
SECOND SUBSTITUTE HOUSE BILL 2310

State of Washington

66th Legislature

2020 Regular Session

By House Appropriations (originally sponsored by Representatives Fitzgibbon, Ramel, Macri, Doglio, Cody, Hudgins, and Pollet)

READ FIRST TIME 02/11/20.

1 AN ACT Relating to reducing emissions from vehicles associated
2 with on-demand transportation services; amending RCW 70.120.010 and
3 70.94.015; adding new sections to chapter 70.120 RCW; and creating a
4 new section.

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

6 **Sec. 1.** RCW 70.120.010 and 2011 c 171 s 108 are each amended to
7 read as follows:

8 (~~Unless the context clearly requires otherwise, the~~) The
9 definitions in this section apply throughout this chapter unless the
10 context clearly requires otherwise.

11 (1) "Department" means the department of ecology.

12 (2) "Director" means the director of the department of ecology.

13 (3) "Fleet" means a group of fifteen or more motor vehicles
14 registered in the same name and whose owner has been assigned a fleet
15 identifier code by the department of licensing.

16 (4) "Motor vehicle" means any self-propelled vehicle required to
17 be licensed pursuant to chapter 46.16A RCW.

18 (5) "Motor vehicle dealer" means a motor vehicle dealer, as
19 defined in RCW 46.70.011, that is licensed pursuant to chapter 46.70
20 RCW.

1 (6) "Person" means an individual, firm, public or private
2 corporation, association, partnership, political subdivision of the
3 state, municipality, or governmental agency.

4 (7) The terms "air contaminant," "air pollution," "air quality
5 standard," "ambient air," "emission," and "emission standard" have
6 the meanings given them in RCW 70.94.030.

7 (8) (a) "Commercial transportation services provider" includes a
8 corporation, partnership, sole proprietorship, or other entity,
9 operating in Washington, that uses a digital network or software
10 application to connect passengers to vehicle operators for the
11 purpose of providing a prearranged ride.

12 (b) "Commercial transportation services provider" does not
13 include: (i) A taxicab company under chapter 81.72 RCW; (ii) a
14 charter party or excursion service carrier under chapter 81.70 RCW;
15 (iii) an auto transportation company under chapter 81.68 RCW; (iv) a
16 private, nonprofit transportation provider under chapter 81.66 RCW;
17 or (v) a limousine carrier under chapter 46.72A RCW.

18 (9) "Commercial transportation services provider passenger" or
19 "passenger" has the same meaning as defined in RCW 48.177.005.

20 (10) "Vehicle" means a vehicle that is used to provide
21 prearranged transportation services for compensation in connection
22 with and authorized by a commercial transportation services provider,
23 and that meets all of the following:

24 (a) Has a passenger capacity of less than nine persons, including
25 a driver; and

26 (b) Is not operating as a taxicab regulated under chapter 81.72
27 RCW or as a limousine regulated under chapter 46.72A RCW.

28 (11) "Greenhouse gas" has the same meaning as defined in RCW
29 70.235.010.

30 (12) "Zero emission vehicle" means a vehicle that emits no
31 exhaust gas from the onboard source of power, other than water vapor.

32 NEW SECTION. Sec. 2. A new section is added to chapter 70.120
33 RCW to read as follows:

34 (1) By July 1, 2021, the department shall establish a baseline
35 for emissions of greenhouse gases for vehicles used on online-enabled
36 applications or platforms of commercial transportation services
37 providers on a per-passenger-mile traveled basis. The baseline
38 calculation must use data from calendar year 2018 and include:

1 (a) Miles driven with no passenger delivery in the vehicle when
2 the operator of the vehicle is logged in to a provider's digital
3 platform or software application; and

4 (b) Miles driven with one or more passengers in the vehicle as a
5 prearranged ride.

6 (2) Commercial transportation services providers must provide
7 information to the department covering individual calendar years,
8 consistent with a reporting schedule and criteria to be adopted by
9 rule by the department. The department may require commercial
10 transportation services providers to provide data regarding the
11 number of vehicles operating in Washington by city and by county. The
12 department must use the provided information to determine average
13 emissions of greenhouse gases per passenger-mile including, but not
14 limited to:

15 (a) The total miles driven by vehicles operated to provide
16 commercial transportation services in Washington state;

17 (b) The percent share of miles traveled by zero emission
18 vehicles;

19 (c) The miles-weighted average network-wide grams of carbon
20 dioxide equivalent per mile, for purposes of producing an estimate of
21 greenhouse gas emissions; and

22 (d) Total passenger-miles traveled using an average passengers-
23 per-trip estimate to account for trips where exact passenger head
24 count data was not captured.

25 (3) The department may use reasonable methods to adjust and
26 correct data and emission estimates including, but not limited to:

27 (a) Methods to apportion emissions between commercial
28 transportation services providers to account for: (i) Circumstances
29 in which multiple applications or platforms are simultaneously used
30 by a vehicle provider; or (ii) periods when vehicle providers are
31 driving primarily for purposes other than engaging with services
32 provided by the commercial transportation service provider, even
33 though the latter party may be recording data on the vehicle
34 provider's movement; and

35 (b) Methods to account for passenger-miles provided via zero-
36 emissions transportation or public transit, other than a motor
37 vehicle, offered in connection with a commercial transportation
38 services provider's digital network.

39 (4) The department may establish a baseline for a commercial
40 transportation services provider that begins operating in Washington

1 after calendar year 2018 with consideration of the baselines
2 established under subsection (1) of this section and the information
3 received by the department under subsection (2) of this section.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.120
5 RCW to read as follows:

6 (1) By July 1, 2022, the department shall adopt by rule and
7 implement mandatory annual goals and targets that begin in 2024 for
8 each commercial transportation services provider for the reduction
9 under the baseline established under section 2 of this act for
10 emissions of greenhouse gases per passenger-mile. The department may
11 establish alternate timelines for the goals and targets for a
12 commercial transportation services provider that begins covered
13 operations in Washington after calendar year 2018. The goals and
14 targets must:

15 (a) Include annual targets and goals for increasing the
16 percentage of passenger-miles traveled using zero emission vehicles;

17 (b) Be technically and economically feasible;

18 (c) Be informed by data reported by commercial transportation
19 services providers to the department; and

20 (d) Be designed with consideration of the state greenhouse gas
21 emission limits of RCW 70.235.020 and the state vehicle miles
22 traveled goals of RCW 47.01.440.

23 (2) The department may delay implementation of the targets and
24 goals adopted under this section if the department finds that
25 unanticipated barriers exist to expanding the usage of zero emission
26 vehicles by commercial transportation services providers. No less
27 frequently than every two years, the department must review available
28 data related to barriers to usage of zero emission vehicles by
29 commercial transportation services providers, including data related
30 to current and future electric transportation adoption rates and
31 charging infrastructure utilization rates.

32 (3) (a) Beginning January 1, 2023, each commercial transportation
33 services provider must develop and submit to the department a
34 greenhouse gas emission reduction plan. The department may establish
35 alternate deadlines for the submission of a plan by a commercial
36 transportation services provider that begins operating in Washington
37 as a covered entity after calendar year 2018. The department shall
38 review the plan within one hundred eighty days of receipt of the
39 plan, including a review of the plan for compliance with subsections

1 (4) and (5) of this section, and decide whether to approve the plan.
2 If a plan is rejected, the department shall provide the reasons for
3 rejecting the plan to the commercial transportation services
4 provider. The commercial transportation services provider must submit
5 a new plan within sixty days after receipt of the letter of
6 disapproval. Each commercial transportation services provider must
7 implement a greenhouse gas emission reduction plan by January 1,
8 2024.

9 (b) A commercial transportation services provider must submit a
10 plan amendment to the department no less than forty-five days before
11 the commercial transportation services provider plans to begin
12 implementing a substantial change to the commercial transportation
13 services provider's plan. Within forty-five days of receipt of a plan
14 amendment, the department must decide whether to approve the plan
15 amendment and must provide the reasons for rejecting the plan
16 amendment.

17 (4) Greenhouse gas emission reduction plans must contain
18 proposals for meeting the goals and targets established in subsection
19 (1) of this section through, at a minimum:

20 (a) Increasing the proportion of vehicles used to complete trips
21 that are zero emission vehicles;

22 (b) Increasing the proportion of vehicle miles completed by zero
23 emission vehicles relative to the proportion of overall vehicle
24 miles;

25 (c) Decreasing the average gram-per-mile greenhouse gas emission
26 rates for vehicle miles traveled; and

27 (d) Increasing the proportion of passenger-miles traveled
28 relative to overall vehicle miles traveled.

29 (5) Plans developed under this section by each commercial
30 transportation services provider must also:

31 (a) Consider incentives to encourage increasing the share of
32 total miles traveled by passengers whose walking, biking, or other
33 active or zero emission modes of transportation are facilitated using
34 vehicles on an online-enabled application or platform; and

35 (b) Outline actions that a commercial transportation services
36 provider will take to ensure that the plan will not result in
37 negative financial outcomes for drivers relative to existing
38 operational conditions.

39 (6) The department may allow plans to achieve credit towards the
40 goals and targets established in subsection (1) of this section

1 through the provision, funding, or other financial support of
2 transportation electrification infrastructure by the commercial
3 transportation services provider that is used to support commercial
4 transportation services provider company vehicle charging.

5 (7) Plans required under this section must be updated and
6 resubmitted to the department by January 1, 2025, and each January
7 1st of odd-numbered years thereafter, with implementation of
8 resubmitted plans commencing January 1, 2026, and each January 1st of
9 even-numbered years thereafter.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.120
11 RCW to read as follows:

12 (1) The department may determine, assess, and collect annual fees
13 from each commercial transportation services provider sufficient to
14 cover the direct and indirect costs of administering and enforcing
15 the provisions of this section and sections 2 and 3 of this act.

16 (2) The annual fee assessed to each commercial transportation
17 services provider must be calculated by dividing the department's
18 administrative costs associated with commercial transportation
19 services providers by the provider's proportional share of total
20 number of miles of service provided by all commercial transportation
21 services providers during the preceding calendar year.

22 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.120
23 RCW to read as follows:

24 (1) The department may adopt rules to implement, administer, and
25 enforce sections 2 through 4 of this act. In adopting rules under
26 this section, the department must ensure, to the extent practicable:

27 (a) Minimal negative impact on low-income and moderate-income
28 drivers;

29 (b) That the program complements and supports the planning goals
30 of RCW 36.70A.020; and

31 (c) That the program supports a goal of providing clean mobility
32 for low-income and moderate-income individuals.

33 (2) By September 30, 2026, and every two years thereafter, the
34 department must submit a brief report to the appropriate committees
35 of the legislature that addresses:

36 (a) The greenhouse gas emission and vehicle miles traveled
37 reductions achieved under plans implemented consistent with this
38 chapter; and

1 (b) The efficacy and sufficiency of financial incentives created
2 by the legislature to encourage and facilitate the replacement of
3 high-utilization commercial transportation services provider vehicles
4 with zero emission vehicles.

5 (3) A commercial transportation services provider that submits
6 information or records to the department under this chapter may
7 request that the information or records be made available only for
8 the confidential use of the department, the director, the appropriate
9 division of the department, or other city, county, or state agencies
10 under data-sharing agreements approved by the department that provide
11 the same protections as would be afforded to the information or
12 records if the information or records remained solely in the
13 possession of the department. The director shall give consideration
14 to the request and if this action is not detrimental to the public
15 interest and is otherwise in accord with the policies and purposes of
16 chapter 43.21A RCW, the director must grant the request for the
17 information to remain confidential as authorized in RCW 43.21A.160.

18 (4) The department may not make public information that would
19 constitute an invasion of privacy consistent with the standard
20 established in RCW 42.56.050 including, at minimum, information that
21 would allow identification of individuals receiving services from
22 commercial transportation services providers.

23 **Sec. 6.** RCW 70.94.015 and 2019 c 284 s 6 are each amended to
24 read as follows:

25 (1) The air pollution control account is established in the state
26 treasury. All receipts collected by or on behalf of the department
27 from RCW 70.94.151(2), and receipts from nonpermit program sources
28 under RCW 70.94.152(1) and 70.94.154(7), and all receipts from RCW
29 70.94.6528 (~~and~~), 70.94.6534, and section 4 of this act shall be
30 deposited into the account. Moneys in the account may be spent only
31 after appropriation. Expenditures from the account may be used only
32 to develop and implement the provisions of this chapter, chapter(~~s~~
33 ~~70.94 and~~) 70.120 RCW, and RCW 70.235.080.

34 (2) The amounts collected and allocated in accordance with this
35 section shall be expended upon appropriation except as otherwise
36 provided in this section and in accordance with the following
37 limitations:

1 Portions of moneys received by the department of ecology from the
2 air pollution control account shall be distributed by the department
3 to local authorities based on:

4 (a) The level and extent of air quality problems within such
5 authority's jurisdiction;

6 (b) The costs associated with implementing air pollution
7 regulatory programs by such authority; and

8 (c) The amount of funding available to such authority from other
9 sources, whether state, federal, or local, that could be used to
10 implement such programs.

11 (3) The air operating permit account is created in the custody of
12 the state treasurer. All receipts collected by or on behalf of the
13 department from permit program sources under RCW 70.94.152(1),
14 70.94.161, 70.94.162, and 70.94.154(7) shall be deposited into the
15 account. Expenditures from the account may be used only for the
16 activities described in RCW 70.94.152(1), 70.94.161, 70.94.162, and
17 70.94.154(7). Moneys in the account may be spent only after
18 appropriation.

19 NEW SECTION. **Sec. 7.** By December 1, 2021, the department of
20 ecology must submit a report to the appropriate committees of the
21 house of representatives and the senate consistent with RCW 43.01.036
22 that assesses how to reduce greenhouse gas emissions from entities
23 that deliver food and other consumer goods. The department of ecology
24 must seek input from entities that deliver food and other consumer
25 goods in preparing the report required under this section.

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