
SENATE BILL 5386

State of Washington 58th Legislature 2003 Regular Session

By Senators Shin, Benton, T. Sheldon, Kline, Esser and Kohl-Welles

Read first time 01/23/2003. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to use of high-occupancy vehicle lanes by vehicles
2 with low emissions; 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; adding a new section to chapter 47.52 RCW; providing
5 contingent effective dates; and providing an expiration 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 optional permits in the form of a
4 decal, label, or other identifier at the request of owners of
5 inherently low-emission vehicles that will entitle the operator of the
6 vehicle to use special lanes as specified in RCW 46.16.165 and
7 47.52.025, regardless of the number of occupants.

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

14 (3) An inherently low-emission vehicle with an ILEV label provided
15 by a manufacturer as provided in 40 C.F.R. Part 88 must also obtain the
16 decal, label, or other identifier designed and distributed by the
17 department to use special lanes as specified in RCW 46.16.165 and
18 47.52.025.

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

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

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

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

29 The state department of transportation and the local authorities
30 are authorized to reserve all or any portion of any highway under their
31 respective jurisdictions, including any designated lane or ramp, for
32 the exclusive or preferential use of public transportation vehicles or
33 private motor vehicles carrying no fewer than a specified number of
34 passengers when such limitation will increase the efficient utilization
35 of the highway or will aid in the conservation of energy resources.
36 The department may open these lanes to use by single-occupant
37 inherently low-emission vehicles at times or locations when the

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

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

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

34 **Sec. 6.** RCW 81.100.020 and 1990 c 43 s 13 are each amended to read
35 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
8 high_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
20 high_occupancy vehicle system, promoting carpool, vanpool, and transit
21 use, providing vanpool vehicles, and enforcement of driving
22 restrictions governing high_occupancy vehicle lanes.

23 NEW SECTION. **Sec. 7.** A new section is added to chapter 47.52 RCW
24 to read as follows:

25 (1) The department of transportation must work with the Federal
26 Highway Administration to develop a program to allow hybrid vehicles in
27 special lanes provided for in RCW 46.16.165 and 47.52.025, regardless
28 of the number of occupants.

29 (2) The department of transportation may adopt rules as necessary
30 to implement this section.

31 (3) For the purposes of this section, "hybrid vehicle" means:

32 (a) A factory manufactured vehicle that uses propulsion units
33 powered by both electricity and gasoline, is eligible for highway use,
34 and meets federal and state equipment and safety standards; and

35 (b) Has a combined city and highway average estimated fuel economy
36 rating, as determined by the Environmental Protection Agency, of at
37 least forty-five miles per gallon.

1 NEW SECTION. **Sec. 8.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 9.** Sections 1 through 6 of this act take effect
6 six months after federal legislation allowing inherently low-emission
7 vehicles to use high-occupancy vehicle lanes is enacted, but not before
8 September 30, 2003.

9 NEW SECTION. **Sec. 10.** Section 7 of this act takes effect six
10 months after federal legislation allowing hybrid vehicles to use
11 high-occupancy vehicle lanes is enacted, but not before September 30,
12 2003.

13 NEW SECTION. **Sec. 11.** Sections 1 through 3 and 7 of this act and
14 the amendatory provisions of sections 4 through 6 of this act expire
15 June 30, 2008.

--- END ---