

SENATE BILL REPORT

SSB 5836

As Amended by House, April 6, 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: Senate Committee on Transportation (originally sponsored by Senators King, Haugen, Hobbs, Delvin and Shin).

Brief History:

Committee Activity: Transportation: 2/22/11, 2/24/11 [DPS].

Passed Senate: 3/03/11, 47-0.

Passed House: 4/06/11, 96-1.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5836 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; White, Vice Chair; King, Ranking Minority Member; Fain, Assistant Ranking Minority Member; Delvin, Eide, Ericksen, Hill, Hobbs, Litzow, Nelson, Prentice, Ranker, Sheldon, Shin and Swecker.

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.

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.

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 Substitute 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 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 efficient, reliable, and 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: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: 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.

House Amendment(s): Removes the entirety of the underlying bill and replaces it with the following:

1. Allows WSDOT and local authorities to authorize the use of HOV and transit only lanes, except for business access and transit lanes, by private transportation provider vehicles, and specifically allows for the prohibition of such vehicles in an HOV lane if the speed in the lane falls below 45 miles per hour at least 90 percent of the time during peak hours.
2. Encourages local authorities to establish a process for private transportation providers to apply for the use of public transportation facilities.
3. Modifies the existing statute regarding the use of park and ride lots by private transportation providers in a variety of ways, including broadening the types of providers that can use the lots, clarifying the time frame to be considered when deciding if there is sufficient capacity in the lots, clarifying the guidelines for determining the payments for use of the lots, and allowing termination of the agreement for use of a lot in the event that a private transportation provider violates policies regarding the use of the lot.
4. Requires WSDOT to convene a stakeholder process to develop standard forms, explanations of rate calculations, and standard indemnification provisions, which may be used by all local authorities.
5. Adds local authorities to the entities whose federal funding must be considered when determining if any portion of the act must be rendered inoperable.