

Citizens' Guide to Initiative 1125

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September 2011

I-1125 asks voters to decide on eight questions:

1. Should toll revenue collected from motorists be used for non-transportation purposes?
2. Should road lanes funded by gas taxes and tolls be used for non-highway purposes?
3. Should toll revenue collected from motorists be restricted to highway purposes only?
4. Should tolls only be used for construction of a new road, or may tolls be used for ongoing maintenance and operations?
5. Should toll revenue be restricted to the roadway from which it was collected, or may toll revenue be used for other roads in other areas across the state?
6. Should elected legislators set toll rates, or may they delegate that authority to an unelected commission?
7. Should toll rates be constant, or may they change based on certain criteria like time-of-day or traffic volumes?
8. Should toll revenue collected from the I-90 bridge across Lake Washington be restricted to funding improvements to I-90, or may the new revenue be used to fund other roads, like the proposed SR-520 bridge replacement?

Introduction

In November, voters will have a chance to consider Initiative 1125. I-1125 is known as the "Protect Gas Taxes and Toll Revenues Act – Protect the 18th Amendment to Washington's Constitution."

I-1125 contains eight provisions that would affect how Washington officials collect and spend revenue from highway tolls.

Washington motorists have a lot of experience with tolls, which have been used to fund 14 bridges, including those across the Tacoma Narrows, the State Route (SR) 520 floating bridge and the Interstate 90 floating bridge.¹ Generally, a toll was implemented and collected to pay for the capital cost of constructing the facility and once the debt was paid off the tolls were removed, which in some cases was earlier than first estimated. Washington officials have referred to this traditional type of toll policy as "pay as you go."²

Recently, however, officials have proposed a new approach that not only generates revenue, but also attempts to control driver behavior. Commonly known as congestion pricing, officials would charge motorists a fee to access certain lanes. The fees would change based on the time of day or traffic volumes. The toll would be permanent and officials would guarantee a congestion-free commute for those motorists who choose to pay the toll.

Washington officials have already implemented a congestion pricing pilot project on SR-167 south of Renton, and the state legislature approved a bill in 2011 to implement similar tollways on the north end of I-405 between Bellevue and Lynnwood. Washington State Department of Transportation (WSDOT) officials also have plans to put tolls on the entire length of the SR-167/I-405 corridor, and parts of I-5 in the Puget Sound region. Tolls will also start soon on the existing SR-520 bridge across Lake Washington, and officials are thinking about imposing tolls on the existing I-90 bridge, the proposed Columbia River Bridge crossing in Vancouver and the tunnel replacement of the Alaskan Way Viaduct through Seattle. The Puget Sound Regional Council (PSRC) also assumed in their most recent long-range Transportation 2040 plan every primary and secondary roadway in the Puget Sound region would eventually have tolls.

This newly aggressive approach to using widespread roadway tolls has given rise to many questions about fairness, mobility and how the new revenue would be spent. I-1125 asks voters to decide on eight of these questions.

¹ "Tacoma Narrows Bridge Connections, Washington's History with Toll Collections," Washington State Department of Transportation, September 2011, at www.wsdot.wa.gov/tbnhistory/Connections/connections6.htm

² Ibid.

It is important to note that I-1125 does not prohibit the use of tolls. In its broadest sense, the initiative preserves the ability of officials to use tolls in the same way they always have, on a “pay as you go” basis.

The following guide provides a fuller explanation of the eight questions voters will need to answer when voting on I-1125.

1. Should toll revenue collected from motorists be used for non-transportation purposes?

The initiative says: “State government, the department of transportation, and other agencies may not transfer revenues in the motor vehicle fund or any toll fund to the general fund or other funds and used for non-transportation purposes.”

Supporters say: Toll revenue should be restricted to transportation purposes only. Using tolls for other purposes transforms a limited user fee into a general tax.

Opponents say: The restriction prevents lawmakers from having the flexibility to use a reliable funding source like toll revenue for other public purposes.

2. Should road lanes funded by gas taxes and tolls be used for non-highway purposes?

The initiative says: “State government, the department of transportation, and other agencies may not transfer or use gas-tax-funded or toll-funded lanes on state highways for non-highway purposes.”

Supporters say: This would prevent Sound Transit from replacing the center highway lanes on Interstate 90 with light rail. I-90 is a major freight distribution corridor that affects every corner of our state. I-1125 would allow voters statewide to evaluate Sound Transit’s plans to take over those lanes on an interstate highway.

Opponents say: Voters in the Sound Transit district already approved light rail across the bridge and people who live in Spokane, Vancouver or Bellingham should not have a say about what happens to the center lanes on I-90 across Lake Washington.

3. Should toll revenue collected from motorists be restricted to highway purposes only?

The initiative says: “Toll revenue may only be used for purposes consistent with the eighteenth amendment to the Washington Constitution.”

Supporters say: Similar to gas taxes, tolls collected from drivers should not be used to fund non-highway projects or services. Tolls are already protected by the 18th Amendment, but lawmakers are considering or have already taken steps to skirt the limitations. Using tolls for other purposes transforms a limited user fee into a general tax.

Opponents say: Tolls should be used to fund other purposes, like public transit.

4. Should tolls only be used for construction of a new road, or may tolls be used for ongoing maintenance and operations?

The initiative says: "Tolls must end after the cost of the project is paid."

Supporters say: This is the way Washington has used tolls in the past and it has a successful track record, able to fund complex and expensive transportation infrastructure with a history of paying off the debt early. Ongoing maintenance costs can be funded through existing gas taxes or other vehicle-related fees.

Opponents say: Highways require ongoing maintenance costs that current revenue sources such as the gas tax and traditional tolling methods are not fully covering.

5. Should toll revenue be restricted to the roadway from which it was collected, or may toll revenue be used for other roads in other areas?

The initiative says: "Except for Washington state ferries toll facilities, revenue from tolls or charges on a highway, freeway, road, bridge, or street may only be used for the cost of construction and capital improvements to that particular highway, freeway, road, bridge, or street..."

Supporters say: Restricting toll revenue to the actual facility from which it is collected ensures funding for improvements to that facility, which directly benefits the drivers who paid the toll. Funding road improvements from tolls collected from drivers on other roads is unfair.

Opponents say: Such restrictions limit the ability of lawmakers to fund needed improvements that may not have a funding source.

6. Should elected legislators set toll rates, or may they delegate that authority to an unelected commission?

The initiative says: "As required by RCW 43.135.055 as amended by Initiative Measure No. 1053, only the legislature may authorize the imposition of tolls on eligible toll facilities."

Supporters say: This reinforces a portion of a previous statewide initiative (I-1053) that voters approved in 2010, which lawmakers found a way around. Toll rates should be set by an elected, political body that is directly accountable to voters.

Opponents say: Voters did not understand what they were voting on with I-1053. Toll rates should be set by experts not politicians. Lawmakers are subject to political pressures and such volatility would negatively impact the state's ability to sell debt with competitive interest rates. This volatility would also kill the potential for using public-private partnerships to fund a transportation project.

7. Should toll rates be constant, or may they change based on certain criteria like time of day or traffic volumes?

The initiative says: "Toll rates must be uniform and consistent and may not include variable pricing."

Supporters say: Flat toll rates are fair to everyone and do not discriminate. Congestion pricing means only toll payers benefit, while non-

toll payers suffer in higher traffic congestion. Officials should provide road infrastructure that benefits everyone, not just those who are able or willing to pay. I-1125 does not prevent tolling on State Route 520.

Opponents say: Variable pricing is a market approach to managing limited road supply and it reduces congestion. Variable tolls also create revenue for additional transportation projects, like partly funding the replacement of SR-520.

8. Should toll revenue collected from the I-90 bridge across Lake Washington be restricted to funding improvements to I-90, or may the new revenue be used to fund other roads, like the proposed SR-520 bridge replacement?

The initiative says: “Toll revenue imposed and collected on the Interstate 90 floating bridge must be used exclusively for toll facilities and capital improvements to Interstate 90 and may only be used for purposes consistent with the eighteenth amendment to the Washington Constitution.”

Supporters say: Imposing tolls on drivers on I-90, which is already paid for, to help fund a new SR-520 is unfair. I-1125 does not prevent tolls on I-90 or SR-520.

Opponents say: Lawmakers have not identified sources to fully fund SR-520 and preventing toll revenue from being collected on I-90 would stop the project from moving forward.

Conclusion

Voters will no doubt answer each of the eight questions in I-1125 differently and most will likely not agree with all eight provisions. Some voters may support protecting toll revenue for highway purposes, but disagree with limiting tolls to capital expenses. Other voters may even assign different weights to each of the questions, finding some provisions more important than others.

WPC’s *Citizens’ Guide to I-1125* is meant to help voters understand what is being asked and to offer some perspective on what each question means. In the end, voters will have to decide for themselves what provisions of I-1125 they agree with and whether these provisions are important enough to offset those they oppose.

The full *Citizens’ Guide to I-1125* can be found at washingtonpolicy.org.

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