
HOUSE BILL 3013

State of Washington 58th Legislature 2004 Regular Session

By Representatives Woods, Bailey, Ericksen and McMahan

Read first time 01/26/2004. Referred to Committee on Transportation.

1 AN ACT Relating to utilities and transportation commission approval
2 of passenger-only ferry service; amending RCW 81.84.020; and declaring
3 an emergency.

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

5 **Sec. 1.** RCW 81.84.020 and 2003 c 373 s 5 are each amended to read
6 as follows:

7 (1) Upon the filing of an application the commission shall give
8 reasonable notice to the department, affected cities, counties, and
9 public transportation benefit areas and any common carrier which might
10 be adversely affected, of the time and place for hearing on such
11 application. The commission shall have power after hearing, to issue
12 the certificate as prayed for, or to refuse to issue it, or to issue it
13 for the partial exercise only of the privilege sought, and may attach
14 to the exercise of the rights granted by said certificate such terms
15 and conditions as in its judgment the public convenience and necessity
16 may require; but the commission shall not have power to grant a
17 certificate to operate between districts and/or into any territory
18 prohibited by RCW 47.60.120 or already served by an existing
19 certificate holder, unless such existing certificate holder has failed

1 or refused to furnish reasonable and adequate service or has failed to
2 provide the service described in its certificate or tariffs after the
3 time period allowed to initiate service has elapsed: PROVIDED, A
4 certificate shall be granted when it shall appear to the satisfaction
5 of the commission that the commercial ferry was actually operating in
6 good faith over the route for which such certificate shall be sought,
7 on January 15, 1927: PROVIDED, FURTHER, That in case two or more
8 commercial ferries shall upon said date have been operating vessels
9 upon the same route, or between the same districts the commission shall
10 determine after public hearing whether one or more certificates shall
11 issue, and in determining to whom a certificate or certificates shall
12 be issued, the commission shall consider all material facts and
13 circumstances including the prior operation, schedules, and services
14 rendered by either of the ferries, and in case more than one
15 certificate shall issue, the commission shall fix and determine the
16 schedules and services of the ferries to which the certificates are
17 issued to the end that duplication of service be eliminated and public
18 convenience be furthered.

19 (2) Before issuing a certificate, the commission shall determine
20 that the applicant has the financial resources to operate the proposed
21 service for at least twelve months, based upon the submission by the
22 applicant of a pro forma financial statement of operations. Issuance
23 of a certificate shall be determined upon, but not limited to, the
24 following factors: Ridership and revenue forecasts; the cost of
25 service for the proposed operation; an estimate of the cost of the
26 assets to be used in providing the service; a statement of the total
27 assets on hand of the applicant that will be expended on the proposed
28 operation; and a statement of prior experience, if any, in such field
29 by the applicant. The documentation required of the applicant under
30 this section shall comply with the provisions of RCW 9A.72.085.

31 (3) Subsection (2) of this section does not apply to an application
32 for a certificate that is pending as of July 25, 1993.

33 (4) In granting a certificate for passenger-only ferries and
34 determining what conditions to place on the certificate, the commission
35 shall consider and give substantial weight to the effect of its
36 decisions on public agencies operating, or eligible to operate,
37 passenger-only ferry service.

1 ~~((5) Until March 1, 2005, the commission shall not consider an~~
2 ~~application for passenger only ferry service serving any county in~~
3 ~~Puget Sound, unless the public transportation benefit area authority or~~
4 ~~ferry district serving that county, by resolution, agrees to the~~
5 ~~application.))~~

6 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 immediately.

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