
SUBSTITUTE SENATE BILL 6570

State of Washington

61st Legislature

2010 Regular Session

By Senate Transportation (originally sponsored by Senators Haugen, Swecker, Becker, Sheldon, Delvin, and Hatfield)

READ FIRST TIME 02/05/10.

1 AN ACT Relating to allowing certain private transportation
2 providers to use certain public transportation facilities; amending RCW
3 46.61.100, 46.61.165, 47.04.290, and 47.52.025; adding a new section to
4 chapter 47.04 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 46.61.100 and 2007 c 83 s 2 are each amended to read
7 as follows:

8 (1) Upon all roadways of sufficient width a vehicle shall be driven
9 upon the right half of the roadway, except as follows:

10 (a) When overtaking and passing another vehicle proceeding in the
11 same direction under the rules governing such movement;

12 (b) When an obstruction exists making it necessary to drive to the
13 left of the center of the highway; provided, any person so doing shall
14 yield the right-of-way to all vehicles traveling in the proper
15 direction upon the unobstructed portion of the highway within such
16 distance as to constitute an immediate hazard;

17 (c) Upon a roadway divided into three marked lanes and providing
18 for two-way movement traffic under the rules applicable thereon;

19 (d) Upon a street or highway restricted to one-way traffic; or

1 (e) Upon a highway having three lanes or less, when approaching a
2 stationary authorized emergency vehicle, tow truck or other vehicle
3 providing roadside assistance while operating warning lights with three
4 hundred sixty degree visibility, or police vehicle as described under
5 RCW 46.61.212(2).

6 (2) Upon all roadways having two or more lanes for traffic moving
7 in the same direction, all vehicles shall be driven in the right-hand
8 lane then available for traffic, except (a) when overtaking and passing
9 another vehicle proceeding in the same direction, (b) when traveling at
10 a speed greater than the traffic flow, (c) when moving left to allow
11 traffic to merge, or (d) when preparing for a left turn at an
12 intersection, exit, or into a private road or driveway when such left
13 turn is legally permitted. On any such roadway, a vehicle or
14 combination over ten thousand pounds shall be driven only in the right-
15 hand lane except under the conditions enumerated in (a) through (d) of
16 this subsection.

17 (3) No vehicle towing a trailer or no vehicle or combination over
18 ten thousand pounds may be driven in the left-hand lane of a limited
19 access roadway having three or more lanes for traffic moving in one
20 direction except when preparing for a left turn at an intersection,
21 exit, or into a private road or driveway when a left turn is legally
22 permitted. This subsection does not apply to a vehicle using a high
23 occupancy vehicle lane. A high occupancy vehicle lane is not
24 considered the left-hand lane of a roadway. This subsection does not
25 apply to: Public transportation vehicles; auto transportation company
26 vehicles regulated under chapter 81.68 RCW; passenger charter carrier
27 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
28 stretch limousines and stretch sport utility vehicles as defined under
29 department rules; private nonprofit transportation provider vehicles
30 regulated under chapter 81.66 RCW; and private employer transportation
31 service vehicles. The department of transportation, in consultation
32 with the Washington state patrol, shall adopt rules specifying (a)
33 those circumstances where it is permissible for other vehicles to use
34 the left lane in case of emergency or to facilitate the orderly flow of
35 traffic, and (b) those segments of limited access roadway to be exempt
36 from this subsection due to the operational characteristics of the
37 roadway.

1 (4) It is a traffic infraction to drive continuously in the left
2 lane of a multilane roadway when it impedes the flow of other traffic.

3 (5) Upon any roadway having four or more lanes for moving traffic
4 and providing for two-way movement of traffic, a vehicle shall not be
5 driven to the left of the center line of the roadway except when
6 authorized by official traffic control devices designating certain
7 lanes to the left side of the center of the roadway for use by traffic
8 not otherwise permitted to use such lanes, or except as permitted under
9 subsection (1)(b) of this section. However, this subsection shall not
10 be construed as prohibiting the crossing of the center line in making
11 a left turn into or from an alley, private road or driveway.

12 (6) For the purposes of this section, "private employer
13 transportation service" means regularly scheduled, fixed-route
14 transportation service that is offered by an employer for the benefit
15 of its employees.

16 **Sec. 2.** RCW 46.61.165 and 1999 c 206 s 1 are each amended to read
17 as follows:

18 (1) The state department of transportation and the local
19 authorities are authorized to reserve all or any portion of any highway
20 under their respective jurisdictions, including any designated lane or
21 ramp, for the exclusive or preferential use of public transportation
22 vehicles, private transportation provider vehicles as described in
23 subsections (2) and (3) of this section, or private motor vehicles
24 carrying no fewer than a specified number of passengers, when such
25 limitation will increase the efficient utilization of the highway or
26 will aid in the conservation of energy resources.

27 (2) When the reserved portion of a highway is based on the number
28 of passengers in a vehicle, the following vehicles must be authorized
29 to use the reserved portion of the highway if the vehicle has the
30 capacity to carry eight or more passengers, regardless of the number of
31 passengers in the vehicle: (a) Auto transportation company vehicles
32 regulated under chapter 81.68 RCW; (b) passenger charter carrier
33 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
34 stretch limousines and stretch sport utility vehicles as defined under
35 department rules; (c) private nonprofit transportation provider
36 vehicles regulated under chapter 81.66 RCW; and (d) private employer
37 transportation service vehicles.

1 (3) If a portion of a highway is reserved for the exclusive or
2 preferential use of public transportation vehicles, the following
3 vehicles must also be authorized to use the reserved portion of the
4 highway, provided that such use does not interfere with the safety of
5 public transportation operations: (a) Auto transportation company
6 vehicles regulated under chapter 81.68 RCW; (b) passenger charter
7 carrier vehicles regulated under chapter 81.70 RCW, except marked or
8 unmarked stretch limousines and stretch sport utility vehicles as
9 defined under department rules; (c) private nonprofit transportation
10 provider vehicles regulated under chapter 81.66 RCW; and (d) private
11 employer transportation service vehicles. However, when the reserved
12 portion of the highway is a lane or lanes in a ferry terminal queuing
13 or holding area, the state or local highway authority may consult with
14 private transportation providers, as described under this subsection,
15 and public transportation providers to negotiate otherwise.

16 (4) Regulations authorizing such exclusive or preferential use of
17 a highway facility under this section may be declared to be effective
18 at all times or at specified times of day or on specified days.

19 (5) Violation of a restriction of highway usage prescribed by the
20 appropriate authority under this section is a traffic infraction.

21 (6) For the purposes of this section, "private employer
22 transportation service" means regularly scheduled, fixed-route
23 transportation service that is offered by an employer for the benefit
24 of its employees.

25 **Sec. 3.** RCW 47.04.290 and 2008 c 257 s 1 are each amended to read
26 as follows:

27 (1) Any local transit agency that has received state funding for a
28 park and ride lot shall make reasonable accommodation for use of that
29 lot by: Auto transportation companies regulated under chapter 81.68
30 RCW ((and)); passenger charter carriers regulated under chapter 81.70
31 RCW, except marked or unmarked stretch limousines and stretch sport
32 utility vehicles as defined under department of licensing rules;
33 private, nonprofit transportation providers regulated under chapter
34 81.66 RCW((, that intend to provide or already provide regularly
35 scheduled service at that lot)); and private employer transportation
36 service vehicles. The accommodation must be in the form of an
37 agreement between the applicable local transit agency and the private

1 (~~(transit)~~) transportation provider (~~(regulated under chapter 81.68 or~~
2 ~~81.66 RCW)~~). The transit agency may require that the agreement include
3 provisions to recover actual costs (~~(and fair market value)~~) for the
4 use of the lot and its related facilities and to provide adequate
5 insurance and indemnification of the transit agency, and other
6 reasonable provisions to ensure that the private (~~(transit)~~)
7 transportation provider's use does not unduly burden the transit
8 agency. If the agreement includes provisions to recover actual costs,
9 the private transportation provider is responsible to remit the full
10 actual costs of park and ride lot use to the appropriate transit
11 agency. A private transportation provider may recover actual costs
12 associated with its park and ride lot use through parking fees charged
13 to vehicle owners that are parked in a park and ride lot for the
14 purpose of using the private transportation provider's service. No
15 accommodation is required, and any agreement may be terminated, if the
16 park and ride lot is at or exceeds ninety percent capacity during off-
17 peak hours.

18 (2) A local transit agency described under subsection (1) of this
19 section may enter into a cooperative agreement with a taxicab company
20 regulated under chapter 81.72 RCW in order to accommodate the taxicab
21 company at the agency's park and ride lot, provided the taxicab company
22 must agree to provide service with reasonable availability, subject to
23 schedule coordination provisions as agreed to by the parties.

24 (3) For the purposes of this section, "private employer
25 transportation service" means regularly scheduled, fixed-route
26 transportation service that is offered by an employer for the benefit
27 of its employees.

28 **Sec. 4.** RCW 47.52.025 and 1974 ex.s. c 133 s 1 are each amended to
29 read as follows:

30 (1) Highway authorities of the state, counties, and incorporated
31 cities and towns, in addition to the specific powers granted in this
32 chapter, shall also have, and may exercise, relative to limited access
33 facilities, any and all additional authority, now or hereafter vested
34 in them relative to highways or streets within their respective
35 jurisdictions, and may regulate, restrict, or prohibit the use of such
36 limited access facilities by various classes of vehicles or traffic.
37 Such highway authorities may reserve any limited access facility or

1 portions thereof, including designated lanes or ramps for the exclusive
2 or preferential use of public transportation vehicles, private
3 transportation provider vehicles as described in subsections (2) and
4 (3) of this section, privately owned buses, or private motor vehicles
5 carrying not less than a specified number of passengers when such
6 limitation will increase the efficient utilization of the highway
7 facility or will aid in the conservation of energy resources.
8 Regulations authorizing such exclusive or preferential use of a highway
9 facility may under this section be declared to be effective at all time
10 or at specified times of day or on specified days.

11 (2) When the reserved portion of a highway is based on the number
12 of passengers in a vehicle, the following vehicles must be authorized
13 to use the reserved portion of the highway if the vehicle has the
14 capacity to carry eight or more passengers, regardless of the number of
15 passengers in the vehicle: (a) Auto transportation company vehicles
16 regulated under chapter 81.68 RCW; (b) passenger charter carrier
17 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
18 stretch limousines and stretch sport utility vehicles as defined under
19 department of licensing rules; (c) private nonprofit transportation
20 provider vehicles regulated under chapter 81.66 RCW; and (d) private
21 employer transportation service vehicles.

22 (3) If a portion of a highway is reserved for the exclusive or
23 preferential use of public transportation vehicles, the following
24 vehicles must also be authorized to use the reserved portion of the
25 highway, provided that such use does not interfere with the safety of
26 public transportation operations: (a) Auto transportation company
27 vehicles regulated under chapter 81.68 RCW; (b) passenger charter
28 carrier vehicles regulated under chapter 81.70 RCW, except marked or
29 unmarked stretch limousines and stretch sport utility vehicles as
30 defined under department of licensing rules; (c) private nonprofit
31 transportation provider vehicles regulated under chapter 81.66 RCW; and
32 (d) private employer transportation service vehicles. However, when
33 the reserved portion of the highway is a lane or lanes in a ferry
34 terminal queuing or holding area, the state or local highway authority
35 may consult with private transportation providers, as described under
36 this subsection, and public transportation providers to negotiate
37 otherwise.

1 (4) For the purposes of this section, "private employer
2 transportation service" means regularly scheduled, fixed-route
3 transportation service that is offered by an employer for the benefit
4 of its employees.

5 NEW SECTION. Sec. 5. A new section is added to chapter 47.04 RCW
6 to read as follows:

7 When designing portions of a highway that are intended to be used
8 as portions reserved for the exclusive or preferential use of public
9 transportation vehicles, state and local jurisdictions shall consider
10 whether the design will safely accommodate private transportation
11 provider vehicles that are authorized to use the reserved portions
12 under RCW 46.61.165 and 47.52.025.

13 NEW SECTION. Sec. 6. If any part of this act is found to be in
14 conflict with federal requirements that are a prescribed condition to
15 the allocation of federal funds to the state, the conflicting part of
16 this act is inoperative solely to the extent of the conflict and with
17 respect to the agencies directly affected, and this finding does not
18 affect the operation of the remainder of this act in its application to
19 the agencies concerned. Rules adopted under this act must meet federal
20 requirements that are a necessary condition to the receipt of federal
21 funds by the state.

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