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HOUSE BILL 1266

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Fisher, Hankins, Ericksen and Cooper; by request of Utilities & Transportation Commission

Read first time 01/20/1999. Referred to Committee on Transportation.

1 AN ACT Relating to railroad company regulatory fees that apply to  
2 the intrastate portion of interstate revenue; amending RCW 81.24.010  
3 and 81.24.050; and adding a new section to chapter 81.24 RCW.

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

5 **Sec. 1.** RCW 81.24.010 and 1996 c 196 s 1 are each amended to read  
6 as follows:

7 (1) Every company subject to regulation by the commission, except  
8 auto transportation companies, steamboat companies, wharfingers or  
9 warehousemen, motor freight carriers, railroad companies, and storage  
10 warehousemen shall, on or before the date specified by the commission  
11 for filing annual reports under RCW 81.04.080, file with the commission  
12 a statement ((~~on oath~~)) showing its gross operating revenue from  
13 intrastate operations for the preceding calendar year, or portion  
14 thereof, and pay to the commission a fee equal to one-tenth of one  
15 percent of the first fifty thousand dollars of gross operating revenue,  
16 plus two-tenths of one percent of any gross operating revenue in excess  
17 of fifty thousand dollars(~~(, except railroad companies which shall each~~  
18 ~~pay to the commission a fee equal to one and one-half percent of its~~  
19 ~~intrastate gross operating revenue)~~). However, the fee shall in no

1 case be less than one dollar. (~~(Any railroad association that~~  
2 ~~qualifies as a not-for-profit charitable organization under the federal~~  
3 ~~internal revenue code section 501(c)(3) is exempt from the fee required~~  
4 ~~under this subsection.))~~)

5 (2) The percentage rates of gross operating revenue to be paid in  
6 any one year may be decreased by the commission for any class of  
7 companies subject to the payment of such fees, by general order entered  
8 before March 1st of such year, and for such purpose such companies  
9 shall be classified as follows: (~~(Railroad,~~) Express, sleeping car,  
10 and toll bridge companies shall constitute class two. Every other  
11 company subject to regulation by the commission, for which regulatory  
12 fees are not otherwise fixed by law shall pay fees as herein provided  
13 and shall constitute additional classes according to kinds of  
14 businesses engaged in.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 81.24 RCW  
16 to read as follows:

17 (1) Each year every railroad company shall file a statement with  
18 the commission showing its gross operating revenues derived within this  
19 state for the previous calendar year. "Gross operating revenues"  
20 includes all revenues collected from intrastate operations, and all  
21 revenues collected from interstate transportation of freight and  
22 passengers apportioned on a mileage basis for the portion of the  
23 transportation performed in the state of Washington. Each railroad  
24 shall pay to the commission a fee equal to 0.2 percent of the reported  
25 gross operating revenue. The statement and the fee must be submitted  
26 and paid no later than May 1st of each year.

27 (2) The percentage rate of gross operating revenue to be paid in  
28 any one year may be decreased by the commission by order entered before  
29 March 1st of such year.

30 (3) Any railroad association that qualifies as a not-for-profit  
31 charitable organization under the federal internal revenue code section  
32 501(c)(3) is exempt from the fee required under subsection (1) of this  
33 section.

34 **Sec. 3.** RCW 81.24.050 and 1983 c 3 s 206 are each amended to read  
35 as follows:

36 In fixing the percentage rates of gross operating revenue to be  
37 paid by companies under RCW 81.24.010, 81.24.020, (~~(and)~~) 81.24.030,

1 and section 2 of this act, the commission shall consider all moneys  
2 then in the public service revolving fund and the fees currently to be  
3 paid into such fund, to the end that the fees collected from the  
4 companies, or classes of companies, covered by each respective section  
5 shall be approximately the same as the reasonable cost of supervising  
6 and regulating such companies, or classes of companies, respectively.

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