

SHB 2524 - H AMD 863

By Representative Harmsworth

SCOPED 02/25/2016

1 On page 80, after line 17, insert the following:

2 "Sec. 703. RCW 46.61.165 and 2013 c 26 s 2 are each amended to
3 read as follows:

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

1 transportation provider vehicles as described under subsection (1)
2 of this section.

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

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

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

34

1 (6) Notwithstanding the provisions in subsection (1), during the
2 length of the 2015-17 fiscal biennium and within available funds,
3 the state department of transportation must reserve one and only one
4 lane of Interstate 405 between the junctions with Interstate 5 on
5 the north end and NE 6th Street in the city of Bellevue on the south
6 end for the exclusive or preferential use of one or more of the
7 vehicle categories listed in subsection (1); the department must
8 permit private motor vehicles carrying no fewer than two passengers
9 in this reserved lane. This lane must serve as a general purpose
10 lane between 7:00 p.m. and 5:00 a.m. on weekdays and at all times on
11 weekends and state holidays.

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

19

20 **Sec. 704.** RCW 47.52.025 and 2013 c 26 s 3 are each amended to
21 read as follows:

22 (1) Highway authorities of the state, counties, and incorporated
23 cities and towns, in addition to the specific powers granted in this
24 chapter, shall also have, and may exercise, relative to limited
25 access facilities, any and all additional authority, now or
26 hereafter vested in them relative to highways or streets within
27 their respective jurisdictions, and may regulate, restrict, or
28 prohibit the use of such limited access facilities by various
29 classes of vehicles or traffic. Such highway authorities may reserve
30 any limited access facility or portions thereof, including
31 designated lanes or ramps for the exclusive or preferential use of
32 (a) public transportation vehicles, (b) privately owned buses, (c)
33 motorcycles, (d) private motor vehicles carrying not less than a
34 specified number of passengers, or (e) the following private

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

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

22 (3) Highway authorities of the state, counties, or incorporated
23 cities and towns may prohibit the use of limited access facilities
24 by the 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 travel
32 lane fails to meet department standards and falls below forty-five
33 miles per hour at least ninety percent of the time during the peak
34 hours for two consecutive months.

1 (4)(a) Local authorities are encouraged to establish a process
2 for private transportation providers, described under subsections
3 (1) and (3) of this section, to apply for the use of limited access
4 facilities that are reserved for the exclusive or preferential use
5 of 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) Notwithstanding the provisions in subsection (1), during the
13 length of the 2015-17 fiscal biennium and within available funds,
14 the state department of transportation must reserve one and only one
15 lane of Interstate 405 between the junctions with Interstate 5 on
16 the north end and NE 6th Street in the city of Bellevue on the south
17 end for the exclusive or preferential use of one or more of the
18 vehicle categories listed in subsection (1); the department must
19 permit private motor vehicles carrying no fewer than two passengers
20 in this reserved lane. This lane must serve as a general purpose
21 lane between 7:00 p.m. and 5:00 a.m. on weekdays and at all times on
22 weekends and state holidays.

23 (6) 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, and is offered by an employer for the benefit of its
29 employees.

30

31 **Sec. 705.** RCW 47.56.880 and 2011 c 369 s 3 are each amended to
32 read as follows:

33 (1)(a) The imposition of tolls for express toll lanes on
34 Interstate 405 between the junctions with Interstate 5 on the north

1 end and NE 6th Street in the city of Bellevue on the south end is
2 ((authorized)) suspended for the length of the 2015-17 fiscal
3 biennium, the designation of Interstate 405 ((is designated)) as an
4 eligible toll facility is suspended for the length of the 2015-17
5 fiscal biennium, and toll revenue, when generated in the corridor,
6 must only be expended as allowed under RCW 47.56.820.

7 (b) During the suspension of tolling, as specified in subsection
8 (1)(a), the portion of Interstate 405 identified in subsection
9 (1)(a) must consist of four continuous, uninterrupted general
10 purpose lanes and a single high occupancy vehicle lane.

11 (2) Tolls for the express toll lanes, when tolling has not been
12 suspended as provided in subsection (1), must be set as follows:

13 (a) The schedule of toll rates must be set by the tolling
14 authority pursuant to RCW 47.56.850. Toll rates may vary in amount
15 by time of day, level of traffic congestion within the highway
16 facility, or other criteria, as the tolling authority deems
17 appropriate.

18 (b) In those locations with two express toll lanes in each
19 direction, the toll rate must be the same in both lanes.

20 (c) Toll charges may not be assessed on transit buses and
21 vanpools.

22 (d) The department shall establish performance standards for
23 travel time, speed, and reliability for the express toll lanes
24 project. The department must automatically adjust the toll rate
25 within the schedule established by the tolling authority, using
26 dynamic tolling, to ensure that average vehicle speeds in the lanes
27 remain above forty-five miles per hour at least ninety percent of
28 the time during peak hours.

29 (e) The tolling authority shall periodically review the toll
30 rates against traffic performance of all lanes to determine if the
31 toll rates are effectively maintaining travel time, speed, and
32 reliability on the highway facilities.

33 (3) The department may construct and operate express toll lanes
34 on Interstate 405 between the city of Bellevue on the south end and

1 Interstate 5 on the north end except during the period when such
2 tolling is suspended as provided in subsection (1). Operation of the
3 express toll lanes may not commence until the department has
4 completed capacity improvements necessary to provide a two-lane
5 system from NE 6th Street in the city of Bellevue to state route
6 number 522 and the conversion of the existing high occupancy vehicle
7 lane to an express toll lane between state route number 522 and the
8 city of Lynnwood. Construction of the capacity improvements
9 described in this subsection, including items that enable
10 implementation of express toll lanes such as conduit and other
11 underground features, must begin as soon as practicable. However,
12 any contract term regarding tolling equipment, such as gantries,
13 barriers, or cameras, for Interstate 405 may not take effect unless
14 specific appropriation authority is provided in 2012 stating that
15 funding is provided solely for tolling equipment on Interstate 405.
16 The department shall work with local jurisdictions to minimize and
17 monitor impacts to local streets and, after consultation with local
18 jurisdictions, recommend mitigation measures to the legislature in
19 those locations where it is appropriate.

20 (4) When tolling is not suspended as provided in subsection (1),
21 ~~((F))~~ the department shall monitor the express toll lanes project and
22 shall annually report to the transportation commission and the
23 legislature on the impacts from the project on the following
24 performance measures:

25 (a) Whether the express toll lanes maintain speeds of forty-five
26 miles per hour at least ninety percent of the time during peak
27 periods;

28 (b) Whether the average traffic speed changed in the general
29 purpose lanes;

30 (c) Whether transit ridership changed;

31 (d) Whether the actual use of the express toll lanes is
32 consistent with the projected use;

33

34

1 (e) Whether the express toll lanes generated sufficient revenue
2 to pay for all Interstate 405 express toll lane-related operating
3 costs;

4 (f) Whether travel times and volumes have increased or decreased
5 on adjacent local streets and state highways; and

6 (g) Whether the actual gross revenues are consistent with
7 projected gross revenues as identified in the fiscal note for
8 Engrossed House Bill No. 1382 distributed by the office of financial
9 management on March 15, 2011.

10 (5) If after two years of operation of the express toll lanes on
11 Interstate 405 performance measures listed in subsection (4)(a) and
12 (e) of this section are not being met, the express toll lanes
13 project must be terminated as soon as practicable.

14 (6) The department, in consultation with the transportation
15 commission, shall consider making operational changes necessary to
16 fix any unintended consequences of implementing the express toll
17 lanes project.

18 (7) A violation of the lane restrictions applicable to the
19 express toll lanes established under this section is a traffic
20 infraction."

21

22 Renumber the remaining sections consecutively and correct any
23 internal references accordingly. Correct the title.

EFFECT: Removes all tolling from I-405, replacing it with four
continuous general purpose lanes and a single high-occupancy vehicle
lane that must be available for use to vehicles with two or more
occupants and that must serve as a general purpose lane between 7:00
p.m. and 5:00 a.m. on weekdays and at all times on weekends and
state holidays.

FISCAL IMPACT:

No net change to appropriated levels.

--- END ---