

SENATE BILL REPORT

SSB 6109

As of Second Reading

Title: An act relating to ferries.

Brief Description: Concerning ferries.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Haugen, Rockefeller, Kilmer, Sheldon, King and Swecker).

Brief History:

Committee Activity: Transportation: 3/19/09, 4/01/09 [DPS].

SENATE COMMITTEE ON TRANSPORTATION

Staff: Janice Baumgardt (786-7319)

Background: Beginning in 2006 the Joint Transportation Committee (JTC) has conducted a study of the Washington State Ferries (WSF). Since then many of the recommendations resulting from the study have been implemented through statutes or transportation budgets.

Capital funding requests must adhere to a long range strategic plan that chooses the most efficient balance between capital and operating investments. Pre-design studies are required for terminal projects.

State highways may be constructed, altered, repaired, or improved by state work forces or by contractors. The work may be done by state work forces when estimated costs are less than \$60,000.

The Marine Employees Commission (MEC) is the agency that processes grievances for the WSF unions and provides arbitration services.

Washington State has waived its sovereign immunity from lawsuits. For injuries received in employment the remedy is between the employer and employee through industrial insurance; this is commonly known as workmen's compensation. There are some exceptions to this and one such exception is maritime employees. WSF employees on vessels are maritime employees covered under general Maritime law and the federal Jones Act. Injured WSF employees on vessels must sue their employer and cannot go through workmen's compensation for medical reimbursement, lost wages, and pain and suffering.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Substitute Bill: The Legislature intends this bill, as well as the 2009 transportation budget to implement recommendations from the JTC ferry study and other changes, to make WSF more efficient.

Funding requests for vessel preservation, acquisition, and improvement projects are subject to the same requirements as terminal projects, as well as some additional pre-design study requirements aimed at ensuring that alternatives are explored and the most cost effective alternative is selected.

The dollar threshold for state work forces working on ferry vessels or terminals is increased to \$120,000 when collective bargaining agreement terms change in a way that will allow for a reduced out-of-service time of vessels.

The Office of Financial Management (OFM) must complete the salary survey, rather than the MEC.

The Transportation Commission must ensure ferry fare changes cover the forecasted cost of fuel. Fare changes must also cover the cost of other operating costs less available subsidies. Before increasing the ferry fare component of fares, the Transportation Commission must ensure that WSF has considered operational changes that will reduce fuel consumption. Before raising ferry fares, the Transportation Commission must give first consideration to raising fare revenues through increased ridership.

WSF is directed to develop performance measures and report its recommendations to OFM and the Legislature in 2010.

WSF is exempt from the requirement to use a minimum amount of biodiesel for its ferry vessels.

Appropriation: None.

Fiscal Note: Requested on March 19, 2009.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Proposed Substitute As Heard in Committee:
PRO: The specificities in the bill are appreciated. Planning for vessels is a good thing.

OTHER: We still need to review the bill. The MEC should continue doing the salary survey. The San Juans need a larger vessel.

Persons Testifying: PRO: Bob Distler, Washington State Transportation Commission.

OTHER: David Moseley, Washington State Ferries; Gordon Baxter, Inland Boatmen's Union (IBU), The International Organization of Masters, Mates & Pilots (MM&P), Marine Engineers' Beneficial Association (MEBA), PSMTC, Office and Professional Employees

International Union; Tim Saffle, MM&P; Robert Scott, Puget Sound Metal Trades; Jay Ubelhart, IBU; Karol Kingery, MEBA; Bob Scott, PSMTTC; Ed Sutton, San Juan Ferry Advisory Committee; Lovel Pratt, San Juan County Council.