
HOUSE BILL 1935

State of Washington

64th Legislature

2015 Regular Session

By Representatives Harmsworth, Hayes, Manweller, Vick, Griffey, Orcutt, Shea, Wilson, Buys, Kochmar, Stambaugh, Smith, Young, and McCaslin

Read first time 02/03/15. Referred to Committee on Transportation.

1 AN ACT Relating to increasing public transparency related to
2 actions pertaining to high occupancy vehicle lanes; amending RCW
3 47.52.025 and 46.61.165; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the people
6 impacted by government decisions regarding high occupancy vehicle
7 lanes have generated much input from citizens to their
8 representatives. It is the intent of the legislature to provide more
9 oversight and transparency of decisions currently made by government
10 employees.

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

13 (1) Highway authorities of the state, counties, and incorporated
14 cities and towns, in addition to the specific powers granted in this
15 chapter, shall also have, and may exercise, relative to limited
16 access facilities, any and all additional authority, now or hereafter
17 vested in them relative to highways or streets within their
18 respective jurisdictions, and may regulate, restrict, or prohibit the
19 use of such limited access facilities by various classes of vehicles
20 or traffic. Such highway authorities may reserve any limited access

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

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

27 (3) Highway authorities of the state, counties, or incorporated
28 cities and towns may prohibit the use of limited access facilities by
29 the following private transportation provider vehicles: (a) Auto
30 transportation company vehicles regulated under chapter 81.68 RCW;
31 (b) passenger charter carrier vehicles regulated under chapter 81.70
32 RCW, and marked or unmarked limousines and stretch sport utility
33 vehicles as defined under department of licensing rules; (c) private
34 nonprofit transportation provider vehicles regulated under chapter
35 81.66 RCW; and (d) private employer transportation service vehicles,
36 when the average transit speed in the high occupancy vehicle travel
37 lane fails to meet department standards and falls below forty-five
38 miles per hour at least ninety percent of the time during the peak
39 hours for two consecutive months.

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

6 (b) The process must provide a list of facilities that the local
7 authority determines to be unavailable for use by the private
8 transportation provider and must provide the criteria used to reach
9 that determination.

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

12 (5)(a) If a state transportation agency intends to increase the
13 number of specified passengers that must be in a vehicle to occupy a
14 limited access facility on a state route or federal highway or change
15 the hours of operation of the limited access facility, the agency
16 must: (i) Notify in writing and seek approval from the chairs and
17 ranking members of the transportation committees of the legislature,
18 and (ii) hold a televised public hearing on any proposed changes to a
19 limited access facility in the community that will be impacted by the
20 proposal.

21 (b) Any changes made pursuant to this subsection must be by rule,
22 subject to public process.

23 (c) Limited access facilities may continue to operate as they
24 existed on January 1, 2015.

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 **Sec. 3.** RCW 46.61.165 and 2013 c 26 s 2 are each amended to read
33 as follows:

34 (1) The state department of transportation and the local
35 authorities are authorized to reserve all or any portion of any
36 highway under their respective jurisdictions, including any
37 designated lane or ramp, for the exclusive or preferential use of one
38 or more of the following: (a) Public transportation vehicles; (b)
39 motorcycles; (c) private motor vehicles carrying no fewer than a

1 specified number of passengers; or (d) the following private
2 transportation provider vehicles if the vehicle has the capacity to
3 carry eight or more passengers, regardless of the number of
4 passengers in the vehicle, and if such use does not interfere with
5 the efficiency, reliability, and safety of public transportation
6 operations: (i) Auto transportation company vehicles regulated under
7 chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated
8 under chapter 81.70 RCW, except marked or unmarked stretch limousines
9 and stretch sport utility vehicles as defined under department of
10 licensing rules; (iii) private nonprofit transportation provider
11 vehicles regulated under chapter 81.66 RCW; and (iv) private employer
12 transportation service vehicles, when such limitation will increase
13 the efficient utilization of the highway or will aid in the
14 conservation of energy resources.

15 (2) Any transit-only lanes that allow other vehicles to access
16 abutting businesses that are authorized pursuant to subsection (1) of
17 this section may not be authorized for the use of private
18 transportation provider vehicles as described under subsection (1) of
19 this section.

20 (3) The state department of transportation and the local
21 authorities authorized to reserve all or any portion of any highway
22 under their respective jurisdictions, for exclusive or preferential
23 use, may prohibit the use of a high occupancy vehicle lane by the
24 following private transportation provider vehicles: (a) Auto
25 transportation company vehicles regulated under chapter 81.68 RCW;
26 (b) passenger charter carrier vehicles regulated under chapter 81.70
27 RCW, and marked or unmarked limousines and stretch sport utility
28 vehicles as defined under department of licensing rules; (c) private
29 nonprofit transportation provider vehicles regulated under chapter
30 81.66 RCW; and (d) private employer transportation service vehicles,
31 when the average transit speed in the high occupancy vehicle lane
32 fails to meet department of transportation standards and falls below
33 forty-five miles per hour at least ninety percent of the time during
34 the peak hours, as determined by the department of transportation or
35 the local authority, whichever operates the facility.

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

1 (5) Local authorities are encouraged to establish a process for
2 private transportation providers, as described under subsections (1)
3 and (3) of this section, to apply for the use of public
4 transportation facilities reserved for the exclusive or preferential
5 use of public transportation vehicles. The application and review
6 processes should be uniform and should provide for an expeditious
7 response by the local authority. Whenever practicable, local
8 authorities should enter into agreements with such private
9 transportation providers to allow for the reasonable use of these
10 facilities.

11 (6)(a) If a state transportation agency intends to increase the
12 number of specified passengers that must be in a vehicle to occupy a
13 highway facility on a state route or federal highway or change the
14 hours of operation of the highway facility, the agency must: (i)
15 Notify in writing and seek approval from the chairs and ranking
16 members of the transportation committees of the legislature, and (ii)
17 hold a televised public hearing on any proposed changes to a highway
18 facility in the community that will be impacted by the proposal.

19 (b) Any changes made pursuant to this subsection must be by rule,
20 subject to public process.

21 (c) Highway facilities may continue to operate as they existed on
22 January 1, 2015.

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

--- END ---