
HOUSE BILL 2838

State of Washington

56th Legislature

2000 Regular Session

By Representatives Fortunato, Sullivan, Cairnes, Clements, Schindler, Carrell, Campbell, Lambert and Benson

Read first time . Referred to Committee on .

1 AN ACT Relating to suspension of high-occupancy vehicle lanes;
2 amending RCW 46.61.165, 47.52.025, 46.61.165, 47.52.025, 81.104.010,
3 81.104.015, 81.104.060, and 81.104.100; creating a new section;
4 suspending the effectiveness of RCW 81.100.010, 81.100.020, 81.100.030,
5 81.100.040, 81.100.050, 81.100.060, 81.100.070, 81.100.080, 81.100.090,
6 and 81.100.100; repealing RCW 81.100.010, 81.100.020, 81.100.030,
7 81.100.040, 81.100.050, 81.100.060, 81.100.070, 81.100.080, 81.100.090,
8 and 81.100.100; providing contingent effective dates; and declaring an
9 emergency.

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

11 NEW SECTION. **Sec. 1.** The authority of the department of
12 transportation and all local authorities to establish and enforce high-
13 occupancy vehicle lanes is suspended until December 1, 2001. As used
14 in this section "high-occupancy vehicle lane" means any portion of a
15 highway, including designated lanes or ramps, reserved or designated
16 for the exclusive or preferential use of public transportation vehicles
17 or private motor vehicles carrying no fewer than a specified number of
18 passengers.

1 **Sec. 2.** RCW 46.61.165 and 1999 c 206 s 1 are each amended to read
2 as follows:

3 After November 30, 2001, the state department of transportation and
4 the local authorities are authorized to reserve all or any portion of
5 any highway under their respective jurisdictions, including any
6 designated lane or ramp, for the exclusive or preferential use of
7 public transportation vehicles or private motor vehicles carrying no
8 fewer than a specified number of passengers when such limitation will
9 increase the efficient utilization of the highway or will aid in the
10 conservation of energy resources. Regulations authorizing such
11 exclusive or preferential use of a highway facility may be declared to
12 be effective at all times or at specified times of day or on specified
13 days. Violation of a restriction of highway usage prescribed by the
14 appropriate authority under this section is a traffic infraction.

15 **Sec. 3.** RCW 47.52.025 and 1974 ex.s. c 133 s 1 are each amended to
16 read as follows:

17 In accordance with the restrictions of section 1 of this act,
18 highway authorities of the state, counties, and incorporated cities and
19 towns, in addition to the specific powers granted in this chapter,
20 shall also have, and may exercise, relative to limited access
21 facilities, any and all additional authority, now or hereafter vested
22 in them relative to highways or streets within their respective
23 jurisdictions, and may regulate, restrict, or prohibit the use of such
24 limited access facilities by various classes of vehicles or traffic.
25 After November 30, 2001, such highway authorities may reserve any
26 limited access facility or portions thereof, including designated lanes
27 or ramps for the exclusive or preferential use of public transportation
28 vehicles, privately owned buses, or private motor vehicles carrying not
29 less than a specified number of passengers when such limitation will
30 increase the efficient utilization of the highway facility or will aid
31 in the conservation of energy resources. Regulations authorizing such
32 exclusive or preferential use of a highway facility may be declared to
33 be effective at all time or at specified times of day or on specified
34 days.

35 **Sec. 4.** RCW 46.61.165 and 2000 c . . . s 2 (section 2 of this act)
36 are each amended to read as follows:

1 After November 30, 2001, the state department of transportation and
2 the local authorities (~~((are authorized to))~~) may not reserve all or any
3 portion of any highway under their respective jurisdictions, including
4 any designated lane or ramp, for the exclusive or preferential use of
5 public transportation vehicles or private motor vehicles carrying no
6 fewer than a specified number of passengers (~~((when such limitation will
7 increase the efficient utilization of the highway or will aid in the
8 conservation of energy resources. Regulations authorizing such
9 exclusive or preferential use of a highway facility may be declared to
10 be effective at all times or at specified times of day or on specified
11 days. Violation of a restriction of highway usage prescribed by the
12 appropriate authority under this section is a traffic infraction))~~).

13 **Sec. 5.** RCW 47.52.025 and 2000 c . . . s 3 (section 3 of this act)
14 are each amended to read as follows:

15 (~~((In accordance with the restrictions of section 1 of this act,))~~)
16 Highway authorities of the state, counties, and incorporated cities and
17 towns, in addition to the specific powers granted in this chapter,
18 shall also have, and may exercise, relative to limited access
19 facilities, any and all additional authority, now or hereafter vested
20 in them relative to highways or streets within their respective
21 jurisdictions, and may regulate, restrict, or prohibit the use of such
22 limited access facilities by various classes of vehicles or traffic.
23 However, after November 30, 2001, such highway authorities may not
24 reserve any limited access facility or portions thereof, including
25 designated lanes or ramps for the exclusive or preferential use of
26 public transportation vehicles, privately owned buses, or private motor
27 vehicles carrying not less than a specified number of passengers (~~((when
28 such limitation will increase the efficient utilization of the highway
29 facility or will aid in the conservation of energy resources.
30 Regulations authorizing such exclusive or preferential use of a highway
31 facility may be declared to be effective at all time or at specified
32 times of day or on specified days))~~).

33 **Sec. 6.** RCW 81.104.010 and 1992 c 101 s 18 are each amended to
34 read as follows:

35 Increasing congestion on Washington's roadways calls for
36 identification and implementation of high-capacity transportation
37 system alternatives. The legislature believes that local jurisdictions

1 should coordinate and be responsible for high_capacity transportation
2 policy development, program planning, and implementation. The state
3 should assist by working with local agencies on issues involving rights
4 of way, partially financing projects meeting established state criteria
5 (~~including development and completion of the high occupancy vehicle~~
6 ~~lane system~~)), authorizing local jurisdictions to finance high_capacity
7 transportation systems through voter-approved tax options, and
8 providing technical assistance and information.

9 **Sec. 7.** RCW 81.104.015 and 1999 c 202 s 9 are each amended to read
10 as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

13 (1) "High-capacity transportation system" means a system of public
14 transportation services within an urbanized region operating
15 principally on exclusive rights of way, and the supporting services and
16 facilities necessary to implement such a system, including interim
17 express services (~~and high occupancy vehicle lanes~~), which taken as
18 a whole, provides a substantially higher level of passenger capacity,
19 speed, and service frequency than traditional public transportation
20 systems operating principally in general purpose roadways.

21 (2) "Rail fixed guideway system" means a light, heavy, or rapid
22 rail system, monorail, inclined plane, funicular, trolley, or other
23 fixed rail guideway component of a high-capacity transportation system
24 that is not regulated by the Federal Railroad Administration, or its
25 successor. "Rail fixed guideway system" does not mean elevators,
26 moving sidewalks or stairs, and vehicles suspended from aerial cables,
27 unless they are an integral component of a station served by a rail
28 fixed guideway system.

29 (3) "Regional transit system" means a high-capacity transportation
30 system under the jurisdiction of one or more transit agencies except
31 where a regional transit authority created under chapter 81.112 RCW
32 exists, in which case "regional transit system" means the high-capacity
33 transportation system under the jurisdiction of a regional transit
34 authority.

35 (4) "Transit agency" means city-owned transit systems, county
36 transportation authorities, metropolitan municipal corporations, and
37 public transportation benefit areas.

1 **Sec. 8.** RCW 81.104.060 and 1991 c 318 s 6 are each amended to read
2 as follows:

3 (1) The state's planning role in high_capacity transportation
4 development as one element of a multimodal transportation system should
5 facilitate cooperative state and local planning efforts.

6 (2) The department of transportation may serve as a contractor for
7 high_capacity transportation system and project design, administer
8 construction, and assist agencies authorized to provide service in the
9 acquisition, preservation, and joint use of rights of way.

10 (3) The department and local jurisdictions shall continue to
11 cooperate with respect to the development of (~~high_occupancy vehicle~~
12 ~~lanes and related facilities,~~) associated roadways, transfer stations,
13 people mover systems developed either by the public or private sector,
14 and other related projects.

15 (4) The department in cooperation with local jurisdictions shall
16 develop policies which enhance the development of high_speed
17 interregional systems by both the private and the public sector. These
18 policies may address joint use of rights of way, identification and
19 preservation of transportation corridors, and joint development of
20 stations and other facilities.

21 **Sec. 9.** RCW 81.104.100 and 1992 c 101 s 23 are each amended to
22 read as follows:

23 To assure development of an effective high_capacity transportation
24 system, local authorities shall follow the following planning process:

25 (1) Regional, multimodal transportation planning is the ongoing
26 urban transportation planning process conducted in each urbanized area
27 by its regional transportation planning organization. During this
28 process, regional transportation goals are identified, travel patterns
29 are analyzed, and future land use and travel are projected. The
30 process provides a comprehensive view of the region's transportation
31 needs but does not select specified modes to serve those needs. The
32 process shall identify a priority corridor or corridors for further
33 study of high_capacity transportation facilities if it is deemed
34 feasible by local officials.

35 (2) High_capacity transportation system planning is the detailed
36 evaluation of a range of high_capacity transportation system options,
37 including: Do nothing, low capital, and ranges of higher capital
38 facilities. To the extent possible this evaluation shall take into

1 account the urban mass transportation administration's requirements
2 identified in subsection (3) of this section.

3 High_capacity transportation system planning shall proceed as
4 follows:

5 (a) Organization and management. The responsible local transit
6 agency or agencies shall define roles for various local agencies,
7 review background information, provide for public involvement, and
8 develop a detailed work plan for the system planning process.

9 (b) Development of options. Options to be studied shall be
10 developed to ensure an appropriate range of technologies and service
11 policies can be evaluated. A do-nothing option and a low capital
12 option that maximizes the current system shall be developed. Several
13 higher capital options that consider a range of capital expenditures
14 for several candidate technologies shall be developed.

15 (c) Analysis methods. The local transit agency shall develop
16 reports describing the analysis and assumptions for the estimation of
17 capital costs, operating and maintenance costs, methods for travel
18 forecasting, a financial plan and an evaluation methodology.

19 (d) The system plan submitted to the voters pursuant to RCW
20 81.104.140 shall address, but is not limited to the following issues:

21 (i) Identification of level and types of high_capacity
22 transportation services to be provided;

23 ~~((A plan of high occupancy vehicle lanes to be constructed;~~
24 ~~(iii))~~) Identification of route alignments and station locations
25 with sufficient specificity to permit calculation of costs, ridership,
26 and system impacts;

27 ~~((iv))~~ (iii) Performance characteristics of technologies in the
28 system plan;

29 ~~((v))~~ (iv) Patronage forecasts;

30 ~~((vi))~~ (v) A financing plan describing: Phasing of investments;
31 capital and operating costs and expected revenues; cost-effectiveness
32 represented by a total cost per system rider and new rider estimate;
33 estimated ridership and the cost of service for each individual high_
34 capacity line; and identification of the operating revenue to operating
35 expense ratio(~~(-~~

36 ~~The financing plan shall specifically differentiate the proposed~~
37 ~~use of funds between high capacity transportation facilities and~~
38 ~~services, and high occupancy vehicle facilities))~~);

1 (~~(vii)~~) (vi) Description of the relationship between the high_ capacity transportation system plan and adopted land use plans;

2 (~~(viii)~~) (vii) An assessment of social, economic, and
3 environmental impacts; and

4 (~~(ix)~~) (viii) Mobility characteristics of the system presented,
5 including but not limited to: Qualitative description of system/
6 service philosophy and impacts; qualitative system reliability; travel
7 time and number of transfers between selected residential, employment,
8 and activity centers; and system and activity center mode splits.

9
10 (3) High_capacity transportation project planning is the detailed
11 identification of alignments, station locations, equipment and systems,
12 construction schedules, environmental effects, and costs. High_
13 capacity transportation project planning shall proceed as follows: The
14 local transit agency shall analyze and produce information needed for
15 the preparation of environmental impact statements. The impact
16 statements shall address the impact that development of such a system
17 will have on abutting or nearby property owners. The process of
18 identification of alignments and station locations shall include
19 notification of affected property owners by normal legal publication.
20 At minimum, such notification shall include notice on the same day for
21 at least three weeks in at least two newspapers of general circulation
22 in the county where such project is proposed. Special notice of
23 hearings by the conspicuous posting of notice, in a manner designed to
24 attract public attention, in the vicinity of areas identified for
25 station locations or transfer sites shall also be provided.

26 In order to increase the likelihood of future federal funding, the
27 project planning processes shall follow the urban mass transportation
28 administration's requirements as described in "Procedures and Technical
29 Methods for Transit Project Planning", published by the United States
30 department of transportation, urban mass transportation administration,
31 September 1986, or the most recent edition. Nothing in this subsection
32 shall be construed to preclude detailed evaluation of more than one
33 corridor in the planning process.

34 The department of transportation shall provide system and project
35 planning review and monitoring in cooperation with the expert review
36 panel identified in RCW 81.104.110. In addition, the local transit
37 agency shall maintain a continuous public involvement program and seek
38 involvement of other government agencies.

1 NEW SECTION. **Sec. 10.** The effectiveness of following acts or
2 parts of acts are each suspended until December 1, 2001:

- 3 (1) RCW 81.100.010 (Purpose) and 1990 c 43 s 12;
- 4 (2) RCW 81.100.020 (Definitions) and 1990 c 43 s 13;
- 5 (3) RCW 81.100.030 (Employer tax) and 1991 c 363 s 153 & 1990 c 43
6 s 14;
- 7 (4) RCW 81.100.040 (Adoption of goals) and 1990 c 43 s 15;
- 8 (5) RCW 81.100.050 (Survey of tax use) and 1990 c 43 s 16;
- 9 (6) RCW 81.100.060 (Excise tax) and 1998 c 321 s 34 (Referendum
10 Bill No. 49), 1992 c 194 s 12, 1991 c 363 s 154, & 1990 c 43 s 17;
- 11 (7) RCW 81.100.070 (High occupancy vehicle account) and 1991 sp.s.
12 c 13 ss 105, 119 & 1990 c 43 s 18;
- 13 (8) RCW 81.100.080 (Use of funds) and 1990 c 43 s 19;
- 14 (9) RCW 81.100.090 (Interlocal agreements) and 1990 c 43 s 20; and
- 15 (10) RCW 81.100.100 (Urban public transportation system) and 1990
16 c 43 s 21.

17 NEW SECTION. **Sec. 11.** The following acts or parts of acts are
18 each repealed:

- 19 (1) RCW 81.100.010 (Purpose) and 1990 c 43 s 12;
- 20 (2) RCW 81.100.020 (Definitions) and 1990 c 43 s 13;
- 21 (3) RCW 81.100.030 (Employer tax) and 1991 c 363 s 153 & 1990 c 43
22 s 14;
- 23 (4) RCW 81.100.040 (Adoption of goals) and 1990 c 43 s 15;
- 24 (5) RCW 81.100.050 (Survey of tax use) and 1990 c 43 s 16;
- 25 (6) RCW 81.100.060 (Excise tax) and 1998 c 321 s 34 (Referendum
26 Bill No. 49), 1992 c 194 s 12, 1991 c 363 s 154, & 1990 c 43 s 17;
- 27 (7) RCW 81.100.070 (High occupancy vehicle account) and 1991 sp.s.
28 c 13 ss 105, 119 & 1990 c 43 s 18;
- 29 (8) RCW 81.100.080 (Use of funds) and 1990 c 43 s 19;
- 30 (9) RCW 81.100.090 (Interlocal agreements) and 1990 c 43 s 20; and
- 31 (10) RCW 81.100.100 (Urban public transportation system) and 1990
32 c 43 s 21.

33 NEW SECTION. **Sec. 12.** (1) Sections 4, 5, and 11 of this act take
34 effect December 1, 2001, only if the final report of the panel on
35 transportation convened under 1998 c 348 s 202(8), due by December 1,
36 2000, recommends abolition of high-occupancy vehicle lanes.

1 (2) If the panel recommends continuation of the high-occupancy
2 vehicle lane system, sections 4, 5, and 11 of this act are null and
3 void, and the statutes suspended by section 10 of this act are restored
4 to full effectiveness as of December 1, 2001.

5 NEW SECTION. **Sec. 13.** There being a state of emergency with
6 regard to transportation services, sections 1 through 3 and 6 through
7 10 of this act are necessary for the immediate preservation of the
8 public peace, health, or safety, or support of the state government and
9 its existing public institutions, and take effect immediately.

--- END ---