

SENATE BILL REPORT

SB 6570

As Reported by Senate Committee On:
Transportation, February 4, 2010

Title: An act relating to accommodating certain private transportation providers at designated transit only lanes on public highways.

Brief Description: Accommodating certain private transportation providers at designated transit only lanes on public highways. [**Revised for 1st Substitute:** Allowing certain private transportation providers to use certain public transportation facilities.]

Sponsors: Senators Haugen, Swecker, Becker, Sheldon, Delvin and Hatfield.

Brief History:

Committee Activity: Transportation: 1/28/10, 2/04/10 [DPS].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6570 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Becker, Benton, Berkey, Delvin, Hatfield, Jacobsen, Kastama, Kauffman, Kilmer, King and Ranker.

Staff: Wendy Malkin (786-7434)

Background: The Department of Transportation (DOT) 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. Currently, there are lanes reserved for the exclusive use of transit in the City of Seattle.

In addition, DOT and local jurisdictions are authorized to reserve all or any portion of a highway or roadway for the exclusive or preferential use of private motor vehicles carrying a specified number of passengers. Public transportation vehicles may use the high occupancy vehicle (HOV) lanes regardless of the number of passengers in the vehicle. Private buses may use the HOV lanes regardless of the number of passengers in the vehicle if the bus has the capacity to carry 16 or more passengers.

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.

Various local transit agencies own and operate park and ride lots as part of the agencies' public transportation service. The transit agencies provide regularly scheduled service at the lots. Local transit agencies that receive state funding for a park and ride lot must make reasonable accommodation for use of that lot by auto transportation companies, such as aeroporters, and private special needs transportation providers. The transit agencies may recover costs and fair market value for use of the lot. The transit agencies do not have to provide accommodation if the lot is at or exceeds 90 percent capacity.

Washington's rules of the road exclude 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. Under the rules of the road, many buses are excluded from the left-hand lane because of weight restrictions. The HOV lane is not considered the left-hand lane.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute): The following types of vehicles may travel in the left-hand lane of a limited access roadway having or more lanes of traffic traveling in one direction, even if the vehicles exceed weight restrictions: public transportation vehicles; auto transportation company vehicles, such as aeroporter vehicles; charter carrier vehicles, except certain limos as defined by Department of Licensing rule (DOL); private special needs transportation provider vehicles; and private employer transportation service vehicles.

DOT and local jurisdictions have explicit authority to reserve all or any portion of a highway or roadway for the exclusive or preferential use of auto transportation company vehicles, such as aeroporter vehicles; charter carrier vehicles, except certain limos as defined by DOL rule; private special needs transportation provider vehicles, and private employer transportation service vehicles. However, these four classes of vehicles, in addition to public transportation vehicles, must be authorized to use HOV lanes, regardless of the number of passengers in the vehicle, if the vehicle has the capacity to carry eight or more passengers. In addition, if a portion of a roadway is reserved for the exclusive or preferential use of public transportation vehicles, the four classes of 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.

Local transit agencies that receive state funding for a park and ride lot must make reasonable accommodation for use of that lot by charter carriers, except certain limos as defined by DOL rule, and private employer transportation services providers, in addition to auto transportation companies and private special needs transportation providers. The current provision allowing transit agencies to recover costs and fair market value for use of the lot is replaced with a provision allowing the transit agencies to recover actual costs. Actual costs may be collected through parking fees charged to vehicle owners that are parked in the lot for the purpose of using private transportation services.

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

If any part of the act is found to conflict with a prescribed condition to allocation of federal funding, the conflicting portion is inoperable.

**EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE
(Recommended Substitute As Passed Committee):**

- Charter carriers, with the exception of stretch limos and stretch sport utility vehicles, are added to the bill.
- Private employer transportation service providers are added to the bill. Private employer transportation service means regularly scheduled, fixed-route service provided by an employer for the benefit of its employees. An example is the Microsoft Connector.
- The provision allowing access to the left-hand lane of certain limited access highways was added.
- When designing portions of the highway that are intended to be used as portions reserved for the exclusive or preferential use of public transportation vehicles, state and local jurisdictions are required to consider whether the design will safely accommodate private transportation provider vehicles.
- Highway authorities are permitted to restrict private transportation providers' use of transit only lanes if the use would interfere with the safe operations of transit.
- Clarifying changes were made to the park and ride accommodation requirements.
- Highway authorities may negotiate to limit private transportation provider use of transit only lanes in ferry queuing and holding areas.
- A clause is added to make any provision of the bill inoperable if the provision conflicts with a prescribed condition to allocation of federal funding.

Appropriation: None.

Fiscal Note: Available on Original Bill. Requested on Substitute on February 3, 2010.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute As Heard in Committee:

PRO: Private transportation providers are part of the transportation solution. We are taking people out of their cars and reducing drive-alone trips. We should be treated the same as public transportation providers in terms of being able to use certain facilities. Sometimes use of certain facilities would be of great help, for example, when private providers want to transfer their passengers to public transportation. There are several large companies that provide corporate shuttles for their employees, companies such as Starbucks, Amgen, Boeing, and Blue Cross. It would be very helpful if these shuttles could use transit lanes and park and rides. These shuttles are proving the same service as public transportation, and the shuttles provide it without using tax payer dollars. Enforcement will not be difficult because all of the private transportation providers covered under this bill have large Utilities and Transportation Commission (UTC) numbers on the vehicles. It is important for some carriers to be able to drive in the HOV lanes with empty vehicles. It is difficult for airporters and some shuttles to operate on a schedule when they have to use non-HOV lanes for the return

trips. These carriers should be able to use HOV lanes because they are taking cars off the road. This bill will remedy this situation by allowing these carriers to use HOV lanes when the vehicle has the capacity to carry more than eight passengers. Private transportation providers should be able to access park and rides. Currently, it is very difficult to do so. Microsoft runs the Connector Shuttle from its campus to other areas of King County and into Snohomish County. The Connector operates 19 trips a day and carries 3,500 employees a day. The service is for no charge. The Connector reaches a different demographic than public transportation. The Connector should be covered by this bill.

CON: Transit and HOV lanes work only if the lanes move at a reasonable pace. Kitsap Transit is worried that it will have difficulty staying on schedule when it picks up and drops off passengers at the ferries if other buses are allowed to use transit lanes at the ferries. Private transportation providers must be excluded from the bus tunnel in Seattle. Vehicles that are not authorized to do so might try to get into transit lanes when the lanes are opened to private providers.

OTHER: Cities work to operate transportation systems in the most efficient manner, and the mandatory language in this bill may compromise the ability of cities to maintain efficient systems. Permissive language would allow cities to make the best decisions for system efficiency. There are safety concerns with allowing private providers in transit lanes, for example, there could be an increase in rear ending accidents.

Persons Testifying: PRO: Bill Brannan, Northwest Trailways; Jim Fricke, Capital Aeroporter; Steve Salins, Shuttle Express; Tom Casazza and Gladys Gillis, Starline; Amber Carter, AWB; Jim Stanton, Microsoft; and James Cameron, CWC Charters.

CON: Michael Shaw, Washington Transit Association.

OTHER: Ashley Probart, Association of Washington Cities.