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## Transportation Committee

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### SSB 5837

**Brief Description:** Addressing high occupancy vehicle lane access for blood-collecting or distributing establishment vehicles.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Saldaña, Hawkins, Hobbs, Hasegawa, Frockt and Kuderer).

#### Brief Summary of Substitute Bill

- Encourages the Washington State Department of Transportation (WSDOT) to conduct a public process to reexamine its rules related to high-occupancy vehicle (HOV) lane usage.
- Mandates that, if the WSDOT conducts this public process, it consider the benefits of allowing vehicles that deliver or collect blood, tissue, or blood components to use HOV lanes.
- Requires the WSDOT to report to the transportation committees of the Legislature on the progress of its reexamination process by January 1, 2019.

**Hearing Date:** 3/15/17

**Staff:** Jennifer Harris (786-7143).

#### **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.

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*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.*

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 HOV lanes be restricted for the use of vehicles with no fewer than two occupants per vehicles, 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.

If the Federal Highway Administration were to find a state to be out of compliance with its HOV-lane requirements, a possible consequence would be withholding payment to the state of federal funds.

#### **Summary of Bill:**

The WSDOT is encouraged to conduct a public process to reexamine its rules related to high-occupancy vehicle (HOV) lane usage. If the WSDOT conducts this public process, it is required to consider the benefits of allowing vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment that is registered with the Washington State Department of Health to use HOV lanes. This category of vehicles is not included as a federally authorized exception to federal HOV-lane occupancy requirements.

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:** Available.

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