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SENATE BILL 5392

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State of Washington                      65th Legislature                      2017 Regular Session

By Senators Rolfes, Sheldon, Ranker, and Bailey

Read first time 01/23/17. Referred to Committee on Transportation.

1            AN ACT Relating to ferry advisory committees; amending RCW  
2 47.60.286, 47.60.290, 47.60.300, 47.60.310, and 47.60.330; and  
3 providing an effective date.

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

5            **Sec. 1.** RCW 47.60.286 and 2007 c 512 s 4 are each amended to  
6 read as follows:

7            (1) The commission shall, with the involvement of the department,  
8 conduct a survey to gather data on ferry users to help inform level  
9 of service, operational, pricing, planning, and investment decisions.  
10 The survey must include, but is not limited to:

11            (a) Recreational use;

12            (b) Walk-on customer use;

13            (c) Vehicle customer use;

14            (d) Freight and goods movement demand; and

15            (e) Reactions to potential operational strategies and pricing  
16 policies described under RCW 47.60.327 and 47.60.290.

17            (2) The commission shall develop the survey only after providing  
18 an opportunity for ferry advisory committees to offer input on survey  
19 topical areas and questions. The commission shall finalize the survey  
20 only after providing an opportunity for the ferry advisory committee  
21 executive council created in RCW 47.60.310(3) to offer input on

1 proposed survey topics and questions. Ferry advisory committee review  
2 must occur early enough in the process to allow feedback and  
3 subsequent changes to be made to the survey, and this review process  
4 must be clearly documented.

5 (3) The survey must be updated at least every two years and  
6 maintained to support the development and implementation of  
7 (~~adaptive management of~~) ferry services.

8 **Sec. 2.** RCW 47.60.290 and 2007 c 512 s 5 are each amended to  
9 read as follows:

10 (1) The department shall annually review fares and pricing  
11 policies applicable to the operation of the Washington state ferries.

12 (2) Beginning in 2008, the department shall develop fare and  
13 pricing policy proposals that must:

14 (a) Recognize that each travel shed is unique, and might not have  
15 the same farebox recovery rate and the same pricing policies;

16 (b) Use data from the current survey conducted under RCW  
17 47.60.286;

18 (c) Be developed with input from ferry advisory committee  
19 participants as described in subsection (4) of this section, affected  
20 ferry users ((by)), and one or more public hearings ((and by review  
21 with the affected ferry advisory committees)), in addition to the  
22 data gathered from the survey conducted in RCW 47.60.286;

23 (d) Generate the amount of revenue required by the biennial  
24 transportation budget;

25 (e) Consider the impacts on users, capacity, and local  
26 communities; and

27 (f) Keep fare schedules as simple as possible.

28 (3) While developing fare and pricing policy proposals, the  
29 department must consider the following:

30 (a) Options for using pricing to level vehicle peak demand; and

31 (b) Options for using pricing to increase off-peak ridership.

32 (4) Ferry advisory committees shall designate committee members  
33 to participate in the department's review of fares, fare policies,  
34 and fare media. The department shall determine the process for the  
35 review. Participants must, at a minimum, include members of the ferry  
36 advisory committees as specified in this subsection. The department  
37 shall provide background information on tariff changes being  
38 considered as needed for the conduct of the review to all

1 participants. The members representing the ferry advisory committees  
2 in the department's fare review processes must:

3 (a) Include one member from each ferry advisory committee  
4 selected by each ferry advisory committee choosing to participate;

5 (b) Collaborate with the ferry advisory committee executive  
6 council created in RCW 47.60.310(3) on systemwide matters and with  
7 individual ferry advisory committees on matters that affect  
8 individual routes;

9 (c) Elect a chair to serve a term of one year or tariff cycle.  
10 The chair may call a meeting of the members;

11 (d) Have at least six ferry advisory committee members present to  
12 constitute a quorum; and

13 (e) Advise the department when it may be appropriate to hold a  
14 public hearing on tariff proposals to comply with subsection (2)(c)  
15 of this section.

16 (5) When presenting fare, fare media, and pricing policies to the  
17 commission, the department must include any relevant recommendations  
18 from the members representing the ferry advisory committees as  
19 established under subsection (4) of this section. Any discrepancy  
20 between department and ferry advisory committee recommendations must  
21 be explained.

22 (6) When considering a fare or pricing policy proposal, a vote on  
23 the proposal is required by the participating ferry advisory  
24 committee members established under subsection (4) of this section.  
25 The results of the vote and participating ferry advisory committee  
26 member comments must be reported along with the department's fare  
27 recommendations to the commission.

28 **Sec. 3.** RCW 47.60.300 and 1984 c 7 s 325 are each amended to  
29 read as follows:

30 (1) The review ((shall)) described in RCW 47.60.290(1) must  
31 include, but not be limited to, tariffs for automobiles, passengers,  
32 trucks, commutation rates, and volume discounts. The review ((shall))  
33 must give proper consideration to time of travel, distance of travel,  
34 operating costs, maintenance and repair expenses, and the resultant  
35 effect any change in tariff might have on the debt service  
36 requirements of the department as specifically provided in existing  
37 financing programs. If the review addresses matters affecting rider  
38 tariffs, the review must include participation by representatives of  
39 the ferry advisory committees as established in RCW 47.60.290(4). The

1 ferry advisory committee executive council created in RCW  
2 47.60.310(3) must be consulted as part of the review if requested by  
3 the executive council.

4 (2) The review (~~(shall)~~) must also include the allocation of  
5 vessels to particular runs, the scheduling of particular runs, the  
6 adequacy and arrangements of docks and dock facilities, ferry-related  
7 problems experienced in areas served by Washington state ferries,  
8 quality of service, implementation of adaptive management policies  
9 affecting riders, and any other subject deemed by the department to  
10 be properly within the scope of the review. A review under this  
11 subsection (2) must include consultation with the ferry advisory  
12 committee executive council, including a review and input on the  
13 development of any relevant surveys.

14 (3) The department (~~(is further authorized and directed to)~~) must  
15 make (~~(a like)~~) written reviews within every three-year period. Ferry  
16 advisory committee comments and the subsequent Washington state  
17 ferries response must be included in these written reviews.

18 (4) The department must also conduct such review by soliciting  
19 and obtaining expressions from local community groups served by the  
20 Washington state ferries. To establish local representation, the  
21 department shall give prior notice of the review to the ferry  
22 advisory committees and include them in the review process. This  
23 review must, to the extent feasible, receive input from various  
24 gender, economic status, persons with disabilities, tribe, senior  
25 citizen, youth, and race demographic groups.

26 (5) The ferry advisory committees must have the opportunity to  
27 comment on the ferry service aspects of the following Washington  
28 state ferries planning components: The statewide multimodal  
29 transportation plan as described under RCW 47.06.040; the state-owned  
30 facilities component of the statewide multimodal transportation plan  
31 as described under RCW 47.06.050; level of service standards for  
32 transportation facilities and services of statewide significance as  
33 described under RCW 47.06.140; operational strategies for asset  
34 utilization as described under RCW 47.60.327; the capital plan as  
35 described under RCW 47.60.375; and the vessel rebuild and replacement  
36 plan as described under RCW 47.60.377. Any comments must be included  
37 in any associated plan reports, but do not preclude other public  
38 outreach.

1       **Sec. 4.** RCW 47.60.310 and 2016 c 25 s 1 are each amended to read  
2 as follows:

3       ~~(1) ((The department is further directed to conduct such review~~  
4 ~~by soliciting and obtaining expressions from local community groups~~  
5 ~~in order to be properly informed as to problems being experienced~~  
6 ~~within the area served by the Washington state ferries. In order that~~  
7 ~~local representation may be established, the department shall give~~  
8 ~~prior notice of the review to the ferry advisory committees.~~

9       ~~(2) The legislative authorities of San Juan, Skagit, Clallam, and~~  
10 ~~Jefferson counties shall each appoint a committee to consist of five~~  
11 ~~members to serve as an advisory committee to the department or its~~  
12 ~~designated representative in such review. The legislative authorities~~  
13 ~~of other counties that contain ferry terminals shall appoint ferry~~  
14 ~~advisory committees consisting of three members for each terminal~~  
15 ~~area in each county, except for Vashon Island, which shall have one~~  
16 ~~committee, and its members shall be appointed by the Vashon/Maury~~  
17 ~~Island community council. If the Vashon/Maury Island community~~  
18 ~~council fails to appoint a qualified person to fill a vacancy within~~  
19 ~~ninety days of the occurrence of the vacancy, the legislative~~  
20 ~~authority of King county shall appoint a qualified person to fill the~~  
21 ~~vacancy. At least one person appointed to each ferry advisory~~  
22 ~~committee shall be representative of an established ferry user group~~  
23 ~~or of frequent users of the ferry system. Each member shall reside in~~  
24 ~~the vicinity of the terminal that the advisory committee represents.~~

25       ~~(3) The members of the San Juan, Clallam, and Jefferson county~~  
26 ~~ferry advisory committees shall be appointed for four-year terms. The~~  
27 ~~initial terms shall commence on July 1, 1982, and end on June 30,~~  
28 ~~1986. Any vacancy shall be filled for the remainder of the unexpired~~  
29 ~~term by the appointing authority. At least one person appointed to~~  
30 ~~the advisory committee shall be representative of an established~~  
31 ~~ferry user group or of frequent users of the ferry system, at least~~  
32 ~~one shall be representative of persons or firms using or depending~~  
33 ~~upon the ferry system for commerce, and one member shall be~~  
34 ~~representative of a local government planning body or its staff.~~  
35 ~~Every member shall be a resident of the county upon whose advisory~~  
36 ~~committee he or she sits, and not more than three members shall at~~  
37 ~~the time of their appointment be members of the same major political~~  
38 ~~party.~~

39       ~~(4) The members of each terminal area committee shall be~~  
40 ~~appointed for four-year terms. The initial terms of the members of~~

1 ~~each terminal area committee shall be staggered as follows: All terms~~  
2 ~~shall commence September 1, 1988, with one member's term expiring~~  
3 ~~August 31, 1990, one member's term expiring August 31, 1991, and the~~  
4 ~~remaining member's term expiring August 31, 1992. Any vacancy shall~~  
5 ~~be filled for the remainder of the unexpired term by the appointing~~  
6 ~~authority. Not more than two members of any terminal area committee~~  
7 ~~may be from the same political party at the time of their~~  
8 ~~appointment, and in a county having more than one committee, the~~  
9 ~~overall party representation shall be as nearly equal as possible.~~

10 (5)) Any county legislative authority may establish and appoint  
11 a ferry advisory committee of five members or a number determined by  
12 the appointing authority for each Washington state ferry terminal  
13 within its boundaries, except that only one ferry advisory committee  
14 may be created for Vashon Island and one for the San Juan Islands.  
15 Each committee member must reside within the county in which the  
16 member is appointed. If the legislative authority of San Juan county  
17 appoints a ferry advisory committee, four persons appointed to that  
18 advisory committee must each represent one of the four ferry-served  
19 islands and reside on the island being represented. Committee members  
20 must be appointed for staggered, four-year terms or as otherwise  
21 appointed by the appointing authority. Each ferry advisory committee  
22 shall elect its chair unless decided otherwise by the appointing  
23 authority.

24 (2) Ferry advisory committees represent the interests of their  
25 local governing bodies, respective communities, riders, specific  
26 rider groups being served, and other ferry system stakeholders. Ferry  
27 advisory committees shall collaborate with the department in public  
28 outreach to riders, including riders with special needs. At least  
29 annually, the ferry advisory committees and the department shall  
30 jointly chair a public meeting on each ferry route. The department  
31 shall collaborate on meeting topics and send an appropriate  
32 representative.

33 (3) The chairs of the ((several)) ferry advisory committees  
34 constitute ((an executive committee of the Washington state ferry  
35 users)) a ferry advisory committee executive council, which must  
36 coordinate all ferry advisory committees in addressing systemwide  
37 ferry issues and local needs. The executive ((committee)) council  
38 shall meet ((twice)) at least quarterly each year with department  
39 representatives ((of the marine division of the department)) to  
40 review ferry system issues((-

1 ~~(6) The committees to be appointed by the county legislative~~  
2 ~~authorities shall serve without fee or compensation)) and participate~~  
3 ~~in the ferry system review described in RCW 47.60.300. One meeting of~~  
4 ~~the executive council must be with all ferry advisory committees and~~  
5 ~~Washington state ferries senior leadership to provide a comprehensive~~  
6 ~~review of system issues affecting riders and a plan of action to~~  
7 ~~address such issues. Meetings of the executive council may be called~~  
8 ~~by a vote of six ferry advisory committee chairs or by the~~  
9 ~~department.~~

10 (4) Ferry advisory committee and ferry advisory committee  
11 executive council members must serve without fee or compensation,  
12 unless a local jurisdiction chooses to provide reimbursement.

13 (5) Ferry advisory committees provide, but do not replace,  
14 communications between the department and the ferry advisory  
15 committee's local governing body, respective communities, riders, and  
16 other stakeholders. The committees may liaise with department  
17 representatives, state and local agencies, elected officials, and  
18 other relevant groups to provide ferry system-related information.

19 (6) The department shall provide existing data or information  
20 relevant to Washington state ferries operations as requested by  
21 individual ferry advisory committees or the executive council either  
22 by specific requests or by a general request for periodic reports.  
23 This does not apply to records exempt from public disclosure under  
24 chapter 42.56 RCW.

25 (7) The ferry advisory committees shall submit any issues to be  
26 addressed by the department in writing, and the department shall  
27 provide a timely response. The committees shall maintain a record of  
28 any issue submitted, the department response to the issue, and the  
29 final resolution of the issue.

30 **Sec. 5.** RCW 47.60.330 and 2007 c 512 s 8 are each amended to  
31 read as follows:

32 (1) Before a substantial change to the service levels provided to  
33 ferry users, the department shall consult with ((affected ferry users  
34 by public hearing and by review with)) the affected ferry advisory  
35 committees, or the ferry advisory committee executive council if  
36 multiple routes are impacted. The department shall, if recommended by  
37 the affected ferry advisory committees, also hold a public hearing  
38 before any nonemergency, substantial change to service levels.

1           (2) Before adding or eliminating a ferry route, the department  
2 shall consult with affected ferry users and receive legislative  
3 approval.

4           NEW SECTION.   **Sec. 6.** This act takes effect January 1, 2018.

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