
SUBSTITUTE SENATE BILL 5836

State of Washington

62nd Legislature

2011 Regular Session

By Senate Transportation (originally sponsored by Senators King, Haugen, Hobbs, Delvin, and Shin)

READ FIRST TIME 02/25/11.

1 AN ACT Relating to allowing certain private transportation
2 providers to use certain public transportation facilities; amending RCW
3 46.61.100, 46.61.165, and 47.52.025; and creating a new section.

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

5 **Sec. 1.** RCW 46.61.100 and 2007 c 83 s 2 are each amended to read
6 as follows:

7 (1) Upon all roadways of sufficient width a vehicle shall be driven
8 upon the right half of the roadway, except as follows:

9 (a) When overtaking and passing another vehicle proceeding in the
10 same direction under the rules governing such movement;

11 (b) When an obstruction exists making it necessary to drive to the
12 left of the center of the highway; provided, any person so doing shall
13 yield the right-of-way to all vehicles traveling in the proper
14 direction upon the unobstructed portion of the highway within such
15 distance as to constitute an immediate hazard;

16 (c) Upon a roadway divided into three marked lanes and providing
17 for two-way movement traffic under the rules applicable thereon;

18 (d) Upon a street or highway restricted to one-way traffic; or

1 (e) Upon a highway having three lanes or less, when approaching a
2 stationary authorized emergency vehicle, tow truck or other vehicle
3 providing roadside assistance while operating warning lights with three
4 hundred sixty degree visibility, or police vehicle as described under
5 RCW 46.61.212(~~(+2)~~) (1)(d)(ii).

6 (2) Upon all roadways having two or more lanes for traffic moving
7 in the same direction, all vehicles shall be driven in the right-hand
8 lane then available for traffic, except (a) when overtaking and passing
9 another vehicle proceeding in the same direction, (b) when traveling at
10 a speed greater than the traffic flow, (c) when moving left to allow
11 traffic to merge, or (d) when preparing for a left turn at an
12 intersection, exit, or into a private road or driveway when such left
13 turn is legally permitted. On any such roadway, a vehicle or
14 combination over ten thousand pounds shall be driven only in the right-
15 hand lane except under the conditions enumerated in (a) through (d) of
16 this subsection.

17 (3) No vehicle towing a trailer or no vehicle or combination over
18 ten thousand pounds may be driven in the left-hand lane of a limited
19 access roadway having three or more lanes for traffic moving in one
20 direction except when preparing for a left turn at an intersection,
21 exit, or into a private road or driveway when a left turn is legally
22 permitted. This subsection does not apply to a vehicle using a high
23 occupancy vehicle lane. A high occupancy vehicle lane is not
24 considered the left-hand lane of a roadway. This subsection does not
25 apply to: Public transportation vehicles; auto transportation company
26 vehicles regulated under chapter 81.68 RCW; passenger charter carrier
27 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
28 stretch limousines and stretch sport utility vehicles as defined under
29 department rules; private nonprofit transportation provider vehicles
30 regulated under chapter 81.66 RCW; and private employer transportation
31 service vehicles. The department of transportation, in consultation
32 with the Washington state patrol, shall adopt rules specifying (a)
33 those circumstances where it is permissible for other vehicles to use
34 the left lane in case of emergency or to facilitate the orderly flow of
35 traffic, and (b) those segments of limited access roadway to be exempt
36 from this subsection due to the operational characteristics of the
37 roadway.

1 (4) It is a traffic infraction to drive continuously in the left
2 lane of a multilane roadway when it impedes the flow of other traffic.

3 (5) Upon any roadway having four or more lanes for moving traffic
4 and providing for two-way movement of traffic, a vehicle shall not be
5 driven to the left of the center line of the roadway except when
6 authorized by official traffic control devices designating certain
7 lanes to the left side of the center of the roadway for use by traffic
8 not otherwise permitted to use such lanes, or except as permitted under
9 subsection (1)(b) of this section. However, this subsection shall not
10 be construed as prohibiting the crossing of the center line in making
11 a left turn into or from an alley, private road or driveway.

12 (6) For the purposes of this section, "private employer
13 transportation service" means regularly scheduled, fixed-route
14 transportation service that is offered by an employer for the benefit
15 of its employees.

16 **Sec. 2.** RCW 46.61.165 and 1999 c 206 s 1 are each amended to read
17 as follows:

18 (1) The state department of transportation and the local
19 authorities are authorized to reserve all or any portion of any highway
20 under their respective jurisdictions, including any designated lane or
21 ramp, for the exclusive or preferential use of public transportation
22 vehicles, private transportation provider vehicles as described in
23 subsections (2) and (3) of this section, or private motor vehicles
24 carrying no fewer than a specified number of passengers, when such
25 limitation will increase the efficient utilization of the highway or
26 will aid in the conservation of energy resources.

27 (2) When the reserved portion of a highway is based on the number
28 of passengers in a vehicle, the following vehicles must be authorized
29 to use the reserved portion of the highway if the vehicle has the
30 capacity to carry eight or more passengers, regardless of the number of
31 passengers in the vehicle: (a) Auto transportation company vehicles
32 regulated under chapter 81.68 RCW; (b) passenger charter carrier
33 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
34 stretch limousines and stretch sport utility vehicles as defined under
35 department rules; (c) private nonprofit transportation provider
36 vehicles regulated under chapter 81.66 RCW; and (d) private employer
37 transportation service vehicles.

1 (3) If a portion of a highway is reserved for the exclusive or
2 preferential use of public transportation vehicles, the following
3 vehicles must also be authorized to use the reserved portion of the
4 highway, provided that such use does not interfere with the efficiency,
5 reliability, and safety of public transportation operations: (a) Auto
6 transportation company vehicles regulated under chapter 81.68 RCW; (b)
7 passenger charter carrier vehicles regulated under chapter 81.70 RCW,
8 except marked or unmarked stretch limousines and stretch sport utility
9 vehicles as defined under department rules; (c) private nonprofit
10 transportation provider vehicles regulated under chapter 81.66 RCW; and
11 (d) private employer transportation service vehicles. However, when
12 the reserved portion of the highway is a lane or lanes in a ferry
13 terminal queuing or holding area, the state or local highway authority
14 may consult with private transportation providers, as described under
15 this subsection, and public transportation providers to negotiate
16 otherwise.

17 (4) Regulations authorizing such exclusive or preferential use of
18 a highway facility under this section may be declared to be effective
19 at all times or at specified times of day or on specified days.

20 (5) Violation of a restriction of highway usage prescribed by the
21 appropriate authority under this section is a traffic infraction.

22 (6) For the purposes of this section, "private employer
23 transportation service" means regularly scheduled, fixed-route
24 transportation service that is offered by an employer for the benefit
25 of its employees.

26 **Sec. 3.** RCW 47.52.025 and 1974 ex.s. c 133 s 1 are each amended to
27 read as follows:

28 (1) Highway authorities of the state, counties, and incorporated
29 cities and towns, in addition to the specific powers granted in this
30 chapter, shall also have, and may exercise, relative to limited access
31 facilities, any and all additional authority, now or hereafter vested
32 in them relative to highways or streets within their respective
33 jurisdictions, and may regulate, restrict, or prohibit the use of such
34 limited access facilities by various classes of vehicles or traffic.
35 Such highway authorities may reserve any limited access facility or
36 portions thereof, including designated lanes or ramps for the exclusive
37 or preferential use of public transportation vehicles, private

1 transportation provider vehicles as described in subsections (2) and
2 (3) of this section, privately owned buses, or private motor vehicles
3 carrying not less than a specified number of passengers when such
4 limitation will increase the efficient utilization of the highway
5 facility or will aid in the conservation of energy resources.
6 Regulations authorizing such exclusive or preferential use of a highway
7 facility may under this section be declared to be effective at all time
8 or at specified times of day or on specified days.

9 (2) When the reserved portion of a highway is based on the number
10 of passengers in a vehicle, the following vehicles must be authorized
11 to use the reserved portion of the highway if the vehicle has the
12 capacity to carry eight or more passengers, regardless of the number of
13 passengers in the vehicle: (a) Auto transportation company vehicles
14 regulated under chapter 81.68 RCW; (b) passenger charter carrier
15 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
16 stretch limousines and stretch sport utility vehicles as defined under
17 department of licensing rules; (c) private nonprofit transportation
18 provider vehicles regulated under chapter 81.66 RCW; and (d) private
19 employer transportation service vehicles.

20 (3) If a portion of a highway is reserved for the exclusive or
21 preferential use of public transportation vehicles, the following
22 vehicles must also be authorized to use the reserved portion of the
23 highway, provided that such use does not interfere with the efficiency,
24 reliability, and safety of public transportation operations: (a) Auto
25 transportation company vehicles regulated under chapter 81.68 RCW; (b)
26 passenger charter carrier vehicles regulated under chapter 81.70 RCW,
27 except marked or unmarked stretch limousines and stretch sport utility
28 vehicles as defined under department of licensing rules; (c) private
29 nonprofit transportation provider vehicles regulated under chapter
30 81.66 RCW; and (d) private employer transportation service vehicles.
31 However, when the reserved portion of the highway is a lane or lanes in
32 a ferry terminal queuing or holding area, the state or local highway
33 authority may consult with private transportation providers, as
34 described under this subsection, and public transportation providers to
35 negotiate otherwise.

36 (4) For the purposes of this section, "private employer
37 transportation service" means regularly scheduled, fixed-route

1 transportation service that is offered by an employer for the benefit
2 of its employees.

3 NEW SECTION. **Sec. 4.** If any part of this act is found to be in
4 conflict with federal requirements that are a prescribed condition to
5 the allocation of federal funds to the state or local jurisdiction, the
6 conflicting part of this act is inoperative solely to the extent of the
7 conflict and with respect to the agencies directly affected, and this
8 finding does not affect the operation of the remainder of this act in
9 its application to the agencies concerned. Rules adopted under this
10 act must meet federal requirements that are a necessary condition to
11 the receipt of federal funds by the state.

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