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**SUBSTITUTE SENATE BILL 5837**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Transportation (originally sponsored by Senators King, Haugen, Hobbs, and Delvin)

READ FIRST TIME 02/25/11.

1 AN ACT Relating to allowing certain private transportation  
2 providers to use certain public transportation facilities; amending RCW  
3 46.61.165, 47.04.290, and 47.52.025; adding a new section to chapter  
4 47.04 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 46.61.165 and 1999 c 206 s 1 are each amended to read  
7 as follows:

8 (1) The state department of transportation and the local  
9 authorities are authorized to reserve all or any portion of any highway  
10 under their respective jurisdictions, including any designated lane or  
11 ramp, for the exclusive or preferential use of (a) public  
12 transportation vehicles ((~~or~~)), (b) private motor vehicles carrying no  
13 fewer than a specified number of passengers, or (c) the following  
14 private transportation provider vehicles if the vehicle has the  
15 capacity to carry eight or more passengers, regardless of the number of  
16 passengers in the vehicle, and if such use does not interfere with the  
17 efficiency, reliability, and safety of public transportation  
18 operations: (i) Auto transportation company vehicles regulated under  
19 chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated

1 under chapter 81.70 RCW, except marked or unmarked stretch limousines  
2 and stretch sport utility vehicles as defined under department of  
3 licensing rules; (iii) private nonprofit transportation provider  
4 vehicles regulated under chapter 81.66 RCW; and (iv) private employer  
5 transportation service vehicles, when such limitation will increase the  
6 efficient utilization of the highway or will aid in the conservation of  
7 energy resources.

8 (2) Regulations authorizing such exclusive or preferential use of  
9 a highway facility may be declared to be effective at all times or at  
10 specified times of day or on specified days. Violation of a  
11 restriction of highway usage prescribed by the appropriate authority  
12 under this section is a traffic infraction.

13 (3) For the purposes of this section, "private employer  
14 transportation service" means regularly scheduled, fixed-route  
15 transportation service that is offered by an employer for the benefit  
16 of its employees.

17 **Sec. 2.** RCW 47.04.290 and 2008 c 257 s 1 are each amended to read  
18 as follows:

19 (1) Any local transit agency that has received state funding for a  
20 park and ride lot shall make reasonable accommodation for use of that  
21 lot by: Auto transportation companies regulated under chapter 81.68  
22 RCW ((and)); passenger charter carriers regulated under chapter 81.70  
23 RCW, except marked or unmarked stretch limousines and stretch sport  
24 utility vehicles as defined under department of licensing rules;  
25 private, nonprofit transportation providers regulated under chapter  
26 81.66 RCW(~~, that intend to provide or already provide regularly~~  
27 ~~scheduled service at that lot)); and private employer transportation~~  
28 service vehicles. The accommodation must be in the form of an  
29 agreement between the applicable local transit agency and the private  
30 ((transit)) transportation provider ((regulated under chapter 81.68 or  
31 81.66 RCW)). The transit agency may require that the agreement include  
32 provisions to recover actual costs (~~(and fair market value))~~ for the  
33 use of the lot and its related facilities and to provide adequate  
34 insurance and indemnification of the transit agency, and other  
35 reasonable provisions to ensure that the private ~~((transit))~~  
36 transportation provider's use does not unduly burden the transit  
37 agency. If the agreement includes provisions to recover actual costs,

1 the private transportation provider is responsible to remit the full  
2 actual costs of park and ride lot use to the appropriate transit  
3 agency. No accommodation is required, and any agreement may be  
4 terminated, if the park and ride lot is at or exceeds ninety percent  
5 capacity during off-peak hours.

6 (2) A local transit agency described under subsection (1) of this  
7 section may enter into a cooperative agreement with a taxicab company  
8 regulated under chapter 81.72 RCW in order to accommodate the taxicab  
9 company at the agency's park and ride lot, provided the taxicab company  
10 must agree to provide service with reasonable availability, subject to  
11 schedule coordination provisions as agreed to by the parties.

12 (3) For the purposes of this section, "private employer  
13 transportation service" means regularly scheduled, fixed-route  
14 transportation service that is offered by an employer for the benefit  
15 of its employees.

16 **Sec. 3.** RCW 47.52.025 and 1974 ex.s. c 133 s 1 are each amended to  
17 read as follows:

18 (1) Highway authorities of the state, counties, and incorporated  
19 cities and towns, in addition to the specific powers granted in this  
20 chapter, shall also have, and may exercise, relative to limited access  
21 facilities, any and all additional authority, now or hereafter vested  
22 in them relative to highways or streets within their respective  
23 jurisdictions, and may regulate, restrict, or prohibit the use of such  
24 limited access facilities by various classes of vehicles or traffic.  
25 Such highway authorities may reserve any limited access facility or  
26 portions thereof, including designated lanes or ramps for the exclusive  
27 or preferential use of (a) public transportation vehicles, (b)  
28 privately owned buses, (~~(c)~~) (c) private motor vehicles carrying not  
29 less than a specified number of passengers, or (d) the following  
30 private transportation provider vehicles if the vehicle has the  
31 capacity to carry eight or more passengers, regardless of the number of  
32 passengers in the vehicle, and if such use does not interfere with the  
33 efficiency, reliability, and safety of public transportation  
34 operations: (i) Auto transportation company vehicles regulated under  
35 chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated  
36 under chapter 81.70 RCW, except marked or unmarked stretch limousines  
37 and stretch sport utility vehicles as defined under department of

1 licensing rules; (iii) private nonprofit transportation provider  
2 vehicles regulated under chapter 81.66 RCW; and (iv) private employer  
3 transportation service vehicles, when such limitation will increase the  
4 efficient utilization of the highway facility or will aid in the  
5 conservation of energy resources. Regulations authorizing such  
6 exclusive or preferential use of a highway facility may be declared to  
7 be effective at all time or at specified times of day or on specified  
8 days.

9 (2) For the purposes of this section, "private employer  
10 transportation service" means regularly scheduled, fixed-route  
11 transportation service that is offered by an employer for the benefit  
12 of its employees.

13 NEW SECTION. Sec. 4. A new section is added to chapter 47.04 RCW  
14 to read as follows:

15 When designing portions of a highway that are intended to be used  
16 as portions reserved for the exclusive or preferential use of public  
17 transportation vehicles, state and local jurisdictions shall consider  
18 whether the design will safely accommodate private transportation  
19 provider vehicles that are authorized to use the reserved portions  
20 under RCW 46.61.165 and 47.52.025.

21 NEW SECTION. Sec. 5. If any part of this act is found to be in  
22 conflict with federal requirements that are a prescribed condition to  
23 the allocation of federal funds to the state or local jurisdiction, the  
24 conflicting part of this act is inoperative solely to the extent of the  
25 conflict and with respect to the agencies directly affected, and this  
26 finding does not affect the operation of the remainder of this act in  
27 its application to the agencies concerned. Rules adopted under this  
28 act must meet federal requirements that are a necessary condition to  
29 the receipt of federal funds by the state.

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