" associated with three megaprojects: the Alaskan Way Viaduct, the Columbia River Crossing, and the 520 Bridge. I am uncomfortable with the potential conflict of interest of this appointment since my understanding is that Mr. Paananen was involved in some of the decisions on at least two of the projects, and since his company already receives millions from WSDOT on the CRC project alone.

I have since learned that according to a news report from March 7, 2013, CH2M Hill has agreed to pay \$18.5 million to settle civil and criminal allegations of defrauding taxpayers through widespread timecard fraud at the Hanford nuclear reservation which is apparently the largest settlement in the history of the Eastern District of Washington. In light of this, I find it baffling that you would feel that this company should be trusted with reviewing multi-billion dollar projects. Instead, I would expect that the Department would want to investigate the billing on its contracts with CH2M Hill to see if similar problems existed.

In light of these concerns, I am attaching a copy of the letter which I and the other members of the transportation budget cabinet signed requesting that the state auditor undertake an independent performance audit of all three of the mega projects which are the subject of the task order with CH2M Hill. I am disappointed that you rejected my offer to have you join in this request. In the interest of restoring public confidence in the department, in avoiding the appearance of impropriety, and in demonstrating the transparency and integrity of your administration, I urge you to reconsider your decision to issue this task order and join in our bipartisan request to the State Auditor.

Sincerely,



Senator Curtis King



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August 8, 2013

Ms. Lynn Peterson, Secretary
Washington State Department of Transportation
PO Box 47300
Olympia, WA 98504-7300

Dear Secretary Peterson:

As you are aware, the second special session of 2013 recently concluded without either the House or Senate passing a complete transportation revenue package, a key component of which was a bond bill. This was not for lack of effort. Both chambers spent long hours reviewing potential options and reforms in their respective committees. Members and staff also spent many nights and weekends drafting and revising proposals and in good faith negotiations to find a compromise.

While many members were supportive of a transportation revenue plan in theory, the devil remained in the details. The chief obstacle proved to be lack of agreement as to which priorities could garner the 60% vote necessary for both chambers to pass all bills necessary to implement the package, including the bond bill.

In hindsight, there are several reasons why legislative support for a bipartisan transportation package failed to materialize this year:

1. *Media Reports of Problems at WSDOT.* In the months leading up to and including the legislative session, a series of news reports highlighted problems on WSDOT projects which undermined the Department's credibility. Some members openly questioned whether the WSDOT could be trusted with billions of additional taxpayer dollars. Others, including legislators, the media and stakeholders called for significant reforms to restore public confidence in the agency prior to passage of a revenue package.
2. *Public Opposition.* All polling indicated that the public overwhelmingly opposed a transportation revenue package. This indicated that more communication of the need to improve and maintain the current infrastructure needed to be done. In order to gain public support, the legislature also needed to identify exactly how the money would be spent, and provide a list of projects that enjoyed widespread public support.

3. *Confusion Over Project Scope and Cost.* WSDOT provided members with contradictory and confusing information as to the cost and scope of projects included in the package. Early in session, WSDOT provided a prioritized list of projects (which came to be known as the "Orange List"). This list was instrumental in negotiations as an authoritative source for project costs and detailed descriptions of project scope. However, in the final weeks of the session, the Department apparently had little faith left in some of its own project estimates and scopes as evidenced by the fact that it discouraged members from relying on its own Orange List. The lack of an alternative authoritative list proved frustrating to members who were trying to compare "apples to apples" in the complex task of paring down the project lists for the final version of a transportation revenue package. One crucial example is the Puget Sound Gateway project on SR167/509, a centerpiece of both House and Senate proposals. In the final weeks of session, the Department proposed a new and reduced project scope, resulting in widespread confusion, even among members supportive of the project, over what exactly the state would be buying for the \$1.8 billion price tag. Given the vast amount of public dollars at stake, this uncertainty over the simple question of project costs was unquestionably detrimental to reaching an agreement.
4. *Governor's Refusal to Consider Alternative Columbia River Crossing Transit Options.* The Governor's insistence on including the CRC with light rail in the revenue package, coupled with the threat to veto, provided the death blow to the entire package. The Governor did so despite the opposition of legislators in the region and local constituents. Opposition to the lower bridge height needed to accommodate light rail was clearly and consistently communicated to the Governor from the beginning of the session until the end. The lower bridge height's negative impact on jobs was simply not acceptable when alternatives like bus rapid transit were available on a higher bridge height which adequately accommodated river commerce.

While there were other issues, I believe these primary problems prohibited the legislative process from reaching the compromises necessary to move forward. Now that we have entered the interim, I wish to use this opportunity to wipe the slate clean, build on the work already done, and move forward with the package. I am seeking your help and that of the professionals in your Department in this process. Please understand that I convey this request with the full support of the leadership and members in my caucus, and I have no doubt that if we proceed according to the plan I am presenting, a transportation revenue package can pass on a bipartisan basis with sizable majorities in both the House and Senate.

Beginning this September, I would like to set up meetings with the WSDOT regional offices. Listed below are my proposed dates and locations for these meetings. In the interest of full transparency, I would like to invite the other Transportation Committee chairs from both chambers of the legislature, the public, members from the district and my caucus, and members of the media. Anyone else who would like to attend would be welcome to do so. Time for public comment would be reserved at the end of each meeting.

For each region, I would like the regional administrator to present a prioritized list of projects based upon safety, congestion relief, and economic development. The list would contain a

detailed scope and a cost estimate for each project that would be valid through next session. In addition, we would like to hear any suggestions from each regional office on reforms and intend to have presentations and seek comment on a list of specific reform proposals. In later meetings, we could also review the work of a Joint Transportation Commission study on transportation cost drivers which could also assist with discussions on reforms. I am proposing the following schedule:

September 18, WSDOT Olympic Region Office in Tacoma
September 24, WSDOT Southwest Region Office in Vancouver
October 1, WSDOT Northwest Region Office in Seattle
October 7, WSDOT Northwest Region Office in Everett with emphasis on Snohomish County
October 14, WSDOT North Central Region Office in Wenatchee
October 22, WSDOT Eastern Region Office in Spokane
October 30, WSDOT South Central Region Office meeting in Tri-Cities

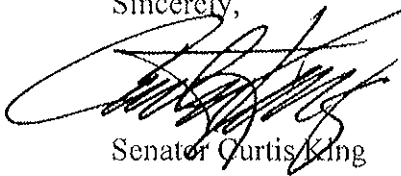
Following the conclusion of these meetings, a final negotiated transportation revenue package and agreed upon reforms would be put into legislative form and introduced in both chambers at the first available opportunity.

My intent in this process is to fully engage the public, the Governor's office, your office, stakeholders and legislative members and staff. While my caucus and I strongly support the process I've outlined, I am open to discussion with you and your staff on particular details and suggestions to improve upon the plan as outlined.

My staff will be in contact with your office to coordinate these matters. I look forward to working with you to create a transportation revenue package that will truly address the key transportation needs of the state, and one that will enjoy broad support of the public and legislative members in both chambers.

Thanks in advance for your help on this.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis King", with a large, stylized flourish extending from the end of the signature.

Senator Curtis King

Majority Coalition Caucus of the Washington State Senate



September 26, 2013

Governor Jay Inslee
Legislative Building
Olympia, WA 98504

Governor Inslee,

On behalf of the leadership of the Senate Majority Coalition Caucus, we are writing to express our deep concern for the alarming policy implications contained within the recent Attorney General (AG) letter and accompanying memorandum to the Coast Guard. These purport to provide a legal rationale for the Washington State Department of Transportation (WSDOT) to proceed with the multibillion dollar Columbia River Crossing (CRC) Project without any specific legislative authority. It is important for both you and the Coast Guard to know that we vehemently disagree with this position.

There are significant flaws in the specific logic and arguments undergirding the letter which we will discuss further. However, the larger issue is the basic constitutional principle that the Legislature controls the purse strings and sets policy, while the executive acts to implement it. While these roles are dynamic and fluid, in order for the constitutional system to work, it is premised on each branch having a common respect for the fundamental authority of the other branches.

This respect is lacking in the letter from the Attorney General's Office. At its core the letter implies that the Legislature is a problem which a state agency can simply contract around. This will damage our future efforts to collaboratively move forward on a variety of issues necessary for the good of our state -- including transportation.

Here are some specific reasons that the Attorney General's memo is flawed:

Transportation Budget: The memo makes no mention of the transportation budget. The budget represents the clearest expression of legislative intent regarding transportation policy in our state. The memo does not reference any of the provisions related to the CRC project in the budget.

Instead, the letter references WSDOT's general authority to enter into agreements with Oregon, provisions which cannot be considered in isolation from the specific budgetary law enacted regarding this project. For the past ten years the Legislature has selected projects that it wants built by affirmatively identifying the projects' scope on a list in the transportation budget. To have the executive use general statutory grants of authority to push a project that the Legislature did not advance or fully fund contravenes the long-established project funding process. It is particularly disturbing that this could happen with a multi-billion dollar mega-project that Washington citizens will be paying for via tolls over the next 30 to 40 years.

Another problematic issue is the position that because another government is paying for WSDOT to conduct work, the agency is somehow avoiding doing work not authorized in the budget. Any work performed on the project under the direction of Oregon Department of Transportation (ODOT), even if the time and resources devoted to this mega-project may be reimbursed later, is still an allocation of resources subject to the Legislature's purview.

The Legislature did not authorize the work WSDOT would like to perform on the CRC. The AG's memo is flawed when it argues that WSDOT may perform this work as long as it is reimbursed by the State of Oregon.

The Legislature did not choose to allocate those resources to the delivery of this project beyond the design phase. The executive branch cannot simply ignore provisions of the law which do not comport with its particular policy goals. Such a posture ignores the constitutional doctrine of separation powers.

We urge you to carefully consider the ramifications of such a course.

Tolling: There are many complicated and significant policy issues regarding the collection of tolls, which are completely ignored or glossed over in the Attorney General's memo. It contemplates a scheme in which the State of Oregon would essentially serve as the toll setting authority for the CRC. To accomplish this, the memo argues that both WSDOT and the Transportation Commission can amend or enter into agreements without any prior specific legislative authorization. It is intriguing to note the lack of citation to any specific legal authority on this point; we assume none exist.

This proposition is problematic for three reasons. First, there is no legal authority for WSDOT to enter into or amend agreements with the state of Oregon regarding the collection of tolls on the existing and new facility on this project. The existing agreement with Oregon regarding the CRC expressly prohibits toll collection on that facility. The Legislature, as the only entity with the authority to authorize toll facilities in Washington, designated the CRC (existing and new facilities) as an eligible toll facility in ESSB 6445 in 2012. However, that bill contained contingencies that have not been met. WSDOT does not have the statutory authority to enter into an existing agreement to authorize tolls to be collected on the existing bridge or on a newly constructed bridge. The agency cannot enter into contracts authorizing activity that it does not have the authority to do on its own.

Second, the Legislature has already designated the Washington State Transportation Commission (whose members you appoint and for whom you are ultimately responsible) as the toll setting authority in our state. Oregon contemplates a very different role for the Commission with regard to toll setting on the CRC. It envisions that the Commission would travel to Oregon to advocate for our citizens during toll rate setting hearings in front of the Oregon Commission. This absurd concept is not in the interest of southwest Washingtonians and is without any statutory authorization by the Legislature.

Third, although the Legislature in ESSB 6445 authorized the Commission to enter into an agreement with Oregon's Commission regarding toll rate setting on this project, that agreement is now inapplicable. The scheme advocated by the State of Oregon is that its Commission would be the sole entity with toll setting and collection authority. However, the authority granted to the Washington Commission in statute was specifically limited to craft an agreement for the "mutual or joint setting" of tolls. Therefore, the Washington Commission is powerless to enter into any new agreement with the Oregon Commission that contravenes Washington State law.

The worst case scenario which it appears your office is considering to adopt by fiat is taxation without representation- Oregon would set toll rates and collect billions of dollars in tolls from Washingtonians

with little or no ability for them to influence rates by expressing their displeasure at the ballot box with any ultimately responsible elected official in their state.

Liability: The most baffling part of the legal analysis in the letter from the Attorney General's Office is the lack of any significant discussion of the potential legal liability of the State of Washington under the agreement proposed with the State of Oregon.

Oregon has sovereign immunity with significant caps on damages in tort and contract. Washington State has waived its right to civil immunity - - our state coffers are laid bare to anyone who decides to file a lawsuit.

Litigation is not inconceivable on multi-billion dollar construction projects or with complex multistate tolling agreements. It would be dangerous for our state to be exposed to liability through any of these agreements, especially if Oregon was immune and Washington was left as the only deep pocket.

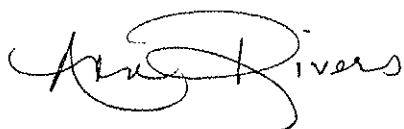
It does not appear to us from the analysis provided by the Attorney General's Office that it has considered the legal consequences to which our state would be subjected under Oregon's proposal.

The Senate is currently engaged in a listening tour on transportation issues around our state in order to gauge Washingtonians' support for a transportation revenue package and reforms. By determining what the citizens want, we stand ready to work with the executive branch on any reforms and revenue which the people would support.

However, in order for the executive and legislative branches to negotiate it is necessary for them to recognize their positions as separate yet co-equal partners in the process. To be blunt, the ill-advised course suggested by the Attorney General would poison the ability of these efforts to bear fruit.

In conclusion we respectfully request that you not put us in a circumstance in which legal action is necessary in order to protect the constitutional prerogatives of the Legislature.

Sincerely,



Senator Ann Rivers
18th District



Senator Rodney Tom
48th District



Senator Curtis King
14th District



Senator Mark Schoesler
9th District

Cc: United States Coast Guard



Washington State Senate

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February 28, 2014

Ms. Lynn Peterson, Secretary
Washington State Dept. of Transportation
PO Box 47300
Olympia, WA 98504-7300

Dear Secretary Peterson,

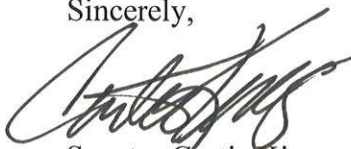
It was with some surprise and disappointment that I read the letter you sent on February 21 to King County Executive Dow Constantine published in the attached Seattle Times article.

As I'm sure you are aware, the Legislature is in the process of considering a supplemental transportation budget and leadership and chairs have recently been in continued negotiations on a transportation revenue package. Funding for the extension of the agreement to fund transit on the Alaskan Way Viaduct was an important part of these discussions. It appears that you have already unilaterally decided to appropriate these funds without any legislative authorization. So that I may better understand the basis of your decision, could you please answer these questions at your earliest convenience?

- What funds are being used to pay for the extension of the agreement? In my recent revenue proposal, Alaska Way Viaduct traffic mitigation was assumed that the costs would be covered by multimodal funds. Our Senate Chairs' Proposed Budget for the Alaska Way Viaduct assumes no multimodal funds for the 2013-15 biennium. What is the justification for using 18th Amendment funds for transit?
- What is the status of contingency funds for the Alaska Way Viaduct Replacement Program?
- You will recall that you and I met the day before this letter was sent to County Executive Constantine. Why didn't you extend the courtesy of letting me know that you had made this decision and was planning to implement it?

You have indicated to me a desire to improve communication between the Department and the Legislature. If that is the case, I would prefer to learn of major developments like this from you rather than hearing about them in the media.

Sincerely,



Senator Curtis King



Washington State Senate

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August 6, 2014

Ms. Lynn Peterson, Secretary
Washington State Department of Transportation
PO Box 47300
Olympia, WA 98504-7300

Dear Secretary Peterson:

I am writing to express my concerns regarding your priorities and judgment as reflected in a recent \$19 million request from your agency. During the 2014 legislative session, your agency requested \$171 million in addition to the \$250 million risk reserve that the Legislature had previously funded to cover \$420 million in cost overruns on the SR 520 bridge project. Of the \$171 million in additional funds, \$61 million was to come from savings in the Transportation Partnership Account (TPA) and federal funds.

The Legislature authorized a process in the 2014 Supplemental Transportation Budget (2014 budget) which gave the Department flexibility to use \$61 million in savings from other project funds provided certain parameters were met. The process outlined in the 2014 budget required your agency to notify the Director of the Office of Financial Management (OFM) during the allotment process in May of a plan for how the Department intended to find \$61 million in savings. As of the date of this letter, your agency has yet to submit a plan pursuant to this process.

Instead, your agency sent the Director of OFM a request to transfer \$19 million in transportation partnership funds generated from a favorable bid on the I-5 Tacoma HOV project at Portland Ave. You propose to fund \$10,000,000 in preliminary engineering work on the unfunded westside component of the project and fund \$9,000,000 for public transportation to mitigate construction impacts on the Alaska Way Viaduct Replacement project (AWV project). This strategy has me concerned for the following reasons:


1. The request pays for optional items rather than addressing the priority of cost overruns on the SR 520 bridge project. You are ignoring the primary issue that your agency claimed should be fixed in the 2014 budget - providing additional funding to cover cost overruns on the SR 520 floating bridge. In Section 306 (12) (f) of ESSB 6001, the Legislature gave WSDOT the necessary flexibility to use favorable bids and new Department initiatives such as least cost planning and practical design to generate \$61,066,000 to address one component of the cost overruns. The language of Section 306 subsections 2 and 12 clearly provides that a funding solution for the SR 520 overrun was the top priority for use of funds requested under this process. Given these clear provisions, I fail to see how the Department could possibly find legislative intent that money should first go towards preliminary engineering on an unfunded project or for a transit mitigation agreement.

2. The Department failed to follow the process outlined in the proviso to inform the Legislature of its plan to find the \$61 million in cost overruns. Section 306 (12)(g) of ESSB 6001 stated that "The department's 2014 supplemental budget allotment submittal must include a project-specific plan detailing how the department will achieve the mandatory budget savings in (f) of this subsection, including the use of least cost planning or practical design as a means to generate savings, as referenced in subsection (23) of this section." The Department's allotment submittal was approved in May, but your agency has not provided a project-specific plan detailing how the Department will achieve the mandatory budget savings as of late July. I understand that WSDOT staff has indicated that there is a plan to come up with the \$61,066,000 in savings, but it is not being shared at this time due to stakeholder work that WSDOT has yet to do. With the urgency expressed during the 2014 session, why is the Department taking so long to tell the Legislature how it will cover the cost overruns?
3. The request is not fiscally prudent. It is simply not fiscally responsible to divert savings towards less important initiatives such as providing \$10 million for the unfunded \$1.2 billion SR 520 westside project and \$9 million for transit on the AWW project because to do so ignores the significant risk taxpayers face on current projects. There are \$188 million in potential change orders that could go against the Department on the AWW project. You have yet to define how WSDOT is going to pay for the cost overruns on the SR 520 bridge project.

It appears to me that the Department may be putting a great deal of faith that "Least Cost Planning" and "Practical Design" would create savings to cover the overruns. From preliminary information posted on your agency's website, it appears that the strategy you are using to generate "savings" is to effectively cut funding of smaller projects by reducing their scope. Many members are concerned with how projects in their district would be adversely affected by this process. I find it an interesting coincidence that 11 of the 12 projects identified as having undergone a practical design and least cost planning analysis are in districts represented by members in my caucus. I feel that you are opening your agency up to the obvious criticism that you are taking transportation funds from one geographic and political part of the state and diverting them to projects and transit in Seattle. Hopefully that is not the case, but I need to see a fiscal plan from the Department to have any confidence in the financial wisdom of the Department's request.

To be blunt, in light of the Department's request, I feel somewhat misled by your agency's assertions during last session as to the level of priority and urgency for the need for funding for cost overruns on the SR 520 bridge project. I also feel that you have circumvented legislative intent and ignored the plain language of the law in order to meet your political objective of providing millions of dollars more for funding transit to King County Metro. These concerns are compounded by the delay from the Department in providing timely and legally required information as to how it intends to address a multimillion dollar cost overrun problem on a mega project. I would appreciate the courtesy of a response at your earliest convenience.

Sincerely,



Senator Curtis King

cc: Senator Tracey Eide
Representative Judy Clibborn
Representative Ed Orcutt
Mr. David Schumacher, Director, OFM



Washington State Senate

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August 15, 2014

Ms. Lynn Peterson, Secretary
Washington State Department of Transportation
PO Box 47300
Olympia, WA 98504-7300

Dear Secretary Peterson:

I am writing to express my deep concerns regarding changes that have been made to the Regional Mobility Grant Program (RMGP) by WSDOT without any consultation of the Legislature. WSDOT indicated these changes have been made to comply with Governor Inslee's Executive Order 2014-04. The order specifically states:

"The director of LAPO will ensure that the State Legislature's committees on transportation and environment, and other interested legislative members, are fully informed on the clean transportation work under this executive order, and she or he will solicit their early and ongoing advice and guidance."

The changes made by WSDOT are as follows:

1. Increased emphasis on CO2 reductions has resulted in an increase of 5 points to the Greenhouse Gas Reduction criteria. A corresponding reduction of 5 points was taken from the Readiness to Proceed criteria.

I am concerned with this change as the RMGP is not intended to specifically fund CO2 reduction projects, it is intended to fund projects that "reduce delay for people and goods and improve connectivity between counties and regional population centers" (RCW 47.66.030). Readiness to Proceed is an important measurement as these grants must be completed in a maximum of four years.

2. Park and ride lots - electric vehicle charging stations are required to be a construction item in all new or expanding park and ride lot projects.

My concern is that the EV charging stations are costly and may not make sense for every proposed expansion or new park and ride proposal. This also requires grantees to take on ongoing operating costs.

3. Bus and equipment procurement – applicants can replace a diesel bus with a like kind hybrid, or alternative fuel (electric, CNG, LP) coach, even if no capacity (additional seats) are added. In the past, only buses that increased capacity would have been considered for the RMGP. Any new equipment necessary to operate the hybrid or alternative fuel coach is also an eligible grant expense.

The RMGP is not intended to fund fuel conversion projects. How does this “reduce delay for people and goods and improve connectivity between counties and regional population centers?” (RCW 47.66.030)

I would ask that you rescind these changes and continue to use the existing evaluation criteria for the RMGP until the Legislature has had time to review any proposed changes in accordance with the direction provided in Governor Inslee’s Executive Order 2014-04. Please respond at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis King", written in a cursive style.

Senator Curtis King



Washington State Senate

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November 10, 2014

Ms. Lynn Peterson, Secretary
Washington State Department of Transportation
PO Box 47300
Olympia, WA 98504-7300

Dear Secretary Peterson:

As you may recall, on May 28, 2014, WSDOT provided a briefing to legislators and staff on the on-going congestion relief study for the I-5 JBLM corridor. I know we are in agreement that this corridor is one of the most congested and vital in our state. The purpose of the study is to propose solutions to this important conduit through 2040. As I understand it, the study is on-going, not scheduled to be completed until next year, and the Department is in the process of receiving comment both from the public and legislators.

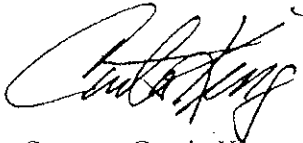
I have reviewed the 172 options that the Department included in the briefing papers and especially the four options being advanced to phase 2. Because I did not have an opportunity to participate in the stakeholder process, I would respectfully request that the Department add an additional option for consideration on the seven-mile corridor Center Drive and Gravelly Lake Drive. That would be an elevated four to six-lane expressway over the existing median. As an example, I would direct you to the Selmon Expressway in Tampa, Florida.

As I understand the advantages of this approach from limited conversations with the bridge design firm who designed the Selmon Expressway, this option provides maximum congestion relief for the least expense in the quickest time than any other. Because this approach does not increase the physical footprint of the project but instead relies upon existing right of way, I believe it may be more feasible from an environmental impact standpoint as well. I plan to have a presentation by representatives of the bridge design firm involved in the Selmon Expressway before the Joint Transportation Committee by the end of the year to discuss their work and in particular whether this option may be viable for the JBLM corridor. I also have concerns that the four options under consideration for advancement by the Department rely too heavily upon HOV or Managed Lanes rather than adding additional general purpose lanes to most directly improve congestion in the region. Because the study will essentially determine the fate and efficacy of the JBLM corridor for the next 20 years, I believe it is crucial for the Department to give careful consideration to all proposed solutions which have merit.

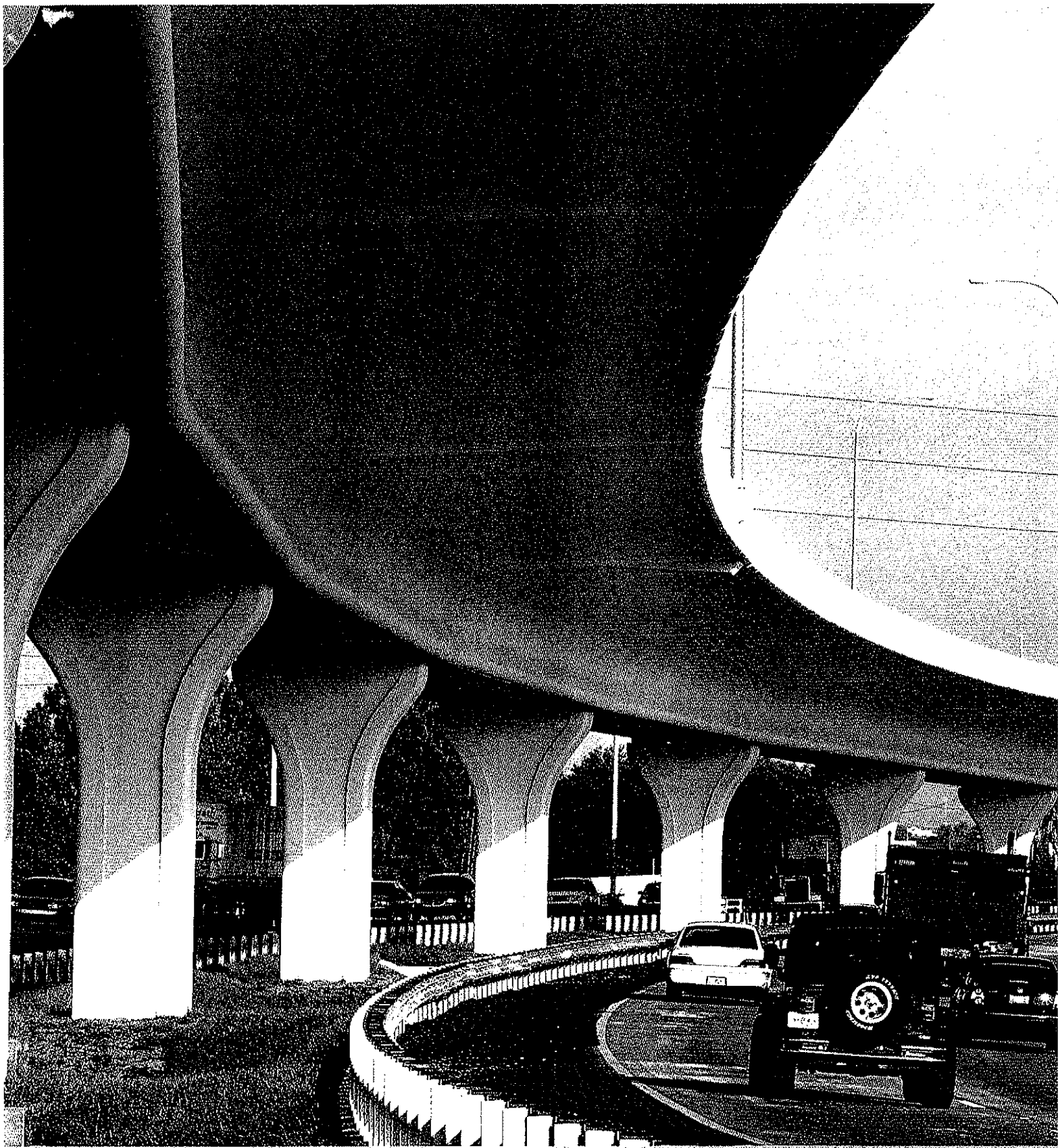
I have enclosed a picture of the Selmon Expressway as an example of the concept. I would sincerely appreciate WSDOT including it in an analysis of potential solutions for this corridor. Of course, if I am incorrect and the Department has already considered this approach as one of the 172 options, I also request a brief analysis of the reasons for the Department's rejection.

Please feel free to contact me if you have questions or wish to discuss further.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis King". The signature is fluid and cursive, with the first name "Curtis" written in a larger, more prominent script than the last name "King".

Senator Curtis King



SELMON EXPRESSWAY, TAMPA, FLORIDA



Washington State Senate

November 13, 2014

Chairman Anne Haley
Washington State Transportation Commission
PO Box 47308
Olympia, WA 98504-7308

Dear Chair Haley,

We are writing to you regarding the presentation by the Washington State Department of Transportation Tolling Division at the October 13, 2014 meeting of the Transportation Commission. At that meeting, the Department recommended a toll scenario that provided a range of prospective tolls on the HOT Lanes in the I-405 corridor from \$.75 to a maximum toll of \$15. The Department also indicated a potential \$2 additional fee was possible if a driver did not have a Good to Go transponder.

We know that these proposals are under consideration by the Commission and would like to convey the following concerns:

- The \$15 maximum toll is too high. Even taking into account the variable toll rate structure and the fact that it would only be charged under relatively rare conditions, the concept of charging our constituents \$15 to use a roadway that has already been paid for and constructed should be rejected.
- The Legislature never would have approved HOT lanes on the corridor if the Department's intent to recommend a \$15 maximum toll had been clearly communicated. A brief review of documents provided to legislators via committee meetings and fiscal notes since this project's conception reveals the following maximum tolls:
 - April 30, 2003, I-405 Executive Committee. Max toll: \$4.85
 - December 2010, Expert Panel Report. Max toll: Highest average toll \$7.90
 - February 15, 2010, Fiscal Note for HB 2941. Max toll: Average toll \$2.30 with increases to allow for inflation
 - April 22, 2011, Fiscal Note for HB 1382. Max toll: Average toll \$4.62 with increases for inflation
 - November 14, 2012, Briefing by Cambridge Systematics for JTC. Max toll: \$6.75

In the scenarios presented to the Legislature, we have yet to find a clearly communicated \$15 toll for non-commercial vehicles. While HB 1382 authorized tolls on I-405, and technically did not

provide a cap, we feel it's fair to say that most legislators' expectations at the time were that tolls would be imposed at an amount consistent with the HOT Lanes on SR 167. The proposed toll is almost double the highest allowable rate on SR 167. The Commission should reject such a high maximum toll.


- The Commission should not institute a \$2 pay by plate charge for vehicles using the Express Toll Lanes without a transponder until the legislature has had a chance to evaluate this proposal. This is a significant departure from how WSDOT currently operates the HOT lanes on SR 167. On SR 167, a vehicle without a transponder using the HOT lane is presumed to be a high occupancy vehicle and is only billed for using that lane if they have a transponder that is not shielded. Conversely, on I-405, a high occupancy vehicle without a transponder would be billed for using the Express Toll Lanes even if they meet the HOV threshold for not being charged. The only way a vehicle will not be billed for using the lane is if it has a "switchable" transponder that is set to HOV mode. Unless a vehicle has this specific transponder using this specific setting, the vehicle will be charged for using the lane. This represents a policy change which should be thoroughly evaluated by the Legislature prior to action by the Commission.

We realize the current timeline allows for the Commission to make a decision on this matter in January, 2015. Rate setting is scheduled to be completed in January, and tolling on I-405 is scheduled to begin late summer or fall. Because we are considering legislation to protect our constituents, address these concerns, and clarify legislative intent, we would strongly urge you to postpone any decision regarding tolls in this corridor until the legislature completes its work in 2015. Please feel free to contact us should you wish to discuss this matter further.

Sincerely,



Senator Curtis King



Senator Joe Fain



Senator Andy Hill



Senator Steve Litzow



Washington State Legislature

26 November 2014

Secretary Lynn Peterson
Washington State Department of Transportation
PO Box 47300
Olympia, WA 98504

RE: I-90 Tolling

Dear Secretary Peterson:

Upon consideration of the extensive public comment on the study of I-90 tolling, as well as the funding viability of those tolls to complete the SR 520 corridor, we request that the department stop work on the I-90 Environmental Impact Statement until July 2015 to allow the Legislature to review whether to continue to invest into the analysis. The current budget proviso expires at the end of June 2015, which called for a detailed EIS as well as a study of all funding alternatives to tolling I-90 to provide construction funding for the unfunded elements of SR 520.

After two rounds of extensive public outreach by the Department, there were significant comments and concerns expressed. Over 1,400 individuals attended the public scoping meetings held in Bellevue, Mercer Island and Seattle, and 4,700 comments were received through the scoping outreach.

From the outreach, the following themes emerged:

- The study area should look at the broader Puget Sound region and how tolling could affect traffic on other highways.
- If tolling is needed, a regional approach should be considered and not single out on highway, such as I-90.
- Most do not want tolls on I-90. Mercer Island residents were concerned they will be unfairly affected because there is no other way off the island.
- Opposition was expressed to using the funds generated by I-90 tolls to pay for SR 520.
- Other means of funding should be studied and considered instead of tolling, such as a state gas tax, local motor vehicle excise tax, transportation benefit district, vehicle miles traveled, carbon tax, or tolling other highways.

Previous I-90 toll funding contribution projections for SR 520 tolling and financial studies in 2007-2009 suggested that upwards of \$1.5 billion in toll funding could be generated on I-90 to contribute to completing SR 520. More recent financial projections are problematic. We understand using adjusted

economic and financial assumptions from 2012 suggests that I-90 net toll funding may exceed \$1 billion, but it will not likely be sufficient for completing the West side of SR 520. Additionally, some portion of the I-90 tolling revenues would likely be required for I-90 mitigation needs, further reducing the amount available to the SR 520 program.

Given the above considerations, we ask that the department delay any further expenditures on the environmental review. We do request that a financial analysis of updating the traffic and revenue information on I-90 tolling options be performed and submitted to the Transportation Committees to allow for legislative review. The financial analysis should include traffic forecasts, gross and net toll revenue projections, and financing projections for full tolling of all lanes on I-90 under the options articulated in the proviso, as well as for a single express toll lane in each direction. Discussion can then be taken up by the legislature regarding future direction to the department for the 2015-2017 biennium.

Respectfully,



Judy Clibborn
Representative, 41st LD
Chair, House Transportation Committee



Curtis King
Senator, 14th LD
Co-Chair, Senate Transportation Committee

cc: Sen. Litzow
Rep. Senn
Craig Stone, PE



Washington State Senate

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Senator Curtis King
14th Legislative District

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March 9, 2015

Ms. Lynn Peterson, Secretary
Washington State Dept. of Transportation
PO Box 47300
Olympia, WA 98504-7300

Dear Secretary Peterson:

I am writing to request that WSDOT once again partner with the Washington Public Ports Association on funding a Marine Cargo Forecast and Rail Capacity Assessment.

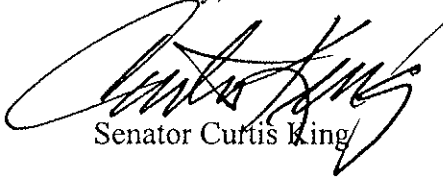
The purpose of the Marine Cargo Forecast and Rail Capacity Assessment is to evaluate the expected flow of cargo through Washington's port systems and gauge the distribution of cargo through the state's transportation network, including waterways, rail lines, roads, and pipelines. The study informs business and capital investment strategy for transportation and infrastructure development within and about local ports, as well as at the state, regional, and national levels. The study includes forecasts of trade opportunities by commodity and cargo type with a forward-looking 20-year horizon and has been conducted on a five-year cycle since 1975. I understand that this work has been done jointly with the Washington State Department of Transportation since 1985.

Washington is geographically favored by its position at the intersection of trade corridors of continental and international significance. These valuable resources link us to the world's economy and bring economic vitality to our state. As part of the global supply chain, our ports, in concert with the state's transportation system, provide family wage jobs, especially in industrial and agricultural sectors; transport of commercial goods at competitive rates; and cost-effective access to domestic and foreign markets. Making well-conceived and informed investments to maintain and strengthen this asset pays substantial dividends in terms of supply-chain efficiencies, shipping rates, and access to commercial markets.

It is interesting to note that WSDOT recently released a study titled The Methods for Estimating Bicycling and Walking in Washington State. I recognize that WSDOT probably used federal funds and therefore had to apply and get approval from FHWA, but I would ask if WSDOT applied for grants for this kind of study, can you also apply to use federal funds for the port study?

Please let me know if you can find a way to partner with the Ports on this important study.
Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis King", written over the printed name "Senator Curtis King".

Senator Curtis King



Washington State Senate

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January 19, 2016

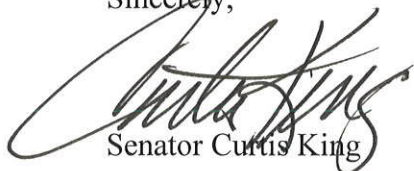
Ms. Allison Dane Camden
Intergovernmental and Tribal Relations Director
Washington State Dept. of Transportation
PO Box 47318
Olympia, WA 98504-731

Dear Allison:

Thank you for your time earlier today to discuss the conversion of air space agreements to cooperative agreements. As you may have noted, I have serious concerns about whether the tax payers' interests are protected with these agreements.

I intend to raise this concern with Senator Hobbs, Rep. Clibborn, and Rep. Orcutt. I am not considering legislation to address this; however, I am requesting that the Department of Transportation not proceed with signing the agreements that are still pending.

Sincerely,



Senator Curtis King

cc: Secretary Lynn Peterson
Bryce Brown, Sr. Asst. Attorney General
Jackson Maynard
Kelly Simpson
Kim Johnson
Hayley Gamble