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INITIATIVE 387

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 387 to the Legislature is a true and correct copy as it was received by this office.

AN ACT Relating to transportation; amending RCW 46.61.165 and 82.08.020; adding sections to chapter 82.12 RCW, Title 35, and Title 81; 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.

This measure would open carpool lanes to all traffic during non-rush hours, require cities to synchronize traffic lights on heavily-traveled arterials, expand funding for emergency roadside assistance, and dedicate 0.64% of state sales and use taxes for funding.

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-rush 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 to our most congested highways and roadways without spending billions of dollars? By opening our carpool lanes to everyone during non-rush 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. What's the use of having a top-notch Medic One system if it simply gets stuck in traffic? Synchronizing traffic lights ensures 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 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 contracted companies, including tow truck

services, 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 dedicates 0.64% of existing state sales and use taxes to a dedicated account that will pay for costs associated with opening carpool lanes to everyone during non-rush hours, requiring cities to synchronize traffic lights on heavily-traveled arterials, 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 time 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.

**INCREASES TRAFFIC FLOW BY OPENING CARPOOL LANES TO EVERYONE
DURING NON-RUSH 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 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, as of the effective date of this act, all carpool lanes shall be opened during non-rush hours for use by all vehicles otherwise lawfully abiding by the rules of the road of this state. This policy shall be in effect for current, new, and expanded carpool lanes.

For the purposes of this section:

(1) "Carpool lanes" are high-occupancy vehicle lanes, which includes express lanes, off-ramp bypass lanes, and on-ramp bypass lanes in the state.

(2) "Non-rush 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; and

(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.

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.

**INCREASES TRAFFIC FLOW BY REQUIRING CITIES TO SYNCHRONIZE
TRAFFIC LIGHTS ON HEAVILY-TRAVELED ARTERIALS**

NEW SECTION. Sec. 3. A new section is added to Title 35 RCW to read as follows:

To increase traffic flow, each city must synchronize the traffic signals on heavily-traveled arterials within its jurisdiction. Heavily-traveled arterials include routes of regional and local significance. To help pay for these improvements, the state shall allocate funding to cities from the dedicated revenue in the Increase Traffic Flow Account created in section 7 of this act to efforts by

cities after January 1, 2008 to synchronize their traffic lights and increase traffic flow.

**INCREASES TRAFFIC FLOW BY EXPANDING FUNDING
FOR EMERGENCY ROADSIDE ASSISTANCE**

NEW SECTION. **Sec. 4.** A new section is added to Title 81 RCW to read as follows:

The department of transportation must rapidly respond to traffic accidents and other obstructions on highways, roadways, and streets, clearing it up as expeditiously as possible. To increase traffic flow, the department of transportation must receive expanded funding for emergency roadside assistance. To increase traffic flow, the state shall allocate additional funding to the department of transportation from the dedicated revenue in the Increase Traffic Flow Account created in section 7 of this act to expanding funding for emergency roadside assistance to increase traffic flow. To maximize flexibility and response times, the department of transportation may contract out these services to private companies, including tow truck services.

**DEDICATES 0.64% OF EXISTING STATE SALES AND USE TAXES TO FUND
THE OPENING OF CARPOOL LANES TO EVERYONE DURING NON-RUSH HOURS,
REQUIRING CITIES TO SYNCHRONIZE TRAFFIC LIGHTS ON
HEAVILY-TRAVELED ARTERIALS, AND EXPANDING FUNDING FOR
EMERGENCY ROADSIDE ASSISTANCE**

Sec. 5. RCW 82.08.020 and 2006 c 1 s 3 (Initiative Measure No. 900, approved November 8, 2005) 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) Beginning on December 10, 2008, 0.64 percent of the taxes collected in subsection (1) of this section shall be dedicated and deposited into the Increase Traffic Flow Account created in section 7 of this act.

NEW SECTION. **Sec. 6.** A new section is added to chapter 82.12 RCW to read as follows:

Beginning on December 10, 2008, 0.64 percent of the taxes collected under this chapter based on RCW 82.08.020(8) shall be deposited into the Increase Traffic Flow Account created in section 7 of this act.

CREATES THE INCREASE TRAFFIC FLOW ACCOUNT

NEW SECTION. **Sec. 7.** A new section is added to chapter 46.68 RCW to read as follows:

The Increase Traffic Flow Account is hereby created. That portion of existing state sales and use tax revenues specified in RCW 82.08.020(8) and section 5 of this act shall be deposited in the account. Revenue in the account shall be used to pay for costs associated with the opening of carpool lanes to everyone during non-rush hours as required by RCW 46.61.165, including new or modified

electronic and non-electronic signage, lane striping, and shoulder improvements, including bumpers. Revenue in the account shall also be used to pay for costs associated with requiring cities to synchronize traffic lights on heavily-traveled arterials as required by section 3 of this act. Revenue in the account shall also be used for expanding funding for emergency roadside assistance as required by section 4 of this act. Money in the dedicated account shall be appropriated by the Legislature and used exclusively to implement the policies required by this act. Nothing in this act shall be construed to inhibit or prohibit the department of transportation or any other state or local government agency or body from expending other revenue from other sources to fund opening carpool lanes to everyone during non-rush hours, requiring cities to synchronize traffic lights on heavily-traveled arterials, or expanding funding for emergency roadside assistance as required by this act.

MISCELLANEOUS

NEW SECTION. **Sec. 8.** The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. **Sec. 9.** Subheadings used in this act are not any part of the law.

NEW SECTION. **Sec. 10.** 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. 11.** This act shall be known and cited as the Increase Traffic Flow Act of 2008.

NEW SECTION. **Sec. 12.** This act takes effect December 10, 2008.

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