

civil penalty system authorized by this chapter and chapter ... (Senate Bill No. 2335) Laws of 1979.

NEW SECTION. Sec. 68. Section 10, chapter 117, Laws of 1951, section 6, chapter 160, Laws of 1953, section 2, chapter 213, Laws of 1975 1st ex. sess. and RCW 18.51.090 are each repealed.

NEW SECTION. Sec. 69. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 70. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 71. Section 64 of this 1979 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 72. Except for section 64 of this 1979 act, this 1979 act shall take effect on January 1, 1980.

NEW SECTION. Sec. 73. Sections 1 through 62, 69, and 70 of this 1979 act shall constitute a new chapter in Title 74 RCW.

Passed the Senate May 24, 1979.

Passed the House May 23, 1979.

Approved by the Governor May 30, 1979.

Filed in Office of Secretary of State May 30, 1979.

CHAPTER 212

[Engrossed Substitute Senate Bill No. 3034]

COLUMBIA RIVER TOLL BRIDGE, HORN RAPIDS—CONSTRUCTION, BONDS AUTHORIZATION—APPROPRIATION

AN ACT Relating to a toll bridge across the Columbia river in the vicinity of the Horn Rapids Road and a state highway connecting thereto; providing for the financing thereof by bonds and anticipation notes; amending section 47.56.220, chapter 13, Laws of 1961 as amended by section 8, chapter 131, Laws of 1979 and RCW 47.56.220; adding new sections to chapter 47.56 RCW; creating new sections; making an appropriation; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. Subject to the provisions of sections 2, 3, and 4 of this 1979 act, the department of transportation is hereby authorized and directed to make all necessary surveys and to design and construct a toll bridge across the Columbia river. The approaches to the toll bridge shall extend from the bridge to George Washington Way on the west and from the bridge easterly to state route number 395 and southerly and easterly to state route number 182 on the east.

NEW SECTION. Sec. 2. If the transportation commission concludes that construction of a toll bridge across the Columbia river at North Richland in the vicinity of the Horn Rapids Road, including approaches, is economically feasible, the department is authorized to enter into agreements with Richland, Benton county, and Franklin county in accordance with section 3 of this 1979 act.

NEW SECTION. Sec. 3. The transportation commission shall not request the issuance of any bonds for the construction of the toll bridge and its approaches unless and until:

(1) Either Richland or Benton county separately or Richland and Benton county jointly agree with the department (a) to improve the Horn Rapids Road from state route number 240 to Stevens Drive to two-lane standards prescribed by the department; (b) to reconstruct the Horn Rapids Road from Stevens Drive to George Washington Way to four-lane standards prescribed by the department; (c) to maintain to standards prescribed by the department the improved and reconstructed sections of Horn Rapids Road so long as any bonds issued to pay for the construction of the toll bridge and its approaches remain outstanding; and (d) to such additional undertakings as the department deems necessary to assure adequate access to the toll bridge so long as any bonds are outstanding.

(2) Franklin county shall agree with the department (a) to reconstruct, by the year 1990, the approach from the east end of the toll bridge easterly to state route number 395 to four-lane standards prescribed by the department; or (b) as determined by the department, to reconstruct, by the year 1990, the approach from the east end of the toll bridge southerly and easterly to state route number 182 to four-lane standards prescribed by the department; and (c) to maintain to standards prescribed by the department the connecting roads to state route number 182 and to state route number 395 so long as any bonds issued to pay for the construction of the toll bridge and its approaches remain outstanding; and (d) to such additional undertakings as the department deems necessary to assure adequate access to the toll bridge so long as any bonds are outstanding.

NEW SECTION. Sec. 4. The transportation commission shall not request the issuance of any bonds for the construction of the toll bridge and its approaches until Benton and Franklin counties and Richland have

adopted specific and acceptable plans to assure the funding of their respective obligations as established by the agreements authorized in section 3 of this 1979 act.

NEW SECTION. Sec. 5. In order to facilitate the financing of the toll bridge the department, Benton and Franklin counties, and Richland may consult, cooperate, and enter into agreements with the government of the United States or any of its agencies and accept and expend money from any public or private source which is now or may be available to assist in the construction of the bridge.

NEW SECTION. Sec. 6. In order to provide funds for the construction of such bridge and approaches thereto, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, and to pay the interest on the bonds when due during construction and for a period not exceeding six months thereafter, there shall be issued and sold general obligation bonds of the state of Washington in the principal amount of not to exceed seventy-five million dollars or such lesser amount thereof, at such times as may be determined to be necessary by the department of transportation.

NEW SECTION. Sec. 7. The issuance, sale, and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the department of transportation shall provide for the issuance, sale, and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as the department of transportation shall determine to be necessary to meet the purposes specified in section 6 of this 1979 act.

NEW SECTION. Sec. 8. Each of such bonds shall be made payable at any time not exceeding thirty years from the date of issuance. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds and/or bond anticipation notes provided for in this section, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the fiscal agency of the state of Washington in Seattle or New York City as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder, unless registered, shall be fully negotiable instruments. The bonds shall be legal investments for all state funds or for funds under state control and all funds of municipal corporations.

At such time as a determination has been made to issue the general obligation bonds or a portion thereof as authorized in section 6 of this 1979 act, the state finance committee may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of the bonds, which notes shall be designated as "bond anticipation notes." If, prior to the issuance of such bonds, it becomes necessary to redeem outstanding notes, additional bond anticipation notes may be issued to redeem such outstanding notes and to pay interest thereon. Such portion of the proceeds of the sale of the bonds as may be required for the payment of principal of and redemption premium, if any, and interest on the notes shall be applied thereto when the bonds are issued.

NEW SECTION. Sec. 9. Except for that portion of the proceeds required to pay bond anticipation notes under section 8 of this 1979 act, and except as provided in section 11 of this 1979 act, the money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the Columbia river toll bridge account hereby created in the motor vehicle fund, and such money shall be available only for the purposes enumerated in section 6 of this 1979 act and for payment of the expense incurred in the issuance and sale of any such bonds.

NEW SECTION. Sec. 10. Bonds and bond anticipation notes issued under the provisions of sections 1 through 17 of this 1979 act shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in this act from the proceeds of state excise taxes on motor vehicles and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW and from the tolls and revenues derived from the operation of such toll bridge.

NEW SECTION. Sec. 11. There is hereby created in the highway bond retirement fund in the state treasury a special account to be known as the Columbia river toll bridge account into which shall be deposited any capitalized interest from the proceeds of the bonds, and at least monthly all of the tolls and other revenues received from the operation of the toll bridge and from any interest which may be earned from the deposit or investment of these revenues after the payment of costs of operation, maintenance, management, and necessary repairs of the facility. The principal of and interest on the bonds shall be paid first from money deposited in the Columbia river toll bridge account in the highway bond retirement fund, and then, to the extent that money deposited in that account is insufficient to make any such payment when due, from the state excise taxes on motor vehicle and special fuels deposited in the highway bond retirement fund.

There is hereby pledged the proceeds of state excise taxes on motor vehicle and special fuels imposed under chapters 82.36, 82.37, and 82.38 RCW to pay the bonds and interest thereon, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on the bonds if the money deposited in the Columbia river toll bridge account of the highway bond retirement fund is insufficient to make such payments. Not less than fifteen days prior to the date any interest or principal and interest payments are due, the state finance committee shall certify to the state treasurer such amount of additional moneys as may be required for debt service, and the treasurer shall thereupon transfer from the motor vehicle fund such amount from the proceeds of such excise taxes into the highway bond retirement fund. Any proceeds of such excise taxes required for these purposes shall first be taken from that portion of the motor vehicle fund which results from the imposition of the excise taxes on motor vehicle and special fuels and which is distributed to the state. If the proceeds from the excise taxes distributed to the state are ever insufficient to meet the required payments on principal or interest on the bonds when due, the amount required to make the payments on the principal or interest shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68-.100 as now existing or hereafter amended. Any payments of the principal or interest taken from the motor vehicle or special fuel tax revenues which are distributable to the counties, cities, and towns shall be repaid from the first moneys distributed to the state not required for redemption of the bonds or interest thereon. The legislature covenants and pledges that it shall at all times provide sufficient revenues from the imposition of such excise taxes to pay the principal and interest due on the bonds.

NEW SECTION. Sec. 12. (1) The department of transportation is authorized to operate and assume full control of the bridge and shall fix and maintain the tolls and charges in the manner provided by RCW 47.56.240 so that when collected they will produce revenues sufficient to pay all expenses of operating, maintaining, managing, and repairing the toll bridge including all insurance costs and the amounts required to pay the principal and interest on the bonds when due and to satisfy the other obligations set forth in sections 1 through 17 of this 1979 act and RCW 47.56.220 as now or hereafter amended: **PROVIDED**, That revision of tolls and charges shall be determined by the department after considering the effect upon the traffic using the bridge and the projected revenues which will result from the increase of tolls and charges for the use of the bridge.

(2) To the extent that net revenues and income are insufficient to meet the required payments of principal and interest on bonds, the department

shall use moneys pledged from the motor vehicle fund as provided in section 11 of this 1979 act.

(3) The payment of the principal of and the interest on the bonds shall constitute a first direct and exclusive charge and lien on all such tolls and other revenues and interest thereon received from the use and operation of the Columbia river toll bridge, after the payment of all expenses of operating, maintaining, managing, and repairing the toll bridge, and such tolls and revenues together with interest earned thereon, and all other money deposited in the Columbia river toll bridge account in the highway bond redemption fund, shall constitute a trust fund for the security and payment of such bonds, or bonds refunding such bonds, and shall not be used or pledged for any other purpose as long as such bonds or any of them are outstanding and unpaid.

(4) The state finance committee may on behalf of the state make such covenants in connection with the bond proceedings or otherwise to assure the maintenance of the tolls and charges on the Columbia river toll bridge, the proper application thereof, the proper operation, maintenance, management, and repair of the bridge to provide for and secure the timely payment of the bonds. Such covenants shall be binding on the department of transportation and transportation commission.

NEW SECTION. Sec. 13. All tolls or other revenues received from the operation of the Columbia toll bridge constructed with the proceeds of bonds issued and sold hereunder shall be paid over by the department of transportation to the state treasurer who shall deposit the same forthwith as demand deposits in such depository or depositories as may be authorized by law to receive deposits of state funds to the credit of a special trust fund to be designated as the toll revenue fund of the Columbia river toll bridge, which fund shall be a trust fund and shall at all times be kept segregated and set apart from all other funds.

After provision has been made for payment of costs of operation, maintenance, management and necessary repairs of the facility, the surplus moneys available in the toll revenue fund, or so much thereof as may be required, shall be transferred monthly to the Columbia river toll bridge account of the highway bond retirement fund to pay the principal of and interest on the bonds authorized by section 6 of this 1979 act.

NEW SECTION. Sec. 14. Any moneys from the motor vehicle fund used by the department for payment of expenses of location, maintenance, repair, and operation of the bridge and approaches, and principal or interest on any bonds issued pursuant to section 6 of this 1979 act, or any subsequent refunding bond issue, shall be repaid to the motor vehicle fund from revenues of the project after all such bonds have been retired. Tolls shall be continued for any additional length of time necessary for this purpose.

NEW SECTION. Sec. 15. Except as otherwise provided by statute, the bonds issued under authority of section 6 of this 1979 act, the bonds authorized by RCW 47.60.560 through 47.60.640, the bonds authorized by chapter 5, Laws of 1979, and chapter 131, Laws of 1979, and any additional general obligation bonds of the state of Washington which may be authorized by the forty-sixth legislature or thereafter and which pledge motor vehicle and special fuel excise taxes for the payment of principal thereof and interest thereon shall be an equal charge and lien against the revenues from such motor vehicle and special fuel excise taxes.

NEW SECTION. Sec. 16. Upon the redemption of all bonds issued pursuant to section 6 of this 1979 act and the repayment of all other obligations to the motor vehicle fund as authorized by section 14 of this 1979 act, the department of transportation shall remove the tolls and transfer the bridge and its approaches to the city and/or counties having jurisdiction thereof, and the bridge and its approaches shall become a county road or in part a county road and in part a city street. The bridge, its approaches, and right of way shall be conveyed to the city or counties by deed executed by the secretary of transportation.

NEW SECTION. Sec. 17. Notwithstanding the provisions of RCW 47.56.220 as now or hereafter amended, the department may design and construct an additional bridge across the Columbia river in the vicinity of Columbia point.

NEW SECTION. Sec. 18. Sections 1 through 17 of this 1979 act shall be added to chapter 47.56 RCW.

Sec. 19. Section 47.56.220, chapter 13, Laws of 1961 as amended by section 8, chapter 131, Laws of 1979 and RCW 47.56.220 are each amended to read as follows:

Except as otherwise provided in RCW 47.56.291 (~~and section 4 of this 1979 act~~), 47.56... (section 4, chapter 131, Laws of 1979), 47.56.710, and section 17 of this 1979 act, as long as any of the bonds issued hereunder for the construction of any toll bridge are outstanding and unpaid, there shall not be erected, constructed, or maintained any other bridge or other crossing over, under, through, or across the waters over which such toll bridge is located or constructed, connecting or joining directly or indirectly the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such toll bridge within a distance of ten miles from either side of such toll bridge excepting bridges or other highway crossings actually in existence and being maintained, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such toll bridge and prior to the time of the authorization of such (~~revenue~~) bonds, and no ferry or other similar means of crossing the said waters within the said distance and connecting or plying directly or indirectly between the lands or extensions thereof or abutments thereon on both

sides of the waters spanned or crossed by such bridge shall be maintained or operated or permitted or allowed: PROVIDED, That ferries and other similar means of crossing actually in existence and being maintained and operated, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such bridge and prior to the time of the authorization of such ((~~revenue~~)) bonds, may continue and be permitted to be operated and maintained under such existing rights and franchises, or any lawful renewal or extension thereof. The provisions of this section shall be binding upon the state department of transportation, the state of Washington, and all of its departments, agencies, or instrumentalities as well as any and all private, political, municipal, and public corporations and subdivisions, including cities, counties, and other political subdivisions, and the prohibitions of this section shall restrict and limit the powers of the legislature of the state of Washington in respect to the matters herein mentioned as long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.

NEW SECTION. Sec. 20. There is appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1981, the sum of one million dollars, or so much thereof as may be necessary for the purpose of surveys, location, design, right of way, and all other things preliminary to the construction of the bridge and its approaches. All funds expended from this appropriation shall be considered a loan and shall be repaid to the motor vehicle fund upon the sale of bonds for this project.

NEW SECTION. Sec. 21. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 24, 1979.

Passed the House May 15, 1979.

Approved by the Governor May 30, 1979.

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CHAPTER 213

[Substitute Senate Bill No. 2097]

MOPEDS

AN ACT Relating to mopeds; amending section 46.04.330, chapter 12, Laws of 1961 and RCW 46.04.330; amending section 28, chapter 154, Laws of 1963 and RCW 46.04.332;