

SENATE BILL REPORT

SB 5292

As Passed Senate, February 22, 2023

Title: An act relating to accessing certain aquatic lands by a public transportation benefit area.

Brief Description: Addressing the access of certain aquatic lands by a public transportation benefit area.

Sponsors: Senators Randall, Rolfes, MacEwen, Lias, Lovick, Nguyen and Nobles.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/23/23, 1/26/23 [DP].

Floor Activity: Passed Senate: 2/22/23, 49-0.

Brief Summary of Bill

- Authorizes a Public Transportation Benefit Area to obtain an easement for ferry terminal or docking facilities on state aquatic lands or harbor areas without requiring a lease payment.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: Do pass.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Muzzall, Ranking Member; Rolfes, Shewmake, Short, Stanford, Wagoner and Warnick.

Staff: Jeff Olsen (786-7428)

Background: A Public Transportation Benefit Area (PTBA) is a special taxing district established to provide public transportation. Most transit agencies in Washington are PTBAs. PTBAs with a boundary on Puget Sound may operate passenger-only ferries.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Aquatic lands are generally managed by the state, and protected for the common good. The Legislature has designated the Department of Natural Resources (DNR) as the manager of the more than 2.6 million acres of state-owned aquatic lands. Aquatic lands includes all tidelands, shorelands, harbor areas, and the beds of navigable waters. In managing aquatic lands, DNR must support a balance of use demands and statutory goals such as public use, environmental protections, trade, transportation, and generating revenue consistent with those goals. DNR must also establish standards for determining equitable and predictable lease rates for users of state-owned aquatic lands.

Article XV of the state Constitution creates the Harbor Line Commission to establish and modify harbor lines in the navigable waters in front of cities. Harbor areas must be reserved for landings, wharves, streets, and other conveniences of navigation and commerce. The Constitution delegates to the Legislature the power to appoint the Harbor Line Commission, and establish laws for harbor area construction, maintenance, and leasing. The Legislature has appointed the Board of Natural Resources (Board) to also serve as the Harbor Lines Commission. In that capacity, the Board may establish or relocate harbor lines.

Summary of Bill: A PBTA may obtain an easement for ferry terminal or docking facilities on, over, or across the beds of navigable waters under the jurisdiction of DNR. However, no easement payments are required for the easement.

A PBTA may obtain an easement for ferry terminal or docking facilities on, over, or across harbor areas only when the areas are approved by the Harbor Line Commission as a public place for public landings, wharves, or other public conveniences of commerce or navigation. No easement payments are required for the easement.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Passenger-only ferry service is an important service that is needed even more when there are challenges with the state ferry runs. Kitsap Transit needs reliable access to facilities to better serve the public. The changes in the bill would treat PTBAs facilities in a similar manner as a port facility or a state Department of Transportation facility. This bill is great for 38 of the 39 counties in Washington excluding San Juan County, which does not have a PTBA. The bill should be modified to allow San Juan County to receive similar treatment.

Persons Testifying: PRO: Senator Emily Randall, Prime Sponsor; Brian Considine,

Washington Department of Natural Resources; Rick Hughes, Shorewood Communications, Inc., DBA Ray's General Store and Pharmacy/Island Life on Orcas; John Clauson, Kitsap Transit.

Persons Signed In To Testify But Not Testifying: No one.