Washington State Transportation Commission

Public Hearing on Streamlining the Toll Rate Setting Process

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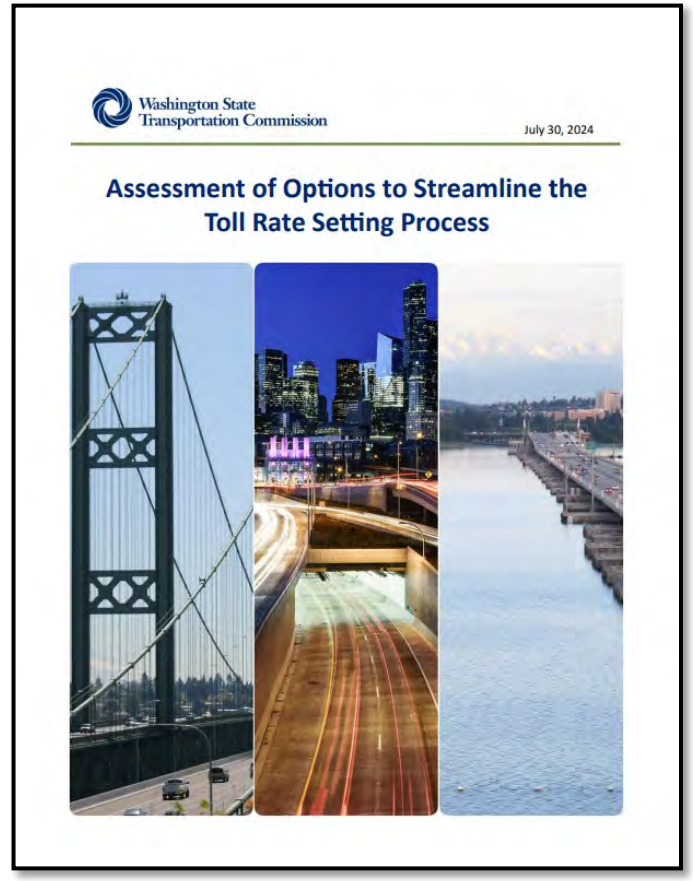
WASHINGTON STATE TRANSPORTATION COMMISSION 75TH ANNIVERSARY 1951 - 2026

Background

The current process for setting toll rates in Washington State is governed by the Administrative Procedure Act (APA), which presents a number of challenges due to its inflexibility and lengthy timeline.

In 2024, the WSTC conducted an assessment aimed at determining ways the toll rate setting process could be streamlined.

The final report was delivered to the Legislature in July 2024 and **recommended that a new toll rate setting process be created outside of the APA structure**.



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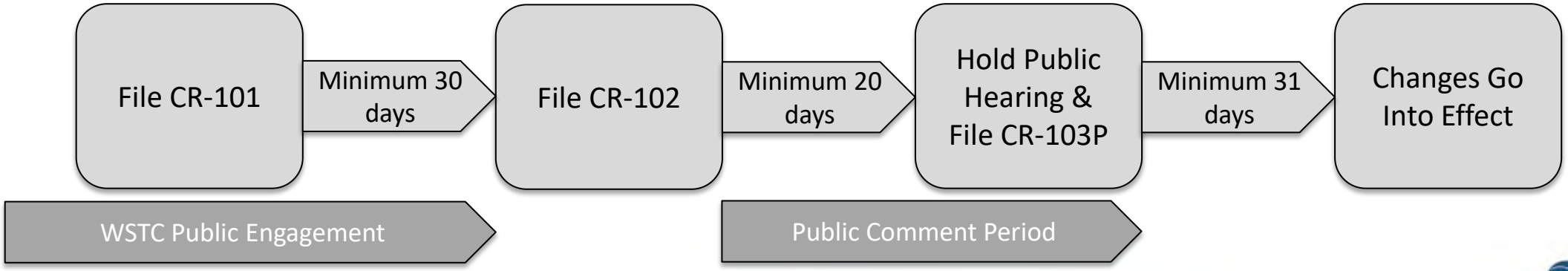
WSTC's Current Process for Setting Toll Rates

When setting or adjusting toll rates / policies, the Commission currently follows the Full Rule Making process laid out the **Administrative Procedure Act (APA)**.

Full Rule Making includes **three major steps**:

- **File CR-101** (*proposal statement of inquiry*)
  - Must be published in the state registry 30 days before filing CR-102.
- **File CR-102** (*proposed rule making*)
  - Must be published in the state registry 20 days before holding a public hearing
- **Hold public hearing and file CR-103P** (*rule making order*)
  - Rule goes into effect a minimum of 31 days following adoption of final rule



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2025 Law Enacted on Streamlining Toll Rate Setting Process

Effective January 1, 2026, RCW 47.56.877 and RCW 34.05.030 exempts the Commission's rate setting process from the Administrative Procedure Act and requires a new process be established.

In summary, the law requires the following:

- Issue a written public notice at least 30 days before any proposed rates would take effect.
- Carry out a public outreach process on possible toll rate or options under consideration.
- Adopt toll rates at an open public meeting.
- Notify the public and stakeholder agencies of the toll rates and provide the updated information on the WSTC website within one week of adoption.
- Post all current toll rates and toll rate policies on the WSTC website.
- Adopt rules to establish further detail around the new process and identifying where information will be provided.
- Rate adjustments can be adopted on an emergency basis when necessary to comply with the legal or financial obligations.

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Proposed New Toll Rate Setting Procedures

Issue **written public notice**

At least 30 days before any proposed rates would take effect

Carry out **public outreach process**

At a public meeting:

- Present toll rate options and public input
- Act to adopt toll rates

Within one week of adoption:

- Notify public and stakeholders of the new toll rates.
- Provide updated information on the WSTC website

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Commission's Current Toll Structure in Administrative Code

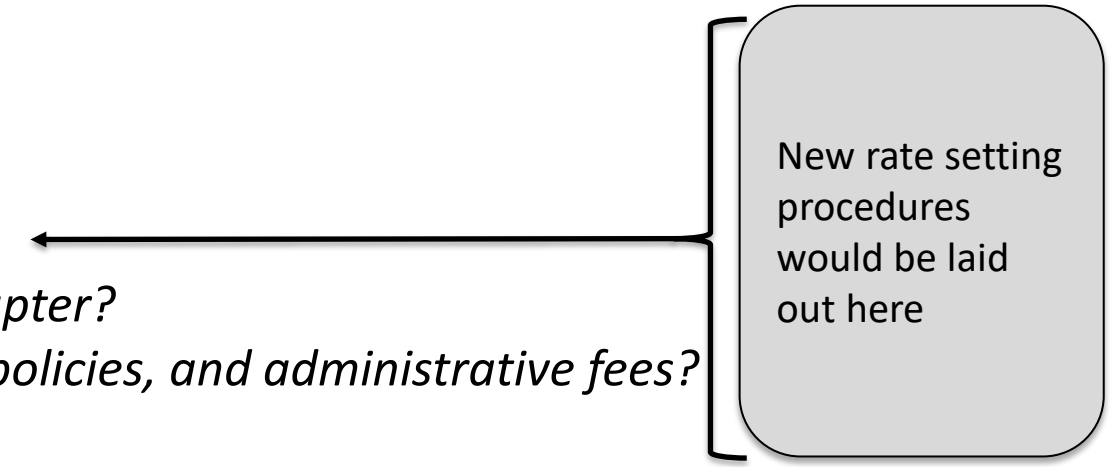
WAC Chapter 468-270 currently includes 25 separate sections:

010 – *Who sets the toll rates and exemptions?*
020 – *Who collects the tolls?*
030 – *Definitions*
040 – *How are the tolls determined and adjusted?*
045 – *Which Tacoma Narrows Bridge costs may be paid with toll revenues?*
050 – *What toll facilities are currently subject to this chapter?*
060 – *How often will the toll rates for each toll facility be reviewed for potential change?*
070 – *What are the toll rates on the Tacoma Narrows Bridge?*
071 – *What are the toll rates on the SR 520 Bridge?*
073 – *What are the toll rates on the SR 99 Tunnel?*
075 – *What are the toll rates for the SR 167 HOT lanes pilot project?*
077 – *What are the toll rates for the I-405 express toll lanes?*
078 – *What are the hours that tolling will be in effect on the I-405 express toll lanes?*
079 – *What are the hours that tolling will be in effect on the SR-167 high occupancy toll lanes?*
080 – *When are toll rates in effect?*
081 – *What are the toll rates on the SR 509 Expressway?*
082 – *What are the toll rates on the SR 167 Expressway?*
085 – *What vehicles are exempt from paying tolls on all toll facilities on Washington state highways?*
095 – *What is required to claim a noncarpool toll exemption on all toll facilities on Washington state highways?*
105 – *What high occupancy vehicles are exempt from paying tolls on the SR 167 HOT lanes?*
115 – *What high occupancy vehicles are exempt from paying tolls on the I-405 express toll lanes?*
120 – *How many occupants are required to be considered an eligible carpool for toll exemption on I-405 express toll lanes?*
130 – *How many occupants are required to be considered an eligible carpool for toll exemption on I-405 express toll lanes?*
140 – *How can I use the I-405 express toll lanes as a toll-free motorcycle?*
300 – *What other fees and discounts may apply to toll customers?*

Proposed New Approach to Toll Setting

Under the proposal, specific toll rates and policies will be moved from the Administrative Code, to the Commission's web site. With this change, WAC Chapter 468-270 would be structured as follows:

010 – *Who sets the toll rates and toll rate policies?*
020 – *Who collects the tolls?*
030 – *Definitions*
040 – *How are the tolls determined and adjusted?*
050 – *What toll facilities are currently subject to this chapter?*
NEW SECTION – *Where can I find the current toll rates, policies, and administrative fees?*



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Summary of Proposed WAC Changes

- Describe the new toll rate setting procedures, as directed under RCW 47.56.877.
- Remove toll rates and toll rate policies, which are being fully incorporated on the WSTC website with no material changes.
- Provide a link to the WSTC website where all current toll rates and toll rate policies can be found.
- Remove language that is covered under existing statute or WAC.
- Consolidate and clarify language to create a more simplified WAC Chapter.

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Proposed Toll Rate Setting Procedures Language

When setting toll rates or toll rate policies for an eligible toll facility, the commission shall:

- Issue a written public notice which states the commission's intent to set or adjust toll rates or toll rate policies on a given facility. At a minimum, the notice must be published on the commission's website at least 30 days before any proposed rates or policies take effect.
- Carry out a public outreach process on a possible toll rate option or options under consideration by the commission. At a minimum, a public outreach process shall:
    - Include a description of the proposed toll rates and/or toll rate policies on the WSTC website; and
    - Provide an opportunity for the public to submit comments verbally, electronically, or in writing.
- After review of options and public input, if any, the commission shall select the applicable toll rates and may adopt the rates as soon as needed at an open public meeting of the commission;
- Within one week of adopting toll rates, the commission shall notify the public and stakeholder agencies, including the WSDOT, of the toll rates, and provide the updated information on its website.

If the commission determines that immediate adoption of a toll change is necessary in order to comply with the legal or financial obligations of the state including, but not limited to, state or federal law, federal rule, federal grant conditions, or the bond covenants of the state, then the commission may adopt a toll change on an emergency basis, without observing the notice and public outreach and input requirements of this section.

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Proposed New WAC Section Language

Where can I find the current toll rates, policies, and administrative fees?

Current toll rates and policies shall be maintained on the commission's website: https://wstc.wa.gov/programs/tolling/.

Rates and policies posted on the commission website are effective as of the date specified.

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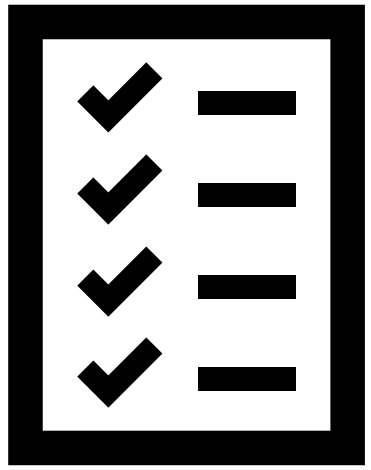
Today's Action & Next Steps

- Public comment
- Commission discussion and vote
- File CR-103P rule making paperwork: by March 31 (noon)
- New toll rate setting procedures go into effect: May 1, 2026



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Questions / Contact

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