
SUBSTITUTE SENATE BILL 5212

State of Washington

53rd Legislature

1993 Regular Session

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

Read first time 03/03/93.

1 AN ACT Relating to competition on ferry and toll bridge routes;
2 amending RCW 47.60.120; and providing a contingent effect.

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

4 **Sec. 1.** RCW 47.60.120 and 1984 c 7 s 307 are each amended to read
5 as follows:

6 If the department acquires or constructs, maintains, and operates
7 any ferry crossings upon or toll bridges over Puget Sound or any of its
8 tributary or connecting waters there shall not be constructed,
9 operated, or maintained any other ferry crossing upon or bridge over
10 any such waters within ten miles of any such crossing or bridge
11 operated or maintained by the department excepting such bridges or
12 ferry crossings in existence, and being operated and maintained under
13 a lawfully issued franchise at the time of the location of the ferry
14 crossing or construction of the toll bridge by the department.
15 However, the Washington utilities and transportation commission may,
16 upon written petition of a commercial ferry operator certificated or
17 applying for certification under chapter 81.84 RCW, and upon notice and
18 hearing, grant a waiver from the ten-mile restriction. The waiver must
19 not be detrimental to the public interest. In making a decision to

1 waive the ten-mile restriction, the commission shall consider, but is
2 not limited to, the impact of the waiver on transportation congestion
3 mitigation, air quality improvement, and the overall impact on the
4 Washington state ferry system. The commission shall act upon a request
5 for a waiver within thirty days after the conclusion of the hearing.
6 A waiver is effective for a period of five years from the date of
7 issuance. At the end of five years the waiver becomes permanent unless
8 appealed within thirty days by the commission on its own motion, the
9 department, or the commercial ferry operator to whom the waiver has
10 been granted.

11 The department shall not maintain and operate any ferry crossing or
12 toll bridge over Puget Sound or any of its tributary or connecting
13 waters that would infringe upon any franchise lawfully issued by the
14 state and in existence and being exercised at the time of the location
15 of the ferry crossing or toll bridge by the department, without first
16 acquiring the rights granted to such franchise holder under the
17 franchise.

18 ~~((While any revenue bonds issued by the department under the~~
19 ~~provisions of this chapter are outstanding no additional bonds may be~~
20 ~~issued for the purposes of acquiring, constructing, operating, or~~
21 ~~maintaining any ferries or toll bridges within the aforesaid ten mile~~
22 ~~distance by the department unless the revenues of any such additional~~
23 ~~ferries or toll bridges are pledged to the bonds then outstanding to~~
24 ~~the extent provided by the resolution authorizing the issue of the~~
25 ~~outstanding bonds. The provisions of this section are binding upon the~~
26 ~~state, and all of its departments, agencies, and instrumentalities, as~~
27 ~~well as any and all private, political, municipal, and public~~
28 ~~corporations and subdivisions, including cities, towns, counties, and~~
29 ~~other political subdivisions, and the prohibitions of this section~~
30 ~~shall restrict and limit the powers of the legislature of the state in~~
31 ~~respect to the matters herein mentioned so long as any of such bonds~~
32 ~~are outstanding and unpaid and shall be deemed to constitute a contract~~
33 ~~to that effect for the benefit of the holders of all such bonds.))~~

34 NEW SECTION. Sec. 2. This act takes effect only if legislation
35 authorizing the issuance of general obligation bonds to refund the

- 1 outstanding toll bridge authority, ferry, and Hood Canal bridge
- 2 refunding revenue bonds becomes law.

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