

SSB 5836 - CONF REPT  
By Conference Committee

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 46.61.165 and 1999 c 206 s 1 are each amended to read  
4 as follows:

5 (1) The state department of transportation and the local  
6 authorities are authorized to reserve all or any portion of any highway  
7 under their respective jurisdictions, including any designated lane or  
8 ramp, for the exclusive or preferential use of one or more of the  
9 following: (a) Public transportation vehicles ((~~or~~)); (b) private  
10 motor vehicles carrying no fewer than a specified number of passengers;  
11 or (c) the following private transportation provider vehicles if the  
12 vehicle has the capacity to carry eight or more passengers, regardless  
13 of the number of passengers in the vehicle, and if such use does not  
14 interfere with the efficiency, reliability, and safety of public  
15 transportation operations: (i) Auto transportation company vehicles  
16 regulated under chapter 81.68 RCW; (ii) 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; (iii) private nonprofit transportation  
20 provider vehicles regulated under chapter 81.66 RCW; and (iv) private  
21 employer transportation service vehicles, when such limitation will  
22 increase the efficient utilization of the highway or will aid in the  
23 conservation of energy resources.

24 (2) Any transit-only lanes that allow other vehicles to access  
25 abutting businesses that are authorized pursuant to subsection (1) of  
26 this section may not be authorized for the use of private  
27 transportation provider vehicles as described under subsection (1) of  
28 this section.

29 (3) The state department of transportation and the local  
30 authorities authorized to reserve all or any portion of any highway

1 under their respective jurisdictions, for exclusive or preferential  
2 use, may prohibit the use of a high occupancy vehicle lane by the  
3 following private transportation provider vehicles: (a) Auto  
4 transportation company vehicles regulated under chapter 81.68 RCW; (b)  
5 passenger charter carrier vehicles regulated under chapter 81.70 RCW,  
6 and marked or unmarked limousines and stretch sport utility vehicles as  
7 defined under department of licensing rules; (c) private nonprofit  
8 transportation provider vehicles regulated under chapter 81.66 RCW; and  
9 (d) private employer transportation service vehicles, when the average  
10 transit speed in the high occupancy vehicle lane fails to meet  
11 department of transportation standards and falls below forty-five miles  
12 per hour at least ninety percent of the time during the peak hours, as  
13 determined by the department of transportation or the local authority,  
14 whichever operates the facility.

15 (4) Regulations authorizing such exclusive or preferential use of  
16 a highway facility may be declared to be effective at all times or at  
17 specified times of day or on specified days. Violation of a  
18 restriction of highway usage prescribed by the appropriate authority  
19 under this section is a traffic infraction.

20 (5) Local authorities are encouraged to establish a process for  
21 private transportation providers, as described under subsections (1)  
22 and (3) of this section, to apply for the use of public transportation  
23 facilities reserved for the exclusive or preferential use of public  
24 transportation vehicles. The application and review processes should  
25 be uniform and should provide for an expeditious response by the local  
26 authority. Whenever practicable, local authorities should enter into  
27 agreements with such private transportation providers to allow for the  
28 reasonable use of these facilities.

29 (6) For the purposes of this section, "private employer  
30 transportation service" means regularly scheduled, fixed-route  
31 transportation service that is similarly marked or identified to  
32 display the business name or logo on the driver and passenger sides of  
33 the vehicle, meets the annual certification requirements of the  
34 department of transportation, and is offered by an employer for the  
35 benefit of its employees.

36 **Sec. 2.** RCW 47.04.290 and 2008 c 257 s 1 are each amended to read  
37 as follows:

1 (1) Any local transit agency that has received state funding for a  
2 park and ride lot shall make reasonable accommodation for use of that  
3 lot by: Auto transportation companies regulated under chapter 81.68  
4 RCW (~~and~~); passenger charter carriers regulated under chapter 81.70  
5 RCW, except marked or unmarked stretch limousines and stretch sport  
6 utility vehicles as defined under department of licensing rules;  
7 private, nonprofit transportation providers regulated under chapter  
8 81.66 RCW(~~, that intend to provide or already provide regularly~~  
9 ~~scheduled service at that lot)); and private employer transportation~~  
10 service vehicles, provided that such use does not interfere with the  
11 efficiency, reliability, and safety of public transportation  
12 operations. The accommodation must be in the form of an agreement  
13 between the applicable local transit agency and the private (~~transit~~)  
14 transportation provider (~~regulated under chapter 81.68 or 81.66 RCW~~).  
15 The transit agency may require that the agreement include provisions to  
16 recover actual costs and fair market value for the use of the lot and  
17 its related facilities and to provide adequate insurance and  
18 indemnification of the transit agency, and other reasonable provisions  
19 to ensure that the private (~~transit~~) transportation provider's use  
20 does not unduly burden the transit agency. The transit agency may  
21 consider benefits to its public transportation system when establishing  
22 an amount to charge for the use of the park and ride lot and its  
23 related facilities. If the agreement includes provisions to recover  
24 actual costs, the private transportation provider is responsible to  
25 remit the full actual costs of park and ride lot use to the appropriate  
26 transit agency. No accommodation is required, and any agreement may be  
27 terminated, if the park and ride lot is at or exceeds ninety percent  
28 capacity between the hours of 6:00 a.m. and 4:00 p.m., Monday through  
29 Friday for two consecutive months. Additionally, any agreement may be  
30 terminated if the private transportation provider violates any policies  
31 guiding the terms of use of the park and ride lot. The transit agency  
32 may reserve the authority to designate which pick-up and drop-off zones  
33 of the park and ride lot may be used by the private transportation  
34 provider.

35 (2) A local transit agency described under subsection (1) of this  
36 section may enter into a cooperative agreement with a taxicab company  
37 regulated under chapter 81.72 RCW in order to accommodate the taxicab

1 company at the agency's park and ride lot, provided the taxicab company  
2 must agree to provide service with reasonable availability, subject to  
3 schedule coordination provisions as agreed to by the parties.

4 (3) For the purposes of this section, "private employer  
5 transportation service" means regularly scheduled, fixed-route  
6 transportation service that is similarly marked or identified to  
7 display the business name or logo on the driver and passenger sides of  
8 the vehicle, meets the annual certification requirements of the  
9 department, and is offered by an employer for the benefit of its  
10 employees.

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

13 (a) A company regulated under chapter 81.68 RCW; chapter 81.70 RCW,  
14 except marked or unmarked stretch limousines and stretch sport utility  
15 vehicles as defined under department of licensing rules; and chapter  
16 81.66 RCW; and

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

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

21 (b) The process must provide a list of facilities that the local  
22 authority determines to be unavailable for use by the private  
23 transportation provider and must provide the criteria used to reach  
24 that determination.

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

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

32 **Sec. 3.** RCW 47.52.025 and 1974 ex.s. c 133 s 1 are each amended to  
33 read as follows:

34 (1) Highway authorities of the state, counties, and incorporated  
35 cities and towns, in addition to the specific powers granted in this  
36 chapter, shall also have, and may exercise, relative to limited access  
37 facilities, any and all additional authority, now or hereafter vested

1 in them relative to highways or streets within their respective  
2 jurisdictions, and may regulate, restrict, or prohibit the use of such  
3 limited access facilities by various classes of vehicles or traffic.  
4 Such highway authorities may reserve any limited access facility or  
5 portions thereof, including designated lanes or ramps for the exclusive  
6 or preferential use of (a) public transportation vehicles, (b)  
7 privately owned buses, ~~((c))~~ (c) private motor vehicles carrying not  
8 less than a specified number of passengers, or (d) the following  
9 private transportation provider vehicles if the vehicle has the  
10 capacity to carry eight or more passengers, regardless of the number of  
11 passengers in the vehicle, and if such use does not interfere with the  
12 efficiency, reliability, and safety of public transportation  
13 operations: (i) Auto transportation company vehicles regulated under  
14 chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated  
15 under chapter 81.70 RCW, except marked or unmarked stretch limousines  
16 and stretch sport utility vehicles as defined under department of  
17 licensing rules; (iii) private nonprofit transportation provider  
18 vehicles regulated under chapter 81.66 RCW; and (iv) private employer  
19 transportation service vehicles, when such limitation will increase the  
20 efficient utilization of the highway facility or will aid in the  
21 conservation of energy resources. Regulations authorizing such  
22 exclusive or preferential use of a highway facility may be declared to  
23 be effective at all time or at specified times of day or on specified  
24 days.

25 (2) Any transit-only lanes that allow other vehicles to access  
26 abutting businesses that are reserved pursuant to subsection (1) of  
27 this section may not be authorized for the use of private  
28 transportation provider vehicles as described under subsection (1) of  
29 this section.

30 (3) Highway authorities of the state, counties, or incorporated  
31 cities and towns may prohibit the use of limited access facilities by  
32 the following private transportation provider vehicles: (a) Auto  
33 transportation company vehicles regulated under chapter 81.68 RCW; (b)  
34 passenger charter carrier vehicles regulated under chapter 81.70 RCW,  
35 and marked or unmarked limousines and stretch sport utility vehicles as  
36 defined under department of licensing rules; (c) private nonprofit  
37 transportation provider vehicles regulated under chapter 81.66 RCW; and  
38 (d) private employer transportation service vehicles, when the average

1 transit speed in the high occupancy vehicle travel lane fails to meet  
2 department standards and falls below forty-five miles per hour at least  
3 ninety percent of the time during the peak hours for two consecutive  
4 months.

5 (4)(a) Local authorities are encouraged to establish a process for  
6 private transportation providers, described under subsections (1) and  
7 (3) of this section, to apply for the use of limited access facilities  
8 that are reserved for the exclusive or preferential use of public  
9 transportation vehicles.

10 (b) The process must provide a list of facilities that the local  
11 authority determines to be unavailable for use by the private  
12 transportation provider and must provide the criteria used to reach  
13 that determination.

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

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

23 NEW SECTION. Sec. 4. A new section is added to chapter 47.04 RCW  
24 to read as follows:

25 When designing portions of a highway that are intended to be used  
26 as portions reserved for the exclusive or preferential use of public  
27 transportation vehicles, state and local jurisdictions shall consider  
28 whether the design will safely accommodate private transportation  
29 provider vehicles that may be authorized to use the reserved portions  
30 under RCW 46.61.165 and 47.52.025 without interfering with the  
31 efficiency, reliability, and safety of public transportation  
32 operations.

33 NEW SECTION. Sec. 5. If any part of this act is found to be in  
34 conflict with mitigation requirements under the state environmental  
35 policy act (chapter 43.21C RCW) or the national environmental policy  
36 act (42 U.S.C. Secs. 4321 through 4347) or in any other way conflicts

1 with federal requirements that are a condition or part of the  
2 allocation of federal funds to the state or local facilities, the  
3 conflicting part of this act is inoperative solely to the extent of the  
4 conflict and with respect to the agencies directly affected, and this  
5 finding does not affect the operation of the remainder of this act in  
6 its application to the agencies concerned. Rules adopted under this  
7 act must meet federal requirements that are a necessary condition to  
8 the receipt of federal funds by the state or local authorities."

9 Correct the title.

--- END ---