

HOUSE BILL REPORT

SSB 5791

As Passed House:
April 5, 2011

Title: An act relating to commercial activity at certain park and ride lots.

Brief Description: Allowing certain commercial activity at certain park and ride lots.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Hobbs, Fain, King, Haugen and White).

Brief History:

Committee Activity:

Transportation: 3/14/11, 3/30/11 [DP].

Floor Activity:

Passed House: 4/5/11, 56-39.

Brief Summary of Substitute Bill

- Allows the Washington State Department of Transportation and local transit agencies that have received state funding to contract with private entities to provide services that benefit the traveling public at park and ride lots.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 16 members: Representatives Clibborn, Chair; Billig, Vice Chair; Lias, Vice Chair; Eddy, Finn, Fitzgibbon, Jinkins, Ladenburg, Moeller, Morris, Moscoso, Reykdal, Rolfes, Ryu, Takko and Upthegrove.

Minority Report: Do not pass. Signed by 13 members: Representatives Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel, Asay, Johnson, Klippert, Kristiansen, McCune, Overstreet, Rivers, Rodne, Shea and Zeiger.

Staff: David Munnecke (786-7315).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Various local transit agencies own and operate park and ride lots as part of the agencies' public transportation service, and provide regularly scheduled service at the lots. Many of these park and ride lots receive state transportation funding. The Washington State Department of Transportation (WSDOT) also owns and operates park and ride lots.

Local transit agencies that receive state funding for a park and ride lot must enter into an agreement to make reasonable accommodations for the use of that lot by auto transportation companies, such as airporters, and private special needs transportation providers that intend to provide or already provide regularly scheduled service at that lot. In exchange for making such accommodations, transit agencies may recover costs and fair market value from the private provider for use of the lot.

Summary of Bill:

The WSDOT, or any local transit agency that has received state funding for a park and ride lot, may contract with private vendors to provide various services at the park and ride lots such as food or beverage services, grocery and convenience store services, or other private enterprise services that are of benefit to the traveling public. The lease must ensure that the lease payments are at fair market value and comparable to market rates in the area.

Lease payments derived from the arrangement must first be applied towards maintenance and operations of the applicable park and ride lot. Any remainder must be deposited into the state Multimodal Transportation Account.

The WSDOT must adopt rules to administer the program, including a flexible process to prioritize local business interests when entering into lease agreements.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is a good bill that would raise revenue without raising taxes. The increased activity at the park and ride lots would be beneficial in that it would increase the safety and security of the users. The increased commercial activity would also provide benefits to users, such as Microsoft employees.

There is already the authority to do this, but the bill would improve the process by allowing for the creation of rules to govern it. Where there is not room for new activities to take place, then the rules promulgated under the bill would prevent it from occurring.

(With concerns) Commercializing exclusive government right of way would affect commercial enterprise and take away customers from long-existing businesses. At a minimum, gas stations and electric charging stations should be excluded. Under this bill, the

government is providing opportunities through the use of tax dollars that could affect the winners and losers in the marketplace.

(Opposed) None.

Persons Testifying: (In support) Senator Hobbs, prime sponsor; Brian Lagerberg, Washington State Department of Transportation; and Jim Stanton, Microsoft.

(With concerns) Dave Ducharme, Washington Oil Marketers Association.

Persons Signed In To Testify But Not Testifying: None.