
HOUSE BILL 2310

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2020 Regular Session

By Representatives Fitzgibbon, Ramel, Macri, Doglio, Cody, Hudgins, and Pollet

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1 AN ACT Relating to reducing emissions from vehicles associated
2 with on-demand transportation services; amending RCW 70.120.010 and
3 70.94.015; and adding new sections to chapter 70.120 RCW.

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

5 **Sec. 1.** RCW 70.120.010 and 2011 c 171 s 108 are each amended to
6 read as follows:

7 (~~Unless the context clearly requires otherwise, the~~) The
8 definitions in this section apply throughout this chapter unless the
9 context clearly requires otherwise.

10 (1) "Department" means the department of ecology.

11 (2) "Director" means the director of the department of ecology.

12 (3) "Fleet" means a group of fifteen or more motor vehicles
13 registered in the same name and whose owner has been assigned a fleet
14 identifier code by the department of licensing.

15 (4) "Motor vehicle" means any self-propelled vehicle required to
16 be licensed pursuant to chapter 46.16A RCW.

17 (5) "Motor vehicle dealer" means a motor vehicle dealer, as
18 defined in RCW 46.70.011, that is licensed pursuant to chapter 46.70
19 RCW.

1 (6) "Person" means an individual, firm, public or private
2 corporation, association, partnership, political subdivision of the
3 state, municipality, or governmental agency.

4 (7) The terms "air contaminant," "air pollution," "air quality
5 standard," "ambient air," "emission," and "emission standard" have
6 the meanings given them in RCW 70.94.030.

7 (8) (a) "Commercial transportation services provider" includes a
8 corporation, partnership, sole proprietorship, or other entity,
9 operating in Washington, that uses a digital network or software
10 application to connect passengers to vehicle operators for the
11 purpose of providing a prearranged ride.

12 (b) "Commercial transportation services provider" does not
13 include: (i) A taxicab company under chapter 81.72 RCW; (ii) a
14 charter party or excursion service carrier under chapter 81.70 RCW;
15 (iii) an auto transportation company under chapter 81.68 RCW; (iv) a
16 private, nonprofit transportation provider under chapter 81.66 RCW;
17 or (v) a limousine carrier under chapter 46.72A RCW.

18 (9) "Commercial transportation services provider passenger" or
19 "passenger" has the same meaning as defined in RCW 48.177.005.

20 (10) "Vehicle" means a vehicle that is used to provide
21 prearranged transportation services for compensation in connection
22 with and authorized by a commercial transportation services provider
23 or food delivery provider, and that meets all of the following:

24 (a) Has a passenger capacity of less than nine persons, including
25 a driver; and

26 (b) Is not operating as a taxicab regulated under chapter 81.72
27 RCW or as a limousine regulated under chapter 46.72A RCW.

28 (11) "Greenhouse gas" has the same meaning as defined in RCW
29 70.235.010.

30 (12) "Zero emission vehicle" means a vehicle that emits no
31 exhaust gas from the onboard source of power, other than water vapor.

32 (13) "Transportation application service provider" means a
33 commercial transportation services provider or a food delivery
34 provider.

35 (14) "Food delivery provider" includes a corporation,
36 partnership, sole proprietorship, or other entity operating in
37 Washington that uses a customer-facing digital network or software
38 application to prearrange for the delivery of prepared meals,
39 groceries, or other food to a customer, other than food prepared or
40 sold directly by the entity.

1 (15) "Goods delivery provider" includes a corporation,
2 partnership, sole proprietorship, or other entity operating in
3 Washington that uses a customer-facing digital network or software
4 application to prearrange for the delivery of nonfood consumer goods
5 to a customer, other than goods produced or sold directly by the
6 entity.

7 NEW SECTION. Sec. 2. A new section is added to chapter 70.120
8 RCW to read as follows:

9 (1) The provisions of this section apply to transportation
10 application service providers and goods delivery providers.

11 (2) By July 1, 2021, the department shall establish a baseline
12 for emissions of greenhouse gases for vehicles used on online-enable
13 applications or platforms of transportation application service
14 providers and goods delivery providers on a per-delivery-mile
15 traveled basis. The baseline calculation must use data from calendar
16 year 2018 and include:

17 (a) Miles driven with no passenger, customer food delivery, or
18 consumer goods delivery in the vehicle when the operator of the
19 vehicle is logged in to a provider's digital platform or software
20 application; and

21 (b) Miles driven with one or more passengers, customer food
22 delivery, or consumer goods delivery in the vehicle as a prearranged
23 ride or delivery.

24 (3) Transportation application service providers and goods
25 delivery providers must provide information to the department
26 covering individual calendar years, consistent with a reporting
27 schedule and criteria to be adopted by rule by the department. The
28 department must use the provided information to determine average
29 emissions of greenhouse gases per passenger-mile and per customer
30 delivery-mile including, but not limited to:

31 (a) The total miles driven by vehicles operated to provide
32 transportation application services or goods delivery services in
33 Washington state;

34 (b) The percent share of miles traveled by zero emission
35 vehicles;

36 (c) The miles-weighted average network-wide grams of carbon
37 dioxide equivalent per mile, for purposes of producing an estimate of
38 greenhouse gas emissions; and

1 (d) For commercial transportation services providers only, total
2 passenger-miles traveled using an average passengers-per-trip
3 estimate to account for trips where exact passenger head count data
4 was not captured.

5 (4) The department may use reasonable methods to adjust and
6 correct data and emission estimates including, but not limited to,
7 methods to apportion emissions between transportation application
8 service providers or goods delivery providers to account for
9 circumstances in which multiple applications or platforms are
10 simultaneously used by a vehicle provider.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.120
12 RCW to read as follows:

13 (1) The provisions of this section apply to transportation
14 application service providers.

15 (2) By July 1, 2022, the department shall adopt by rule and
16 implement mandatory annual goals and targets for transportation
17 application service providers that begin in 2023 for the reduction
18 under the baseline established under section 2(2) of this act for
19 emissions of greenhouse gases per passenger-mile and food delivery-
20 mile driven. The goals and targets must:

21 (a) Include annual targets and goals for increasing the
22 percentage of passenger-miles traveled and customer food delivery-
23 miles traveled using zero emission vehicles;

24 (b) Be technically and economically feasible;

25 (c) Be informed by data reported by transportation application
26 service providers to the department; and

27 (d) Be designed with consideration of the state greenhouse gas
28 emission limits of RCW 70.235.020 and the state vehicle miles
29 traveled goals of RCW 47.01.440.

30 (3) The department may delay implementation of the targets and
31 goals adopted under this section if the department finds that
32 unanticipated barriers exist to expanding the usage of zero emission
33 vehicles by transportation application service providers. No less
34 frequently than every two years, the department must review available
35 data related to barriers to usage of zero emission vehicles by
36 transportation application service providers, including data related
37 to current and future electric transportation adoption rates and
38 charging infrastructure utilization rates.

1 (4) (a) Beginning January 1, 2023, each transportation application
2 service provider must develop and submit to the department a
3 greenhouse gas emission reduction plan. The department shall review
4 the plan within one hundred twenty days of receipt of the plan and
5 decide whether to approve the plan. If a plan is rejected, the
6 department shall provide the reasons for rejecting the plan to the
7 transportation application service provider. The transportation
8 application service provider must submit a new plan within sixty days
9 after receipt of the letter of disapproval. Each transportation
10 application service provider must implement a greenhouse gas emission
11 reduction plan by July 1, 2023.

12 (b) A transportation application service provider must submit a
13 plan amendment to the department no less than forty-five days before
14 the service provider plans to begin implementing a substantial change
15 to the transportation application service provider's plan. Within
16 forty-five days of receipt of a plan amendment, the department must
17 decide whether to approve the plan amendment and must provide the
18 reasons for rejecting the plan amendment.

19 (5) Greenhouse gas emission reduction plans must contain
20 proposals for meeting the goals and targets established in subsection
21 (2) of this section through, at a minimum:

22 (a) Increasing the proportion of vehicles used to complete trips
23 that are zero emission vehicles;

24 (b) Increasing the proportion of vehicle miles completed by zero
25 emission vehicles relative to the proportion of overall vehicle
26 miles;

27 (c) Decreasing the average gram-per-mile greenhouse gas emission
28 rates for vehicle miles traveled; and

29 (d) Increasing the proportion of passenger-miles traveled or
30 customer food delivery-miles traveled relative to overall vehicle
31 miles traveled.

32 (6) Plans developed under this section by each transportation
33 application service provider must also consider incentives to
34 encourage increasing the share of:

35 (a) Total miles traveled by passengers whose walking, biking, or
36 other active or zero emission modes of transportation are facilitated
37 using vehicles on an online-enabled application or platform; and

38 (b) Total miles traveled by food deliveries by walking, biking,
39 or other active or zero emission modes of transportation.

1 (7) Plans required under this section must be updated by July 1,
2 2025, and each July 1st of odd-numbered years thereafter.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.120
4 RCW to read as follows:

5 (1) The department may adopt rules to implement, administer, and
6 enforce sections 2 and 3 of this act. In adopting rules under this
7 section, the department must ensure, to the extent practicable:

8 (a) Minimal negative impact on low-income and moderate-income
9 drivers;

10 (b) For commercial transportation service providers only, that
11 the program complements and supports the planning goals of RCW
12 36.70A.020; and

13 (c) That the program supports a goal of providing clean mobility
14 for low-income and moderate-income individuals.

15 (2) A transportation application service provider or goods
16 delivery provider that submits information or records to the
17 department under this chapter may request that the information or
18 records be made available only for the confidential use of the
19 department, the director, the appropriate division of the department,
20 or other city, county, or state agencies under data-sharing
21 agreements approved by the department that provide the same
22 protections as would be afforded to the information or records if the
23 information or records remained solely in the possession of the
24 department. The director shall give consideration to the request and
25 if this action is not detrimental to the public interest and is
26 otherwise in accord with the policies and purposes of chapter 43.21A
27 RCW, the director must grant the request for the information to
28 remain confidential as authorized in RCW 43.21A.160.

29 (3) The department may determine, assess, and collect annual fees
30 from each transportation application service provider and goods
31 delivery provider sufficient to cover the direct and indirect costs
32 of administering and enforcing the provisions of this section and
33 sections 2 and 3 of this act.

34 (a) The annual fee assessed to each transportation application
35 service provider must be calculated by dividing the department's
36 administrative costs associated with transportation application
37 service providers by the provider's proportional share of total
38 number of miles of service provided by all transportation application
39 service providers during the preceding calendar year.

1 (b) The application fee assessed to each goods delivery provider
2 must be calculated by dividing the department's administrative costs
3 associated with goods delivery providers by the provider's
4 proportional share of total number of miles of service provided by
5 goods delivery providers during the preceding calendar year.

6 **Sec. 5.** RCW 70.94.015 and 2019 c 284 s 6 are each amended to
7 read as follows:

8 (1) The air pollution control account is established in the state
9 treasury. All receipts collected by or on behalf of the department
10 from RCW 70.94.151(2), and receipts from nonpermit program sources
11 under RCW 70.94.152(1) and 70.94.154(7), and all receipts from RCW
12 70.94.6528 (~~and~~), 70.94.6534, and section 4 of this act shall be
13 deposited into the account. Moneys in the account may be spent only
14 after appropriation. Expenditures from the account may be used only
15 to develop and implement the provisions of this chapter, chapter(~~s~~
16 ~~70.94 and~~) 70.120 RCW, and RCW 70.235.080.

17 (2) The amounts collected and allocated in accordance with this
18 section shall be expended upon appropriation except as otherwise
19 provided in this section and in accordance with the following
20 limitations:

21 Portions of moneys received by the department of ecology from the
22 air pollution control account shall be distributed by the department
23 to local authorities based on:

24 (a) The level and extent of air quality problems within such
25 authority's jurisdiction;

26 (b) The costs associated with implementing air pollution
27 regulatory programs by such authority; and

28 (c) The amount of funding available to such authority from other
29 sources, whether state, federal, or local, that could be used to
30 implement such programs.

31 (3) The air operating permit account is created in the custody of
32 the state treasurer. All receipts collected by or on behalf of the
33 department from permit program sources under RCW 70.94.152(1),
34 70.94.161, 70.94.162, and 70.94.154(7) shall be deposited into the
35 account. Expenditures from the account may be used only for the
36 activities described in RCW 70.94.152(1), 70.94.161, 70.94.162, and

1 70.94.154(7). Moneys in the account may be spent only after
2 appropriation.

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