
HOUSE BILL 2161

State of Washington

66th Legislature

2019 Regular Session

By Representatives Fey and Fitzgibbon

Read first time 03/29/19. Referred to Committee on Transportation.

1 AN ACT Relating to concerning ferry vessel procurement; and
2 amending RCW 47.60.810 and 47.60.315.

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

4 **Sec. 1.** RCW 47.60.810 and 2015 3rd sp.s. c 14 s 3 are each
5 amended to read as follows:

6 (1) The department shall use a modified request for proposals
7 process when purchasing new auto ferries, except for new 144-auto
8 ferries purchased through an option on a contract executed before
9 July 6, 2015, whereby the prevailing shipbuilder and the department
10 engage in a design and build partnership for the design and
11 construction of the auto ferries. The process consists of the three
12 phases described in subsection (3) of this section.

13 (2) Throughout the three phases described in subsection (3) of
14 this section, the department shall employ an independent owner's
15 representative to serve as a third-party intermediary between the
16 department and the proposers, and subsequently the successful
17 proposer. However, this representative shall serve only during the
18 development and construction of the first vessel constructed as part
19 of a new class of vessels developed after July 6, 2015. The
20 independent owner's representative shall:

1 (a) Serve as the department's primary advocate and communicator
2 with the proposers and successful proposer;

3 (b) Perform project quality oversight;

4 (c) Manage any change order requests;

5 (d) Ensure that the contract is adhered to and the department's
6 best interests are considered in all decisions; and

7 (e) Possess knowledge of and experience with inland waterways,
8 Puget Sound vessel operations, the propulsion system of the new
9 vessels, and Washington state ferries operations.

10 (3) The definitions in this subsection apply throughout RCW
11 47.60.812 through 47.60.822.

12 (a) "Phase one" means the evaluation and selection of proposers
13 to participate in development of technical proposals in phase two.

14 (b) "Phase two" means the preparation of technical proposals by
15 the selected proposers in consultation with the department.

16 (c) "Phase three" means the submittal and evaluation of bids, the
17 award of the contract to the successful proposer, and the design and
18 construction of the auto ferries.

19 (4) The department may modify an existing option contract
20 executed prior to July 6, 2015, to allow for the purchase of up to
21 five additional 144-auto ferries, for a total of nine 144-auto
22 ferries.

23 **Sec. 2.** RCW 47.60.315 and 2011 1st sp.s. c 16 s 3 are each
24 amended to read as follows:

25 (1) The commission shall adopt fares and pricing policies by
26 rule, under chapter 34.05 RCW, according to the following schedule:

27 (a) Each year the department shall provide the commission a
28 report of its review of fares and pricing policies, with
29 recommendations for the revision of fares and pricing policies for
30 the ensuing year;

31 (b) By September 1st of each year, beginning in 2008, the
32 commission shall adopt by rule fares and pricing policies for the
33 ensuing year.

34 (2) The commission may adopt by rule fares that are effective for
35 more or less than one year for the purposes of transitioning to the
36 fare schedule in subsection (1) of this section.

37 (3) The commission may increase ferry fares included in the
38 schedule of charges adopted under this section by a percentage that
39 exceeds the fiscal growth factor.

1 (4) The chief executive officer of the ferry system may authorize
2 the use of promotional, discounted, and special event fares to the
3 general public and commercial enterprises for the purpose of
4 maximizing capacity use and the revenues collected by the ferry
5 system. The department shall report to the commission a summary of
6 the promotional, discounted, and special event fares offered during
7 each fiscal year and the financial results from these activities.

8 (5) Fare revenues and other revenues deposited in the Puget Sound
9 ferry operations account created in RCW 47.60.530 may not be used to
10 support the Puget Sound capital construction account created in RCW
11 47.60.505, unless the support for capital is separately identified in
12 the fare.

13 (6) The commission may not raise fares until the fare rules
14 contain pricing policies developed under RCW 47.60.290, or September
15 1, 2009, whichever is later.

16 (7) The commission shall impose a vessel replacement surcharge of
17 twenty-five cents on every one-way and round-trip ferry fare sold,
18 including multiride and monthly pass fares. ~~((This))~~ The commission
19 must impose an additional vessel replacement surcharge of seventy-
20 five cents on every one-way and round-trip vehicle ferry fare sold,
21 including multiride and monthly pass fares. These surcharges must be
22 clearly indicated to ferry passengers and drivers and, if possible,
23 on the fare media itself.

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