H-1303.2

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**HOUSE BILL 1833**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Paul, Hutchins, and Ramel

AN ACT Relating to setting ferry fuel surcharges; amending RCW 47.60.315; and declaring an emergency.

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

**Sec.**  RCW 47.60.315 and 2021 c 333 s 716 are each amended to read as follows:

(1) The commission shall adopt fares and pricing policies by rule, under chapter 34.05 RCW, according to the following schedule:

(a) Each year the department shall provide the commission a report of its review of fares and pricing policies, with recommendations for the revision of fares and pricing policies for the ensuing year;

(b) By September 1st of each year, beginning in 2008, the commission shall adopt by rule fares and pricing policies for the ensuing year.

(2) The commission may adopt by rule fares that are effective for more or less than one year for the purposes of transitioning to the fare schedule in subsection (1) of this section.

(3) The commission may increase ferry fares included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

(4) The chief executive officer of the ferry system may authorize the use of promotional, discounted, and special event fares to the general public and commercial enterprises for the purpose of maximizing capacity use and the revenues collected by the ferry system. The department shall report to the commission a summary of the promotional, discounted, and special event fares offered during each fiscal year and the financial results from these activities.

(5) Fare revenues and other revenues deposited in the Puget Sound ferry operations account created in RCW 47.60.530 may not be used to support the Puget Sound capital construction account created in RCW 47.60.505, unless the support for capital is separately identified in the fare or except as provided in section 715, chapter 333, Laws of 2021 during the 2021-2023 biennium.

(6) The commission may not raise fares until the fare rules contain pricing policies developed under RCW 47.60.290, or September 1, 2009, whichever is later.

(7) The commission shall impose a vessel replacement surcharge of ((~~twenty-five~~)) 25 cents on every one-way and round-trip ferry fare sold, including multiride and monthly pass fares. This surcharge must be clearly indicated to ferry passengers and drivers and, if possible, on the fare media itself.

(8) Except as provided in subsection (10) of this section, beginning May 1, 2020, the commission shall impose an additional vessel replacement surcharge in an amount sufficient to fund ((~~twenty-five~~)) 25 year debt service on one 144-auto hybrid vessel taking into account funds provided in chapter 417, Laws of 2019 or chapter . . . (SSB 5419), Laws of 2019. The department of transportation shall provide to the commission vessel and debt service cost estimates. Information on vessels constructed or purchased with revenue from the surcharges must be publicly posted including, but not limited to, the commission website.

(9) The vessel replacement surcharges imposed in this section may only be used for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of new ferry vessels.

(10) The commission shall not impose the additional vessel replacement surcharge in subsection (8) of this section if doing so would increase fares by more than ((~~ten~~)) 10 percent.

(11)(a) During the annual legislative appropriations deliberations, the legislature reviews and approves funding for the cost of ferry fuel, as estimated based on the most current forecasts of fuel prices and gallons of fuel that will be consumed to provide ferry service. On an annual basis, following the enactment of the omnibus transportation appropriations act, the commission may evaluate the need for a ferry fuel surcharge.

(b) The commission may impose a fuel surcharge only when:

(i) Directed by the legislature in the omnibus transportation appropriations act; or

(ii) The legislative appropriations for the operating costs of the ferry system do not fully fund the cost of ferry fuel, as estimated based on the most current forecasts, at the time of enactment of the omnibus transportation appropriations act, of fuel prices and gallons of fuel that will be consumed to provide ferry service.

(c) If a fuel surcharge is imposed, as authorized under this subsection, the commission must reevaluate the need for the surcharge on at least a quarterly basis to determine if the surcharge is still needed to cover increased fuel costs and revoke the surcharge if the determination is that the surcharge is no longer needed for this purpose.

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

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