

SENATE BILL REPORT

SB 6752

As Reported By Senate Committee On:
Transportation, February 10, 1998

Title: An act relating to the certification exemption for municipal transit services.

Brief Description: Providing for an additional certification exemption for municipal transportation services.

Sponsors: Senator Haugen.

Brief History:

Committee Activity: Transportation: 2/9/98, 2/10/98 [DPS, DNP].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6752 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prince, Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Oke, Patterson, Prentice, Rasmussen and Sellar.

Minority Report: Do not pass.

Signed by Senator Benton.

Staff: Gene Baxstrom (786-7303)

Background: It is unlawful for anyone to operate as a common carrier any motor vehicle for the transportation of persons, between fixed termini or over a regular route for compensation, without having a certificate of public convenience and necessity issued by the Utilities and Transportation Commission. A private for-hire carrier (bus or airporter) must receive operating authority from the Utilities and Transportation Commission (UTC) prior to commencing service. Once approved, the carrier provides service on a fixed route/regular schedule under a certificate of public convenience and necessity (PC&N) issued by the UTC. State law grants exemptions to this requirement, declaring that services provided by taxicabs, hotel buses, school buses, vanpools and the haulers of agricultural products do not require certificates.

When public transportation agencies add service within an area, state law requires that those public agencies buy out carriers holding certificates for operating along routes where the transit agency will provide service. As an alternative, the public agency, through agreement, may allow those carriers to continue providing the service along those routes, but the public agency cannot compete with the private carrier along the same route.

Summary of Substitute Bill: The requirement that a public transportation agency must purchase or condemn the services of a private bus or airporter operating in an area also served by the transit authority is removed if the transit service: (1) provides point to point

service along a wholly or partially different route; (2) has at least one terminus on the route different from the private provider; (3) makes intermittent stops along the route; and (4) provides connecting service between two transit systems. A transit agency providing service meeting the above criteria is (1) not considered to be in competition with a for-hire bus or airporter providing service in the same area, and (2) not governed by the requirements for a certificate of public convenience and necessity.

Substitute Bill Compared to Original Bill: More specific criteria for the type of transit service being exempted is added and the exemption is added to the applicable public transit related statutes rather than simply providing an exemption for such services under Utilities and Transportation Commission statutes.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This will permit transit agencies to provide service across jurisdictional boundaries along different routes from certified carriers and not be faced with a requirement for buying out or condemning those private operators now providing different services in the same geographic area.

Testimony Against: None.

Testified: Senator Haugen, prime sponsor; Gordon Kirkemo, WSDOT (pro); Martha Rose, Island Transit (pro); Dan Snow, Washington State Transit Association (pro); Jackie White, Community Transit (pro).