

CERTIFICATION OF ENROLLMENT

SENATE BILL 5142

63rd Legislature
2013 Regular Session

Passed by the Senate February 25, 2013
YEAS 48 NAYS 0

President of the Senate

Passed by the House April 11, 2013
YEAS 67 NAYS 30

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5142** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5142

Passed Legislature - 2013 Regular Session

State of Washington

63rd Legislature

2013 Regular Session

By Senators Rolfes, Benton, Hargrove, Sheldon, Hatfield, Delvin, Ericksen, Keiser, Conway, Schlicher, and Roach

Read first time 01/21/13. Referred to Committee on Transportation.

1 AN ACT Relating to incorporating motorcycles into certain
2 transportation planning; and amending RCW 70.94.531, 46.61.165, and
3 47.52.025.

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

5 **Sec. 1.** RCW 70.94.531 and 2006 c 329 s 5 are each amended to read
6 as follows:

7 (1) State agency worksites are subject to the same requirements
8 under this section and RCW 70.94.534 as private employers.

9 (2) Not more than ninety days after the adoption of a
10 jurisdiction's commute trip reduction plan, each major employer in that
11 jurisdiction shall perform a baseline measurement consistent with the
12 rules established by the department of transportation under RCW
13 70.94.537. Not more than ninety days after receiving the results of
14 the baseline measurement, each major employer shall develop a commute
15 trip reduction program and shall submit a description of that program
16 to the jurisdiction for review. The program shall be implemented not
17 more than ninety days after approval by the jurisdiction.

18 (3) A commute trip reduction program of a major employer shall
19 consist of, at a minimum (a) designation of a transportation

1 coordinator and the display of the name, location, and telephone number
2 of the coordinator in a prominent manner at each affected worksite; (b)
3 regular distribution of information to employees regarding alternatives
4 to single-occupant vehicle commuting; (c) a regular review of employee
5 commuting and reporting of progress toward meeting the single-occupant
6 vehicle reduction goals to the county, city, or town consistent with
7 the method established in the commute trip reduction plan and the rules
8 established by the department of transportation under RCW 70.94.537;
9 and (d) implementation of a set of measures designed to achieve the
10 applicable commute trip reduction goals adopted by the jurisdiction.
11 Such measures may include but are not limited to:

12 (i) Provision of preferential parking or reduced parking charges,
13 or both, for high occupancy vehicles and motorcycles;

14 (ii) Instituting or increasing parking charges for single-occupant
15 vehicles;

16 (iii) Provision of commuter ride matching services to facilitate
17 employee ridesharing for commute trips;

18 (iv) Provision of subsidies for transit fares;

19 (v) Provision of vans for van pools;

20 (vi) Provision of subsidies for car pooling or van pooling;

21 (vii) Permitting the use of the employer's vehicles for car pooling
22 or van pooling;

23 (viii) Permitting flexible work schedules to facilitate employees'
24 use of transit, car pools, or van pools;

25 (ix) Cooperation with transportation providers to provide
26 additional regular or express service to the worksite;

27 (x) Construction of special loading and unloading facilities for
28 transit, car pool, and van pool users;

29 (xi) Provision of bicycle parking facilities, lockers, changing
30 areas, and showers for employees who bicycle or walk to work;

31 (xii) Provision of a program of parking incentives such as a rebate
32 for employees who do not use the parking facility;

33 (xiii) Establishment of a program to permit employees to work part
34 or full time at home or at an alternative worksite closer to their
35 homes;

36 (xiv) Establishment of a program of alternative work schedules such
37 as compressed work week schedules which reduce commuting; and

1 (xv) Implementation of other measures designed to facilitate the
2 use of high occupancy vehicles such as on-site day care facilities and
3 emergency taxi services.

4 (4) Employers or owners of worksites may form or utilize existing
5 transportation management associations or other transportation-related
6 associations authorized by RCW 35.87A.010 to assist members in
7 developing and implementing commute trip reduction programs.

8 (5) Employers shall make a good faith effort towards achievement of
9 the goals identified in RCW 70.94.527(4)(d).

10 **Sec. 2.** RCW 46.61.165 and 2011 c 379 s 1 are each amended to read
11 as follows:

12 (1) The state department of transportation and the local
13 authorities are authorized to reserve all or any portion of any highway
14 under their respective jurisdictions, including any designated lane or
15 ramp, for the exclusive or preferential use of one or more of the
16 following: (a) Public transportation vehicles; (b) motorcycles; (c)
17 private motor vehicles carrying no fewer than a specified number of
18 passengers; or ~~((e))~~ (d) the following private transportation
19 provider vehicles if the vehicle has the capacity to carry eight or
20 more passengers, regardless of the number of passengers in the vehicle,
21 and if such use does not interfere with the efficiency, reliability,
22 and safety of public transportation operations: (i) Auto
23 transportation company vehicles regulated under chapter 81.68 RCW; (ii)
24 passenger charter carrier vehicles regulated under chapter 81.70 RCW,
25 except marked or unmarked stretch limousines and stretch sport utility
26 vehicles as defined under department of licensing rules; (iii) private
27 nonprofit transportation provider vehicles regulated under chapter
28 81.66 RCW; and (iv) private employer transportation service vehicles,
29 when such limitation will increase the efficient utilization of the
30 highway or will aid in the conservation of energy resources.

31 (2) Any transit-only lanes that allow other vehicles to access
32 abutting businesses that are authorized pursuant to subsection (1) of
33 this section may not be authorized for the use of private
34 transportation provider vehicles as described under subsection (1) of
35 this section.

36 (3) The state department of transportation and the local
37 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. 3.** RCW 47.52.025 and 2011 c 379 s 3 are each amended to read
37 as follows:

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

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

34 (3) Highway authorities of the state, counties, or incorporated
35 cities and towns may prohibit the use of limited access facilities by
36 the following private transportation provider vehicles: (a) Auto
37 transportation company vehicles regulated under chapter 81.68 RCW; (b)
38 passenger charter carrier vehicles regulated under chapter 81.70 RCW,

1 and marked or unmarked limousines and stretch sport utility vehicles as
2 defined under department of licensing rules; (c) private nonprofit
3 transportation provider vehicles regulated under chapter 81.66 RCW; and
4 (d) private employer transportation service vehicles, when the average
5 transit speed in the high occupancy vehicle travel lane fails to meet
6 department standards and falls below forty-five miles per hour at least
7 ninety percent of the time during the peak hours for two consecutive
8 months.

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

14 (b) The process must provide a list of facilities that the local
15 authority determines to be unavailable for use by the private
16 transportation provider and must provide the criteria used to reach
17 that determination.

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

20 (5) 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 of
24 the vehicle, meets the annual certification requirements of the
25 department, and is offered by an employer for the benefit of its
26 employees.

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