
SUBSTITUTE SENATE BILL 6752

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Transportation (originally sponsored by Senator Haugen)

Read first time 02/10/98.

1 AN ACT Relating to the certification exemption for municipal
2 transit services; and amending RCW 81.68.015, 36.57A.100, and
3 35.84.060.

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

5 **Sec. 1.** RCW 81.68.015 and 1989 c 163 s 2 are each amended to read
6 as follows:

7 This chapter does not apply to corporations or persons, their
8 lessees, trustees, receivers, or trustees appointed by any court
9 whatsoever insofar as they own, control, operate, or manage taxicabs,
10 hotel buses, school buses, services provided by a municipality meeting
11 the conditions in RCW 35.84.060 and 36.57A.100, motor propelled
12 vehicles operated exclusively in transporting agricultural,
13 horticultural, dairy, or other farm products from the point of
14 production to the market, or any other carrier that does not come
15 within the term "auto transportation company" as defined in RCW
16 81.68.010.

17 This chapter does not apply to persons operating motor vehicles
18 when operated wholly within the limits of incorporated cities or towns,
19 and for a distance not exceeding three road miles beyond the corporate

1 limits of the city or town in Washington in which the original starting
2 point of the vehicle is located, and which operation either alone or in
3 conjunction with another vehicle or vehicles is not a part of any
4 journey beyond the three-mile limit.

5 This chapter does not apply to commuter ride sharing or ride
6 sharing for (~~the elderly and the handicapped~~) persons with special
7 transportation needs in accordance with RCW 46.74.010, so long as the
8 ride-sharing operation does not compete with nor infringe upon
9 comparable service actually being provided before the initiation of the
10 ride-sharing operation by an existing auto transportation company
11 certificated under this chapter.

12 **Sec. 2.** RCW 36.57A.100 and 1977 ex.s. c 44 s 4 are each amended to
13 read as follows:

14 Except in accordance with an agreement made as provided in this
15 section or in accordance with the provisions of RCW 36.57A.090(3) as
16 now or hereafter amended, upon the effective date on which the public
17 transportation benefit area commences to perform the public
18 transportation service, no person or private corporation shall operate
19 a local public passenger transportation service within the public
20 transportation benefit area with the exception of taxis, buses owned or
21 operated by a school district or private school, and buses owned or
22 operated by any corporation or organization solely for the purposes of
23 the corporation or organization and for the use of which no fee or fare
24 is charged.

25 An agreement may be entered into between the public transportation
26 benefit area authority and any person or corporation legally operating
27 a local public passenger transportation service wholly within or partly
28 within and partly without the public transportation benefit area and on
29 said effective date under which such person or corporation may continue
30 to operate such service or any part thereof for such time and upon such
31 terms and conditions as provided in such agreement. Such agreement
32 shall provide for a periodic review of the terms and conditions
33 contained therein. Where any such local public passenger
34 transportation service will be required to cease to operate within the
35 public transportation benefit area, the public transportation benefit
36 area authority may agree with the owner of such service to purchase the
37 assets used in providing such service, or if no agreement can be
38 reached, the public transportation benefit area authority shall condemn

1 such assets in the manner and by the same procedure as is or may be
2 provided by law for the condemnation of other properties for cities of
3 the first class, except insofar as such laws may be inconsistent with
4 the provisions of this chapter. The requirements in this section, that
5 a local public passenger transportation service must cease to operate
6 within the public transportation benefit area, and that the public
7 transportation benefit area authority must condemn the assets of the
8 local public passenger transportation service, do not apply when the
9 public transportation benefit area authority provides point-to-point
10 services between the same two cities or destinations as those provided
11 by a privately owned auto transportation company holding a certificate
12 of public convenience and necessity from the utilities and
13 transportation commission if: The public transportation benefit area
14 authority provides those point-to-point services along a wholly or
15 partially different route, at least one terminus of the route differs
16 from the route of the privately owned transportation company and the
17 authority's route provides for intermittent passenger stops, and the
18 authority's route connects municipal corporations. Services provided
19 by a public transportation benefit area authority or municipality
20 meeting these conditions do not compete with or infringe upon the
21 operation or services provided by a privately owned auto transportation
22 company.

23 Wherever a privately owned public carrier operates wholly or partly
24 within a public transportation benefit area, the Washington utilities
25 and transportation commission shall continue to exercise jurisdiction
26 over such operation as provided by law.

27 **Sec. 3.** RCW 35.84.060 and 1969 ex.s. c 281 s 26 are each amended
28 to read as follows:

29 Every municipal corporation which owns or operates an urban public
30 transportation system as defined in RCW 47.04.082 within its corporate
31 limits, may acquire, construct, extend, own or operate such urban
32 public transportation system to any point or points not to exceed
33 fifteen miles outside of its corporate limits: PROVIDED, That no
34 municipal corporation shall extend its urban public transportation
35 system beyond its corporate limits to operate in any territory already
36 served by a privately operated auto transportation company holding a
37 certificate of public convenience and necessity from the utilities and
38 transportation commission: PROVIDED FURTHER, That a municipal

1 corporation that provides point-to-point services between the same two
2 cities or destinations as those provided by a privately owned auto
3 transportation company does not by providing that service extend its
4 urban transportation service in a territory serviced by the privately
5 owned transportation company if: The municipal corporation provides
6 those point-to-point services along a wholly or partially different
7 route, at least one terminus of the route differs from the route of the
8 privately owned company and the municipal corporation's route provides
9 for intermittent passenger stops, and the municipal corporation's route
10 connects municipal corporations.

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