
HOUSE BILL 2987

State of Washington 57th Legislature 2002 Regular Session

By Representatives Mielke, Ericksen, Sehlin and Boldt

Read first time 02/27/2002. Referred to Committee on Transportation.

1 AN ACT Relating to passenger-only ferries; and amending RCW
2 47.60.120 and 47.64.090.

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 applying commercial ferry operator is applying to
5 operate passenger-only ferry service along a route that is not served
6 by Washington State Ferries at the time of the application, the
7 commission shall grant the waiver. For purposes of this section, a
8 route is not served by Washington State Ferries if Washington State
9 Ferries does not provide service between two termini that are each
10 within ten miles of the termini of the route proposed by the commercial
11 ferry operator.

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

24 (4) A waiver granted under subsection (3) of this section is
25 effective for a period of five years from the date of issuance. At the
26 end of five years the waiver becomes permanent unless appealed within
27 thirty days by the commission on its own motion, the department, or an
28 interested party.

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

36 **Sec. 2.** RCW 47.64.090 and 1983 c 15 s 27 are each amended to read
37 as follows:

38 (1) Except as provided in subsection (2) of this section, if any

1 party assumes the operation and maintenance of any ferry or ferry
2 system by rent, lease, or charter from the department of
3 transportation, such party shall assume and be bound by all the
4 provisions herein and any agreement or contract for such operation of
5 any ferry or ferry system entered into by the department shall provide
6 that the wages to be paid, hours of employment, working conditions, and
7 seniority rights of employees will be established by the marine
8 employees' commission in accordance with the terms and provisions of
9 this chapter and it shall further provide that all labor disputes shall
10 be adjudicated in accordance with chapter 47.64 RCW.

11 (2) If a commercial ferry operator is operating a passenger-only
12 ferry service and has received a waiver under RCW 47.60.120(3), the
13 operator may enter into an agreement with Washington State Ferries to
14 rent or lease terminal space for purposes of loading and unloading the
15 passenger-only ferry. A commercial ferry operator who qualifies under
16 this subsection is not subject to the restrictions of subsection (1) of
17 this section.

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