

# SENATE BILL REPORT

## SB 5836

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As of February 22, 2011

**Title:** An act relating to allowing certain private transportation providers to use certain public transportation facilities.

**Brief Description:** Allowing certain private transportation providers to use certain public transportation facilities.

**Sponsors:** Senators King, Haugen, Hobbs, Delvin and Shin.

**Brief History:**

**Committee Activity:** Transportation: 2/22/11.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Amanda Cecil (786-7429)

**Background:** Washington's rules of the road exclude certain vehicles from traveling in the left-hand lane of a limited access roadway having three or more lanes of traffic traveling in one direction. Under the rules of the road, many buses are excluded from the left-hand lane because of weight restrictions. The high occupancy vehicle (HOV) lane is not considered the left-hand lane.

The Washington State Department of Transportation (WSDOT) and local jurisdictions are authorized to reserve all or any portion of a highway or roadway for the exclusive or preferential use of public transportation vehicles. Currently, there are lanes reserved for the exclusive use of transit in the City of Seattle.

In addition, WSDOT and local jurisdictions are authorized to reserve all or a portion of a highway or roadway for the exclusive or preferential use of private motor vehicles carrying a specified number of passengers. Public transportation vehicles may use the HOV lanes regardless of the number of passengers in the vehicle. Private buses may use the HOV lanes regardless of the number of passengers in the vehicle if the bus has the capacity to carry 16 or more passengers.

**Summary of Bill:** The following types of vehicles may travel in the left-hand lane of a limited access roadway having three or more lanes of traffic traveling in one direction, even if the vehicles exceed weight restrictions: public transportation vehicles; auto transportation

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company vehicles, such as airporter vehicles; charter carrier vehicles, except certain limos as defined by Department of Licensing (DOL) rule; private special needs transportation provider vehicles; and private employer transportation service vehicles.

WSDOT and local jurisdictions have explicit authority to reserve all or any portion of a highway or roadway for the exclusive or preferential use of auto transportation company vehicles, such as airporter vehicles; charter carrier vehicles, except certain limos as defined by DOL rule; private special needs transportation provider vehicles; and private employer transportation service vehicles. However, these four classes of vehicles, in addition to public transportation vehicles, must be authorized to use HOV lanes, regardless of the number of passengers in the vehicle, if the vehicle has the capacity to carry eight or more passengers. In addition, if a portion of a roadway is reserved for the exclusive or preferential use of public transportation vehicles, the four classes of vehicles must also be authorized to use the portion of the roadway reserved for public transportation vehicles if such use does not interfere with the safe operations of public transportation.

If any part of the act is found to conflict with a prescribed condition to allocation of federal funding, the conflicting portion is inoperable.

**Appropriation:** None.

**Fiscal Note:** Requested on February 21, 2011.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: Private carriers provide benefits to the system that are similar to those provided by public transit, such as reduced drive alone trips, green house gas emissions, and parking congestion. They do this without a public subsidy and would like to use the facilities that are available to transits to make their operations more efficient.

CON: We support the concept of this bill, but the specifics would likely cause a decrease in the functionality of HOV and transit only lanes. A similar initiative in California caused the average lane speed to drop dramatically.

King county is working with private employers and transportation providers to allow this type of access when it does not impact the efficient movement of people.

**Persons Testifying:** PRO: Thomas Cook, NW Motor Coach; Steve Salins, Shuttle Express; Gladys Gillis, Starline Luxury Coaches.

CON: Richard DeRock, Washington Transit Association; Harold Taniguchi, Randy Witt, King County Department of Transportation.