

STATE REPRESENTATIVE
44th LEGISLATIVE DISTRICT
MARK HARMSWORTH

State of
Washington
House of
Representatives



October 9, 2017

The Honorable Governor Jay Inslee
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002

RE: Interstate 405 Express Toll Lanes

Dear Governor Inslee,

We are writing to bring your attention to the current operating status of the express toll lane (ETL) pilot project on a 17-mile stretch of I-405. Many of our constituents, both individual travelers and freight shippers, use this road as one of their primary routes of travel around the Puget Sound. As I am sure you know, this project converted existing high-occupancy vehicle (HOV) lanes and a general-purpose lane into express toll lanes (ETLs).

The continuation of the pilot is contingent on two performance criteria:

- 1) The facility is operationally profitable.
- 2) ETLs maintain an average speed of 45 miles per hour (mph) 90% of the time during peak hours.

In addition, federal law establishes clear criteria determining whether public authorities are permitted to establish, or maintain, tolls on federal HOV facilities. 23 U.S.C 166(d) states that 90% of the time during peak weekday hours the HOV minimum average operating speed must be 45 mph or greater. If the HOV toll facility becomes “degraded” – or fails to maintain the 45 mph minimum average operating speed at least 90% of the time over a 180-day period – then the public authority must submit a plan to the Secretary of Transportation within 180 days on how it plans to bring the HOV facility into compliance.

While the Washington State Department of Transportation (WSDOT) figures show the facility is profitable, they also show the facility is not meeting the speed requirement as a result. We are concerned all available data indicates the presence of the ETLs on this HOV facility have degraded service to a point that requires your attention, in accordance with federal law and a Memorandum of Understanding (MOU) between the Federal Highway Administration (FHWA) and the WSDOT.

It is now the end of the two-year cycle for the ETL pilot project, and the WSDOT has failed to meet their legal requirement to move traffic at least 45 mph 90% of the time. Therefore, we request the ETLs shut down as soon as practicably possible. We are requesting your action to convert one of the I-405 ETLs to a regular HOV lane and the other to a general-purpose lane, until the legislative session convenes. At which point, the legislature can decide how to proceed in the best interest of our constituents to find a more effective solution for I-405.

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Cordially,



Representative Mark Harmsworth
44th Legislative District



Representative Jay Rodne
5th Legislative District



Senator Dino Rossi
45th Legislative District



Representative Paul Graves
5th Legislative District



Representative Steve Bergquist
11th Legislative District



Representative Mark Hargrove
47th Legislative District