
HOUSE BILL 2569

State of Washington

64th Legislature

2016 Regular Session

By Representatives Sells, Hayes, Van De Wege, Ormsby, Hickel, and Senn

Read first time 01/15/16. Referred to Committee on Transportation.

1 AN ACT Relating to the use of high occupancy vehicle lanes by law
2 enforcement and fire department vehicles; and amending RCW 46.61.165
3 and 47.52.025.

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

5 **Sec. 1.** RCW 46.61.165 and 2013 c 26 s 2 are each amended to read
6 as follows:

7 (1) The state department of transportation and the local
8 authorities are authorized to reserve all or any portion of any
9 highway under their respective jurisdictions, including any
10 designated lane or ramp, for the exclusive or preferential use of one
11 or more of the following: (a) Public transportation vehicles; (b)
12 motorcycles; (c) private motor vehicles carrying no fewer than a
13 specified number of passengers; or (d) the following private
14 transportation provider vehicles if the vehicle has the capacity to
15 carry eight or more passengers, regardless of the number of
16 passengers in the vehicle, and if such use does not interfere with
17 the 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
20 under chapter 81.70 RCW, except marked or unmarked stretch limousines
21 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
4 the efficient utilization of the highway or will aid in the
5 conservation of energy resources.

6 (2) Any transit-only lanes that allow other vehicles to access
7 abutting businesses that are authorized pursuant to subsection (1) of
8 this section may not be authorized for the use of private
9 transportation provider vehicles as described under subsection (1) of
10 this section.

11 (3) The state department of transportation and the local
12 authorities authorized to reserve all or any portion of any highway
13 under their respective jurisdictions, for exclusive or preferential
14 use, may prohibit the use of a high occupancy vehicle lane by the
15 following private transportation provider vehicles: (a) Auto
16 transportation company vehicles regulated under chapter 81.68 RCW;
17 (b) passenger charter carrier vehicles regulated under chapter 81.70
18 RCW, and marked or unmarked limousines and stretch sport utility
19 vehicles as defined under department of licensing rules; (c) private
20 nonprofit transportation provider vehicles regulated under chapter
21 81.66 RCW; and (d) private employer transportation service vehicles,
22 when the average transit speed in the high occupancy vehicle lane
23 fails to meet department of transportation standards and falls below
24 forty-five miles per hour at least ninety percent of the time during
25 the peak hours, as determined by the department of transportation or
26 the local authority, whichever operates the facility.

27 (4) The following vehicles cannot be restricted from all or any
28 portion of a highway in the state designated as a high occupancy
29 vehicle lane:

30 (a) An officially marked law enforcement or fire department
31 vehicle equipped with emergency lights and siren, operated by on-duty
32 state patrol or local law enforcement personnel or on-duty local or
33 special district fire department personnel.

34 (b) An unmarked law enforcement vehicle operated by on-duty state
35 patrol or local law enforcement personnel and in the process of being
36 used to conduct an active investigation.

37 (5) Regulations authorizing such exclusive or preferential use of
38 a highway facility may be declared to be effective at all times or at
39 specified times of day or on specified days. Violation of a

1 restriction of highway usage prescribed by the appropriate authority
2 under this section is a traffic infraction.

3 ~~((+5+))~~ (6) Local authorities are encouraged to establish a
4 process for private transportation providers, as described under
5 subsections (1) and (3) of this section, to apply for the use of
6 public transportation facilities reserved for the exclusive or
7 preferential use of public transportation vehicles. The application
8 and review processes should be uniform and should provide for an
9 expeditious response by the local authority. Whenever practicable,
10 local authorities should enter into agreements with such private
11 transportation providers to allow for the reasonable use of these
12 facilities.

13 ~~((+6+))~~ (7) For the purposes of this section, "private employer
14 transportation service" means regularly scheduled, fixed-route
15 transportation service that is similarly marked or identified to
16 display the business name or logo on the driver and passenger sides
17 of the vehicle, meets the annual certification requirements of the
18 department of transportation, and is offered by an employer for the
19 benefit of its employees.

20 **Sec. 2.** RCW 47.52.025 and 2013 c 26 s 3 are each amended to read
21 as follows:

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

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

12 (2) Any transit-only lanes that allow other vehicles to access
13 abutting businesses that are reserved pursuant to subsection (1) of
14 this section may not be authorized for the use of private
15 transportation provider vehicles as described under subsection (1) of
16 this section.

17 (3) Highway authorities of the state, counties, or incorporated
18 cities and towns may prohibit the use of limited access facilities by
19 the following private transportation provider vehicles: (a) Auto
20 transportation company vehicles regulated under chapter 81.68 RCW;
21 (b) passenger charter carrier vehicles regulated under chapter 81.70
22 RCW, and marked or unmarked limousines and stretch sport utility
23 vehicles as defined under department of licensing rules; (c) private
24 nonprofit transportation provider vehicles regulated under chapter
25 81.66 RCW; and (d) private employer transportation service vehicles,
26 when the average transit speed in the high occupancy vehicle travel
27 lane fails to meet department standards and falls below forty-five
28 miles per hour at least ninety percent of the time during the peak
29 hours for two consecutive months.

30 (4) The following vehicles cannot be restricted from all or any
31 portion of a highway in the state designated as a high occupancy
32 vehicle lane:

33 (a) An officially marked law enforcement or fire department
34 vehicle equipped with emergency lights and siren, operated by on-duty
35 state patrol or local law enforcement personnel or on-duty local or
36 special district fire department personnel.

37 (b) An unmarked law enforcement vehicle operated by on-duty state
38 patrol or local law enforcement personnel and in the process of being
39 used to conduct an active investigation.

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

6 (b) The process must provide a list of facilities that the local
7 authority determines to be unavailable for use by the private
8 transportation provider and must provide the criteria used to reach
9 that determination.

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

12 (~~(5)~~) (6) For the purposes of this section, "private employer
13 transportation service" means regularly scheduled, fixed-route
14 transportation service that is similarly marked or identified to
15 display the business name or logo on the driver and passenger sides
16 of the vehicle, meets the annual certification requirements of the
17 department, and is offered by an employer for the benefit of its
18 employees.

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