
Transportation Committee

HB 1986

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

Sponsors: Representatives Clibborn, Eddy, McCune and Rodne.

Brief Summary of Bill

- Authorizes the Washington State Department of Transportation (WSDOT) and local jurisdictions to allow certain private transportation provider vehicles to use high occupancy vehicle lanes and lanes reserved for public transportation.
- 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 WSDOT 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: 2/23/11

Staff: David Munnecke (786-7315).

Background:

Lane Use and Restrictions.

For non-limited access facilities, the Washington State Department of Transportation (WSDOT) 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

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passengers actually in the vehicle, but all private vehicles must meet the HOV occupancy requirements.

For limited access facilities, the WSDOT 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.

The WSDOT 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.

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 WSDOT and local jurisdictions is expanded to allow 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") to use high occupancy vehicle lanes and lanes reserved for public transportation. 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.

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 the 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 WSDOT 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: Requested on February 21, 2011.

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