S-1561.1			

## SUBSTITUTE SENATE BILL 5166

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State of Washington 58th Legislature 2003 Regular Session

By Senate Committee on Highways & Transportation (originally sponsored by Senators Esser, Reardon, Roach, Hale, Schmidt and Shin)

READ FIRST TIME 02/27/03.

- 1 AN ACT Relating to law enforcement vehicles in high occupancy
- 2 vehicle lanes; and amending RCW 81.100.020, 46.61.165, and 47.52.025.
- 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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- 4 **Sec. 1.** RCW 81.100.020 and 1990 c 43 s 13 are each amended to read 5 as follows:
- Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.
  - (1) "Transit agency" means a city that operates a transit system, a public transportation benefit area, a county transportation authority, or a metropolitan municipal corporation.
- 11 (2) The "high occupancy vehicle system" includes high occupancy 12 vehicle lanes, related high occupancy vehicle facilities, and high 13 occupancy vehicle programs.
  - (3) "High occupancy vehicle lanes" mean lanes reserved for public transportation vehicles only or public transportation vehicles and private vehicles carrying no fewer than a specified number of passengers under RCW 46.61.165 and for law enforcement vehicles. For the purposes of this subsection, "law enforcement vehicle" means an official marked vehicle issued by a state, local, or county law

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- enforcement agency and operated by on-duty state patrol, local, or county law enforcement personnel. Additionally, "on-duty" means paid duty status in a primary jurisdiction and does not include commuting to or from an officer's residence.
- 5 (4) "Related facilities" means park and ride lots, park and pool 6 lots, ramps, bypasses, turnouts, signal preemption, and other 7 improvements designed to maximize use of the high occupancy vehicle 8 system.
- 9 (5) "High occupancy vehicle program" means advertising the high 10 occupancy vehicle system, promoting carpool, vanpool, and transit use, 11 providing vanpool vehicles, and enforcement of driving restrictions 12 governing high occupancy vehicle lanes.
- 13 **Sec. 2.** RCW 46.61.165 and 1999 c 206 s 1 are each amended to read 14 as follows:
  - (1) The state department of transportation and the local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of public transportation vehicles or private motor vehicles carrying no fewer than a specified number of passengers when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all times or at specified times of day or on specified days. At no time may the regulations apply to law enforcement vehicles. Violation of a restriction of highway usage prescribed by the appropriate authority under this section is a traffic infraction.
  - (2) For the purposes of this section, "law enforcement vehicle" means an official marked vehicle issued by a state, local, or county law enforcement agency and operated by on-duty state patrol, local, or county law enforcement personnel. Additionally, "on-duty" means paid duty status in a primary jurisdiction and does not include commuting to
- 33 <u>or from an officer's residence.</u>

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- 34 **Sec. 3.** RCW 47.52.025 and 1974 ex.s. c 133 s 1 are each amended to read as follows:
- 36 (1) Highway authorities of the state, counties, and incorporated

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cities and towns, in addition to the specific powers granted in this 1 chapter, shall also have, and may exercise, relative to limited access 2 facilities, any and all additional authority, now or hereafter vested 3 in them relative to highways or streets within their respective 4 jurisdictions, and may regulate, restrict, or prohibit the use of such 5 limited access facilities by various classes of vehicles or traffic. 6 Such highway authorities may reserve any limited access facility or 7 portions thereof, including designated lanes or ramps for the exclusive 8 or preferential use of public transportation vehicles, privately owned 9 buses, or private motor vehicles carrying not less than a specified 10 11 number of passengers when such limitation will increase the efficient 12 utilization of the highway facility or will aid in the conservation of Regulations authorizing such exclusive 13 energy resources. 14 preferential use of a highway facility may be declared to be effective 15 at all time or at specified times of day or on specified days. time may the regulations apply to law enforcement vehicles. 16

(2) For the purposes of this section, "law enforcement vehicle" means an official marked vehicle issued by a state, local, or county law enforcement agency and operated by on-duty state patrol, local, or county law enforcement personnel. Additionally, "on-duty" means paid duty status in a primary jurisdiction and does not include commuting to or from an officer's residence.

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