

---

SENATE BILL 5142

---

State of Washington

63rd Legislature

2013 Regular Session

By Senators Rolfes, Benton, Hargrove, Sheldon, Hatfield, Delvin, Ericksen, Keiser, Conway, Schlicher, and Roach

Read first time 01/21/13. 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, and  
3 47.52.025.

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.

--- END ---