

SSB 5018 - H AMD TO TR COMM AMD (H-2431.1/17) 430
By Representative Orcutt

NOT ADOPTED 04/05/2017

1 On page 1, after line 16 of the amendment, insert the following:

2 "Sec. 2. RCW 46.61.165 and 2013 c 26 s 2 are each amended to
3 read as follows:

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

24 (2) Any transit-only lanes that allow other vehicles to access
25 abutting businesses that are authorized pursuant to subsection (1) of
26 this section may not be authorized for the use of private
27 transportation provider vehicles as described under subsection (1) of
28 this section.

29 (3) The state department of transportation and the local
30 authorities authorized to reserve all or any portion of any highway
31 under their respective jurisdictions, for exclusive or preferential
32 use, may prohibit the use of a high occupancy vehicle lane by the

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

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

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

28 (6) When the department of transportation reserves a portion of a
29 highway based on the number of passengers in a vehicle, private, for
30 hire vehicles regulated under chapter 81.72 RCW that have been
31 specially manufactured, designed, or modified for the transportation
32 of a person who has a mobility disability and uses a wheelchair or
33 other assistive device must be authorized to use the reserved portion
34 of the highway regardless of the number of passengers in the vehicle
35 or the passenger-carrying capacity of the vehicle.

36 (7) For the purposes of this section, "private employer
37 transportation service" means regularly scheduled, fixed-route
38 transportation service that is similarly marked or identified to
39 display the business name or logo on the driver and passenger sides
40 of the vehicle, meets the annual certification requirements of the

1 department of transportation, and is offered by an employer for the
2 benefit of its employees.

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

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

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

1 (3) Highway authorities of the state, counties, or incorporated
2 cities and towns may prohibit the use of limited access facilities by
3 the following private transportation provider vehicles: (a) Auto
4 transportation company vehicles regulated under chapter 81.68 RCW;
5 (b) passenger charter carrier vehicles regulated under chapter 81.70
6 RCW, and marked or unmarked limousines and stretch sport utility
7 vehicles as defined under department of licensing rules; (c) private
8 nonprofit transportation provider vehicles regulated under chapter
9 81.66 RCW; and (d) private employer transportation service vehicles,
10 when the average transit speed in the high occupancy vehicle travel
11 lane fails to meet department standards and falls below forty-five
12 miles per hour at least ninety percent of the time during the peak
13 hours for two consecutive months.

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

19 (b) The process must provide a list of facilities that the local
20 authority determines to be unavailable for use by the private
21 transportation provider and must provide the criteria used to reach
22 that determination.

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

25 (5) When the department reserves a portion of a limited access
26 facility based on the number of passengers in a vehicle, private, for
27 hire vehicles regulated under chapter 81.72 RCW that have been
28 specially manufactured, designed, or modified for the transportation
29 of a person who has a mobility disability and uses a wheelchair or
30 other assistive device must be authorized to use the reserved portion
31 of the limited access facility regardless of the number of passengers
32 in the vehicle or the passenger-carrying capacity of the vehicle.

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

1 NEW SECTION. **Sec. 4.** If any part of this act is found by the
2 federal government to be in conflict with federal requirements that
3 are a prescribed condition to the allocation of federal funds to the
4 state, the conflicting part of this act is inoperative solely to the
5 extent of the conflict and with respect to the agencies directly
6 affected, and this finding does not affect the operation of the
7 remainder of this act in its application to the agencies concerned."

8 On page 1, line 17 of the amendment, after "**Sec. 2.**" strike
9 "This" and insert "Section 1 of this"

10 Correct the title.

EFFECT: Makes the following changes related to the use of taxicabs designed to transport individuals with a mobility disability:

(1) Requires the Washington State Department of Transportation (WSDOT) and local highway authorities to permit taxicab vehicles that are designed to transport individuals with a mobility disability to use high occupancy vehicle (HOV) lanes.

(2) Makes any portion of the act found by the federal government to be in conflict with federal requirements that must be met to receive federal funds inoperative to the extent of the conflict.

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