
SENATE BILL 5018

State of Washington

65th Legislature

2017 Regular Session

By Senators Hasegawa and Kuderer

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1 AN ACT Relating to authorizing wheelchair accessible taxicabs
2 access to high occupancy vehicle lanes; and amending RCW 46.61.165
3 and 47.52.025.

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

5 **Sec. 1.** RCW 46.61.165 and 2013 c 26 s 2 are each amended to read
6 as follows:

7 (1) The state department of transportation and the local
8 authorities are authorized to reserve all or any portion of any
9 highway under their respective jurisdictions, including any
10 designated lane or ramp, for the exclusive or preferential use of one
11 or more of the following: (a) Public transportation vehicles; (b)
12 motorcycles; (c) private motor vehicles carrying no fewer than a
13 specified number of passengers; (d) private, for hire vehicles
14 regulated under chapter 81.72 RCW that have been specially
15 manufactured, designed, or modified for the transportation of a
16 person who is wheelchair-bound and has a physical or medical
17 impairment; or ~~((d))~~ (e) the following private transportation
18 provider vehicles if the vehicle has the capacity to carry eight or
19 more passengers, regardless of the number of passengers in the
20 vehicle, and if such use does not interfere with the efficiency,
21 reliability, and safety of public transportation operations: (i) Auto

1 transportation company vehicles regulated under chapter 81.68 RCW;
2 (ii) passenger charter carrier vehicles regulated under chapter 81.70
3 RCW, except marked or unmarked stretch limousines and stretch sport
4 utility vehicles as defined under department of licensing rules;
5 (iii) private nonprofit transportation provider vehicles regulated
6 under chapter 81.66 RCW; and (iv) private employer transportation
7 service vehicles, when such limitation will increase the efficient
8 utilization of the highway or will aid in the conservation of energy
9 resources.

10 (2) Any transit-only lanes that allow other vehicles to access
11 abutting businesses that are authorized pursuant to subsection (1) of
12 this section may not be authorized for the use of private
13 transportation provider vehicles as described under subsection (1) of
14 this section.

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

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

36 (5) Local authorities are encouraged to establish a process for
37 private transportation providers, as described under subsections (1)
38 and (3) of this section, to apply for the use of public
39 transportation facilities reserved for the exclusive or preferential
40 use of public transportation vehicles. The application and review

1 processes should be uniform and should provide for an expeditious
2 response by the local authority. Whenever practicable, local
3 authorities should enter into agreements with such private
4 transportation providers to allow for the reasonable use of these
5 facilities.

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

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

15 (1) Highway authorities of the state, counties, and incorporated
16 cities and towns, in addition to the specific powers granted in this
17 chapter, shall also have, and may exercise, relative to limited
18 access facilities, any and all additional authority, now or hereafter
19 vested in them relative to highways or streets within their
20 respective jurisdictions, and may regulate, restrict, or prohibit the
21 use of such limited access facilities by various classes of vehicles
22 or traffic. Such highway authorities may reserve any limited access
23 facility or portions thereof, including designated lanes or ramps for
24 the exclusive or preferential use of (a) public transportation
25 vehicles, (b) privately owned buses, (c) motorcycles, (d) private
26 motor vehicles carrying not less than a specified number of
27 passengers, (e) private, for hire vehicles regulated under chapter
28 81.72 RCW that have been specially manufactured, designed, or
29 modified for the transportation of a person who is wheelchair-bound
30 and has a physical or medical impairment, or ((+e+)) (f) the
31 following private transportation provider vehicles if the vehicle has
32 the capacity to carry eight or more passengers, regardless of the
33 number of passengers in the vehicle, and if such use does not
34 interfere with the efficiency, reliability, and safety of public
35 transportation operations: (i) Auto transportation company vehicles
36 regulated under chapter 81.68 RCW; (ii) passenger charter carrier
37 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
38 stretch limousines and stretch sport utility vehicles as defined
39 under department of licensing rules; (iii) private nonprofit

1 transportation provider vehicles regulated under chapter 81.66 RCW;
2 and (iv) private employer transportation service vehicles, when such
3 limitation will increase the efficient utilization of the highway
4 facility or will aid in the conservation of energy resources.
5 Regulations authorizing such exclusive or preferential use of a
6 highway facility may be declared to be effective at all time or at
7 specified times of day or on specified days.

8 (2) Any transit-only lanes that allow other vehicles to access
9 abutting businesses that are reserved pursuant to subsection (1) of
10 this section may not be authorized for the use of private
11 transportation provider vehicles as described under subsection (1) of
12 this section.

13 (3) Highway authorities of the state, counties, or incorporated
14 cities and towns may prohibit the use of limited access facilities by
15 the following private transportation provider vehicles: (a) Auto
16 transportation company vehicles regulated under chapter 81.68 RCW;
17 (b) passenger charter carrier vehicles regulated under chapter 81.70
18 RCW, and marked or unmarked limousines and stretch sport utility
19 vehicles as defined under department of licensing rules; (c) private
20 nonprofit transportation provider vehicles regulated under chapter
21 81.66 RCW; and (d) private employer transportation service vehicles,
22 when the average transit speed in the high occupancy vehicle travel
23 lane fails to meet department standards and falls below forty-five
24 miles per hour at least ninety percent of the time during the peak
25 hours for two consecutive months.

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

31 (b) The process must provide a list of facilities that the local
32 authority determines to be unavailable for use by the private
33 transportation provider and must provide the criteria used to reach
34 that determination.

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

37 (5) For the purposes of this section, "private employer
38 transportation service" means regularly scheduled, fixed-route
39 transportation service that is similarly marked or identified to
40 display the business name or logo on the driver and passenger sides

1 of the vehicle, meets the annual certification requirements of the
2 department, and is offered by an employer for the benefit of its
3 employees.

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