

SENATE BILL REPORT

SHB 1510

As of March 16, 2021

Title: An act relating to establishing an exemption from certain highway use requirements by nonemergency medical transportation vehicles.

Brief Description: Establishing an exemption from certain highway use requirements by nonemergency medical transportation vehicles.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Hackney, Fey, Sutherland, Eslick and Riccelli).

Brief History: Passed House: 2/26/21, 95-0.

Committee Activity: Transportation: 3/16/21.

Brief Summary of Bill

- Authorizes the Washington State Department of Transportation and local governments to allow for-hire nonemergency medical transportation vehicles into their high occupancy vehicle lanes when the vehicles are in use for medical purposes and display a Department of Licensing-issued decal.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Erica Bramlet (786-7321)

Background: State High Occupancy Vehicle Lane Policy. Current law allows the Washington State Department of Transportation (WSDOT) and local authorities to reserve portions of the highway under their jurisdiction as high occupancy vehicle (HOV) lanes for the following users:

- public transportation vehicles;
- motorcycles;
- private motor vehicles carrying a specified minimum number of passengers; and

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- certain private transportation provider vehicles with the capacity to carry eight or more passengers if such use does not interfere with the efficiency, reliability, and safety of public transportation operations.

WSDOT's administrative code currently allows all the possible exemptions into the lanes, with private transportation provider vehicles' capacity set at 16 passengers instead of 8. They also allow officially marked and on-duty law enforcement and fire department vehicles into the HOV lanes.

The 2020 supplemental transportation budget established an HOV lane access pilot program that provides additional access to HOV lanes by:

- certain private transportation provider vehicles with the capacity to carry eight or more passengers;
- vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment;
- organ transport vehicles transporting a time-urgent organ for an organ procurement organization; and
- private, for-hire vehicles that have been specially manufactured, designed, or modified for transportation of a person who has a mobility disability and uses a wheelchair or other assistive device.

Federal High Occupancy Vehicle Lane Policy. Federal HOV guidelines apply to federal-aid highways and while not a mandate, the Federal Highway Administration can tie federal funding decisions to compliance with federal guidelines. Federal occupancy and use exemption guidelines for HOV lanes include:

- public transportation vehicles;
- motorcycles and bicycles;
- over-the-road buses serving the public;
- high-occupancy toll vehicles; and
- low emission and energy-efficient vehicles.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Striking Amendment): A for-hire nonemergency medical transportation (NEMT) vehicle is defined as a vehicle that is for-hire, to provide non-emergency medical transportation, including for life-sustaining transportation purposes, to meet the medical transportation needs of individuals traveling to medical practices and clinics, cancer centers, dialysis facilities, hospitals, and other care providers.

WSDOT and local governments are given authority to allow for-hire NEMT vehicles into their HOV lanes when in use for medical purposes regardless of whether they are carrying the specified number of passengers.

The Department of Licensing (DOL) and WSDOT are directed to create an application for a

\$5 HOV-exempt decal, including:

- name and address of the vehicle owner;
- vehicle description;
- the main purpose for which the vehicle is used;
- an attestation that the vehicle owner has at least one contract to provide for-hire transportation services for medical purposes; and
- other information as required.

DOL is given rulemaking authority to implement the provisions in consultation with WSDOT.

The owner of a for-hire NEMT vehicle may apply to DOL or other agent appointed by DOL for the decal, which must be displayed on the rear of the NEMT vehicle. The decals are not renewable, and may be used until the vehicle is no longer used as a for-hire NEMT.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on September 1, 2021.

Staff Summary of Public Testimony on Proposed Striking Amendment: PRO: This is a simple bill that helps solve the problem of NEMT vehicles being late to pick up passengers due to traffic, which results in making patients wait and potentially delay or miss their appointments. When patients have to wait it can mean more people taking up hospital beds or congregating in waiting rooms. This bill would allow NEMT vehicles to aid more clients. This vulnerable community deserves the convenience of using the HOV lanes, and should not be left behind.

OTHER: This bill is related to a former bill to allow wheelchair-accessible taxicabs into the HOV lanes that got pushback from WSDOT due to HOV lane congestion and ended up as a pilot program in a budget proviso. People relying on these vehicles are going to cancer treatments, dialysis, or other medical appointments.

Persons Testifying: PRO: Representative David Hackney, Prime Sponsor; Angie Coulter, Community Transportation Association of the Northwest; Susan Carter, Hopelink.

OTHER: Cindi Laws, Wheelchair Accessible Taxi Association of Washington.

Persons Signed In To Testify But Not Testifying: No one.