

SENATE BILL REPORT

SB 5166

As Reported By Senate Committee On:
Highways & Transportation, February 26, 2003

Title: An act relating to law enforcement vehicles in high occupancy vehicle lanes.

Brief Description: Allowing police cars to use HOV lanes.

Sponsors: Senators Esser, Reardon, Roach, Hale, Schmidt and Shin.

Brief History:

Committee Activity: Highways & Transportation: 2/13/03, 2/26/03 [DPS].

SENATE COMMITTEE ON HIGHWAYS & TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5166 be substituted therefor, and the substitute bill do pass.

Signed by Senators Horn, Chair; Benton, Vice Chair; Swecker, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen; Kastama, Mulliken, Oke, Prentice and Spanel.

Staff: Greg Doss (786-7341)

Background: The Department of Transportation (DOT) and local governments are authorized to reserve any portion of a highway under their respective jurisdictions as a high occupancy vehicle (HOV) lane. These lanes or ramps may be for the exclusive or preferential use of certain public or private vehicles carrying not less than a specified number of persons during certain times.

The Transportation Commission has adopted policies to govern the designation and operational requirements for HOV lanes on the state system. DOT, in cooperation with the local regional transportation planning organization, sets operating policy for these lanes. In most instances, these lanes are restricted to HOVs on a 24-hour basis.

Recently, the Transportation Commission directed the Department of Transportation to adopt a rule change that would allow single occupant law enforcement vehicles in HOV lanes at anytime. Under the Rules of the Road statutes, law enforcement vehicles may operate in HOV lanes when responding to an emergency. In such cases, the vehicle must use its lights and sirens.

Summary of Substitute Bill: The authority for DOT and other local governments to restrict portions of highways to vehicles having a minimum number of persons is limited such that law enforcement vehicles may not be prohibited from using HOV lanes.

"Law enforcement vehicles" is defined to include only official marked vehicles, issued by a state, local, or county law enforcement agency and operated by on-duty State Patrol, local,

or county law enforcement personnel. Law enforcement personnel may not use HOV lanes while commuting.

Substitute Bill Compared to Original Bill: The original bill required law enforcement vehicles to be equipped with emergency lights and sirens.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Opening HOV lanes to law enforcement vehicles will provide important safety benefits to the public. Officers will be in a better position to provide backup by returning more quickly to their primary enforcement areas. Officers will be better able to enforce HOV lane restrictions.

Testimony Against: None.

Testified: Toby Rickman, WSDOT; Steve Eggert, King County Sheriff's Office.