

RCW 47.87.080 Tolls, other charges—Agreements—Photo toll systems—Enforcement—Proceeds. (1) The board shall have the exclusive power to impose, fix, and periodically adjust the rate of tolls and other charges for use of any bridge owned by or operated by the commission without any approval, authorization, or concurrence by a legislature, state toll authority, local government, state agency or official, or other entity. The board may establish and implement such policies and criteria as the board deems advisable for the rate of tolls and other charges including, but not limited to, establishing discounts, exemptions, administrative fees, late fees, civil penalties, and toll rates for such classes of vehicles and users as the board may determine.

(2) In setting and periodically adjusting toll rates and other charges, the board shall ensure that toll rates and other charges will annually yield revenue sufficient to meet all costs, expenses, and obligations of the commission, including the satisfaction of all financial and other covenants made by the commission with regard to any bond or other debt instrument.

(3) The commission may enter agreements with the Washington state department of licensing and the applicable agency of the bordering state to enforce the payment of tolls and other charges for use of the bridge. Such agreements may provide that if the commission or its designee gives notice to the applicable department that a person has not paid a toll or other charge for use of the bridge, the applicable department shall refuse to renew the motor vehicle registration of the motor vehicle operated by the person at the time of the violation. The applicable department may renew such motor vehicle registration upon receipt of a notice from the commission or its designee indicating that all tolls and other charges owed by the person have been paid.

(4) Photo toll systems may take photographs, digital photographs, microphotographs, videotapes, or other recorded images of the vehicle and vehicle license plate only. A photo toll image of a vehicle and the registration plate of the vehicle produced by a photo toll system at the time the driver of the vehicle did not pay a toll is prima facie evidence that the registered owner of the vehicle is the driver of the vehicle. However, if the registered owner of a vehicle is a person in the vehicle rental or leasing business, the registered owner may elect to identify the person who was operating the vehicle at the time the toll was not paid or to pay the toll, civil penalty, and administrative fee. A registered owner of a vehicle who pays the toll, civil penalty, and administrative fee is entitled to recover the same from the driver, renter, or lessee of the vehicle.

(5) The rights to enforce the payment of tolls and other charges of the commission granted under this chapter are supplemental; the commission may employ all other remedies available to it under the laws of the state of Washington and the bordering state.

(6) The proceeds from toll rates and other charges of the commission shall only be used to pay the necessary and incidental costs and expenses incurred by the commission in connection with owning, constructing, operating, maintaining, renewing, and governing the bridge, which shall include, but not be limited to, costs incurred for:

(a) The design, development, construction, equipping, installation, and financing and refinancing of the bridge, demolition and removal of the existing bridge, and mitigation of associated impacts;

(b) The operations of the bridge including, but not limited to, repair, maintenance, resurfacing, preservation, equipping, improvement, reconstruction, renewal, and replacement;

(c) The tolling of the bridge including, but not limited to, toll collection, administration, and enforcement, and the acquisition, leasing, maintenance, and replacement of tolling equipment and software;

(d) The financing or refinancing of any bonds or other debt instruments of the commission;

(e) A reasonable return on investment for any private financing of any costs, expenses, or obligations of the commission;

(f) The establishment and maintenance of any reserves or sinking funds approved by the board; and

(g) Any other obligations or expenses incurred by the commission in carrying out its purposes under this chapter.

(7) The commission may grant to any public or private entity by franchise, lease, or otherwise the use or control of any portion of the bridge or any property or facility owned or under the control of the commission, and may fix the terms, conditions, rents, and other payments for such use.

(8) All revenues, receipts, grants, bond proceeds, and other funds of the commission may be comingled and spent to carry out commission purposes within either state, unless and to the extent otherwise restricted by the terms of a grant agreement or debt instrument.

(9) For purposes of this section, "photo toll system" means the system defined in RCW 47.56.010 and 47.46.020. [2022 c 89 § 8.]