
SENATE BILL 5837

State of Washington 65th Legislature 2017 Regular Session

By Senators Saldaña, Hawkins, Hobbs, Hasegawa, Frockt, and Kuderer

Read first time 02/16/17. Referred to Committee on Transportation.

1 AN ACT Relating to expanding high occupancy vehicle lane access
2 to blood-collecting or distributing establishment vehicles; and
3 amending RCW 46.61.165 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; (d) vehicles that deliver or collect
14 blood, tissue, or blood components for a blood-collecting or
15 distributing establishment regulated under chapter 70.335 RCW; or
16 ((d)) (e) the following private transportation provider vehicles if
17 the vehicle has the capacity to carry eight or more passengers,
18 regardless of the number of passengers in the vehicle, and if such
19 use does not interfere with the efficiency, reliability, and safety
20 of public transportation operations: (i) Auto transportation company
21 vehicles regulated under chapter 81.68 RCW; (ii) passenger charter

1 carrier vehicles regulated under chapter 81.70 RCW, except marked or
2 unmarked stretch limousines and stretch sport utility vehicles as
3 defined under department of licensing rules; (iii) private nonprofit
4 transportation provider vehicles regulated under chapter 81.66 RCW;
5 and (iv) private employer transportation service vehicles, when such
6 limitation will increase the efficient utilization of the highway or
7 will aid in the conservation of energy resources.

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

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

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

34 (5) Local authorities are encouraged to establish a process for
35 private transportation providers, as described under subsections (1)
36 and (3) of this section, to apply for the use of public
37 transportation facilities reserved for the exclusive or preferential
38 use of public transportation vehicles. The application and review
39 processes should be uniform and should provide for an expeditious
40 response by the local authority. Whenever practicable, local

1 authorities should enter into agreements with such private
2 transportation providers to allow for the reasonable use of these
3 facilities.

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

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

13 (1) Highway authorities of the state, counties, and incorporated
14 cities and towns, in addition to the specific powers granted in this
15 chapter, shall also have, and may exercise, relative to limited
16 access facilities, any and all additional authority, now or hereafter
17 vested in them relative to highways or streets within their
18 respective jurisdictions, and may regulate, restrict, or prohibit the
19 use of such limited access facilities by various classes of vehicles
20 or traffic. Such highway authorities may reserve any limited access
21 facility or portions thereof, including designated lanes or ramps for
22 the exclusive or preferential use of (a) public transportation
23 vehicles, (b) privately owned buses, (c) motorcycles, (d) private
24 motor vehicles carrying not less than a specified number of
25 passengers, (e) vehicles that deliver or collect blood, tissue, or
26 blood components for a blood-collecting or distributing establishment
27 regulated under chapter 70.335 RCW, or ((+e)) (f) the following
28 private transportation provider vehicles if the vehicle has the
29 capacity to carry eight or more passengers, regardless of the number
30 of passengers in the vehicle, and if such use does not interfere with
31 the efficiency, reliability, and safety of public transportation
32 operations: (i) Auto transportation company vehicles regulated under
33 chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated
34 under chapter 81.70 RCW, except marked or unmarked stretch limousines
35 and stretch sport utility vehicles as defined under department of
36 licensing rules; (iii) private nonprofit transportation provider
37 vehicles regulated under chapter 81.66 RCW; and (iv) private employer
38 transportation service vehicles, when such limitation will increase
39 the efficient utilization of the highway facility or will aid in the

1 conservation of energy resources. Regulations authorizing such
2 exclusive or preferential use of a highway facility may be declared
3 to be effective at all time or at specified times of day or on
4 specified days.

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

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

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

28 (b) The process must provide a list of facilities that the local
29 authority determines to be unavailable for use by the private
30 transportation provider and must provide the criteria used to reach
31 that determination.

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

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

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

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