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**SUBSTITUTE HOUSE BILL 1980**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Transportation (originally sponsored by Representatives Zahn, Salahuddin, Parshley, Springer, Timmons, Street, Berg, Leavitt, Thai, and Low)

READ FIRST TIME 02/28/25.

1 AN ACT Relating to allowing certain private employer  
2 transportation services to use certain public transportation  
3 facilities; and amending RCW 47.52.025 and 46.61.165.

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

5 **Sec. 1.** RCW 47.52.025 and 2023 c 290 s 8 are each amended to  
6 read as follows:

7 (1) Highway authorities of the state, counties, and incorporated  
8 cities and towns, in addition to the specific powers granted in this  
9 chapter, shall also have, and may exercise, relative to limited  
10 access facilities, any and all additional authority, now or hereafter  
11 vested in them relative to highways or streets within their  
12 respective jurisdictions, and may regulate, restrict, or prohibit the  
13 use of such limited access facilities by various classes of vehicles  
14 or traffic. Such highway authorities may reserve any limited access  
15 facility or portions thereof, including designated lanes or ramps for  
16 the exclusive or preferential use of (a) public transportation  
17 vehicles, (b) privately owned buses, (c) motorcycles, (d) private  
18 motor vehicles carrying not less than a specified number of  
19 passengers, (e) organ transport vehicles transporting a time urgent  
20 organ or a time sensitive organ or tissue donor as defined in RCW  
21 68.64.010, or (f) the following private transportation provider

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

17 (2) (a) 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) of  
21 this section, except as provided in (b) of this subsection (2).

22 (b) In counties with a population over 2,000,000 persons, local  
23 authorities may, with the approval of the public transportation  
24 provider or providers, grant a fee-for-use permit that meets  
25 requirements of subsection (4) of this section authorizing private  
26 transportation employer services to use transit-only lanes that allow  
27 other vehicles to access abutting businesses, provided the local  
28 authority has established operational performance measures and  
29 standards for the transit-only lanes to ensure the lanes continue to  
30 provide for efficient, reliable, and safe public transportation  
31 operations.

32 (c) Revenues generated by the fee-for-use permit authorized in  
33 this subsection (2) shall be allocated as follows:

34 (i) The local authority issuing the permit shall receive the  
35 amount of revenue required to recover the administrative costs of  
36 issuing the permit; and

37 (ii) Any additional revenue shall be used for the maintenance and  
38 improvement of the transit-only lane, consistent with public  
39 transportation provider plans.

1 (3) Highway authorities of the state, counties, or incorporated  
2 cities and towns may prohibit the use of limited access facilities by  
3 the following private transportation provider vehicles: (a) Auto  
4 transportation company vehicles regulated under chapter 81.68 RCW;  
5 (b) passenger charter carrier vehicles regulated under chapter 81.70  
6 RCW, and marked or unmarked limousines and stretch sport utility  
7 vehicles as defined under department of licensing rules; (c) private  
8 nonprofit transportation provider vehicles regulated under chapter  
9 81.66 RCW; and (d) private employer transportation service vehicles,  
10 when the average transit speed in the high occupancy vehicle travel  
11 lane fails to meet department standards and falls below 45 miles per  
12 hour at least 90 percent of the time during the peak hours for two  
13 consecutive months.

14 (4) (a) Local authorities, with the approval of the public  
15 transportation provider or providers, are encouraged to establish a  
16 process for private transportation providers, described under  
17 subsections (1) and (3) of this section, to apply for the use of  
18 limited access facilities that are reserved for the exclusive or  
19 preferential use of public transportation vehicles.

20 (b) The process must provide a list of facilities that the local  
21 authority ~~((determines))~~ and public transportation provider or  
22 providers determine to be unavailable for use by the private  
23 transportation provider and must provide the criteria used to reach  
24 that determination.

25 (c) ~~((The application and review processes must be uniform and~~  
26 ~~should provide for an expeditious response by the authority.))~~ Local  
27 authorities are required to prepare an annual report and assess, with  
28 input from the public transportation provider, if the established  
29 performance measures and standards are being met. If at least one of  
30 the performance measures or standards is not being met, the permit  
31 must be revoked until such time as conditions in the transit-only  
32 lane have changed to allow the performance measures and standards to  
33 be achieved.

34 (5) For the purposes of this section, "private employer  
35 transportation service" means regularly scheduled, fixed-route  
36 transportation service that is similarly marked or identified to  
37 display the business name or logo on the driver and passenger sides  
38 of the vehicle, meets the annual certification requirements of the  
39 department, and is offered by an employer for the benefit of its  
40 employees.

1       **Sec. 2.** RCW 46.61.165 and 2023 c 290 s 7 are each amended to  
2 read as follows:

3       (1) The state department of transportation and the local  
4 authorities are authorized to reserve all or any portion of any  
5 highway under their respective jurisdictions, including any  
6 designated lane or ramp, for the exclusive or preferential use of one  
7 or more of the following: (a) Public transportation vehicles; (b)  
8 motorcycles; (c) private motor vehicles carrying no fewer than a  
9 specified number of passengers; (d) organ transport vehicles  
10 transporting a time urgent organ or a time sensitive organ or tissue  
11 donor as defined in RCW 68.64.010; or (e) the following private  
12 transportation provider vehicles if the vehicle has the capacity to  
13 carry eight or more passengers, regardless of the number of  
14 passengers in the vehicle, and if such use does not interfere with  
15 the efficiency, reliability, and safety of public transportation  
16 operations: (i) Auto transportation company vehicles regulated under  
17 chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated  
18 under chapter 81.70 RCW, except marked or unmarked stretch limousines  
19 and stretch sport utility vehicles as defined under department of  
20 licensing rules; (iii) private nonprofit transportation provider  
21 vehicles regulated under chapter 81.66 RCW; and (iv) private employer  
22 transportation service vehicles, when such limitation will increase  
23 the efficient utilization of the highway or will aid in the  
24 conservation of energy resources.

25       (2) (a) Any transit-only lanes that allow other vehicles to access  
26 abutting businesses that are authorized pursuant to subsection (1) of  
27 this section may not be authorized for the use of private  
28 transportation provider vehicles as described under subsection (1) of  
29 this section, except as provided in (b) of this subsection (2).

30       (b) In counties with a population over 2,000,000 persons, local  
31 authorities may, with the approval of the public transportation  
32 provider or providers, grant a fee-for-use permit that meets  
33 requirements of subsection (5) of this section authorizing private  
34 transportation employer services to use transit-only lanes that allow  
35 other vehicles to access abutting businesses, provided the local  
36 authority has established operational performance measures and  
37 standards for the transit-only lanes to ensure the lanes continue to  
38 provide for efficient, reliable, and safe public transportation  
39 operations.

1 (c) Revenues generated by the fee-for-use permit authorized in  
2 this subsection (2) shall be allocated as follows:

3 (i) The local authority issuing the permit shall receive the  
4 amount of revenue required to recover the administrative costs of  
5 issuing the permit; and

6 (ii) Any additional revenue shall be used for the maintenance and  
7 improvement of the transit-only lane, consistent with public  
8 transportation provider plans.

9 (3) The state department of transportation and the local  
10 authorities authorized to reserve all or any portion of any highway  
11 under their respective jurisdictions, for exclusive or preferential  
12 use, may prohibit the use of a high occupancy vehicle lane by the  
13 following private transportation provider vehicles: (a) Auto  
14 transportation company vehicles regulated under chapter 81.68 RCW;  
15 (b) passenger charter carrier vehicles regulated under chapter 81.70  
16 RCW, and marked or unmarked limousines and stretch sport utility  
17 vehicles as defined under department of licensing rules; (c) private  
18 nonprofit transportation provider vehicles regulated under chapter  
19 81.66 RCW; and (d) private employer transportation service vehicles,  
20 when the average transit speed in the high occupancy vehicle lane  
21 fails to meet department of transportation standards and falls below  
22 45 miles per hour at least 90 percent of the time during the peak  
23 hours, as determined by the department of transportation or the local  
24 authority, whichever operates the facility.

25 (4) Regulations authorizing such exclusive or preferential use of  
26 a highway facility may be declared to be effective at all times or at  
27 specified times of day or on specified days. Violation of a  
28 restriction of highway usage prescribed by the appropriate authority  
29 under this section is a traffic infraction. A person who commits a  
30 traffic infraction under this section is also subject to additional  
31 monetary penalties as defined in this subsection. The additional  
32 monetary penalties are separate from the base penalty, fees, and  
33 assessments issued for the traffic infraction and are intended to  
34 raise awareness, and improve the efficiency, of the high occupancy  
35 vehicle lane system.

36 (a) Whenever a person commits a traffic infraction under this  
37 section, an additional monetary penalty of \$50 must be collected,  
38 and, in the case that a person has already committed a violation  
39 under this section within two years of committing this violation,  
40 then an additional \$150 must be collected.

1 (b) Any time a person commits a traffic infraction under this  
2 section and is using a dummy, doll, or other human facsimile to make  
3 it appear that an additional person is in the vehicle, the person  
4 must be assessed a \$200 penalty, which is in addition to the  
5 penalties in (a) of this subsection.

6 (c) The monetary penalties under (a) and (b) of this subsection  
7 are additional, separate, and distinct penalties from the base  
8 penalty and are not subject to fees or assessments specified in RCW  
9 46.63.110, 3.62.090, and 2.68.040.

10 (d)(i) The additional penalties collected under (a) of this  
11 subsection must be distributed as follows:

12 (A) Twenty-five percent must be deposited into the congestion  
13 relief and traffic safety account created under RCW 46.68.398; and

14 (B) Seventy-five percent must be deposited into the motor vehicle  
15 fund created under RCW 46.68.070.

16 (ii) The additional penalty collected under (b) of this  
17 subsection must be deposited into the congestion relief and traffic  
18 safety account created under RCW 46.68.398.

19 (e) Violations committed under this section are excluded from  
20 eligibility as a moving violation for driver's license suspension  
21 under RCW 46.20.289 when a person subsequently fails to respond to a  
22 notice of traffic infraction for this moving violation, fails to  
23 appear at a requested hearing for this moving violation, violates a  
24 written promise to appear in court for a notice of infraction for  
25 this moving violation, or fails to comply with the terms of a notice  
26 of traffic infraction for this moving violation.

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

38 (b) Local authorities are required to prepare an annual report  
39 and assess, with input from the public transportation provider, if  
40 the established performance measures and standards are being met. If

1 at least one of the performance measures or standards is not being  
2 met, the permit must be revoked until such time as conditions in the  
3 transit-only lane have changed to allow the performance measures and  
4 standards to be achieved.

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

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