

SENATE BILL REPORT

EHB 1388

As of April 3, 2003

Title: An act relating to incentives to increase transportation revenues by reforming laws limiting the provision of passenger-only ferry service.

Brief Description: Providing incentives to increase transportation revenues by reforming laws limiting the provision of passenger-only ferry service.

Sponsors: Representatives Woods, Ericksen, Ahern, Schindler, Jarrett, Bush, Shabro, Anderson, Bailey, Talcott, Clements, Chandler, Mielke, Boldt, Newhouse, Schoesler, Nixon, Pearson, Pflug and McMahan.

Brief History:

Committee Activity: Highways & Transportation: 4/3/03.

SENATE COMMITTEE ON HIGHWAYS & TRANSPORTATION

Staff: Tami Neilson (786-7452)

Background: Commercial ferries may not operate between fixed termini or over regular routes on the waters of Washington State without applying for and obtaining a certificate of public convenience and necessity from the Washington Utilities and Transportation Commission (WUTC). If a commercial ferry operator obtains a certificate, it must initiate service within five years. Certificates may be extended for up to three years.

Non-state ferries are also prohibited from crossing the Puget Sound or any of its tributary or connecting waters within ten miles of a route served by the Washington State Ferry System (WSF). However, WUTC may, upon written petition of a commercial ferry operator, grant a waiver from this ten mile restriction.

Additionally, if any party assumes the operation and maintenance of any ferry or ferry system by rent, lease, or charter from the Washington State Department of Transportation (WSDOT), it is bound by WSDOT's contractual obligations, including existing labor contracts.

Summary of Bill: Operators of passenger-only ferry service do not need to apply for the ten mile waiver to provide service. WSDOT must make its terminal, dock, and pier space available to operators of passenger-only ferries if such use does not limit the operation of WSF auto ferries. WSDOT must charge fair market value for equipment and space, taking into account public benefit from the passenger-only ferry service. When using WSDOT's terminal, dock, and pier space, private operators are not bound by WSF contractual obligations.

In granting a certificate of public convenience and necessity to private ferry operators, WUTC must consider and give substantial weight to the effect of its decision on public agencies operating or eligible to operate passenger-only ferry services. In addition, WUTC

is prohibited, until March 1, 2005, from granting new certificates to private ferry operators where PTBAs or county ferry districts are authorized to operate passenger-only ferry service. Affected PTBAs may waive that prohibition. The UTC may revoke a certificate if the private operator has not initiated service within 20 months after being granted the certificate. Certificates may not be extended.

Appropriation: None.

Fiscal Note: Available.

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