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INITIATIVE 383

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 383 to the Legislature is a true and correct copy as it was received by this office.

AN ACT Relating to transportation; amending RCW 46.61.165; creating new sections; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

POLICIES AND PURPOSES

NEW SECTION. **Sec. 1.** During these tough economic times, the voters deserve a common sense proposal to increase traffic flow by improving Washington's transportation system with better use of existing public resources.

This measure would open carpool lanes to all traffic during non-rush hours meaning midday and evenings on weekdays and all day and all night on weekends and legal holidays.

We all pay taxes for our carpool lanes, so everyone should be allowed to use them at least some of the time. This measure strikes a reasonable balance by allowing our carpool lanes to be open to everyone during non-rush hours meaning midday and evenings on weekdays and all day and all night on weekends and legal holidays. Existing road capacity must be utilized to maximize its effectiveness. How can we increase road capacity and increase

traffic flow to our most congested roadways without spending billions of dollars? By opening our carpool lanes to everyone during off-peak hours. This will quickly, significantly, and cost-effectively increase traffic flow and relieve traffic congestion on our most congested roadways and illustrate that increased road capacity results in decreased traffic congestion.

Year after year, Washington voters have repeatedly rejected the business-as-usual, the-only-solution-is-a-tax-increase mentality. During these tough economic times, the people deserve a common sense proposal to decrease traffic congestion by improving Washington's transportation system with better use of existing public resources.

Decreased traffic congestion ensures a growing, thriving economy which is essential in generating the tax revenue necessary to fund government services.

**INCREASES TRAFFIC FLOW BY OPENING CARPOOL LANES TO EVERYONE
DURING NON-RUSH HOURS**

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

The state department of transportation and the local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions as carpool lanes, including any designated lane or ramp, for the exclusive or preferential use of public transportation vehicles or private motor vehicles carrying no fewer than a specified number of passengers when ~~((such))~~ the limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources. Regulations authorizing ~~((such))~~ exclusive or preferential use of a highway facility ~~((may be declared to be))~~ are effective ~~((at all times or at specified times of day or on specified days))~~ only at the specified times ~~((or))~~ and on the specified days designated in this section. In order to decrease traffic congestion, existing road capacity must be utilized to maximize its effectiveness. Therefore, as of the effective date of this act, all carpool lanes shall be opened during non-rush hours for use by all vehicles otherwise lawfully abiding by the rules of the road of this state. This policy shall be in effect for current, new, and expanded carpool lanes.

For the purposes of this section:

(1) "Carpool lanes" are high-occupancy vehicle lanes, which includes express lanes, off-ramp bypass lanes, and on-ramp bypass lanes, on any highway or roadway in the state.

(2) "Non-rush hours" mean midday and evenings on weekdays and all day and all night on weekends and legal holidays.

(a) "Midday on weekdays" is between the hours of 9:00 a.m. and 3:00 p.m. on Monday through Friday;

(b) "Evenings on weekdays" are between the hours of 6:00 p.m. and 6:00 a.m. on Monday through Thursday;

(c) "All day and all night on weekends" is between the hours of 6:00 p.m. on Friday and 6:00 a.m. on Monday; and

(d) "Legal holidays" are those days described under RCW 1.16.050.

This section does not restrict the operation of RCW 46.44.080, 46.61.100, or 46.61.135, thus continuing restricted truck usage of city streets. Violation of a restriction of highway usage prescribed by the appropriate authority under this section is a traffic infraction.

MISCELLANEOUS

NEW SECTION. Sec. 3. The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. Sec. 4. Subheadings in this act are not any part of the law.

NEW SECTION. Sec. 5. If any provision of this act of its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. This act shall be known and cited as the Open Carpool Lanes During Non-Rush Hours Act.

NEW SECTION. Sec. 7. This act takes effect December 10, 2008.

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