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HOUSE BILL 1693

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State of Washington

57th Legislature

2001 Regular Session

By Representative Ericksen

Read first time 02/01/2001. Referred to Committee on Transportation.

1 AN ACT Relating to commercial ferry operators; and amending RCW  
2 47.60.120.

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

4 **Sec. 1.** RCW 47.60.120 and 1993 c 427 s 1 are each amended to read  
5 as follows:

6 (1) If the department acquires or constructs, maintains, and  
7 operates any ferry crossings upon or toll bridges over Puget Sound or  
8 any of its tributary or connecting waters, there shall not be  
9 constructed, operated, or maintained any other ferry crossing upon or  
10 bridge over any such waters within ten miles of any such crossing or  
11 bridge operated or maintained by the department excepting such bridges  
12 or ferry crossings in existence, and being operated and maintained  
13 under a lawfully issued franchise at the time of the location of the  
14 ferry crossing or construction of the toll bridge by the department.

15 (2) The ten-mile distance in subsection (1) of this section means  
16 ten statute miles measured by airline distance. The ten-mile  
17 restriction shall be applied by comparing the two end points (termini)  
18 of a state ferry crossing to those of a private ferry crossing.

1       (3) A commercial ferry operator may apply to the Washington  
2 utilities and transportation commission under chapter 81.84 RCW for a  
3 waiver from the ten-mile restriction.

4       (a) If the application is for operation of passenger-only service  
5 along a route that is not served by the Washington state ferry system  
6 at the time of the application, the commission shall grant the waiver.  
7 For purposes of this section, a route is not served by the Washington  
8 state ferry system if the system does not provide service between two  
9 termini that are each within ten miles of the termini of the route  
10 proposed by the commercial ferry operator.

11       (b) If the application is for providing a service other than that  
12 described in (a) of this subsection, the Washington utilities and  
13 transportation commission may, upon written petition of a commercial  
14 ferry operator certificated or applying for certification under chapter  
15 81.84 RCW, and upon notice and hearing, grant a waiver from the ten-  
16 mile restriction. The waiver must not be detrimental to the public  
17 interest. In making a decision to waive the ten-mile restriction, the  
18 commission shall consider, but is not limited to, the impact of the  
19 waiver on transportation congestion mitigation, air quality  
20 improvement, and the overall impact on the Washington state ferry  
21 system. The commission shall act upon a request for a waiver within  
22 ninety days after the conclusion of the hearing.

23       (4) A waiver is effective for a period of five years from the date  
24 of issuance. At the end of five years the waiver becomes permanent  
25 unless appealed within thirty days by the commission on its own motion,  
26 the department, or an interested party.

27       ~~((4))~~ (5) The department shall not maintain and operate any ferry  
28 crossing or toll bridge over Puget Sound or any of its tributary or  
29 connecting waters that would infringe upon any franchise lawfully  
30 issued by the state and in existence and being exercised at the time of  
31 the location of the ferry crossing or toll bridge by the department,  
32 without first acquiring the rights granted to such franchise holder  
33 under the franchise.

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