

Chapter 36.54 RCW
FERRIES—COUNTY OWNED

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RCW 36.54.010 County may acquire, construct, maintain, and operate ferry. Any county may construct, condemn, or purchase, operate and maintain ferries or wharves at any unfordable stream, lake, estuary or bay within or bordering on said county, or between portions of the county, or between such county and other counties, together with all the necessary boats, grounds, roads, approaches, and landings appertaining thereto under the direction and control of the board of county commissioners free or for toll and as the board shall by resolution determine. [1963 c 4 s 36.54.010. Prior: 1919 c 115 s 1; 1899 c 29 s 1; 1895 c 130 s 2; RRS s 5477.]

RCW 36.54.015 Ferries—Fourteen year long range improvement plan—Contents. The legislative authority of every county operating ferries shall prepare, with the advice and assistance of the county

engineer, a fourteen year long range capital improvement plan embracing all major elements of the ferry system. Such plan shall include a listing of each major element of the system showing its estimated current value, its estimated replacement cost, and its amortization period. [1975 1st ex.s. c 21 s 2.]

RCW 36.54.020 Joint ferries—Generally. The board of county commissioners of any county may, severally or jointly with any other county, city or town, or the state of Washington, or any other state or any county, city or town of any other state, construct or acquire by purchase, gift, or condemnation, and operate any ferry necessary for continuation or connection of any county road across any navigable water. The procedure with respect to the exercise of the power herein granted shall be the same as provided for the joint erection or acquisition of bridges, trestles, or other structures. Any such ferries may be operated as free ferries or as toll ferries under the provisions of law of this state relating thereto. [1963 c 4 s 36.54.020. Prior: 1937 c 187 s 31; RRS s 6450-31.]

RCW 36.54.030 Joint ferries over water boundary between two counties. Whenever a river, lake, or other body of water is on the boundary line between two counties, the boards of county commissioners of the counties adjoining such stream or body of water may construct, purchase, equip, maintain, and operate a ferry across such river, lake, or other body of water, when such ferry connects the county roads or other public highways of their respective counties. All costs and expenses of constructing, purchasing, maintaining, and operating such ferry shall be paid by the two counties, each paying such proportion thereof as shall be agreed upon by the boards of county commissioners. [1963 c 4 s 36.54.030. Prior: 1917 c 158 s 1; RRS s 5479.]

RCW 36.54.040 Joint ferries over water boundary between two counties—Joint board of commissioners to administer—Records kept. The boards of county commissioners of the two counties, participating in a joint ferry, shall meet in joint session at the county seat of one of the counties interested, and shall elect one of their members as chair of the joint board of commissioners, who shall act as such chair during the remainder of his or her term of office, and, at the expiration of his or her term of office, the two boards of county commissioners shall meet and elect a new chair, who shall act as such chair during his or her term of office as county commissioner, and they shall continue to elect a chair in like manner thereafter. The county auditors of the counties shall be clerks of such joint commission, and the county auditor of the county where each meeting is held shall act as clerk of the commission at all meetings held in his or her county. Each county auditor, as soon as the joint commission is organized, shall procure a record book and enter therein a complete record of the proceedings of the commission, and immediately after each adjournment the county auditor of the county in which the meeting is held shall forward a complete copy of the minutes of the proceedings of the commission to the auditor of the other county to be entered by him or her in his or her record. Each county shall keep a

complete record of the proceedings of the commission. [2009 c 549 s 4092; 1963 c 4 s 36.54.040. Prior: 1917 c 158 s 2; RRS s 5480.]

RCW 36.54.050 Joint ferries over water boundary between two counties—Commission authority—Expenses shared. The joint commission is authorized to transact all business necessary in carrying out the purposes of RCW 36.54.030 through 36.54.070 and its acts shall be binding upon the two counties, and one-half of all bills and obligations created by the commission shall be binding and a legal charge against the road fund of each county and the claims therefor shall be allowed and paid out of the county road fund the same as other claims against said fund are allowed and paid, unless otherwise provided in an agreement between the two counties. [2006 c 332 s 10; 1963 c 4 s 36.54.050. Prior: 1917 c 158 s 3; RRS s 5481.]

RCW 36.54.060 Joint ferries over water boundary between two counties—Audit and allowance of claims. All claims and accounts for the construction, operation and maintenance of a joint county ferry shall be presented to and audited by the joint commission: PROVIDED, That items of expense connected with the operation of such ferry which do not exceed the sum of thirty dollars may be presented to the chair of the joint commission and allowed by him or her and when allowed shall be a joint charge against the road fund of each of the counties operating such ferry. [2009 c 549 s 4093; 1963 c 4 s 36.54.060. Prior: 1917 c 158 s 4; RRS s 5482.]

RCW 36.54.070 Joint ferries over water boundary between two counties—County commissioner duties enumerated—Omission as ground for impeachment. The members of the board of county commissioners of each county shall be members of the joint commission and their refusal to act shall be ground for impeachment. They shall provide for the maintenance and operation of the ferry until it is discontinued by a majority vote of the joint commission. [1963 c 4 s 36.54.070. Prior: 1917 c 158 s 5; RRS s 5483.]

RCW 36.54.110 County ferry districts—Authorized—Powers—Governing body—Passenger-only ferry service between Vashon and Seattle. (1) The legislative authority of a county may adopt an ordinance creating a ferry district in all or a portion of the area of the county, including the area within the corporate limits of any city or town within the county. The ordinance may be adopted only after a public hearing has been held on the creation of a ferry district, and the county legislative authority makes a finding that it is in the public interest to create the district.

(2) A ferry district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(3) A ferry district is a body corporate and possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute,

including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(4) The members of the county legislative authority, acting ex officio and independently, shall compose the governing body of any ferry district that is created within the county. The voters of a ferry district must be registered voters residing within the boundaries of the district.

(5) A county with a population greater than one million persons and having a boundary on Puget Sound, or a county to the west of Puget Sound with a population greater than two hundred thirty thousand but less than three hundred thousand persons, proposing to create a ferry district to assume a passenger-only ferry route between Vashon and Seattle, including an expansion of that route to include Southworth, shall first receive approval from the governor after submitting a complete business plan to the governor and the legislature by November 1, 2007. The business plan must, at a minimum, include hours of operation, vessel needs, labor needs, proposed routes, passenger terminal facilities, passenger rates, anticipated federal and local funding, coordination with Washington state ferry system, coordination with existing transit providers, long-term operation and maintenance needs, and long-term financial plan. The business plan may include provisions regarding coordination with an appropriate county to participate in a joint ferry under RCW 36.54.030 through 36.54.070. In order to be considered for assuming the route, the ferry district shall ensure that the route will be operated only by the ferry district and not contracted out to a private entity, all existing labor agreements will be honored, and operations will begin no later than July 1, 2008. If the route is to be expanded to include serving Southworth, the ferry district shall enter into an interlocal agreement with the public transportation benefit area serving the Southworth ferry terminal within thirty days of beginning Southworth ferry service. For the purposes of this subsection, Puget Sound is considered as extending north to Admiralty Inlet. [2007 c 223 s 5; 2006 c 332 s 7; 2003 c 83 s 301.]

Effective date—2007 c 223: See note following RCW 36.57A.220.

Findings—Intent—Captions, part headings not law—Severability—Effective date—2003 c 83: See notes following RCW 36.57A.200.

RCW 36.54.120 County ferry districts—District may construct, purchase, operate, and maintain passenger-only ferries and wharves. A ferry district may construct, purchase, operate, and maintain passenger-only ferries or wharves at any unfordable stream, lake, estuary, or bay within or bordering the ferry district, or between portions of the ferry district, or between the ferry district and other ferry districts, together with all the necessary boats, grounds, roads, approaches, and landings appertaining thereto under the direction and control of the governing body of the ferry district, free or for toll as the governing body determines by resolution. [2003 c 83 s 302.]

Findings—Intent—Captions, part headings not law—Severability—Effective date—2003 c 83: See notes following RCW 36.57A.200.

RCW 36.54.130 County ferry districts—Tax levy authorized—Uses.

(1) To carry out the purposes for which ferry districts are created, the governing body of a ferry district may levy each year an ad valorem tax on all taxable property located in the district not to exceed seventy-five cents per thousand dollars of assessed value, except a ferry district in a county with a population of one million five hundred thousand or more may not levy at a rate that exceeds seven and one-half cents per thousand dollars of assessed value. The levy must be sufficient for the provision of ferry services as shown to be required by the budget prepared by the governing body of the ferry district.

(2) A tax imposed under this section may be used only for:

(a) Providing ferry services, including the purchase, lease, or rental of ferry vessels and dock facilities;

(b) The operation, maintenance, and improvement of ferry vessels and dock facilities;

(c) Providing shuttle services between the ferry terminal and passenger parking facilities, and other landside improvements directly related to the provision of passenger-only ferry service; and

(d) Related personnel costs. [2009 c 551 s 4; 2007 c 223 s 6; 2006 c 332 s 9; 2003 c 83 s 303.]

Effective date—2007 c 223: See note following RCW 36.57A.220.

Findings—Intent—Captions, part headings not law—Severability—Effective date—2003 c 83: See notes following RCW 36.57A.200.

RCW 36.54.135 County ferry districts—General indebtedness, bond issuance. (1) A county ferry district may incur general indebtedness, and issue general obligation bonds, to finance the construction, purchase, and preservation of passenger-only ferries and associated terminals and retire the indebtedness in whole or in part from the revenues received from the tax levy authorized in RCW 36.54.130.

(2) The ordinance adopted by the county legislative authority creating the county ferry district and authorizing the use of revenues received from the tax levy authorized in RCW 36.54.130 must indicate an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated. [2007 c 223 s 7.]

Effective date—2007 c 223: See note following RCW 36.57A.220.

RCW 36.54.140 County ferry districts—Excess levies. A ferry district may impose excess levies upon the property included within the district for a one-year period to be used for operating or capital purposes whenever authorized by the electors of the district under RCW 84.52.052 and Article VII, section 2(a) of the state Constitution. [2003 c 83 s 304.]

Findings—Intent—Captions, part headings not law—Severability—Effective date—2003 c 83: See notes following RCW 36.57A.200.

RCW 36.54.150 County ferry districts—Budget of fund requirements. The governing body of the ferry district shall annually

prepare a budget of the requirements of each district fund. [2003 c 83 s 305.]

~~Findings—Intent—Captions, part headings not law—Severability—
Effective date—2003 c 83: See notes following RCW 36.57A.200.~~

RCW 36.54.160 County ferry districts—General property tax levies. At the time of making general tax levies in each year, the county legislative authority of the county in which a ferry district is located shall make the required levies for district purposes against the real and personal property in the district. The tax levies must be a part of the general tax roll and be collected as a part of the general taxes against the property in the district. [2003 c 83 s 306.]

~~Findings—Intent—Captions, part headings not law—Severability—
Effective date—2003 c 83: See notes following RCW 36.57A.200.~~

RCW 36.54.170 County ferry districts—Treasurer—Ferry district fund. (1) The treasurer of the county in which a ferry district is located shall be treasurer of the district. The county treasurer shall receive and disburse ferry district revenues, collect taxes authorized and levied under this chapter, and credit district revenues to the proper fund.

(2) The county treasurer shall establish a ferry district fund, into which must be paid all district revenues, and the county treasurer shall also maintain such special funds as may be created by the governing body of a ferry district, into which the county treasurer shall place all money as the governing body of the district may, by resolution, direct.

(3) The county treasurer shall pay out money received for the account of the ferry district on warrants issued by the county auditor against the proper funds of the district.

(4) All district funds must be deposited with the county depositaries under the same restrictions, contracts, and security as provided for county depositaries.

(5) All interest collected on ferry district funds belongs to the district and must be deposited to its credit in the proper district funds. [2003 c 83 s 307.]

~~Findings—Intent—Captions, part headings not law—Severability—
Effective date—2003 c 83: See notes following RCW 36.57A.200.~~

RCW 36.54.180 County ferry districts—Not subject to Washington utilities and transportation commission. A ferry district is exempt from the provisions of Title 81 RCW and is not subject to the control of the Washington utilities and transportation commission. It is not necessary for a ferry district to apply for a certificate of public convenience and necessity. [2003 c 83 s 308.]

~~Findings—Intent—Captions, part headings not law—Severability—
Effective date—2003 c 83: See notes following RCW 36.57A.200.~~

RCW 36.54.190 County ferry districts—Dissolution. A ferry district formed under this chapter may be dissolved in the manner provided in chapter 53.48 RCW, relating to port districts. [2003 c 83 s 309.]

Findings—Intent—Captions, part headings not law—Severability—Effective date—2003 c 83: See notes following RCW 36.57A.200.

RCW 36.54.200 Vessel replacement surcharge—Use of revenues. A county or ferry district operating ferries under this chapter may impose a vessel replacement surcharge on every ferry fare sold. The surcharge must be at least equal to the surcharge amount included in Washington state ferry fares identified in RCW 47.60.315(7). Revenues generated from the surcharge may be used only for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of ferry vessels. The surcharge must be clearly indicated to ferry passengers and drivers and, if possible, on the fare media itself. [2012 c 78 s 1.]