

**WASHINGTON STATE TRANSPORTATION COMMISSION**  
**VERBATIM TRANSCRIPT**  
**FINAL I-405 EXPRESS TOLL LANES FARE HEARING**  
March 18, 2015

KIRKLAND CITY HALL  
COUNCIL CHAMBERS  
123 5<sup>TH</sup> AVENUE  
KIRKLAND, WA

Commissioner Haley: Ladies and gentlemen, welcome to this hearing of the Washington State Transportation Commission.

Today is March the 18<sup>th</sup> and we will begin at 6:30 p.m.

As we all know, the State of Washington has been in a public conversation about I-405 congestion and possible solutions, and we've all been talking about that since the year 2000. We know that over the last 15 years there have been executive committees, multitudes of public meetings, media coverage, study, and lots of debate.

In 2009, the legislature directed the Washington State Department of Transportation, lovingly called WSDOT, to look at express toll lanes on I-405. In 2011, the legislature passed a law authorizing construction, tolling, and operations of express toll lanes on I-405 between Bellevue and Lynnwood.

The primary purpose of this legal directive as stated by the legislature is to quote, "Improve mobility of people and goods by maximizing the effectiveness of the freeway system," unquote.

After several years of work, the Transportation Commission received input in 2013 from an I-405 Executive Advisory Group. It was made up of elected officials and appointed officials representing communities all along the I-405 Corridor. This group recommended much of what is in the Commission's rate proposal today, including the recommendation that carpools continue to travel in the HOV lanes free, and that during peak travel hours in the morning and the evening, it should take at least three people to qualify as a carpool.

Rate setting has been informed by a great deal of study by WSDOT, the I-405 Executive Advisory Group, and this commission. And we have reviewed practices and operations of other express toll lanes around the nation.

Through all these efforts, we have collected a lot of public input over the years and most recently, during this current rate setting process that started February the 3<sup>rd</sup> and is culminating in tonight's hearing, we have received comments through our rate setting process in a variety of ways, including three public meetings, an online virtual webinar meeting, emails, a survey,

letters, and online discussion forums. We truly appreciate all the input and the perspectives we have received and have been actively listening and seriously thinking about it.

The question before us tonight is not if the 1-405 express toll lanes should happen. That was decided by the 2011 legislature. The question tonight is what should be the rates and the policies? The proposal before the commission tonight suggests answers to this question. Tonight, we will hear from Mr. Craig Stone with WSDOT and from the commission staff Mr. Noah Crocker. They will present for us an overview of the congestion problem we face on 1-405 and review the contents of the rate proposal before the commission.

Then we will take public comment. Because we must be out of this room by 8:00 P.M., we have limited time to get through our work tonight. Therefore, I request those who wish to testify to sign up now. You must sign the sheet to be called to comment. And please limit your comments to no more than two minutes so that as many people as possible can have an opportunity to speak.

Tonight is not for open discussion as we have conducted during the two previous meetings on this proposal. We are here tonight to listen. I ask you to focus your comments directly on the recommendations in the rate proposal before us and I ask you to be concise. We understand there are frustrations and concerns with other topics, such as the 1-405 construction, tolling in general, the SR 520 bridge diversion, and other topics. And while these are all very important, we unfortunately do not have time tonight to discuss and debate them. If you have such questions, we would request you to take it up with the Transportation Department or with us after this meeting.

With that introduction, I will turn the floor over to Mr. Stone of the tolling division of WSDOT and to Mr. Crocker of the commission staff.

Craig Stone: So, good evening -- good evening to the chair and the Commission, and also to those coming tonight. I hope we get this screen up.

Craig Stone: Okay. So, I can give you an overview with this and hopefully, we can get some of the specifics coming in here.

The intent from my presentation that -- I'll try and keep it short -- would give you a little bit of history and background. This has been a 15-year conversation that we've had up and down the corridor, through Snohomish County, King County, and Pierce County, talk about how toll lanes will be implemented and how the drivers will then drive the facility, and then talk about what the Transportation Commission has to weigh, consideration of your rate setting policies.

The main things that the Commission has to deal with here is the maximum minimum toll rates, looking at then toll exemptions, carpools, and peak period definitions.

I would like to say that we have done 17 presentations with the Transportation Commission over the years. They took up this matter here for what we call rating setting for 405 in November of

2013. And as the Commissioner Haley has said, this is really a culmination moment to bring all the input that they have received over the years and time into consideration.

Also, just as a background, the Department of Transportation, our responsibility is to plan and to implement and operate the toll facilities, whereas the commission has been identified by the legislature to set ferry rates, to set toll rates, exemptions, and the legislature then actually authorizes toll facilities to be put in place. So, every toll facility across the State of Washington has taken a legislature action or a separate bill to put in place, and also as Commissioner Haley said, in 2011 they did so for the Bellevue to Lynnwood section of Interstate 405 for express toll lanes.

Really good with electrons flying up. So. So. Technology.

One of the things I also want to mention here, and it's probably not too surprising to everyone, out of the 7,000 miles of state highway that we have across the state from Spokane to Aberdeen, and Blaine down to Vancouver, 405 is probably number one or number two as the worst congestion in the state. Probably inaudible...surprising to you.

Drivers experience up to eight hours of congestion a day, and we define that as 45 miles an hour. If you were in the red area just even tonight coming from Bellevue up to Kirkland, you know, you experienced it right there.

Inaudible.

Craig Stone: Okay. Let's continue on with that. The other thing is employment is obviously increasing dramatically and the population's increasing. So, as we're challenged with this we're seeing by 2030, so now only 15 years away, a 50% increase in employment, 25% more residents will be in this corridor.

Thank you.

Craig Stone: So, we went through these, context. So, here we are. But not only is the general purpose or the regular lanes obviously slammed, the HOV lanes running at 2+ occupancy, meaning two people or more in a vehicle, are not meeting what -- both a state standard or a federal standard 45 miles an hour, so -- with that. And that says 90% of the time, so 90% of the peak periods we need to be meeting 45 miles an hour and I'll explain why 45 miles an hour was chosen for that.

And so, those HOV lanes are having congestion like the regular lanes. Transit is impacted from that also, and so, whether it's Metro, Sound Transit, Community Transit, Coaches that are on the facility, they are being delayed and it's interesting that some people who will come down from the North end in a transit coach, they'll be in an HOV lane and the bus driver will actually get in the general purpose lane because it's actually better and faster than going in the HOV lane. So, that kind of gives you some indication of the challenges that we're facing in the corridor.

This then gets into how the performance in 2013, the gray line is the regular lanes and effectively saying southbound Lynnwood to Bellevue and then the bottom Bellevue to Lynnwood in the northbound. You can see these are the peak period of congestion that basically 9 out of 10 days, 90% of the days you'll see congestion on the main line out there. Again, not too surprising. But even that HOV lane, 6 days out of 10, so 60% of the days, that HOV lane is also breaking down and not meeting its performance standard.

Something to add to this, we are seeing the economy rebounding and so, in a lot of ways that's good. From a traffic standpoint, not so good. We see a 94% increase in delay on 405 in the last four years. In the last year alone, 27% increase in delay, hours that people are spending on the facility and not getting to where they want to be. But even the HOV lanes added 15 minutes in the last four years for a 17-mile trip from Bellevue -- from Lynnwood to Bellevue through there. So, we're seeing impact throughout all lanes.

This then is a look at the region and where we've been the last 15 years. The basically red shows we're not meeting that federal and state performance standard, whereas the green we are meeting it. And this is by direction, as you can see. As we moved into 2013, we're basically only I-90 and 167 are meeting that standard, and the others are not meeting that standard.

This inaudible...an interesting dilemma from the standpoint we have invested well over \$2 billion into an HOV system to be 300 miles of HOV lanes, Everett to Tacoma, basically the East side, the West side of King County. And with that is really supports a rubber tire transit express system, you're seeing Metro and Sound Transit, Community Transit operating on that. And that was really a backbone. And now we're adding light rail to that mix and commuter rail to that mix with Sound Transit, but we're not meeting that performance standard.

The plan has always been that these HOV lanes would be 3+ in the future sometime, 2020 and beyond. It's also interesting to note that 520 has always been a 3+ HOV to the west of 405 and when that 520 bridge opens up complete all the way to Seattle it will remain a 3+ HOV lane.

Also then, when you look at I-5, when we opened that in the '80s, it actually operated as a 3+ HOV. We had an opportunity we knew for a while to let it run at 2+, but the policy and the plan was always to bring it back to a 3+ HOV. But hence the challenge. When you take an HOV lane that's operating at 2+ HOV and you move to go to 3+, over half the vehicles in that lane will move into general purpose traffic. So what happens? That degrades. What happens... inaudible? They look over at the HOV lane. Well, it's carrying a lot of people, they don't see a lot of vehicles in it. And so, that becomes a dilemma situation.

So, across the country, you've not see people go back to 3+ even though we had policy driving us there, it doesn't really work just by doing signing to make it work.

The other thing, you and I, we're here and our state's growing. We're at 7 million population. Effectively since I started my career we've doubled population now in the state. We will continue to grow as we go forward.

In the last 10 years, we've added City of Spokane... inaudible area, in the next 20 years we'll add a City of Portland to this four-county central Puget Sound area. How do we move? How do we get mobility with that? So, that's part of the challenge.

We've had a 405 Executive Advisory Group. We started in 1999 and went through 2002 with an executive committee. We had a citizen's committee and we had a steering committee of planners and senior staff. We worked through what we called a master plan that looked at widening 405. We continued and this is as Commissioner Haley said, we worked then with the legislature from 2009 through '11 and on into '14 on looking at express toll lanes. There's four reports that have been done accordingly. Each one has shown merit that we can actually move more people and more vehicles with express toll lanes than without it. In fact, about 30% more people and vehicles with express toll lanes in the total corridor.

So, public involvement. Since 1999, we've had over 1,000 meetings and briefings in this corridor. So with that, a couple highlights here. We've had public meetings with the executive advisory group. We've had 17 meetings with the commission. We've had public meetings throughout the corridor, 200 meetings with community groups. We've mailed out over 200,000 postcards, invited people to come to the public engagements as we worked through these questions.

I mentioned the master plan that was adopted in 2002. It was done with what we call an Environmental Impact Statement that looked at Lake Washington and Lake Sammamish. It looked all the way from Lynnwood down to Kent and Tukwila area. It called for adding two lanes in each direction throughout the full three miles lakes to 405. It called for arterial improvements. It called for a bus rapid transit system to be on those HOV lanes to get better performance. It added new transition centers. It also, I have here, it says potential managed lane system. It was recognized that the concept of having express toll lanes or pricing was something that we needed to look at into...inaudible well.

You see a lot of these transit centers now added in Bellevue, Kirkland, you've seen some direct accesses points, means that 128 to NE 6<sup>th</sup> in Bellevue and in Kirkland been added since this program..

In 2003 the legislature added a nickel gas tax. In 2005 they added a \$0.095 gas tax. That is the program. that the Department of Transportation's been delivering, and on 405 it's a \$1.2 billion program. We have delivered this on time and effectively under budget. But that is what it has taken to get the \$1.2 billion and what you're seeing.

The last project is really the one we're talking about right that we're talking through on Bellevue to Lynnwood, and there's one more small segment of extending the HOT lanes between Auburn and Pierce County down in the south end.

So, let's talk about the Bellevue to Lynnwood section here. It's part of a concept of a 40-mile express toll lane system. So, the express toll lanes, what they'll do is they add an opportunity to, again, move more people, more vehicles more efficiently to get more sustainable capacity out of the lanes we have. If you build a lane without having some management tool, you'll -- the traffic

will over-demand it, it will break down, and you'll basically lose capacity...inaudible happened. With express toll lanes, you can always keep that traffic moving in those lanes, which then reduces demand on the other lanes.

It helps optimize highway performance, which helps actually reduce diversions on local streets and arterials.

It also any money that comes from the express toll lanes stays in the corridor, so the legislature set this up with the state treasurer so any dollar that goes to 405 will be then spent back on 405 to do more improvements. It will not go to other facilities. It will not go to the general fund.

And the express toll lanes are a user fee. It's a choice whether you would want to use them on your particular trip or not.

So we see that also then from the standpoint you can see some of the components here, and again, if you take that 40 miles and then break it down, the first part of this was opening up in 2008 the 167 HOT lanes that go between Auburn and Renton. That's the southern section. So we're now talking about the Bellevue to Lynnwood section, and then the middle section between Renton and Bellevue, the state senate, they have passed a proposal, they have moved it on the house, that would fund then that center section there that would include express toll lanes. They'd help finance and complete that construction also.

So, this is the concept that would bring up the other the picture happens to be at that south Renton interchange to have a flyover that would go directly from the HOT lane and 167 up to the express toll lanes on 405.

The particular project that you've been seeing that's being constructed out there for the last two years is in this section here. Work is continuing to go well. Fall of this year, then, we would open this up. Not only is there civil work that's building additional lanes area, there's some different ramp improvements, but also there's the toll equipment that you're seeing going in associated it with it. There's noise walls. And this is also is a good graphic that shows there will be three zones for pricing. So basically, there will be a north zone, Zone A, Zone B in the middle, then Zone C at the south end. And basically, as traffic as a driver gets in they'll see the price to go through each of those zones that I'll show you in a minute.

We mentioned the executive advisory group that we've been working with, executive community. In 2010 they made a recommendation that we should softly transition from a 2+ operation to a 3+ operation. In 2013, they came back and made the recommendation to have 3+ free during the morning and the afternoon peak periods, and then 2+ free during all other hours. You can see the makeup from cities and the agencies and the counties, as well as legislative staff that were part of that in that consensus that was built around that. And that one then was forwarded to the Transportation Commission for their consideration, as well as to the governor and the legislature.

So, I'd like to talk about the actual toll lane implementation and move off the background and history. This is the signs that you will see as you drive down the corridor, on the right-hand side

is probably an off-peak period, you'll see three destinations. So, if you're up in the Lynnwood area you'll see a destination of State Route 522 around Bothell, down to 124 here in the Kirkland area, down NE 6<sup>th</sup> in the Bellevue area. At this particular place, prices would be low, traffic's pretty free-flowing. You'll see also an HOV is free with a Flex Pass.

The bottom sign then would describe what the price would be going forward with that. So, that first destination is \$2.00. Second destination is \$2.15. Third destination is \$2.35. These are not added together. These are the price that you would take if you made that full complete trip or if you only made a partial trip.

Once you enter in a lane that's the price you'll pay even if it goes up later from that standpoint. Yeah, again, the 45 miles an hour is very important to make sure you get a fast, reliable trip through that. And transition, vanpools, and motorcycles and carpools then would be free as policy.

Ways you pay, so how you pay for 520 or Tacoma Narrows Bridge, also a future on the other facilities we'll have your Good2Go with a pass pays the lowest rate. You can use Good2Go with pay by plate, you have these short-term accounts, or you can elect to receive a bill in the mail at home.

This is a graphic, then, that shows the entrance points and exit points up and down the corridor. There will be a direct access, as mentioned, at the 128<sup>th</sup> in Kirkland that you'll be able to use and access as paying customer, as well as if you're a transit carpool, as well as NE 6<sup>th</sup> into downtown Bellevue. The difference here is because we'll be taking photographs of any vehicle that is in the express toll lanes and send them a Pay by Mail bill, you have to tell us you're a carpool and that will be done with a Flex Pass. So, you have a Flex Pass that you move from the HOV mode over to the...inaudible toll mode and back and forth. This is being done in Washington, D.C., this is being done in L.A., this is being done in other places around the country. And so, it's a declarable fixed point, otherwise, we would send you a bill in the mail for that.

So, here's a real important principle of looking at traffic. Traffic's a lot different than water because of human behavior and you might say of moving. If you're up in the green area, that's the speed, low volumes, you're running around 60+ miles an hour, pretty straightforward. As you continue across this graph towards the right in the green area, traffic starts building up, but you're generally doing about 60 miles an hour.

There becomes a place around out here to the very right when you start to see it turn and around 45 to 50 miles an hour is the place you get the most vehicles through a lane at a particular time. That's really important from the standpoint of optimizing capacity. And we all know what happens when you get too many vehicles trying to get on, one or two or three more vehicles try to get in, everybody stops, everybody slows down, you get people stepping on the brakes and all of the sudden we're down around 1,000 vehicles an hour or less and you're in that stop and go and you've lost throughput. And so, the key here is how do you keep that 45, 50 miles an hour sweet spot and keep traffic always there because that optimizes your lane and gets the best performance out of the corridor?

So, using that principle, if you look at 405 right now, the northbound, we have 100% capacity when traffic is less than demand, things are moving really good. But when you start getting to the afternoon peak and you can see how it's degraded between 2011 and 2013, effectively, you're losing your ability to get traffic through. The southbound effectively you're seeing 60% loss you're getting 60% capacity. So, instead of getting 1,800 vehicles an hour, you'll only get about 1,000 vehicles an hour at that time. So, you're actually getting -- when you need it the most, you're getting the least productivity out of the lanes, and that's why just building more lanes will not get you to a place of being able to get that throughput.

This is an example, though, then it comes from 167 from real data, real information. And this is a principle, I think, that's important to understand. The purple is the demand of HOV volumes on 167. It goes up towards the morning as you get closer to 6:00, 6:15, 6:30 in the morning, and then it starts coming back down again. You can kind of see what that line is and see that's the place that you really don't want to get over that line.

The green area is then what we're selling off. It's basically additional capacity that we can use. When somebody goes from the general purpose lanes into the green area, that means they're freeing up space in the general purpose lanes, they're deciding to buy in, and so that helps the general purpose lane have less demand, it flows better, and we've experienced that on 167.

The other part of it is while there's still unsold capacity above that, there's really not a reason to charge very much because we just let it in. So, people are running around \$0.50, \$0.75 for that trip to go through there.

When you get to the peak here, when you get to 6:00, 6:15, 6:30, 6:45, for about an hour there, we then have to start limiting how many people get in. That's when the price starts going up, so people then get a choice. Do I want to get in at that price to get that trip at that speed for 45 miles an hour or better? Or do I not want to do that for this particular trip?

So, when you look at this, this is how it works. And so, it actually helps general purpose in the shoulder hours get back into the HOV you've got an HOV, HOT lane, it really improves performance. But even during the peak periods, and some people say this is counter-intuitive, you actually get best performance in that peak period, which then still keeps reduced demand on the outside lanes and means all lanes then actually operate better.

The other part of it is, on 167, as we'll talk about here with the Commission tonight, they're looking at a maximum and minimum rate. On 167, the Commission in 2007 adopted a \$9.00 maximum and a \$0.50 minimum. So, that's kind of the range. We've been averaging in the peak period, peak direction about \$2.25 on 167 to go from Auburn up to Renton saves out about 8 minutes over an 11-mile trip. So, when we talk about the max and min, that's what the algorithm will work within. The actual price is going to be set by the drivers and how many drivers want to be on the lane at any one particular time.

This then looks at the question of will it work? From the standpoint, these are the counties where half of us live, so out of all the counties in the United States, these 146 counties is where half of the U.S. population is. So, in this very urban, dense locations, and if you look at them,

they're the white places you would think about, and we have three of those counties right here. And we have overlaid onto it where express toll lanes are going to be. The 167 was a pilot it was like number 10 in the nation. 405 will be now the 33<sup>rd</sup> express toll lane being put in place. It's becoming a standard way of looking at traffic management, federal highways adopts it without any conditions. You see Washington, D.C. has it, you see down to the Florida area, Texas, Minneapolis, California, Salt Lake, Denver.

I want to take a couple of these and look at them. One of them is Atlanta. They decided to go to 3+ 24 hours a day. Just we're just going to move them 2+ to 3+ and just do it and get that performance. Miami did exactly the same thing. If you look at Miami, though, they added additional lanes, they had existing HOV lane, they added a lane next to it, and then they added the general purpose lanes next to it. Very similar to what we're doing on 405 in the Kirkland-Bellevue area. Before, they were running around 16 miles an hour on average in both lanes. They tripled the speed in the express toll lanes, but they also doubled the speed in those regular lanes because the whole system then would operate more efficiently.

If you look at San Diego, there's also kind of that moment, sometimes I call it the Missouri syndrome, which is "show me, I'm not going to believe it until I see it." Same things happens in San Diego. The yellow lines or orange lines are what folks on the Eastside corridor of Washington State...inaudible 405 have said whether they like the idea of express toll lanes, whether they oppose the idea, or they're undecided with that. Compare that to San Diego, they did a pre-implementation study, a lot of undecided folks saying, "I really don't know."

When they moved over and moved into operating it in 1997, saw some opposition go up, but the majority of the people went over to the approval. And by the time they operated it in 2007, the undecided had pretty much all gone over to the approved section. They have actually now extended Interstate 15 further north. They're applying this to Interstate 5. So, it's part of their program. that they're seeing down there.

Then we move into the third part of our presentation with the Commission on toll rate proposal. As I mentioned, this is the responsibility as set up by the legislature, and so I won't review this again, but this shows you there's three components to setting tolls and the approvals. And tonight you're here with Transportation Commission as they consider toll rate exemptions.

So again, the proposal components are a minimum toll rate, a maximum toll rate, Pay by Mail, so how much additional the Good2Go price should a Pay By Mail price be? What type of exemptions should be allowed? And then, what are the carpool policy and considerations?

Minimum toll rate is the first one. The commission must set a minimum rate, which then the algorithm we have, every five minutes there will be a computer algorithm looking at traffic up and down 405 and setting the price based on what the demand's going to be. So, more vehicles, the price will go up a little bit, less vehicles, the price will come down, but it has to have parameters to work within.

And modeling shows the average toll will be between \$0.75 and \$4.00 for the peak periods on 405. Here.

So, with that...

Noah Crocker: Good evening, ladies and gentlemen. Again, my name is Noah Crocker; I'm staff with the Transportation Commission. I'll make a few comments over the next couple of slides, but they'll be brief so we can get to the public comment portion of the presentation.

The two comments I want to make or really draw you guys' attention to are that the modeling should have demonstrated that 77% of the trips are anticipated to be \$1.00 or less. And the other important point with looking at the minimum is that set the minimum to be consistent with the cost of the collection at that level, as \$0.70.

Craig Stone: The next one is the maximum toll rate, so the other side that the algorithm needs to work within. So, the commission must set a maximum. Its variability is responsible for that higher rate that we'll look at. As I mentioned, the average is projected to be between \$0.75 and \$4.00. As I mentioned, 167 has been running on average around \$2.25.

But as you look then at the black line, this is the average volumes on an average day. So during the -- you can see the speeds here during the early morning at 4:00 a.m. You're up at 70 miles an hour. You drop down to about 30 miles an hour during the morning peak, come back up again. And this is in the 405 area southbound around Bothell. But traffic varies a lot. Each of those pinpoints here is actual traffic data from this particular year for a 15-minute segment so that you can kind of see how much it varies. The red line is what we would call the 10%, so basically, 9 out of 10 days would be less than that. You can then see on those days you might get into this \$4.00 to \$10.00, and there might be a few days where you actually might say you want to be higher than that to make sure that you're getting good performance. But again, on average, you'll be looking at that black line area.

Noah Crocker: The couple comments I'd like to make on the maximum toll rate are I want to point out that the maximum toll rate is not expected to be reached except for under extremely congested days. The modeling suggested that it'll be on the rare occasion that it'll be in the range of \$5.00 to \$10.00. And more importantly, the modeling work that has been performed is projecting that 90% or 97% is projecting that on the average weekday 97% of the toll trips will be at \$4.00 or less. So, again, the maximum is set for those extreme days, but we expect where the toll price to actually be is at \$4.00 or less 97% of the average weekday.

The other point I wanted to point out here is number two, is that it's worth noting that the current WSDOT operational policy for this will be that once the toll rate is reached, it will stay at the maximum toll rate and will not switch to HOV-only. It's slightly different than what is current on place in SR-167 where when the maximum toll rate is reached or the algorithm tells us that it should go higher than the maximum rate that it's switched to HOV-only.

And the last point is that the Commission will monitor this, on a quarterly basis we'll be constant contact with Craig and his staff about traffic conditions routinely.

Craig Stone: Then the Pay by Mail increment is, again, a difference between the Good2Go lowest price and then what we should charge for sending out a toll bill. There is image review

when you take a picture of a license plate, there's lookup with Department of Licensing, there's a postage cost, there's the mailing, there's receiving that billing back because it was we invoice that. The Commission may set that toll rate differential transactions, that increment then would be that built up on that they said that Good2Go rate. It also covers, then, any losses that you have from people not paying or not the element as well as then doing some out-of-state lookups.

But, we'll have signs on the side of the road that will tell people the -- tell the customers that an additional charge. The signs you'll see overhead will be the Good2Go rates.

Noah Crocker: Right. And again, I'd like just to reiterate that with the Pay by Mail rates it's going to be \$2.00 on top of the base toll rate, the Good2Go rate that's on the signs. So, that's important to note. And the reason we choose the \$2.00 increment is because we are trying to cover our costs of the collection of that particular product. So, for those that choose to use the Pay by Mail option, the fee will be \$2.00 higher.

The other important point is the Pay by Mail differential is currently \$2.00 on the Tacoma Narrows Bridge and we strive for consistency in toll rate setting, so we're bringing that into alignment.

Craig Stone: And I will say, the majority of drivers will be in the Good2Go program, so this is for the small number of drivers who wouldn't -- would come in and want to use it without the Good2Go project.

So, exemptions?

Noah Crocker: Yeah. And rather than go through all the exemptions that you guys have the... inaudible. The one important point I want to make clear about the exemption is that in order to receive the exemption, there are certain things that the driver has to do. The driver has to purchase the switchable transponder, and a picture of that was on slide 19, Flex Pass. We have to you have to set up an account that's in good standing and then you have to have the correct number of people in your vehicle at the time of day to meet the exemption requirement.

Commissioner: Can we ask questions at this point?

Noah Crocker: We will come back to the question. But I want to make this point because I think it's important to communicate out there that by default you'll be charged the toll rate. In order to receive the exemption, you have to do certain things, which is buy the transponder, set up an account, and have the correct number of people in the vehicle at the time. And that's the only real point I wanted to make on the HOV exemption policies.

Craig Stone: So, carpool occupancy, the executive advisory group recommended that during the peak periods 3+ be exempt from the tolls and 2+ being... inaudible. Remember, that with express toll lanes, we're opening up the lanes down to everybody. Before, only HOVs can be in that HOV lane. When you go to express toll lanes, a single driver can be in that lane, 2+ can be in that lane, but they would be paying for that time. 3+, vanpools, and transit then would be exempted and free.

As mentioned here, the executive advisory group members, they stressed this should be an interim measure to make sure that eventually, if we ever need to go to 3+ in the future that we have the ability. We worked with the commission on evaluating, and with the executive advisory group, doing 3+ all the time like they do in Miami and Atlanta, doing 3+ during the peaks or 2+ during the off-peak, remaining at 2+ during the off-peak period. We looked at a 2+ discount. We also looked at a concept that there be no exemptions at all for carpools, effectively it would be an express lane that everybody would then pay equally.

Considerations here. We must meet the performance standards of both that are put in statute by the state as well as federal highway administration. This is an interstate with federal funds that were applied to it. Carpools will need an account, as Noah has mentioned, with a Flex Pass. They are doing this in Washington, D.C., they are doing this in Los Angeles. Also, they have Declarable in Atlanta and Miami.

Complexity of messaging education is a really important consideration. We know there's a big change. We know there's a lot of education. And we're about to embark on that once the Commission has come to a final decision. And the ability to eventually transition, if need be, into the future as further population deployment grows in our region.

This is a chart that looks at 405 today. Again, this is up in the area of Bothell, southbound, where we have one HOV lane and two general purpose lanes right next to it. So, we are not added any additional lanes in the Bothell to Lynnwood. What we're doing is converting the HOV lane over to an express toll lane.

Again, each of these dots is that 15-minute period throughout the 365 days of the year. And what this is showing us is that 45 mile an hour is effectively we're degrading below that 200 days out of the year. So, with that, it's not as long a duration as general purpose traffic, but it is breaking down and it's very variable. And so, the challenge that we have is we already have a situation right now today that needs to be addressed by our policy and so, that is really the key and kind of the driver of the consideration here, is that Lynnwood to Bothell section.

This also is from looking at the revenue projections. The key for us is to the toll is to help manage traffic, that is the number one key to this. Any revenue that comes above and beyond managing traffic, as mentioned, will go into the treasury to be re-appropriated by the legislature back into the 405 corridor for additional improvements. But we looked at different scenarios from 2+ carpool being free over to scenario C where 2+ carpools are free during the off-peak and 3+ during the peak, over to 3+ carpools being free throughout the time. And so, we looked at the number of years and the places where we would actually would not cover our operating costs and where -- as in the red area, and the green circles are then where we would have a revenue that would then be able to reinvested back into 405.

Noah Crocker: A couple comments on this particular recommendation. The current condition is for 3+ vehicles to be exempt during the peak period and 2+ vehicles to be exempt in the non-peak period. Again, this recommendation came to us through the executive advisory committee, and I'd point you guys back to pages 9 and 16 in this presentation, as well as 34, to review who is this executive advisory committee. It's elected officials up and down the I-5, I-405 corridor.

The other point is that the modeling forecasting is suggesting that 2+ during the peak period will not meet the federal performance requirements, nor will it provide the sufficient revenue to cover operating expenses. Again, you can see that on the previous slide that on slide 36 that it's -- reaches positive net revenue in fiscal year 2017, in the second fiscal year, at \$1.2 million. First fiscal year it's projected to be at have a negative net revenue.

Craig Stone: So, with the concept of having 3+ during the peak periods and 2+ all other times, we needed then to find the peak periods. So, the traffic engineers of WSDOT, we considered this, we've looked at different factors, and when that should apply. So, the timing of the change of occupancy should avoid abrupt changes in traffic performance and toll rate changes. We wanted to make sure we had a smooth transition between the peak periods and the off-peak periods.

We wanted to make sure it was applied corridor-wide, and also in both directions so that it has driver expectancy. We wanted to consider the peak period hours use of transit as well as how all the lanes will be optimized on the facility.

We have some factors here where we looked at the HOV volumes, so when they started exceeding 800 vehicles per hour, we started seeing some changes in their performance and we started seeing general purpose traffic drop below 55 miles an hour, again, as...inaudible are changed. And we also reviewed the revenue objectives.

So, we also wanted to consider the south end of 405 as to the legislature has not authorized yet -- the Renton to Bellevue section. Anticipating that they will, but we wanted to make sure that we're consistent with the 5:00 a.m. to 7:00 p.m. designation of HOV because between 7:00 p.m. and 5:00 a.m. it's open to all in that southern section.

These are, then, plots, again, in the Bothell area. The green lines gives the general purpose speeds. It's keyed off the right-hand side. Effectively, you're coming above 60 miles an hour, you drop down to about 20 miles an hour, and then come back up again. The red lines are the HOV volumes, and not too surprising the HOV volumes start peaking when the general purpose traffic starts degrading. And so, you can see the blue areas where we've bracketed where that major change is happening.

So, those are the areas that from 5:00 a.m. to 9:00 p.m. and 3:00 p.m. to 7:00 p.m. are the areas that we looked at from our traffic engineering perspective and brought that to the commission.

If the peak periods are defined too tightly, the high volumes of toll for each vehicle may actually reduce the express toll lanes' reliability and revenues. If its peak periods are defined too broadly, there could be general purpose congestion that could happen from that. So, we wanted to make sure we had a fine point there with that.

Noah Crocker: The current proposal is for the peak period defined as 5:00 a.m. to 9:00 a.m. in the morning, and 3:00 p.m. to 7:00 p.m. in the afternoon. Again, we arrived at these peak periods in conjunction with WSDOT traffic engineers looking at current data and traffic trends, and I'll point you back to slide 30 - 39, excuse me, and 35 to view traffic patterns.

Craig Stone: The summary of the proposed policy decisions: minimum rate of \$0.75, a maximum rate of \$10.00, a Pay by Mail increment of \$2.00. Exemptions for transit, van pools, HOVs including carpools, motorcycles, and 16-passenger busses, the in-service emergency vehicles, maintenance, enforcement vehicles, such as State Patrol, Incident Management, and working then with private tow truck operators is a very similar in those areas to what is on state route 520 for exemption so they can have in-service vehicles get there quickly.

Carpool policy, 3+ are going to be exempt from tolls at all times, 2+ would then be all times except for those four-hour windows in the morning and then in the afternoon.

Noah Crocker: And Craig, I just want to, again, go back the point I made earlier that in order to receive the exemption you have to do three things: get the transponder tag, the switchable pass, and set up a Good2Go account, and you have to have the correct number of people in your car at the current time of day. So, that's very important because it's not -- it's not a by-default exemption. You have to engage in certain activities to receive the exemption.

Commissioner Haley: Thank you very much, Craig Stone and Noah Crocker. We will move to public comment. Please limit your comments to two minutes and I will ask you to be seated at two minutes so that we can allow as many people as possible to speak.

Because we have so many people signed up tonight and we have limited time, if someone has made a point that you agree with, you may simply come up and state your agreement and then we may get to everyone as possible.

Tonight is not for open discussion or questioning. We have done that during two previous meetings. We are here to listen. So, I ask you to focus your comments concisely and directly to the proposal at hand.

I will call the first person to testify. Will you please come up to the microphone where Craig Stone stood and speak to us for two minutes?

Mr. Bruce Playfoot?

Mr. Playfoot: I -- I crossed that out.

Commissioner Haley: Okay. Thank you.

Mr. Tomas Khan.

Mr. Khan: Good evening everybody. Thanks to the commission for letting me be here. And...

Commissioner Haley: Please move the microphone closer to you. Thank you.

Mr. Khan: Thanks for the commission for letting me come over here and letting me voice my opinion.

My name is Tomas Khan and I live in Shoreline. I commute on 405 daily with my friend Brian, and I have two concerns. One is that the three-person carpool is too difficult for the two of us, and the other one is the peak \$10.00 that is being imposed on us. I did hear Craig Stone's comments that it would not go up more than \$4.00. I will yet to have seen that.

I've got two suggestions. One is in Australia, they have decided to do this thing on...inaudible congestions, and what they do is they sideline all these big huge trucks, the 18-wheelers and such and so, maybe Craig Stone can look into that.

Secondly, I'm going to make it quick. No offence to the truck drivers, please.

The second thing is that we should not be so abrupt in a way we have to do this kind of study where we have to make big decisions like this. I think we should be looking at what the normal drove of a city would be and we could have maybe have a which I call it an I-4 and 705, and maybe this has been done before, and if not, I got more detail here that we can talk later.

The two concerns that I had mentioned earlier is I'm not just coming over here and sitting on my own and there are a few people over here. But there are...

Commissioner Haley: Thank you, Mr. Khan. Thank you, Mr. Khan.

Mr. Khan: Okay.

Commissioner Haley: Wendy Ferry?

Good evening. I'm Wendy Ferry. I live just north of Woodinville in the Snohomish County area. I represent those of us for the 522 corridor that seemed to be sorely under-represented during this study. Recently I -- Hwy 9 was widened. My traffic commute has increased by 10 minutes since that time. In order to reduce our carbon footprint my husband and I carpool together down 405 to the 128<sup>th</sup> street exit and one of us takes the bus. I go to Redmond. My husband goes to Bellevue. That is our only commute alternative. We have no other commute alternatives.

The nearest bus to my house is four and a half miles away. I have tried I've tried riding my bike down Hwy 9 and almost gotten killed. I don't want to do that again.

I suggest strongly that the commission consider keeping the two-person carpool while you go ahead and add this HOT lane. I don't care about the HOT lane myself. My husband thinks it's a regressive tax in a regressive state, so he's concerned about that.

Inaudible...it is.

Ms. Ferry: But, I strongly suggest you keep it at a two-person carpool until you give us -- those of us that are outside of the 405 corridor alternative commute -- commute alternatives. That's all. Thank you.

Inaudible... Thank you.

Commissioner Haley: Thank you, Ms. Ferry.

Commissioner Haley: Carol Thompson?

Good evening. I'm Carol Thompson, a service development manager with Community Transit. Community Transit strongly supports the WSDOT transition proposal for the 3+ carpools free anytime, the 2+ carpools free off-peak for the I-405 express toll lanes.

Transits have been engaged in this study for years and our message has been consistent throughout and we've been unified throughout. And I handed out some sample letters for 2009, 2010, and then also the comments that were read into the record at the last meeting of the advisory committee in November of 2013. As Craig has shown every clearly, the lanes have not met the stated performance of 45 miles 90% of the time. The degradation of this performance started pretty soon after excuse me? Pretty soon after we went from 3+, the original, to 2+. And it's never really recovered.

The conditions of the freeway have degraded pretty dramatically over the last four years, as Craig mentioned. The 1-405 from Tukwila to Lynnwood has experienced a 94% increase in delay since 2010, and 27% increase in just the last year, and that's going on throughout the freeways all over the region.

The entire region consistently looks to transits to increase our mode-share in meeting the travel desires, both now and going forward. And we're going backwards with the all the congestion. So, approving this proposal before you is really an essential step in the direction of keeping the region moving. So we thank you.

Commissioner Haley: Thank you, Ms. Thompson.

Mr. Cam Mortland?

Is Mr. Cam Mortland present?

Mr. David Baker?

Commissioner Haley: When Commissioner Tortorelli presents a one, it means you have one minute left.

Mr. Karlinsey: Oh, okay, okay he's not asking me a question?

My name is Rob Karlinsey, I'm the City Manager for the City of Kenmore and Mayor Baker asked me to speak on his behalf, and I'm actually here on behalf of Mayor Baker and the city council.

I gave a presentation to you, the Transportation Commission, about a year and a half ago when you were in Bothell about toll diversion, and the toll diversion cities, like Kenmore, who are receiving the brunt of toll diversion from the 520 bridge. We're concerned about the same thing that might happen with tolling the HOT lanes on 405. Also, the three occupant minimum, we're again worried that we'll see more toll diversion.

Our simple request is that revenue generated from these tolls, a chunk of it be allocated to toll diversion cities so that we can mitigate the impacts of toll diversion. And you have a letter going into a little more detail on that.

Thank you.

Commissioner Haley: Thank you very much, Mr. Baker.

Commissioner Haley: Mr. Gasparrelli (sp?)

I'm Pete Gasparrelli. I live in Kirkland. I'm concerned about the recommendation for a 3+ on the HOV lanes and on the express lanes. I'm not sure what compelling data was used to support that. It seems to me that already 167 has proved to be profitable after a few years and it's a 2+ lane. So, I don't know -- and I don't know that any studies have been done to find out what the demographics are of the people that can afford to get in a 3+ lane.

The other thing that has become very familiar to me is the impact that this has on people that renting cars coming across 520. These are tourists, these are people that are coming in that are business community coming into our area, and there has been as much as a \$40 charge fee to the people that rent those cars because they don't know anything about Good2Go passes or whatever. So, I don't know if there's been anything to justify or what's going to be done to address that issue.

Thank you.

Commissioner Haley: Thank you very much, Mr. Gasparrelli.

Commissioner Haley: Mr. Bill Green?

My name is Bill Green. I'm the Chief Financial Officer with the King County Department of Transportation and I'm here this evening on behalf of King County Metro.

First of all, thank you for the opportunity to testify. Metro supports the implementation of the express toll lanes as an important step in keeping traffic moving in the heavily congested 1-405 corridor. Mobility on the Eastside is important for our region's mobility, economic vitality, and moving people efficiently is a key component of that mobility.

Currently 1-405 is heavily congested and the existing HOV lanes don't provide a reliable or a consistent method of the transit operation. This results in a delay for our bus riders excuse me

and increased operating costs for transit agencies. These lanes should be managed to ensure improved transit operations.

Management of the express lanes through tolling rates and carpool occupancy requirements must ensure that travelers in those lanes will be traveling at 45 miles per hour or better allowing bus riders, carpoolers, and vanpoolers to realize shorter travel times and increased reliability.

Metro will support use of express toll lanes by working with our partners to attract more riders to vanpools, carpools, and busses. Examples include helping carpoolers to get equipped with the Flex Pass and providing additional incentive programs to form new carpools and vanpools.

Current ridership on the corridor is about 5,000 bus trips daily, and an additional 600 vanpools that originate on the Eastside. They all will realize additional savings significant time savings.

As we help more people share the ride, we can help keep the entire corridor moving, which benefits everyone, including those driving alone and freight.

The express toll lanes will help keep this important corridor moving, enhancing overall mobility for residents, improving transit speed and reliability, and decreasing time spent in congestion, and reducing emissions.

Thank you.

Commissioner Haley: Thank you, Mr. Green.

Mr. Joe Johnson?

Well, I'll be short. I'll just say that I agree with most of what the public has said and not so much with what the other people have said. I'm an engineer, I'm also a small businessman, I think I understand both. I think you haven't been very successful with your projections before and now I read that you're going to spend \$0.75 out of every dollar you collect to maintain and operate the system. So, you don't have a lot of room for margin here.

Diversion is going to be a big problem. Could be up through neighborhood. I live right off 160<sup>th</sup>. I think that this is not only a regressive tax, but it's a discriminatory tax because there are people that won't be able to pay \$4.00 to commute to and from their jobs, let alone \$10.00 during peak hours. So, it's discriminatory and it's regressive. Washington has the reputation for being the most regressive taxed in the country, and it's true. So, the legislature has not done their job, they can't fund schooling, they can't fund transportation, and a gentleman reminded me that in the '70s the public said that we need and voted for a mass transit light rail line down this very corridor. If you'd done that in the '70s we wouldn't be having this discussion today.

Commissioner Haley: Thank you, Mr. Johnson.

Mr. D Jenson, please. Mr. D. Jenson? Ms. D Jenson. I couldn't tell from your initial.

Ms. Jenson: Yeah. Oh, I'm sorry about that. My concern is the three

Commissioner Haley: Would you please move the microphone closer to your there, that's good.

Okay. My concern is the three people in a car. We have carpools, we have companies who pick up their employees, and so, I don't know how many people live near each other that can go to one place. I used to take transit, and they cut out a lot of the transit. And they said that it's too expensive to run the big busses. Well, my idea is if you go to the smaller busses, then because 99% of the time those big busses are not even half-full. And so, that money would be saved if you put it into smaller busses and had more of them.

I want to ask each and every one of you, do you drive to work or do all of you commute to work?

I think if you commuted and if you did the things that we had to do, you would reconsider what you're doing and that's all I have.

Commissioner Haley: Thank you, Ms. Jenson.

Mr. Mr. Ms. Jan Dalgard (sp?), please?

Jan Dalgard?

Robin Lucas?

Hi. My name is Robin Lucas and I, too, a.m. in Bothell so I know the 405 corridor. And my concern is, I think like everyone else here, is the three car person. I don't know what data the executive advisory board used in their recommendation for you to use -- to go with 3+. But my thought would be that I understand in the last two years the I-167 project has been profitable at two cars plus. So, my recommendation would be why not try it first at two, see if it's profitable, and see what it does with the rest of the lanes and see if you gain what you are looking for. And if not, you can always move to the three car per person because I think it's going to cause degradation and it's just going to flood those other lanes because people's either willingness or ability to pay, just like you experienced on the 520 and people flooded over to I-90, is going to be a problem. So, I say why not just try it at 2+ to begin with?

Commissioner Haley: Thank you, Ms. Lucas.

Ryan Eckman?

inaudible: What's the name?

Commissioner Haley: Ryan Eckman

Yes. I'm currently a member of a two-person carpool and while this has many benefits and I enjoy my ride with my friend, it's barely worth it given the difficulty of syncing up my

professional life and my private life as is. And in fact, even with the carpool lane, it takes me the same amount of time to drive to work by myself as it does to organize the carpool and get here.

HOV 3 really will destroy the critical enabler for me to carpool. It'll force two new cars in the general purpose lanes onto the onramps and onto the surface streets. Plus we're likely to both run errands during lunch, and so...inaudible at least one more car trip per day to our region.

And why? Well, it seems to be so that the privileged can get where they're going faster. And everyone else and the planet, I guess, are the losers.

So, I would encourage you to go with HOV 2. I think HOV 3 coddles the comfortable and will make everyone else more miserable.

Inaudible...absolutely. Excellent.

Inaudible...Thank you.

Commissioner Haley: Thank you, Mr. Eckman.

Sharon Hoveman

Inaudible...: Your last name

Hi, my name is Sharon Hoveman. My first concern is the cost of the tolling. I would like to really know how much it costs to collect that \$0.70? There's been an article in the paper in regards to that three-quarters of the amount collected goes for collecting the toll. So, that's a real major concern for me as to the cost of the tolling. It seems kind of convoluted with all this up and down and back and forth and whatever. So, that's a whole concern. And to me, it becomes more of a tax on the people that are actually driving they've already paid for gas, they've already paid for their car, they've paid for their licensing, so they're -- those are the ones that are getting taxed more. Yes, they're using the road, but.

My other huge concern and one man mentioned it right, was the toll diversion. To go to three I live in Kirkland. You can't even get into Kirkland on during the rush hour because everybody's already diverting from 405. Every road into Kirkland is jammed. What should take me 5 minutes to get from like 70<sup>th</sup> to my house in downtown Kirkland takes me 30 minutes every single night. You put three people in a carpool and toll them at the rate you're going, you're going to get way more people into Kirkland. We Kirkland can't take more people on the side streets. They just can't.

So, once again, my concern is the cost of the tolling, seems to be way high. And then my solution would be to put two lanes down the freeway, one for busses and vanpools, the second one for two-person carpools. That's just let those busses go and inaudible... Thank you for your time. Inaudible....

Commissioner Haley: Carl Michelman?

Mr. Michelman: Hi, my name is Carl Michaelman. You were close.

Anyways. I a.m. from Kenmore and it's regarding I'm just so concerned and I told you this before when I was here, that the problem with State of Washington, you're not proactive, you're reactive.

Inaudible... Yep.

What concerns me, and I might not make many friends over here out in here the audience, but as I told you before, I'm originally from Massachusetts and what's happening is I've been out here for over 30 years. And again, I've seen the traffic just get crazy. But my concern is when you're comparing the East Coast, Florida, Atlanta, Massachusetts with how their system works, I'm not qualified how to do cars, okay, how fast they go, but I a.m. qualified when you're doing a comparison that they have more freeways, that everything is tolled, so there is no diversion. And 522 is becoming a concern.

I a.m. from Kenmore and what's happening is we have a transit benefit district, which now we are paying car tabs for \$20 per car for our roads, Kenmore roads. And what's happening is the diversion that's going off is costing me, and the rest of my taxpayers in my city money for the roads because of the situation of all the diversion.

My concern is that we again are putting a band-aid problem on this issue, and it is inevitable that we will have to toll. It's just how we do it. But what's going to happen is the cost factor is outrageous. I talked to my cousin today and she told me it was only \$4.00 to go from Framingham to Boston, and you're talking \$10.00.

Thank you.

Commissioner Haley: Thank you, Mr. Michaelman.

Sonny Putter?

Thank you. My name is Sonny Putter. I'm a former mayor and councilmember with the City of Newcastle. I strongly support the tolling rates of exemptions proposal for 405 now before you and urge you to adopt it. Let me just summarize why I think this proposal makes sense.

One, the proposal will provide people using 1-405 a reliable trip choice, a choice that we could make when we need to. The transponder for the express toll lanes will provide cheap insurance if we absolutely need to catch a flight, need to redeem a child from childcare before late penalties kick in, or need to squeeze in one last contractor job before quitting time.

Two, the proposal will reduce traffic congestion in the general purpose lanes as well as in the express toll lanes. While it seems counterintuitive to some, express toll lanes in more than a dozen urban areas across the country have shown this result to be a fact.

Three, the proposal will encourage transit and vanpool use by decongesting the now congested 2+ HOV system. The current congestion in the 1-405 HOV lanes has penalized transit and vanpool users, and discouraged expansion of transit and vanpools on the Eastside.

Four, the proposal will help fund 1-405 improvements like the now decongested the now congested missing link Bellevue to Renton, and the direct connector between 1-405 and SR-167.

Studies around the country have shown that tolls can contribute between 20% and 40% of the funding of new interstate highway capacity, with gas tax revenues declining as cars and trucks become more fuel efficient or run on electricity, highway user charge like tolls become increasingly important to fund new transportation projects.

Commissioner Haley: Thank you, Mr. Putter.

Thank you. I have copies for all members.

Commissioner Haley: Thank you, Mr. Putter.

Jean Large?

Good evening. Jean Large, I live in Kirkland here. My experience with commuting is relative to what's going on. For over 12 years I commuted from Union Hill area east of Redmond into a job in Downtown Seattle, and did that by a combination of taking the bus or a carpool lane. I love the bus because I got to read, look at the sun coming up, etc. All I had to do was promise my husband I'd be home by 7:00.

But the -- I also participated in a carpool of three women for a part of that time. What we did when we had -- every once in a while somebody wasn't there for one reason or another, so what we would do is go to the south Kirkland, stop off at the south Kirkland Park and Ride before we went across 520 and pick somebody up and give them a ride. And they didn't have to go to the same place where we worked. All they had to do was be somewhere in downtown Seattle where they were going. The point is there are some solutions here.

The other personal story is the only way I was able to afford to go to college was to ride a Trailways bus for 35 miles each way, from rural Oregon into Portland. It worked. I'm happy that the Trailways bus was there. My point is that we have a lot of work to do in improving and increasing the amount of public transportation we have. Our bus service has not kept up to the increases in population. Just do the third grade math. It's there.

Another thing is, we need to, and this is maybe off topic, but cities like Kirkland where we have jobs in retail and people living in Marysville because they can't afford to live here, we need to work to get affordable housing in the communities where people are working. This is -- talk about inequities and regressive things, it's not just our tax system, it's also our effectiveness in housing so people don't even have to get on those roads.

It's the old it's cheaper and easier...to brush your teeth than it is to drill and fill.

Commissioner Haley: Thank you, Ms. Large.

Commissioner Haley: We have time for one more person, Mr. Ken Case, and then we will close public comment and move into consideration by this commission. Mr. Ken Case?

Thank you for allowing me to make a statement here. It is concerning the two-person to three-person carpool definition. If you change the carpool definition from two to three occupants, you will penalize the people that carpool in a two occupant car such as mine. I drive a Smart car. And I drive that Smart car 90% of the time and I commute in that 90% of the time. And I purchased that Smart car not only to save fuel, but to be good to the environment.

At a minimum, I would ask you to maintain the two-person carpool definition for cars such as that. I also hope that you will support the governor's proposal to allow full electric cars to use the carpool lane at no cost. This would encourage the purchase of more efficient energy efficient vehicles, helping the environment. My hope to the governor's office is that he will also include high efficiency cars such as Prius and Smart in that proposal. Thank you very much.

Commissioner Haley: Thank you, Mr. Case.

Commissioner Haley: We are going to close public comment at this time.

While it is clear that many of you and many people we have heard from have concerns with the change to a 3+ HOV policy during peak time and 2+ during non-peak time, we had a real dilemma that we cannot legally ignore. Each day, as we have heard, we have about 375,000 vehicles that travel to the north end of 1-405, equating over -- to over 450,000 people. And the good news is that our HOV system has been very successful.

Commissioner Haley: The bad news...

Inaudible...next.

Commissioner Haley: Next.

The bad news is that our HOV lanes are too successful to the point today that they are not operating as originally intended, especially during peak times. Today we are seeing congestion in HOV lanes that exceed 200 days per year and they are congested on 60% of weekdays, and this is also not acceptable. We have heard about transit busses that commonly move out of HOV lanes during peak hours and into the general purpose lanes because they are moving better than the HOV lanes. This also is not acceptable.

Therefore, change must come to this all this most impactful failure. Time is money, as we know. And therefore, reliability, timeliness, and speed does have value. Under an express toll lane system, the consumer, the driver, all of us will decide how much value is to be placed on moving in a timely, reliable manner.

We understand and we empathize with the challenges that we all will have in this corridor today, and we recognize that getting a third person into our cars will not be an easy endeavor. But to continue with today's HOV requirement at 2+ is essentially worthless if you and your single passenger are stuck in congestion each day and cannot get to a timely trip.

To bring congestion relief to this heavily-traveled corridor, to address the performance failures that we're seeing today, and to ensure compliance with state and federal law, and into the future, the Transportation Commission must move forward with its proposal.

Do I have a motion on the floor regarding this proposal?

Commissioner Tortorelli: I move that excuse me, turn on my mic. I move that the commission adopt its CR-102 Toll Rate proposal for the 1-405 express toll lanes, which includes the following key provisions.

The Good2Go toll rate range is \$0.75 at a minimum to \$10.00 maximum. Carpools with three or more people will be exempt from paying a toll at all times, and carpools with two people will be exempt during weekday peak hours. Weekday peak hours are defined as 5:00 to 9:00 a.m., and 3:00 to 7:00 p.m. The following vehicles will be exempt from paying tolls: motorcycles, transit vehicles, defined carpools, vanpools, Washington State Patrol, vehicles providing service in the lanes, Washington State DOT maintenance vehicles providing service to the lanes, emergency vehicles responding to a call, tow trucks authorized by State Patrol to clear a blocking vehicle in the lanes. The Pay by Mail increment will be \$2.00 above the posted Good2Go rate in effect at the time of the trip.

Commissioner Haley: Is there a second to this motion?

Jennings Commissioner: I second.

Commissioner Haley: It has been moved and seconded. Is there discussion?

Commissioner O'Neal: Yes, there is discussion. You know, I think we've heard a lot of interesting thoughts and I think we sympathize with much of what the public is saying here. Personally, I favored an all-pay system. I didn't think we ought to have any exemptions, but because of federal law and because I'm in the minority, I'm not advancing that proposal. But I think it would be the fairest one and the one -- and the idea that would be easiest to enforce. We will have difficulties enforcing this proposal before us.

The I have we've heard a lot, of course, about the +2 shifting to a +3 requirement, and I think the I don't have solid empirical data to make this statement, necessarily, but I have observed that the HOV lane on 405 does move, does move faster than the general purpose lanes. And we hear this in the traffic reports and I just saw it tonight when I drove down 405. So, I question and you know, and I hear the assertion by the department that the HOV lane is not working. And that may be true. I'm thinking we ought to consider a method for testing that, or let's say, proving it on a daily basis. And one -- and I'm hesitant to offer an amendment here because I don't like to do it when we haven't thought it all the way through. But it seems to me it's possible to just to

establish a system or just set the electronics so that if so that you allowed +2 into the lanes, but if the entire system is slowing to 45 miles an hour, then the +2 free approach or the +2 free is gone and people have that are in those +2 cars have to pay.

I thought the comment, I think was from Jean Large, was very interesting where she pointed out that often you can pick up a third person. And I know in Washington, D.C. this is happening. There's a regular process where people line up and folks come by with two people in the car and a third person jumps in, boom, off they go into the HOV lane. So, it's not impossible. But I understand it's a challenge for folks. Anyway. I would like to see us do that.

I also want to say that as far as Kenmore is concerned, I also have done my own little testing at Kenmore, yes the traffic is horrible going through there. But, you know, the other thing we've found it is that people are using the 520 to a much greater degree than they were two years ago or a year when we first started it. So, some of that traffic is going back to 520. In fact, the other day I think 520 was just slightly faster in the morning than I-90. So, you know, people do make adjustments. So, that's my I'd like to I don't know whether to put this in a form of amendment or how can we do this, Craig, without...

Commissioner Haley: No. We'll deal with it here. If you wish to move forward with it, the appropriate mechanism is an amendment on the main motion.

Commissioner O'Neal: I understand. I understand how it works. Any other comments?

Commissioner Litt: Well, I do have comments, too, and I tend to agree with what Dan has said, so I'm not going to restate the whole thing. And I'm not sure that we're ready for an amendment yet, but...

We not only don't have empirical evidence, I don't think we really have received it from, from the studies and from the committee, even, that a 2+ trial wouldn't work entirely. And from what we've heard from the community and from others, I think it's at least worth looking into.

The other thing I would like to at least mention as far as Kenmore and as was brought up, other diversion towns, we can't make a change to that because the corridor was identified legislatively. I don't think the corridor was defined legislatively, so I think it will be incumbent on those cities to talk to their legislator -- legislators and get some clear definition on what the corridor means and where the money can be spent because it does seem that they are part of the corridor, they all link together, in my mind, and there probably should be some availability to use some of the money that's raised to mitigate some of the other issues, like the diversion issues.

And I think that's it. I don't know...

Commissioner O'Neal: We could make a recommendation to the legislature on that point. But I, I think this you know, this change makes them makes people makes life a little more difficult in a lot of ways. But I think I'd like to make a proposal, I don't have language written out, we have legal counsel here, but I'd like to propose that we amend the motion so that +2 vehicles can use the HOV lane unless and until the 45 mile per hour requirement is met and if that or is exceeded.

If it's exceeded then, you know, then it's exceeded. That is, if the traffic starts moving slower than 45 miles an hour, then we should shift to a condition where +2 would have to pay or get out of the lane.

Commissioner Haley: Are you offering that as an amendment to the main motion?

Commissioner O'Neal: I am, yeah.

Commissioner Haley: Is there a second to the amendment to the main motion?

Commissioner Litt: I would second that.

Commissioner Haley: It has been moved and seconded to amend the main motion.

Commissioner Haley: Inaudible...please. To amend the main motion. Is there discussion upon the amendment?

Commissioner Jennings: Yes.

Inaudible

Commissioner Jennings: I would ask staff if that's doable with the algorithm and all that that goes into it? Craig?

Commissioner O'Neal: Craig doesn't want to answer.

Commissioner O'Neal: He doesn't know.

Commissioner Haley: Craig Stone, could you respond to the question of Commissioner Jennings?

Craig Stone: So, the question is, is it doable? So, any more definition than that?

Commissioner Jennings: Oh, pretty much.

Craig Stone: Okay. All right. So, from the standpoint of the algorithm, the algorithm is looking at traffic, that's not the key here. The key is going to be 6 out of 10 days it's already breaking down in 2+, so you cannot add any more vehicles into that at any price. It doesn't matter about algorithm. It will be full for 6 out of the 10 days.

Now, 4 of the 10 days, there might be days that you might be able to sell some space, but it would be very high priced because of that -- I mean, it probably would go way up -- you'd go up the other \$10.00 because you won't have much space to sell.

We each of the four studies that we looked at that I mentioned, those expert review panels from national experts from academics, from finance, mock waders, as well as the work that we've

reviewed at the executive advisory group, community, and things of that nature all looked at that question and from the standpoint if we had two lanes all the way from Lynnwood to Bellevue, that could be, I think, a feasible concept to go forward. The point is, we don't. So the north half will be constrained, it will control the pricing. In a sense it's really not an algorithm question, it's going to be if 2+ is already full, there's nothing left to sell.

The difference with 167, as I mentioned on that one chart with the red arrows and the green arrows, 167 is the reason we went to a pilot there first because we had capacity to sell at 2+. There's not as much demand in that corridor and I think people understand 405's demands and volumes on a daily basis are much, much higher than 167's.

Commissioner Jennings: How would you do the signage so that everybody understands?

Craig Stone: Well, there's two things that will happen. As Noah Crocker had mentioned during our conversation on the third point of third point before the commission, on 167 as well as other places around the country, when you get to the place that you are you can't sell any more space, you go to HOV-only. So, 6 out of 10 days you'll already be at HOV-only. And then what I think I'm hearing the two commissioners saying, we would have to go to 3+ HOV during that time frame and try to then communicate that somehow on a day-by-day basis, today it's 3+, tomorrow is 2+. You would have a real difficult time and we've heard from the public they want consistency so they know when they're making a trip what to expect that morning when you're going in. So, that's the challenge that we've come those are my observations that I would have.

Throughout this process, we have looked at, again, 3+ all the time, like Atlanta and Miami, 2+ to be like 167 or other places, as well as this mix and this was the kind of the soft transition to recognize that.

Los Angeles has one facility at 3+, the other facility's at 2+, just because of demands and where they're at.

Commissioner O'Neal: I don't remember talking about that, Craig, but and I apologize for, you know, just raising this on the spur of the moment. But it just occurred to us that this might be a way to go. And I think it is worth exploring. When you say, you're talking in terms of days. I'm thinking let's look at this in terms of hours or minutes, I mean, if we've got that kind of capability electronically, why can't we make the adjustments?

And your I understand your argument about predictability but I haven't heard too many people concerned about predictability as they are about whether they can use a 2+.

Commissioner Haley: Any other discussion?

I will call for a vote on the amendment to the motion. The amendment is to declare 2+ the HOV policy unless the performance measure of 45 miles per hour 90% of the time is met and then it will change to 3+. Is that clear?

Those in favor of the motion signify by saying aye.

Commissioner O'Neal: Aye.

Commissioner Litt: Aye.

Commissioner Haley: Those in -- who oppose the motion, signify by saying nay.

Commissioner Jennings: Nay.

Commissioner Tortorelli: Nay

Commissioner Riveland: Nay.

Commissioner Haley: The motion has failed. And we are back to the main motion. Is there further discussion upon the main motion?

Commissioner Jennings: Some brief discussion. Since we didn't weren't successful on that. I think I just want to emphasize that I really think we need continuous monitoring of this, especially during the startup phase and I would hope that we could expect we get at least quarterly reports at the commission to see how this is working because there are opportunities to change in the future, and I think would like to see us get at least that level of monitoring.

Commissioner O'Neal: I agree with that. I think we need to look at it carefully, see how this works.

Commissioner Haley: I think there is consensus to that.

Commissioner Jennings: Yeah.

Commissioner Haley: Mr. Jennings?

Commissioner Jennings: I want to state the reason why I voted against that is because...

Commissioner O'Neal: We'd like to know why you voted.

Commissioner Jennings: Well, I'm going to tell you. Is because it was just thrown at me.

Commissioner O'Neal: I understand.

Commissioner Jennings: I want time to look at it. I believe the Council or the Commission should be able to get the information, we should be looking at it, and we can always come back and make that happen. But I don't have the data in front of me right now to be able to make that decision.

Commissioner O'Neal: Fair comment.

Commissioner Jennings: So.

Commissioner Haley: Is there further discussion on the main motion?

Is there further discussion?

Hearing none, I will call for the question. All those in favor of the motion signify by saying aye.

Commissioner O'Neal: Aye.

Commissioner Litt: Aye.

Commissioner Jennings: Aye.

Commissioner Haley: All those opposed, nay?

The motion is carried unanimously and the motion has passed.

Commissioner Jennings: With the understanding that we're going to be monitoring that...

Commissioner Haley: Yes.

Commissioner O'Neal: Yep.

Commissioner Haley: Yes.

That is the end of our agenda tonight. Thank you very much, ladies and gentlemen, for spending your time with us. We appreciate your comments and your input, and we will be continuing to monitor the 1-405 express toll lanes into the future.

Thank you very much. Good night. And please have a safe journey to your home.

**TRANSPORTATION COMMISSION**

\_\_\_\_\_  
ANNE E. HALEY, Chairman

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JOE TORTORELLI, Vice-Chairman

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RITA BROGAN, Member

\_\_\_\_\_  
DAN O'NEAL, Member

\_\_\_\_\_  
ROY JENNINGS, Member

\_\_\_\_\_  
MARY RIVELAND, Member

\_\_\_\_\_  
JERRY LITT, Member

ATTEST:

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REEMA GRIFFITH, Executive Director

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DATE OF APPROVAL