
SUBSTITUTE SENATE BILL 5896

State of Washington

66th Legislature

2019 Regular Session

By Senate Transportation (originally sponsored by Senators Palumbo, Zeiger, Wilson, C., and Hobbs)

1 AN ACT Relating to shared employer shuttles; and amending RCW
2 35.58.250 and 47.04.290.

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

4 **Sec. 1.** RCW 35.58.250 and 1965 c 7 s 35.58.250 are each amended
5 to read as follows:

6 (1) Except in accordance with an agreement made as provided
7 herein, upon the effective date on which the metropolitan municipal
8 corporation commences to perform the metropolitan transportation
9 function, no person or private corporation shall operate a local
10 public passenger transportation service within the metropolitan area
11 with the exception of:

12 (a) Taxis((~~r~~));

13 (b) Buses owned or operated by a school district or private
14 school((~~r~~));

15 (c) Buses, vans, or other employer transportation service
16 vehicles owned or operated by any corporation or organization for use
17 as a shared employee shuttle; and

18 (d) Buses, vans, or other employer transportation service
19 vehicles owned or operated by any corporation or organization solely
20 for the purposes of the corporation or organization and for the use
21 of which no fee or fare is charged.

1 (2) An agreement may be entered into between the metropolitan
2 municipal corporation and any person or corporation legally operating
3 a local public passenger transportation service wholly within or
4 partly within and partly without the metropolitan area and on said
5 effective date under which such person or corporation may continue to
6 operate such service or any part thereof for such time and upon such
7 terms and conditions as provided in such agreement. Where any such
8 local public passenger transportation service will be required to
9 cease to operate within the metropolitan area, the commission may
10 agree with the owner of such service to purchase the assets used in
11 providing such service, or if no agreement can be reached, the
12 commission shall condemn such assets in the manner provided herein
13 for the condemnation of other properties.

14 (3) Wherever a privately owned public carrier operates wholly or
15 partly within a metropolitan municipal corporation, the Washington
16 utilities and transportation commission shall continue to exercise
17 jurisdiction over such operation as provided by law.

18 **Sec. 2.** RCW 47.04.290 and 2011 c 379 s 2 are each amended to
19 read as follows:

20 (1) Any local transit agency that has received state funding for
21 a park and ride lot shall make reasonable accommodation for use of
22 that lot by: Auto transportation companies regulated under chapter
23 81.68 RCW; passenger charter carriers regulated under chapter 81.70
24 RCW, except marked or unmarked stretch limousines and stretch sport
25 utility vehicles as defined under department of licensing rules;
26 private, nonprofit transportation providers regulated under chapter
27 81.66 RCW; and private employer transportation service vehicles,
28 provided that such use does not interfere with the efficiency,
29 reliability, and safety of public transportation operations. The
30 accommodation must be in the form of an agreement between the
31 applicable local transit agency and the private transportation
32 provider. The transit agency may require that the agreement include
33 provisions to recover actual costs and fair market value for the use
34 of the lot and its related facilities and to provide adequate
35 insurance and indemnification of the transit agency, and other
36 reasonable provisions to ensure that the private transportation
37 provider's use does not unduly burden the transit agency. The transit
38 agency may consider benefits to its public transportation system when
39 establishing an amount to charge for the use of the park and ride lot

1 and its related facilities. If the agreement includes provisions to
2 recover actual costs, the private transportation provider is
3 responsible to remit the full actual costs of park and ride lot use
4 to the appropriate transit agency. Except as provided in this
5 section, no accommodation is required, and any agreement may be
6 terminated, if the park and ride lot is at or exceeds ninety percent
7 capacity between the hours of 6:00 a.m. and 4:00 p.m., Monday through
8 Friday for two consecutive months. Private employer transportation
9 service vehicles must be allowed to use a park and ride lot,
10 regardless of the capacity of the lot, if the vehicles are serving
11 riders who are or will be using a public transit system to arrive or
12 depart the park and ride. ((Additionally,)) Any agreement may be
13 terminated if the private transportation provider violates any
14 policies guiding the terms of use of the park and ride lot. The
15 transit agency may reserve the authority to designate which pick-up
16 and drop-off zones of the park and ride lot may be used by the
17 private transportation provider.

18 (2) A local transit agency described under subsection (1) of this
19 section may enter into a cooperative agreement with a taxicab company
20 regulated under chapter 81.72 RCW in order to accommodate the taxicab
21 company at the agency's park and ride lot, provided the taxicab
22 company must agree to provide service with reasonable availability,
23 subject to schedule coordination provisions as agreed to by the
24 parties.

25 (3) For the purposes of this section, "private employer
26 transportation service" means regularly scheduled, fixed-route
27 transportation service that is similarly marked or identified to
28 display the business name or logo on the driver and passenger sides
29 of the vehicle, meets the annual certification requirements of the
30 department, and is offered by an employer for the benefit of its
31 employees.

32 (4) For the purposes of this section, "private transportation
33 provider" means:

34 (a) A company regulated under chapter 81.68 RCW; chapter 81.70
35 RCW, except marked or unmarked stretch limousines and stretch sport
36 utility vehicles as defined under department of licensing rules; and
37 chapter 81.66 RCW; and

38 (b) An entity providing private employer transportation service.

39 (5)(a) Local authorities are encouraged to establish a process
40 for private transportation providers, described under subsections (1)

1 and (4) of this section, to apply for the use of park and ride
2 facilities.

3 (b) The process must provide a list of facilities that the local
4 authority determines to be unavailable for use by the private
5 transportation provider and must provide the criteria used to reach
6 that determination.

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

9 (6) The department must convene a stakeholder process that
10 includes interested public and private transportation providers,
11 which must develop standard permit forms, clear explanations of
12 permit rate calculations, and standard indemnification provisions
13 that may be used by all local authorities.

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