
HOUSE BILL 2822

State of Washington 58th Legislature 2004 Regular Session

By Representatives Sullivan, Cooper, Hunt, Linville, Eickmeyer, Simpson, G., Ruderman, Chase and Kagi

Read first time 01/21/2004. Referred to Committee on Transportation.

1 AN ACT Relating to use of high-occupancy vehicle lanes by low-
2 emission vehicles; amending RCW 46.61.165, 47.52.025, and 81.100.020;
3 adding new sections to chapter 46.04 RCW; adding a new section to
4 chapter 46.16 RCW; creating a new section; and providing an effective
5 date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04 RCW
8 to read as follows:

9 "Inherently low-emission vehicle" means an inherently low-emission
10 vehicle as defined in, and conforming to the certification and labeling
11 requirements of, federal regulations under 40 C.F.R. Part 88, and
12 includes zero-emission vehicles.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.04 RCW
14 to read as follows:

15 "Zero-emission vehicle" means a factory manufactured passenger
16 vehicle that is federally certified under 40 C.F.R. Part 86, and is
17 labeled in accordance with that regulation as a zero-emission vehicle.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.16 RCW
2 to read as follows:

3 (1) The department shall issue annually, at the time of vehicle
4 registration or renewal, optional permits in the form of a decal,
5 label, or other identifier at the request of owners of inherently low-
6 emission vehicles that will entitle the operator of the vehicle to use
7 special lanes as specified in RCW 46.61.165 and 47.52.025, regardless
8 of the number of occupants.

9 (2) The department shall design the decal, label, or other
10 identifier and shall determine its placement on inherently low-emission
11 vehicles in conjunction with the Washington state patrol. The decal,
12 label, or other identifier must be developed so that its removal from
13 a vehicle cannot be accomplished without defacing or destroying the
14 label in whole or in part.

15 (3) An inherently low-emission vehicle with an ILEV label provided
16 by a manufacturer as provided in 40 C.F.R. Part 88 must also obtain the
17 decal, label, or other identifier designed and distributed by the
18 department to use special lanes as specified in RCW 46.61.165 and
19 47.52.025.

20 (4) The decal, label, or other identifier is nontransferable.

21 (5) For informational purposes only, the department shall obtain a
22 listing of inherently low-emission vehicles from the United States
23 environmental protection agency and shall post the listings on its web
24 site and any other medium it deems appropriate for public viewing. The
25 department shall update the list annually.

26 (6) The department may adopt rules as necessary to implement this
27 section.

28 **Sec. 4.** RCW 46.61.165 and 1999 c 206 s 1 are each amended to read
29 as follows:

30 The state department of transportation and the local authorities
31 are authorized to reserve all or any portion of any highway under their
32 respective jurisdictions, including any designated lane or ramp, for
33 the exclusive or preferential use of public transportation vehicles or
34 private motor vehicles carrying no fewer than a specified number of
35 passengers when such limitation will increase the efficient utilization
36 of the highway or will aid in the conservation of energy resources.

37 The department may open these lanes to use by single-occupant

1 inherently low-emission vehicles at times or locations when the
2 addition of these vehicles would not unduly contribute to congestion or
3 impede the flow of traffic. The inherently low-emission vehicle must
4 also display a decal, label, or other identifier issued by the
5 department of licensing under section 3 of this act authorizing the use
6 of the lanes. Regulations authorizing such exclusive or preferential
7 use of a highway facility may be declared to be effective at all times
8 or at specified times of day or on specified days. Violation of a
9 restriction of highway usage prescribed by the appropriate authority
10 under this section is a traffic infraction.

11 **Sec. 5.** RCW 47.52.025 and 1974 ex.s. c 133 s 1 are each amended to
12 read as follows:

13 Highway authorities of the state, counties, and incorporated cities
14 and towns, in addition to the specific powers granted in this chapter,
15 shall also have, and may exercise, relative to limited access
16 facilities, any and all additional authority, now or hereafter vested
17 in them relative to highways or streets within their respective
18 jurisdictions, and may regulate, restrict, or prohibit the use of such
19 limited access facilities by various classes of vehicles or traffic.
20 Such highway authorities may reserve any limited access facility or
21 portions thereof, including designated lanes or ramps for the exclusive
22 or preferential use of public transportation vehicles, privately owned
23 buses, or private motor vehicles carrying not less than a specified
24 number of passengers when such limitation will increase the efficient
25 utilization of the highway facility or will aid in the conservation of
26 energy resources. The department may open these lanes to use by
27 single-occupant inherently low-emission vehicles at times or locations
28 when the addition of these vehicles would not unduly contribute to
29 congestion or impede the flow of traffic. The inherently low-emission
30 vehicle must also display a decal, label, or other identifier issued by
31 the department of licensing under section 3 of this act authorizing the
32 use of the lanes. Regulations authorizing such exclusive or
33 preferential use of a highway facility may be declared to be effective
34 at all time or at specified times of day or on specified days.

35 **Sec. 6.** RCW 81.100.020 and 1990 c 43 s 13 are each amended to read
36 as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "Transit agency" means a city that operates a transit system,
4 a public transportation benefit area, a county transportation
5 authority, or a metropolitan municipal corporation.

6 (2) The "high occupancy vehicle system" includes high occupancy
7 vehicle lanes, related high occupancy vehicle facilities, and high
8 occupancy vehicle programs.

9 (3) "High occupancy vehicle lanes" mean lanes reserved for (a)
10 public transportation vehicles only; or (b) public transportation
11 vehicles, vehicles with special inherently low-emission decals, labels,
12 or other identifiers issued under section 3 of this act, and private
13 vehicles carrying no fewer than a specified number of passengers under
14 RCW 46.61.165.

15 (4) "Related facilities" means park and ride lots, park and pool
16 lots, ramps, bypasses, turnouts, signal preemption, and other
17 improvements designed to maximize use of the high occupancy vehicle
18 system.

19 (5) "High occupancy vehicle program" means advertising the high
20 occupancy vehicle system, promoting carpool, vanpool, and transit use,
21 providing vanpool vehicles, and enforcement of driving restrictions
22 governing high occupancy vehicle lanes.

23 NEW SECTION. **Sec. 7.** The department of transportation shall
24 conduct a study on how any existing high-occupancy toll lane program or
25 value pricing pilot program may be expanded to include vehicles whose
26 combined city and highway average gasoline mileage is at least twice
27 the national average for passenger cars, as that figure is determined
28 by the United States environmental protection agency, if such vehicles
29 were to receive a fee waiver or discount. The department shall report
30 its findings to the legislature by January 1, 2005, or at the
31 conclusion of the department's study of high-occupancy toll lanes under
32 the United States federal highway's value pricing pilot program,
33 whichever occurs first.

34 NEW SECTION. **Sec. 8.** If any provision of this act or its
35 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 9.** Sections 1 through 6 of this act take effect
4 July 1, 2004.

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