
SENATE BILL 5894

State of Washington

61st Legislature

2009 Regular Session

By Senators Haugen and Parlette

Read first time 02/05/09. Referred to Committee on Transportation.

1 AN ACT Relating to authorizing the utilities and transportation
2 commission to forbear from rate and service regulation of certain
3 transportation services; amending RCW 81.68.015, 81.84.010, 81.66.010,
4 and 81.70.220; and reenacting and amending RCW 46.74.010.

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

6 **Sec. 1.** RCW 81.68.015 and 2007 c 234 s 47 are each amended to read
7 as follows:

8 This chapter does not apply to corporations or persons, their
9 lessees, trustees, receivers, or trustees appointed by any court
10 whatsoever insofar as they own, control, operate, or manage taxicabs,
11 hotel buses, school buses, or any other carrier that does not come
12 within the term "auto transportation company" as defined in RCW
13 81.68.010.

14 This chapter does not apply to persons operating motor vehicles
15 when operated wholly within the limits of incorporated cities or towns,
16 and for a distance not exceeding three road miles beyond the corporate
17 limits of the city or town in Washington in which the original starting
18 point of the vehicle is located, and which operation either alone or in

1 conjunction with another vehicle or vehicles is not a part of any
2 journey beyond the three-mile limit.

3 This chapter does not apply to commuter ride sharing or ride
4 sharing for persons with special transportation needs in accordance
5 with RCW 46.74.010, so long as the ride-sharing operation does not
6 compete with or infringe upon comparable service actually being
7 provided before the initiation of the ride-sharing operation by an
8 existing auto transportation company certificated under this chapter.

9 This chapter does not apply to a service carrying passengers for
10 compensation over any public highway in this state between fixed
11 termini or over a regular route if the commission finds, with or
12 without a hearing, that the service does not serve an essential
13 transportation purpose, is solely for recreation, and would not
14 adversely affect the operations of the holder of a certificate under
15 this chapter, and that exemption from this chapter is otherwise in the
16 public interest. Companies providing these services must, however,
17 obtain a permit under chapter 81.70 RCW.

18 This chapter does not apply to a service carrying passengers for
19 compensation over any public highway in this state between fixed
20 termini or over a regular route if the commission finds, with or
21 without a hearing, that the service is provided pursuant to a contract
22 with, or funded by a grant issued by, the department of transportation,
23 and that exemption from this chapter is otherwise in the public
24 interest. Companies providing these services must, however, obtain a
25 permit under chapter 81.70 RCW.

26 **Sec. 2.** RCW 81.84.010 and 2007 c 234 s 92 are each amended to read
27 as follows:

28 (1) A commercial ferry may not operate any vessel or ferry for the
29 public use for hire between fixed termini or over a regular route upon
30 the waters within this state, including the rivers and lakes and Puget
31 Sound, without first applying for and obtaining from the commission a
32 certificate declaring that public convenience and necessity require
33 such operation. Service authorized by certificates issued (~~before or~~
34 ~~after July 25, 1993,~~) to a commercial ferry operator must be exercised
35 by the operator in a manner consistent with the conditions established
36 in the certificate (~~or~~) and tariff(~~s~~) filed under chapter 81.28
37 RCW. However, a certificate is not required for a vessel primarily

1 engaged in transporting freight other than vehicles, whose gross
2 earnings from the transportation of passengers or vehicles, or both,
3 are not more than ten percent of the total gross annual earnings of
4 such vessel.

5 (2) If the commission finds, with or without a hearing, that an
6 existing or a proposed commercial ferry service does not serve an
7 essential transportation purpose and is solely for recreation, the
8 commission may, by order, exempt that service from the requirements of
9 certification and regulation under this chapter. If the nonessential
10 service is a proposed service not already provided by an existing
11 certificate holder, the commission must also find, after notice to any
12 existing certificate holder operating within the same territory and an
13 opportunity to be heard, that the proposed service would not adversely
14 affect the rates or services of any existing certificate holder.

15 (3) This section does not affect the right of any county public
16 transportation benefit area or other public agency within this state to
17 construct, condemn, purchase, operate, or maintain, itself or by
18 contract, agreement, or lease, with any person, firm, or corporation,
19 ferries or boats across the waters within this state, including rivers
20 and lakes and Puget Sound, if the operation is not over the same route
21 or between the same districts being served by a certificate holder
22 without first acquiring the rights granted to the certificate holder
23 under the certificate.

24 ~~((+2))~~ (4) The holder of a certificate of public convenience and
25 necessity granted under this chapter must initiate service within five
26 years of obtaining the certificate, except that the holder of a
27 certificate of public convenience and necessity for passenger-only
28 ferry service in Puget Sound must initiate service within twenty months
29 of obtaining the certificate. The certificate holder shall report to
30 the commission every six months after the certificate is granted on the
31 progress of the certificated route. The reports shall include, but not
32 be limited to, the progress of environmental impact, parking, local
33 government land use, docking, and financing considerations. Except in
34 the case of passenger-only ferry service in Puget Sound, if service has
35 not been initiated within five years of obtaining the certificate, the
36 commission may extend the certificate on a twelve-month basis for up to
37 three years if the six-month progress reports indicate there is
38 significant advancement toward initiating service.

1 **Sec. 3.** RCW 81.66.010 and 1996 c 244 s 1 are each amended to read
2 as follows:

3 The definitions set forth in this section shall apply throughout
4 this chapter, unless the context clearly indicates otherwise.

5 (1) "Corporation" means a corporation, company, association, or
6 joint stock association.

7 (2) "Person" means an individual, firm, or a copartnership.

8 (3) "Private, nonprofit transportation provider" means any private,
9 nonprofit corporation providing transportation services for
10 compensation solely to persons with special transportation needs, or
11 pursuant to a contract with, or funded by a grant issued by, the
12 department of transportation.

13 (4) "Persons with special transportation needs" means those
14 persons, including their personal attendants, who because of physical
15 or mental disability, income status, or age are unable to transport
16 themselves or to purchase appropriate transportation.

17 **Sec. 4.** RCW 81.70.220 and 1989 c 163 s 7 are each amended to read
18 as follows:

19 (1) No person may engage in the business of a charter party carrier
20 or excursion service carrier of persons over any public highway without
21 first having obtained a certificate from the commission to do so or
22 having registered as an interstate carrier.

23 (2) An auto transportation company carrying passengers for
24 compensation over any public highway in this state between fixed
25 termini or over a regular route that is not required to hold an auto
26 transportation certificate because of a commission finding under RCW
27 81.68.015 must obtain a certificate under this chapter.

28 **Sec. 5.** RCW 46.74.010 and 1997 c 250 s 8 and 1997 c 95 s 1 are
29 each reenacted and amended to read as follows:

30 The definitions set forth in this section shall apply throughout
31 this chapter, unless the context clearly indicates otherwise.

32 (1) "Commuter ride sharing" means a car pool or van pool
33 arrangement whereby one or more fixed groups not exceeding fifteen
34 persons each including the drivers, and (a) not fewer than five persons
35 including the drivers, or (b) not fewer than four persons including the
36 drivers where at least two of those persons are confined to wheelchairs

1 when riding, are transported in a passenger motor vehicle with a gross
2 vehicle weight not exceeding ten thousand pounds, excluding special
3 rider equipment, between their places of abode or termini near such
4 places, and their places of employment or educational or other
5 institutions, each group in a single daily round trip where the drivers
6 are also on the way to or from their places of employment or
7 educational or other institution.

8 (2) "Flexible commuter ride sharing" means a car pool or van pool
9 arrangement whereby a group of at least two but not exceeding fifteen
10 persons including the driver is transported in a passenger motor
11 vehicle with a gross vehicle weight not exceeding ten thousand pounds,
12 excluding special rider equipment, between their places of abode or
13 termini near such places, and their places of employment or educational
14 or other institutions, where the driver is also on the way to or from
15 his or her place of employment or educational or other institution.

16 (3) "Ride sharing for persons with special transportation needs"
17 means an arrangement whereby a group of persons with special
18 transportation needs, and their attendants, is transported by a public
19 social service agency or a private, nonprofit transportation provider,
20 as defined in RCW 81.66.010(3), serving persons with special needs, in
21 a passenger motor vehicle as defined by the department to include small
22 buses, cutaways, and modified vans not more than twenty-eight feet
23 long: PROVIDED, That the driver need not be a person with special
24 transportation needs.

25 (4) "Ride-sharing operator" means the person, entity, or concern,
26 not necessarily the driver, responsible for the existence and
27 continuance of commuter ride sharing, flexible commuter ride sharing,
28 or ride sharing for persons with special transportation needs. The
29 term "ride-sharing operator" includes but is not limited to an
30 employer, an employer's agent, an employer-organized association, a
31 state agency, a county, a city, a public transportation benefit area,
32 or any other political subdivision that owns or leases a ride-sharing
33 vehicle.

34 (5) "Ride-sharing promotional activities" means those activities
35 involved in forming a commuter ride-sharing arrangement or a flexible
36 commuter ride-sharing arrangement, including but not limited to
37 receiving information from existing and prospective ride-sharing
38 participants, sharing that information with other existing and

1 prospective ride-sharing participants, matching those persons with
2 other existing or prospective ride-sharing participants, and making
3 assignments of persons to ride-sharing arrangements.

4 (6) "Persons with special transportation needs" means those persons
5 defined in RCW 81.66.010(4).

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