
SENATE BILL 5896

State of Washington

66th Legislature

2019 Regular Session

By Senators Palumbo, Zeiger, Wilson, C., and Hobbs

1 AN ACT Relating to shared employer shuttles; and amending RCW
2 35.58.250 and 47.04.290.

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

4 **Sec. 1.** RCW 35.58.250 and 1965 c 7 s 35.58.250 are each amended
5 to read as follows:

6 (1) Except in accordance with an agreement made as provided
7 herein, upon the effective date on which the metropolitan municipal
8 corporation commences to perform the metropolitan transportation
9 function, no person or private corporation shall operate a local
10 public passenger transportation service within the metropolitan area
11 with the exception of taxis, buses owned or operated by a school
12 district or private school, buses, vans, or other employer
13 transportation service vehicles owned or operated by any corporation
14 or organization for use as a shared employee shuttle, and buses,
15 vans, or other employer transportation service vehicles owned or
16 operated by any corporation or organization solely for the purposes
17 of the corporation or organization and for the use of which no fee or
18 fare is charged.

19 (2) An agreement may be entered into between the metropolitan
20 municipal corporation and any person or corporation legally operating
21 a local public passenger transportation service wholly within or

1 partly within and partly without the metropolitan area and on said
2 effective date under which such person or corporation may continue to
3 operate such service or any part thereof for such time and upon such
4 terms and conditions as provided in such agreement. Where any such
5 local public passenger transportation service will be required to
6 cease to operate within the metropolitan area, the commission may
7 agree with the owner of such service to purchase the assets used in
8 providing such service, or if no agreement can be reached, the
9 commission shall condemn such assets in the manner provided herein
10 for the condemnation of other properties.

11 (3) Wherever a privately owned public carrier operates wholly or
12 partly within a metropolitan municipal corporation, the Washington
13 utilities and transportation commission shall continue to exercise
14 jurisdiction over such operation as provided by law.

15 **Sec. 2.** RCW 47.04.290 and 2011 c 379 s 2 are each amended to
16 read as follows:

17 (1) Any local transit agency that has received state funding for
18 a park and ride lot shall make reasonable accommodation for use of
19 that lot by: Auto transportation companies regulated under chapter
20 81.68 RCW; passenger charter carriers regulated under chapter 81.70
21 RCW, except marked or unmarked stretch limousines and stretch sport
22 utility vehicles as defined under department of licensing rules;
23 private, nonprofit transportation providers regulated under chapter
24 81.66 RCW; and private employer transportation service vehicles,
25 provided that such use does not interfere with the efficiency,
26 reliability, and safety of public transportation operations. The
27 accommodation must be in the form of an agreement between the
28 applicable local transit agency and the private transportation
29 provider. The transit agency may require that the agreement include
30 provisions to recover actual costs and fair market value for the use
31 of the lot and its related facilities and to provide adequate
32 insurance and indemnification of the transit agency, and other
33 reasonable provisions to ensure that the private transportation
34 provider's use does not unduly burden the transit agency. The transit
35 agency may consider benefits to its public transportation system when
36 establishing an amount to charge for the use of the park and ride lot
37 and its related facilities. If the agreement includes provisions to
38 recover actual costs, the private transportation provider is
39 responsible to remit the full actual costs of park and ride lot use

1 to the appropriate transit agency. No accommodation is required, and
2 any agreement may be terminated, if the park and ride lot is at or
3 exceeds ninety percent capacity between the hours of 6:00 a.m. and
4 4:00 p.m., Monday through Friday for two consecutive months, except

5 in the case of private employer transportation service vehicles.
6 Private employer transportation service vehicles must be allowed to
7 use a park and ride lot regardless of the capacity of the lot.

8 (~~Additionally,~~) Any agreement may be terminated if the private
9 transportation provider violates any policies guiding the terms of
10 use of the park and ride lot. The transit agency may reserve the
11 authority to designate which pick-up and drop-off zones of the park
12 and ride lot may be used by the private transportation provider.

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

20 (3) For the purposes of this section, "private employer
21 transportation service" means regularly scheduled, fixed-route
22 transportation service that is similarly marked or identified to
23 display the business name or logo on the driver and passenger sides
24 of the vehicle, meets the annual certification requirements of the
25 department, and is offered by an employer for the benefit of its
26 employees.

27 (4) For the purposes of this section, "private transportation
28 provider" means:

29 (a) A company regulated under chapter 81.68 RCW; chapter 81.70
30 RCW, except marked or unmarked stretch limousines and stretch sport
31 utility vehicles as defined under department of licensing rules; and
32 chapter 81.66 RCW; and

33 (b) An entity providing private employer transportation service.

34 (5)(a) Local authorities are encouraged to establish a process
35 for private transportation providers, described under subsections (1)
36 and (4) of this section, to apply for the use of park and ride
37 facilities.

38 (b) The process must provide a list of facilities that the local
39 authority determines to be unavailable for use by the private

1 transportation provider and must provide the criteria used to reach
2 that determination.

3 (c) The application and review processes must be uniform and
4 should provide for an expeditious response by the authority.

5 (6) The department must convene a stakeholder process that
6 includes interested public and private transportation providers,
7 which must develop standard permit forms, clear explanations of
8 permit rate calculations, and standard indemnification provisions
9 that may be used by all local authorities.

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