
SENATE BILL 5837

State of Washington 62nd Legislature 2011 Regular Session

By Senators King, Haugen, Hobbs, and Delvin

Read first time 02/21/11. Referred to Committee on Transportation.

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 safety of public transportation operations: (i) Auto transportation
18 company vehicles regulated under chapter 81.68 RCW; (ii) passenger
19 charter carrier vehicles regulated under chapter 81.70 RCW, except

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

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

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

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

1 actual costs of park and ride lot use to the appropriate transit
2 agency. A private transportation provider may recover actual costs
3 associated with its park and ride lot use through parking fees charged
4 to vehicle owners that are parked in a park and ride lot for the
5 purpose of using the private transportation provider's service. No
6 accommodation is required, and any agreement may be terminated, if the
7 park and ride lot is at or exceeds ninety percent capacity during off-
8 peak hours.

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

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

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

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

1 charter carrier vehicles regulated under chapter 81.70 RCW, except
2 marked or unmarked stretch limousines and stretch sport utility
3 vehicles as defined under department of licensing rules; (iii) private
4 nonprofit transportation provider vehicles regulated under chapter
5 81.66 RCW; and (iv) private employer transportation service vehicles,
6 when such limitation will increase the efficient utilization of the
7 highway facility or will aid in the conservation of energy resources.
8 Regulations authorizing such exclusive or preferential use of a highway
9 facility may be declared to be effective at all time or at specified
10 times of day or on specified days.

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

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

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

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

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