
Transportation Committee

SSB 6570

Brief Description: Allowing certain private transportation providers to use certain public transportation facilities.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Becker, Sheldon, Delvin and Hatfield).

Brief Summary of Substitute Bill

- Authorizes the Washington State Department of Transportation (Department) and local jurisdictions to reserve all or any portion of a highway or roadway for the exclusive or preferential use of certain private transportation provider vehicles.
- Requires, except in limited circumstances, certain private transportation provider vehicles to be permitted to use high occupancy vehicle lanes and lanes reserved for public transportation.
- Permits certain private transportation provider vehicles to use the left-hand lane of certain limited access roads.
- Requires transit agencies that receive state funding for park and rides to make reasonable accommodations for certain private transportation providers unless the facility is at or exceeds 90 percent capacity during off-peak hours.
- Requires the Department and local authorities, when designing portions of roadways intended for the exclusive or preferential use of public transportation, to consider whether the design will safely accommodate certain private transportation provider vehicles.

Hearing Date: 2/22/10

Staff: Kathryn Leathers (786-7114).

Background:

Lane Use and Restrictions.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

For non-limited access facilities, the Washington State Department of Transportation (Department) and local jurisdictions are authorized to reserve all or any portion of a highway or roadway for the exclusive or preferential use of public transportation vehicles or private vehicles carrying no fewer than a certain number of passengers (high occupancy vehicles or HOVs) when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources. Public transportation vehicles may use HOV lanes regardless of the number of passengers actually in the vehicle, but all private vehicles must meet the HOV occupancy requirements.

For limited access facilities, the Department and local jurisdictions are authorized to reserve all or any portion of a limited access facility for the exclusive or preferential use of public transportation vehicles, privately owned buses, or other private vehicles carrying the minimum number of specified passengers, when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources.

A "limited access facility" means a road or highway that is especially designed or designated for through-traffic, and over, from, or to which owners or occupants of abutting land, or other persons, have no right or easement of access (or have only a limited right or easement of access).

The Department has adopted administrative rules regarding the use of HOV lanes on certain limited access highways (interstate highways, state highways, and ramps). Those rules may be read to permit public transportation buses, private buses that have the capacity to carry at least 16 persons, and emergency vehicles, to use HOV lanes regardless of the number of passengers actually in the vehicle. A truck that weighs more than 10,000 pounds may not use HOV lanes, regardless of how many persons occupy the truck.

Washington's rules of the road prohibit certain vehicles from traveling in the left-hand lane of a limited access roadway having three or more lanes of traffic traveling in one direction. The HOV lane is not considered the left-hand lane. Excluded vehicles include any vehicle towing a trailer and vehicles that weigh more than 10,000 pounds. Under these rules, many buses are excluded from the left-hand lane because of weight restrictions.

Park and Ride Lots.

Various local transit agencies own and operate park and ride lots as part of the agencies' public transportation service, and they provide regularly scheduled service at the lots. Local transit agencies that receive state funding for a park and ride lot must enter into an agreement to make reasonable accommodation for use of that lot by auto transportation companies, such as airports, and private special needs transportation providers that intend to provide or already provide regularly scheduled service at that lot. In exchange for making such accommodations, transit agencies may recover costs and fair market value from the private provider for use of the lot. Transit agencies do not have to make any accommodation if the lot is at or exceeds 90 percent capacity.

Summary of Bill:

Lane Use and Restrictions.

For both limited access and non-limited access facilities, the authority of the Department and local jurisdictions is expanded to reserve all or any portion of a highway or roadway for the

exclusive or preferential use of certain private transportation vehicles: auto transportation company vehicles, such as aero-porter vehicles; charter carrier vehicles, except certain limousines as defined by Department of Licensing (DOL) rule; private special needs transportation provider vehicles; and private employer transportation service vehicles (collectively referred to as "specified private transportation vehicles").

The term "private employer transportation service" is defined to mean regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

For both limited access and non-limited access facilities:

- If the reserved portion of a highway is based on the number of passengers in a vehicle, it is established that the specified private transportation vehicles must be authorized to use the HOV lanes if the vehicle has the capacity to carry at least eight passengers, regardless of the actual number of passengers in the vehicle.
- If a portion of a roadway is reserved for the exclusive or preferential use of public transportation vehicles, it is established that the specified private transportation vehicles must also be authorized to use the portion of the roadway reserved for public transportation vehicles if such use does not interfere with the safe operations of public transportation. *An exception* is created for reserved lanes in a ferry terminal or ferry holding area, which permits the Department or local authority to consult and otherwise negotiate with the private transportation provider.

For limited access facilities having three or more lanes of traffic traveling in one direction, it is established that the specified private transportation vehicles may travel in the left-hand lane of the roadway even if the vehicles exceed weight restrictions.

Park and Ride Lots.

In addition to accommodating auto transportation companies and private special needs transportation providers, local transit agencies that receive state funding for a park and ride lot are required to make reasonable accommodation for use of that lot by charter carriers, except certain limousines as defined by DOL rule, and private employer transportation services providers. For all specified private transportation vehicles, it is established that accommodation need not be made if the park and ride is at or exceeds 90 percent capacity *during off-peak hours*. The current provision allowing transit agencies to recover costs and fair market value for use of the lot is modified by allowing the transit agencies to recover actual costs. It is clarified that the private transportation provider is responsible for paying the transit agency in full, and that the actual costs may be collected by the private provider through parking fees charged to vehicle owners that are parked in the lot for the purpose of using private transportation services.

Miscellaneous.

When designing portions of a highway that are intended to be reserved for the exclusive or preferential use of public transportation vehicles, the Department and local jurisdictions are required to consider whether the design will safely accommodate specified private transportation vehicles.

It is established that if any part of the act is found to conflict with a prescribed condition to receipt of federal funding, the conflicting portion is inoperable to the extent of the conflict and with respect to the agencies directly affected.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.