

ESSB 5623 - S AMD 537

By Senators Sheldon, Hasegawa

ADOPTED 02/05/2016

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

3 "Sec. 1. RCW 46.61.608 and 2013 c 139 s 1 are each amended to
4 read as follows:

5 (1) All motorcycles are entitled to full use of a lane and no
6 motor vehicle shall be driven in such a manner as to deprive any
7 motorcycle of the full use of a lane. This subsection shall not apply
8 to motorcycles operated two abreast in a single lane.

9 (2)(a) The operator of a motorcycle shall not overtake and pass
10 in the same lane occupied by the vehicle being overtaken, except on
11 the left-hand side of a vehicle traveling in the left-most lane of
12 traffic on a numbered state route that is a divided highway having
13 two or more lanes of traffic in each direction separated by a
14 physical barrier or unpaved median if the operator of the motorcycle
15 is traveling at a rate of speed no more than ten miles per hour over
16 the speed of traffic flow and not more than twenty-five miles per
17 hour. ((However, this subsection shall not apply)) When the operator
18 of a motorcycle overtakes and passes a pedestrian or bicyclist
19 (~~while maintaining~~), the operator shall maintain a safe passing
20 distance of at least three feet.

21 (b) Any operator of a motor vehicle that intentionally impedes or
22 attempts to prevent any operator of a motorcycle from operating his
23 or her motorcycle as permitted under this subsection is guilty of a
24 traffic infraction.

25 (3) No person shall operate a motorcycle between lanes of traffic
26 or between adjacent lines or rows of vehicles.

27 (4) Motorcycles shall not be operated more than two abreast in a
28 single lane.

29 (5) Subsections (2) and (3) of this section shall not apply to
30 police officers in the performance of their official duties.

1 **Sec. 2.** RCW 47.52.025 and 2013 c 26 s 3 are each amended to read
2 as follows:

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

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

37 (3) Highway authorities of the state, counties, or incorporated
38 cities and towns may prohibit the use of limited access facilities by
39 the following private transportation provider vehicles: (a) Auto
40 transportation company vehicles regulated under chapter 81.68 RCW;

1 (b) passenger charter carrier vehicles regulated under chapter 81.70
2 RCW, and marked or unmarked limousines and stretch sport utility
3 vehicles as defined under department of licensing rules; (c) private
4 nonprofit transportation provider vehicles regulated under chapter
5 81.66 RCW; and (d) private employer transportation service vehicles,
6 when the average transit speed in the high occupancy vehicle travel
7 lane fails to meet department standards and falls below forty-five
8 miles per hour at least ninety percent of the time during the peak
9 hours for two consecutive months.

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

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

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

21 (5) When the department has opened the use of the shoulder of a
22 limited access facility for public transportation vehicles, the
23 department must allow motorcycles to use the shoulder during the same
24 time periods and conditions.

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

32 NEW SECTION. **Sec. 3.** Section 1 of this act expires July 31,
33 2018."

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1 On page 1, line 2 of the title, after "traffic;" strike the
2 remainder of the title and insert "amending RCW 46.61.608 and
3 47.52.025; prescribing penalties; and providing an expiration date."

EFFECT: Clarifies that motorcycles passing in the same lane on the left-hand side of a vehicle that is traveling in the left-most lane of traffic may only occur on state highways that have a physical barrier or median separating on-coming traffic. The expiration date is extended one year to July 31, 2018.

Provides that when WSDOT opens the shoulder as a lane for the operation of public transportation vehicles, it must also allow motorcycles to use the shoulder lane under the same conditions.

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