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SENATE BILL 6304

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State of Washington                      62nd Legislature                      2012 Regular Session

By Senators Rolfes, Delvin, Benton, Hargrove, and Hatfield

Read first time 01/17/12. Referred to Committee on Transportation.

1            AN ACT Relating to incorporating motorcycles into certain  
2 transportation planning; and amending RCW 70.94.531, 46.61.165,  
3 47.52.025, 47.56.880, and 47.56.403.

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

5            **Sec. 1.** RCW 70.94.531 and 2006 c 329 s 5 are each amended to read  
6 as follows:

7            (1) State agency worksites are subject to the same requirements  
8 under this section and RCW 70.94.534 as private employers.

9            (2) Not more than ninety days after the adoption of a  
10 jurisdiction's commute trip reduction plan, each major employer in that  
11 jurisdiction shall perform a baseline measurement consistent with the  
12 rules established by the department of transportation under RCW  
13 70.94.537. Not more than ninety days after receiving the results of  
14 the baseline measurement, each major employer shall develop a commute  
15 trip reduction program and shall submit a description of that program  
16 to the jurisdiction for review. The program shall be implemented not  
17 more than ninety days after approval by the jurisdiction.

18            (3) A commute trip reduction program of a major employer shall  
19 consist of, at a minimum (a) designation of a transportation

1 coordinator and the display of the name, location, and telephone number  
2 of the coordinator in a prominent manner at each affected worksite; (b)  
3 regular distribution of information to employees regarding alternatives  
4 to single-occupant vehicle commuting; (c) a regular review of employee  
5 commuting and reporting of progress toward meeting the single-occupant  
6 vehicle reduction goals to the county, city, or town consistent with  
7 the method established in the commute trip reduction plan and the rules  
8 established by the department of transportation under RCW 70.94.537;  
9 and (d) implementation of a set of measures designed to achieve the  
10 applicable commute trip reduction goals adopted by the jurisdiction.  
11 Such measures may include but are not limited to:

12 (i) Provision of preferential parking or reduced parking charges,  
13 or both, for high occupancy vehicles and motorcycles;

14 (ii) Instituting or increasing parking charges for single-occupant  
15 vehicles;

16 (iii) Provision of commuter ride matching services to facilitate  
17 employee ridesharing for commute trips;

18 (iv) Provision of subsidies for transit fares;

19 (v) Provision of vans for van pools;

20 (vi) Provision of subsidies for car pooling or van pooling;

21 (vii) Permitting the use of the employer's vehicles for car pooling  
22 or van pooling;

23 (viii) Permitting flexible work schedules to facilitate employees'  
24 use of transit, car pools, or van pools;

25 (ix) Cooperation with transportation providers to provide  
26 additional regular or express service to the worksite;

27 (x) Construction of special loading and unloading facilities for  
28 transit, car pool, and van pool users;

29 (xi) Provision of bicycle parking facilities, lockers, changing  
30 areas, and showers for employees who bicycle or walk to work;

31 (xii) Provision of a program of parking incentives such as a rebate  
32 for employees who do not use the parking facility;

33 (xiii) Establishment of a program to permit employees to work part  
34 or full time at home or at an alternative worksite closer to their  
35 homes;

36 (xiv) Establishment of a program of alternative work schedules such  
37 as compressed work week schedules which reduce commuting; and

1 (xv) Implementation of other measures designed to facilitate the  
2 use of high occupancy vehicles such as on-site day care facilities and  
3 emergency taxi services.

4 (4) Employers or owners of worksites may form or utilize existing  
5 transportation management associations or other transportation-related  
6 associations authorized by RCW 35.87A.010 to assist members in  
7 developing and implementing commute trip reduction programs.

8 (5) Employers shall make a good faith effort towards achievement of  
9 the goals identified in RCW 70.94.527(4)(d).

10 **Sec. 2.** RCW 46.61.165 and 2011 c 379 s 1 are each amended to read  
11 as follows:

12 (1) The state department of transportation and the local  
13 authorities are authorized to reserve all or any portion of any highway  
14 under their respective jurisdictions, including any designated lane or  
15 ramp, for the exclusive or preferential use of one or more of the  
16 following: (a) Public transportation vehicles; (b) motorcycles; (c)  
17 private motor vehicles carrying no fewer than a specified number of  
18 passengers; or ~~((e))~~ (d) the following private transportation  
19 provider vehicles if the vehicle has the capacity to carry eight or  
20 more passengers, regardless of the number of passengers in the vehicle,  
21 and if such use does not interfere with the efficiency, reliability,  
22 and safety of public transportation operations: (i) Auto  
23 transportation company vehicles regulated under chapter 81.68 RCW; (ii)  
24 passenger charter carrier vehicles regulated under chapter 81.70 RCW,  
25 except marked or unmarked stretch limousines and stretch sport utility  
26 vehicles as defined under department of licensing rules; (iii) private  
27 nonprofit transportation provider vehicles regulated under chapter  
28 81.66 RCW; and (iv) private employer transportation service vehicles,  
29 when such limitation will increase the efficient utilization of the  
30 highway or will aid in the conservation of energy resources.

31 (2) Any transit-only lanes that allow other vehicles to access  
32 abutting businesses that are authorized pursuant to subsection (1) of  
33 this section may not be authorized for the use of private  
34 transportation provider vehicles as described under subsection (1) of  
35 this section.

36 (3) The state department of transportation and the local  
37 authorities authorized to reserve all or any portion of any highway

1 under their respective jurisdictions, for exclusive or preferential  
2 use, may prohibit the use of a high occupancy vehicle lane by the  
3 following private transportation provider vehicles: (a) Auto  
4 transportation company vehicles regulated under chapter 81.68 RCW; (b)  
5 passenger charter carrier vehicles regulated under chapter 81.70 RCW,  
6 and marked or unmarked limousines and stretch sport utility vehicles as  
7 defined under department of licensing rules; (c) private nonprofit  
8 transportation provider vehicles regulated under chapter 81.66 RCW; and  
9 (d) private employer transportation service vehicles, when the average  
10 transit speed in the high occupancy vehicle lane fails to meet  
11 department of transportation standards and falls below forty-five miles  
12 per hour at least ninety percent of the time during the peak hours, as  
13 determined by the department of transportation or the local authority,  
14 whichever operates the facility.

15 (4) Regulations authorizing such exclusive or preferential use of  
16 a highway facility may be declared to be effective at all times or at  
17 specified times of day or on specified days. Violation of a  
18 restriction of highway usage prescribed by the appropriate authority  
19 under this section is a traffic infraction.

20 (5) Local authorities are encouraged to establish a process for  
21 private transportation providers, as described under subsections (1)  
22 and (3) of this section, to apply for the use of public transportation  
23 facilities reserved for the exclusive or preferential use of public  
24 transportation vehicles. The application and review processes should  
25 be uniform and should provide for an expeditious response by the local  
26 authority. Whenever practicable, local authorities should enter into  
27 agreements with such private transportation providers to allow for the  
28 reasonable use of these facilities.

29 (6) For the purposes of this section, "private employer  
30 transportation service" means regularly scheduled, fixed-route  
31 transportation service that is similarly marked or identified to  
32 display the business name or logo on the driver and passenger sides of  
33 the vehicle, meets the annual certification requirements of the  
34 department of transportation, and is offered by an employer for the  
35 benefit of its employees.

36 **Sec. 3.** RCW 47.52.025 and 2011 c 379 s 3 are each amended to read  
37 as follows:

1 (1) Highway authorities of the state, counties, and incorporated  
2 cities and towns, in addition to the specific powers granted in this  
3 chapter, shall also have, and may exercise, relative to limited access  
4 facilities, any and all additional authority, now or hereafter vested  
5 in them relative to highways or streets within their respective  
6 jurisdictions, and may regulate, restrict, or prohibit the use of such  
7 limited access facilities by various classes of vehicles or traffic.  
8 Such highway authorities may reserve any limited access facility or  
9 portions thereof, including designated lanes or ramps for the exclusive  
10 or preferential use of (a) public transportation vehicles, (b)  
11 privately owned buses, (c) motorcycles, (d) private motor vehicles  
12 carrying not less than a specified number of passengers, or (~~(d)~~) (e)  
13 the following private transportation provider vehicles if the vehicle  
14 has the capacity to carry eight or more passengers, regardless of the  
15 number of passengers in the vehicle, and if such use does not interfere  
16 with the efficiency, reliability, and safety of public transportation  
17 operations: (i) Auto transportation company vehicles regulated under  
18 chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated  
19 under chapter 81.70 RCW, except marked or unmarked stretch limousines  
20 and stretch sport utility vehicles as defined under department of  
21 licensing rules; (iii) private nonprofit transportation provider  
22 vehicles regulated under chapter 81.66 RCW; and (iv) private employer  
23 transportation service vehicles, when such limitation will increase the  
24 efficient utilization of the highway facility or will aid in the  
25 conservation of energy resources. Regulations authorizing such  
26 exclusive or preferential use of a highway facility may be declared to  
27 be effective at all time or at specified times of day or on specified  
28 days.

29 (2) Any transit-only lanes that allow other vehicles to access  
30 abutting businesses that are reserved pursuant to subsection (1) of  
31 this section may not be authorized for the use of private  
32 transportation provider vehicles as described under subsection (1) of  
33 this section.

34 (3) Highway authorities of the state, counties, or incorporated  
35 cities and towns may prohibit the use of limited access facilities by  
36 the following private transportation provider vehicles: (a) Auto  
37 transportation company vehicles regulated under chapter 81.68 RCW; (b)  
38 passenger charter carrier vehicles regulated under chapter 81.70 RCW,

1 and marked or unmarked limousines and stretch sport utility vehicles as  
2 defined under department of licensing rules; (c) private nonprofit  
3 transportation provider vehicles regulated under chapter 81.66 RCW; and  
4 (d) private employer transportation service vehicles, when the average  
5 transit speed in the high occupancy vehicle travel lane fails to meet  
6 department standards and falls below forty-five miles per hour at least  
7 ninety percent of the time during the peak hours for two consecutive  
8 months.

9 (4)(a) Local authorities are encouraged to establish a process for  
10 private transportation providers, described under subsections (1) and  
11 (3) of this section, to apply for the use of limited access facilities  
12 that are reserved for the exclusive or preferential use of public  
13 transportation vehicles.

14 (b) The process must provide a list of facilities that the local  
15 authority determines to be unavailable for use by the private  
16 transportation provider and must provide the criteria used to reach  
17 that determination.

18 (c) The application and review processes must be uniform and should  
19 provide for an expeditious response by the authority.

20 (5) For the purposes of this section, "private employer  
21 transportation service" means regularly scheduled, fixed-route  
22 transportation service that is similarly marked or identified to  
23 display the business name or logo on the driver and passenger sides of  
24 the vehicle, meets the annual certification requirements of the  
25 department, and is offered by an employer for the benefit of its  
26 employees.

27 **Sec. 4.** RCW 47.56.880 and 2011 c 369 s 3 are each amended to read  
28 as follows:

29 (1) The imposition of tolls for express toll lanes on Interstate  
30 405 between the junctions with Interstate 5 on the north end and NE 6th  
31 Street in the city of Bellevue on the south end is authorized,  
32 Interstate 405 is designated an eligible toll facility, and toll  
33 revenue generated in the corridor must only be expended as allowed  
34 under RCW 47.56.820.

35 (2) Tolls for the express toll lanes must be set as follows:

36 (a) The schedule of toll rates must be set by the tolling authority

1 pursuant to RCW 47.56.850. Toll rates may vary in amount by time of  
2 day, level of traffic congestion within the highway facility, or other  
3 criteria, as the tolling authority deems appropriate.

4 (b) In those locations with two express toll lanes in each  
5 direction, the toll rate must be the same in both lanes.

6 (c) Toll charges may not be assessed on transit buses (~~and~~),  
7 vanpools, or motorcycles.

8 (d) The department shall establish performance standards for travel  
9 time, speed, and reliability for the express toll lanes project. The  
10 department must automatically adjust the toll rate within the schedule  
11 established by the tolling authority, using dynamic tolling, to ensure  
12 that average vehicle speeds in the lanes remain above forty-five miles  
13 per hour at least ninety percent of the time during peak hours.

14 (e) The tolling authority shall periodically review the toll rates  
15 against traffic performance of all lanes to determine if the toll rates  
16 are effectively maintaining travel time, speed, and reliability on the  
17 highway facilities.

18 (3) The department may construct and operate express toll lanes on  
19 Interstate 405 between the city of Bellevue on the south end and  
20 Interstate 5 on the north end. Operation of the express toll lanes may  
21 not commence until the department has completed capacity improvements  
22 necessary to provide a two-lane system from NE 6th Street in the city  
23 of Bellevue to state route number 522 and the conversion of the  
24 existing high occupancy vehicle lane to an express toll lane between  
25 state route number 522 and the city of Lynnwood. Construction of the  
26 capacity improvements described in this subsection, including items  
27 that enable implementation of express toll lanes such as conduit and  
28 other underground features, must begin as soon as practicable.  
29 However, any contract term regarding tolling equipment, such as  
30 gantries, barriers, or cameras, for Interstate 405 may not take effect  
31 unless specific appropriation authority is provided in 2012 stating  
32 that funding is provided solely for tolling equipment on Interstate  
33 405. The department shall work with local jurisdictions to minimize  
34 and monitor impacts to local streets and, after consultation with local  
35 jurisdictions, recommend mitigation measures to the legislature in  
36 those locations where it is appropriate.

37 (4) The department shall monitor the express toll lanes project and

1 shall annually report to the transportation commission and the  
2 legislature on the impacts from the project on the following  
3 performance measures:

4 (a) Whether the express toll lanes maintain speeds of forty-five  
5 miles per hour at least ninety percent of the time during peak periods;

6 (b) Whether the average traffic speed changed in the general  
7 purpose lanes;

8 (c) Whether transit ridership changed;

9 (d) Whether the actual use of the express toll lanes is consistent  
10 with the projected use;

11 (e) Whether the express toll lanes generated sufficient revenue to  
12 pay for all Interstate 405 express toll lane-related operating costs;

13 (f) Whether travel times and volumes have increased or decreased on  
14 adjacent local streets and state highways; and

15 (g) Whether the actual gross revenues are consistent with projected  
16 gross revenues as identified in the fiscal note for Engrossed House  
17 Bill No. 1382 distributed by the office of financial management on  
18 March 15, 2011.

19 (5) If after two years of operation of the express toll lanes on  
20 Interstate 405 performance measures listed in subsection (4)(a) and (e)  
21 of this section are not being met, the express toll lanes project must  
22 be terminated as soon as practicable.

23 (6) The department, in consultation with the transportation  
24 commission, shall consider making operational changes necessary to fix  
25 any unintended consequences of implementing the express toll lanes  
26 project.

27 (7) A violation of the lane restrictions applicable to the express  
28 toll lanes established under this section is a traffic infraction.

29 **Sec. 5.** RCW 47.56.403 and 2011 c 367 s 709 are each amended to  
30 read as follows:

31 (1) The department may provide for the establishment, construction,  
32 and operation of a pilot project of high occupancy toll lanes on state  
33 route 167 high occupancy vehicle lanes within King county. The  
34 department may issue, buy, and redeem bonds, and deposit and expend  
35 them; secure and remit financial and other assistance in the  
36 construction of high occupancy toll lanes, carry insurance, and handle



1 any other matters pertaining to the high occupancy toll lane pilot  
2 project.

3 (2) Tolls for high occupancy toll lanes will be established as  
4 follows:

5 (a) The schedule of toll charges for high occupancy toll lanes must  
6 be established by the transportation commission and collected in a  
7 manner determined by the commission.

8 (b) Toll charges shall not be assessed on transit buses (~~and~~),  
9 vanpool vehicles owned or operated by any public agency, or  
10 motorcycles.

11 (c) The department shall establish performance standards for the  
12 state route 167 high occupancy toll lane pilot project. The department  
13 must automatically adjust the toll charge, using dynamic tolling, to  
14 ensure that toll-paying single-occupant vehicle users are only  
15 permitted to enter the lane to the extent that average vehicle speeds  
16 in the lane remain above forty-five miles per hour at least ninety  
17 percent of the time during peak hours. The toll charge may vary in  
18 amount by time of day, level of traffic congestion within the highway  
19 facility, vehicle occupancy, or other criteria, as the commission may  
20 deem appropriate. The commission may also vary toll charges for  
21 single-occupant inherently low-emission vehicles such as those powered  
22 by electric batteries, natural gas, propane, or other clean burning  
23 fuels.

24 (d) The commission shall periodically review the toll charges to  
25 determine if the toll charges are effectively maintaining travel time,  
26 speed, and reliability on the highway facilities.

27 (3) The department shall monitor the state route 167 high occupancy  
28 toll lane pilot project and shall annually report to the transportation  
29 commission and the legislature on operations and findings. At a  
30 minimum, the department shall provide facility use data and review the  
31 impacts on:

32 (a) Freeway efficiency and safety;

33 (b) Effectiveness for transit;

34 (c) Person and vehicle movements by mode;

35 (d) Ability to finance improvements and transportation services  
36 through tolls; and

37 (e) The impacts on all highway users. The department shall analyze  
38 aggregate use data and conduct, as needed, separate surveys to assess

1 usage of the facility in relation to geographic, socioeconomic, and  
2 demographic information within the corridor in order to ascertain  
3 actual and perceived questions of equitable use of the facility.

4 (4) The department shall modify the pilot project to address  
5 identified safety issues and mitigate negative impacts to high  
6 occupancy vehicle lane users.

7 (5) Authorization to impose high occupancy vehicle tolls for the  
8 state route 167 high occupancy toll pilot project expires if either of  
9 the following two conditions apply:

10 (a) If no contracts have been let by the department to begin  
11 construction of the toll facilities associated with this pilot project  
12 within four years of July 24, 2005; or

13 (b) If high occupancy vehicle tolls are being collected on June 30,  
14 2013.

15 (6) The department of transportation shall adopt rules that allow  
16 automatic vehicle identification transponders used for electronic toll  
17 collection to be compatible with other electronic payment devices or  
18 transponders from the Washington state ferry system, other public  
19 transportation systems, or other toll collection systems to the extent  
20 that technology permits.

21 (7) The conversion of a single existing high occupancy vehicle lane  
22 to a high occupancy toll lane as proposed for SR-167 must be taken as  
23 the exception for this pilot project.

24 (8) A violation of the lane restrictions applicable to the high  
25 occupancy toll lanes established under this section is a traffic  
26 infraction.

27 (9) Procurement activity associated with this pilot project shall  
28 be open and competitive in accordance with chapter 39.29 RCW.

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