

HOUSE BILL REPORT

SSB 5018

As Passed House - Amended:

April 5, 2017

Title: An act relating to authorizing wheelchair accessible taxicabs access to high occupancy vehicle lanes.

Brief Description: Authorizing wheelchair accessible taxicabs access to high occupancy vehicle lanes.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Hasegawa and Kuderer).

Brief History:

Committee Activity:

Transportation: 3/15/17, 3/22/17 [DPA].

Floor Activity:

Passed House - Amended: 4/5/17, 97-0.

Brief Summary of Substitute Bill (As Amended by House)

- Mandates that the Washington State Department of Transportation conduct a review of administrative rules governing high-occupancy vehicle (HOV) lane access that must include an examination of the impacts of allowing taxicab vehicles designed to transport individuals with a mobility disability to use HOV lanes.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 24 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman, Gregerson, Hayes, Irwin, Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Pike, Riccelli, Rodne, Shea, Stambaugh, Tarleton and Van Werven.

Staff: Jennifer Harris (786-7143).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

State Law.

The Washington State Department of Transportation (WSDOT) and local authorities are authorized to designate any portion of a highway under their respective jurisdictions for the exclusive or preferential use of: (1) public transportation vehicles; (2) motorcycles; (3) private motor vehicles carrying a specified minimum number of passengers; and (4) certain categories of private transportation provider vehicles if the vehicles has a carrying capacity of at least eight passengers. The portion of highways with these restricted usage rules are known as high-occupancy vehicle (HOV) lanes.

The WSDOT and local authorities have the ability to specify certain times of days or certain specified days during which the HOV restrictions are in effect. The WSDOT and local authorities are also authorized to prohibit the use of an HOV lane by private transportation provider vehicles when the average transit speed in the HOV lane fails to meet United States Department of Transportation standards (falling below 45 miles per hour at least 90 percent of the time during peak hours).

Under current state administrative rule, the following motor vehicles are authorized to use the HOV lanes on interstate highways, state highways, and ramps: (1) municipal transit vehicles; (2) buses with a carrying capacity of 16 or more people; (3) motorcycles; (4) all vehicles meeting specified HOV-lane occupancy requirements (except for trucks with more than a 10,000 pounds maximum operating weight rating); and (5) officially marked law enforcement and fire department vehicles equipped with emergency lights and sirens that are operated by on-duty state patrol or local law enforcement or local or special district fire department personnel.

Federal Law.

Federal law applies to federal-aid highways, and requires that the HOV lanes be restricted for the use of vehicles with no fewer than two occupants per vehicle, subject to certain exceptions. A public authority has jurisdiction over the operation of an HOV facility and may establish occupancy requirements of vehicles operating on the facility, so long as it complies with federal occupancy and usage restrictions.

Exceptions are granted to the following vehicles, subject to a public authority authorizing their use on an HOV facility within its jurisdiction: (1) public transportation vehicles; (2) motorcycles and bicycles; (3) over-the-road buses serving the public; (4) high-occupancy toll vehicles; and (5) low emission and energy-efficient vehicles.

A public transportation vehicle is defined as a vehicle that provides designated public transportation or public school transportation and is owned or operated by a public entity, operated under a contract with a public entity, or operated pursuant to a license with a public authority to provide motorbus or school vehicle transportation services to the public. An over-the-road bus is defined as a bus with an elevated passenger deck located over a baggage compartment.

While the state is not mandated to comply with federal HOV-lane requirements, if the Federal Highway Administration (FHWA) were to find a state to be out of compliance with its HOV-lane requirements, the FHWA could withhold payment to the state of federal funds.

Summary of Amended Bill:

The WSDOT is required to undertake a public process to reexamine the administrative rules that govern access to HOV lanes, including an examination of the benefits and impacts of allowing taxicabs that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device to use HOV lanes.

The WSDOT must report to the transportation committees of the Legislature on the progress of its reexamination process by January 1, 2019, and is required to do so with sufficient time remaining for review before conclusion of the reexamination process. This act expires August 1, 2019.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There is a critical need to reach passengers with special needs more quickly than is currently possible, and the use of HOV lanes would enable this. All of King County is served by only 53 on-demand taxis for people with special needs. In 2014, the City of Seattle and King County updated their laws related to this form of transportation, and trips have been increasing dramatically since then. Ninety percent of these trips are for kidney patients receiving dialysis.

Each taxi for people with special needs completes 10 to 14 trips per day. If these vehicles can reach customers faster, then customers can have improved access to the area. Every other paratransit provider has access to HOV lanes at all times, as do large van taxis. These vehicles are very well marked, with a logo on every panel. These are the only on-demand vehicles for people with special needs that are available around the clock. Other transportation providers for those with special needs require reservations to be made at least 24 hours in advance and cost almost three to four times what these taxicabs charge.

All specialized transportation providers should be included in this bill. There are 479,000 disabled individuals in Puget Sound Region. Fifty-three taxicab vehicles only meet a fraction of the needs of disabled individuals in the state that are being met by other transportation providers. Many people have spinal cord injuries and are in pain; it is difficult to transport these individuals. Taxis fit an immediate need. Other providers fit a scheduled need. Many trips are made for individuals who need dialysis. Most of these individuals need four hours of service per day—if they arrive late, then they receive less dialysis.

(Opposed) None.

(Other) Specialized transportation providers that serve people with disabilities make up a broader category than the bill addresses. People living with disabilities may not need a wheelchair-equipped vehicle—they may not have arms or they may have mental or cognitive disabilities and need someone to drive them. Most contracts with providers pay transportation fees directly; these fees are not typically paid by patients. Some providers charge more because their staff must complete specialized training. Missed medical appointments result in a cost to the state, taxpayers, and passengers. This legislation does not assist other for-hire transportation providers of services to those with special needs in the state.

Persons Testifying: (In support) Senator Hasegawa, prime sponsor; Cindi Laws, Elias Shifow, and Amar Khan, Wheelchair Accessible Taxi Association of Washington; and Steve Hutchins, Around the Sound Transportation.

(Other) Ryan Acker, Community Transportation Association of the Northwest.

Persons Signed In To Testify But Not Testifying: None.