

SENATE BILL REPORT

EHB 1128

AS REPORTED BY COMMITTEE ON TRANSPORTATION, MARCH 28, 1991

Brief Description: Concerning high occupancy vehicle violations.

SPONSORS: Representatives R. Fisher, Schmidt, R. Meyers, Betrozoff, Wood and Zellinsky.

HOUSE COMMITTEE ON TRANSPORTATION

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Conner, Erwin, Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, and Thorsness.

Staff: Louise Bray Sandison (786-7322)

Hearing Dates: March 21, 1991; March 28, 1991

BACKGROUND:

High Occupancy Vehicle (HOV) lanes may be used by buses, motorcycles, and automobiles containing three or more persons. These restrictions are in effect 24 hours per day.

HOVs increase the people-carrying capacity of the highway system. An HOV running at one-quarter capacity carries 2,700 people during peak hours while regular lanes carry only 2,200.

Enforcement of HOV restrictions requires a Washington State Patrol (WSP) trooper to follow an offender off the freeway because: 1) shoulder widths of HOVs are narrower than regular lanes; and 2) most violations occur during peak hours when traffic volumes are high, thereby making stops on the shoulder unsafe and the cause of further congestion. In 1989 WSP issued 3,425 citations and made 5,036 stops.

To assist in enforcing these restrictions, citizens are encouraged to report violators through the "HERO" program. This program involves the Department of Transportation, Washington State Patrol and METRO. The first time a violator is reported, an educational brochure is sent to the owner of the vehicle. A second report generates a letter from DOT, and on the third reported violation, a letter from WSP is sent to the owner. In 1989, 12,018 violation reports were processed. Second-time violators constituted just over 5 percent of the total, and third-time (or more) violators were less than 1 percent of the total violations processed.

It is thought that greater enforcement of HOV restrictions will result if troopers are able to presume that the person driving the vehicle is one and the same as the registered owner. This presumption eliminates the need for the trooper to stop the vehicle and allows mailing of the citation.

SUMMARY:

A rebuttable presumption is established that the registered owner of a particular vehicle described is the person who was operating the vehicle at the time the HOV violation occurred. HOV violations are no longer moving violations and are not made a part of the offender's driving record.

Appropriation: none

Revenue: none

Fiscal Note: none requested

SUMMARY OF PROPOSED SENATE AMENDMENT:

The rebuttable presumption is eliminated and law enforcement officials must continue to stop HOV violators.

TESTIMONY FOR:

Allowing law enforcement officials to mail citations for HOV violations will enhance enforcement, increase safety, and reduce congestion. Fewer citations will be contested if the violation does not appear on the individual's driving record.

TESTIMONY AGAINST: None

TESTIFIED: Tim Erickson, WSP; Dick Goldsmith, Washington Transit Association